PREAMBLE

We the people of St. Charles County, Missouri, establish and adopt this Charter as the fundamental law of County Government for the purpose of securing the benefits of home rule and greater self-determination, and perfecting the structure of Government to insure that it is just, orderly, efficient and responsible to the people.

Editor's Note--An index of amendments to this Charter is included at the end of the Charter.

ARTICLE I. CORPORATE NAME, BOUNDARIES, POWERS, AND DEFINED TERMS

SECTION 1.100: NAME

The name of the County as it operates under this Charter shall continue to be St. Charles County, Missouri.

SECTION 1.200: NATURE AND LEGAL CAPACITY

From the time that this Charter takes effect, the County shall continue to be a political subdivision of the State of Missouri.

SECTION 1.300: BOUNDARIES

The boundaries of the County as it operates under this Charter shall be the boundaries now or hereafter prescribed for the County by applicable law.

SECTION 1.400: COUNTY SEAT

The seat of County Government shall continue to be in the City of St. Charles, Missouri, as prescribed by applicable law.
SECTION 1.500: POWERS

1.501. The County shall have all powers possible for a County to have under applicable law, as fully and completely as though they were specifically enumerated in this Charter. These include, but are not limited to, powers now or hereafter given by applicable law to this County or any County of whatever class, whether or not St. Charles County would be included therein, or to the County Commission, County Officer, County office, County agency or department, and all powers not expressly prohibited by the Constitution or by this Charter.

1.502. The County shall have all powers necessary or proper to carry into execution any other power, and such other powers as may be implied in the powers granted.

1.503. The powers of the County under this Charter shall be construed liberally in favor of the County, and the specific mention of particular powers in this Charter or in any applicable law shall not be construed as limiting in any way the general powers stated in this Article.

SECTION 1.600: RESTRICTIONS

1.601. Nothing herein contained shall be construed so as to give to the County of St. Charles any rights or powers over or pertaining to school districts, fire protection districts; or Cities, Towns, or Villages that are not granted by law to First Class Charter Counties.

1.602. The County of St. Charles shall not impose any tax unless same is authorized by the Constitution of the State of Missouri or the Statutes of the State of Missouri.

SECTION 1.700: DEFINED TERMS

In this Charter, the following words shall be defined as follows:

1.701. ACTIONS: Includes actions, resolutions, orders, regulations, proceedings and legal proceedings.

1.702. APPLICABLE LAW: The United States Constitution, the Constitution of Missouri, Federal Statute, Missouri Statute, this Charter, County ordinances, Federal regulations, State regulations, or judicial case precedents.

1.703. BILL: A proposed ordinance of the County.

1.704. CHAIR: The person described in Section 2.800 of this Charter.

1.705. CHARTER: This document as adopted or amended.

1.706. CHARTER AMENDMENT COMMISSION: The body described in Section 9.300 of this Charter.

1.707. CHARTER REVIEW COMMITTEE: The body described in Section 9.200 of this Charter.


1.709. COUNCIL OR COUNTY COUNCIL: The body described in Article II of this Charter.

1.710. COUNCIL MEMBER: A citizen elected to the County Council.

1.711. COUNTY: St. Charles County, Missouri.

1.712. COUNTY EXECUTIVE OR EXECUTIVE: The person described in Article III of this Charter.

1.712.5. DEPARTMENT: The entities over which elective or appointive officers have administrative control as established in this Charter or as created by ordinance pursuant to this Charter.

1.713. MERIT SYSTEM: The system established in Section 7.200 of this Charter.

1.714. ORDINANCE: A bill that has been approved by the Council and County Executive, or a bill that was enacted by the Council over the veto of the County Executive, or an enactment of the people as described in Section 8.200 of this Charter.

1.715. PERSON: Both male and female, plural and singular, natural persons, partnerships, firms, associations, and corporations.

1.716. REGISTERED VOTER: A citizen legally registered to vote in the County.

1.717. STATE: The State of Missouri.

1.718. VICE-CHAIR: The person referred to in Section 2.800 of this Charter.


1.720. For the purpose of this Charter, all masculine pronouns used herein shall also mean the feminine of these pronouns.

1.721. The singular shall also include the plural.
SECTION 2.100: GENERAL POWERS AND DUTIES

All legislative powers of the County shall be vested in the County Council.

SECTION 2.200: COMPOSITION

The County Council shall consist of seven (7) Council members. One (1) Council member shall be nominated and elected, in a partisan election, by the voters in each of the seven (7) Council districts.

SECTION 2.300: ELIGIBILITY

To be eligible to hold a position of Council member, a person must be:

2.301. A registered voter in St. Charles County at the time of filing; and

2.302. A resident of the County for the twenty-four (24) months preceding the general election; and

2.303. A resident of the district at the time of filing, for the twelve (12) months preceding the general election and during the entire term of office; and

2.304. At least twenty-one (21) years of age.

SECTION 2.400: ELECTIONS/TERMS OF OFFICE

Council members shall be elected by the registered voters of the respective districts for a four (4) year term or until a successor is duly elected and qualified. The Council members from even-numbered districts shall be elected at the November 3, 1992, election and every four (4) years hereafter. At the November 3, 1992, election Council members from odd-numbered districts shall be elected and serve for initial two (2) year terms. Beginning in 1994, Council members from odd-numbered districts shall be elected every four (4) years to serve for four (4) year terms. The terms of Council members shall begin the first (1st) day of January after their election.

SECTION 2.500: POWERS

The County Council shall have the power, pursuant to and in conformity with applicable law, and without limiting the generality of the powers vested in the County by this Charter, to:

2.501. Exercise all legislative powers now or hereafter conferred upon Counties, County Courts, County Commissions, County Governing Bodies and County Officers by applicable law, and to determine and make provision for any matter of County Government not otherwise provided for herein, including any matter involved in the transition to the form of Government provided by this Charter; and

2.502. Exercise and perform any and all powers of a non-legislative nature which it may possess and any and all other duties which it may need to or be required to perform by applicable law; and

2.503. Approve or disapprove, within fifteen (15) days after notice is filed with the Registrar, the appointment of all directors, commissioners, and heads of departments as well as members, boards or commissions who are appointed by the County Executive; and

2.503.1. If not approved or disapproved within fifteen (15) days, the appointment is deemed approved; and

2.504. Disapprove, within thirty (30) days after notice is filed with the Registrar, orders of the Executive that create, consolidate, abolish or reorganize departments; and

2.505. Limit the number of deputies, assistants and employees in each office, department, board and commission; set the compensation of members of boards and commissions and of all County Officers and employees, whether or not this Charter fixes any such compensation. The compensation of the elective officers shall be fixed at least nine (9) months prior to the election of such officers and shall not be increased or diminished during their term of office; and

2.506. Establish a pension and retirement plan, including death benefits, for employees of the County and the spouses and minor children of deceased employees; and

2.507. Create, organize, consolidate, and abolish departments, divisions, bureaus, commissions, boards and offices, and transfer functions and duties from one department to another, but only upon recommendation of the County Executive, except as specified elsewhere in this Charter; and

2.508. Employ financial, research, legal, technical or other advisors, consultants, or lobbyists as deemed advisable; and

2.509. Call elections to submit to the voters propositions for the issuance of bonds of the County incurring indebtedness to provide funds for purposes authorized by applicable law; call elections for any lawful purpose; establish election procedures not inconsistent with applicable law; and

2.510. Appropriate money for the payment of debts and expenses of the County for any public purpose; adopt an annual budget in accordance with the terms of this Charter; and
2.511. Correct errors in assessment records and tax records and compromise taxes as provided by applicable law; and

2.512. Assess, levy, equalize, remit, and collect all taxes now or hereafter authorized for counties by the Constitution or by applicable law and prescribe a method or system to facilitate the assessment, calculation, extension and collection of taxes including the design of books and forms and the purchase and installation of necessary mechanical devices; and to contract with Cities, Towns, or Villages to assess, equalize, remit, and collect their taxes; and

2.513. Establish and collect fees for licenses, permits, inspections and services performed by County Officers and employees; require all fees to be accounted for and paid into the County Treasury; and

2.514. Within the unincorporated area of the County, license, tax, and regulate all businesses, occupations, professions, vocations, activities, or things whatsoever set forth and enumerated by the Constitution or by applicable law; and within the incorporated areas of the County, license and tax all businesses, occupations, professions, vocations, activities, or things whatsoever set forth and enumerated by the Constitution or by applicable law, and to regulate those businesses, occupations, professions, vocations, activities, or things with the consent of the Governing Body of the affected City, Town or Village. Nothing in this Charter shall preempt the power of any local government to license, tax, and regulate in accordance with the Constitution and the applicable law; and

2.515. Establish uniform procedures governing purchases of and contracts for property and services, all of which shall be based upon bidding procedures established by ordinance; and

2.516. Acquire in the name of the County by condemnation, purchase, gift, donation or otherwise, real and personal property, in fee simple title, or any estate or interest therein; exercise all the rights and powers of eminent domain and, upon condemnation and payment therefor, cause the fee simple title to such property to vest in the County; acquire by eminent domain such property or rights in property, together with any grants and privileges in excess of that actually to be occupied by the public improvement, or used in connection therewith, as may be reasonably necessary to effectuate the purpose intended and cause the fee simple title to such property or the control of the use thereof to be vested in the County; and

2.517. Rent or lease County properties and rent or lease other property for County use; and

2.518. Dispose of any real property owned by the County, including, but not limited to, property acquired by condemnation as excess property, to the highest and best bidder by open and public competition unless made to a former or abutting owner or to the United States or any of its agencies or to the State or any of its political subdivisions; and authorize County Officers to dispose of personal property upon terms advantageous to the County; and

2.519. Borrow money in anticipation of the collection of taxes and revenues for the current calendar year but not in excess of ninety percent (90%) of the estimated collectible taxes and revenues for such year yet uncollected; determine the amount and terms of such loans, and authorize the County Executive to execute and issue negotiable instruments of the County for all money borrowed to the lenders thereof as evidence of such loans and of the terms of the County's obligation to repay the same; and

2.520. Take and hold property in trust and provide for the administration thereof; and

2.521. Grant franchises or permits in the name of the County for periods not longer than twenty (20) years; and

2.522. Acquire, establish, construct, equip, improve, extend, repair, maintain, manage, and operate public hospitals, health centers, institutions, clinics and correctional facilities; and

2.523. Acquire, establish and provide for the planning, development, construction, maintenance and operation of a system of parks, parkways, recreation, conservation, forest, scenic and historic sites and facilities; and to propose and establish reasonable charges for the use of the facilities therein; and

2.524. Establish, open, locate, relocate, and vacate public easements, rights-of-way, streets, alleys, public roads, highways and bridges; construct, reconstruct, maintain and repair County highways, streets, roads, sidewalks, bridges and culverts; and when so determined by the Council, to levy the cost thereof as a special assessment on all lots or pieces of ground abutting such improvements in proportion to some reasonable standard relating thereto; and

2.525. Provide for the location, relocation and establishment of County highways and bridges into and through County and other public parks, areas, reservations and institutions, and for connecting such highways with the County highway system; and construct and maintain such highways and bridges; and

2.526. Adopt by reference, with or without modification, codes, standards, or regulations prepared by a national technical trade or service association, the State, or any of its agencies, or the United States or any of its agencies, relating to traffic, building, planning, electrical installations, fire prevention, food products, air and water pollution, and all other subjects which the County has power to regulate, provided that a copy of every such Code, standard or regulation as adopted and in effect shall be kept in the Registrar's office and open to public inspection; and

2.527. Provide for the collection and disposal of wastes generated in the unincorporated areas of the County and cooperate and contract with other jurisdictions situated in the County to the extent such authority is granted to such jurisdictions by applicable law; and

2.528. Cooperate or join by contract or otherwise with any City, County, State or political subdivision or agency thereof, or with the United States or any agency thereof, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service; and accept, in the name of the County, gifts, devises, bequests, and grants-in-aid from any City, County, State or political subdivision or agency thereof, or from the United States or any agency thereof; and
2.529. Exercise legislative power pertaining to public health and welfare, Police and traffic, building construction, and planning and zoning, in the part of the County outside incorporated Cities, Towns, and Villages, and on such other subjects as may be authorized by the Constitution or by applicable law; and

2.530. Make such rules and regulations as may be necessary or proper to establish and carry into effect the provisions of this Charter and provide for their enforcement; and

2.531. Establish procedures for the conduct of investigations by the Council or any of its committees of any question or matter on which the Council may by applicable law take action, including, but not by way of limitation, the power to issue subpoenas for witnesses and subpoenas duces tecum for books, records and documents; provide penalties for the failure to answer any subpoena or subpoena duces tecum; provide for the service of said subpoenas or subpoenas duces tecum by any officer charged with the service of process; subpoena witnesses and order the production of books and papers relating to any subject matter within its jurisdiction. The Council may call upon the appropriate officer to execute its process and to arrest any person refusing to obey such subpoena or order. Each day a person shall refuse to obey such subpoena or order shall be a separate offense; and

2.532. Provide for disaster planning and civil defense as required by applicable law or deemed appropriate for the County; and

2.533. Provide for a County-wide Master Plan for the development of the County. This Plan shall set forth policy regarding the social, governmental, economic and physical development of the County. It will include recommendations for the most desirable use of land within the County for residential, recreational, agricultural, commercial, industrial and other purposes; for the most desirable density of population in the several parts of the County; for a system of principal thoroughfares, highways, streets and other public ways; for airports, parks, playgrounds and other public open spaces; for the general location, relocation and improvement of public buildings; for the general location and extent of public utilities and terminals for water, sewerage, light, power, transit and other purposes, whether publicly or privately owned; for adequate drainage facilities and control; and for such other matters as may be beneficial to the County. The County-wide Master Plan shall contain a statement of the objectives, standards and principles sought to be embodied therein. The Plan shall be based on studies of physical, social, economic and governmental conditions and trends. It shall be designed to assure the coordinated development of the County and to promote the general welfare and prosperity of its people. For the purpose of providing a complete source of information to residents of the County, appendices dealing with topics for which the County exerts no jurisdictional authority such as education, city growth boundaries, etc., may be included in the County-wide Master Plan. The County shall publish these appendices only if developed by the organizations that exercise the jurisdictional authority for the applicable area(s). The County shall provide written notice of the development of a new or amended master plan to any political subdivision of the State known to be operational within the County and invite their submission of an appendix. Such appendices shall not contain direction affecting the operation or provision of County services. The Plan and the elements thereof approved by the County Council shall be printed and made available upon request at a cost fixed by the County Council. The County Council shall, from time to time, review the County-wide Master Plan in order to assure that the Plan conforms to the existing goals and policies of St. Charles County. This initial review shall occur by December 31, 1996; later reviews shall occur by June 30, 2003, and thereafter not less frequently than once every five (5) years; and

Editor's Note--In November, 2012, the voters agreed to amend these provisions.

2.534. Establish a County Municipal Court with jurisdiction to hear and determine cases involving violations of this Charter and ordinances of the County, as provided by applicable law; and

2.535. Make all necessary and proper provisions for carrying into execution the foregoing powers directly or by and through County officers and employees; provide for any matter involved in the transition from the preceding form of government to this Charter.

SECTION 2.600: BILLS/ORDINANCES/RESOLUTIONS

2.601. Bills and resolutions shall be introduced by a member or members of the County Council or by the County Council as a whole. Each shall be in written or printed form, and shall be read aloud in its entirety the first time, or if more than two (2) pages in length, the first reading may be by title only if written copies are made available to the public through the Registrar's office at least thirty-six (36) hours prior to the time scheduled for the first reading. Before passage and thereafter, the bill may be referred to by title for the second reading and final passage. The enacting clause of all ordinances shall be "BE IT ORDAINED BY THE COUNTY COUNCIL OF SAINT CHARLES COUNTY, MISSOURI."

2.602. An affirmative vote of a majority of the County Council shall be necessary to pass any bill or resolution. No final vote by the County Council shall be taken until the expiration of at least ten (10) calendar days from the time that such bill was first introduced. A bill which has been introduced may be amended after introduction and prior to its final passage, but any amendment must be germane to the original purpose of the bill. No section or sections of any ordinance shall be amended unless the section or sections amended shall be set forth in full as amended. Upon the final passage of any bill or any resolution, and on any other question, the yeas or nays of each member shall be entered on the journal of the County Council. All bills, ordinances, resolutions, orders, journals and proceedings of the County Council shall be public records, and available for public inspection.

2.603. The County Council shall specify the effective date of each ordinance, which may be any time after the approval by the County Executive.

2.603.1. No ordinance providing a penalty for violation shall be effective sooner than thirty (30) days after publication of the title of same, and the location for where the ordinance may be viewed in its entirety at a location within the County, in a legal publication, or in a newspaper of general circulation in St. Charles County; publication of the
ordinance in full on the web site of the County and posting of the ordinance in full in six (6) public places.

Editor's Note--In November, 2012, the voters agreed to amend these provisions.

2.603.2. All ordinances containing a penal provision shall specify whether the enforcement shall be the responsibility of the County Counselor or the Prosecuting Attorney.

2.604. All bills passed by the County Council shall within three (3) working days, be presented to the County Executive. If the County Executive approves the bill and signs it, the ordinance shall be deemed enacted.

2.604.1. If not so approved and signed, the bill shall be returned with objections to the County Council. The Council shall enter the objections on its journal and proceed to take a vote to override it within thirty (30) days after the veto. No bill shall be revived or reenacted by mere reference to the title, but the same shall be set forth at length.

Editor's Note--In November, 2012, the voters agreed to amend these provisions.

2.604.2. In the case of bills appropriating money, the County Executive may veto one (1) or more items or portions of items while approving other portions, in which case the approved items or portions shall take effect and items or portions vetoed shall be reconsidered separately.

2.604.3. After such reconsideration, two-thirds (2/3) of the Council members of the County Council may pass the ordinance over the objection of the County Executive. It shall be in this form: "Shall the bill pass, the objections of the County Executive notwithstanding?" Two-thirds (2/3) of the entire County Council shall be required to override a veto. In all such cases, the "yeas" and "nays" of each member shall be recorded in the journal of the County Council.

2.604.4. Any bill not returned by the County Executive within ten (10) working days after it shall have been so presented shall be deemed approved, as if signed.

2.605. To meet a public emergency affecting the immediate preservation of the public peace, health, safety and welfare, the Council may adopt emergency ordinances. An emergency bill shall be introduced in the form and manner prescribed for ordinances. It shall be plainly designated as an emergency bill and shall contain in the body of the bill a declaration that an emergency exists. It shall set forth the facts in clear and specific terms to support the declaration. If at least two-thirds (2/3) of all Council members vote in the affirmative, the ordinance shall take effect immediately upon its enactment. But, if there is only a majority vote in the affirmative, it shall take effect immediately after it is signed by the County Executive.

2.606. The agreements for any bids, contracts, change orders or addendums approved on the Consent Agenda may be executed by the County Executive without requiring a second reading as required in Section 2.602.

SECTION 2.700: COMPENSATION/EXPENSES

The annual salary of the members of the County Council for the years 1993 and 1994 shall be set at six thousand dollars ($6,000.00), payable in twelve (12) monthly installments. For two (2) year terms beginning after December 13, 1994, the salary may be set by the preceding Council and must be set at least nine (9) months prior to the start of the applicable two (2) year period. The annual salary of the members of the County Council will be set by ordinance, which shall also provide for the schedule on which such salary is paid. No ordinance increasing such salary shall become effective until the date of commencement of the terms of Council members elected at the next regular election. The members of the County Council shall not be required to devote full time to the Council. The members of the County Council shall not receive an expense allowance; however, they shall be reimbursed by the County for their lawful, actual, and necessary expenses, as defined by ordinance, incurred in the performance of their legally required duties of office. Expenses must be supported by invoices, receipts or other evidence showing the nature and purpose of the expenses. The Council shall annually determine the maximum expenses for which any member may be reimbursed in the ensuing term.

SECTION 2.800: COUNCIL CHAIR

2.801. The County Council shall, at its first (1st) meeting in January each year, elect from among its Council members, officers of the Council who shall have the titles of Chair and Vice-Chair of the Council. Each shall serve at the pleasure of the Council.

2.802. The Chair shall preside at meetings of the Council; have a voice and vote on all questions before it; and have authority to.

2.802.1. Preserve order at Council meetings; and

2.802.2. Enforce the rules of the Council; and

2.802.3. Determine the order of the Council business under the rules of the Council; and

2.802.4. Call special meetings and executive sessions of the Council as needed.

2.803. The Vice-Chair shall perform these functions in the Chair's absence.

SECTION 2.900: PROCEDURES

2.901. Meetings. The Council shall meet regularly at such times and places as the Council may prescribe by rule. Special meetings may be held on the call of the Chair or of five (5) or more Council members. These shall be called on no less than twenty-four (24) hours' notice to each Council member. Emergency meetings may be held as provided by the
2.902. **Quorum.** A majority of the Council shall constitute a quorum for its business.

2.903. **Rules And Journal.** The County Council shall determine its own rules and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

**SECTION 2.1000: VACANCIES--FORFEITURE OF OFFICE--FILLING OF VACANCIES**

2.1001. The office of a Council member shall become vacant upon the member's death, resignation, removal from office or forfeiture of office in any manner authorized by applicable law.

2.1002. A Council member shall forfeit that office if he:

2.1002.1. Does not meet the eligibility requirements for office; or

2.1002.2. Violates any prohibition of this Charter; or

2.1002.3. Is convicted of a felony; or

2.1002.4. Is elected on or after November 1, 2012, and is physically absent from twelve (12) consecutive regular meetings of the Council, unless excused by resolution of the Council.

*Editor's Note--In November, 2012, the voters agreed to add these provisions.*

2.1003. A vacancy on the County Council shall be filled by the County Executive subject to approval by the Council. The person selected shall be a member of the same political party as the previous occupant (if so affiliated). He shall hold office until January first (1st), following the next general election at which a successor shall be elected for the unexpired or full term as the case may be.

*Editor's Note--In November, 2012, the voters agreed to amend these provisions.*

**SECTION 2.1100: REDISTRICTING**

2.1101. Following each decennial census, there shall be a Redistricting Commission consisting of six (6) members. Six (6) members shall be nominated by each of the Chairmen of the two (2) political parties which received the most votes for Governor at the last gubernatorial election. The County Executive shall select three (3) names from each list to serve on the Commission. The Redistricting Commission may require agencies of County Government to provide technical assistance. This Redistricting Commission shall have a budget as provided by the County Council.

2.1102. The duties of the Redistricting Commission are to establish seven (7) districts that shall be compact, of contiguous territory, and shall not vary more than five percent (5%) from the average population for all County Council districts, according to figures available from the most recent decennial census.

2.1103. Starting in 2001 and every ten (10) years thereafter, the Redistricting Commission shall meet when the data from the preceding year's decennial census becomes available, but no later than June first (1st), to initiate its duties. It shall complete its duties before December thirty-first (31st) of that same year. By September fifteenth (15th) and upon twenty (20) days' published notice, the Redistricting Commission shall present its redistricting plan to the County Council which shall have ten (10) days after presentation to vote approval or disapproval by vote of the majority of Council members. If the County Council fails to approve this initial plan, it shall return the plan to the Redistricting Commission with the objections of individual members of the Council. The meeting at which the presentation is made to the County Council shall be a public hearing in which the public may participate. If the initial plan is not approved, a second (2nd) plan shall be submitted by November thirtieth (30th) with the same procedure, but disapproval shall require a two-thirds (2/3) vote of the members of the County Council. Disapproval of the second (2nd) submission shall cause the Redistricting Commission to file a petition in its name by December thirty-first (31st) with the Circuit Court of St. Charles County to determine if the second (2nd) plan meets the requirements of Paragraph 2.1102.

2.1104. Council districts in 1992 and until 2001 shall be established as shown and described in Appendix A of this Charter.

**SECTION 2.1200: PROHIBITIONS**

2.1201. **Holding Other Office.** Except where authorized by applicable law, no Council member shall hold any other elected public office during the term for which the member was elected to the Council. No Council member shall hold any other County office or employment with the County during the terms for which the member was elected to the Council. No former Council member shall hold any compensated appointive office or employment with the County until one (1) year after the expiration of the term for which the member was elected to the Council. Nothing in this Section shall be construed to prohibit the Council from selecting any current or former Council member to represent the County on the governing boards of any regional or other intergovernmental agency.

2.1202. **Appointments And Removals.** Except for the Auditor, neither the County Council nor any of its Council members shall in any manner control or demand the appointment or removal of any County administrative officer, elected or appointed, or any County employee. The Council may express its views and freely discuss with the County Executive anything pertaining to appointment and removal of such officers and employees.
2.1203 Interference With Administration. Except for the purpose of inquiries and investigations, the County Council shall deal with County officers and employees who are subject to the direction and supervision of the County Executive solely through the County Executive. Neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately.

ARTICLE III. EXECUTIVE BRANCH

SECTION 3.100: EXECUTIVE POWER

The executive power of the County shall be vested in a County Executive. The Executive shall be elected at large on November 8, 1994, for a four (4) year term, beginning January 1, 1995.

3.101. Until January 1, 1995, the executive branch functions of the County shall be performed by present Presiding Commissioner, who shall receive the current salary of forty-three thousand five hundred dollars ($43,500.00) per year.

SECTION 3.200: ELIGIBILITY

To hold office as the County Executive, a person shall:

3.201. Be a registered voter of the County at the time of filing; and

3.202. Be a resident of the County for a period of not less than two (2) years immediately prior to the general election; and

3.203. Be at least twenty-five (25) years of age; and

3.204. Not engage in any of the following activities:

3.204.1 At the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, St. Charles County, or any political subdivision of the State; nor, at any time while serving in office;

3.204.2 At any time while serving in office carry on any trade, occupation, business or enterprise for personal pecuniary profit or gain during the normal business hours of St. Charles County; or

3.204.3 At any time while serving in office engage in commercial enterprise, or otherwise receive compensation for services rendered as an employee, or officer or by contractual arrangements with private interests which engage in business transactions with the County; or

3.204.4 At any time while serving in office own stock or any other investment in any corporation or similar legal entity amounting to more than five percent (5%) ownership interest in the authorized and issued stock or other investment in that corporation or similar legal entity which engages in business transactions with the County.

The County Executive shall forfeit his office if he willfully violates this Subparagraph or willfully conceals an ownership interest in a corporation or similar legal entity that violated this Subparagraph, or existing regulations of conflict of interest and lobbying found in Chapter 105, Revised Statutes of Missouri. This Subparagraph shall not apply to notaries public or to membership in the military forces of the United States or the State militia.

SECTION 3.300: ELECTION

The County Executive shall be elected at the general election of 1994 and every four (4) years thereafter.

SECTION 3.400: VACANCY

If the office of the County Executive becomes vacant, a person of the same political party as the previous occupant (if so affiliated) shall be appointed by the County Council to hold that office until January first (1st) following the next general election. A successor shall be elected at the next general election for the unexpired or full term as the case may be.

SECTION 3.500: RESPONSIBILITIES

The County Executive shall be responsible for the administration of all affairs of the County placed in the County Executive's charge by applicable law. The County Executive may appoint an executive staff as may be authorized by ordinance. All of the executive staff shall serve at the pleasure of the County Executive and shall not be subject to the merit system.

SECTION 3.600: POWERS

In addition to other powers and duties herein provided, the County Executive shall:

3.601. Appoint, except as otherwise provided in this Charter, and subject to approval as herein provided:

3.601.1. Directors, commissioners, or department heads who are exempt from the merit system and whom the County Executive may remove any time; and
3.601.2. Directors, commissioners, and department heads who are covered by the merit system; and
3.601.3. Members of boards and commissions; and
3.601.4. The Director of Personnel, who shall be appointed as set out in Article Seven, Section 7.400 of this Charter.

3.602. Delegate and assign to directors, commissioners, heads of departments, county employees, as well as members of boards and commissions, duties and functions not inconsistent with applicable law; and

3.603. Upon the occurrence of any vacancy in any appointive or elective office except Council member, designate an acting officer to serve until the vacancy is filled in the manner provided in this Charter. The acting officer shall serve for no more than one hundred eighty (180) days. If the vacancy has not been filled in the manner provided in this Charter within one hundred eighty (180) days, the County Executive shall submit the acting officer's nomination to the County Council for their approval. If the County Council approves the nomination, the acting officer shall serve until such time as the vacancy is filled in the manner provided in this Charter; and

3.604. Employ, by and with the approval of the Council, experts and consultants in connection with any of the functions, services, and activities of the County; and

3.605. Coordinate and supervise the work of the departments, boards, and agencies of the County which are subject to the control of the County Executive; and

3.606. Transfer temporarily, with the consent of the head of the office or department, deputies or employees from one office or department to another office or department to promote efficiency and economy; and

3.607. Execute and enforce the provisions of this Charter, the laws of the State pertaining to the Government of the County, and the ordinances, resolutions, orders and policies of the Council; and

3.608. See that all contracts with the County are faithfully performed and cause to be instituted in the name of the County appropriate actions; and

3.609. Attend regular meetings of the Council and participate in its discussions without vote, and attend such other meetings as the Council may require; and

3.610. Recommend to the Council such measures as may, in his opinion, tend to improve the County Government and the general well being of the people; and

3.611. Submit to the Council an annual report of the affairs of the County and such other reports as may be requested by the Council or any three (3) members; and

3.612. Promote and encourage cooperative relationships between the County and the political subdivisions within the County in matters relating to public health, safety, and public welfare and any and all other governmental functions in which the people of the County could gain through better cooperative arrangements; and

3.613. Examine parties, witnesses and others on oath or affirmation touching any matter or circumstances in the examination of any payroll, account, demand or claim against the County and have access to all County books, records and papers kept by County officers and employees; and

3.614. Represent the County and perform such other duties as may be prescribed by applicable law or as may be necessarily implied by the powers and duties herein specified; and

3.615. Establish from time to time by executive order, systems of administrative organization in the departments which shall be as uniform as the various departmental functions will permit and which shall not be inconsistent with any ordinance; and

3.616. Submit to the Council for approval by ordinance an annual balanced budget at the time and in the manner provided in this Charter and by ordinance.

SECTION 3.700: EXECUTIVE VETO

Except as otherwise provided in this Charter, the County Executive shall have the right to veto any bill, and veto or reduce any expense of an appropriation or budget ordinance.

3.701. Every bill shall be presented to the County Executive within three (3) working days after its adoption or enactment by the County Council.

3.702. Within ten (10) working days after its presentation, the County Executive shall either sign the bill and return it to the County Council or veto the bill and return it to the County Council with a written and signed statement of the reasons for his veto or reduction.

3.702.1. The County Executive may also sign and partially veto an appropriation bill and return it to the County Council with a written and signed statement of the reasons for a partial veto.

3.703. If a bill is not returned by the County Executive within ten (10) working days after its presentation, it shall be considered enacted without the Executive's signature.

3.704. Within thirty (30) working days after a bill has been vetoed and returned, or partially vetoed and returned, the County Council may override the veto or partial veto by enacting the bill with a minimum of two-thirds (2/3) of the Council voting in the affirmative.
SECTION 3.800: \textbf{SALARY}

The salary of the County Executive shall be fixed by ordinance.

3.801. For the first (1st) term beginning January 1, 1995, the salary shall be fixed prior to February 1, 1994. This salary shall be not less than fifty-five thousand dollars ($55,000.00) nor more than seventy-five thousand dollars ($75,000.00) annually.

3.802. The salary of the County Executive for future terms of office shall be fixed by the County Council before February 1, 1998, and before February first (1st), each four (4) years thereafter. The amount of salary of the County Executive for future terms shall be fixed at the discretion of the County Council.

SECTION 3.900: \textbf{DIRECTOR OF ADMINISTRATION}

In addition to any other executive staff, there shall be a professionally qualified Director of Administration who shall be appointed by and may be removed by the County Executive. Appointment shall be on the basis of executive and administrative qualifications. The administrator shall be the principal managerial aide to the County Executive and shall perform such duties as may be assigned to him by the County Executive. Subject to the direction of the County Executive, duties shall include supervision of all departments, offices and agencies of the executive branch, advice to the County Executive on all administrative matters and performance of other duties as assigned by the County Executive or this Charter.

3.901. The salary of the Director of Administration shall be fixed by the County Executive as part of the annual budget, subject to approval by the County Council. Such salary shall be paid to the Director in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer. Salary, mileage, travel and other actual and necessary expenses incurred by the Director shall be reimbursed as provided by ordinance.

ARTICLE IV. COUNTY OFFICERS AND DEPARTMENTS

SECTION 4.100: \textbf{ASSESSOR}

4.101. \textbf{Selection}.

4.101.1. The Assessor shall be elected for a two (2) year term at the general election of 1992. The Assessor shall assume the office on September 1, 1993, following certification of election to office.

4.101.2. In April, 1993, the voters will decide whether to retain this as an elected position with a four (4) year term beginning September 1, 1995, or to convert it to an appointed position within a Department of Finance.

4.102. \textbf{Vacancy}. A vacancy in the elective office of Assessor shall be filled by the County Executive subject to approval by the Council. The person appointed shall be a member of the same political party as the previous occupant (if so affiliated) and shall hold office until the next general election at which time a successor shall be elected for the unexpired or full term as the case may be.

4.103. \textbf{Powers And Duties}.

4.103.1. The Assessor shall possess and exercise all powers and duties now or hereafter given to that office for a County of the First Class by applicable law except for powers or duties removed or assigned to other offices pursuant to the provisions of this Charter.

4.103.2. The Assessor shall operate the office within the guidelines of the County personnel policy and purchasing policy.

4.103.3. The Assessor shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties, or other funds payable to this office.

4.104. \textbf{Qualifications}. To serve as Assessor a person:

4.104.1. Must be a registered voter in St. Charles County who shall have resided in St. Charles County for a period of not less than two (2) years immediately prior to the general election; and

4.104.2. Shall not, at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, St. Charles County, or any political subdivision of the State. This Subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and

4.104.3. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Charter and to faithfully perform all of the duties of the office; and

4.104.4. Shall complete all training for Assessors that the laws of the State of Missouri authorize for Assessors in any non-charter County, whenever such training is offered by the State of Missouri itself or by one of its agencies or subdivisions; and shall furnish a certificate of completion of such training to the County Executive.

4.105. \textbf{Salary/Fees}. The salary of the Assessor shall for the two (2) year term beginning September 1, 1993, remain the same as is being paid to him on April 6, 1992. The salary of the Assessor shall be fixed by ordinance. The salary, if the position
remains elective, for the four (4) year term beginning September 1, 1995, shall be fixed by the County Council prior to February 1, 1994, and every four (4) years thereafter for ensuing terms. The salary, should the position be appointed, shall be fixed as part of the annual budget ordinance. Such salary shall be paid to the Assessor in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the Assessor shall be reimbursed as provided by ordinance.

SECTION 4.200: AUDITOR

4.201. Selection. The Auditor shall be appointed by the County Council to a four (4) year term beginning January 1, 1995, and every four (4) years thereafter.


4.203.1. The Auditor shall possess and exercise all of the powers and duties given to that office for a County of the First Class having a Charter form of Government by applicable law except for those removed or assigned to other offices pursuant to the provisions of this Charter.

4.203.2. The Auditor shall operate the office within the guidelines of the County personnel policy and purchasing policy.

4.203.3. The Auditor shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties, and other funds payable to the office.

4.203.4. The Auditor shall be responsible for monitoring the development, implementation and maintenance of an accounting system which will meet or exceed standard accounting practices for governmental bodies.

4.203.5. The Auditor shall provide all requested information for the annual external contracted audit.

4.203.6. All officers and employees of the County shall furnish to the Auditor such information and records regarding powers, duties, activities, funding, services, organization, property, financial transactions, and methods of business in their respective offices and employments as he may from time to time require of them.

4.204. Qualifications. To serve as Auditor a person:

4.204.1. Must be a registered voter in St. Charles County; and

4.204.2. Shall not, at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, St. Charles County, or any political subdivision of the State. This Subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and

4.204.3. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Charter and to faithfully perform all of the duties of the office; and

4.204.4. Must have the equivalent of a bachelor degree in accounting or have experience as a County Auditor.

4.205. Salary/Fees. Until December 31, 1994, the salary of the Auditor shall be the same salary being paid to him on April 6, 1992. After January 1, 1995, the salary of the Auditor shall be fixed by ordinance. The salary for the year 1995 shall be fixed by the County Council as part of the annual budget ordinance. Such salary shall be paid to the Auditor in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the Auditor shall be reimbursed as provided by ordinance.

SECTION 4.250: CHIEF OF POLICE

Pursuant to the authority of the Constitution of the State of Missouri as set forth at Article VI Section 18(b) the Charter of St. Charles County hereby assigns a portion of the duties of the County office of Sheriff to a County Officer who shall be known by the rank of Colonel.

4.250.1. Selection.

4.250.1.1. To fill a vacancy in the position of Chief of Police the County Executive shall name a panel of five (5) citizens to the Chief of Police Search Committee, naming one to serve as the chair of the Committee. Each individual named to the Committee shall reside in St. Charles County and be a registered voter at the time of appointment to the Committee and throughout their service on the Committee. The appointees to the Committee shall represent the civic, law enforcement, business, and educational community in the County.

4.250.1.2. The Committee shall advertise the position of Chief of Police, and upon receipt of the applications from the Director of Human Resources shall review the applicants. From amongst the applicants that meet the qualifications for Chief of Police the Committee shall interview and recommend no less than five (5) qualified candidates to the County Executive for the position of Chief of Police.

4.250.1.3. The Chief of Police shall be appointed by the County Executive from amongst the five (5) candidates recommended by the Committee, with the approval of the County Council as set forth in Article II, Section 2.503 of the St. Charles County Charter. Once so approved, the Chief may not be removed by the County Executive unless he has
the concurrence of five (5) members of the County Council entered into the records of the County during a meeting of the Council at which the County Executive is present.

4.250.1.4. The Committee shall cease to exist upon approval of the County Executive's appointment. Should the County Executive's choice not receive approval of the Council the Executive may choose a new candidate from the existing list, request a new list from the Committee or request the Committee to repost the position.

4.250.2. **Qualifications.** To serve as the Chief of Police, a person:

4.250.2.1. Shall be a licensed Law Enforcement Officer certifiable in a First Class County on the day of assumption of the office of Chief of Police through the Missouri Peace Officer Standards and Training Commission (POST) or eligible for licensure as a Chief of Police by that body upon appointment and confirmation; and

4.250.2.2. Shall have served in law enforcement at least fifteen (15) years, and have at least six (6) years of highly responsible management and supervisory experience; and

4.250.2.3. Shall have a degree from an accredited four (4) year institution of higher learning and have completed one (1) of the following: the Federal Bureau of Investigation National Academy program, the Northwestern School of Staff and Command, the Southern Police Institute, or a similar program of at least eight (8) weeks duration awarding a certificate of graduation. Commensurate experience may substitute for the requirement of this Section; and

4.250.2.4. Shall not at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, St. Charles County or any political subdivision of the State. This Subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and

4.250.2.5. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Charter and to faithfully perform all of the duties of the office; and

4.250.2.6. Shall be free of any felony convictions prior to and during the term of office.

4.250.3. **Duties and Responsibilities.** From and after January 1, 2015, the Chief of Police shall:

4.250.3.1. Exercise and fulfill all powers and duties assigned to the office of Sheriff of a First Class County not elsewhere assigned to the St. Charles County Law Enforcement Officer having the title of "Sheriff" as set forth in Article IV, Section 4.1300 of this Charter; and

4.250.3.2. Have supervision, management and control of and responsibility for the efficient and effective administration and performance of the duties, powers and functions of suppression of crime and other appropriate law enforcement, including traffic control, in the unincorporated portions of St. Charles County invested by this Charter in the office. He and all duly authorized officers, agents and deputized representatives shall have designated powers and duties including preservation of order, prevention of crimes and misdemeanors, apprehension and arrest, conserving the peace and other Police and law enforcement functions held by the Sheriff of any County of the First Class, except those powers and duties vested in other departments or offices of the County by this Charter, including but not limited to the office of "Sheriff" or the Director of Corrections; and

4.250.3.3. Enforce the ordinances and orders of the County and have other such powers and duties as may be provided by ordinance including, but not limited to, the performance of Police duties in incorporated areas of the County under contract authorized or entered into by the Council with the Governing Body of any such incorporated area. The Chief of Police shall also have the power to deputize members of the Police Departments of the various municipalities of the County and other persons under such standards, conditions and regulations as shall be approved by ordinance; and

4.250.3.4. Serve as the Chief Law Enforcement Officer of the County; and

4.250.3.5. Serve as the Appointing Authority and head of the St. Charles County Police Department.

4.250.4. **Salary.** After January 1, 2015, the salary of the Chief of Police shall be fixed each year by the budget ordinance. Such salary shall be paid to the Chief in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the Chief shall be reimbursed as provided by ordinance.

*Editor's Note--In November, 2012, the voters agreed to add these provisions.*

**SECTION 4.300:** CIRCUIT CLERK

4.301. **Selection.**

4.301.1. If this is retained as an elected office, the Circuit Clerk shall be elected at the general election of 1994 and shall take office on January 1, 1995, following certification of election to office.

4.301.2. In April, 1993, the voters will decide whether to retain this position as an elected office with a four (4) year term or convert it to a position with a four (4) year term appointed by all the Circuit and Associate Circuit Judges of the 11th Judicial Circuit, meeting en banc.

*Editor's Note--In April, 1993, the voters decided to retain this as an elective position.*

4.301.3. Beginning on January 1, 2003, the Circuit Clerk shall be appointed to a four (4) year term by a majority of the
4.302. **Vacancy.** A vacancy in the elective office of Circuit Clerk shall be filled by the County Executive subject to approval by the Council. The person appointed shall be a member of the same political party as the previous occupant (if so affiliated). He shall hold office until January first (1st), following the next general election. At that time, a successor shall be elected for the unexpired or full term as the case may be.

4.303. **Powers And Duties.**

4.303.1. The Circuit Clerk shall possess and exercise all powers and duties now or hereafter given to that office for a County of the First Class by applicable law except for powers or duties removed or assigned to other offices pursuant to the provisions of this Charter.

4.303.2. The Circuit Clerk shall operate the office within the guidelines of the County personnel policy and purchasing policy.

4.303.3. The Circuit Clerk shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties, or other funds payable to this office.

4.303.4. The Circuit Clerk shall be the Administrative Officer for the Circuit Court of the County. He shall assist the Circuit Court in the conduct of the business of the Court as the Court may request.

4.304. **Qualifications.** To serve as Circuit Clerk a person:

4.304.1. Must be a registered voter in St. Charles County who shall have resided in St. Charles County for a period of not less than two (2) years immediately prior to the general election or appointment; and

4.304.2. Shall not, at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, St. Charles County, or any political subdivision of the State. This Subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and

4.304.3. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Charter and to faithfully perform all of the duties of the office; and

4.304.4. Shall complete all training for Circuit Clerks that the laws of the State of Missouri authorize for a Circuit Clerk in any non-charter County, whenever such training is offered by the State of Missouri, State Court Administrator's Office or by another appropriate State training agency; and shall furnish a certificate of completion of such training to the St. Charles County Circuit Court en banc.

4.305. **Salary.** Until December 31, 1994, the salary of the Circuit Clerk shall be the same salary being paid to the Recorder of Deeds on April 6, 1992. After January 1, 1995, the salary of the Circuit Clerk shall be fixed by ordinance. The salary, if the position remains elective, shall for the next four (4) year term be fixed by the County Council prior to February 1, 1994, and every four (4) years thereafter for ensuing terms. The salary, should the position be appointed, shall be stated as part of the annual budget ordinance. Such salary shall be paid to the Circuit Clerk in lieu of all fees, charges, commissions, penalties, or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the Circuit Clerk shall be reimbursed as provided by ordinance.

**SECTION 4.400: COLLECTOR**

4.401. **Selection.**

4.401.1. If it is retained as an elected office, the Collector shall be elected at the general election of 1994 and shall take office on March 1, 1995, following certification of election to office.

4.401.2. In April, 1993, the voters will decide whether to retain this as an elected position with a four (4) year term or to convert it to an appointed position within a Department of Finance.

*Editor's Note--In April, 1993, the voters decided to retain this as an elective position.*

4.402. **Vacancy.** A vacancy in the elective office of Collector shall be filled by the County Executive subject to approval by the Council. The person appointed shall be a member of the same political party as the previous occupant (if so affiliated). He shall hold office until March first (1st), following the next general election. At that general election, a successor shall be elected for the unexpired or full term as the case may be.

4.403. **Powers And Duties.**

4.403.1. The Collector shall possess and exercise all powers and duties now or hereafter given to that office for a County of the First Class by applicable law except for powers or duties removed or assigned to other offices pursuant to the provisions of this Charter.

4.403.2. The Collector shall operate the office within the guidelines of the County personnel policy and purchasing policy.

4.403.3. The Collector shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties, and all other funds payable to this office.

4.404. **Qualifications.** To serve as Collector a person:
4.404.1. Must be a registered voter in St. Charles County who shall have resided in St. Charles County for a period of not less than two (2) years immediately prior to the general election; and

4.404.2. Shall not, at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, St. Charles County, or any political subdivision of the State. This Subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and

4.404.3. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Charter and to faithfully perform all of the duties of the office; and

4.404.4. Shall complete all training for Collectors that the laws of the State of Missouri authorize for Collectors in any non-charter County, whenever such training is offered by the State of Missouri itself or by one of its agencies or subdivisions; and shall furnish a certificate of completion of such training to the County Executive.

4.405. Salary/Fees. The salary of the Collector for the period ending February 28, 1995, shall be the same salary being paid to him on April 6, 1992. After March 1, 1995, the salary of the County Collector shall be fixed by ordinance. The salary, if the position remains elective, shall for the four (4) year term beginning March 1, 1995, be fixed by the County Council prior to February 1, 1994, and every four (4) years thereafter for ensuing terms. The salary, should the position be appointed, shall be fixed as part of the annual budget ordinance. Such salary shall be paid the Collector in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the County Collector shall be reimbursed as provided by ordinance.

SECTION 4.500: DIRECTOR OF ELECTIONS

4.501. Selection. The Director of Elections shall be elected at the general election in 1994, and every four (4) years thereafter. He shall take office on January first (1st), following certification of election to office. Effective January 1, 2003, the County Clerk shall be known as the Director of Elections and shall henceforth be elected in 2006 and every four (4) years thereafter.

4.502. Vacancy. A vacancy in the office of Director of Elections shall be filled by the County Executive subject to approval by the Council. The person appointed shall be a member of the same political party as the previous occupant (if so affiliated). He shall hold office until January first (1st), following the next general election. At that general election, a successor shall be elected for the unexpired or full term as the case may be.

4.503. Powers And Duties.

4.503.1. The Director of Elections shall possess and exercise all the powers and duties now or hereafter given to that office by applicable law except for powers and duties removed from the office and assigned to other offices pursuant to the provisions of this Charter.

4.503.2. The Director of Elections shall operate the office within the guidelines of the County personnel policy and purchasing policy.

4.503.3. The Director of Elections shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties, or other funds payable to this office.

4.503.4. The Director of Elections shall serve as the election authority for St. Charles County, as prescribed by applicable law.

4.504. Qualifications. To serve as Director of Elections, a person:

4.504.1. Must be a registered voter in St. Charles County who shall have resided in St. Charles County for a period of not less than two (2) years immediately prior to the general election; and

4.504.2. Shall not at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, St. Charles County, or any political subdivision of the State. This Subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and

4.504.3. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Charter, and to faithfully perform all of the duties of the office; and

4.504.4. Shall complete all training for County Election Authorities that the laws of the State of Missouri authorize for County Election Authorities in any non-charter County, whenever such training is offered by the State of Missouri itself or by one of its agencies or subdivisions; and shall furnish a certificate of completion of such training to the County Executive.

4.505. Salary. The salary of the Director of Elections shall be fixed by ordinance. The salary fixed by the County Council for the County Clerk/Director of Elections prior to February 1, 2002 shall be the salary of the Director of Elections, and every four (4) years thereafter shall be set by the first (1st) day of February prior to the general election at which the Director of Elections will be elected for ensuing terms. Such salary shall be paid to the Director of Elections in lieu of all fees, charges, commissions, penalties or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the Director of Elections shall be reimbursed as provided by ordinance.
SECTION 4.600: COUNTY COUNSELOR

4.601. Selection. The County Counselor shall be appointed by the County Executive subject to approval by the Council and shall hold office at the pleasure of the County Executive. He shall be the County's Attorney and Counselor at law. He may appoint a Deputy County Counselor and such a number of Associate and Assistant County Counselors as may be authorized by ordinance.

4.602. Power And Duties.

4.602.1. The County Counselor shall operate the office within the guidelines of the County personnel policy and purchasing policy.

4.602.2. The County Counselor shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties, or other funds which are payable to the office.

4.602.3. The County Counselor shall have charge of and conduct all of the civil law business of the County, its departments, divisions, offices, officers, boards and commissions, including the authority to file an action in quo warranto.

4.602.4. The County Counselor shall institute, in the name of and on behalf of the County, all civil suits and other proceedings, at law or in equity necessary to protect the rights and interests of the County and enforce any and all rights, interests or claims against any and all persons, firms, or corporations in whatever court or jurisdiction such action may be necessary. He may also appear and interplead, answer or defend, in any proceeding or tribunal in which the County's interests are involved. He shall prosecute violations of prescribed County ordinances.

4.602.5. The County Counselor shall prepare, or approve as to form, all leases, deeds, contracts, bonds, ordinances, rules, regulations, drafts of legislation, and other instruments.

4.602.6. The County Counselor shall institute and prosecute all proceedings for the collection of delinquent taxes and licenses of every kind owing to the County.

4.602.7. The County Counselor shall, upon request, furnish legal advice and opinions to the Council, the County Executive, County Officials, and to all County boards and commissions, respecting County business.

4.602.8. Before bringing an original action or permissive counterclaim against a municipality or other political subdivision located in whole or in part in the County of St. Charles, the County Counselor shall present to the County Council a notice of his intent to bring an action. The County Counselor shall then be authorized to file such legal action unless the County Council, within twenty-one (21) days, passes a resolution against the filing of such action. The Counselor shall not file such action until such time expires unless authorized in writing by a majority of the County Council. The County Counselor may file an action without regard to this Section if it is an action authorized by Article X, Section 10.603 of the County Charter, whether in quo warranto, declaratory judgment or in other appropriate manner. At any time after the filing of an action in which the County Counselor is required to provide the Council notice, the County Council may by ordinance direct the County Counselor to dismiss any pending claims.

* The word "be" was in the original ordinance.

4.603. Qualifications. To serve as County Counselor, a person shall:

4.603.1. Shall not at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, St. Charles County, or any political subdivision of the State. This Subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and

4.603.2. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Charter and to faithfully perform all of the duties of the office; and

4.603.3. Have been a licensed practicing attorney in Missouri for at least five (5) years; and

4.603.4. Shall not engage in the private practice of law except with regard to court appointed pro bono appointments mandated by state and federal courts; and

4.603.5. Shall establish residency in the County within one hundred twenty (120) days after assuming office.

4.604. Salary. The salary of the County Counselor shall be fixed by the County Executive as part of the annual budget ordinance, subject to approval of the County Council. Such salary shall be paid to the County Counselor in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the County Counselor shall be reimbursed as provided by ordinance.

SECTION 4.700: COUNTY ENGINEER

4.701. Selection. The County Engineer shall be appointed by the County Executive with the approval of the County Council and shall hold office at the pleasure of the County Executive.

4.702.1. The County Engineer shall exercise those powers and perform those duties required by applicable law to be performed by a County Surveyor or by a County Highway Engineer and such other powers and duties as may be required by ordinance.

4.702.2. The County Engineer shall operate the department within the guidelines of the County personnel policy and purchasing policy.

4.702.3. The County Engineer shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties, or other funds payable to the department.

4.703. Qualifications. To serve as County Engineer, a person:

4.703.1. Shall not, at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, St. Charles County, or any political subdivision of the State. This Subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and

4.703.2. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Charter and to faithfully perform all of the duties of the office; and

4.703.3. Shall be a registered professional engineer with at least five (5) years experience in a responsible position in highways, transportation, or traffic engineering or a combination thereof. At least three (3) years shall have been in an administrative capacity; and

4.703.4. Shall establish residency in St. Charles County within one hundred twenty (120) days after assuming office.

4.704. Salary. The salary of the County Engineer shall be fixed by the County Executive as part of the annual budget ordinance, subject to approval of the County Council. Such salary shall be paid to the County Engineer in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the County Engineer shall be reimbursed as provided by ordinance.

SECTION 4.800: DIRECTOR OF CORRECTIONS

4.801. Selection. As of January 1, 1995, a Director of Corrections shall be appointed by the County Executive subject to approval by the County Council and shall hold office at the pleasure of the County Executive.


4.802.1. The Director of Corrections shall operate the department within the guidelines of the County personnel policy and purchasing policy.

4.802.2. The Director of Corrections shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties, or other funds payable to the department.

4.802.3. The Director of Corrections shall be responsible for the operation of the County corrections facilities, beginning January 1, 1995.

4.802.4. The Director of Corrections shall be responsible for such other duties which are assigned by applicable law or ordinance.

4.803. Qualifications. To serve as Director of Corrections a person:

4.803.1. Shall not at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, St. Charles County, or any political subdivision of the State. This Subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and

4.803.2. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Charter and to faithfully perform all of the duties of the office; and

4.803.3. Must have at least five (5) years experience in the field of corrections or related programs; and

4.803.4. Must establish residency within the County within one hundred twenty (120) days after assuming the position.

4.804. Salary. The salary of the Director of Corrections shall be fixed by the County Executive as part of the annual budget ordinance, subject to approval by the County Council. Such salary shall be paid to the Director in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the Director shall be reimbursed as provided by ordinance.

SECTION 4.900: MEDICAL EXAMINER

4.901. Selection. The Medical Examiner shall be appointed by the County Executive subject to approval by the County Council. He shall hold office at the pleasure of the County Executive.

4.902.1. The Medical Examiner shall operate the department within the guidelines of the County personnel policy and purchasing policy.

4.902.2. The Medical Examiner shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties, or other funds payable to this office.

4.902.3. The Medical Examiner may, as provided by ordinance, appoint and remove medical assistants, who shall be licensed physicians; appoint investigators experienced in law enforcement, who shall be trained in forensic medical examination; and appoint other technical personnel with approval of the County Council.

4.902.4. The Medical Examiner may enter into contracts and agreements on behalf of the County with any hospital, laboratory, governmental institution or medical facility for medical services required in furtherance of his duties.

4.902.5. He shall have certain powers of investigation.

4.902.5.1. The Medical Examiner shall have power and duty to investigate the cause of violent or suspicious deaths where the body of any person coming to death shall be discovered in the County. He shall perform or cause to be performed autopsies as allowed by applicable law, and may investigate any condition that may be deleterious to public health and to the environment in the County. He shall perform all duties and functions prescribed by applicable law for coroners except as otherwise provided in this Charter, and make examinations as to any matter within his jurisdiction.

4.902.5.2. Whenever, in the opinion of the Medical Examiner, after a full investigation of the circumstances and causes of death, or of the deleterious condition of health or the environment in the County, there is reasonable suspicion of a violation of the criminal or civil law of the State, or ordinance of the County, a full copy of all evidence and opinion of the investigating examiner shall be promptly filed with the Prosecuting Attorney and the appropriate law enforcement office of each jurisdiction affected.

4.902.6. The Medical Examiner and assistants shall have power to administer oaths and affirmations, take affidavits, but shall not be required to summon a jury of inquisition.

4.902.7. The Prosecuting Attorney and all interested and affected officers and employees of the County shall cooperate fully with and assist the Medical Examiner in the performance of his duties.

4.903. Qualifications. To serve as Medical Examiner, a person shall:

4.903.1. Be a licensed physician, and a pathologist certified by the board in that specialty, or eligible for such certification, with experience in forensic pathology.

If no forensic pathologist is available for appointment, an acting Medical Examiner who is a licensed physician may be appointed to serve for a period not to exceed one (1) year.

4.904. Compensation. The compensation of the Medical Examiner shall be fixed by the County Executive as part of the annual budget ordinance, subject to approval of the County Council, or through a contractual agreement approved by the County Council and executed by the County Executive.

SECTION 4.1000: PROSECUTING ATTORNEY

4.1001. Selection. The Prosecuting Attorney shall be elected at the general election in 1994 and every four (4) years thereafter. He shall take office on January first (1st), following certification of election.

4.1002. Vacancy. A vacancy in the office of Prosecuting Attorney shall be filled by the County Executive subject to confirmation by the Council. The person appointed shall be a member of the same political party as the previous occupant (if so affiliated). He shall hold office until January first (1st), following the next general election at which a successor shall be elected for the unexpired or the full term as the case may be.


4.1003.1. The Prosecuting Attorney shall possess and exercise all powers and duties now or hereafter given to that office by applicable law.

4.1003.2. The Prosecuting Attorney shall operate the department within the guidelines of the County personnel policy and purchasing policy.

4.1003.3. The Prosecuting Attorney shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties or other funds payable to this office.

4.1003.4. The Prosecuting Attorney shall not engage in the private practice of law.

4.1004. Qualifications. To serve as Prosecuting Attorney, a person must:

4.1004.1. Must be a registered voter in St. Charles County who shall have resided in St. Charles County for a period of not less than two (2) years immediately prior to the general election; and

4.1004.2. Shall not at the time of assuming office, and during the term in office, hold any other remunerative office with
the United States, the State of Missouri, St. Charles County, or any political subdivision of the State. This Subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and

4.1004.3. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Charter and to faithfully perform the duties of the office; and

4.1004.4. Be currently and for at least five (5) years have been duly licensed to practice law in the State of Missouri; and

4.1004.5. Shall complete all training for Prosecuting Attorneys that the laws of the State of Missouri authorize for Prosecuting Attorneys in any non-charter County, whenever such training is offered by the State of Missouri itself or by one of its agencies or subdivisions; and shall furnish a certificate of completion of such training to the County Executive.

4.1005. Salary. Until December 31, 1994, the salary of the Prosecuting Attorney shall be the same salary being paid to him on April 6, 1992. After January 1, 1995, the salary of the Prosecuting Attorney shall be fixed by budget ordinance. The salary for this next term shall be fixed by the County Council prior to February 1, 1994, and every four (4) years thereafter for ensuing terms. Such salary shall be paid to the Prosecuting Attorney in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the Prosecuting Attorney shall be reimbursed as provided by ordinance.

4.1006. Assistant Prosecuting Attorneys. The Prosecuting Attorney may appoint assistants, as the budget allows, to carry out the duties of the office. Assistants shall be licensed practicing attorneys but shall not be required to reside in St. Charles County while working as Assistant Prosecutors.

SECTION 4.1100: PUBLIC ADMINISTRATOR

4.1101. Selection. The Public Administrator shall be appointed for a term of four (4) years by a majority of the Circuit and Associate Circuit Judges of the 11th Judicial Circuit, meeting en banc. He may be removed from office during the term by the authority who appointed him in the same manner as he was appointed.

4.1102. Powers And Duties.

4.1102.1. The Public Administrator shall possess and exercise the powers and duties prescribed for the office by applicable law.

4.1102.2. The Public Administrator shall operate the office within the guidelines of the County personnel policy and purchasing policy.

4.1102.3. The Public Administrator shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties or other funds payable to this office.

4.1103. Qualifications. To serve as Public Administrator, a person shall:

4.1103.1. Must be a registered voter in St. Charles County who shall have resided in St. Charles County for a period of not less than two (2) years immediately prior to the general election; and

4.1103.2. Shall not at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, St. Charles County, or any political subdivision of the State. This Subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and

4.1103.3. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Charter and to faithfully perform the duties of the office; and

4.1103.4. Shall complete all training for Public Administrators that the laws of the State of Missouri authorize for a Public Administrator in any non-charter County, whenever such training is offered by the State of Missouri itself or by one of its agencies or subdivisions; and shall furnish a certificate of completion of such training to the St. Charles County Circuit Court en banc.

4.1104. Salary/Fe es. The salary of the Public Administrator for the term beginning January 1, 1993, shall be the same salary being paid to him on April 6, 1992. After January 1, 1997, the salary of the Public Administrator shall be fixed by budget ordinance. He shall account for and pay into the County General Revenue Fund all fees payable to him under the applicable law. Such salary shall be paid to the Public Administrator in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the Public Administrator shall be reimbursed as provided by ordinance.

SECTION 4.1200: RECORDER OF DEEDS


4.1201.1. If it is retained as an elected office, the Recorder of Deeds shall be elected at the general election of 1994, and shall take office on January 1, 1995, following certification of election to office.

4.1201.2. In April, 1993, the voters will decide whether to retain this as an elected position with a four (4) year term or convert the position to an appointed position within a Department of Finance.
St. Charles County -- QuickCode

Editor's Note—In April, 1993, the voters decided to retain this as an elected position.

4.1202. **Vacancy.** A vacancy in the elective office of Recorder of Deeds shall be filled by the County Executive subject to approval by the Council. The person appointed shall be a member of the same political party as the previous occupant (if so affiliated) and shall hold office until January first (1st), following the next general election. At that general election, a successor shall be elected for the unexpired or full term as the case may be.

4.1203. **Powers And Duties.**

4.1203.1. The Recorder of Deeds shall possess and exercise all powers and duties now or hereafter given to that office for a County of the First Class by applicable law except for powers or duties removed or assigned to other offices pursuant to the provisions of this Charter.

4.1203.2. The Recorder of Deeds shall operate the office within the guidelines of the County personnel policy and purchasing policy.

4.1203.3. The Recorder of Deeds shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties or other funds payable to this office.

4.1204. **Qualifications.** To serve as Recorder of Deeds, a person:

4.1204.1. Must be a registered voter in St. Charles County who shall have resided in St. Charles County for a period of not less than two (2) years immediately prior to the general election; and

4.1204.2. Shall not, at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, St. Charles County or any political subdivision of the State. This Subparagraph shall not apply to membership in the military forces of the United States, the State militia, notaries public; and

4.1204.3. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Charter and to faithfully perform all of the duties of the office; and

4.1204.4. Shall complete all training for Recorders of Deeds that the laws of the State of Missouri authorize for Recorders of Deeds in any non-charter County, whenever such training is offered by the State of Missouri itself or by one of its agencies or subdivisions; and shall furnish a certificate of completion of such training to the County Executive.

4.1205. **Salary.** The salary of the Recorder of Deeds for the period ending December 31, 1994, shall be the same salary being paid to him on April 6, 1992. After January 1, 1995, the salary of the Recorder of Deeds shall be fixed by ordinance. The salary, if the position remains elective, shall for the next four (4) year term be fixed by the County Council prior to February 1, 1994, and every four (4) years thereafter for ensuing terms. The salary, if the position be appointed, shall be fixed as part of the annual budget ordinance. Such salary shall be paid to the Recorder of Deeds in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the Recorder of Deeds shall be reimbursed as provided by ordinance.

SECTION 4.1300: SHERIFF

4.1301. **Selection.**

4.1301.1. The Sheriff shall be elected for a two (2) year term at the general election of 1992 and then for four (4) year terms beginning with the election of 1994. The Sheriff shall assume office on January first (1st) following certification of election.

4.1301.2. In November, 2012, the voters will decide whether to retain this as an elected position with a four (4) year term; or establish a County Police Department and transfer the duties for the patrol division, detective bureau and other direct law enforcement duties and their support functions to such County Police Department and to provide that the Sheriff's Department will be in charge of court services and security including prisoner transport, court services and service of process.

Editor's Note—In November, 2012, the voters agreed to amend these provisions.

4.1302. **Vacancy.** A vacancy in the elective office of Sheriff shall be filled by the County Executive subject to approval by the Council. The person selected shall be a member of the same political party as the previous occupant (if so affiliated). He shall hold office until January first (1st), following the next general election at which a successor shall be elected for the unexpired or full term as the case may be.

4.1303. **Powers And Duties.**

4.1303.1. The Sheriff shall possess and exercise all powers and duties now or hereafter given to that office for a County of the First Class by applicable law except for powers or duties removed or assigned to other offices pursuant to the provisions of this Charter. From and after January 1, 2015 the Sheriff shall possess and exercise only those powers and duties now or hereafter given to the office of Sheriff for a County of the First Class by applicable law related to the provision of services necessary for the operations of the courts for which the County is responsible including but not limited to prisoner transport civil process, bailiffs, court services and security and matters relating to jurors.

Editor's Note—In November, 2012, the voters agreed to amend these provisions.
4.1303.2. The Sheriff shall operate the office within the guidelines of the County personnel policy and purchasing policy.

4.1303.3. The Sheriff shall account for and deposit, in accordance with applicable law, all fees, commissions, penalties or other funds payable to this office.

4.1303.4. Before January 1, 1995, the Sheriff shall have responsibility for the enforcement of laws and ordinances, supervision of corrections facilities, and provision of services for the courts.

4.1303.5. From and after January 1, 1995, and until December 31, 2014, the Sheriff shall:

Editor's Note--In November, 2012, the voters agreed to amend these provisions.

4.1303.5.1. Have supervision, management and control of and responsibility for the efficient and effective administration and performance of the duties, powers and functions of suppression of crime and other appropriate law enforcement, including traffic control, in the unincorporated portions of St. Charles County invested by this Charter in the office. He and all duly authorized officers, agents and deputized representatives shall have designated powers and duties including preservation of order, prevention of crimes and misdemeanors, apprehension and arrest, conserving the peace and other Police and law enforcement functions, except those powers and duties vested in other departments or offices of the County by this Charter; and

4.1303.5.2. Enforce the ordinances and orders of the Council and have other such powers and duties as may be provided by ordinance including, but not limited to, the performance of Police duties in incorporated areas of the County under contract authorized or entered into by the Council with the Governing Body of any such incorporated area. The Sheriff shall also have the power to depurate members of the Police Departments of the various municipalities of the County and other persons under such standards, conditions and regulations as the Council shall approve; and

4.1303.5.3. Be responsible for the provision of services necessary for the operations of the courts for which the County is responsible including but not limited to civil process, bailiffs, court security and matters relating to jurors; and

4.1303.5.4. Serve as the Chief Law Enforcement Officer of the County.

4.1303.6. From and after January 1, 2015, the Sheriff shall be responsible for the provision of services necessary for the operations of the courts for which the County is responsible including but not limited to prisoner transport, civil process, bailiffs, court services and security and matters relating to jurors.

Editor's Note--In November, 2012, the voters agreed to add these provisions.

4.1304. Qualifications. To serve as Sheriff, a person:

4.1304.1. Must be a registered voter in St. Charles County who shall have resided in St. Charles County for a period of not less than two (2) years immediately prior to the general election; and

4.1304.2. Shall not at the time of assuming office, and during the term in office, hold any other remunerative office with the United States, the State of Missouri, St. Charles County or any political subdivision of the State. This Subparagraph shall not apply to membership in the military forces of the United States, the State militia, or notaries public; and

4.1304.3. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by this Charter and to faithfully perform all of the duties of the office; and

4.1304.4. Shall complete all training for Sheriffs that the laws of the State of Missouri authorize for Sheriffs in any non-charter County, whenever such training is offered by the State of Missouri itself or by one of its agencies or subdivisions; and shall furnish a certificate of completion of such training to the County Executive; and

4.1304.5. Shall be at least twenty-one (21) years old and free of any felony convictions prior to and during the term of office; and

4.1304.6. Shall be Peace Officer Standards and Training Commission (POST) certifiable in a First Class County on the day of assumption of the office of Sheriff.

4.1305. Salary. Until December 31, 1994, the salary of the Sheriff shall be the same salary being paid to him on April 6, 1992. After January 1, 1995, the salary of the Sheriff shall be fixed by ordinance. The salary, if the position remains elective, shall for the next four (4) year term be fixed by the County Council prior to February 1, 1994, and every four (4) years thereafter for ensuing terms. The salary, should the position be appointed, shall be fixed as part of the annual budget ordinance. Such salary shall be paid to the Sheriff in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer, deputy or assistant or the office. Salary, mileage, travel, and other actual and necessary expenses incurred by the Sheriff shall be reimbursed as provided by ordinance.

SECTION 4.1400: TREASURER

4.1401. Selection. The Treasurer shall be elected for a two (2) year term at the general election of 1992 and shall take office on January first (1st) following certification of election. On December 31, 1994, the position of Treasurer will be abolished. The duties of Treasurer will be reassigned as determined by the County Council.

SECTION 4.1500: OTHER COUNTY OFFICERS AND DEPARTMENTS
The County Council may by ordinance establish and amend an administrative Code which shall govern all County Officers including those heretofore described and many others not herein described. This administrative Code may create, eliminate, monitor, and regulate functions, services, offices and departments of County Government, all to be administered by the County Executive, except the Auditor, the Circuit Clerk, the Director of Elections, and the Prosecuting Attorney, each of whom will perform their duties independent of the County Executive.

4.1501.1. The Auditor will be monitored by and responsible to the County Council.
4.1501.2. The Circuit Clerk will be monitored by and responsible to the Circuit Court.
4.1501.3. The Director of Elections functioning as the election authority of the County shall function independently.
4.1501.4. The Prosecuting Attorney shall function independently in his role as a criminal prosecutor; however, if at any time in the future the action of quo warranto be assigned to his office, he shall act at the direction of the County Executive.
4.1501.5. Elected officials who fail to meet the qualifications for their office shall be subject to quo warranto.
4.1501.6. Notwithstanding any other provision of the Charter to the contrary, the County Executive shall have oversight of the working conditions of all employees of the County. Should there be a complaint of harassment, discrimination or gross mismanagement of an employee or employees, the County Executive may have the complaint investigated. If the complaint is substantiated and the investigation indicates the harassment, discrimination or gross mismanagement adversely affects the complaining employee and or other employees of the department, the County Executive shall have the authority to take action to prevent the harassment of, discrimination against, or gross mismanagement of any employee of the County. If the County Executive determines it is necessary to transfer the direct supervision of an employee, or employees, from an elected official to a personnel administrator, who shall be charged with the day-to-day administration and supervision of the employees, he shall do so only after obtaining a vote of a two-thirds (2/3) majority of the County Council.

Editor's Note--In November, 2012, the voters agreed to add these provisions.

4.1502. There shall be departments as may be established by ordinance. All departments shall be internally organized as may be provided by ordinance or, in the absence thereof, by executive order.

4.1503. Except as otherwise provided in this Charter, the head of each department shall be appointed by the County Executive subject to approval by the Council.

4.1504. Each department head shall:
4.1504.1. Within one hundred twenty (120) days of appointment, be a resident of St. Charles County; and
4.1504.2. Have knowledge of the principles and practices of administrative organization; and
4.1504.3. Be familiar with the functions for which he is responsible; and
4.1504.4. Have at least three (3) years of executive or administrative experience.

4.1505. The head of each department shall manage the department, and appoint, under the merit system, except as otherwise provided herein, and assign functions and duties to such officers, deputies, assistants and employees as may be provided for in this Charter or by ordinance.

SECTION 4.1600: Elected Officials and Appointed Department Heads

All County elected officials and all appointed department heads including those heretofore described in Chapter Four and others not herein described in Chapter Four and taking office on or after January 1, 1999, shall not engage in any of the following activities:

4.1601. At any time while serving in office carry on any trade, occupation, business or enterprise for personal pecuniary profit or gain during the normal business hours of St. Charles County; or
4.1602. At any time while serving in office engage in commercial enterprise, or otherwise receive compensation for services rendered as an employee or officer or by contractual arrangements with private interests which engage in business transactions with the County; or
4.1603. At any time while serving in office own stock or any other investment in any corporation or similar legal entity amounting to more than a five (5) percent ownership interest in the authorized and issued stock or other investment in that corporation or similar legal entity which engages in business transactions with the County.

ARTICLE V. BOARDS AND COMMISSIONS

SECTION 5.100: BOARDS AND COMMISSIONS

5.101. The County Council shall by ordinance create such boards and commissions as are required by applicable law.
5.102. The County Council may by ordinance create such other boards and commissions as it may deem beneficial.
5.103. The enabling ordinance shall prescribe the duties and functions of each board and commission, and shall specify the numbers and duties and terms of the members.

5.104. Members of all boards and commissions shall be appointed by the County Executive with approval of the Council or as required by applicable law.

5.105. Membership on any County board or commission shall be limited to registered voters who shall have resided in St. Charles County for a period of not less than one (1) year.

5.106. Members of boards and commissions will serve without compensation unless specified by applicable law.

SECTION 5.200: EXISTING BOARDS AND COMMISSIONS

All County boards and commissions in existence as of December 31, 1992, shall continue to operate under the provisions of applicable law pertaining to them until the County Council establishes by ordinance any new provisions relating to them.

ARTICLE VI. FINANCES

SECTION 6.100: FISCAL YEAR

The fiscal year of the County shall begin on the first (1st) day of January and end on the last day of December unless a different fiscal year is established by ordinance.

SECTION 6.200: BUDGET

Except as otherwise provided in this Charter, the preparation and adoption of the County budget shall be accomplished in a manner as prescribed by applicable law. The County Executive is designated as the Budget Officer. Prior to January 1, 1993, the County Commission shall perform the budgetary duties assigned to the County Council.

6.201. On or before the fifth (5th) day of November, or the first working day after the fifth (5th) of each fiscal year, the County Executive shall submit to the County Council a budget for the ensuing fiscal year, and an accompanying message.

Editor's Note—In November, 2012, the voters agreed to amend these provisions.

6.202. Budget Message. The County Executive's message shall explain the budget, both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the County for the ensuing fiscal year and describe the important features of the budget. It shall indicate any major changes from the current year in financial policies, expenditures, and revenues together with the reasons for such changes. It shall summarize the County's debt position and include such other material as the County Executive deems desirable.

6.203. Budget Contents. The budget shall provide a complete financial plan of all County funds and activities for the ensuing fiscal year, and shall be in such form as the County Executive deems desirable or the County Council may require. The budget shall begin with a clear general summary of its contents. It shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year. It shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

6.203.1. The proposed goals and objectives and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit, and program, purpose or activity, and the method of financing such expenditures; and

6.203.2. Proposed capital expenditures during the ensuing fiscal year, detailed for each fund by organization unit when practicable, and the proposed method of financing each such capital expenditure; and

6.203.3. The anticipated income and expense and profit and loss for the ensuing year for each utility or other enterprise fund operated by the County; and

6.203.4. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balance, exclusive of reserves.

6.204. County Council Action On Budget.

6.204.1. Notice And Hearing. The County Council shall publish in a legal publication, or in a newspaper of general circulation in the County, and posted in six (6) public places including a summary on the St. Charles County Government Internet Home Page if any, the general summary of the budget and a notice stating:

6.204.1.1. The times and places where copies of the message and budget are available for inspection by the public; and

6.204.1.2. The time and place, not less than ten (10) days after such publication, for a public hearing on the budget.

6.204.2. Amendment Before Adoption. After the public hearing, the County Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated
St. Charles County -- QuickCode

6.204.3. **Adoption.** The County Council shall adopt the budget by ordinance on or before the last day of the calendar year. Should the Council fail to adopt the budget by this date, the budget proposed by the County Executive shall be deemed approved.

6.205. **Appropriation And Revenue Ordinances.** To implement the adopted budget, the County Council shall adopt in accordance with applicable law:

6.205.1. An appropriation ordinance making appropriations by department or major organizational unit and authorizing a single appropriation for each program or activity; and

6.205.2. A tax levy ordinance authorizing the property tax levy or levies and setting the tax rate or rates; and

6.205.3. Any other ordinances required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources.

6.206. **Amendments After Adoption.**

6.206.1. **Supplemental Appropriations.** If during the fiscal year, the County Executive certifies that there are available for appropriation, revenues in excess of those estimated in the budget, the County Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.

6.206.2. **Emergency Appropriations.** To meet a public emergency affecting life, health, property or the public peace, the County Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of Paragraph 2.605. To the extent that there are not available, unappropriated revenues nor a sufficient fund balance to meet such appropriations, the County Council may, by such emergency ordinance, authorize the issuance of emergency notes. These may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

6.206.3. **Reduction Of Appropriations.** If at any time during the fiscal year it appears probable to the County Executive that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the Executive shall report to the County Council without delay, indicating the estimated amount of the deficit, any remedial action taken by the County Executive and recommendations as to any other steps to be taken. The County Council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce one (1) or more appropriations.

6.206.4. **Transfer Of Appropriations.** At any time during the fiscal year, the County Council by ordinance may transfer, within a department or any part of any unencumbered appropriation balance. At any time during the fiscal year, a department may transfer any unencumbered appropriation balance from one department or fund to another department or fund. At any time during the fiscal year, the County Council by ordinance may transfer any or any part of any unencumbered appropriation balance to a new line item in the budget.

6.206.5. **Line Item Veto Of County Executive.** The County Executive shall be able to veto any line item appropriation. Such line item appropriation vetoed may be resubmitted by the County Executive to the County Council for reconsideration pursuant to the provisions for veto override.

6.206.6. **Limitations And Effective Date.** No appropriation debt service may be reduced or transferred and no appropriation may be reduced below any amount required by State and/or Federal law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this Subparagraph may be made effective immediately upon adoption.

6.207. **Lapse Of Appropriations.** Every appropriation, except an encumbered appropriation for a capital expenditure, shall lapse at the close of the fiscal year.

6.208. **Administration Of The Budget.** The County Council shall provide by ordinance any and all procedures for administering the budget that are necessary and that do not conflict with the language contained in this Charter.

6.209. **Overspending Of Appropriations Prohibited.** No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made illegal. A violation of this provision shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation. Such officer may also be liable to the County for any amount so paid. Except where prohibited by law, however, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, or in any other manner, but only if such action is made or approved by ordinance.

**SECTION 6.300: CAPITAL PROGRAM AND STRATEGIC PLAN**
6.301. Submission To County Council. The County Executive shall prepare and submit to the County Council a five (5) year capital program and strategic plan no later than three (3) months prior to the final date for submission of the budget.

6.301.1. The capital program and strategic plan shall be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

6.302. Contents. The capital program and strategic plan shall include the following:

6.302.1. A clear general summary of its contents; and

6.302.2. A list of all capital improvements and other capital expenditures which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for each; and

6.302.3. Cost estimates and recommended time schedules for each improvement or other capital expenditure; and

6.302.4. Method of financing upon which each capital expenditure is to rely; and

6.302.5. The estimated annual cost of operating and maintaining the facilities to be constructed or acquired; and

6.302.6. Forecasts and analysis of the capital program with all other capital and non-capital expenditures; and

6.302.7. A strategic plan outlining anticipated expenditures to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for each.


6.303.1. Notice And Hearing. The County Council shall publish in a legal publication, or in a newspaper of general circulation in the County and post in six (6) public places, the general summary of the capital program and strategic plan and a notice stating:

6.303.1.1. The times and places where copies of the capital program and strategic plan are available for inspection by the public; and

6.303.1.2. The time and place, not less than ten (10) days after such publication, for a public hearing on the capital program and strategic plan.

6.303.2. Adoption. The County Council by resolution shall adopt the capital program and strategic plan, with or without amendment, after the public hearing and no later than two (2) months prior to final date for submission of the budget.

SECTION 6.400: AUDIT

An external audit shall be provided within six (6) months after the end of each fiscal year and such external audit by a certified public accounting firm shall be provided to the County Executive who shall submit such audit to the County Council for its approval.

SECTION 6.500: PUBLIC RECORDS

Copies of the budget, capital program and appropriation and revenue ordinance shall be public records and shall be made available to the public at suitable places in the County.

ARTICLE VII. PERSONNEL AND MERIT SYSTEM

SECTION 7.100: PERSONNEL POLICY

Within one (1) year after this Charter takes effect, the County Council shall establish by ordinance a personnel administration program for all County employees under the direction of a Director of Personnel. There shall be a merit system within the program to cover all employees except as otherwise provided in this Charter.

SECTION 7.200: MERIT SYSTEM

The merit system is a method of personnel administration to cover the appointment of all County employees and the appointive officers, except as otherwise provided in this Charter, on the basis of merit ascertained as nearly as practicable by competitive examination and for the retention of said employees and officers on the basis of merit and ability. It is also the purpose of the merit system to provide a plan for classification of positions whereby, in determining the rate of basic pay which an employee will receive, the principle of equal pay for substantially equal work will be followed and variations in rate of basic pay paid to different employees will be in proportion to substantial differences in the difficulty, responsibility and qualification requirements of the work performed and to the contributions of the employees to the efficiency and economy of County activities, functions and services.

SECTION 7.300: MERIT SYSTEM EXEMPTIONS
The merit system does not apply to the following persons: Any and all elected officials; any members of the executive staff of the County Executive, any employees of the County Council duly hired after the effective date of this amendment; the County Counselor; the County Engineer; the Medical Examiner; the County Auditor; the Circuit Clerk (if appointed); the Director of Corrections; the Public Administrator; the Director of Community Health and the Environment; the Director of Parks and Recreation; the First Assistant Prosecuting Attorney and Managing Attorney in the office of the Prosecuting Attorney as well as any and all members of boards and commissions appointed by the County Executive or the County Council. An elected official may appoint one (1) secretarial assistant to a position exempted from the merit system if such position is authorized in the County budget. If upon affirmative vote of the citizens, the offices of Recorder of Deeds, Collector, and Assessor become appointed positions, then the persons appointed occupy the positions of Recorder, Collector, and Assessor shall come under the merit system. The County Council shall determine by ordinance whether newly-created positions shall be exempted from the merit system. Should the voters make the position of Sheriff an appointed position, the person occupying that position shall be exempt from the merit system and the position of Chief Deputy Sheriff shall no longer be exempted from the merit system. The only other exemptions from the merit system shall be those recommended by the merit system Commission or by the County Executive and authorized by ordinance of the County Council.

SECTION 7.400: DIRECTOR OF PERSONNEL

The Director of Personnel shall be appointed by the County Executive and approved by the County Council and may not be removed without the approval of the Merit System Commission. The Director of Personnel will report to the County Executive. He shall exercise those powers and perform those duties required by ordinance, administer the Merit System and perform other managerial assignments made by the County Executive. He shall certify all additions, deletions and changes in payrolls of the Merit System employees. The Director of Personnel's decision to certify or not to certify changes in the payroll may be overturned by the Director of Administration. The Director of Personnel may appeal any modification of his or her certification by the Director of Administration to the County Council.

SECTION 7.500: MERIT SYSTEM COMMISSION

7.501. There shall be a Merit System Commission composed of five (5) residents of the County, not more than three (3) of whom shall be members of the same political party, appointed by the County Executive and approved by the County Council. Members of the Commission shall be in sympathy with the merit system of public employment, shall hold no other public or political office and shall serve staggered terms, as provided by ordinance. The County Executive in consultation with the Director of Personnel will provide an independent person to function as Secretary to the Merit System Commission.

7.502. Merit System Commission Duties. The Merit System Commission shall review and evaluate the merit system operation and from time to time recommend to the County Council and the County Executive changes in policies and procedures for improved operation of the merit system and shall also:

7.502.1. Recommend to the County Council and County Executive, for establishment by ordinance, a basic pay plan, including the proposed assignment of position classifications to pay ranges contained in the basic pay plan as well as flat rates for full-time and part-time personnel and session rates for positions to which the Merit System applies; and

7.502.2. Set up and revise as necessary a position classification plan, and establish and amend rules for examination, certification, and payment of personnel within the appropriation of funds by the County Council and other necessary details of personnel administration; and

7.502.3. Hear appeals as provided by ordinance in case of disciplinary actions by appointing authorities, and from decisions of the Director of Personnel in cases involving examination and examination rating; and

7.502.4. Insure no discrimination or favoritism in employment or compensation of County employees on account of race; creed; disability; color; age; religion; national origin; gender; ancestry; political affiliation or activity or lack thereof; or union membership or non-membership; and

7.502.5. Insure employees under the merit system shall not be personally by any other employee, officer or elected official of the County solicited or required to pay any assessment or contribution or perform any service which will benefit anyone occupying or seeking employment, nomination, or election to any public office; and

7.502.6. Promulgate rules that employees under the merit system may voluntarily participate in political activities outside working hours; and

7.502.7. Promulgate rules that no officer or employee of the County shall promise or threaten to promote, remove or reduce any employee under the merit system for making or refusing to make any contribution for any political party or purpose or for rendering or refusing to render any political service.

ARTICLE VIII. INITIATIVE; REFERENDUM; AND RECALL

SECTION 8.100: GENERAL

In accordance with the procedures hereinafter provided, the people reserve the power to propose by their own initiative and to enact ordinances, independent of the Council; to approve or reject any ordinance by referendum; and to recall an elective County Officer.
SECTION 8.200: INITIATIVE

Initiative petitions may propose ordinances or the repeal of ordinances on any subject except ordinances concerning appropriations for the budgetary support of County Government and the payment of principal and interest on the County's debts, or ordinances concerning the borrowing of funds in anticipation of taxes, or directing the issuance of bonds previously authorized at an election, or ordinances establishing tax rates, or ordinances proposing amendments to the County Zoning Order. Such petitions shall be signed by registered voters equal in number to at least five percent (5%) of the total cast for Governor in each of two thirds \((2/3)\) of the Council Districts at the last election at which a Governor was chosen. The petitioners must file with the Director of Elections an intent to circulate an initiative petition and shall have a maximum of twelve (12) months to collect the required signatures after notice of that intent. Each petition shall contain not more than one (1) subject which shall be expressed clearly in the title and shall contain the full text of the measure and an enacting clause which shall read as follows: "Be it enacted by the people of St. Charles County." Such petitions shall be filed not less than six (6) months before the next general election with the Director of Elections who shall be the judge of their sufficiency. The proposed ordinance shall be submitted to the voters at the next general election held at least six (6) months after the petitions are filed. An affirmative vote of a majority of those voting on the proposition shall be sufficient for its adoption.

SECTION 8.300: RECALL

Petitions demanding the recall of any County elective officer shall be signed by registered voters in the County or the Council District, as the case may be, equal in number to at least twenty percent (20%) of the total vote cast for Governor therein at the last election at which a Governor was chosen. Such petitions shall be filed with the Director of Elections who shall be the judge of their sufficiency. The question shall be submitted to the voters in the County or Council District, as the case may be, at the next primary or general election held at least thirty (30) days after the petitions are filed. If the petitions are filed more than ninety (90) days before any such election, the question shall be submitted at a special election called by the Director of Elections. If the majority of the votes cast on the question at the election are in favor of the recall, the office shall become vacant immediately upon certification of the results by the Director of Elections. All recall proceedings shall at once be discontinued upon the death, resignation or removal of the officer whose recall is in question.

ARTICLE IX. AMENDMENTS TO CHARTER

SECTION 9.100: METHODS OF AMENDMENT

This Charter may be amended in any one (1) of the following ways:

9.101. In the manner provided in the Constitution for the framing and adopting of a County Charter; or

9.102. By ordinance adopted by the County Council and submitted to the voters at a regular or special election and approved by a majority of those voting on the proposition; or

9.103. By petitions setting forth the proposal and adopted by the voters in the manner hereinafter provided. Such petitions shall be signed by registered voters of the County and by separate Council Districts, equal in number to at least ten percent (10%) of the total vote cast for Governor in each of those County Council Districts at the last election at which a Governor was chosen. Each petition shall contain the full text of the proposal and an enacting clause which shall read as follows: "Be it resolved by the people of St. Charles County that the County Charter be amended." The petition shall be filed with the Director of Elections who shall determine its sufficiency. The proposal shall be submitted to the voters at the next general election occurring not less than ninety (90) days after the petitions are filed. An affirmative vote of a majority of those voting on any proposal shall be sufficient for its adoption.

9.104. Unless otherwise specified in this Charter, the effective date of amendments shall be the date of election certification.

SECTION 9.200: CHARTER REVIEW COMMITTEE

9.201. After January 1, 1997, and before January 20, 1997, a Charter Review Committee shall be appointed. Each Council member shall appoint one (1) Committee member who shall be a registered voter in the district represented by the appointing Council member. At least two (2) of the Committee members shall hold elective municipal office and no more than the smallest number required for a majority shall be of the same political party. Members of this Committee shall receive no compensation but the necessary expenses of the Committee shall be paid by the County.

9.202. The Committee shall frame any proposed amendment(s) by December 31, 1997, and shall deliver them to the County Council by that date. Upon delivery the Committee shall stand discharged and cease to exist.

9.203. If any proposed amendments are framed, then by March 31, 1998, the County Council shall hold one (1) or more public hearings with respect to the Charter Review Committee's amendments as framed.

9.204. Following those public hearings, and by May 31, 1998, the County Council shall adopt a resolution by recorded vote with respect to the Charter Review Committee's framed amendments, submitting them as drafted by the Charter Review Committee or as amended by the County Council, or refusing to submit them, to the electorate at the November, 1998, general election.
SECTION 9.300: CHARTER AMENDMENT COMMISSION

9.301. At the general election in November, 2000, and every ten (10) years thereafter, the County Council may submit to the voters the question "Shall there be a Charter Amendment Commission to amend the Charter?" The question shall be submitted on a separate ballot and if a majority of the votes cast thereon is in the affirmative, a Charter Amendment Commission shall be appointed in the manner set forth in the Constitution, Article VI, Section 16 (G) before January 15 next following the general election. On the death, resignation, or inability of any member to serve, the appointing authority shall appoint a successor. Members of the Charter Amendment Commission shall receive no compensation but the necessary expenses of the Charter Amendment Commission shall be paid by the County.

9.302. The Charter Amendment Commission may frame a new Charter or amendment of this Charter on or before July 31 following its appointment. On said date, the Charter Amendment Commission shall stand discharged and cease to exist. Any Charter or amendment must receive the affirmative vote of six tenths (6/10) of all the members of the Charter Amendment Commission before submission to the voters.

9.303. Any Charter or amendments framed by the Charter Amendment Commission shall take effect on the day fixed therein if approved by a vote of a majority of the voters of the County voting thereon at a special or general election held on a day fixed by the Commission. This shall be not less than thirty (30) days nor more than six (6) months after the completion of the Charter or amendments.

SECTION 9.400:

The provisions of the Constitution for framing and adopting a County Charter shall apply.

SECTION 9.500:

This Charter may be repealed in the same manner and with the same requirements and actions spelled out for amendments except that the percentage of registered voters signing the petition shall be twenty percent (20%) rather than ten percent (10%).

SECTION 9.600: 1993 AMENDMENTS

At the general election on April 6, 1993, the voters will be asked to vote upon the following three (3) amendments to the Charter:

Amendment # 1 Shall the Charter be amended to provide for the Assessor, Recorder of Deeds, and Collector to be appointed by the County Executive with the approval of the County Council and for the creation of a Department of Finance with a Director appointed by the County Executive with the approval of the County Council?

This amendment would consolidate the functions of the Assessor, Recorder of Deeds, and Collector within one department functioning under the direction of an appointed Director, whose duties and powers, qualifications and salary shall be set by ordinance before December 31, 1994.

Amendment # 2 Shall the Charter be amended to provide for the Circuit Clerk to be appointed by all the Circuit and Associate Circuit Judges of the 11th Judicial Circuit, meeting en banc?

This amendment would make the Circuit Clerk an appointive rather than elective position.

Amendment # 3 Shall the Charter be amended to provide for the Sheriff to be appointed by the County Executive with the approval of the County Council?

This amendment would make the person responsible for law enforcement an appointed person rather than elected.

ARTICLE X. GENERAL PROVISIONS; CONFLICT OF INTEREST; INTERGOVERNMENTAL RELATIONS; AND ELECTIONS

SECTION 10.100: PROHIBITIONS

10.101. Discrimination. There shall be no discrimination with respect to any County position, contract or other County action because of race; creed; color; age; religion; national origin; gender; disability; ancestry; political affiliation or activity or lack thereof; or union membership or non-membership.

10.102. Any officer or employee of the County whose pay is fixed by this Charter or by ordinance may not receive additional pay for any other services or duties for the County.

SECTION 10.200: SEVERABILITY

The Articles, Sections, Paragraphs, Subparagraphs, sentences, clauses, and all other parts of this Charter are severable, it being the purpose of this Charter to provide for the Government of St. Charles County, Missouri, in compliance in all respects with applicable law governing said County. If a court of competent jurisdiction shall adjudge invalid any one (1) or more Articles,
SECTION 10.300: RESIDENCY EXEMPTION

Other provisions in this Charter notwithstanding, no department head appointed prior to the adoption of this Charter shall be required to fulfill residency qualifications as specified herein; excepting, however, that if at the time of adoption of this Charter, or any time thereafter, a department head is, or becomes a resident of St. Charles County, such residency qualifications shall be required as specified.

SECTION 10.400: CONFLICT OF INTEREST

10.401. No officer or employee of the County, whether elected or appointed, shall in any manner whatsoever be interested in or receive any benefit from the profits or emoluments of any contract, job, work, activity, function, or service for the County. No officer or employee shall act or refrain from acting in any capacity in which he is lawfully empowered to act as such an official or employee by reason of any payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value, other than compensation to be paid by the County. No officer or employee shall knowingly accept any service or thing of value, directly or indirectly, from any person, firm or corporation having dealings with the County, upon more favorable terms than those granted to the public generally. No officer or employee shall knowingly receive, directly or indirectly, any part of any fee, commission or other compensation paid by or payable to the County, or by any person in connection with any dealings with the County, or by any person in connection with any dealing with or proceedings before any office, officer, department, board, commission or other agency of the County. No such officer or employee shall directly or indirectly be the broker or agent who procures or receives any compensation in connection with the procurement of any type of bonds for County Officers, employees or persons or firms doing business with the County interesting the performance of any contract with the County.

Editor's Note--In November, 2012, the voters agreed to amend these provisions.

10.402. No officer or employee shall use confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself, his spouse, his dependent child in his custody, or any business with which he is associated. No officer or employee shall disclose confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself or any other person.

10.403. The provisions of this Section shall be broadly construed and strictly enforced for the purpose of preventing County Officers and employees from securing any pecuniary advantages, however indirect, from their public affiliations, other than their County compensation.

10.404. Any officer or employee of the County willfully conceals any such interest or violates any of the provisions of this Section shall forfeit his office. Any contract made in violation of this Section may be declared void by the County Executive or by resolution of the County Council.

10.405. The County Council may enact ordinances to guard against injustices and to supplement the provisions and extend prohibitions against conflicts of interest not inconsistent herewith.

10.406. All officers and employees of the County shall be bound by all applicable laws that pertain to conflicts of interest of such officers and employees such as those contained in the Revised Statutes of Missouri, 1991, or its successor Statutes.

SECTION 10.500: INTERGOVERNMENTAL RELATIONS

10.501. In order to eliminate duplication of services and to provide for an equitable distribution of costs to all County residents, all departments, officers, boards and commissions provided for in this Charter, or later created, shall cooperate and coordinate their respective activities with the cities, towns, and villages and special purpose districts of the County. Any new service or activity provided for or available to all unincorporated County residents, shall be provided to or made available for all municipal residents provided such new service or activity is requested by resolution of the city, town, or village.

10.502. Any City, Town, or Village of this County may contract with the County for service delivery by either entity on a proportional cost basis. The County is hereby prohibited from setting fees or otherwise assessing charges in contracts with Cities, Towns, or Villages within the County in excess of the actual cost of delivering such service, excepting however, such State Statutory requirements for those charges such as for election or assessment of property. All service contracts and rates shall be subject to validation by independent audits by the City, Town, or Village.

10.503. New Incorporation

10.503.1. Prior to the adoption of any ordinance submitting the question of incorporation of a city, town, or village, to the voters, or prior to the declaration that any town or village is incorporated, the County Council shall hold a public hearing to determine whether the proposed incorporation meets the requirements of applicable law.

10.503.2. The language of the ballot proposition of incorporation must state all taxes to be established to provide municipal services.

10.503.3. After determining the existence of the aforementioned circumstances, the ordinance of incorporation shall be passed upon the affirmative vote of a majority of the members of the County Council, subject to the approval of
SECTION 10.600: GENERAL PROVISIONS

10.601. Nothing in this Charter, nor any ordinance adopted by the County Council, shall prohibit the rebatement to the Cities, Towns, or Villages of road and bridge taxes collected on properties within such jurisdictions. The County shall continue its rebatement program and shall not reduce the percentage of tax rebated to Cities, Towns, or Villages below the percentage level rebated in the year 1991.

10.602. All equipment, facilities, infrastructure and other County held assets shall remain the property of County's residents and shall be uniformly available and procured for public use until disposed of as provided by applicable law.

10.603. The County shall not intervene, or otherwise participate, in favor of, or in opposition to, any annexation of territory to any City, Town, or Village, unless and until the City, Town or Village shall present a purported annexation to the County that County officials determine violates the requirements of the Missouri Constitution or Statutes. Either the County Prosecuting Attorney or the County Counselor shall have the authority to bring any appropriate legal action to resolve the validity of such annexation.

10.604. Nothing in this Charter, nor any ordinance adopted by the County Council, shall reduce or eliminate any County services provided within any municipality unless such service is uniformly reduced or eliminated throughout the County or except where mutually agreed by the affected City, Town, or Village.

10.605. This Charter and all ordinances, resolutions, orders and proceedings of the County Council may be proved by the certificate of the Registrar of the County Council under the County's Seal, and the same or copies thereof when so certified or when printed and published by authority of the County Council shall be received in evidence in cases and places, and by all courts, in accordance with law and Appellate Court decisions. Copies of the books, records and papers, or parts thereof, of any department, office, officer, board, commission or agency of the County, and copies of any instrument filed for record or with the Registrar, when duly certified by the officer having custody and control thereof, shall be prima facie evidence of the recitals therein contained and shall be received in evidence in all places and by all courts without further proof, provided that same meet and comply with the rules of evidence as established by law and the decisions of the Appellate Courts of the State of Missouri.

10.606. If a Code or other volume or volumes containing this Charter or the ordinances, resolutions or orders of the County be published by authority of the County Council, the same shall be received in evidence in all courts and other places without further proof, provided that same meet and comply with the rules of evidence as established by law and the decisions of the Appellate Courts of the State of Missouri.

10.607. Any fees authorized by law to any officer or employee of the County or courts, except notaries public, shall be transferred to the General Fund of the County, unless otherwise provided by applicable law.

10.608. If before January 1, 1993, the County Commission was serving any Drainage District as its Board of Trustees, then after January 1, 1993, such Board of Trustees shall be appointed by the County Council from the residents of the Drainage District.

10.609. In the event that any of the powers or duties of Counties or County Officers prescribed by the Constitution or by Statute are withdrawn or assumed by the State, the implementation thereof and the closing or abolition of any County office may be effectuated by ordinance.

SECTION 10.700: FILING/ELECTIONS

10.701. Elections for elective County offices shall be held on a partisan basis with independent candidates running in accordance with applicable law.

10.702. Filing fees and procedures shall be determined by applicable law.

10.703. The Director of Elections shall be the election authority for the County.

10.704. Before entering into his duties, every officer shall file with the Director of Elections a certificate of election or appointment and shall take and shall subscribe before and file with the Director of Elections, his oath or affirmation that he possesses all the qualifications of the office to which he is chosen, he is not subject to any disqualifications in this Charter named, that he will support the Constitution of the United States and of the State of Missouri and that he will demean himself faithfully in office.

ARTICLE XI. TRANSITION

SECTION 11.100:

This Charter shall be submitted to the voters of St. Charles County, Missouri, at an election which shall be held on Tuesday, April 7, 1992.

SECTION 11.200:
This Charter shall become effective on January 1, 1993, except as otherwise expressly provided for in this Charter. This Charter, except as herein otherwise expressly provided, shall supersede all laws of the State of Missouri in conflict herewith, provided however, the State laws relating to nomination or election shall apply to the nomination or election of all officers required to be elected under this Charter commencing with the primary and general elections in 1992.

SECTION 11.300:

The present Presiding Commissioner will retain during 1993 and 1994 the position to which he was elected and will fulfill the functions of the executive branch during that time. In the event of a vacancy during this time, the provisions of Section 3.400 shall apply. On January 1, 1995, elected County Executive shall take office.

The present two (2) Associate Commissioner positions will be abolished after December 31, 1992.

SECTION 11.400:

11.401. The seven (7) County Council members shall be elected on November 3, 1992, and will take office on January 1, 1993. The County Council members from the second (2nd), fourth (4th), and sixth (6th) districts will be elected to a four (4) year term and those from the first (1st), third (3rd), fifth (5th) and seventh (7th) districts will be elected to a two (2) year term. In future elections, all terms will be for four (4) years.

The seven (7) County Council members will elect the Chair and Vice-Chair of the County Council as the first (1st) order of business at the first (1st) meeting of each calendar year.

11.402. After the County Council members are elected on November 3, 1992, they and the Presiding Commissioner will serve as a transition committee with secretarial and clerical assistance until they formally assume office on January 1, 1993.

SECTION 11.500: TERMS

11.501. Three (3) presently elected positions will appear on the ballot on November 3, 1992. These are the positions of Sheriff, Assessor and Treasurer. The terms of office, for this election only, will be for two (2) years.

11.502. If the voters choose to retain elected rather than appointed officials in the Charter amendment elected on April 6, 1993, each of the elected officials would then be up for election again on November 8, 1994.

SECTION 11.600:

11.601. The Sheriff will continue to operate this office as it is presently done until January 1, 1995; at that time, the office will be divided into two (2) departments. The Sheriff will be responsible for law enforcement. There will be an appointed Director of Services for Courts and Corrections in charge of the Jail and court related duties.

11.602. The Treasurer's position will be abolished after January 1, 1995, and the duties of this position will, at that time, be absorbed into other offices by virtue of ordinances adopted by the County Council.

11.603. The Public Administrator will be appointed by the Circuit and Associate Circuit Judges of the 11th Judicial Circuit meeting en banc, beginning on January 1, 1993.

SECTION 11.700:

Except for powers assigned to or removed from the respective offices by this Charter, the person occupying the offices of Director of Elections, Circuit Clerk, Collector, Recorder of Deeds, and Auditor on January 1, 1993, shall have and retain for the remainder of his term all the powers and duties of the respective offices and shall retain the titles of the respective offices as provided in this Charter.

SECTION 11.800:

If at the Charter amendment election on April 6, 1993, the voters decide that some or all positions put to a vote on that date should be appointed positions, these positions would be appointed by the newly elected County Executive and these appointees would take office after January 1, 1995. These appointments would be acted upon by the County Council as the second (2nd) order of business at the first (1st) meeting of the County Council in 1995.

SECTION 11.900:

All employees of the County on January 1, 1993, except for those exempted by Section 7.300 shall be deemed to have been hired under the merit system and hereinafter all employees shall be subject to the provisions of the merit system pursuant to the terms of this Charter or ordinance.

SECTION 11.1000:

All ordinances, resolutions, orders and regulations in force at the time this Charter takes effect and not inconsistent with the
provisions of this Charter shall remain and be in force until altered, modified or repealed.

SECTION 11.1100:
All judicial proceedings of any kind or character and all condemnation proceedings for the taking or damaging of private property for public use, and all proceedings to incur debt and issue bonds, begun or pending at the time this Charter takes effect, and all contracts for the doing of any kind of public works, not completed and performed at the time this Charter takes effect shall in no wise be affected by the adoption of this Charter; but the same may be completed in every respect as nearly as may be in accordance with the provisions of this Charter.

SECTION 11.1200:
All rights of action, contracts, titles, fines, penalties, and forfeitures accrued to and in favor of the County or against the County before this Charter goes into effect shall remain in existence in full force and effect as fully in every respect as if the Charter had not taken effect. All recognizances and contracts lawfully entered into or executed by or to the County and the lien thereof, and all writs, prosecutions, actions and causes of action shall continue and remain unaffected by this Charter.

SECTION 11.1300:
All departments, boards, commissions, and agencies currently in existence shall continue in existence until such time as their existence is terminated by action of the County Council. The departments, officers, boards, commissions, and other agencies provided for in this Charter shall be entitled to the possession of all papers, books, documents, maps, plats, records and archives now in the possession or under the control of those, respectively, who are superseded under this Charter by such departments, officers, boards, or other agencies.

SECTION 11.1400:
If any doubt shall exist as to what department, office, officer or agency of the County shall exercise or perform any power or duty conferred or imposed by the Constitution, by applicable law or by this Charter, the Council by ordinance shall specify by whom such power or duty shall be exercised or performed.

SECTION 11.1500:
All matters pending before or under consideration by the County Commission at the time this Charter takes effect, to the extent they are not inconsistent with the provisions of this Charter may be acted upon and disposed of as if they had originated and had been introduced under this Charter.

SECTION 11.1600:
Nothing in this Charter shall be deemed to affect the duties and responsibilities of any County Officer serving in an elected office after the date of the adoption of this Charter until the effective date of this Charter.

SECTION 11.1700:
Prior to January 1, 1993, the County Commission shall perform the budgetary duties assigned to the County Council.

ARTICLE XII. CERTIFICATE OF ADOPTION

We, the undersigned members of the St. Charles County Charter Commission, were duly appointed by the Circuit Court to frame a Charter for this County Government under Article VI, Section 18(a) to 18(1) of the Constitution of the State of Missouri. We certify that this Commission unanimously adopted rules for the conduct of its business that required the majority of the whole Commission to approve any provision of the Charter before its inclusion. We further certify that all provisions of the Charter were approved by the majority of the members of the Commission. This is the Constitutional Home Rule Charter for St. Charles County for submission to the vote of the registered voters at the April 7, 1992, election.

The question shall be stated on the ballot as follows:

Shall the County of St. Charles adopt for its own government, as provided in Article VI. Section 18 of the Constitution of Missouri, the Charter framed by the St. Charles County Charter Commission dated February 19, 1992?

_____ Yes
_____ No


Donald L. Boehner, Co-Chair
Keith W. Hazelwood, Co-Chair
COUNTY COUNCIL DISTRICTS

These shall be the boundaries of the County Council Districts established in Article Two, Paragraph 1104:

DISTRICT 1:

Beginning at the intersection of Missouri State Highway 79 with the St. Charles and Lincoln County lines; thence southeasterly along said centerline to its intersection with the centerline of Interstate Highway 70; thence eastwardly along said centerline to the intersection of the northwardly prolongation of the centerline of the South Access Road for Spencer Road with said Highway 70 centerline; thence southwardly leaving said centerline and along said north prolongation to its intersection with the South Outer Road; thence eastwardly along the South Outer Road to its intersection with St. Peters Centre Drive; thence south along St. Peters Centre Drive to its intersection with Mexico Road; thence westwardly along Mexico Road to its intersection with Mid Rivers Mall Drive; thence southwardly along Mid Rivers Mall Drive to its intersection with Ohmes Road; thence northwardly along Ohmes Road to its intersection with Birdie Hills Road; thence northwardly along Birdie Hills Road to its intersection with Mexico Road; thence westwardly along Mexico Road to its intersection with Belleau Creek Road; thence northwesterly along Belleau Creek Road to its intersection with the centerline of Interstate Highway 70; thence westwardly along Interstate Highway 70 to its intersection with Missouri State Highway M (Main Street) to its intersection with the North Service Road (Terra Lane); thence westwardly along said centerline to its intersection with the northward prolongation of Wilmer Road; thence southwardly along said centerline to its intersection with the South Outer Road of Interstate Highway 70; thence northwardly along said centerline to the point of beginning.

DISTRICT 2:

Beginning at the intersection of the Old U.S. Highway 40 with the Warren and St. Charles County lines; thence leaving said County lines easterly along the Old U.S. Highway 40 to its intersection with Missouri State Highway T; thence northeastwardly along Missouri State Highway T its intersection with the centerline of Interstate Highway 70 at the Foristell Overpass (Intersection of Missouri State Highway W and Missouri State Highway T); thence easterly along said centerline to the northward prolongation of Point Prairie Road; thence southwardly along said prolongation to the south right-of-way line of the South Outer Road of Interstate Highway 70; thence eastwardly along said South Outer Road to the intersection with northern prolongation of Wilmer Road; thence northwardly along the northern prolongation of Wilmer Road to its intersection with the centerline of Interstate Highway 70; thence eastwardly along said centerline to its intersection with the North Service Road (Terra Lane); thence eastwardly along the North Service Road (Terra Lane) to its intersection with Missouri State Highway M (Main Street); thence southwardly along Missouri State Highway M (Main Street) to its intersection with Missouri State Highway K; thence continuing southwardly along Missouri State Highway K 4,000 feet more or less to the intersection the easterly prolongation of property now or formerly of the City of O'Fallon, Missouri, per Book 787, Page 1029 of the St. Charles County, Missouri Recorder's Office; thence leaving Highway K and along the south line of said City tract and the southern line of property now or formerly of Hill as recorded in Book 695, Page 194 of said Recorder's Office to its intersection with Mexico Road; thence westerly along Mexico Road to the intersection with Bryan; thence southwardly along Bryan Road to its intersection with Feise Road; thence easterly along Feise Road to its intersection with Stump Road; thence southwardly along Stump Road to its intersection with Missouri State Highway N; thence southeastwardly along Highway N to its intersection with McCluer Road; thence southwestwardly along McCluer Road to its intersection with Henning Road; thence southwestwardly along Henning Road to its intersection of Weldon Spring Road; thence southwestwardly along Weldon Spring Road to its intersection of the centerline of United States Highway 40-61; thence southeastwardly along said centerline to its intersection with the Missouri River; thence southwestwardly upstream along the Missouri River to its intersection with the Warren and St. Charles County lines; thence
DISTRICT 3:
Beginning at the intersection of the Missouri River with the centerline of United States Highway 40-61; thence northwesterly along said centerline to the intersection of Missouri State Highway 94; thence northwesterly along Missouri State Highway 94 to its intersection with O'Fallon Road; thence northwesterly along O'Fallon Road to its intersection with Guttermuth Road; thence northwesterly along Guttermuth Road to its intersection with Fourth Street; thence northwesterly along Fourth Street to its intersection with Missouri State Highway N; thence easterly along Highway N to its intersection with Fifth Street; thence northwesterly along Fifth Street to its intersection with Chestnut Street; thence westwardly along Chestnut Street to its intersection with Missouri State Highway N (Fourth Street); thence along Missouri State Highway N to its intersection with Weise Road; thence northwesterly along Weise Road to its intersection with Birdie Hills Road; thence northwesterly along Birdie Hills Road to its intersection with Ohmes Road; thence southeastwardly along Ohmes Road to its intersection with Mid Rivers Mall Drive; thence northwesterly along Mid Rivers Mall Drive to its intersection with Mexico Road; thence easterly along Mexico Road to its intersection with Poele Road; thence southeasterly along Poele Road to its intersection with McClay Road; thence easterly along McClay Road to its intersection with Harper Road; thence southeasterly along Harper Road to its intersection with Missouri State Highway N; thence southeasterly along Missouri State Highway N to its intersection with Old Highway 94; thence easterly along Old Highway 94 to its intersection with Dingledine Road; thence southwardly along Dingledine Road to its intersection with Old Dingledine Road; thence southwardly along Old Dingledine Road to its intersection with Davis Street; thence westwardly along Davis Street to its intersection with Missouri State Highway N; thence southwardly along Missouri State Highway N to its intersection with Chestnut Street; thence northwardly along Chestnut Street to its intersection with Missouri State Highway N; thence northwardly along Missouri State Highway N to its intersection with O’Fallon Road; thence northwardly along O’Fallon Road to its intersection with Missouri State Highway N; thence northwardly along Missouri State Highway N to its intersection with Missouri State Highway K; thence northwardly along Missouri State Highway K to its intersection with Stump Road; thence northwardly along Stump Road to its intersection with Bryan Road; thence northwardly along Bryan Road to its intersection with Mexico Road; thence easterly along Mexico Road to its intersection with the south line of property now or formerly of Hill as recorded in Book 695, East Line of said property now or formerly of the City of O'Fallon per Book 787, Page 1029 of said Recorder's Office to its intersection with Missouri State Highway K; thence northwardly 4,000 feet more or less along Missouri State Highway K back to the point of beginning.

DISTRICT 4:
Beginning at the intersection of the centerline of Interstate Highway 70 with Missouri State Highway K; thence easterly along said centerline to its intersection of Belleau Creek Road; thence southeasterly along Belleau Creek Road to its intersection with Mexico Road; thence easterly along Mexico Road to its intersection with Birdie Hills Road; thence southerly along Birdie Hills Road to its intersection with Weise Road; thence easterly and southerly along Weise Road to its intersection with Missouri State Highway N; thence southeasterly along Highway N (Fourth Street) to its intersection with Chestnut Street; thence easterly along Chestnut Street to its intersection with Fifth Street; thence southeasterly along Fifth Street to its intersection with Missouri State Highway N; thence southeasterly along Missouri State Highway N to its intersection with Missouri State Highway N; thence southeasterly along Missouri State Highway N to its intersection with Missouri State Highway N; thence southeasterly along Missouri State Highway N to its intersection with Missouri State Highway N; thence southeasterly along Missouri State Highway N to its intersection with Missouri State Highway N; thence southeasterly along Missouri State Highway N to its intersection with Missouri State Highway N; thence southwardly along Missouri State Highway K to its intersection with Stump Road; thence southwardly along Stump Road to its intersection with Bryan Road; thence northwardly along Bryan Road to its intersection with Mexico Road; thence easterly along Mexico Road to its intersection with the south line of property now or formerly of Hill as recorded in Book 695, Page 194 of the St. Charles County, Missouri Recorder's Office; thence easterly along said south line and the south line of property now or formerly of the City of O'Fallon per Book 787, Page 1029 of said Recorder's Office to its intersection with Missouri State Highway K; thence northwardly 4,000 feet more or less along Missouri State Highway K back to the point of beginning.

DISTRICT 5:
Beginning at the intersection of West Clay Street and First Capitol Drive; thence southeasterly along First Capitol Drive to its intersection with Interstate Highway 70 and Missouri State Highway 94; thence southeasterly along Missouri State Highway 94 to its intersection with Harper Road; thence northerly along Harper Road to its intersection with McClay Road; thence westerly along McClay Road to its intersection with Poele Road; thence northwesterly along Poele Road to its intersection with Bryan Road; thence northwesterly along Bryan Road to its intersection with Mexico Road; thence easterly along Mexico Road to its intersection with the south line of property now or formerly of Hill as recorded in Book 695, Page 194 of the St. Charles County, Missouri Recorder's Office; thence easterly along said south line and the south line of property now or formerly of the City of O'Fallon per Book 787, Page 1029 of said Recorder's Office to its intersection with Missouri State Highway K; thence northwardly 4,000 feet more or less along Missouri State Highway K back to the point of beginning.
St. Charles County -- QuickCode

St. Andrews Drive; thence southeasterly along St. Andrews Drive to its intersection with the North Service Road; thence easterly along the North Service Road to its intersection with Golf Way Drive; thence northerly along Golf Way Drive to its intersection with Bedford Lane; thence easterly along Bedford Lane to its intersection with Campus Boulevard; thence southerly along Campus Boulevard to its intersection with the north right-of-way line of Interstate Highway 70; thence along the north right-of-way line of Interstate Highway 70 to its intersection with West Clay Street; thence easterly along West Clay Street back to the point of beginning.

DISTRICT 6:

Beginning at the intersection of Missouri State Highway 79 and the St. Charles and Lincoln County lines; thence easterly along said County line to the intersection of the Mississippi River; thence easterly along the Mississippi River to the confluence of the Missouri River; thence westwardly upstream along the Missouri River to the intersection of the Missouri River with Interstate Highway 70; thence westerly along Interstate Highway 70 to its intersection with South Main Street; thence northerly along South Main Street to its intersection of Reservoir Avenue; thence westerly along Reservoir Avenue to its intersection with Allen Avenue; thence southerly along Allen Avenue to the intersection of Sandra Avenue; thence westerly along Sandra Avenue to its intersection with South Fifth Street; thence northerly along South Fifth Street to its intersection of Boonslick Road; thence westerly along Boonslick Rock to its intersection with Benton Avenue; thence northerly along Benton Avenue to its intersection of Barbour Street; thence westerly along Barbour Street to its intersection with South Sixth Street; thence northerly along South Sixth Street to its intersection of McDonough Street; thence westerly along McDonough Street to the intersection of Oak Avenue; thence northwesterly along Oak Avenue to its intersection of Powell Street; thence westerly along Powell Street to its intersection of Nathan Avenue; thence northerly along Nathan Avenue to its intersection of Wilmes Avenue; thence westerly along Wilmes Avenue to the intersection of First Capitol Drive; thence along First Capitol Drive to its intersection of West Clay Street; thence westerly along West Clay Street to its intersection with the north right-of-way line of Interstate Highway 70; thence westerly along the north Interstate line of Highway 70 to Campus Boulevard; thence northerly along Campus Boulevard to its intersection of Bedford Lane; thence westerly along Bedford Lane to its intersection with Golf Way Boulevard; thence southerly along Golf Way Boulevard to its intersection with North Service of Interstate Highway 70; thence westerly along the North Outer Road to its intersection with St. Andrews Drive; thence northerly along St. Andrews Drive to its intersection with Connecticut Drive; thence westerly along Connecticut Drive to its intersection with St. Joan Lane; thence northerly along St. Joan Lane to its intersection of Sawyer Boulevard; thence southwesterly along Sawyer Boulevard to its intersection of the North Service Road; thence westerly along the North Service Road to its intersection of the east line of a tract of land now or formerly of Gemini, L.L.C., as per Book 2158, Page 31 of the St. Charles County, Missouri Recorder's Office; thence along the eastern, northern, and western line of said tract to its intersection with the North Service Road; thence along the North Service Road to its intersection of Point West Boulevard; thence northerly along Point West Boulevard to its intersection of Harry S. Truman Boulevard; thence northeasterly along Harry S. Truman Road to its intersection of Ehlmann Road; thence northeasterly along Ehlmann Road to its intersection with the present City of St. Charles City limits; thence northeasterly along said City limit line to its centerline of the Norfolk and Southern Railroad; thence along said centerline to its intersection of the westbound access lane to Interstate 370; thence southerly along said access lane to the centerline of Interstate Highway 70; thence along the centerline of Interstate Highway 70 to the intersection Missouri State Highway 79; thence northerly along Interstate Highway 79 to the intersection of the St. Charles County, Lincoln County lines with the Missouri State Highway 79 being back to the point of beginning.

DISTRICT 7:

Beginning at the intersection of Interstate Highway 70 with the Missouri River; thence southwesterly upstream along the Missouri River to its intersection with Amrein Road; thence northwesterly along Amrein Road to its intersection with Greens Bottom Road; thence southwesterly along Greens Bottom Road to its intersection with Pitman Hill Road; thence northwesterly along Pitman Hill Road to its intersection with Kisker Road; thence northeasterly along Kisker Road to its intersection with Towers Road; thence easterly along Towers Road to its intersection with Dingedline Road; thence northerly along Dingedline Road to its intersection with Old Dingedline Road, thence northerly along Old Dingedline Road to its intersection with Old Highway 94; thence westerly along Old Highway 94 to its intersection with Missouri State Highway 79; thence northerly along Old Highway 94 to its intersection with Interstate Highway 70 and First Capitol Drive; thence northeasterly along First Capitol Drive to its intersection with Wilmes Street; thence easterly along Wilmes Street to its intersection with Nathan Avenue; thence southeasterly along Nathan Avenue to its intersection with Powell Street; thence easterly along Powell Street to its intersection with Oak Street; thence southeasterly along Oak Street to its intersection with McDonough; thence westerly along McDonough to its intersection with Sixth Street, thence southerly along Sixth Street to its intersection with Barbour Street; thence easterly to its intersection with South Benton; thence southerly to its intersection with Boonslick Road; thence easterly to its intersection with South Fifth Street; thence southerly to its intersection with Sandra Avenue; thence easterly to its intersection with Allen Avenue; thence northerly to its intersection with Reservoir Avenue; thence easterly to its intersection with South Main Street; thence southeasterly to its intersection with Highway 70; thence easterly along Highway 70 back to the point of beginning.

LINK TO DISTRICT MAP IN COLOR -- CLICK HERE

AMENDMENT INDEX

<table>
<thead>
<tr>
<th>Affected Sections</th>
<th>Amendment Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>34</td>
<td></td>
</tr>
</tbody>
</table>
1.601  11-4-98
1.712.5  11-4-98
1.719  11-4-98
1.720  11-4-98
1.721  11-4-98
2.302  11-4-98
2.303  11-4-98
2.304  11-4-98
2.503  8-6-02
2.504  8-6-02
2.507  11-4-98
2.514  4-7-93
2.522  11-4-98
2.526  8-6-02
2.533  11-4-98, 11-6-12
2.534  11-4-98
2.535  11-4-98
2.601  11-4-98, 8-6-02
2.603.1  11-6-12
2.604  11-6-12
2.604.1  11-6-12
2.602  11-4-98
2.606  11-4-98
2.700  11-4-98
2.1002.4  11-6-12
2.1003  11-4-98, 8-6-02, 11-6-12
2.1101  11-4-98
3.202  11-4-98
3.204  8-3-94
3.204.1  8-3-94, 11-4-98
3.204.2  8-3-94
3.204.3  8-3-94
3.204.4  8-3-94
3.601.2  11-4-98
3.601.4  11-4-98
3.602  11-4-98
3.603  11-4-98
3.609  11-4-98
3.701  11-4-98
4.104.1  11-4-98
4.104.2  11-4-98
4.104.3  11-4-98
4.104.4  11-4-98
4.203.4  11-4-98
4.204.2  11-4-98
4.250  11-6-12
4.301.3  11-4-98
4.304.1  11-4-98
4.304.2  11-4-98
4.304.3  11-4-98
4.304.4  11-4-98
4.404.1  11-4-98
4.404.2  11-4-98
4.404.3  11-4-98
4.404.4  11-4-98
4.500  8-6-02
4.501  8-6-02
4.502  8-6-02
4.503.1  8-6-02
4.503.2  8-6-02
4.503.3  8-6-02
4.503.4  8-6-02
4.503.5  8-6-02
4.504  8-6-02
4.504.1  11-4-98
4.504.2  11-4-98
4.504.3  11-4-98
4.504.4  11-4-98, 8-6-02
4.505  8-6-02
4.602.3  11-4-98
4.602.8  8-8-06
4.603.1  11-4-98
4.603.4  11-4-98
4.701     11-4-98
4.703.1   11-4-98
4.800     11-4-98
4.801     11-4-98
4.802.1   11-4-98
4.802.2   11-4-98
4.802.3   11-4-98
4.802.4   11-4-98
4.803     11-4-98
4.803.1   11-4-98
4.804     11-4-98
4.901     11-4-98
4.903.2   11-4-98
4.904     11-4-98
4.1003.5  11-4-98
4.1004.1  11-4-98
4.1004.2  11-4-98
4.1004.4  11-4-98
4.1004.5  11-4-98
4.1005    11-4-98
4.1103.1  11-4-98
4.1103.2  11-4-98
4.1103.3  11-4-98
4.1103.4  11-4-98
4.1204.1  11-4-98
4.1204.2  11-4-98
4.1204.3  11-4-98
4.1204.4  11-4-98
4.1301.2  11-6-12
4.1303.1  11-6-12
4.1303.5  11-6-12
4.1303.5.1 11-4-98
4.1303.5.2 11-4-98
4.1303.5.3 4-6-94
4.1303.5.4 11-4-98
4.1303.6  11-6-12
4.1304.1  11-4-98
4.1304.2  11-4-98
4.1304.3  11-4-98
4.1304.4  11-4-98
4.1304.5  11-4-98
4.1304.6  11-4-98
4.1402    11-4-98
4.1403    11-4-98
4.1403.1  11-4-98
4.1403.2  11-4-98
4.1403.3  11-4-98
4.1404    11-4-98
4.1404.1  11-4-98
4.1404.2  11-4-98
4.1404.3  11-4-98
4.1405    11-4-98
4.1501    8-6-02
4.1501.3  8-6-02
4.1501.4  8-6-02
4.1501.5  11-4-98
4.1501.6  11-4-98, 11-6-12
4.1600    11-4-98
4.1601    11-4-98
4.1602    11-4-98
4.1603    11-4-98
6.201     11-6-12
6.204.1   11-4-98
6.204.3   11-4-98
6.205.2   11-4-98
6.206.4   11-4-98
6.206.5   11-4-98
6.207     4-7-93
### TITLE I. GOVERNMENT CODE

#### CHAPTER 100: GENERAL PROVISIONS

**ARTICLE I. CODIFICATION OF THE ORDINANCES OF ST. CHARLES COUNTY, MISSOURI**

**SECTION 100.010: ADOPTION AND EFFECTIVE DATE**

The codification of ordinances of St. Charles County, Missouri, consisting of Titles I through VI inclusive, is hereby adopted and enacted. All provisions of that codification shall be in full force and effect from and after the effective date of this ordinance as set forth herein. (Ord. No. 97-216 §1, 12-31-97)

**SECTION 100.020: CITATION**

This codification may be known and cited as the "Ordinances of St. Charles County, Missouri". (Ord. No. 97-216 §2, 12-31-97)

**SECTION 100.030: CONTINUATION OF PRIOR ORDINANCES**

The provisions appearing in the "Ordinances of St. Charles County, Missouri", so far as they are in substance the same as those of ordinances or orders existing at the time of the adoption of this codification, shall be considered as a continuation of those existing ordinances or orders and not as new enactments. (Ord. No. 97-216 §3, 12-31-97)

**SECTION 100.040: CONTENTS**

The "Ordinances of St. Charles County, Missouri", contains all ordinances of a general and permanent nature of St. Charles County, Missouri, enacted since January 1, 1993, including all ordinances dealing with administration, elections, building and property regulation, business and occupations, health and sanitation, public order, and similar objects. The "Ordinances of St. Charles County, Missouri", also contains certain orders of a general and permanent nature approved on or by December 31, 1992, by the former St. Charles County Commission or Court, including orders dealing with administration, elections, building and property regulation, business and occupations, health and sanitation, public order, and similar objects. (Ord. No. 97-216 §4, 12-31-97)

**SECTION 100.050: EXCLUDED ORDINANCES OR ORDINANCES NOT REPEALED**

Exclusion of any ordinance or order from the "Ordinances of St. Charles, Missouri", does not constitute the repeal of that
SECTION 100.060: CHARACTER OF EXCLUDED ORDINANCES OR ORDERS

Ordinances and orders excluded from the "Ordinances of St. Charles County, Missouri", include the following:
1. Ordinances or orders promising or guaranteeing the payment of money for the County, or authorizing the issuance of any bonds or notes of the County or any other evidence of the County's indebtedness, or authorizing any contract or obligation assumed by the County;
2. Ordinances or orders levying taxes or making special assessments;
3. Ordinances or orders appropriating funds or establishing salaries and compensation, and providing for expenses;
4. Ordinances or orders granting franchises or rights to any person, firm or corporation;
5. Ordinances or orders relating to the dedication, opening, closing, naming, establishment of grades, improvement, altering, paving, widening or vacating of streets, alleys, sidewalks or public places;
6. Ordinances or orders authorizing or relating to particular public improvements;
7. Ordinances or orders respecting the conveyance or acceptance of real property or easements in real property;
8. Ordinances or orders dedicating, accepting, or vacating any plat or subdivision in the County or any part thereof, or providing regulations for the same;
9. Zoning ordinances or orders not previously repealed and not contained in this Code;
10. Ordinances or orders establishing TIF districts or redevelopment districts. (Ord. No. 97-216 §6, 12-31-97)

SECTION 100.070: EFFECT OF REPEAL OF ANY ORDINANCE

No offense committed and no fine, penalty or forfeiture incurred, or prosecution commenced or pending previous to or at the time when any ordinance provision is repealed or amended, shall be affected by the repeal or amendment, but the trial and punishment of all such offenses, and the recovery of the fines, penalties or forfeitures shall be had, in all respects, as if the provision had not been repealed or amended, except that:
1. All such proceedings shall be conducted according to existing procedural laws; and
2. If the penalty or punishment for any offense is reduced or lessened by an alteration of the law creating the offense prior to original sentencing, the penalty or punishment shall be assessed according to the amendatory ordinance. (Ord. No. 97-216 §7, 12-31-97)

SECTION 100.080: EFFECT OF REPEAL OF A REPEALING ORDINANCE

Unless otherwise expressly provided, an ordinance that repeals a former ordinance, clause or provision does not:
1. Revive that former ordinance, clause or provision; or
2. Abate, annul or in any other way affect any proceedings had or commenced under or by virtue of the ordinance so repealed, but the same shall be as effectual and shall be proceeded on to final judgment and termination as if the repealing ordinance had not passed. (Ord. No. 97-216 §8, 12-31-97)

SECTION 100.090: OFFICIAL COPY--LOCATION OF--INCLUSION OF AMENDMENTS IN

The Official Copy of the "Ordinances of St. Charles County, Missouri", bearing the signatures of the Chair of the Council and of the County Executive and the attestation of the County Registrar as to its adoption, shall be kept on file in the office of the County Registrar. It shall be the express duty of the County Registrar or of someone authorized by that officer to insert in their designated places all amendments and all ordinances or resolutions which indicate the intention of the County Council to make the same part of the "Ordinances of St. Charles County, Missouri", when the same have been printed or reprinted in page form, and to extract from the "Ordinances of St. Charles County, Missouri", all provisions which from time to time may be repealed by the County Council. This Official Copy of the "Ordinances of St. Charles County, Missouri", and an extra copy of same, shall be available to all persons desiring to examine it. (Ord. No. 97-216 §9, 12-31-97)

Editor's Note--Reference to county clerk was changed to county registrar in accordance with ord. no. 01-121, adopted 9-26-01, set out in §129.010 of this code.

SECTION 100.100: NUMBERING OF SECTIONS

Each Section number in the "Ordinances of St. Charles County, Missouri", shall consist of two (2) parts separated by a period, the figure before the period referring to the Chapter number, and the figure after the period referring to the position of the Section in the Chapter. Both figures shall consist of three (3) digits. (Ord. No. 97-216 §10, 12-31-97)
SECTION 100.110: HEADINGS OF SECTIONS AND CHAPTERS

The headings of the Sections and Chapters of the "Ordinances of St. Charles County, Missouri", are intended as guides and not as part of this codification for purposes of interpretation or construction. (Ord. No. 97-216 §11, 12-31-97)

SECTION 100.120: SEVERABILITY

It is hereby declared to be the intention of the County Council that all of the chapters, sections, paragraphs, sentences, clauses and phrases of the "Ordinances of St. Charles County, Missouri", shall be severable. In the event that any such provision of this Codification is found by a court of competent jurisdiction to be unconstitutional or unlawful, the remaining provisions are valid unless the court finds that a valid provision is so essentially and inseparably connected with and so dependent upon the void one that it cannot be presumed that the County Council could have enacted the valid provision without the void one; or unless the court finds that the valid provision, standing alone, is incompetent and incapable of being executed in accordance with legislative intent. (Ord. No. 97-216 §12, 12-31-97)

SECTION 100.130: EFFECTIVE DATE

This ordinance shall be in full force and effect on January 1, 1998. (Ord. No. 97-216 §13, 12-31-97)

ARTICLE II. COUNTY OPERATIONS UNCHANGED

SECTION 100.140: COUNTY OPERATIONS TO BE UNCHANGED

A. All employees of the County on January 1, 1993, except for those exempted by Sections 7.300 of the Charter shall be deemed to have been hired under the Merit System and hereinafter all employees shall be subject to the provisions of the Merit System pursuant to the terms of the Charter or Ordinance.

B. All ordinances, resolutions, orders and regulations in force at the time the Charter takes effect and not inconsistent with the provisions of this Charter shall remain and be in force until altered, modified, or repealed.

C. All judicial proceedings of any kind or character and all condemnation proceedings for the taking or damaging of private property for public use, and all proceedings to incur debt and issue bonds, begun or pending at the time the Charter takes effect, all contracts for the doing of any kind of public works, not completed and performed at the time the Charter takes effect, shall in no wise be affected; but the same may be completed in every respect as nearly as may be in accordance with the provisions of the Charter.

D. All rights of action, contracts, titles, fines, penalties, and forfeitures accrued to and in favor of the County or against the County before the Charter goes into effect shall remain in existence in full force and effect as fully in every respect as if the Charter had not taken effect. All recognizances and contracts lawfully entered into or executed by or to the County and the lien thereof, and all writs, prosecutions, actions and causes of action shall continue and remain unaffected.

E. All departments, boards, commissions, and agencies currently in existence shall continue in existence until such time as their existence is terminated by action of the County Council. The departments, officers, boards, commissions, and other agencies provided for in the Charter shall be entitled to the possession of all papers, books, documents, maps, plats, records and archives now in the possession or under the control of those, respectively, who are superseded under the Charter by such departments, officers, boards or other agencies.

F. If any doubt shall exist as to what department, office, officer or agency of the County shall exercise or perform power or duty conferred or imposed by the Constitution, or by applicable law or by the Charter, the Council by ordinance shall specify by whom such power or duty shall be exercised or performed.

G. All matters pending before or under consideration by the County Commission at the time the Charter takes effect, to the extent they are not inconsistent with the provisions of the Charter may be acted upon and disposed of as if they had originated and had been introduced under the Charter. (Ord. No. 93-1 §§4-7, 1-4-93)
ARTICLE III. ADDITIONAL COUNTY PROVISIONS

SECTION 100.150: ESTABLISHMENT OF COUNTY TREE

A. The County Council of St. Charles County, Missouri, hereby recognizes the positive attributes of the Amelanchier tree and hereby designates it as the official County tree for St. Charles County, Missouri.

B. Residents of St. Charles County are hereby encouraged to plant the Amelanchier tree and encourage its municipalities to plant this splendid native tree in their parks and public areas. (Ord. No. 98-141 §§1--2, 7-30-98)

SECTION 100.160: COUNTY SEAL ESTABLISHED

A. Description Of The Seal. The County Seal is hereby established as described:

On the right half of the circle are two men in silhouette, the outermost figure to the foreground and the inner figure to the rear left of him. The two men face toward the left. The figure in the foreground, wearing a cap in the manner of a raccoon-skin, has his right leg slightly ahead of his left and both hands grip a musket. The figure in the rear, wearing a tricorner hat, stands with right hand and index finger outstretched pointing toward the western lands of the United States. The figures are shaded from dark to medium, the darkest shading being to the right of the figure. In the background, stretching from side to side is a river and a river bank lush with trees and foliage. On the left of the bank, the sun with soft halo illuminates the scene. Beneath the figures, a horizontal bar with a solid block of color contains three stars, the whole surrounded by a scroll inscribed with the words "THE SEAL OF" at the top and "ST. CHARLES COUNTY" at the bottom, all in roman capitals, which seal shall be in a circular form and not more than two and a half inches in diameter. The seal may be in monotone or in multicolor.

All directions in this description are from the point of view of a person facing the observer of the seal.

B. Symbolism Of The Seal. On May 17, 1804 William Clark arrived at the town of St. Charles to await the arrival of Meriwether Lewis from St. Louis. Five days later, on May 21, 1804, Lewis and Clark led the Corps of Discovery out into the Missouri River to begin the exploration of the Missouri River and the western regions of the Northern continent ordered by President Thomas Jefferson. Lewis and Clark stand as the principle figures in the County seal symbolizing the May 1804 voyage of discovery which began in St. Charles County. The historic Missouri River is seen behind them. The sun is seen in the east behind the river, denoting the northern flow of the Missouri River at the St. Charles docking site, as Meriwether Lewis points up the river which will carry them west. A solid banner across the bottom of the circle contains three stars to symbolize three nations under which flags St. Charles County has existed: Spain, France and the United States.

C. County Seal shall be as follows:

(Ord. No. 99-52 §§1--3, 5-3-99)

SECTION 100.165: USE OF THE SEAL OF THE COUNTY OF ST. CHARLES IN SEALS OF COUNTY OFFICERS

Any St. Charles County officer required by applicable law to affix his or her seal to any instrument shall use for that purpose the County Seal authorized by Section 100.160, Ordinances of St. Charles County, Missouri, with a similar scroll inscribed, however, with the title of the County officer in Roman capitals at the top and with the words "ST. CHARLES COUNTY, MO" at the bottom. (Ord. No. 07-037 §1, 2-27-07)

SECTION 100.170: COUNTY BUILDINGS, PARKS AND LOTS TO BE NAMED BY ORDINANCE

County buildings, parks and lots, except for the Family Arena, shall be named or renamed by ordinance. (Ord. No. 04-029 §1, 2-24-04)

CHAPTER 101: POLITICAL TOWNSHIPS

SECTION 101.010: PROCEDURE FOR THE REDISTRICTING OF POLITICAL TOWNSHIPS AFTER EACH DECENNIAL CENSUS

A. The political townships of St. Charles County shall number fourteen (14).
B. Within ninety (90) days of the approval of the new County Council districts as set forth in Article II, Section 2.1100 of the St. Charles County Charter, the Director of Elections shall recommend the division of each of the seven (7) newly redistricted council districts into two (2) political townships for recommendation to the County Council. If the Director of Elections fails to make such a recommendation, the Council shall form a Committee having no less than three (3) members of the Council which Committee shall proceed to draw the lines and recommend them to the County Council as a whole. Whether recommended by the Director of Elections or by the Committee of the Council formed pursuant to this section, such political townships shall be compact, of contiguous territory, and shall not vary more than ten percent (10%) from the average population for all political townships, according to figures available from the most recent decennial census.

C. The Council shall approve the political townships, with any modifications it deems necessary, only after the establishment of the new Council District boundaries. The manner of approval of the political townships shall be by ordinance. (Ord. No. 03-170 §§1–3, 10-29-03)

SECTION 101.020: POLITICAL TOWNSHIPS

A. The redistricting plan for the political townships as set forth herein, is hereby approved. A map of the townships is attached hereto as Exhibit A.

B. The political townships shall be fourteen in number. Each County Council District shall be divided into two (2) political townships as herein set forth:

1. Council District 1 is divided into political townships 1A and 1B:

   Beginning at the intersection of Missouri State Highway 79 with the St. Charles and Lincoln County lines; thence southeasterly along said centerline to its intersection with the centerline of Interstate Highway 70; thence easterly along said centerline to the intersection of the northerly prolongation of the centerline of the South Access Road for Spencer Road with said Highway 70 centerline; thence southwardly leaving said centerline and along said north prolongation to its intersection with the South Outer Road; thence easterly along the South Outer Road to its intersection with St. Peters Centre Drive; thence south along St. Peters Centre Drive to its intersection with Missouri Road; thence westwardly along Missouri Road to its intersection with Mid Rivers Mall Drive; thence southwardly along Mid Rivers Mall Drive to its intersection with Ohmes Road; thence northwesternly along Ohmes Road to its intersection with Birdie Hills Road; thence northerly along Birdie Hills Road to its intersection with Missouri Road; thence westwardly along Missouri Road to its intersection with Belleau Creek Road; thence northwardly along Belleau Creek Road to its intersection with the centerline of Interstate Highway 70; thence westwardly along Interstate Highway 70 to its intersection with Missouri State Highway M (Main Street); thence northerly along Missouri State Highway M (Main Street) to its intersection with the North Service Road (Terra Lane); thence westwardly along the North Service Road (Terra Lane) to its intersection with the centerline of Interstate Highway 70; thence northerly along said centerline to the northward prolongation of Wilmer Road; thence south along said prolongation to the South Outer Road of Interstate Highway 70; thence westwardly along said centerline to its intersection with the northern prolongation of Point Prairie Road; thence northwardly along said centerline to its intersection with the centerline of Interstate Highway 70; thence westwardly along said centerline to the Foristell Overpass (the intersection of Missouri State Highway W and Missouri State Highway T); thence southerly along Missouri State Highway T to its intersection with Old U.S. Highway 40 (South Service Road); thence westerly along Old U.S. Highway 40 (South Service Road) to its intersection with the Warren and St. Charles County lines; thence north along said County lines to its intersection with the St. Charles and Lincoln County lines; thence easterly along said County line to its intersection with the centerline of Interstate Highway 70; thence northerly along the centerline of Interstate Highway 70 to its intersection with the centerline of Interstate Highway 70; thence northwardly along said line, to wit, beginning at the intersection of Interstate Highway 70 and Sanderen Street; thence northerly along Sanderen Street to the intersection of Sanderen Street and East Elm Street; thence westerly along East Elm Street to the intersection of East Elm Street and Missouri State Highway M; thence northerly along Missouri State Highway M to the intersection of Missouri State Highway M and Pieper Road; thence northerly along Pieper Road to the intersection of Pieper Road and Old State Highway 79; thence northerly along Old State Highway 79 to the intersection of Old State Highway 79 and Interstate Highway 70; thence northerly along Interstate Highway 70 and Interstate Highway 70; thence northerly along the centerline of Interstate Highway 70; thence northerly along said centerline to its intersection with the North Service Road (Terra Lane); thence easterly along the North Service Road (Terra Lane) to its intersection with Missouri State Highway M (Main Street); thence northerly along Missouri State Highway M (Main Street) to its intersection with Missouri State Highway K; thence continuing southwardly along Missouri State Highway K 4,000 feet more or less to the intersection the easterly prolongation of property now or formerly of the City of O'Fallon, Missouri, per Book 787, Page 1029 of the St. Charles County, Missouri Recorder's Office; thence leaving Highway K and along the south line of said City tract and the southern line of property now or formerly of Hill as recorded in Book 695, Page 194 of said Recorder's Office to its intersection with Mexico Road; thence easterly along Mexico Road to the intersection with Bryan; thence southerly along Bryan Road to its intersection with Feise Road; thence easterly along Feise Road to its intersection with Stump Road; thence southerly along Stump Road to its intersection with Missouri State Highway N; thence...
3. Council District 3 is divided into political townships 3A and 3B:
Beginning at the intersection of the Missouri River with the centerline of United States Highway 40-61; thence northwardly along said centerline to the intersection of Missouri State Highway 94; thence northwesternly along Missouri State Highway 94 to its intersection with O'Fallon Road; thence northwesternly along O'Fallon Road to its intersection with Guttermuth Road; thence northwesternly along Guttermuth Road to its intersection with Fourth Street; thence northwesternly along Fourth Street to its intersection with Missouri State Highway N; thence eastwardly along Highway N to its intersection with Missouri State Highway N; thence northwardly along Missouri State Highway N to its intersection with U.S. Highway 40-61; thence northwesternly along Mississippi River to its intersection with Warren and St. Charles County lines; thence northwardly along said County lines back to the point of beginning, which area shall be divided by the following line, to wit, beginning at the intersection of Stump Road and Missouri State Highway N; thence westwardly along Missouri State Highway N to the Intersection of Missouri State Highway N and Post Road; thence southwardly on Post Road to the end of Post Road; thence: continuing southwardly along the projected centerline of Post Road to it's intersection with U.S. Highway 40-61; thence northwesternly along U.S. Highway 40-61 to the intersection of U.S. 40-61 and Interstate Highway 70, and having been divided the western area shall be Political Township 2A and the eastern area shall be Political Township 2B.

4. Council District 4 is divided into political townships 4A and 4B:
Beginning at the intersection of the centerline of Interstate Highway 70 with Missouri State Highway K; thence eastwardly along said centerline to the intersection of Belleau Creek Road; thence southeasternly along Belleau Creek Road to its intersection with Mexico Road; thence eastwardly along Mexico Road to its intersection with Birdie Hills Road; thence southwardly along Birdie Hills Road to its intersection with Weise Road; thence eastwardly along Weise Road to its intersection with Missouri State Highway N; thence northwesternly along Missouri State Highway N to its intersection with Fourth Street; thence southwardly along Fourth Street to its intersection with Missouri State Highway N; thence eastwardly along Missouri State Highway N to its intersection with Weldon Spring Road; thence northwesternly along Weldon Spring Road to its intersection with Missouri State Highway K; thence northwardly along Missouri State Highway K to its intersection with Highway 40-61; thence northwardly along said centerline to its intersection with United States Highway 40-61; thence northwardly along Missouri State Highway N; thence northwardly along Missouri State Highway N to its intersection with Missouri State Highway K; thence northwesternly along Missouri State Highway K to the intersection of St. Peters-Howell Road and Mid Rivers Mall Drive, and having been divided the western area shall be Political Township 3A and the eastern area shall be Political Township 3B.

5. Council District 5 is divided into political townships 5A and 5B:
Beginning at the intersection of the centerline of Interstate Highway 70 with Missouri State Highway K; thence eastwardly along said centerline to the intersection of Belleau Creek Road; thence southeasternly along Belleau Creek Road to its intersection with Mexico Road; thence eastwardly along Mexico Road to its intersection with Birdie Hills Road; thence southwardly along Birdie Hills Road to its intersection with Weise Road; thence eastwardly along Weise Road to its intersection with Missouri State Highway N; thence northwesternly along Missouri State Highway N to its intersection with Fourth Street; thence southwardly along Fourth Street to its intersection with Missouri State Highway N; thence eastwardly along Missouri State Highway N to its intersection with Weldon Spring Road; thence northwesternly along Weldon Spring Road to its intersection with Missouri State Highway K; thence northwardly along Missouri State Highway K to its intersection with Highway 40-61; thence northwardly along said centerline to its intersection with United States Highway 40-61; thence northwardly along Missouri State Highway N to its intersection with Missouri State Highway K; thence northwesternly along Missouri State Highway K to the intersection of St. Peters-Howell Road and Mid Rivers Mall Drive; thence northwesternly along Missouri State Highway N to its intersection with Missouri State Highway K; thence northwesternly along Missouri State Highway K to the intersection of St. Peters-Howell Road and Mid Rivers Mall Drive, and having been divided the western area shall be Political Township 3A and the eastern area shall be Political Township 3B.

St. Charles County -- QuickCode
southeastwardly along Highway N to its intersection with Mccluer Road; thence southwardly along Mccluer Road to its intersection with Henning Road; thence southwardly along Henning Road to its intersection with Weldon Spring Road; thence southwardly along Weldon Spring Road to its intersection of the centerline of United States Highway 40-61; thence southwardly along said centerline to its intersection with the Missouri River; thence southwardly upstream along the Missouri River to its intersection with the Warren and St. Charles County lines; thence northwardly 4,000 more or less along said County lines back to the point of beginning, which area shall be divided by the following line, to wit, beginning at the intersection of Stump Road and Missouri State Highway N; thence westwardly along Missouri State Highway N to the Intersection of Missouri State Highway N and Post Road; thence southwardly on Post Road to the end of Post Road; thence: continuing southwardly along the projected centerline of Post Road to it's intersection with U.S. Highway 40-61; thence northwesternly along U.S. Highway 40-61 to the intersection of U.S. 40-61 and Interstate Highway 70, and having been divided the western area shall be Political Township 2A and the eastern area shall be Political Township 2B.

42
Beginning at the intersection of West Clay Street and First Capitol Drive; thence southeasterly along First Capitol Drive to its intersection with Interstate Highway 70 and Missouri State Highway 94; thence southwesterly along Missouri State Highway 94 to it intersection with Harvester Road; thence northwesterly along Harvester Road to its intersection with Mexico Road; thence westerly along Mexico Road to its intersection with Thoele Road; thence northerly along Thoele Road to its intersection with McClay Road; thence continuing northwesterly along McClay Road to its intersection with Spencer Road; thence northwesterly along the centerline of the South Access Road to its intersection with Interstate Highway 70; thence westerly along the centerline of the Norfolk and Southern Railroad; thence northeasterly along said centerline to its intersection with the present City of St. Charles City limit line; thence southerly along said City limit line to its intersection with Ehlmann Road; thence southwesterly along Ehlmann Road to its intersection with Harry S. Truman Boulevard; thence westerly along Harry S. Truman Boulevard to its intersection with Point West; thence southeasterly along Point West to its intersection with the North Service Road; thence northerly along said North Service Road to the southwest corner of land now or formerly of Gemini, L.L.C., as per Book 2158, Page 131 of the St. Charles County, Missouri Recorder's Office; thence along the west, north, and east line of said tract to its intersection with the aforementioned north-right-of-way line; thence easterly along the North Service Road to its intersection with Sawyer Boulevard; thence southwesterly along Sawyer Boulevard to its intersection with St. John Lane; thence southeasterly along St. Andrews Drive to its intersection with the North Service Road; thence southeasterly along the North Service Road to its intersection with Golf Way Drive; thence northwesterly along Golf Way Drive to its intersection with Bedford Lane; thence easterly along Bedford Lane to its intersection with Campus Boulevard; thence southwesterly along Campus Boulevard to its intersection with the north right-of-way line of Interstate Highway 70; thence southwesterly along the north right-of-way line of Interstate Highway 70 to its intersection with West Clay Street; thence westerly along West Clay Street back to the point of beginning, which area shall be divided by the following line, to wit, beginning at the intersection of Missouri State Highway 364, Missouri State Highway 94, and the east boundary a tract of land known as Parcel 3-0011-6926-00-B recorded in Book 1730 on Page 1944; thence northwesterly along the east boundary the tract of land known as Parcel 3-0011-6926-00-B recorded in Book 1730 on Page 1944 to the east boundary a tract of land known as Parcel 3-0011-3280-00-15 recorded in Book 2682 on Page 1720 to the intersection of the east boundary a tract of land known as Parcel 3-0011-3280-00-15 recorded in Book 2682 on Page 1720 and McClay Road; thence westerly along McClay Road to the intersection of McClay Road and Hackman Road; thence northwesterly along Hackman Road to the intersection of Timberidge Drive and Timberidge Drive; thence westerly along Timberidge Drive to the intersection of Timberidge Drive and the northeast boundary of a tract of land known as Hermitage Subdivision recorded in Book 20 Page 195; thence northwesterly along the northeast boundary of a tract of land known as Hermitage Subdivision recorded in Book 20 Page 195 to the intersection of the northeast boundary of a tract of land known as Hermitage Subdivision recorded in Book 20 Page 195 and Timberidge Drive; thence northwesterly along Timberidge Drive to the intersection of Timberidge Drive and the northeast boundary of a tract of land known as Parcel 6-0011-5034-00-15 recorded in Book 1308 on Page 1654; thence northerly along the west boundary of a tract of land known as Parcel 6-0011-5034-00-15 recorded in Book 1308 on Page 1654 to the intersection of the west boundary of a tract of land known as Parcel 6-0011-5034-00-15 recorded in Book 1308 on Page 1654 and the west boundary a tract of land known as Parcel 6-0011-5034-00-15 recorded in Book 1537 Page 1418; thence northerly along the west boundary of a tract of land known as Parcel 6-0011-5034-00-15 recorded in Book 1537 on Page 1418; to the intersection of the west boundary of a tract of land known as Parcel 6-0011-7735-00-A recorded in Book 1537 on Page 1418 and a tract of land known as Parcel 6-0011-7303-00-0-1 recorded in Book 2010 on Page 1401 and the tract of land known as Parcel 6-0011-7303-00-0-1 recorded in Book 2010 on Page 1401 to the intersection of the tract of land known as Parcel 6-0011-7303-00-0-1 recorded in Book 2010 on Page 1401 and Mexico Road; thence westerly along Mexico Road to the intersection of Mexico Road and Jungerman Road; thence northerly along Jungerman Road to the intersection of Jungerman Road and Interstate 70; thence westerly along Interstate 70 to the Interstate 70 North Service Road and the Executive Center Loop; thence northwesterly along the Executive Center Loop to the intersection of the Executive Center Loop and the Executive Center Parkway; thence northwesterly along Executive Center Parkway to the intersection of Executive Center Parkway and the Norfolk and Southern Railway, and having been divided, the western area shall be Political Township 5A and the eastern area shall be Political Township 5B.

6. Council District 6 is divided into political townships 6A and 6B:

Beginning at the intersection of Missouri State Highway 79 and the St. Charles and Lincoln County lines; thence easterly along said County line to the intersection of the Mississippi River; thence easterly along the Mississippi River to the confluence of the Missouri River; thence downstream along the Missouri River to the intersection of the Missouri River with Interstate Highway 70; thence westerly along Interstate Highway 70 to its intersection with South Main Street; thence northerly along South Main Street to its intersection of Reservoir Avenue; thence westerly along Reservoir Avenue to its intersection with Allen Avenue; thence southerly along Allen Avenue to the intersection of Sandra Avenue; thence westerly along Sandra Avenue to its intersection with South Fifth Street; thence northerly along South Fifth Street to its intersection of Boonslick Road; thence westerly along Boonslick Road to its intersection with Benton Avenue; thence northerly along Benton Avenue to its intersection of Barbour Street; thence westerly along Barbour Street to its intersection with Sixth Street; thence northerly along South Sixth Street to its intersection of McDonough Street; thence westerly along McDonough Street to the intersection of Oak Avenue; thence northwesterly along Oak Avenue to its intersection of Powell Street; thence westerly along Powell Street to its intersection of Nathan Avenue; thence northwesterly along Nathan Avenue to its intersection of Wilmes Avenue; thence westerly along Wilmes Avenue to the intersection of First Capitol Drive; thence along First Capitol Drive to its intersection of West Clay Street; thence westerly...
St. Charles County -- QuickCode

along West Clay Street to its intersection with the north right-of-way line of Interstate Highway 70; thence westwardly along the north Interstate line of Highway 70 to Campus Boulevard; thence northwardly along Campus Boulevard to its intersection of Bedford Lane; thence westwardly along Bedford Lane to its intersection with Golf Way Boulevard; thence southwardly along Golf Way Boulevard to its intersection with North Service of Interstate Highway 70; thence southwesterly along the North Outer Road to its intersection with St. Andrews Drive; thence northwardly along St. Andrews Drive to its intersection with Connecticut Drive; thence westwardly along Connecticut Drive to its intersection with St. Joan Lane; thence northwesterly along St. Joan Lane to its intersection of Sawyer Boulevard; thence southwesterly along Sawyer Boulevard to its intersection with the North Service Road; thence westerly along the North Service Road to its intersection of the east line of a tract of land now or formerly of Gemini, L.L.C., as per Book 2158, Page 131 of the St. Charles County, Missouri Recorder's Office; thence along the eastern, northern, and western line of said tract to its intersection with the North Service Road; thence along the North Service Road to its intersection of Point West Boulevard; thence northwesterly along Point West Boulevard to its intersection of Harry S. Truman Boulevard; thence northeasterly along Harry S. Truman Road to its intersection of Ehlmann Road; thence northeasterly along Ehlmann Road to its intersection with the present City of St. Charles City limits; thence northeasterly along said City limit line to its centerline of the Norfolk and Southern Railroad; thence along said centerline to its intersection of the westbound access lane to Interstate 370; thence southwesterly along said access lane to the centerline of Interstate Highway 70; thence along the centerline of Interstate Highway 70 to the intersection Missouri State Highway 79; thence northwesterly along Interstate Highway 79 to the intersection of the St. Charles County, Lincoln County lines with the Missouri State Highway 79 being back to the point of beginning, which area shall be divided by the following line, to wit, beginning at the intersection of Interstate 70 and the Katy Trail; thence northwesterly along the Katy Trail to the intersection of the Katy Trail and the south boundary of a tract of land known as Parcel 6-014A-B2000-00-04 recorded in Book 919 on Page 394; thence westwardly along the south boundary of tract of land known as Parcel 6-014A-B2000-00-04 recorded in Book 919 on Page 394 to the intersection of the south boundary of a tract of land known as Parcel 6-014A-B2000-00-04 recorded in Book 919 on Page 394 and Riverside Drive; thence westwardly along Riverside Drive to the intersection of Riverside Drive and Main Street; thence northwardly along Main Street to the intersection of Main Street and Madison Street; thence; westwardly on Madison Street to the intersection of Madison Street and South Second Street; thence northeasterly along South Second Street to the intersection of South Second Street and Jefferson Street; thence northeasterly along Jefferson Street to the intersection of Jefferson Street and North Kingshighway; thence northwesterly along North Kingshighway to the intersection of North Kingshighway and Elm Street; thence northwesterly along Elm Street to the intersection of Elm Street and Briarcliff Drive; thence northwesterly along Briarcliff Drive to the intersection of Briarcliff Drive and Greiner Drive; thence northwesterly along Greiner Drive to the intersection of Greiner Drive and Shelburne Court; thence northwesterly along Shelburne Court to the intersection of Shelburne Court and the southeast boundary of a tract of land known as Parcel 6-0018-4956-00-08 recorded in Book 1794 on Page 1598; thence northeastwardly along the southeast boundary of a tract of land known as Parcel 6-0018-4956-00-08 recorded in Book 1794 on Page 1598 to the intersection of the southeast boundary of a tract of land known as Parcel 6-0018-4956-00-08 recorded in Book 1794 on Page 1598 and west boundary of a tract of land known as Parcel 6-0018-0205-00-4.2 recorded in Book 1065 on Page 766; thence northeastwardly along the west boundary of a tract of land known as Parcel 6-0018-0205-00-4.2 recorded in Book 1065 on Page 766 to the intersection of the west boundary of a tract of land known as Parcel 6-0018-0205-00-4.2 recorded in Book 1065 on Page 766 and the Norfolk Southern Railroad; thence westwardly along the Norfolk Southern railroad to the intersection of the Norfolk Southern Railroad and the St. Charles city limits, and having been divided the western area shall be Political Township 6A and the eastern area shall be Political Township 6B.

7. Council district 7 is divided into political townships 7A and 7B:

Beginning at the intersection of Interstate Highway 70 with the Missouri River; thence southwesterly upstream along the Missouri River to its intersection with Amrein Road; thence northwesterly along Amrein Road to its intersection with Greens Bottom Road; thence southwesterly along Greens Bottom Road to its intersection with Pitman Hill Road; thence northwesterly along Pitman Hill Road to its intersection with Kisker Road; thence northwesterly along Kisker Road to its intersection with Towers Road; thence eastwardly along Towers Road to its intersection with Dingleton Road; thence northwardly along Dingleton Road to its intersection with Old Dingleton Road, thence northwesterly along Old Dingleton Road to its intersection with Interstate Highway 70 and First Capitol Drive; thence northwesterly along First Capitol Drive to its intersection with Wilmes Street; thence eastwardly along Wilmes Street to its intersection with Nathan Avenue; thence southwesterly along Nathan Avenue to its intersection with Powell Street; thence eastwardly along Powell Street to its intersection with Oak Street; thence southeastwardly along Oak Street to its intersection with McDonough; thence eastwardly along McDonough to its intersection with Sixth Street, thence southwardly along Sixth Street to its intersection with Barbour Street; thence eastwardly to its intersection with South Benton; thence southwardly to its intersection with Boonslick Road; thence eastwardly to its intersection with South Fifth Street; thence southwardly to its intersection with Sandra Avenue; thence eastwardly to its intersection with Allen Avenue; thence northwardly to its intersection with Reservoir Avenue; thence eastwardly to its intersection with South Main Street; thence southwardly to its intersection with Highway 70; thence eastwardly along Highway 70 back to the point of beginning, which area shall be divided by the following line, to wit, beginning at the intersection of the west bank of the Missouri River and Missouri State Highway 364; thence northwesterly along Missouri State Highway 364 to the intersection of Missouri State Highway 364 and the Katy Trail; thence southwesterly along the Katy Trail to the intersection of the Katy Trail and Jungs Station Road; thence northwesterly along Jungs Station Road to the intersection of Jungs Station Road and Missouri State Highway 94, and having been divided the western area shall be Political Township 7A and the eastern area shall be Political Township 7B.

C. The County Council districts as herein adopted were provided to the County Election Authority to name and number the fourteen political township districts, and those township names and numbers are as follows:

<table>
<thead>
<tr>
<th>Political Township District</th>
<th>Political Township Name</th>
<th>Political Township Numeric Designation</th>
</tr>
</thead>
</table>
44 |
D. Any and all elections for County political township district members from the date of this ordinance shall be held in the fourteen political townships as adopted by this ordinance. (Ord. No. 03-152 §§1--4, 10-1-03)

APPENDIX I. POLITICAL TOWNSHIPS MAP

LINK TO POLITICAL TOWNSHIPS MAP IN COLOR -- CLICK HERE

CHAPTER 104: SCREENING PROCESS FOR NEW COUNTY EMPLOYEES

Editor's Note--This section has been renumbered at the county's request; it was previously numbered 105.010.

SECTION 104.010: SCREENING PROCESS FOR NEW COUNTY EMPLOYEES AND BOARDS AND COMMISSIONS

A. It is hereby adopted as the policy of this County that the hiring of any personnel who may come into contact with children during the course of their regular employment shall be screened as a part of the hiring process by inquiring of the child abuse and neglect screening program maintained by the Division of Family Services, Department of Social Services as to whether that potential employee is listed on the central registry of persons against whom abuse or neglect has been substantiated.

B. As a part of this policy the County Executive or his designee is directed to immediately establish contact with the screening program by inquiring, in writing, of the Director, Division of Family Services, 615 Harden Court, Jefferson City, Missouri 65109. The County Executive or his designee shall identify himself as the primary contact for this employer.

C. It is further adopted as policy that a criminal records check shall be made on all such personnel who come into contact with children as a part of their regular employment, in addition to such check with the Division of Family Services, to determine if a potential employee has been criminally convicted of a child abuse or neglect related charge.

D. Offers of employment to persons who would come into contact with children as a part of their regular employment shall be conditioned upon a reply from the screening program at the Division of Family Services and a criminal records check that are

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clean of any substantiation or conviction of charges related to child abuse or neglect. Current employees who would come into contact with children as a part of their regular employment and volunteers who spend five (5) hours or more a month in a program in which they would come in regular contact with children as a part of their volunteer work shall be screened through the Division of Family Services within ninety (90) days of the effective date of this Section (3-28-96). A criminal records check shall not be mandatory for any current employee. Employees and volunteers subject to the requirements of this Section shall be re-screened through the Division of Family Services at least every five (5) years. The County Executive or his designee shall designate positions covered by the reporting provisions of this Section (3-28-96).

E. All boards, agencies and commissions, receiving any funding from the general revenue of St. Charles County shall also adopt the policy regarding the hiring of any personnel and the acceptance of volunteers who spend five (5) hours or more a month, when either employees or volunteers may come into contact with children during the course of their employment as set out in Subsections (A–D) of this Section and shall require that agencies and boards who receive County funds from County boards and commissions shall adopt this policy. Such policy shall set forth the responsible party in each organization whose duties include the authority to designate which positions are covered by the policy. Annual application for funds from the general revenue made by any board, agency or commission shall include evidence that new employees have been screened by DFS and in a criminal records check and have been found clean in both record checks. Current employees and volunteers who spend five (5) hours or more a month in a program in which they would come in regular contact with children as a part of their volunteer work shall have evidence presented that they were screened by the Division of Family Services and their records came back clean of substantiation of child abuse or neglect. Employees and volunteers subject to the requirements of this Section shall be re-screened through the Division of Family Services at least every five (5) years.

F. Upon passage and approval, the County Executive or his designee shall notify the County's departments, boards and commissions of this policy, as well as all agencies who receive funds for the purpose of assistance to the County's indigent residents. (Ord. No. 96-40 §§1–6, 3-28-96)

CHAPTER 105: INDEMNIFICATION OF COUNTY OFFICIALS AND EMPLOYEES

Editor's Note--These sections have been renumbered at the county's request; they were previously numbered article II of ch. 105, §§105.020–105.100.

SECTION 105.010: DEFENSE OF SUITS AND CLAIMS

If a County Official or employee requests the County Counselor to defend him against any claim or action against him for an injury alleged to arise out of an act or omission occurring within the scope of his duties or employment as an official or employee of the County and such request is made in person or in writing no later than twenty (20) days after service of process or notification of impending claim or suit, the County shall investigate, defend, negotiate or compromise such claims, actions or judgment resulting from trial, on behalf of the officials or employee, as deemed appropriate by the County Counselor or his designee.

1. Exclusions. In no event shall protection be afforded under this Chapter by the County to:
   a. Any dishonest, fraudulent, criminal, willful, wanton, intentional or malicious act or course of conduct of an official or employee;
   b. Any act or course of conduct of an official or employee which is not performed on behalf of the County;
   c. Any act or course of conduct which is outside the scope of an official's or employee's service or employment with the County;
   d. Any lawsuit brought against an official or employee by the County;
   e. Any act or omission contrary to or not in furtherance of any adopted County policy; or
   f. Any liability or property damage incurred as a result of an employee's use of a personal vehicle on County business, unless the employee has on file with the County proof of current and valid auto bodily injury and property damage liability insurance. The employee's insurance shall be primary and the County's insurance or other obligation pursuant to this Chapter shall be in excess of the employee's insurance.

2. Determination within scope of employment. It shall be within the discretion of the County Counselor to determine whether a claim or action arises out of an act or omission occurring within the scope of employment. Persons shall not be entitled to County defense and protection for the named exclusions.

3. Persons protected. This Chapter applies to all County employees, elected or appointed officials, and to members of County boards or commissions, and County entities. It is also applicable to former County employees, officials, and members of boards, commissions and County entities. This Chapter does not apply to employees of any other public entity beyond those described above, even if that entity receives funding from the County, in whole or in part, or to private persons or firms doing business with the County. Independent contractors are excluded from the coverage of this Chapter.

4. Compromise. For purposes of this Chapter, the term "compromise" shall include settlements of claims or of judgments.

5. No obligation for punitive or exemplary damages. In no event shall this Chapter require the County to pay any part of a claim or judgment for punitive or exemplary damages.

6. Requests required for representation. If the County Counselor does not receive, in person or in writing, the request from the
employee or official within the twenty (20) day period after service of process or other notification, the County Counselor's office may exercise its discretion to decline the defense and representation of said employee or official.

7. Employee retains outside counsel. If an employee or official elects to retain outside counsel there shall be no right to reimbursement for legal expenses or right of indemnification as provided by this Chapter.

8. Notice to employee of claim/suit. In the event that service of process is accepted by someone other than the named defendant but who is a County employee or agent and, therefore, legally capable of accepting service, the County Counselor shall be immediately notified of such service. Furthermore, upon receipt of notification of suit or claim the County Counselor shall give prompt notice to the individual being sued in order to apprise said individual of the pending claim or litigation. Notification to the individual shall include a brief statement from the County Counselor reciting the nature of the suit or claim, a copy of this Chapter and advisement that the employee or official must request to have the County Counselor defend the suit or claim and that such request must be in writing, within twenty (20) days. (Ord. No. 94-212 §1, 12-28-94)

SECTION 105.020: COUNTY COUNSELOR TO BE SOLELY RESPONSIBLE FOR CONDUCT OF LITIGATION

Any investigation, defense, negotiation, or compromise of any claim covered by this Chapter shall be conducted by the County Counselor, provided that in instances where circumstances require it, outside counsel may be retained by the County to conduct such representation. The retention of outside counsel in the defense of claims or suits shall be within the discretion of the County Counselor. If outside counsel is retained to represent an official or employee, the County Counselor shall notify the employee or official of said representation.

1. Responsibility for negotiations. The County Counselor shall be the sole agent authorized to negotiate on behalf of the County and its employees. An employee or official's independent act of compromise or settlement of claims shall be grounds for forfeiture of the protections afforded under this Chapter.

2. Retention of outside counsel by defendant county official or employee. Subject to the other provisions of this Section, a defendant County Official or employee may retain separate counsel at his own expense to participate in his defense. (Ord. No. 94-212 §2, 12-28-94)

SECTION 105.030: EMPLOYEE'S AND OFFICIAL'S COOPERATION

Any persons and County entities seeking the benefit of this Chapter shall cooperate with the attorneys conducting any investigation and preparing any defense by assisting the attorneys in all respects including the making of settlements, the securing and giving of evidence, attendance at hearings and trials, helping them to obtain the attendance of witnesses at hearings and trials and to secure other evidence and keeping the attorneys notified of their whereabouts. (Ord. No. 94-212 §3, 12-28-94)

SECTION 105.040: EXCLUSION OF WORKERS' COMPENSATION CLAIMS

This Chapter is not meant to cover County Workers' Compensation claims, which are covered by separate provisions and Chapter 287, RSMo. (Ord. No. 94-212 §4, 12-28-94)

SECTION 105.050: INSURANCE

The County may, in its discretion, expend funds to procure one (1) or more policies of insurance to insure against all or any portion of the potential liabilities of the County and its officials, employees or entities.

1. Indemnification limited by insurance. Should the County elect to procure a policy of insurance pursuant to Section 105.050, which policy covers an action or claim brought against a County employee within the meaning of this Chapter, that employee's right to indemnification under this Chapter shall be limited by the policy limits of said policy of insurance.

2. Self-insurance fund. Damage claims not covered by existing insurance policies shall be paid out of the appropriate general ledger and insurance account. (Ord. No. 94-212 §5, 12-28-94; Ord. No. 97-174 §1, 10-29-97)

SECTION 105.060: COUNTY LIABILITY

Nothing contained in the provisions of this Chapter shall be construed to broaden the liability of the County beyond the provisions of Sections 537.600 to 537.610, RSMo., nor to abolish or waive any defense at law or equity which might otherwise be available to any County official, employee or entity. For claims falling within the scope of Sections 537.600 to 537.610, RSMo., a covered employee's right to indemnification under this Chapter shall be co-extensive with and shall not extend beyond the limits of the County's liability as set out in those Sections; the County's liability limit and the employee's right to indemnification shall be one (1) and the same and there shall not be separate limits for each. Nothing in this Chapter shall be construed as a waiver of the County's immunity from liability for punitive damages under 42 United States Code, Sections 1981--1988, or any other defense or immunity under that law on behalf of the County or any County Official or employee.

1. Proper expenditure of county funds. The establishment by this Chapter of authority for defense and indemnification of claims or judgments is deemed a necessary and proper public purpose for which funds of this County may be expended. (Ord. No. 94-212 §6, 12-28-94)

SECTION 105.070: PENDING CLAIMS
SECTION 105.080: SATISFACTIONS OF JUDGMENTS, CLAIMS AND SETTLEMENT OF LITIGATION

Judgments entered against employees or officials, except judgment for punitive or exemplary damages, shall be self-executing and shall not require any further legislative action. The Director of Finance is authorized to pay any and all such judgments upon finality as advised by the County Counselor. Payment of judgments shall include all court-ordered costs and attorney's fees.

1. Settlement of claims/suits. Settlement of claims and suits shall be accomplished in the following manner:

   a. Claims of seven thousand five hundred dollars ($7,500.00) or less may be settled by the County Counselor or insurance company without legislative approval; the Director of Finance is authorized to pay any and all such claims, upon the advice of the County Counselor.

   b. Claims of more than seven thousand five hundred dollars ($7,500.00) but not in excess of one hundred thousand dollars ($100,000.00) may be settled upon recommendation of the County Counselor and approval by the Director of Administration. The Director of Finance is authorized to pay any and all such claims upon receipt of written approval signed by the Director of Administration. The County Executive shall inform the County Council of settlements in excess of fifty thousand dollars ($50,000.00) within five (5) business days of the finalization of such settlement.

   c. Claims over one hundred thousand dollars ($100,000.00) requiring payment from the general fund or any County fund source may only be settled upon recommendation of the County Counselor and approval by a majority of the County Council. Claims over one hundred thousand dollars ($100,000.00) covered by insurance may only be settled in accordance with the County Counselor's recommendation and under the terms of the County's contract of insurance. (Ord. No. 94-212 §8, 12-28-94; Ord. No. 01-001 §1, 1-8-01; Ord. No. 09-147 §1, 12-23-09)

SECTION 105.090: INDEMNIFICATION FOR CLAIMS NOT DEFENDED BY COUNTY COUNSELOR -- WHEN

If the County Counselor declines to defend an official or employee under the provisions of Section 105.010 of this Chapter in any action, suit or proceeding to which he is made a party by reason of the fact that he is or was an official or employee, and such official or employee is successful on the merits in the defense thereof, the County shall indemnify such official or employee against all expenses, including reasonable attorneys' fees, incurred by him in connection therewith. Further, if such action or proceeding is settled and not determined on the merits or if determined on the merits adversely to the official or employee, the County shall indemnify the official or employee against his expenses as aforesaid and against any judgment or amounts paid in settlement actually and reasonably incurred by him if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the County. The determination of whether an official or employee acted in good faith and in the foregoing manner shall be made by the St. Charles County Council by a majority vote of a quorum consisting of Council Members who were not parties to the act, suit or proceeding, or, if such quorum is not obtainable or even if obtainable, a quorum of disinterested Council Members fails to make such a determination, by a court of competent jurisdiction. (Ord. No. 94-212 §9, 12-28-94)

CHAPTER 110: CONFLICTS OF INTEREST

SECTION 110.010: DECLARATION OF POLICY

The proper operation of County Government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the County. (Ord. No. 93-151 §1, 8-31-93; Ord. No. 94-145 §1, 8-31-94)

SECTION 110.020: CONFLICTS OF INTEREST

Conflicts of interest shall be handled as follows:

1. Any member of the St. Charles County Council who has a substantial personal or private interest, as defined by State law, in any matter before the St. Charles County Council shall disclose on the record of the St. Charles County Council the nature of his interest and shall disqualify himself from voting on any matters relating to this interest.

2. The County Executive, if he has a substantial personal or private interest, as defined by State law, in any bill or ordinance proposed or pending before the County Council, shall, before he passes on the bill or ordinance, file a written report of the nature of the interest with the County Registrar and such statement shall be recorded in the appropriate journal or other records of proceedings of the County Council. (Ord. No. 93-151 §2, 8-31-93; Ord. No. 94-145 §2, 8-31-94)
SECTION 110.030: DISCLOSURE REPORTS

Each elected official, the Director of Administration, the Director of Finance and the County Counselor shall disclose the following information by May first (1st) if any such transactions were engaged in during the previous calendar year:

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

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

3. The Director of Administration and the County Auditor also shall disclose by May first (1st) for the previous calendar year the following information:
   a. The name and address of each of the employers of such person from whom income of one thousand dollars ($1,000.00) or more was received during the year covered by the statement;
   b. The name and address of each sole proprietorship that he owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partners' units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;
   c. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

(Ord. No. 93-151 §3, 8-31-93; Ord. No. 94-145 §3, 8-31-94)

SECTION 110.040: FILING OF REPORTS

The reports, in the attached format, shall be filed with the County Registrar and with the Ethics Commission. The reports shall be available for public inspection and copying during normal business hours. (Ord. No. 93-151 §4, 8-31-93; Ord. No. 94-145 §4, 8-31-94)

Editor's Note--Reference to county clerk was changed to county registrar in accordance with ord. no. 01-121, adopted 9-26-01, set out in §129.010 of this code.

SECTION 110.050: FINANCIAL INTEREST STATEMENTS--WHEN FILED

The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year:

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

2. Every other person required to file a financial interest statement shall file the statement annually not later than May first (1st) and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st); provided that any person required to file may supplement the financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement. (Ord. No. 93-151 §5, 8-31-93; Ord. No. 94-145 §5, 8-31-94)

CHAPTER 112: OPEN MEETINGS AND RECORD POLICY

SECTION 112.010: ADOPTION OF THE SUNSHINE LAW

In satisfaction of Section 610.028.2 of the Revised Statutes of the State of Missouri, the Sunshine Law of the State of Missouri is hereby adopted by the County of St. Charles, except as modified by amendments or modifications set forth in this Chapter. (Ord. No. 02-208 §1, 12-23-02; Ord. No. 04-134 §1, 9-1-04)

SECTION 112.020: DEFINITIONS

As used in this Chapter, unless the context otherwise indicates or unless the term is defined below, the terms as used in this Chapter shall be defined as set forth in the Sunshine Law as codified at Section 610.010, RSMo.:
CUSTODIAN: The position in each department of the County designated as the Records Custodian for the departmentally retained records. The custodian of the archived records of the County of St. Charles is the Registrar.

REQUEST FOR ACCESS: A written statement for a public record. The written statement may be hand-delivered, received by United States mail or private mail service, sent by facsimile, or sent to an official electronic mail (i.e., e-mail) site of the custodian of records for that record. Electronic mail shall be deemed received when it is opened. (Ord. No. 02-208 §2, 12-23-02; Ord. No. 04-134 §1, 9-1-04)

SECTION 112.025: RECORDING OF PUBLIC MEETINGS
A. Public meetings may be recorded by audiotape, videotape or other electronic means pursuant to the following guidelines:
   1. The person or persons so taping shall give notice to the Chair of the meeting of their intent to record; and
   2. The person or persons so taping shall not disturb the meeting by their physical location, by placing equipment which blocks the audience's view of the members of the meeting or the members' view of the audience, nor may the person or persons recording interfere with the official recording or broadcasting of the meeting.
B. Closed meetings may not be recorded. (Ord. No. 04-134 §1, 9-1-04)

SECTION 112.030: OPEN MEETINGS AND RECORDS -- EXCEPTIONS
A. Except as set forth in Subsection (B) of this Section, no meeting or vote may be closed without an affirmative public vote of the majority of a quorum of the public governmental body. The vote of each member of the public governmental body on the question of closing a public meeting or vote and the specific reason for closing that public meeting or vote by reference to a specific Section of this Chapter shall be announced publicly at an open meeting of the governmental body and entered into the minutes.
B. A public governmental body proposing to hold a closed meeting or vote shall give notice of the time, date and place of such closed meeting or vote and the reason for holding it by reference to the specific exception allowed pursuant to the provisions of Section 610.021, RSMo. Such notice shall comply with the procedures set forth in Section 610.020, RSMo., for notice of a public meeting.
C. Any meeting or vote closed pursuant to Section 610.021, RSMo., shall be closed only to the extent necessary for the specific reason announced to justify the closed meeting or vote. Public governmental bodies shall not discuss any business in a closed meeting, record or vote which does not directly relate to the specific reason announced to justify the closed meeting or vote. Public governmental bodies holding a closed meeting must close only an existing portion of the meeting facility necessary to house the members of the public governmental body in the closed session, allowing members of the public to remain to attend any subsequent open session held by the public governmental body following the closed session.
D. Nothing in Sections 610.010 to 610.028, RSMo., shall be construed as to require a public governmental body to hold a closed meeting, record or vote to discuss or act upon any matter, however, those meetings, records and votes which are authorized to be closed by Section 610.021, RSMo., or other applicable Federal or State laws or County ordinances, shall be closed records unless the County Executive or his designee authorizes the release of information which the County Executive or his designee has determined to be in the public interest for health, welfare or safety reasons. Such authority shall be subject to Section 112.060 OSCCMO with regard to Social Security numbers.
E. Public records shall be presumed to be open unless otherwise exempt pursuant to the provisions of this Chapter or Chapter 610, RSMo. (Ord. No. 02-208 §3, 12-23-02; Ord. No. 04-134 §1, 9-1-04; Ord. No. 05-141 §1, 9-27-05)

SECTION 112.040: CUSTODIANS OF RECORDS
The Registrar of St. Charles County shall be the custodian of records for St. Charles County and shall keep the archived records of the County and the minutes of the County Council. Each department of the County shall name a custodian of records for County records kept within that department. The identity and location of a department's custodian is to be made available upon request. (Ord. No. 02-208 §4, 12-23-02; Ord. No. 04-134 §1, 9-1-04)

SECTION 112.050: ACCESS TO RECORDS--FEES
A. Except as otherwise provided by law, each public governmental body of St. Charles County shall provide access to and, upon request, furnish copies of public records subject to the following:
   1. Fees for copying public records shall not exceed ten cents ($.10) per page for a paper copy not larger than nine (9) by fourteen (14) inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope of the request, the public governmental body shall produce the copies using employees of the body that result in the lowest amount of charges for search, research and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester.
2. Fees for providing access to public records maintained on computer facilities, recording tapes or disks, video tapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items and for paper copies larger than nine (9) inches by fourteen (14) inches or devices shall include the cost of copies, staff time which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the disk or tape used for the duplication. Fees for map, blueprints or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming.

B. Payment of such copying fees may be requested prior to the making of copies.

C. Except as otherwise provided by law, each public governmental body of the County shall remit all monies received by or for it from fees charged pursuant to this Section to the Department of Finance for deposit to the General Revenue Fund of the County.

D. Fees for duplication and research time arising from requests from political subdivisions located within St. Charles County may be waived or reduced by the County Council on its consent agenda and all such requests by political subdivisions for waiver or reduction of research and/or duplication costs shall be placed on the next available consent agenda after referral from the County Executive's office. The County Executive shall refer an item after reasonably determining the cost of research and duplication of the requested information. (Ord. No. 02-208 §5, 12-23-02; Ord. No. 03-134 §1, 9-8-03; Ord. No. 04-134 §1, 9-1-04)

SECTION 112.060: DISCLOSURE OF SOCIAL SECURITY NUMBERS PROHIBITED--EXCEPTION

No County entity shall publicly disclose any Social Security number of a living person unless such disclosure is permitted by Federal law, Federal regulation or State law or unless such disclosure is authorized by the holder of that Social Security number or unless such disclosure is for use in connection with any civil, criminal, administrative or arbitral proceeding in any Federal, State or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State or local court. Notwithstanding any other provision of law to the contrary, the disclosure of Social Security numbers of deceased persons shall be lawful, provided that the County department disclosing the information knows of no reason why such disclosure would prove detrimental to the deceased individual's estate or harmful to the deceased individual's living relatives. For the purposes of this Section, "publicly disclose" shall not include the use of any Social Security number by any State entity in the performance of any statutory or constitutional duty or power or the disclosure of any Social Security number to another State entity, political subdivision, agency of the Federal Government, agency of another State or any private person or entity acting on behalf of, or in cooperation with, a County or State entity. Any person or entity receiving a Social Security number from any entity shall be subject to the same confidentiality provisions as the disclosing entity. For purposes of this Section, "County entity" means any County department, division, agency, bureau, board, commission, employee or any agent thereof. When responding to any requests for public information pursuant to this Chapter, any costs incurred by any County entity complying with the provisions of this Section may be charged to the requester of such information. (Ord. No. 02-208 §6, 12-23-02; Ord. No. 04-134 §1, 9-1-04)

CHAPTER 115: PERSONNEL

PART 1. PERSONNEL ADMINISTRATION PROGRAM: BENEFITS AND CONDITIONS OF EMPLOYMENT

ARTICLE I. GENERAL PROVISIONS

SECTION 115.010: TITLE AND PURPOSE

A. Title. This Chapter shall be known and may be cited as "Benefits and Conditions of Employment, St. Charles County", and is part of St. Charles County's Personnel Administration Program.

B. Scope. This Chapter applies to all St. Charles County employees.

C. Purpose. This Chapter partly fulfills the mandate of the St. Charles County Charter, which requires the establishment of a Personnel Administration Program for all County employees under the direction of the Human Resources Director, with a Merit System within the Program covering all employees except as otherwise provided in the Charter. This Chapter is part of the Personnel Administration Program, along with ordinances establishing the St. Charles County Merit System and the St. Charles County Basic Pay Plan.

D. Governing Provisions. The provisions of the former Interim Employee Handbook are now replaced in their entirety by the passage of the Personnel Administration Program, Parts 1, 2 and 3. (Ord. No. 96-13 Ch. 1 §§A--D, 2-6-96; Ord. No. 00-022 §1, 2-29-00; Ord. No. 10-001 §1, 1-27-10)

SECTION 115.020: DEFINITIONS

When used herein and unless otherwise indicated herein, the following words and phrases shall have the meanings assigned in this Chapter. When used herein and unless otherwise indicated herein, any word or phrase that is or shall be defined in St. Charles County -- QuickCode
County ordinances establishing or regulating the County's Merit System and Basic Pay Plan shall have the meanings assigned in those ordinances:

**APPOINTING AUTHORITY:**
1. Directors, commissioners or department heads as specified in Article III §3.601.1 of the Charter;
2. Directors, commissioners or department heads as specified in Article III §3.601.2 of the Charter; or
3. Any other person having power by law, ordinance, or delegated authority to make appointments and to take management and disciplinary actions.

**APPOINTMENT:** The designation and induction of a person, by proper authority, as a County employee.

**BASIC PAY PLAN:** A schedule of wage rates and applicable provisions related thereto as established by ordinance.

**CHARTER:** The St. Charles County Charter (2006) as amended.

**CHIEF DEPUTY:** A position designated by an appointing authority or elected official and budgeted by the County Council, whose occupant is exempt from the Merit System and who may be appointed or removed at the discretion of the appointing authority or elected official.

**COMPENSATION:** Salary, wages, fees, allowances, and all other forms of valuable consideration, earned by or paid by the County to an employee or elected official for service in any County position, excluding allowances for expenses authorized and incurred in the course of employment as incidents to employment.

**COMPENSATORY TIME:** Either "FLSA compensatory time" or "County compensatory time".
1. a. "FLSA compensatory time" is compensation received by County personnel pursuant to the schedule published by the Department of Human Resources subject to approval by the Director of Administration.
   b. "FLSA compensatory time" may be earned at either the straight time or time and one-half (½) rate and will always be granted as time off or paid to the employee.
2. "County compensatory time" may be granted to certain FLSA-exempt employees as defined by the Department of Human Resources upon approval by the Director of Administration. It is accumulated whenever FLSA-exempt employees are directed to and work hours in excess of their regular schedules, as opposed to FLSA compensatory time.

**COUNTY:** St. Charles County, Missouri.

**DEPARTMENT:** Any office or department established pursuant to Article Four of the Charter or in existence at the time of its adoption or by subsequent ordinance.

**DIRECT THREAT TO SAFETY:** A significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

**DISABILITY:** A physical or mental impairment that substantially limits one (1) or more major life activities. Mitigating measures such as medications and medical devices will not be considered in making a disability determination. Transitory and minor impairments or conditions, defined as having an actual or expected duration of six (6) months or less, do not qualify as a disability.

**ELECTED OFFICIAL:** Any officer of the County required by the Charter to be elected by a vote of the people.

**EMPLOYEE:** Any person in the service of St. Charles County except contractors and elected officials.

**ESSENTIAL JOB FUNCTIONS:** The primary job duties of a position that are core to performing the job; duties that support the reason a position exists.

**FISCAL EMERGENCY:** A crisis caused by significant revenue shortfall or reduction in funds which threaten the orderly operation of County Government.

**FURLough:** A voluntary temporary reduction of work hours and/or the placement of an employee on voluntary leave without pay due to a current or anticipated budgetary shortfall.

**HE:** He, she, or they.

**IMMEDIATE FAMILY:** Spouse; children; step-children; parents; siblings; step-parents; half-siblings; and step-siblings. In addition, grandchildren living in the house are considered immediate family.

**KEY EMPLOYEE:** A salaried employee other than an elected official who is among the highest paid ten percent (10%) of all employees employed by the County as determined at the time of the absence for "sick leave".

**LAYOFF:** The removal of an employee from the County's payroll because of lack of work for the employee, failure of financial appropriation or other causes that do not reflect discredit on the employee.

**MAJOR LIFE ACTIVITY:** May include things such as caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating or working. A "major life activity" may also include bodily functions such as functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive systems.

**PARENT:** The term parent means a biological parent or person who stood in loco parentis to the employee.

**POSITION:** A collection of duties and responsibilities that comprise the activities normally assigned to one (1) employee.
1. "Permanent position" is any position included in the budget that is likely to require the services of an employee without interruption for a period of one (1) year or more. There are two (2) types of permanent positions:
   a. "Permanent full-time position" is any position that requires the services of an employee for:
      (1) At least thirty-seven and one-half (37½) hours a week;
      (2) At least forty (40) hours a week on a recurring or continual basis if hired after January 10, 1994, or promoted after February 4, 1995, or re-classified to a position in a higher pay grade after February 13, 1996, or who occupied a position that was raised to a higher pay grade after February 13, 1996; or
      (3) Any law enforcement or corrections position which requires the services of an employee for not more than one hundred sixty-five (165) hours in a twenty-eight (28) day period.
   b. "Permanent percentage time position" is any position that requires the services of an employee for a consistent number of hours per week, but for fewer hours than are required of employees in permanent full-time positions. Compensation of a permanent percentage time position is based on a percentage of the full-time compensation for that position.

2. "Intermittent position" is any position that requires or is likely to require the services of an employee to work sporadically or at irregular hours during the calendar year, including temporary, seasonal, and/or as-needed assignments, and for which compensation is on an hourly basis.

**QUALIFIED INDIVIDUAL WITH A DISABILITY:** An individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.

**REASONABLE ACCOMMODATION:** Making existing facilities readily accessible to and usable by individuals with disabilities, including but not limited to: acquisition or modification of equipment or devices, job restructuring, part-time or modified work schedules, reassignment to a vacant position, adjustment or modification of examinations, training materials, policies and similar activities. Lowering performance and qualification standards are not reasonable accommodations.

**SECONDARY EMPLOYMENT:** Employment, other than County employment, held by an employee of the County for which compensation is paid. Secondary employment does include self-employment, but shall not include involvement where an honorarium or actual expenses only are reimbursed, or where the employee is engaged in work as a volunteer, or where the employee is on active duty as a member of the National Guard or any reserve component of the Armed Forces of the United States.

**SERIOUS HEALTH CONDITION:** FMLA defines a serious health condition as an illness, injury, impairment or physical or mental condition which involves any of the following:
1. Inpatient care (an overnight stay) in a hospital, hospice or residential medical-care facility; or
2. **Absence plus treatment.** A period of incapacity of more than three (3) consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition, that involves:
   a. Treatment two (2) or more times by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider. The two (2) visits must occur within thirty (30) days of the beginning of the period of incapacity and the first (1st) visit to the health care provider must take place within seven (7) days of the first (1st) day of incapacity; or
   b. Treatment by a health care provider on at least one (1) occasion which results in a regimen of continuing treatment under their supervision of a health care provider. The first (1st) visit to the health care provider must take place within seven (7) days of the first (1st) day of incapacity.
3. **Chronic conditions requiring treatment.** A chronic condition which:
   a. Requires periodic visits for treatment by a health care provider or by a nurse or physician's assistant under direct supervision of a health care provider (periodic visits for chronic serious health conditions as at least two (2) visits to a health care provider per year);
   b. Continues over an extended period of time (recurring episodes of a single underlying condition); and
   c. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).
4. A permanent or long-term condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
5. Any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three (3) days if not treated; or
6. Any period of incapacity due to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence.

**SON OR DAUGHTER:** The term son or daughter means a biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in loco parentis who is under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.

**THEY:** He, she, or they.

**UNDUE HARDSHIP:** An action requiring significant difficulty or expense by the employer, involving both financial and
operational factors. The factors to be considered in determining an undue hardship include: (1) the nature and cost of the accommodation; (2) the overall financial resources of the facility at which the reasonable accommodation is to be made; (3) the number of persons employed at that facility; (4) the effect on expenses and resources or other impact upon that facility; (5) the overall financial resources of the County; (6) the overall number of employees and facilities; (7) the operations of the particular facility as well as the entire County; and (8) the relationship of the particular facility to the County. These are not all of the factors, but merely examples. (Ord. No. 96-13 Ch. 2, 2-6-96; Ord. No. 00-022 §1, 2-29-00; Ord. No. 06-091 §1, 6-27-06; Ord. No. 08-109 §1, 9-11-08; Ord. No. 09-054 §1, 6-9-09; Ord. No. 10-009 §1, 1-27-10)

ARTICLE II. EMPLOYMENT CONDITIONS

SECTION 115.030: EQUAL OPPORTUNITY STATEMENT
A. St. Charles County is an equal opportunity employer which complies with all applicable State and Federal laws and regulations. Employment decisions such as hiring, training, promotion, discipline, retention, and compensation are based on individual merit, ability and related performance.
B. The St. Charles Personnel Administration Program shall be free of discrimination or favoritism on the basis of race, creed, disability, color, age, religion, national origin, gender, ancestry, political affiliation or activity or lack thereof, or union membership or non-membership. (Ord. No. 96-13 Ch. 3 §A, 2-6-96; Ord. No. 10-009 §1, 1-27-10)

SECTION 115.040: RESIDENCY REQUIREMENT
There is no residency requirement for employees unless specified in the Charter or by ordinance. (Ord. No. 96-13 Ch. 3 §B, 2-6-96; Ord. No. 10-009 §1, 1-27-10)

SECTION 115.050: POSITION/STATUS OF EMPLOYMENT
A. The terms of elected officials are established by the County Charter.
B. Employees exempted from the Merit System serve at the pleasure of the County Executive or their supervising elected official.
C. Members of the County Council office support staff employed prior to passage of this Chapter shall retain their status as Merit System employees.
D. Employees in positions where removal is subject to the Merit System shall continue employment under the provisions of the Merit System Rules.
E. An employee's official date of employment shall be the first (1st) day he or she reports for duty following all applicable pre-employment procedures.
F. An employee's official date of separation shall be the day after the last day physically at work. The following prohibitions and exceptions apply:
1. The tenure of the employee shall not be extended by the use of paid time off and/or compensatory time following the last day of actual work nor by delaying the last day physically at work in order to allow the employee to use accrued leave. Unused paid time off and/or compensatory time shall be paid "lump sum" on the employee's final paycheck in accordance with the provisions of Sections 115.220(B)(9) and 115.705(A)(12). No additional severance pay is granted.
2. The separation date for an employee who is off work due to illness or injury shall be the date on which the individual's employment is terminated through retirement, disability retirement, or resignation.
3. The separation date for any individual, covered by the Merit System, who is dismissed for cause or for failure to successfully complete his or her probationary period shall be the date on which the official notice is signed by the department head or elected official or their designated representative.
G. Employment status shall be limited to permanent full-time, permanent percentage time and intermittent.
1. Permanent full-time and permanent percentage time employees occupy budgeted or permanent full-time and percentage time positions that are anticipated to continue from year to year.
2. The status of "intermittent" is to include all employees who do not occupy a budgeted FTE position. Intermittent employees work on an as-needed basis during the calendar year: during seasonal periods, special assignments, educational internships or in ongoing but variable jobs that accommodate the availability of the incumbent or a changing workflow.
3. Previous status designations of permanent part-time, temporary full-time, temporary percentage time or temporary part-time as needed will be consolidated under the category intermittent effective September 1, 2008, and those employees will henceforth be designated intermittent.
1. Employees are paid on a bi-weekly basis.
2. Full-time and percentage time employees are eligible for holiday pay, paid leave and benefits in accordance with the provisions of Article III "Paid and Unpaid Leave” and Article IV "Fringe Benefits”. Intermittent employees are always
non-merit employees while full-time and percentage time employees may be designated as either merit or non-merit depending on the position as established by ordinance. Probationary periods are provisions of the merit system and will not be utilized for intermittent employees.

3. Intermittent employees may not transfer to merit system positions without applying for competitive appointment. Intermittent employees are not eligible for positions posted "open only to non-probationary employees". When an intermittent employee applies for and is selected for a permanent FTE position, the action will be processed as a new hire for salary and benefit purposes instead of a demotion or promotion.

4. Appointing authorities shall occasionally review intermittent employee patterns of usage to ensure employees are used appropriately. (Ord. No. 96-13 Ch. 3 §C, 2-6-96; Ord. No. 02-117 §1, 7-31-02; Ord. No. 08-109 §2, 9-11-08; Ord. No. 09-003 §1, 1-27-09; Ord. No. 10-009 §1, 1-27-10; Ord. No. 12-083 §2, 11-5-12)

SECTION 115.060: HOURS OF WORK
A. County offices will be open to the public on weekdays from 8:00 A.M. to 5:00 P.M. The actual hours of work for employees will be scheduled by the appointing authority or elected official and may be changed when necessary. Every employee will be notified of their work schedule.

B. Employees commence work at the beginning of their scheduled work shift and continue working until their meal period or the end of their scheduled work shift, except that work breaks may be authorized when the work load permits. (Ord. No. 96-13 Ch. 3 §D, 2-6-96; Ord. No. 10-009 §1, 1-27-10)

SECTION 115.070: REPORTING TO WORK
A. Each department may have a written procedure, if approved by the Director of Administration, to be followed when employees are not able to report to work as scheduled. Failure by employees to follow the procedure may result in the denial of time from the paid sick leave bank, paid time off or earned compensatory time and/or other disciplinary action. In the absence of a written department procedure, employees are required to call the appointing authority or elected official within the first half (½) hour of the scheduled shift.

B. During emergencies, when the public welfare so requires, or in other necessary circumstances, the County Executive may close County offices. Should the County Executive decide to close County offices for a non-weather related reason, he shall first obtain the concurrence of the Chair of the County Council or the Vice Chair if the Chair is unavailable.

C. When the County Executive closes County offices, employees released or excused from duty during closures shall be paid at the straight time rate during the closure. Intermittent position employees shall be paid only for the time during the closing when they actually worked.

D. The County Executive may declare an emergency in disaster situations and temporarily transfer employees, with the consent of the appointing authority or elected official, to work at locations and positions not normally assigned to them. (Ord. No. 96-13 Ch. 3 §E, 2-6-96; Ord. No. 01-164 §1, 12-13-01; Ord. No. 10-009 §1, 1-27-10; Ord. No. 12-083 §3, 11-5-12; Ord. No. 12-100 §1, 12-18-12)

SECTION 115.080: SECONDARY EMPLOYMENT
County service is the primary responsibility of County employees. Except as otherwise provided in Section 115.270(E), and except for intermittent employees for whom there are no restrictions or required approvals, secondary employment is allowed when approved in advance and in writing by the appointing authority or elected official.

1. The employee must disclose in writing all secondary employment and request permission from the appointing authority or elected official at the following times:
   a. Upon appointment to a position with the County;
   b. Whenever the employee wishes to accept secondary employment; and
   c. Whenever an employee's secondary employment changes.

2. Permission to work in a secondary employment shall be granted if:
   a. It does not create a conflict of interest with the employee's duties;
   b. It is not engaged in while on duty with the County;
   c. It does not bring discredit upon the County;
   d. No County equipment or supplies are used in the course of the secondary employment, except as provided by the Director of Administration; and
   e. It does not conflict with any special rules governing secondary employment that have been issued by the Operating Department.

3. Approval to work in secondary employment may be withdrawn by the appointing authority or elected official when one (1) of the conditions listed in Subsection (2) above is breached or the secondary employment does not meet revised guidelines established by the appointing authority or elected official. (Ord. No. 96-13 Ch. 3 §F, 2-6-96; Ord. No. 09-025 §1, 2-25-09;
SECTION 115.090: LAYOFFS
The County may lay off due to a lack of funds or a lack of work. Appointing authorities or elected officials, with the approval of the Director of Administration, shall give employees who are to be laid off either two (2) weeks' notice or two (2) weeks' severance pay.

1. If the position to be eliminated is exempt from the Merit System, the appointing authority or elected official shall notify the employee affected and report the layoff to the Human Resources Director and the Department of Finance.

2. If the position to be eliminated is covered by the Merit System, the appointing authority or elected official shall follow the procedures required by the ordinance establishing the St. Charles County Merit System. (Ord. No. 96-13 Ch. 3 §G, 2-6-96; Ord. No. 10-009 §1, 1-27-10)

SECTION 115.100: SMOKING
Smoking on County premises is allowed only in designated smoking areas. Smoking and the use of all other tobacco products is prohibited at all times in County vehicles. (Ord. No. 96-13 Ch. 3 §H, 2-6-96; Ord. No. 10-009 §1, 1-27-10)

SECTION 115.110: SAFETY
A. County policy is to provide a safe work environment for all employees and to encourage an attitude of safety among employees. All unsafe or potentially hazardous conditions should be reported to the supervisor immediately. All employees are responsible for the proper care and use of safety equipment, following safety rules and procedures and performing their job in a safe and careful manner.

B. Medications taken by employees that may affect job performance shall be reported to the supervisor.

C. In addition to any departmental safety rules, all employees who operate licensed vehicles while on duty shall report to their supervisor any medications that may affect their performance.

D. The County solicits employee suggestions for the maintenance of safe working conditions, practices and equipment. (Ord. No. 96-13 Ch. 3 §I, 2-6-96; Ord. No. 10-009 §1, 1-27-10)

SECTION 115.120: DRUG-FREE AND ALCOHOL-FREE WORKPLACE
A. It is the policy of St. Charles County to maintain a drug-free and alcohol-free workplace, and to reduce the risk of harm to public health and safety and to the safety of other County employees caused by the use of drugs and alcohol.

B. All new employees, including promotional candidates, shall be subject to a pre-employment drug screening. Positive test results shall eliminate candidates from consideration.

C. When on duty, at a County work site, in a County vehicle, or in a private vehicle being used on County business, no employee may:

1. Consume alcoholic beverages;

2. Possess alcoholic beverages, unless the employee secures his supervisor's, appointing authority's or elected official's authorization to do so;

3. Unlawfully manufacture, distribute, dispense, possess or use illegal drugs or other controlled substances as defined by Chapter 195, RSMo.; or

4. Operate a County vehicle or other machinery under the influence of alcoholic beverages, illegal drugs, or other controlled substances.

D. Off-duty drug and alcohol-related arrests, convictions and sentences (whether suspended, executed or imposed) must be reported in accordance with the Mandatory Reporting policy codified at Section 115.170 ordinances of St. Charles County, Missouri.

E. Violators of these prohibitions and of the Drug-Free Workplace policy codified at Section 115.770, Ordinances of St. Charles County, Missouri shall be subject to appropriate disciplinary action by the appointing authority or elected official. (Ord. No. 96-13 Ch. 3 §J, 2-6-96; Ord. No. 00-022 §1, 2-29-00; Ord. No. 10-009 §1, 1-27-10)

SECTION 115.130: HARASSMENT PROHIBITED
A. Sexual Harassment.

1. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

   a. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;

   b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

2. "Harassment" as defined above is prohibited, and those in violation of this prohibition shall be subject to appropriate discipline by the appointing authority or elected official.

B. Other Forms Of Harassment.

1. Verbal or physical conduct relating to an individual's race, creed, disability, color, age, religion, national origin, ancestry or political affiliation or activity or lack thereof, or union membership or non-membership constitutes harassment when this conduct:
   a. Has the purpose or effect of creating an intimidating, hostile or offensive working environment;
   b. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
   c. Otherwise adversely affects an individual's employment opportunities.

2. "Harassment" as defined above is prohibited, and those in violation of this prohibition shall be subject to appropriate discipline by the appointing authority or elected official.

C. Reporting Harassment. A report of harassment may be made to the appointing authority, elected official or Director of Administration. (Ord. No. 96-13 Ch. 3 §K, 2-6-96; Ord. No. 10-009 §1, 1-27-10)

SECTION 115.140: NEPOTISM PROHIBITED

Any elected official or employee who, by virtue of his office or employment, names or appoints to County employment any relative within the fourth degree, by consanguinity or affinity, shall thereby forfeit his office or employment. (Ord. No. 96-13 Ch. 3 §L, 2-6-96; Ord. No. 10-009 §1, 1-27-10)

SECTION 115.150: CONFLICTS OF INTERESTS PROHIBITED

A. No elected official or employee shall:

1. In any manner whatsoever be interested in or receive any benefit from the profits or emoluments of any contract, job, work, activity, function, or service for the County.

2. Act or refrain from acting in any capacity in which he is lawfully empowered to act by reason of any payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value, other than compensation to be paid by the County.

3. Accept any service or thing of value, directly or indirectly, from any person, firm or corporation having dealings with the County, upon more favorable terms than those granted to the public generally.

4. Receive, directly or indirectly, any part of any fee, commission or other compensation:
   a. Paid by or payable to the County;
   b. Paid by any person in connection with any dealings with the County; or
   c. Paid by any person in connection with any dealings with or proceedings before any office, officer, department, board, commission or other agency of the County.

5. Directly or indirectly, be the broker or agent who procures or receives any compensation in connection with the procurement of any type of bonds for County elected officials or employees or firms doing business with the County guaranteeing the performance of any contract with the County.

B. No elected official or employee shall use confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself, his spouse, his dependent child in his custody, or any business with which he is associated. No elected official or employee shall disclose confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself or any other person.

C. The provisions of this Section shall be broadly construed and strictly enforced for the purpose of preventing County elected officials and employees from securing any pecuniary advantages, however indirect, from their public affiliations, other than their County compensation.

D. Any elected official or employee of the County who willfully conceals any such interest or violates any of the provisions of this Section shall forfeit his office. Any contract made in violation of this Section may be declared void by the County Executive or by resolution of the County Council.

E. The County Council may enact ordinances to guard against injustices and to supplement these provisions and extend these prohibitions against conflicts of interest not inconsistent herewith.

F. All elected officials and employees of the County shall be bound by all applicable laws that pertain to conflicts of interest such as those contained in the Missouri Constitution and the Revised Statutes of Missouri.

G. Use of County equipment, personnel, facilities or resources to promote or help promote any civic, social, business or not-for-profit interest except according to policies established by the Director of Administration shall be considered a conflict of interest. (Ord.
SECTION 115.160: LIGHT DUTY
A. Employees may have an illness or injury (either service connected or not) which prohibits the performance of their normal duties. Sometimes it is possible to assign light duty so that employees may return to work more quickly. Light duty is not a right and will only be utilized when there is actual work to be done which can be safely and competently performed by the employees without jeopardizing their recovery. Light duty may be mandated by the appointing authority within the medical release given by the employee's physician and light duty will only be assigned when the appointing authority has work that the employee can safely and competently perform. Intermittent employees are not entitled to and have no expectation of assignment to light duty.
B. Light duty may be granted only for a limited duration and will normally be granted only when there is medical prognosis that the employee will be able to return to full duty within four (4) weeks. Light duty must be approved by the appointing authority or elected official.
C. With the approval of both appointing authorities and/or elected officials concerned, employees may be assigned to light duty in other departments. The duties assigned may be other than those normally assigned to the employees.
D. If no light duty is available, the employees must remain off the job until released by a physician for full duty. (Ord. No. 96-13 Ch. 3 §M, 2-6-96; Ord. No. 10-009 §1, 1-27-10; Ord. No. 11-025 §2, 5-2-11)

SECTION 1115.170: MANDATORY REPORTING
A. All employees shall notify their appointing authority or elected official and the Department of Human Resources on the next business day on which they are on duty of any arrest, indictment, conviction, plea of nolo contendere or imposition of sentence for any misdemeanor or felony, except non-alcohol-related traffic offenses.
B. Employees who possess professional licenses, registrations or other credentials required for the performance of their duties must report any changes in the status of these credentials. (Ord. No. 96-13 Ch. 3 §N, 2-6-96; Ord. No. 00-022 §1, 2-29-00; Ord. No. 10-009 §1, 1-27-10; Ord. No. 11-025 §2, 5-2-11)

SECTION 115.180: RECORDS AND Files
A. The Department of Human Resources shall maintain the official employee personnel records for all employees under the Personnel Administration Program.
B. All records of the County shall be governed by Chapter 610, RSMo., ("Sunshine Law") and amendments thereto.
C. All public personnel-related records retained by the County are open to the public except to the extent that they relate to the following:
   1. **Hiring, firing, disciplining or promoting employees.** However, any vote on final decisions to hire, fire, promote or discipline employees must be made available to the public within seventy-two (72) hours of the close of the meeting where such actions occurred, provided that employees so affected shall be entitled to prompt notice before such decisions are made available to the public;
   2. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again;
   3. Preparation, including any discussions or work product, on behalf of a public governmental body or its representatives for negotiations with employee groups; and
   4. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.
D. The Human Resources Director is appointed custodian responsible for the maintenance of the Department of Human Resources records.
E. Employees shall:
   1. Have the right to review their own personnel records during regular business hours with a previously scheduled appointment; and
   2. Notify the Department of Human Resources and the appointing authority or elected official in writing whenever they have changes in name, address, phone number, dependents, marital status or other information that may affect withholdings or enrollments in various benefit programs.
F. Appointing authorities and elected officials shall forward for inclusion in employee personnel files, copies of all commendations, written reprimands, permanent changes in work location, certificates of training, or other information concerning employee performance or credentials relating to County employment.
G. Appointing authorities and elected officials shall have the right to review all official employee personnel records, except protected medical records, of:
   1. Employees in their department;
   2. Employees seeking transfer, promotion, or demotion to their department; and
SECTION 115.190: EQUAL EMPLOYMENT OPPORTUNITY

A. St. Charles County complies with all applicable Federal, State and local regulations in the employment of persons with disabilities and will make necessary and reasonable accommodations for qualified individuals with disabilities participating in the application, screening and/or hiring process.

B. The County will make reasonable accommodations for qualified employees who have disabilities so they can perform the essential functions of the position in question.

C. An individual for whom a reasonable accommodation can be made for the job in question, without undue hardship, will be given the same consideration for that position as every other employee or applicant.

D. All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which threat cannot be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave until an organizational decision can be made.

E. The Human Resources Department is responsible for implementing this policy, including resolution of reasonable accommodation, safety and undue hardship issues. Forms to request a reasonable accommodation are available in the Human Resources Department.

F. Employee medical records are confidential and will be maintained separately from their employee personnel file and from their application.

G. It is the responsibility of employees and applicants with a disability or a representative on behalf of the disabled individual, to request an accommodation to enable them to perform the essential functions of the position or in completing the application and hiring process. The initial request may be verbal and general in nature.

H. The reasonableness of the accommodation(s) will be determined on a case-by-case basis. Employees and/or applicants must join with the Department of Human Resources to clarify needs and identify possible solutions. This process may involve more than one (1) step, e.g., meetings, obtaining documentation or information from a third party, preparing written documentation, etc.

(Ord. No. 96-13 Ch. 3 §Q, 2-6-96; Ord. No. 10-009 §1, 1-27-10)

ARTICLE III. PAID AND UNPAID LEAVE

SECTION 115.200: GENERAL PROVISIONS

The provisions set out in this Article shall govern the use of paid and unpaid leave effective December 27, 2012. (Ord. No. 96-13 Ch. 4, 2-6-96; Ord. No. 10-009 §1, 1-27-10; Ord. No. 12-083 §1, 11-5-12; Ord. No. 12-100 §3, 12-18-12)

SECTION 115.210: HOLIDAYS

A. St. Charles County will observe the following holidays and all offices will be closed except those with twenty-four (24) hour per day, seven (7) day per week operation and those offices required to appear before or assist the courts when court is in session.

January 1st, New Year's Day  Martin Luther King, Jr. Day
Presidents' Day  Memorial Day
July 4th, Independence Day  Labor Day
Columbus Day  November 11th, Veterans Day
Thanksgiving Day and the day after  December 24th and 25th

B. Eligibility.

1. Full-time employees shall receive regular pay for holidays. Percentage time employees shall receive proportional paid holidays.

2. Intermittent employees are not eligible to receive holiday pay.

C. Observance Of Holidays Falling On Weekend Days.

1. When a holiday falls on Saturday, the County will observe the holiday on the preceding Friday; when a holiday falls on Sunday, it will be observed on the following Monday.

2. When a holiday falls on a Sunday and the following Monday is a holiday, the holiday falling on Sunday will be observed on the previous Friday. When a holiday falls on a Saturday and the preceding Friday is a holiday, the holiday falling on Friday will be observed on the previous Thursday and the holiday falling on Saturday will be observed on the previous Friday.

D. When holidays are observed on employees' regularly scheduled days off, they shall receive straight time pay or FLSA
compensatory time for the holidays, whichever is applicable.

E. Employees required to work holidays that are not part of their schedule shall earn overtime compensation due in accordance with the County's overtime policy.

F. Employees required to work on holidays that are part of their regular schedule shall earn overtime or compensatory time in accordance with the County's overtime and compensatory time policies.

G. Appointing authorities and elected officials may determine that the work responsibilities of their department require that leave for holidays be granted in an alternative manner which results in the appropriate number of holiday hours being granted during the year.

H. Employees on paid time off or using leave from the paid sick leave bank at the time of a holiday shall be taken off that form of leave and granted the holiday, except that employees on leave due to Workers' Compensation benefits shall receive only that portion of the holiday necessary, when added to the amount received from Workers' Compensation, to provide full pay for the day.

I. Employees on unpaid leave at the time of a holiday shall not be paid for the holiday. (Ord. No. 96-13 Ch. 4 §1, 2-6-96; Ord. No. 00-022 §1, 2-29-00; Ord. No. 01-164 §§1--3, 12-13-01; Ord. No. 10-009 §1, 1-27-10; Ord. No. 12-083 §4, 11-5-12)

SECTION 115.220: PAID TIME OFF

A. Eligibility.
   1. Employees occupying permanent full-time and permanent percentage time positions shall receive paid time off.
   2. Employees occupying intermittent positions are not eligible for paid time off.
   3. Use of paid time off shall be granted only up to the level actually accumulated by the employee.

B. Accrual.
   1. The amount of paid time off available to each employee shall be determined by years of service as follows:

<table>
<thead>
<tr>
<th>YEARS OF SERVICE</th>
<th>ANNUAL PAID TIME OFF</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>DAYS</td>
</tr>
<tr>
<td>Less than 5</td>
<td>17</td>
</tr>
<tr>
<td>5&lt;10</td>
<td>22</td>
</tr>
<tr>
<td>10+</td>
<td>27</td>
</tr>
</tbody>
</table>

   For accrual of paid time off, former employees who were laid off or who resigned from their positions with proper notice and with a good or better performance rating, who are re-employed within one (1) year of separation, shall have their earlier seniority restored after they have completed twelve (12) consecutive months of service in an eligible position and accrue paid time off at that rate.

   2. Paid time off shall be officially accrued and recorded at the end of each pay period with the following schedule:

<table>
<thead>
<tr>
<th>YEARS OF SERVICE</th>
<th>ACCRUAL RATES PER PAY PERIOD (HOURS)</th>
<th>MAXIMUM ACCRUAL BALANCE (HOURS)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(37.5 HR/WK) (40 HR/WK) (41.25 HR/WK)</td>
<td>(37.5 HR/WK) (40.0 HR/WK) (41.25 HR/WK)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>&lt;5</td>
<td>4.90 5.23 5.39</td>
<td>255 272 280.5</td>
</tr>
<tr>
<td>5&lt;10</td>
<td>6.35 6.77 6.98</td>
<td>330 352 363</td>
</tr>
<tr>
<td>10+</td>
<td>7.79 8.31 8.57</td>
<td>405 432 445.5</td>
</tr>
</tbody>
</table>

   Accrual rates and maximums also apply to certain law enforcement and corrections personnel who work a maximum of one hundred sixty-five (165) hours in a twenty-eight (28) day cycle.

   3. Employees occupying permanent percentage time positions earn a proportional amount of paid time off.

   4. Eligible employees who are paid for less than a full pay period because of appointment or separation will receive credit of paid time off proportionally.

   5. Employees who receive more paid time off than the above schedule prior to January 1, 1993, shall not have their accrual rates decreased. Neither shall the rate of accrual be increased so long as their rate is in excess of the schedule. Employees receiving the equivalent of five (5) weeks of annual leave may, at the discretion or approval of the appointing authority, receive pay in lieu of the fifth (5th) week of annual leave.

   6. Maximum accrual is limited to two (2) times the employee's annual accrual rate as listed in the above schedule. No additional accumulation is allowed when the maximum accrual is reached.

   7. Paid time off accrues only when employees are in a paid status for any portion of the pay period or when required by Federal or State law or regulation.

   8. No employee will receive a payout of paid time off if the employee leaves the County service without giving two (2) weeks'
Any employee who is separated from County service during their initial probationary period will receive a payout of accrued paid time off.

C. Scheduling Of Paid Time Off

1. Paid time off is granted upon a request by the employee and approval of the appointing authority. Paid time off may be approved in an amount as small as one-quarter (¼) of an hour. Since paid time off accrues at the end of each pay period, it is not available for use until it has accrued.

2. Paid time off requested during peak workloads or defined periods may be denied by the appointing authority. The appointing authority may also develop a paid time off schedule to assign paid time off requests. Paid time off may be denied based upon:
   a. Departmental minimum staffing requirements;
   b. When approval of such leave would violate the restrictions placed upon the individual's leave usage imposed due to unsatisfactory attendance; or
   c. When the appointing authority has reason to believe that an employee is abusing paid time off.

3. Excessive unscheduled paid time off may be grounds for disciplinary action. When an employee's absences are such that the appointing authority has reason to believe that abuse exists, the employee shall be notified in writing by the appointing authority. Thereafter, the employee may be required to submit a doctor's note. Grounds for reasonable belief are for example, but not limited to: a pattern of numerous one-day absences throughout the year; leave that is taken by the employee in a pattern of Mondays and/or Fridays (or around other regularly scheduled days off) or both; and the frequency of unscheduled absences.

4. If an employee who has been denied use of paid time off believes that the denial is not appropriate under the terms of this Section, the employee shall first attempt to resolve the matter with the appointing authority. If this fails to resolve the matter, the employee may appeal the decision to the Director of Administration.

5. If the Director of Administration determines that the denial of the employee's request violates the provisions of the Personnel Administration Program, Part I, the Director of Administration shall notify the appointing authority and the employee. The employee shall then be allowed to use the leave. The employee shall not suffer any form of discipline or adverse consequence for using the leave or for appealing the denial of leave.

6. The appointing authority may submit supplemental departmental policies concerning the use of paid time off to the Director of Administration for approval. No supplemental policies may be applied by the appointing authority until approved by the Director of Administration. (Ord. No. 12-083 §1, 11-5-12; Ord. No. 12-100 §4, 12-18-12)

EXTENDED MEDICAL LEAVE (ALSO KNOWN AS "EML")

A. In conjunction with paid time off, employees earn and may use extended medical leave as set forth herein.

1. Each full-time employee will earn extended medical leave at a rate of five (5) days per year. Employees occupying permanent percentage time positions shall accrue extended medical leave in a proportional amount. Employees occupying intermittent positions shall not accrue extended medical leave.

2. Extended medical leave shall be officially accrued and recorded at the end of each pay period with the following schedule:

<table>
<thead>
<tr>
<th>ACCRUAL RATES PER PAY PERIOD (HOURS)</th>
<th>MAXIMUM ACCRUAL BALANCE (HOURS)</th>
</tr>
</thead>
<tbody>
<tr>
<td>37.5 HR/WK</td>
<td>40.0 HR/WK</td>
</tr>
<tr>
<td>1.45</td>
<td>1.54</td>
</tr>
</tbody>
</table>

Accrual rates and maximums also apply to certain law enforcement and corrections personnel who work a maximum of one hundred sixty-five (165) hours in a twenty-eight (28) day cycle.

3. Extended medical leave can be used when an employee or an employee's family member is ill and the employee is required to miss at least three (3) consecutive days of work. Paid time off, compensatory time, or the employee's sick leave bank must be used for the first two (2) days of any absence. However, extended medical leave can be used starting with the third (3rd) consecutive day off work and any additional consecutive days off thereafter. If an employee does not have any paid time off, compensatory time, or sick leave bank time available, any time between the exhausting of paid time off or such other accrued time and the beginning of extended medical leave will be unpaid. A day is considered one (1) normal work shift, regardless of the numbers of hours in that shift.

4. Employees must request extended medical leave. An appointing authority may require a physician's statement certifying the medical necessity of the absence of the employee and/or verifying the fitness to return to work of the employee.

5. Extended medical leave accrues only when employees are in a paid status for any portion of the pay period or required by Federal or State law or regulation. Eligible employees who are paid for less than a full pay period because of appointment will
receive credit proportionally. Extended medical leave can be carried over from year to year, up to the required number of days to cover the ninety (90) day elimination period for eligibility for long-term disability.

6. There is no pay out of any unused extended medical leave at the time of separation from the County. (Ord. No. 12-083 §1, 11-5-12)

SECTION 115.223: PAID SICK LEAVE BANK

A. Effective December 27, 2012 employees will no longer earn sick leave, however any accrued sick leave in an employee's leave balance effective December 27, 2012 shall be retained to the employee's credit in a "paid sick leave bank". Leave in a paid sick leave bank is only accessible to the employee who accumulated the leave prior to December 27, 2012. An employee may only use their accrued sick leave bank accruals for the purposes set forth below:

1. Personal illness, injury, childbirth or incapacity of employees;
2. Physician, optical or dental appointments;
3. Illness, injury, childbirth or incapacity in the immediate family of employees that require their presence; and
4. Non-medical reasons at the time of adoption or childbirth.

B. Limitations.

1. In no event shall sick leave used from the employee's sick leave bank be more than the amount transferred on December 27, 2012.
2. Use of time from the paid sick leave bank at the time of adoption or childbirth may be taken by any employee upon the employee's request, but shall be limited to six (6) weeks to be taken within sixty (60) days of the adoption or birth of that employee's child. Paid sick leave at the time of adoption or childbirth is distinct from paid sick leave taken for medical reasons associated with pregnancy or childbirth.
3. The paid sick leave bank may be used by employees receiving Workers' Compensation benefits, but the value of such paid sick leave shall not exceed the difference between County pay and Workers' Compensation benefits.
4. Employees must request the use of hours from their paid sick leave bank.
5. An appointing authority may require a physician's statement certifying the medical necessity of the absence of the employee who is using time from a sick leave bank and/or verifying the fitness to return to work of the employee who has been out on leave (whether paid time off or from the paid sick leave bank) when:
   a. The absence is for more than three (3) consecutive workdays; or
   b. The appointing authority believes the employee is abusing the use of leave from their paid sick leave bank. Pursuant to this Section, the appointing authority must have given prior written notice to the employee that all future use of non-approved FMLA sick leave must be documented by a physician's statement. Only the specific condition approved for FMLA is exempted from needing a physician's statement.
6. An appointing authority who determines that the need to fill a position held by a key employee requires limitation of use of the employee's sick leave bank for the individual employed in that position to a term of twelve (12) weeks shall, as soon as the appointing authority makes that good faith determination, notify the employee in writing of the decision, with copies of that decision to the Director of Human Resources and the Director of Administration. Prior to denying sick leave in excess of twelve (12) weeks to an employee, the appointing authority shall provide the employee at least two (2) weeks' notice of the need to return. If a key employee, having taken twelve (12) weeks of leave from paid sick leave bank and/or paid time off as set forth herein, and has been served at least two (2) weeks prior to the required date of return to work with the appointing authority's written notice that the employee has had at least twelve (12) weeks of such leave, then the appointing authority, with the concurrence of the Director of Administration, may notify the employee that the employee is being terminated by no-fault separation as set forth in Section 115.430(C), despite the employee having remaining accrued sick leave in the paid sick leave bank.
7. There shall be no payout at the time of the employee's separation from the County for unused sick leave in the paid sick leave bank. Sick leave absences during the employee's final thirty (30) calendar days of employment shall be reviewed by the appointing authority who may deny or rescind the paid sick leave for absences longer than three (3) consecutive workdays without a physician's statement, or for unexplained absences that are not consistent with the employee's prior attendance record. (Ord. No. 12-083 §1, 11-5-12; Ord. No. 12-100 §5, 12-18-12)

SECTION 115.224: CONVERSION

A. As of December 27, 2012, each employee's vacation/annual leave balances will be converted in full to paid time off, however leave balances converted to paid time off will not exceed the maximum accrual limits as set forth in Section 115.220 above.

B. In conjunction with the implementation of paid time off, current employees' sick leave balances will be retained in a paid sick leave bank. As of December 27, 2012, an employee is entitled to use those hours as set out in Section 115.223.

C. Employees who earned an attendance incentive leave (AIL) day in 2012 pursuant to former Section 115.230(D) shall be credited
SECTION 115.225: MEDICAL EVALUATIONS

A medical evaluation of an employee, at the County's expense, may be required in instances where the employee's use of leave has been abused or when there are questions as to whether an employee can successfully fulfill the essential functions of the job. Abuse of leave may include, but is not limited to, the following instances:

1. The employee is absent for three (3) consecutive days or has a pattern of extended medical leave, paid time off and/or paid sick leave bank leave usage, including, but not limited to, the following:
   a. Multiple instances in which unscheduled leave is taken by the employee in a pattern of Mondays and/or Fridays (or around other regularly scheduled days off) or both; or
   b. Frequent use of unscheduled paid time off, extended medical leave and/or of the paid sick leave bank; or
   c. A pattern of numerous one-day absences throughout the year.

2. Assessment of an employee's fitness to work with or without restrictions. (Ord. No. 12-083 §1, 11-5-12)

Editor's Note--Ord. no. 12-083 §1, adopted November 5, 2012, repealed section 115.225 "paid personal days" and enacted new provisions set out above. Former section 115.225 derived from ord. no. 10-009 §1, 1-27-10; ord. no. 10-121 §1, 12-28-10; ord. no. 11-119 §§1--2, 12-29-11.

SECTION 115.230: RESERVED

Editor's Note--Ord. no. 12-083 §1, adopted November 5, 2012, repealed section 115.230 "paid sick leave" in its entirety. Former section 115.230 derived from ord. no. 96-13 ch. 4 §3, 2-6-96; ord. no. 00-022 §1, 2-29-00; ord. no. 06-091 §2, 6-27-06; ord. no. 09-025 §2, 2-25-09; ord. no. 10-009 §1, 1-27-10; ord. no. 11-119 §§1--2, 12-29-11. This section has been reserved for the city's future use.

SECTION 115.240: FUNERAL LEAVE

A. Full-time employees shall be granted up to three (3) days of funeral leave per annum upon request to the appointing authority or elected official. Percentage time employees shall receive a pro rata portion. Part-time employees are not eligible for funeral leave.

B. Employees may be granted additional leave for bereavement and travel upon approval by the appointing authority. Should the appointing authority deny additional leave, the employee may appeal to the Director of Administration. The Director of Administration may, at his discretion, override the decision of the appointing authority or elected official and grant additional leave to the employee. At the employee's discretion, additional leave granted may be taken as unpaid leave, or charged to accrued balances of paid time off or from the paid sick leave bank. (Ord. No. 96-13 Ch. 4 §4, 2-6-96; Ord. No. 00-022 §1, 2-29-00; Ord. No. 10-009 §1, 1-27-10; Ord. No. 12-083 §5, 11-5-12)

SECTION 115.250: MILITARY LEAVE

A. Employees who are or become members of the National Guard or any reserve component of the Armed Forces of the United States shall be granted time off, without loss of time, pay or leave, impairment of performance appraisal, or loss of any rights or benefits to which otherwise entitled, for all periods of military service during which they are engaged in the performance of duty or training under competent orders, in the service of the State of Missouri at the call of the Governor and as ordered by the adjutant general without regard to length of time, and for all periods of military service during which they are engaged in the performance of duty in the service of the United States under competent orders for a period not to exceed a total of fifteen (15) calendar days in any federal fiscal year. In any situation in which the fifteen (15) calendar days' limitation applies, the days for which the County employee was granted leave pursuant to Subsection (B), below, shall apply toward the fifteen (15) calendar days. Days on which the employee was not scheduled to work shall not be applied to the fifteen (15) calendar days.

B. A "leave request" stating the date of the military training must be submitted to the appointing authority or elected official with a copy of the official order from the military authority attached. If the orders are not immediately available, the orders shall be provided before the payment of salary covering the time period of the active duty.

C. Other absences required by military duty, not elsewhere provided for in these rules, may be charged to accrued paid time off, compensatory time (when applicable) or leave of absence without pay.

D. Any officer or employee of this County, who is or may become a member of the National Guard or of any reserve component of the Armed Forces of the United States and who is engaged in the performance of duty in the service of the United States under competent orders for an extended and indefinite period of time, shall be entitled to leave of absence from his respective duties as a public officer or employee until such military service is completed without loss of position, seniority, accumulated leave, impairment of performance appraisal, pay status, work schedule including shift, working days and days off assigned to the officer or employee at the time leave commences, and any other right or benefit to which the officer or employee is entitled, and no retirement benefit shall be diminished or eliminated because of such service. In addition, such officer or employee of the County engaged in active duty as a member of the National Guard or military reserve as a part of Operation Noble Eagle (homeland defense) or Operation Enduring Freedom (international operation against terrorism) or any action approved by the Director of Administration when such action is taking place on foreign or American land and the officer or employee of the County is placed in harm's way as a part of his or her service in the National Guard (and performing in the service of the United States) or Reserve
in that action, shall receive the difference between their military compensation and their compensation as an employee of St. Charles County. In addition, the employees engaged in the operations as set out in Subsection (D) shall receive health and dental benefits under the terms set out in Section 115.320(1)(a) (Health Insurance) and Section 115.320(2)(a) (Dental Insurance). (Ord. No. 96-13 Ch. 4 §5, 2-6-96; Ord. No. 96-49 §1, 5-1-96; Ord. No. 01-125 §1, 10-31-01; Ord. No. 10-009 §1, 1-27-10; Ord. No. 12-083 §6, 11-5-12)

SECTION 115.260: JURY AND WITNESS LEAVE
A. Employees occupying permanent full-time and permanent percentage time positions shall be granted paid jury and witness leave from work when:
   1. Serving as a juror in court provided jury fees received are tendered to the County;
   2. Testifying under a subpoena as a witness in criminal or civil court, responding to a Police agency investigation or attending a deposition under a subpoena; or
   3. Testifying as a result of their employment by the County in civil and criminal cases.
B. No paid witness leave will be granted for participation in other court proceedings. If a County vehicle is used, the mileage and travel expenses shall be paid to the County.
C. When an employee is testifying pursuant to Subsection (A)(2) above for another employer in court or in a deposition, the employee may receive paid witness leave only with the approval of the Director of Administration. (Ord. No. 96-13 Ch. 4 §6, 2-6-96; Ord. No. 00-022 §1, 2-29-00; Ord. No. 10-009 §1, 1-27-10)

SECTION 115.270: FAMILY LEAVE AND QUALIFYING EXIGENCE LEAVE
A. Purpose. St. Charles County will grant up to twelve (12) weeks of job-protected family and medical leave and qualifying exigency leave in accordance with the Family Medical Leave Act of 1993 as amended in 2009, known as FMLA, to eligible employees for specified covered medical and family reasons as defined in the FMLA and exigencies arising out of military deployment and up to twenty-six (26) weeks of job-protected family and medical leave to care for a spouse, son, daughter, parent or next of kin of a current member of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness. Under Federal regulations employees must be able to take unpaid leave for qualifying absences. County policy allows for the substitution of paid leave for unpaid leave as specified in this policy.
B. Employee Eligibility. Family leave is available only to regular full-time or part-time employees who have been employed by the County for at least twelve (12) months or fifty-two (52) weeks. Employment need not be consecutive weeks. However, employees must have worked at least one thousand two hundred fifty (1,250) hours during the preceding twelve (12) months immediately preceding the beginning of the leave. Neither paid nor unpaid leave time is counted in determining hours worked for FMLA eligibility.
C. Qualifying Leave. To qualify for family leave under FMLA, the leave must be taken for an immediate family member, spouse, child or parent for:
   1. The birth of a son or daughter of the employee and/or to care for that child within the first twelve (12) months of the birth;
   2. The placement of a son or daughter with the eligible employee for adoption or State/court qualified foster care and to care for the newly placed child within twelve (12) months of the child's arrival;
   3. The care of a spouse, son, daughter or parent with a serious health condition; or
   4. A serious health condition which makes the eligible employee unable to perform the essential functions of the position of such employee.
   5. In any case in which a husband and wife entitled to such leave are both employed by St. Charles County, the aggregate number of workweeks of leave to which both may be entitled may be limited to twelve (12) workweeks during any twelve (12) month period if such leave is taken to:
      a. Care for a sick parent who has a serious health condition; or
      b. The birth or placement of a son or daughter.
   6. Qualified exigent leave. Exigent circumstances of an employee's spouse, child or parent while on active duty or called to active duty status as a member of the National Guard, Reserves, or active duty service members in support of a contingency operation. Qualifying exigencies include:
      a. Issues arising from a covered military member's short notice deployment. Short notice deployment is a call/order to active duty seven (7) days prior to the date of deployment. Such leave under this Section is limited to seven (7) calendar days beginning on the date the military member is notified of deployment;
      b. Military events and related activities, such as official ceremonies, programs or events sponsored by the military or family support or assistance programs, and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross;
      c. Certain child care and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative child care, providing child care on a non-routine, urgent, immediate needs basis, enrolling or transferring a child into a new school or day care facility, and attending certain meetings at school or a day
d. Making or updating financial and legal arrangements to address a covered military member's absence;

e. Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;

f. Taking up to five (5) days of paid time off, extended medical leave or leave from the employee's paid sick leave bank to spend time with a covered military member who is on short-term temporary rest and recuperation leave during deployment;

g. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member; and

h. Any other event that the employee and employer agree is a qualifying exigency.

To qualify for military care giver leave for up to twenty-six (26) weeks, the leave must be taken consecutively, the leave must be to care for a spouse, son, daughter, parent, or next of kin who is a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, therapy, or is otherwise in outpatient status, or is on temporary military disability retired list for a serious injury or illness; or a veteran undergoing medical treatment, recuperation or therapy for serious injury or illness that occurred during the five (5) years preceding the date of treatment.

D. Maximum Leave Granted. An eligible employee may be granted up to twelve (12) weeks of FMLA and qualifying exigency leave during any rolling twelve (12) month period.

1. The rolling twelve (12) month period is measured backward from the date an employee uses any leave under this FMLA policy. Each time qualifying and approved FMLA leave is taken, the amount of available leave is computed by subtracting leave already taken during the preceding twelve (12) months from the available twelve (12) weeks of leave and the balance remaining is the amount the employee is entitled to take at that point in time.

2. Leave need not be continuous. Leave may be granted on an intermittent or reduced schedule basis for the employee's own serious health condition or to care for a serious health condition of a parent, child or spouse, if such leave is medically necessary. Employees are obligated to make a reasonable effort to schedule intermittent and reduced schedule leave so as not to disrupt business operations. However, the department may temporarily place an employee in a position that better accommodates the need for intermittent or reduced schedule leave due to normal business operations.

3. Employees on extended leave are expected to periodically report to their Appointing Authority regarding the status of the serious medical condition including, but not limited to: changes to their anticipated return to work date or their intent to return to work.

An eligible employee may be granted up to twenty-six (26) weeks of military care giver leave during a single twelve (12) month period.

1. The single twelve (12) month period begins on the first (1st) day the eligible employee takes military care giver leave and ends twelve (12) months after that date.

2. If employees do not use the entire twenty-six (26) weeks during the single twelve (12) month period, the remaining weeks of leave are forfeited.

E. Secondary Employment While On FMLA And/Or Exigent Leave. Secondary employment is prohibited while on leave pursuant to this Section.

F. Pay Status While On Qualified Leave. FMLA, when identified, runs concurrently with other forms of leave, paid or unpaid. When employees have accrued or earned leave time, absences qualifying for family medical leave shall be designated as FMLA and run concurrently with paid leave as follows: Paid leave will first (1st) be drawn from the paid sick leave bank for reasons sick leave is permitted by the Personnel Administration Program, then extended medical leave shall be used, then paid time off and then compensatory time, if elected by the employee. Compensatory time may be used to cover family medical leave absences only with the approval of the employee. Any absences not covered by some form of paid leave shall be unpaid FMLA leave.

G. Benefit Status While On Qualified Leave. St. Charles County will continue to pay its share of the health and dental premiums for employee coverage during family leave. Employees are responsible to pay their share of the premiums, if any, to maintain coverage.

1. During paid FMLA leave, normal semi-monthly pre-tax and post-tax deductions will be processed during payroll if sufficient paid leave is available to cover deductions.

2. Once paid leave is exhausted, the health and dental coverage of the employee will be continued assuming that the employee continues to pay their share, such as for dependent coverage. Employees need to make arrangements with the Human Resources Department to pay the monthly contributions by personal check or alternately, if leave is foreseeable, the employee can pre-pay under the pre-tax cafeteria plan, at their option. This does not imply a waiver of any cafeteria plan rules.

3. Employees who are thirty (30) days late for their share of premium payments are subject to dependent coverage(s) being dropped for lack of payment for the remainder of FMLA leave. However, health and dental insurance coverage may be reinstated without a waiting period upon the employee's return to work.

4. If the employee fails to return to work, the County may request to be reimbursed for the costs of the coverages paid by the
H. Requesting Leave. Employees should notify their supervisor as soon as possible that they are anticipating FMLA leave by completing the Request for FMLA Leave form as set forth in Subsection (J). For intermittent leave of a few hours or a few days, the Leave of Absence form can be completed. FMLA certification decisions are made by the Director of Human Resources. Appointing authorities continue to be responsible for use of the paid sick leave bank, extended medical leave and paid time off approval.

1. When leave is foreseeable, such as leaves for planned medical treatment or for the birth of an employee's child, employees should request FMLA leave not less than thirty (30) days in advance. If an employee fails to provide thirty (30) days' notice of leave, the employee must explain the reasons why giving such notice was not practicable, upon request for such information.

2. When leave is not foreseeable, such as accidental injury causing a serious health condition, premature birth or a sudden change in the employee's health, the employee must notify their supervisor of the need for leave as soon as it is possible and practical to do so. In most cases, the employee should notify the Appointing Authority of an unforeseen leave as soon as practicable which ordinarily means the same day it is learned that there is a need for leave, or the next business day.

3. Sometimes the Appointing Authority will place an employee on FMLA leave when it is apparent that leave time used is for a qualifying FMLA absence. The employee will receive notification of FMLA designation of the leave as set forth in Subsection I.

I. Notification. Supervisors and/or Appointing Authorities shall notify employees within five (5) business days when the time off is charged against family medical leave. If the Appointing Authority identifies a leave of absence as likely FMLA qualified, the employee will be notified and placed on FMLA leave. Employees may be directed to obtain a Medical Certification for FMLA qualified leave.

J. Medical And Qualifying Exigent For Military Leave Certifications. The County will require that a request for leave be supported by the appropriate certification. Certifications are as follows:

1. For a serious health condition. The condition(s) must be supported by a certification issued by the health care provider of the eligible employee or of the son, daughter, spouse or parent of the eligible employee, as appropriate, by a qualified health care provider to verify the serious health condition, anticipated length of leave and the type of leave, i.e. continuous, intermittent or reduced schedule. The health care provider may be contacted directly for clarification and authentication of the medical certification. If additional information is needed, the employee will receive written notice and is allowed seven (7) days to cure the deficiency. Should the employee fail to clarify an unclear certification and not allow the County to contact the health care provider directly, FMLA leave will be denied.

2. Qualifying exigency for military leave. Request for exigent leave must be supported by a certification submitted by the employee. If leave is requested to meet with a third (3rd) party (such as to arrange for child care, to attend counseling, to attend meetings with school or child care providers, etc.), a complete and sufficient certification includes the name, address, and appropriate contact information of the individual or entity with whom the employee is meeting. The information may be used to verify that the information contained on the certification is accurate.

3. Military care giver leave. A request must be supported by a certification issued by the United States Department of Defense (DOD) health care provider or a health care provider who is either a United States Department of Veterans Affairs (VA) health care provider, a DOD Tricare network authorized private health care provider, or a DOD non-network Tricare authorized private health care provider to verify that the service member is undergoing medical treatment, recuperation, or therapy, or is otherwise in outpatient status, or is on temporary military disability retired list for a serious injury or illness.

K. The Director of Human Resources shall coordinate FMLA certifications and procedures.

1. Appointing Authorities shall forward to the Director of Human Resources leave requests in excess of three (3) days or leave requests expected to be greater than three (3) days if the employee requests an FMLA designation or the Appointing Authority seeks to designate the leave as FMLA. The Director of Human Resources shall be responsible for the FMLA certification.

2. When leave is foreseeable and at least thirty (30) days' notice has been provided, the employee should provide the medical certification before leave begins. Where this is not possible, employees will have at least fifteen (15) calendar days to have the FMLA certification form completed after the County requests such certification. The County may deny the commencement of requested FMLA leave if the employee fails to provide adequate or timely certification.

3. Employees using intermittent or reduced schedule FMLA leave will be required to get periodic recertification.

4. The County may require a second (2nd) opinion at its own expense. If the second (2nd) opinion does not resolve the issue, the County may, at its own expense, require a third (3rd) opinion from a health care provider designated or approved jointly by the employee and the Director of Human Resources. The opinion of the third (3rd) health care provider concerning the information certified shall be considered final and shall be binding on the eligible employee and the County.

5. The County may require that the eligible employee obtain subsequent recertifications on a reasonable basis.

6. An employee or Appointing Authority may appeal the decision of the Director of Human Resources to the Director of Administration. The decision of the Director of Administration shall be final.

7. The County may require a fitness for duty certification to address an employee's ability to perform essential job functions. The County must provide a list of essential job functions no later than the "Designation Notice" and specify that the fitness for duty certification must address the ability to perform the essential job functions.

L. Return From Leave. Upon return from FMLA leave, an employee will be restored to the employee's original position or to an
St. Charles County -- QuickCode

equivalent position with equivalent pay, benefits and other terms and conditions of employment.

1. In limited circumstances, as provided by FMLA, the County may notify certain "key" employees, who are among the highest
ten percent (10%) of salaried employees, of its intent to deny job restoration so as to prevent substantial economic injury to the
County's operations. If FMLA leave has commenced, affected employees would be provided a reasonable time in which to return
to work. (Ord. No. 96-13 Ch. 4 §7, 2-6-96; Ord. No. 06-072 §1, 5-31-06; Ord. No. 07-080 §1, 5-31-07; Ord. No.
09-025 §2, 2-25-09; Ord. No. 10-009 §1, 1-27-10; Ord. No. 12-083 §7, 11-5-12)

SECTION 115.280: DUTY RELATED INJURIES/ILLNESSES

A. Employees who are injured or become ill as a result of the performance of their duties must immediately report the situation to
their immediate supervisor. In the event of a potential life-threatening emergency, appropriate medical assistance should be
summoned using 9-1-1. In the absence of a life-threatening emergency, the supervisor shall contact the Risk Manager who shall
arrange medical treatment through the County's contracted Workers' Compensation medical care network providers. In any
instance where medical treatment is given, the network provider must be notified. Employees who obtain unauthorized medical
care shall be liable for payment of any expenses that they incur.

B. The supervisor shall complete a "Report of Accident or Injury" within twenty-four (24) hours of being notified of a work-related
incident.

1. The completed form shall be forwarded to the appointing authority who shall copy the form and immediately send the original
to the Risk Manager.

2. The department shall send copies of the form to the Finance Department and the County Counselor's office.

C. Workers' Compensation Benefits.

1. Injuries or illness sustained by employees arising out of the normal performance of their duties shall be eligible for Workers'
Compensation benefits as specified by the State of Missouri.

2. Accrued paid time off, leave from the paid sick leave bank, extended medical leave or earned compensatory time may be
utilized in the discretion of the employees to supplement Workers' Compensation benefits. Employees may not receive more
than one hundred percent (100%) of their base regular pay through use of paid leave plus Workers' Compensation benefits.

3. The possession and/or use of alcoholic beverages or illegal drugs while on the job is prohibited and may subject the employees
to disciplinary action. If an accident occurs while under the influence of alcoholic beverages or illegal drugs, employees m
ay not receive Workers' Compensation benefits. (Ord. No. 96-13 Ch. 4 §8, 2-6-96; Ord. No. 10-009 §1, 1-27-10; ord. No. 12-083
§8, 11-5-12)

SECTION 115.290: LEAVE OF ABSENCE WITHOUT PAY

A. Except as set out in Subsection (E) below, a leave of absence without pay may be granted for up to ninety (90) days with the
approval of the appointing authority or elected official. Only one (1) extension for an additional ninety (90) days may be granted
by the appointing authority or elected official. Unpaid leave granted under the family leave provisions is applied toward the limits
of unpaid leave.

B. Health, dental, life and long-term disability insurance for employees on a leave of absence without pay continue for a maximum
of ninety (90) days if the employees continue to pay their share of the cost, if any. When the leave is extended, the benefits of
employees may be continued at their expense under Federal regulations.

C. Written requests for a leave of absence without pay must be submitted by the employees, approved by the appointing authority or
elected official and given to the Human Resources Department if it is approved.

D. If employees are unable or unwilling to return to duty following an approved leave of absence, a letter of resignation shall be
submitted; otherwise, the employees will be separated from the County employment for “failure to return to duty following leave
of absence”.

E. As set out in Section 115.250, any officer or employee of this County, who is a member of the National Guard or of any reserve
component of the Armed Forces of the United States and who is engaged in the performance of duty in the service of the United
States under competent orders for an extended and indefinite period of time, shall be entitled to leave of absence from his
respective duties as a public officer or employee until such military service is completed. (Ord. No. 96-13 Ch. 4 §9, 2-6-96; Ord.
No. 00-022 §1, 2-29-00; Ord. No. 01-125 §2, 10-31-01; Ord. No. 10-009 §1, 1-27-10)

SECTION 115.300: OTHER PAID LEAVE

Administrative leave may be granted:

1. In instances when it is in the County's best interest that the employees be excused from duty (other than pending disciplinary
action) and other forms of paid leave are not appropriate. Such leave is granted with the approval of the appointing authority
or elected official and the Director of Administration; and

2. In instances when employees are sent by the appointing authority or elected official for a medical determination as to their
fitness for duty. (Ord. No. 96-13 Ch. 4 §10, 2-6-96; Ord. No. 10-009 §1, 1-27-10)
SECTION 115.305: EMPLOYEES SHARED LEAVE BANK

A. Establishment Of The St. Charles County Employees Shared Leave Bank. The St. Charles County Employees Shared Leave Bank is hereby established. The Shared Leave Bank shall collect donated leave hours and shall award shared leave to employees in the form of extended medical leave as outlined in this Section.

B. Administration Of The Shared Leave Bank.

1. The St. Charles County Employees Shared Leave Bank will be administered by a Shared Leave Bank Committee. The Committee will be chaired by the Director of Administration. The Director of Human Resources shall be a permanent member of the Committee and shall provide administrative and clerical support for the Committee. The County Executive shall designate three (3) additional members who shall serve staggered three (3) year terms.

2. The Leave Bank Committee shall develop the necessary forms, systems, and procedures to administer the Shared Leave program as set forth in this Section.

3. The Leave Bank Committee shall hold as confidential the identity of those applying for shared leave and the details of their circumstances unless waived in writing by the applicant. The identity of those who designate donated leave shall also be confidential.

C. Consideration Of Requests For Shared Leave. The Human Resources Director shall review all applications for shared leave and make an initial determination of eligibility. If the applicant meets the minimum requirements, the Human Resources Director will make a recommendation to the Director of Administration to call a meeting of the Shared Leave Bank Committee. If the applicant does not meet the minimum requirements, the Human Resources Director will communicate with the applicant regarding his eligibility status after consulting with the Director of Administration. The Shared Leave Bank Committee will consider all requests of eligible applicants for shared leave under the terms of this Section and approve or deny requests. Decisions of the Committee are not appealable.

D. Donations Of Leave.

1. Paid time off and/or accrued compensatory time may be donated to the Shared Leave Bank and may be designated for a specific employee. No accumulated sick leave from an employee's paid sick leave bank or extended medical leave may be donated. The donor must complete a form offering to donate leave. The application for shared leave must be approved by the Committee prior to it being deducted from the donor's balance.

2. Notices requesting donations of leave for specific individuals may be posted or distributed; however, personal solicitations of individuals by other employees or elected officials are strictly prohibited. All donations must be completely voluntary.

3. Leave, once donated, cannot be returned to the donor, except in the instance where a donation is made for a specific employee and the employee does not request shared leave or the request is not approved. In such cases the donation will not be accepted by the Leave Bank Committee. If donations designated for a particular employee exceed the amount of leave granted, the remaining hours may be added to the leave bank or returned to the donors in pro rata share according to the donor's preference.

4. Employees may donate paid time off and accrued compensatory time to the Employee Shared Leave Bank in accordance with the following conditions:

   a. Employees must have at least two (2) weeks of accumulated paid time off, extended medical leave or accrued paid sick leave bank (if the employee has leave in their paid sick leave bank) in order to be eligible to donate leave.

   b. Employees may donate leave at any time.

   c. The minimum donation is four (4) hours.

E. Eligibility To Receive Shared Leave. In order to receive shared leave from the St. Charles County Employees Shared Leave Bank, the employee must satisfy the following conditions:

1. The employee must have completed his or her probationary period and be eligible for extended medical leave.

2. The employee must have a serious illness or injury or extraordinary circumstance such as, but not limited to, military deployment which is expected to result in a period of total disability of one (1) month or longer or absence from work for thirty (30) consecutive days. Leave may be awarded due to illness or injury to a family member if it is determined that the extraordinary situation will have a substantial economic impact on the employee or the employee's family. Family shall consist of the employee's immediate family, i.e., spouse, children, parents, or those in loco parentis.

3. While an application to the leave bank may be made by the employee or a designated representative when it becomes apparent that the employee will not have sufficient leave to cover the anticipated absence, no shared leave may be used until all of the employee's paid time off, extended medical leave, accrued time in paid sick leave bank and all accrued compensatory time have been exhausted.

4. The employee must have a successful record of performance and a satisfactory attendance record prior to the illness or injury. The Leave Bank Committee shall consider performance evaluations, attendance records, and input from the employee's appointing authority when considering requests for shared leave.

5. Shared leave may not be used once an employee has been off work for ninety (90) calendar days.

6. Shared leave shall not be used to supplement Workers' Compensation payments. Shared leave may be used in conjunction with leave pursuant to the Family Medical Leave Act.
St. Charles County -- QuickCode

7. Employees whose medical condition is expected to prohibit their return to duty for longer than ninety (90) days must agree, when required by the appointing authority, prior to use of shared leave, to resign their position with the understanding that the County may proceed to fill the position and with the further understanding that, should their medical condition improve to the point that they are able to return to work, the County will rehire the employee into the first (1st) available position in the same classification in the same department if such position becomes available within twenty-four (24) months. In such cases the employee may also be considered for other positions or in other departments but there is no commitment that they will be selected.

8. The employee must submit appropriate physician statements which document eligibility for shared leave.

9. The Leave Committee may determine the amount of shared leave that shall be authorized subject to any limitations included in this Section.

F. Miscellaneous Provisions.

1. Employees are encouraged to donate leave in care of a specific employee. There is no prerequisite to have contributed to the leave bank in the past in order to qualify to receive shared leave.

2. Shared leave shall be awarded as extended medical leave. Shared leave that is awarded but not used may be returned to the donor(s) in pro rata share.

3. Employees do not earn paid time off or extended medical leave while on shared leave, nor are they eligible for paid holidays.

4. Employee insurance benefits continue while the employee is on shared leave.

5. An employee is not required to "pay back" shared leave which has been used by them. (Ord. No. 98-245 §§1--6, 12-29-98; Ord. No. 06-089 §1, 6-27-06; Ord. No. 08-091 §1, 8-1-08; Ord. No. 10-009 §1, 1-27-10; Ord. No. 12-083 §9, 11-5-12; Ord. No. 12-100 §7, 12-18-12)

ARTICLE IV. FRINGE BENEFITS

SECTION 115.310: GENERALLY

The County will provide certain benefits to County full-time and percentage-time employees and elected officials. Some optional benefits will also be offered at the employee's expense. (Ord. No. 96-13 Ch. 5, 2-6-96; Ord. No. 00-022 §1, 2-29-00; Ord. No. 10-009 §1, 1-27-10)

SECTION 115.320: PROVIDED BENEFITS

A list of current carriers and telephone numbers is maintained by the Department of Human Resources, and shall be available to all employees upon request.

1. Health insurance. Health insurance shall be provided to all employees occupying permanent full-time and permanent percentage-time positions working sixty percent (60%) hours or more and elected officials, effective on the first (1st) date of active employment.

a. The County shall pay the entire cost of the individual basic coverage for full-time employees and percentage-time employees except as specified herein. No more than one-half (½) of the cost of dependent coverage shall be paid by the full-time employees, which may be done by payroll deduction on a "pre-tax" basis. Any additional costs for individual or family coverage, whether due to enhanced coverage or more costly insurance options offered by the County, shall be at the employees' expense. The County's contribution to the cost of employee or dependent coverage for percentage-time employees assuming their positions on or after July 31, 2002, shall be a portion of the amount provided for full-time employees which is equal to the employee's percentage of full-time employment.

b. Employees shall enroll during the first (1st) thirty (30) days of employment; the effective date will be retroactive up to thirty (30) days, back to the first (1st) day of employment. Changes may only be made during the next open enrollment period (usually in November of each year), or within thirty (30) days of a qualifying event such as marriage, birth, adoption, change in dependent's employment status, etc.

c. Employees or their dependents, covered under the County's health plan, leaving the employment of the County or no longer covered may have the right to continue their coverage for a specified period of time at their own expense (plus two percent (2%)) pursuant to provisions of Federal law.

2. Dental insurance. Dental insurance shall be provided to all employees occupying permanent full-time and permanent percentage-time positions working sixty percent (60%) hours or more and elected officials, effective beginning on the first date of active employment.

a. The County shall pay the entire cost of the individual basic coverage for full-time employees and percentage-time employees except as specified herein. No more than one-half (½) of the cost of dependent coverage shall be paid by the full-time employees, which may be done by payroll deduction on a "pre-tax" basis. Any additional costs for individual or family coverage, whether due to enhanced coverage or more costly insurance options offered by the County, shall be at the employees' expense. The County's contribution to the cost of employee or dependent coverage for percentage-time employees assuming their positions on or after July 31, 2002, shall be a portion of the amount provided for full-time employees which is equal to the employee's percentage of full-time employment.
b. Employees must enroll in the dental insurance program during the first (1st) thirty (30) days of employment; the effective date will be retroactive up to thirty (30) days, back to the first day of employment.

3. **Life insurance.** Term life insurance and accidental death and dismemberment coverage is provided to all employees occupying permanent full-time and permanent percentage-time positions working sixty percent (60%) hours or more and elected officials, effective beginning on the first date of active employment. The County pays the entire cost of the premium for full-time and sixty percent (60%) or better percentage-time employees except for those sixty percent (60%) time or better percentage-time employees appointed on or after July 31, 2002, where the County's contribution will be proportional to the employee's percentage of full-time employment.

   a. A benefit of one (1) times the annual salary or a minimum of fifty thousand dollars ($50,000.00) of term life is provided until age sixty-five (65).

   b. Benefit reductions at specified ages or limitations in coverage may occur in accordance with the insurance certificate.

   c. Employees may elect to purchase additional life insurance through payroll deduction for themselves and their dependents.

   d. Employees must enroll in the life insurance program during the first (1st) thirty (30) days of employment or during open enrollment.

4. **Long term disability plan.** Long term disability shall be provided to all employees occupying permanent full-time and permanent percentage-time positions working sixty percent (60%) hours or more and full-time elected officials and optional for the County Council, effective beginning with the first date of active employment. The County pays the entire cost of the premium for full-time and pro-rated premium for sixty percent (60%) or better percentage-time employees. Employees must enroll in the long-term disability plan during the first (1st) thirty (30) days of employment. Determinations of disability are made by the insurance provider according to its policy provisions. Employees who apply for and receive long-term disability are receiving such payment in lieu of continued employment with the County. The employee who is determined by the plan as qualified or approved for such disability payment shall, therefore, not accept such disability payment until they have resigned their position with the County.

5. **Retirement plan.** Employees, as defined by the LAGERS Plan in the Code of State Regulations and as approved by St. Charles County, shall have the entire cost of the retirement plan paid by the County. Employees occupying positions normally requiring at least one thousand five hundred (1,500) hours of work a year are eligible for LAGERS credit as follows:

   a. Six (6) or more hours a day of work shall be regarded as a day of credited service; and

   b. Fifteen (15) or more days of credited service as defined in the Code of State Regulations rendered in a calendar month shall be considered a month of service.

Retirement benefits paid to retirees shall be paid under the LAGERS benefit plan that was in effect on their last day of County employment.

6. **Deferred compensation match benefit.** A deferred compensation match known as the 401(a) Plan may be provided to all full-time employees, both merit, and non-merit, permanent percentage-time employees who work at least sixty percent (60%) of full-time hours, and elected officials who participate in the County Deferred Compensation Plan, also known as the Chapter 457 Plan, and who have completed one (1) year in the County's service and who have received a score of 3.0 or higher on their most recent performance evaluation.

   a. The benefit is a dollar-for-dollar match per pay period up to the maximum percent of salary matched based on length of service for each pay period in which the employee contributes to the Deferred Compensation Plan. The minimum contribution to a Chapter 457 account shall be twelve dollars fifty cents ($12.50) per pay period and all contributions shall be through payroll deduction. This benefit is not payable on additions to salary such as overtime, accumulated compensatory time or any leave balance payout and is subject to annual appropriation. The schedule for match is as follows:

<table>
<thead>
<tr>
<th>Length of Service</th>
<th>Maximum Percentage of Salary Matched</th>
</tr>
</thead>
<tbody>
<tr>
<td>At least 12 but less than 60 months</td>
<td>2.75%</td>
</tr>
<tr>
<td>At least 60 but less than 144 months</td>
<td>3.00%</td>
</tr>
<tr>
<td>At least 144 but less than 216 months</td>
<td>3.25%</td>
</tr>
<tr>
<td>At least 216 but less than 288 months</td>
<td>3.50%</td>
</tr>
<tr>
<td>288 months or more</td>
<td>3.75%</td>
</tr>
</tbody>
</table>

If an employee passes a length of service milestone during a pay period, the increase to the next matching percentage shall take effect the following pay period.

b. The County may provide a deposit of a certain dollar amount as an incentive during a specified pay period when an appropriation for such deposit is authorized in the County's budget.

c. Upon deposit into the employee's 401(a) account, any such monies become the property of the employee. The 401(a) account is portable. An employee may withdraw or transfer their balance as allowed by the Internal Revenue Code and regulations.
d. Participating employees shall be responsible for any and all plan or plan provider fees.

7. Employee assistance program. This service is available to employees and immediate family members who may have personal or family problems off the job which affect the employees. The program provides no-cost confidential counseling to employees and their families on issues such as marital and family problems, drug or alcohol abuse, credit problems, etc. The Human Resources Director shall provide a brochure describing the benefits available through the employee assistance program upon employees' requests.

8. Educational assistance program. This assistance program is available to all permanent full-time and permanent percentage-time employees working sixty percent (60%) time or more. Full-time employees may receive the maximum benefit amount per calendar year as provided by the program. Percentage employees may receive a maximum benefit proportional to the employee's percentage of employment. The Human Resources Director or the designee shall provide program documents as well as an application upon an employee's request. Reimbursement of funds due and owing from an employee where separation from County employment or change to intermittent status is not the result of discipline or job abandonment pursuant to the St. Charles County Personnel Administration Program, Chapter 115 of the Ordinances of St. Charles County, Missouri may be waived. (Ord. No. 96-13 Ch. 5 §A, 2-6-96; Ord. No. 00-022 §1, 2-29-00; Ord. No. 02-117 §2, 7-31-02; Ord. No. 02-165 §1, 10-30-02; Ord. No. 03-089 §1, 6-25-03; Ord. No. 05-187 §1, 12-20-05; Ord. No. 06-071 §1, 5-31-06; Ord. No. 07-169 §1, 12-4-07; Ord. No. 10-009 §1, 1-27-10; Ord. No. 11-101 §1, 1-4-11; Ord. No. 12-100 §8, 12-18-12)

SECTION 115.330: OPTIONAL EMPLOYEE BENEFITS

A. Short Term Disability Plan. Employees may purchase short term disability insurance at their own expense through payroll deduction, subject to eligibility criteria of the insurance provider. Determinations of disability are made by the insurance provider according to its policy provisions.

B. Deferred Compensation Plan. This program is provided as a convenience to the employees. The County does not contribute any funds. The plan allows employees to divert, through payroll deduction, up to the maximum amount allowed by IRS regulations before taxes and have the money invested for their retirement. The County has three (3) different plans available to employees.

C. Flexible Spending Account (Chapter 125 Plan). This program is provided as a convenience to the employees and the County does not contribute any funds.

1. Through payroll deduction, employees occupying full-time and percentage-time positions may divert pre-taxed earnings into special accounts. The employees may be reimbursed from these accounts for eligible medical, dental and child care expenses during the year upon presentation of receipts. This has the effect of paying these bills with pre-taxed dollars.

2. Employees shall enroll during the first (1st) thirty (30) days of employment and changes may only be made during the next open enrollment period except in the case of a qualifying event such as marriage, birth, adoption or change of employment status.

D. Pre-Tax Parking Garage Fees (IRC Sect. 132 (f)(1)(C). This program is provided as a convenience to County employees who receive a parking pass from the City of St. Charles paid through payroll deductions.

1. Through payroll deduction, employees occupying full-time and percentage-time positions who hold parking passes for the City of St. Charles' parking garage may have those fees deducted from pre-taxed earnings on a semi-monthly basis.

2. Employees may enroll, change or terminate their participation in the pre-tax deduction at the beginning of any pay period. Changes are effective at the beginning of a pay period.

E. Credit Union. Participation in the credit union is available to County employees through payroll deduction. Enrollment forms are available from the Department of Human Resources. (Ord. No. 96-13 Ch. 5 §B, 2-6-96; Ord. No. 00-022 §1, 2-29-00; Ord. No. 10-009 §1, 1-27-10)

Cross Reference--As to deferred compensation match benefit program, see §130.100.

SECTION 115.340: REIMBURSEMENTS

A. Training Reimbursement.

1. Formal academic and vocational courses.

a. Formal academic and vocational courses taken by permanent full-time and permanent percentage-time employees approved by the appointing authority or elected official and the Director of Administration may be reimbursed pursuant to a training reimbursement plan approved by ordinance and funded through the budget.

b. Reimbursement will not cover incidental fees, books, travel or related expenses or courses that are dropped or not completed successfully.

c. Employees who pay the initial cost of tuition may apply for reimbursement prior to enrollment or completion of the course, but payment follows completion.

2. Seminars, conferences and training programs. Training funds referred to in this Section do not include funds authorized by State Statute to segregated accounts for training or discretionary purposes. Those funds are authorized by the appointing authority or elected official. However, all other purchasing policies shall apply. In all other instances in which training funds
are utilized, the following procedures shall apply:

a. Where the proposed training is outside the State of Missouri or is an in-State conference, seminar or short training program not taken for the purpose of fulfilling continuing education requirements of State licensure or accreditation bodies (including national licensure or accreditation recognized by the State), the Director of Administration and the appointing authority or elected official must both approve the proposed training in order for County reimbursement to be authorized. Requests should be made to the appointing authority or elected official in advance of the proposed training.

b. In-State conference, seminar or short training programs taken for the purpose of fulfilling continuing education requirements of State licensure or accreditation, the appointing authority or elected official must approve the proposed training in order for County reimbursement to be authorized.

c. If approved, payment may be made in advance of training. Related costs may be reimbursed when necessary under the provisions outlined in Subsection (B) below, Travel/Expenses.

d. Training expenses paid in advance must be reimbursed to the County if the employee does not attend and/or successfully complete the training.

B. Travel--General Statement. It is the policy of St. Charles County for its employees and elected officials to select the most cost effective travel method. County departments are expected to establish sufficient controls to ensure travel expenses are minimized to the fullest extent possible. Effective cost control is a management issue and this policy does not take the place of essential management oversight.

1. Mileage reimbursement. The Director of Finance will periodically issue mileage reimbursement rates comprised of a standard rate and a fleet rate. The standard mileage reimbursement rate is deemed to represent the total cost to own and operate a personal vehicle and is generally tied to the mileage reimbursement rate established by the State of Missouri. The fleet mileage reimbursement rate reflects the estimated average cost of operating a vehicle in the County vehicle fleet and shall be calculated based upon sixty percent (60%) of the established standard mileage reimbursement rate.

2. Ground travel options.

a. Employees and elected officials must utilize the most cost effective travel option when traveling on County business. All relevant factors such as the urgency; nature of travel required; type of vehicle required for the number of passengers; employee time and effort; proximity to rental or County vehicle; and other administrative costs should be considered when selecting the most effective travel option. In most circumstances, County vehicles or rental vehicles are more cost effective than personal mileage reimbursement; therefore, employees and elected officials should avoid driving privately owned vehicles for official County business.

b. Employees and elected officials traveling to the same destination should car-pool whenever possible. Employees who elect to travel using their personal vehicle when car-pooling is available shall be denied reimbursement if space is reasonably available in a County owned or rental vehicle traveling to the same destination for the same purpose.

c. Employees and elected officials should drive County vehicles unless an exception applies as set forth in paragraph d below. When a County vehicle is available for use and the employee or elected official elects to drive a privately owned vehicle, the maximum reimbursement rate shall be limited to the established fleet mileage reimbursement rate. When a County vehicle is not available, but a rental vehicle is reasonably available and is a lower cost option for the trip, the maximum mileage reimbursement for the employee or elected official shall not exceed the cost of the rental option plus the cost of fuel.

d. Notwithstanding paragraph c, above, individuals who use privately owned vehicles for official County business may be reimbursed up to the standard mileage reimbursement rate when:

   (1) The individual has a documented physical condition that requires the operation of a vehicle equipped to accommodate their specific physical needs.

   (2) Another employee can utilize the County vehicle to a greater extent.

   (3) Employees and elected officials denied the use of a County vehicle due to their driving record may be reimbursed for use of a privately owned vehicle up to the County fleet reimbursement rate.

e. Employees and elected officials who operate their personal vehicle on County business must do so in compliance with the Motor Vehicle Financial Responsibility Law, Chapter 303, RSMo. Individuals and/or their insurers may be held liable for damages resulting from an accident that occurs while operating their vehicle on County business.

C. Employment-Related Expenses.

1. Out of pocket expenses (i.e., gas, oil, repairs), incurred while using a County auto will be reimbursed when a receipt for the same is presented.

2. Auto rental for County business.

a. Rentals can be reserved and some discounts are available to the County.

b. Rentals should only be used when taxis, buses or limousine services are impractical or for emergency transportation.

c. A receipt is required.

d. Prior approval for car rental should be obtained from the appointing authority or elected official. In the event of an emergency, no prior approval shall be required.
3. Personal meals out of St. Charles County will be on a per diem schedule set up by the County Director of Administration. Reimbursement for partial days will be reimbursed based on the partial days section of that schedule. Meals provided to the employees as part of the County expense at another event will be deducted from the per diem.

4. **Tolls, parking and taxis.** Reimbursement will be for the amount incurred. Receipts are required for individual charges in excess of five dollars ($5.00).

5. **Telephone.** Only calls relating to County business will be reimbursed.

6. **Charge cards.** Any individual to whom a County charge card is issued is responsible for all charges on the card and should retain all receipts to be submitted along with the billing statement for reimbursement.

D. **Hotel Stays For Traveling Employees.**

1. The County allows the purchase of overnight stays in hotels under the following conditions:
   a. The employee is attending a conference or work event that is more than two (2) hours away and the event begins before 9:00 A.M.
   b. Overnight stays shall not be authorized after the conference or event is over unless the employee has had to fly to the event or is five (5) or more hours away and can demonstrate that the time of conclusion of the event was such that no reasonable transportation was available in time to avoid such an overnight stay.

E. **Entertainment.** Reimbursement will be for the actual amount incurred. The amount must be reasonable and the purpose must be well defined and in the County's interest. All requests for reimbursement of entertainment expenses must have a receipt attached. The dates, the names of the individuals present, their titles, and location and amount must be listed on the back of the expense statement. All entertainment expenditures made by anyone other than the County Executive or members of the County Council must have prior approval of the Director of Administration; however, any expenditures made by the Director of Administration must have prior approval of the County Executive.

F. **Miscellaneous Expenses.** A receipt is required for reimbursement and will be made for the actual amount incurred. The expense report should indicate the date incurred, a brief description and the amount. Expenses incurred by non-employees accompanying employees will not be covered.

G. **Reimbursement Procedure.**

1. Expense statement forms and information regarding this policy can be obtained from the Department of Finance.
2. Expense statements require the approval of the appointing authority or elected official.
3. Completed expense statements should be submitted to the Department of Finance through the purchase order procedure for reimbursement. Amounts under fifty dollars ($50.00) may be submitted by petty cash voucher. (Ord. No. 96-13 Ch. 5 §C, 2-6-96; Ord. No. 97-209 §§1–3, 12-31-97; Ord. No. 00-022 §1, 2-29-00; Ord. No. 05-187 §2, 12-20-05; Ord. No. 10-009 §1, 1-27-10)

PART 2. PERSONNEL ADMINISTRATION PROGRAM: MERIT SYSTEM

SECTION 115.350: GENERAL PROVISIONS

A. **Title.** This ordinance shall be known and may be cited as Merit System, St. Charles County, and is Part 2 of the Personnel Administration Program.

B. **Scope.**

1. The Merit System established by this Part 2 of the Personnel Administration Program applies to all St. Charles County employees except as otherwise exempted in the Charter or by ordinance of the County Council.

2. Elected officials and those department heads who are exempted from the Merit System are required by Charter to operate their offices within the guidelines of the Personnel Administration Program.

C. **Purpose.** This Part 2 of the Personnel Administration Program partly fulfills the mandate of the St. Charles County Charter, which requires the establishment of a Personnel Administration Program for all County employees under the direction of the Human Resources Director, with a Merit System within the Program covering all employees except as otherwise provided in the Charter. It is the policy of St. Charles County to fill each position covered by the Merit System on the basis of merit ascertained as nearly as practicable by competitive examination and for the retention of said employees and officers on the basis of merit and ability. This Part 2 is part of the Personnel Administration Program, along with ordinances establishing the St. Charles County Benefits and Conditions of Employment and the St. Charles County Basic Pay Plan.

D. **Governing Provisions.** The provisions of this Part 2 of the Personnel Administration Program shall supersede the applicable provisions of the Interim Employee Handbook.

E. **Rights Of The County As The Employer.** Nothing in this Part 2 of the Personnel Administration Program is intended to circumscribe or modify the existing right of the County to:

1. Direct the work of its employees;
2. Hire, promote, assign, transfer, and retain employees in positions within the County;
3. Counsel, reprimand, suspend, reduce in pay, demote or discharge employees for proper cause;
4. Determine the position classification and salary grade of all County employees;
5. Maintain the efficiency of governmental operations;
6. Lay off employees due to lack of work, failure of financial appropriation or other causes which do not reflect discredit on employees;
7. Take actions as may be necessary to carry out the mission of the County in emergencies; and
8. Determine the methods, means, and personnel by which operations are to be executed.

F. Rights Of The County Employee.
1. Employees (except appointing authorities, confidential employees, employees exempted from the Merit System, and employees who are otherwise prohibited from doing so by law) shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of meeting and conferring with a County representative with respect to wages, hours, and other terms and conditions of employment as provided by Charter and subsequent ordinances. However, this right does not apply to any manager, supervisor or confidential employee who shall not be permitted to join or maintain membership in any employee organization or union which admits to membership employees who work under the direction of such manager or supervisor. Merit System employees also have the right to refuse to join, participate, or support in any way the activities of employee organizations.
2. In addition, rights and privileges of County employees are contained in this document and in the Personal Administration Program, Part 1, and Basic Pay Plan, Part 3, Benefits and Conditions of Employment.
3. Nothing in this Part 2 of the Personnel Administration Program is intended to circumscribe or modify existing rights of County employees under the State of Missouri's Public Sector Labor Law, Sections 105.500--105.530, RSMo. (Ord. No. 99-138 §§1--3, 10-27-99; Ord. No. 10-009 §2, 1-27-10)

SECTION 115.360: DEFINITIONS

When used herein and unless otherwise indicated herein, the following words and phrases shall have the meanings assigned in this Section. When used herein and unless otherwise indicated herein, any word or phrase that is or shall be defined in St. Charles County ordinances establishing or regulating the Personnel Administration Program's Benefits and Conditions of Employment and Basic Pay Plan shall have the meanings assigned in those ordinances.

ALLOCATION: The assignment of a position to a position classification.

APPOINTING AUTHORITY: A department head or elected official who exercises ultimate supervisory authority over an employee.

CERTIFICATION: An official change, addition or deletion, or official act by the Human Resources Director.

CLASSIFICATION SPECIFICATION: The essential responsibilities, duties and qualifications common to all positions within a position classification.

CONFIDENTIAL EMPLOYEE: An employee whose access to confidential personnel files or information concerning the administrative operations of the County, or whose functional responsibilities or knowledge in connection with the issue involved in the process of dealing with labor organizations or unions, would make his/her membership in the same organization as a non-confidential employee incompatible with his/her official duties.

ELIGIBLE: A person who may be considered for employment or re-employment.

EMPLOYEE: Any person in the service of St. Charles County except contractors and elected officials.

EXEMPTED EMPLOYEE: A person who is exempt from the Merit System in accordance with the Charter or ordinance, not exempt status as defined by the Fair Labor Standards Act.

FLAT RATES: Rates of pay for temporary and part-time employees who are ineligible for benefits and where the employees are not eligible for within-range advancements.

MERIT SYSTEM EMPLOYEE: An employee of the County not exempted from the Merit System by Charter or ordinance.

OCCUPATIONAL SERIES: A position classification containing multiple levels (i.e. Records Clerk I, Records Clerk II, Records Clerk III).

POSITION CLASSIFICATION: A grouping of one (1) or more positions with the same essential responsibilities, duties and qualifications.

POSITION CLASSIFICATION PLAN: An official listing of position classifications utilized by the County which has been set up and revised by the Merit System Commission pursuant to Article VII, Section 7.502.2 of the St. Charles County Charter as amended.

POSITION DESCRIPTION: A summary of responsibilities and duties for a particular position.

PROBATION: Employment on a trial basis to determine suitability before becoming a non-probationary employee at that position.
PROBATIONARY EMPLOYEE: An employee who has not yet completed his initial probation period.

PROMOTIONAL PROBATIONARY EMPLOYEE: An employee who has completed an initial probationary period but who is currently serving a probationary period in another position.

PROMOTION: The appointment of a full-time or percentage-time employee to another position in a higher pay grade.

RECLASSIFICATION: Reallocation of a position to another job classification as the result of a change in the duties and responsibilities of a given job class. Changes must not be of a short term nature of less than one (1) year, transitory and/or minor in quantity or alteration.

SECRETARY: The Secretary to the Merit System Commission.

SESSION RATE: A rate of pay established to compensate an employee for completion of a unit of work, completion of a defined responsibility, or similar assignment where the value of the accomplishment is compensated rather than the hours worked. Employees paid on a session rate are not eligible for benefits nor within-range advancements.

SEVERE DISCIPLINE: Suspension without pay, reduction in pay, demotion, or dismissal.

TRANSFER: The appointment of an employee to another position in the same pay grade. (Ord. No. 99-138 §§1--3, 10-27-99; Ord. No. 10-009 §2, 1-27-10)

SECTION 115.370: ADMINISTRATION OF THE MERIT SYSTEM

A. Organization And Operation Of The Merit System Commission.

1. The Merit System Commission shall be structured according to Article VII, Section 7.501 of the Charter.

2. The Merit System Commission shall meet at least monthly. Special meetings may be called only by:
   a. The Chairperson of the Merit System Commission by notifying the Secretary of the purpose, time and place of the meeting; or
   b. The Merit System Commission, while in session, may determine the need for and schedule special meetings.

3. The Merit System Commission may meet by telephone, but such meeting shall be in accordance with the Sunshine Law.

4. The Merit System Commission shall, at its first (1st) meeting in July each year, elect from among its members officers of the Merit System Commission who shall have the titles of Chairperson and Vice-Chairperson of the Merit System Commission. Each officer shall serve in that office at the pleasure of the Merit System Commission.

5. The Chairperson or Vice-Chairperson shall preside at meetings of the Merit System Commission, have a voice, vote on all questions before it and have authority to:
   a. Preserve order at Merit System Commission meetings; and
   b. Determine the order of the Merit System Commission business under this Part 2 of the Personnel Administration Program and the rules of the Merit System Commission.

6. Vacancies or absences on the Merit System Commission caused by death, incapacity, resignation, expiration of term, or failure to attend three (3) consecutive regular meetings shall be filled forthwith by appointment pursuant to Article VII, Section 7.501 of the Charter.

7. Meetings shall be conducted in general conformance with Robert's Rules of Order, latest revision, except when the Constitution of Missouri, the laws of Missouri, the St. Charles County Charter or ordinances are to the contrary.

8. A majority of the Merit System Commission must be present to conduct business except as provided in Section 115.470.3.a regarding conduct of hearings by a member of the Merit System Commission when functioning as a hearing officer.

9. Records of all the proceedings of the Merit System Commission shall be maintained in accordance with Federal or State law or County ordinance. Minutes, once approved, shall be filed with the County Registrar. Records of the Merit System Commission, when they are no longer needed by the Merit System Commission, shall be archived in the Registrar's office. Tape recordings of the Merit System Commission meetings shall be maintained for a minimum of twelve (12) months.

10. An oath of office shall be administered by the County Registrar to each Merit System Commissioner upon appointment or reappointment to assure that the spirit and intent of the County Merit System shall be observed, the welfare of the public upheld and substantial justice is done.

11. The Merit System Commission may retain hearing officers pursuant to budgetary authority granted in the annual budget of St. Charles County.

B. Powers And Duties Of The Merit System Commission.

1. Pursuant to Article VII of the St. Charles County Charter as amended, the Merit System Commission shall:
   a. Review and evaluate the Merit System operation and from time to time recommend to the County Council and the County Executive changes in policies and procedures for improved operation of the Merit System; and
   b. Recommend to the County Council and County Executive, for establishment by ordinance, a basic pay plan, including the proposed assignment of position classifications to pay ranges contained in the basic pay plan as well as flat rates for
c. Set up and revise as necessary a position classification plan and establish and amend rules for examination, certification and payment of personnel within the appropriation of funds by the County Council and other necessary details of personnel administration; and

d. Hear appeals filed within the deadline set by Section 115.470.1.e as provided by Section 115.470.1 and other ordinances, as applicable, in cases of disciplinary actions by appointing authorities and shall issue written findings of facts and conclusions setting forth its determination.

1) After hearing and consideration of the evidence for and against a suspension, demotion, reduction in pay or dismissal, the Merit System Commission shall sustain, overturn or modify the action of the appointing authority in accordance with the standards listed below:

(a) The Merit System Commission shall sustain the action of the appointing authority when:
   (i) The facts as set forth in the notice of discipline are supported by a preponderance of the evidence; and
   (ii) The severity of the discipline imposed by the appointing authority is deemed reasonable given the nature and seriousness of the action(s) by themselves or considered in conjunction with prior disciplinary actions or employee evaluations.

(b) The Merit System Commission may overturn the discipline imposed by the appointing authority when the appointing authority fails to prove, through a preponderance of the evidence, the actions listed as the reasons for imposing the discipline.

(c) The Merit System Commission may modify the discipline imposed by the appointing authority when:
   (i) The validity of substantial portions of the reasons listed by the appointing authority for imposing the discipline are not supported by the preponderance of the evidence; or
   (ii) The severity of the discipline imposed by the appointing authority would be unreasonable based upon only those portions of the reasons listed that are supported by the preponderance of the evidence, giving consideration to the nature and seriousness with prior disciplinary or performance records.

   (iii) The discipline was on account of race, creed, disability, color, age, religion, national origin, gender, ancestry, political affiliation or activity or lack thereof; or union membership or non-membership.

(d) When the Merit System Commission determines to modify the discipline to a lesser degree, the Commission shall set forth the discipline to be imposed in its findings of fact and conclusions.

2) The Merit System Commission may order back pay but only to the extent such back pay is within the appropriation of funds by the County Council to that department for payroll and such award shall be calculated as follows:

(a) An award of back pay for income lost by reason of suspension, reduction in pay, demotion or dismissal, subject to the availability and appropriation therefore, shall be calculated at the rate the aggrieved party earned at the time of suspension, reduction in pay, demotion or dismissal including any increases received by the class of the aggrieved party during that period less any unemployment compensation payments or other earned income received during that period of time, less any mitigation income earned by the employee. The aggrieved party shall be required to furnish any documents necessary to determine his income or whether the income was received from other sources including copies of Federal income tax returns, bank records, payroll check stubs or other documentation; or

(b) Where the appropriation of funds to a department is insufficient to pay a back pay award, the Merit System Commission may recommend to the County Executive and the County Council an additional appropriation of funds to a department for the benefit of an aggrieved party.

3) The Merit System Commission may award attorney fees or costs only in instances in which it makes a written finding that the decision of the appointing authority was not substantially justified and such award of attorneys's fees shall be limited to the following circumstances:

(a) The attorney's fees shall be no more than seventy-five dollars ($75.00) an hour; and

(b) Such attorney's fees and employee's costs may not exceed ten percent (10%) of the award of back pay.

e. Hear appeals from decisions of the Human Resources Director in cases involving examination and examination rating and, following consideration of the facts, may:

1) Uphold the action of the Human Resources Director;

2) Order the correction of decisions made by the Human Resources Director in examination and examination rating. Such corrections shall be made immediately, but shall not have the effect of negating any appointment or promotion which has been made from the affected eligible list.

f. Insure no discrimination or favoritism in employment or compensation of County employees on account of race, creed, disability, color, age, religion, national origin, gender, ancestry, political affiliation or activity or lack thereof, or union membership or non-membership; and

g. Insure employees under the Merit System shall not be personally, by any other employee, officer or elected official of the County, solicited or required to pay any assessment or contribution or perform any service which will benefit anyone occupying or seeking employment, nomination or election to any public office; and
h. Promulgate rules that employees under the Merit System may voluntarily participate in political activities outside working hours; and

i. Promulgate rules that no officers or employees of the County shall promise or threaten to promote, remove or reduce any employee under the Merit System for making or refusing to make any contribution for any political party or purpose or for rendering or refusing to render any political service and to that end, the Merit System Commission may issue advisory opinions on complaints put to them by employees and officers alleging a violation of the Charter or ordinances.

C. Powers And Duties Of The Appointing Authority.

1. The appointing authority of each department shall be responsible for the personnel management of the department as provided by Federal and State law, the Charter and ordinances of St. Charles County and rules adopted by the Merit System Commission.

2. The appointing authority may promulgate department rules for personnel administration consistent with the Charter, the Personnel Administration Program and subject to the approval of the Director of Administration after consultation with the Human Resources Director. Such rules shall be forwarded to the office of the County Counselor for review as to consistency with this and other applicable ordinances and laws.

3. The appointing authority of each department shall, subject to direction by the Director of Administration and/or the County Executive, manage, direct and supervise all personnel activities of the department; shall appoint all officers, deputies, assistants and employees of the department in accordance with the provisions of the Merit System, unless otherwise provided by Charter or ordinance; and shall assign functions and duties to such officers, assistants and employees and direct and control their work.

D. Powers And Duties Of The Human Resources Director Under The Merit System. In addition to those powers and duties pertaining to the administration of the overall Personnel Administration Program, the Human Resources Director shall administer the Merit System and have the power and duty to:

1. Report to the County Executive and perform any duties, functions, and managerial or investigative responsibilities assigned by the County Executive not inconsistent with the Charter, applicable laws, or Merit System Rules; and

2. Exercise those powers and perform those duties required by ordinance or rules of the Merit System Commission; and

3. Function as the appointing authority for the Department of Human Resources; and

4. Maintain official employee personnel files in accordance with Part 1 of the Personnel Administration Program; and

5. Certify all additions, deletions and changes in payroll for Merit System employees; and

6. Recruit applicants to fill vacancies; and

7. Hold examinations, consult with appointing authorities as to the qualifications of applicants and establish and maintain eligible lists; and

8. Certify names of candidates to appointing authorities for filling vacancies covered by the Merit System; and

9. Recommend to the Merit System Commission changes in the Classification Plan; and

10. Allocate new positions within the Merit System to position classifications included in the Position Classification Plan as set forth in this Part 2 of the Personnel Administration Program; and

11. Prevent the suspension, layoff, or dismissal of or discrimination against employees performing military duties pursuant to Chapters 41 and 42, and Section 105.270, RSMo.; and

12. Recommend to the Director of Administration discipline in accordance with this Part 2 of the Personnel Administration Program of any current Merit System employee for the unauthorized release of examination material including written test items, interview questions, or similar confidential material; and

13. Remove from consideration for appointment any applicant, and/or recommend discipline to the Director of Administration in accordance with this Part 2 of the Personnel Administration Program of any current Merit System employee for attempting, or assisting anyone else who is attempting, to gain advantage over other applicants for appointment or promotion to Merit System positions through deceit, misrepresentation or fraud. Disqualified applicants may appeal to the Merit System Commission.

(Ord. No. 99-138 §§1--3, 10-27-99; Ord. No. 03-089 §2, 6-25-03; Ord. No. 03-155 §1, 10-1-03; Ord. No. 10-009 §2, 1-27-10)

Editor's Note--Reference to county clerk was changed to county registrar in accordance with ord. no. 01-121, adopted 9-26-01, set out in §129.010 of this code.

SECTION 115.380: POSITION CLASSIFICATION

A. Position Description. Each appointing authority shall maintain a current position description for each position in his department.

B. Classification Specifications. The Department of Human Resources shall maintain a classification specification for each position classification in each occupational series adopted by the Merit System Commission and included in the Position Classification Plan. The classification specifications shall be broad enough in scope so that positions with similar responsibilities and duties and which require similar knowledge, skills and abilities can be allocated to the same position classification. The classification specifications shall accurately distinguish between levels of position within the occupational series.
C. Allocation Of Positions To Classifications. The Department of Human Resources is responsible for comparing the descriptions for each position within the departments with the classification specifications and then is responsible for allocating each position to the most appropriate position classification.

1. The position classification of a position is determined when the position is created, and is reviewed each time it is vacated and refilled. The position classification may also be reviewed whenever there is reason to believe that the responsibilities and duties have changed so significantly that the position should more properly be allocated to a different classification.

2. Whenever it is determined, after consultation with the appointing authority, that the classification of any position is inappropriate, the position shall be reallocated to the position classification that is most appropriate. The appointing authority and the incumbent, if any, shall be notified of the change in classification.

3. The effective date for any reclassification shall be the later of the date on which the Human Resources Director issued the classification decision, or the date on which all necessary changes to the Classification Plan, the Basic Pay Plan, and the budget have been adopted.

D. Establishment Of New Position Classifications.

1. By Human Resources Director.
   a. Except as set out in Subsection D.2 below, whenever the Human Resources Director, after consultation with the appointing authority, determines that there is no appropriate position classification existing in the Classification Plan to which to allocate a merit position or proposed merit position, he shall develop a job description for the proposed new position. The Human Resources Director shall then recommend that the Merit System Commission adopt the new position classification and add it to the Classification Plan. Following adoption of the new classification, the Human Resources Director shall notify the appointing authority.
   b. If the appointing authority and the Human Resources Director are in agreement with the new proposed classification, recruitment activity may commence in anticipation of the approval of the new Merit System position classification by the Merit System Commission, but the appointing authority may not fill the position until after Merit System Commission approval and budget authorization for the position has been obtained.

2. By executive power. Pursuant to powers granted under the Charter, department heads, division heads, bureau and section heads shall be established in the Classification Plan as the County Executive determines necessary.

E. Appeal Of Classification Decisions. Whenever the allocation of a position is determined by the Human Resources Director, the employee occupying the position or the appointing authority may appeal this decision to the Merit System Commission.

F. Official Titles And Working Titles Of Positions. The position classification shall be the official title of the employee's position and shall be the title utilized for payroll and budgeting purposes. The appointing authority may use working titles for other purposes whenever this is useful. (Ord. No. 99-138 §§1--3, 10-27-99; Ord. No. 10-009 §2, 1-27-10)

SECTION 115.390: RECRUITMENT AND EXAMINATION

A. Requisition Process. Whenever appointing authorities wish to fill a vacancy, they shall, after consulting with the Human Resources Director, prepare and submit a completed Personnel Requisition to the Director of Administration. The Director of Administration may request that the Personnel Requisition be accompanied by a current position description and a list of minimum qualifications, special knowledge, skills or ability required for the individual position. Disputes about the minimum qualifications or the recruitment procedures to be used shall be resolved by the Director of Administration. The Personnel Requisition shall be submitted as far in advance of the desired appointment date as possible.

B. Position Announcements.

1. Whenever a Personnel Requisition has been approved by the Director of Administration, the position shall be given public notice in the form of a position announcement by the Department of Human Resources unless:
   a. The position is to be filled at the discretion of the appointing authority by the appointment of an individual from the re-employment list pursuant to Section 115.400 of this Part 2 of the Personnel Administration Program or by transfer or demotion; or
   b. There is an existing eligible list to which candidates have been added in the preceding one hundred twenty (120) calendar days. Open posting notices for occupational classes may be published on the County website when the County is seeking, or expects to seek, multiple qualified candidates for that occupational class or similar occupational classes. Such candidates may be retained on the list for one hundred twenty (120) days without posting another position announcement.
   c. There is a need to fill the position quickly to preserve the public interest and a current eligible list exists containing the names of suitably qualified individuals. The certification from such an eligible list must be approved by the appointing authority and the Director of Administration.

2. Position announcements shall be posted for a minimum of five (5) business days and may be posted for a longer period of time if the Human Resources Director or the appointing authority feels additional time shall be needed to attract a sufficient number of qualified applicants.

3. The position announcement shall include the Position Classification Title, the pay range, a summary of the position description, the minimum necessary qualifications, an equal opportunity statement, an Americans with Disabilities Act statement, a deadline by which applications must be received in order to assure consideration, or notice that applications shall
be received until further notice, and any other information deemed appropriate.

4. When the appointing authority and the Human Resources Director agree that there are a sufficient supply of non-probationary County employees who possess the qualifications and are available for promotion, the position announcement may specify that only non-probationary County employees will be considered.

5. All applications received prior to the deadline shall be included in the screening process. The deadline may be extended by reissuing the position announcement. When so noted on the position announcement, applications received after the deadline may be considered if necessary to assure that a sufficient supply of qualified applicants is available for consideration.

6. Copies of the position announcements shall be sent to all County departments and notification of vacancies shall be posted in places accessible to employees of each department. Copies of position announcements excluding promotional announcements shall also be sent to all St. Charles County public libraries, and the Missouri State Employment Service. Other recruitment sources including media publications shall be used when deemed necessary by the Human Resources Director or appointing authority.

C. Examinations.

1. Competitive and promotional examinations shall be established and amended according to rules adopted by the Merit System Commission and shall be of such character as to determine the relative qualifications, fitness and ability of the persons tested to perform the duties required of the position to be filled.

2. The Human Resources Director may reject the application of any person for admission to an examination if that person is found to lack any of the required qualifications related to the position sought, has been convicted of or pled guilty to a crime which is related to the responsibilities and duties of the position sought, has made a false statement of a material fact or practiced or attempted to practice any fraud or deception in his application, examination or attempt to secure appointment. Procedures for examination administration, ratings and results are appealable in accordance with Merit System Rules. (Ord. No. 99-138 §§1--3, 10-27-99; Ord. No. 06-144 §1, 11-1-06; Ord. No. 10-009 §2, 1-27-10)

SECTION 115.400: ELIGIBLE LISTS AND CERTIFICATION

A. Eligible Lists. The Department of Human Resources shall maintain lists of candidates for consideration for employment with the County.

1. Eligible lists may be specific to a single position classification, either within a particular department, or throughout the County service. Alternatively, eligible lists may be specific to a series of related position classifications, whether within a particular department or throughout the County service. Whenever any such eligible list is used to fill a position, the Human Resources Director shall certify for consideration only those applicants who meet the qualifications set forth in the Position Announcement.

2. The types of eligible lists are as follows:

   a. Re-employment list. A list of all former non-probationary employees who were laid off or who resigned in good standing from the County service during the last two (2) years in the particular position classification and department from which they were laid off or resigned and who have asked to be considered for re-employment in that position and department. It shall be the responsibility of the former employees to notify the County of any address changes.

   b. Open competitive list. A list of applicants who have met all of the minimum qualifications and successfully completed the necessary components established in accordance with Merit System Rules for examinations, including former non-probationary employees who were laid off or who resigned in good standing from the County service during the last two (2) years in the particular position classification when the available position is in a department other than the one from which the applicant was laid off or resigned. The Open Competitive Lists may be either Position Specific or Occupation Specific.

      (1) A position specific list is tailored to the requirements of a specific vacancy and a new eligible list is established for each vacancy that expires when the position is successfully filled. Position specific lists are used for recruitment in various departments for vacancies which occur within a one hundred twenty (120) day period. If an insufficient number of qualified candidates exist, candidates from a similar occupation specific list may be considered.

      (2) Occupation specific lists may be used to fill positions within the same occupational group with similar qualifications or testing procedures. Occupation specific lists include those candidates that have completed all examination components. Candidates on the list are ranked by their final converted scores.

B. Order Of Certification. Upon receipt of an approved Personnel Requisition, the Department of Human Resources shall immediately certify up to fifteen (15) candidates for the position, such certification to be provided in the following order: names from the re-employment list, and then from the open competitive list in the order and manner prescribed by rules adopted by the Merit System Commission. In the instance of multiple vacancies in the same position classification in the same department, additional candidates may be provided.

C. Removal From Eligible Lists.

1. The Human Resources Director may remove an applicant's name from the eligible list as allowed by rules promulgated by the Merit System Commission or for the following:

   a. The applicant is no longer available for employment; or

   b. The applicant fails to respond to letters or phone calls concerning their availability for employment or interview or fails to
1. Appointments from eligibles. Except in cases of re-employment, emergency and transfer appointments, vacancies in Merit System positions are filled by the appointing authority from a selection of persons certified as eligible for appointment by the Human Resources Director. If the appointing authority cannot find an adequate appointment from among those certified, the Director of Administration may instruct the Human Resources Director to begin the recruitment and certification process again.

2. Temporary promotional appointments.
   a. Except as set out in Subsection c below, an employee who is given a temporary promotional appointment may apply for regular appointment to the position but may not be given any specific credit in the examination procedure for time spent in the temporary promotional status.
   b. Except as set out in Subsection c below, the temporary promotional appointment shall end and the appointee returned to his or her former position and rate of pay (or the rate he or she would be receiving except for the temporary promotional appointment) upon the regular appointment of a person to fill the vacancy.
   c. An employee who is given a temporary promotional appointment and has performed in the position continuously and for such a period of time that they have satisfactorily completed the promotional probationary period shall be awarded the next available permanent position in their department of that classification in which they have served their promotional probationary period.

3. Certification of payroll changes. No additions, deletions or changes to Merit System employee payrolls may occur without the certification of the Human Resources Director. The Human Resources Director's decision to certify or not to certify changes in the payroll may be overturned by the Director of Administration. The Human Resources Director may appeal any modification of his/her certification by the Director of Administration to the County Council.

4. Probation. Appointments to positions are awarded on a probationary basis and are subject to the provisions of probation.
   a. Probation, except for situations described in Subsection 4.b below, is initially for a term of six (6) months. An extension of probation of up to three (3) months is at the discretion of the appointing authority, but the Director of Human Resources and the employee must be notified prior to the end of the original probationary period. After a six (6) month term of probation, the probationary employee gains non-probationary employee status unless the appointing authority extends probation.
   b. There are certain positions where the length of training or the seasonal nature of the duties and responsibilities require a longer period of probation. These will include, but not be limited to, licensed Peace Officers in the Sheriff's Department, correctional officers in the Department of Corrections, and Park Rangers in the Department of Parks and Recreation. Twelve (12) month probationary periods, without the possibility of extension except as provided in Subsection 4.c below, may be required for these positions as a condition of employment upon the recommendation of the department head or elected official and with the prior approval of the Director of Administration.
   c. When a probationary employee is unable to report for duty for a period of thirty (30) consecutive calendar days or more due to illness, injury, or leave of absence (other than military leave), the term of the probation shall be extended by the length of the period of absence.

B. Non-Competitive Appointments.

1. Reappointments.
   a. A former employee who was laid off within the last two (2) years shall be returned to duty when a vacancy exists for the same position classification in the same department from which he was laid off. If there are two (2) or more former employees laid off from the same position classification in the same department, the employee returned to duty shall be determined in the reverse order of layoff.
b. Former non-probationary employees who resign in good standing and who apply for re-employment may be appointed to vacant positions in the same position classifications they previously occupied within twenty-four (24) months of the date of resignation.

c. Non-probationary employees who are promoted, then fail to successfully complete their promotional probationary period, shall have the right to return to the same position classification in the same department from which they were promoted if such position exists and is vacant. If not, such employees shall be placed on the re-employment list.

d. Non-probationary employees who are appointed to a position which is exempt from the Merit System shall retain the right to be returned to a position in the same position classification and department as previously held if such position exists and is vacant. If not, such employees shall be placed on the re-employment list pursuant to Section 115.400 of this Part 2 of the Personnel Administration Program as though they had been laid off on the date their exempt appointments end.

e. Former employees whose names appear on the re-employment list may be appointed within twenty-four (24) months of their date of separation to a similar position in the same or lower pay grade when the qualifications for the position are similar and they have been certified as eligible for appointment under the rules adopted by the Merit System Commission.

2. **Emergency appointments.** When an appointing authority determines it is essential to immediately fill a position to meet an emergency the appointing authority may request approval from the Director of Administration to make an emergency appointment. Emergency includes, but is not limited to, a loss of public property or public revenue, a threat to the public health, safety or welfare of citizens or an inability of a department to deliver essential services. If the Director of Administration grants that approval, the Human Resources Director shall certify the candidate of the appointing authority subject to the following procedures and conditions:

a. No person may serve under emergency appointments for more than twenty (20) working days unless authorized to do so by the Director of Administration; and

b. The Director of Administration may extend the length of emergency appointments to a maximum of ninety (90) calendar days; and

c. No person may serve under one (1) or more emergency appointments for more than ninety (90) calendar days in a twelve (12) month period.

3. **Transfers.**

a. An appointing authority may at any time permanently assign an employee from one position to another in the same position classification in the same department. Upon such assignment, the appointing authority shall immediately notify the Human Resources Director.

b. The appointing authority may, with approval of the Director of Administration, transfer an employee from a position in one classification to another position in a different classification if the Human Resources Director confirms that the positions are in the same pay grade and have the same or similar minimum qualifications.

c. Upon request of an employee and approval of both appointing authorities and the Director of Administration, an employee may move from one position to another position in another department if the Human Resources Director confirms that the positions are in the same pay grade and have the same or similar minimum qualifications.

d. This Section does not affect the power and duty of the County Executive to make transfers under the Charter.

4. **Temporary promotional appointments.** A department head or elected official may, with the approval of the Director of Administration, make a temporary promotional appointment when a vacancy in the position of an assistant director, division director or section manager occurs. Such appointment shall be approved only when leaving the position vacant while the normal recruitment and selection process occurs would jeopardize the proper oversight of one (1) or more significant County functions or services. The following conditions and provisions apply:

a. An employee who is given a temporary promotional appointment may apply for regular appointment to the position but may not be given any specific credit in the examination procedure for time spent in the temporary promotional status.

b. The temporary promotional appointment shall end and the appointee returned to his former position and rate of pay (or the rate he would be receiving except for the temporary promotional appointment) upon the regular appointment of a person to fill the vacancy. (Ord. No. 99-138 §§1–3, 10-27-99; Ord. No. 01-183 §1, 12-27-01; Ord. No. 02-117 §§3, 7-31-02; Ord. No. 03-089 §§3, 6-25-03; Ord. No. 03-155 §§2–3, 10-1-03; Ord. No. 06-144 §1, 11-1-06; Ord. No. 10-009 §2, 1-27-10)

**SECTION 115.420: PERFORMANCE EVALUATIONS**

A. In order to provide employees with information regarding their level of performance, acknowledge their efforts and suggest areas of improvement, it is the policy of St. Charles County that performance evaluations of employees shall be given. They shall be given consideration in determining the following matters:

1. Whether employees successfully complete the probationary period; and

2. Salary adjustments; and

3. Fitness for promotion, transfer, and re-employment; and
4. Order of layoff whenever a reduction in force is necessary; and

5. Severity of disciplinary actions.

B. The Human Resources Director shall structure an employee performance evaluation form to be utilized which shall be approved by the Director of Administration. Individual departments may develop and utilize, with prior approval of the Director of Administration and the Human Resources Director, specialized performance evaluation forms which evaluate the performance of specific position responsibilities and duties of employees.

C. Performance evaluations shall be performed at the following times:

1. During the last thirty (30) days of a probationary period and again during the last fifteen (15) days of any extensions of the probationary period; and

2. For non-probationary employees, on an annual basis during the month of November covering the preceding twelve (12) month period; and

3. At the discretion of the appointing authority as an interim performance evaluation whenever the level of performance significantly improves or deteriorates.

D. Performance evaluations shall be completed by the immediate supervisor as designated by the appointing authority or by the appointing authority as applicable and signed by the appointing authority. The immediate supervisor or appointing authority shall review the evaluation with the employee.

E. When employees have worked for more than one (1) supervisor during the evaluation period, the evaluation shall be performed by the current supervisor, but that supervisor shall consult with the previous supervisor if available regarding the employee's performance.

F. The employee shall have the opportunity to comment and shall be requested to sign the evaluation to attest that the rating has been presented. The signature does not signify that the employee agrees with the rating. If the employee refuses to sign the evaluation, a witness shall be asked to note on the evaluation that it was presented to the employee who refused to sign.

G. A copy of the evaluation shall be made by the appointing authority and presented to the employee once it has been discussed and signed. The original copy of all completed evaluations shall be forwarded to the Human Resources Director in a confidential manner for placement in personnel records.

H. Any employee except a department head may appeal a performance evaluation exclusively through the procedure described in this Subsection. An employee's request for review and appeal shall be brought within thirty (30) days of the date delivered to the employee and such appeal shall be to the appointing authority, except in instances where the appointing authority performed the evaluation. An employee may appeal the decision of the appointing authority to the Director of Administration. Where the appointing authority performed the evaluation, the request for review and appeal shall be made directly to the Director of Administration. (Ord. No. 99-138 §§1--3, 10-27-99; Ord. No. 04-014 §1, 1-28-04; Ord. No. 06-144 §1, 11-1-06; Ord. No. 10-009 §2, 1-27-10)

SECTION 115.430: INVOLUNTARY TERMINATION FROM THE COUNTY SERVICE

A. Dismissal From Employment. All non-probationary and promotional probationary employees may be dismissed from their employment with the County in accordance with the provisions of Section 115.460, "Disciplinary Action". In addition, non-probationary and promotional probationary employees may be separated from their employment in the County service as set out in Subsections B through F below.

B. Failure To Satisfactorily Complete The Probationary Period. Probationary employees and promotional probationary employees are employed by the County on a trial basis to determine their suitability before becoming a non-probationary employee in that position.

1. Probationary employees may be dismissed at any time for failure to make satisfactory progress or successfully complete their probationary period. A probationary employee has no right of appeal to the Merit Commission when such employee is separated from County service during the probationary period.

2. Employees in promotional probationary status may be removed from their promotional positions for failure to satisfactorily complete their probationary period. Promotional probationary employees who fail their probationary period in their promotional position may return to their former classification and shall have rights to a position in that classification in that department.

3. Employees in probationary status do not have merit system rights or privileges and may not appeal their termination for failing to successfully complete their probationary period. Employees in promotional probationary status may fail to successfully complete their promotional probationary period and be separated from County service. Such failure to complete the promotional probationary period is addressed by Section 115.410.B.1.c. Employees in promotional probationary status may also be terminated for cause as set out in Subsection A above and Section 115.460. Such forms of disciplinary action (including dismissal from the County service) may be taken against promotional probationary employees pursuant to these merit system rules. When a promotional probationary employee is suspended, demoted, receives a reduction in pay or is terminated, the employee may appeal to the Merit System Commission as set out in Section 115.470.1.a.

*Note--Inadvertently this Subsection designation was deleted, we retained the reference to Subsection A.

C. No-Fault Separation.
1. An employee will be separated from County employment and removed from the payroll under the following circumstances:
   a. The employee is unable or unwilling to report for duty and perform the essential duties of his or her position and light duty (in accordance with Section 115.160, "Light Duty") is not available or is not granted; and
   b. The employee has exhausted any Family Medical Leave Act (FMLA) entitlement; and
   c. The employee is not on approved leave of absence in accordance with Section 115.290, "Leave of Absence Without Pay" or accrued leave or compensatory time, if any; and the employee has not been approved for FMLA coverage or has exhausted such coverage.

2. A no-fault separation shall not be processed unless the employee has received written notice of the action at least five (5) calendar days before the employee is to be removed from County service.

3. The written notice shall contain the following:
   a. The information set out in Section 115.430.C.1.a through d above.
   b. A statement that the employee may present information to the appointing authority showing such information presented by the appointing authority is incorrect and in what manner it is incorrect.
   c. Information that an employee who has been removed from the County service through no-fault separation may seek review of the appointing authority's decision from the Director of Administration. The employee's request for review by the Director of Administration must be received by the Director of Administration within seven (7) calendar days of the date of separation.

4. A request for review by the Director of Administration shall contain the following:
   a. The name, home address and phone contact information of the person seeking review; and
   b. The specific information concerning Section 115.430.C.1.a through d which the person alleges is incorrect or any information in mitigation.

5. The Director of Administration shall issue a decision in writing and such decision shall be final. The decision of the Director of Administration shall not be appealable to the Merit Commission.

6. An employee who has been removed from County service by a no-fault separation may be placed on the County's re-employment list (in accordance with Section 115.400, "Eligible Lists and Certification"), if they so request in writing. Such written request to be placed on the re-employment list shall be accompanied by the submission of information, satisfactory to the Director of Human Resources, that the circumstances of the employee's inability or unwillingness to report for duty and perform the essential duties of a position no longer exist.

D. Job Abandonment. When an employee fails to report for scheduled duty without calling, in accordance with department procedures, and such failure persists for three (3) consecutive scheduled workdays, the employee has abandoned his employment and the appointing authority may proceed to notify the Director of Human Resources that the employee is to be removed from County service as follows:

1. Following three (3) consecutive scheduled workdays during which the employee failed to report for scheduled duty and failed to call in following required procedures, the appointing authority shall send notice by registered mail with return receipt, or like mail service with delivery confirmation, to the last known address of the employee.
   a. The notice shall be sent to the employee in a manner that allows for "proof of mailing".
   b. The notice shall state that the employee has abandoned his job as of the close of business of the third (3rd) consecutive scheduled workday for which the employee failed to report or for which the employee did not call in, and thus has been removed from the County service.
   c. The notice shall inform the employee that the employee has seven (7) calendar days from the date of mailing to contact his appointing authority and apply, in writing, for reinstatement. Such application for reinstatement shall set forth the employee's justification for failing to report or call in. If the employee fails to contact the appointing authority within seven (7) days from the date of mailing, the employee has forfeited his right to reinstatement, but may apply for employment through the normal County employment process.

2. If the employee applies for reinstatement, the appointing authority shall review the justification for failing to report or call in and shall determine whether to reinstate the employee.
   a. If the appointing authority determines separation from County service for job abandonment is not appropriate, the appointing authority may impose disciplinary action and/or denial of paid leave. All employees reinstated shall have their leave balances, all other benefits and seniority restored as if the employee had not experienced a break in service. If an appointing authority determines separation from County service is not appropriate, he shall notify the employee in writing of his decision, including any alternative disciplinary action, if appropriate, and forward that decision to the employee in a manner that allows for "proof of mailing" and "proof of receipt".
   b. If an appointing authority determines separation from County service is appropriate, he shall notify the employee in writing of his decision and forward that decision to the employee in a manner that allows for "proof of mailing" and "proof of receipt".

3. An employee who has been removed from the County service for job abandonment may seek review of the appointing authority's decision from the Director of Administration. The employee's request for review by the Director of Administration
4. A request for review by the Director of Administration shall contain the following:
   a. The name, home address and phone contact information of the person seeking review; and
   b. The specific information concerning the employee's claims of circumstances which mitigate the employee's failure to
      report or call in.

5. The Director of Administration shall issue a decision in writing and such decision shall be final. The decision of the Director
   of Administration shall not be appealable to the Merit Commission.

E. Layoffs. The County shall make every reasonable and proper effort to avoid the necessity to lay off employees. However, when
there is a need to reduce the number of employees because of a lack of funds, a lack of work or other circumstance, the County
shall proceed to make the necessary layoffs in accordance with the following procedures:

1. The Director of Administration, in consultation with the appointing authority, shall determine the department's needs and
   decide from which classification the layoffs are to be made.

2. The number of positions in each classification to be eliminated shall be reported to the appointing authority by the Director of
   Administration.

   If the needs of the County dictate that one (1) or more employees possessing specialized skill, knowledge, ability, certification
   or licensure be retained, this requirement shall be included in the notification. The appointing authority shall determine the
   order of layoff by applying the following criteria:

   a. Employees hired on an emergency appointment; followed by
   b. Employees occupying temporary positions in reverse order of their length of service (except that non-probationary
      employees occupying temporary positions shall be considered in the group described in Subsection 2.d below); followed
      by
   c. Employees who are in their probationary period (except those who have been in a temporary promotional position or
      temporary assignment long enough that they have successfully completed their promotional probationary period) in reverse
      order of their length of service; followed by
   d. Remaining employees in the affected classes, including those who have been in a temporary promotional position or
      temporary assignment long enough that they have successfully completed their promotional probationary period, who shall
      be designated for layoff by the appointing authority, with the approval of the Director of Administration, giving
      consideration to their merit and ability.

3. The effective date of the layoff shall be established by the Director of Administration with the advice of the appointing
   authority.

4. Employees who are to be laid off shall be given as much notice as possible, but in no circumstances less than two (2) weeks.
   The notice shall contain the precipitating reason for the layoff and may contain an offer of assistance with seeking other
   employment with the County or other employers.

5. When the layoffs have occurred, the Human Resources Director shall be advised and shall certify the removal of the
   employees from the payroll.

6. Non-probationary employees whose names appear on the layoff list do not have the right to "bump" (transfer or demote) into a
   filled position. Promotional probationary employees do have the right to "bump" back into their former class of position in
   their former department if such a position is vacant or if such a position is occupied by an employee who has been appointed
   on an emergency basis or has not yet completed their probationary period.

F. Merit System Employment For New Hires And Promotional Employees Hired On Or After The Effective Date Of This Section. It
   is the purpose of this Personnel Administration Plan to establish a system of personnel administration which will attract, select and
   retain employees who will provide proficient, technically competent and loyal service to the public at all times and to render such
   service according to the highest ethics.

St. Charles County retains employees on the basis of the adequacy of their performance, correcting inadequate performance where
possible and appropriate and separating employees whose performance is inadequate. The merit rules are intended to promote
public service and establish conditions of service which will attract and retain employees of character and capacity and to increase
efficiency and economy in governmental departments by the improvement of methods of personnel administration with full
recognition of the requirements and needs of management. To that end, employees hired into the merit system, reclassified or
promoted from one merit system position to another position, on or after the effective date of this Section are non-probationary
employees for so long as their performance is satisfactory as determined by their annual performance evaluation. Employees who
fall below a score of 3.0 overall on their annual performance evaluation or have a score of 2.0 or below in an area involving the
annual performance evaluation of the employee's job retain their merit system protection only for so long as they do not fail to
meet the criteria of a Mandatory Performance Improvement Plan as set out in Subsection 115.430.F.5.b below.

1. Mandatory Performance Improvement Plans (may also be cited as "MPIP") shall be used when training, retraining or
   instruction can reasonably be expected to provide an employee the opportunity to overcome a problem in their job
   performance or when specific behaviors of the employee are impairing the efficient delivery of services to, or on behalf of, the
   public by County government as set forth in a performance evaluation which has an overall score of less than 3.0 or a score in
   an area involving the essential functions of the employee's job which is 2.0 or below. The purpose of the MPIP is to improve
   the performance of the employee to an acceptable level or, where the employee's performance does not reach such an
2. Employees hired, promoted or reclassified on or after the effective date of this provision or those receiving a position upgrade are merit employees with a property interest in their employment only during good behavior and satisfactory performance. Employees who fail to exhibit such good behavior and/or satisfactory performance as described in Section 115.430.F.2.a and b below shall be subject to the use of Mandatory Performance Improvement Plans in any of the following instances:

a. The non-probationary employee has received a performance evaluation of 3.0 or lower overall on the County's performance evaluation system; or

b. The non-probationary employee has received a performance evaluation in one (1) or more areas that is below 2.0 and which is in an area that the employee is not effectively performing their job as documented in the employee's annual performance plan.

3. The appointing authority may institute a Mandatory Performance Improvement Plan on a non-probationary employee meeting the criteria set out in Section 115.430.F.2. The appointing authority shall supply the Director of Administration with copies of the employee's performance plans and a draft Mandatory Performance Improvement Plan for approval of the content of the MPIP. The MPIP shall not be instituted prior to the Director of Administration's approval of the content of the MPIP. The plan shall provide for the following:

a. The employee shall be given notice of areas of poor behavior or deficient performance the appointing authority has identified as the reason for the imposition of the MPIP.

b. The employee will be apprised of the additional training, retraining, instruction, practice or performance improvement that the employee needs to undertake or behaviors that must be changed in undertaking job performance.

c. The employee will be apprised of the measurable performance expectations that will be used to determine their success on the MPIP.

d. The employee will be apprised of the deadline for the employee to receive review under the MPIP. The deadline shall allow sufficient time for any training or re-training and for any skill development that must occur. The deadline may be as short as sixty (60) calendar days in instances in which the deficiency or deficiencies is primarily caused by inattention or non-compliance. The deadline shall not be in excess of one (1) year, unless extended by the appointing authority for no more than an additional six (6) months.

e. The employee will be apprised that compliance with the MPIP shall be determined by a three (3) member panel comprised of the Director of Administration, the Director of Human Resources and the appointing authority. The appointing authority may designate a supervisor in the line of authority over the employee subject to the MPIP to sit on the panel as designee of the appointing authority. The Director of Administration shall chair the panel.

f. The employee shall be apprised that while subject to an MPIP the employee is not eligible to receive any performance based increases in salary or benefits.

4. If the Director of Administration approves the use of the Mandatory Performance Improvement Plan the appointing authority shall deliver to the employee a copy of the plan as approved by the Director of Administration. A copy of the plan shall be provided to the Director of Human Resources.

5. The panel shall determine whether the employee has met the performance criteria set out in the MPIP.

a. If the panel determines that the employee has successfully met the criteria, the employee shall be returned to good standing and shall be eligible for all performance based increases in salary and benefits.

b. If the panel unanimously determines that the employee has not met the criteria and Subsection 5.c below is not invoked by the panel, then the panel shall meet with the employee and the employee shall be provided written notification that they are separated from County service effective thirty (30) days from the date of the notice, along with a written determination that the panel has unanimously found the employee failed to meet the criteria of the MPIP. Such determination shall be a final decision and shall not be appealable to the Merit Commission.

c. If the panel unanimously determines that the employee has not met the criteria, but unanimously agrees the employee has made significant improvement, the panel may grant an extension to the employee of up to ninety (90) days and review the employee's progress in meeting the MPIP criteria at that time. If at that time the panel determines that the employee has successfully met the criteria, the employee shall be returned to good standing and shall be eligible for all performance based increases in salary and benefits. However, if the panel unanimously determines that the employee has not met the criteria, the employee shall be provided written notification that they are separated from County service effective thirty (30) days from the date of the notice, along with a written determination that the panel has unanimously found the employee failed to meet the criteria of the MPIP. Such determination shall be a final decision and shall not be appealable to the Merit Commission. If at the time of the additional review the panel is split, the employee shall be returned to good standing subject to monthly merit reviews or the employee may be terminated or demoted where appropriate, for cause, subject to Merit Commission review.

d. If the panel is split, the employee shall be returned to good standing subject to monthly merit reviews or the employee may be terminated or demoted where appropriate, for cause, subject to Merit Commission review.

6. Any non-probationary merit employee, including, but not limited to, a non-probationary merit employee retained prior to the effective date of this Section (June 25, 2003) and facing disciplinary action of suspension, demotion or dismissal, may waive normal Merit System disciplinary procedures and review and agree to utilize the MPIP if the appointing authority and the Director of Administration so agree. (Ord. No. 99-138 §§1--3, 10-27-99; Ord. No. 03-089 §4, 6-25-03; Ord. No. 03-155 85)
SECTION 115.440: NON-COMPETITIVE CONVERSION

When the County acquires or assumes responsibility for the management and operation of any governmental, public or quasi-public agency or utility, non-profit service organization, or any component or subgroup thereof, all individuals who are employed by the acquired organization may be granted non-competitive conversion to the Merit System and are subject to all it entails.

1. Status. The status of individuals who are employed by the acquired organization, whether probationary, promotional probationary or non-probationary, shall be determined and shall remain unchanged and continue unaffected by the conversion.

2. Employee relations. Effective on the date of conversion, any previously negotiated contracts, understandings between the individuals and former employer, and conditions of employment, whether stated or implied, shall be deemed null and void.

3. Classification and pay administration. The County's Position Classification Plan and Basic Pay Plan shall apply in all instances of non-competitive conversion. In such cases, the Human Resources Director shall allocate each position to the appropriate position classification prior to conversion. No individuals shall suffer reduced pay by virtue of conversion. Any pay increases shall be subject to the following rules:
   a. If the compensation for the position is below the pay range for its new position classification, the compensation shall be raised to the minimum of that pay range.
   b. If the compensation for the position is within the pay range for its new position classification, the compensation shall remain unchanged, but may be augmented later as permitted by the Personnel Administration Program.
   c. If, and so long as the compensation for the position is above the pay range for its new position classification, the compensation shall remain unchanged but may be augmented thereafter as permitted by the Personnel Administration Program.

4. Paid leave benefits. Eligibility for accrual and use of paid leave benefits of the County's leave programs shall begin upon conversion. Accrual rates shall recognize prior service with the acquired agency or jurisdiction as if its employees had been employed by the County. Existing leave balances documented by the appointing authority and consistent with the County's leave programs shall be transferred after audit and adjustment by the Human Resources Director. Accrued benefits not consistent with County leave programs and all accrued compensatory time balances must be used or paid to the individuals prior to conversion.

5. Other compensation. Only the forms of compensation and benefits permitted by the County shall be provided to individuals who are converted to the Merit System in accordance with terms of the conversion. (Ord. No. 99-138 §§1--3, 10-27-99; Ord. No. 10-009 §2, 1-27-10)

SECTION 115.450: POLITICAL ACTIVITY

The Charter defines specific political activities which are prohibited for all employees and elected officials. In addition, the Charter specifies that the Merit System Commission shall insure that employees not be discriminated against "on account of political affiliation or activity or lack thereof". This Chapter is designed to remove partisan political activity from the workplace. The Merit System Commission shall actively investigate and recommend penalties whenever suspected violations of the provisions of the Charter and this Part 2 of the Personnel Administration Program exist.

1. Political activity outside working hours.
   a. Merit System employees may voluntarily participate in political activities outside working hours subject to the prohibitions listed in this Section and in accordance with rules promulgated by the Merit System Commission.
   b. Merit System employees are encouraged to be informed citizens, to vote and to take part in the political process. This Section does not prohibit, subject to the provisions listed in Subsection (2) below, any employee in the Merit System from membership in a political club or organization, from attendance at political meetings, from enjoying entire freedom from all interference in casting their vote, from expressing their opinions on all political questions while off duty and away from the work site, nor from seeking or accepting appointment or election to public office.

2. Prohibited political activity.
   a. Political activity may not take place on County work sites. Political activity shall include:
      (1) The solicitation of contributions for a political candidate, a political party or a partisan or non-partisan political purpose;
      (2) The solicitation of votes for a political candidate, a political party or a ballot issue, or the solicitation of service in behalf of a political candidate, a political party or a ballot issue;
      (3) The distribution of partisan or non-partisan campaign literature at the work site; and
      (4) Initiating or circulating partisan or non-partisan nominating petitions at the work site.
   b. The wearing of political buttons, stickers or other sign of the person's private political belief on the person of the Merit System employee is prohibited in the workplace. Bumper stickers or other political signs on the personal vehicle of a Merit System employee shall be considered to be private political expression and shall not be prohibited.
c. County uniforms, County-issued identification badges, and/or County insignia shall not be worn or displayed while engaged in political activity.

d. Partisan and/or non-partisan election materials shall not be affixed to, stored in, distributed from or made available at or on any County property or County vehicle. Historical political materials may be used as decoration or displayed in office space assigned to an individual employee only if that space is not generally accessible to the public. No such materials may be affixed to windows or doors of any office. Historical political materials or memorabilia shall not include materials which depict a current office holder of a particular State, local or national elected office.

e. Merit System employees may not act or conduct themselves as representatives of County government while participating in any partisan or non-partisan political activity. If the Merit System employee identifies his/her employer as St. Charles County or any of its departments or divisions in any political forum, then the employee shall positively state that they are not representing the views of St. Charles County.

f. County equipment, materials, supplies, transportation, etc. may not be utilized for any political activity.

g. Neither elected officials nor employees shall personally solicit or require any Merit System employee to pay any assessment or contribution or perform any service which shall benefit anyone occupying or seeking employment, nomination or election to any public office.

h. Neither elected officials nor employees shall promise or threaten to promote, remove or reduce any employee under the Merit System for making or refusing to make any contribution for any political party or purpose, or for rendering or refusing to render any political service.

3. Reporting alleged prohibited political activity. Reports of alleged prohibited political activity shall be made in writing and in detail. Complaints shall be signed and contain the phone number of the complainant. The complaint shall be sent to the Chairperson of the Merit System Commission in care of the Merit System Secretary. The envelope shall be sealed and marked as confidential. The complaint shall be forwarded directly to the Chairperson and shall not be opened by the Merit System Secretary.

4. Investigations. In carrying out investigations pursuant to this Section, the Commission may request subpoenas as provided in Subsection 4 of Section 115.470.

5. Sanctions.

a. When a Merit System employee who has been found by the Merit System Commission to have engaged in political activities forbidden by the Charter or this Part 2 of the Personnel Administration Program, the Merit System Commission may refer the matter to the Director of Administration under Section 115.370.B.2.c of this Part 2 of the Personnel Administration Program.

b. When employees exempted from the Merit System are found to have violated Article VII, Sections 7.502.5 or 7.502.7 of the Charter or Subsection 2 of this Section of this Part 2 of the Personnel Administration Program, the Merit System Commission shall refer the matter to the Director of Administration.

c. When elected officials are found to have violated Article VII, Sections 7.502.5 or 7.502.7 of the Charter or Section 7.502.5 or Subsection 2 of this Section of this Part 2 of the Personnel Administration Program relating to political activities, the Merit System Commission shall refer the matter to the County Council.

d. When the Director of Administration is found to have violated Article VII, Sections 7.502.5 or 7.502.7 of the Charter or Subsection 2 of this Section of this Part 2 of the Personnel Administration Program relating to political activities, the Merit System Commission shall refer the matter to the County Executive and the County Council.

6. Authority for opinions on political activity. Employees in doubt as to whether a proposed activity is in conflict with this Section should seek an opinion from the Merit System Commission before engaging in such activity.

7. The Hatch Act. If any Merit System employee, due to the source of departmental funding, becomes covered by the Hatch Act or other similar Federal or State law governing political activities, it shall be the duty of the appointing authority to so advise the employee. It shall then be the employee's responsibility to comply with the provisions of the Federal or State law in addition to the provisions of Part 2 of the Personnel Administrative Program and Merit System rules.

8. Voting. Employees shall be encouraged to exercise their privilege to vote. Normally employees shall be expected to vote during off-duty hours. In accordance with applicable law, voters may be absent from employment for a period of three (3) hours while the polls are open for the purpose of voting without threat of discharge, discipline or deduction in pay. The employee shall request a leave of absence for voting purposes from his/her department head prior to the day of an election when they do not have three (3) successive hours while the polls are open in which he or she is not scheduled to work. The department head may specify any three (3) hours between the time of opening and the time of closing the polls during which such employees may be absent. (Ord. No. 99-138 §§1–3, 10-27-99; Ord. No. 04-114 §1, 7-28-04; Ord. No. 10-009 §2, 1-27-10)

SECTION 115.460: DISCIPLINARY ACTION

A. Progressive Discipline. It is the policy of St. Charles County to utilize a progressive disciplinary approach to address behavior and performance problems. Progressive discipline involves the imposition of increasingly severe disciplinary procedures when behavior or performance problems persist. Possible disciplinary actions which may be taken are:

1. Oral counseling or retraining. The employee is told of the problem and what is expected in the future. If a training problem
exists, the necessary remedial training is given. The emphasis is on solving the problem quickly upon discovery. All oral
counseling or retraining is documented in the supervisor's records.

2. Written reprimand. The employee is presented with a written account of the problem and a description of the actions to be
taken or the type of behavior which is expected in the future. Whenever there is a violation of a particular written policy or
work rule, this shall be referenced. A copy of the written reprimand is forwarded to the Department of Human Resources for
inclusion in the personnel file of the employee.

3. Suspension. The employee is removed from work and suspended without pay for a specified period of time. The length of the
suspension shall be from one (1) to twenty (20) workdays.

4. Reduction in pay. In lieu of a suspension, the appointing authority may order the temporary reduction of the employee's pay.
The reduction in pay can be up to six percent (6%) of the employee's wages for a period of up to three (3) months or a
comparable amount if below the pay range.

5. Demotion. The employee may be demoted to a vacant position in a lower pay range.

6. Dismissal. The employee is terminated from the County position.

Not all steps as listed above must be utilized. The number and sequence of disciplinary actions taken prior to dismissal or
demotion shall be tempered by the nature of the problem and the employee's prior disciplinary and performance record.

B. Exceptions To Progressive Discipline. Progressive discipline is not required for probationary employees.

Some inappropriate behavior or unacceptable performance is so disruptive, unsafe, or prejudicial to the County, that immediate
and severe disciplinary action may be warranted without the use of progressive discipline. Examples would include but would not
be limited to:

1. Physical or verbal abuse of a supervisor, fellow employee, or citizen;
2. Falsification of official records;
3. Commission of an act that results in misdemeanor or felony charges or convictions;
4. Violation of the County's Policy on Drugs and Alcohol;
5. Insubordination by failure to carry out a direct order;
6. Theft, misuse or unauthorized use of or access to County property, supplies or equipment, including the County's computer
   network, systems, software or data;
7. Unauthorized possession of a weapon while on duty;
8. Endangering the health and/or safety of fellow employees;
9. Obtaining secondary employment outside the guidelines set forth in Personnel Administration Program, Part 1, Benefits and
   Conditions of Employment, Section 115.080.

C. Investigation Prior To Severe Disciplinary Action. Prior to taking severe disciplinary action, an appointing authority shall
investigate or cause to be investigated the facts and allegations warranting the proposed action.

1. The appointing authority may conduct the investigation personally. Alternatively, the appointing authority may designate
   another to conduct the investigation.
2. For many alleged infractions, an employee may continue to work while the matter is being investigated and disciplinary action
   is being considered. However, the appointing authority may relieve an employee from duty without pay for not more than five
   (5) working days pending an investigation into alleged disruptive, destructive or grossly inappropriate behavior or
   performance, or when the employee's presence jeopardizes the investigation or preservation of evidence. With the prior
   approval of the Director of Administration, such relief from duty may be extended beyond five (5) working days when
   additional time is needed to complete the investigation.
3. When an employee is removed from duty pending investigation and possible severe disciplinary action based on the above
criteria, the employee may be placed on unpaid leave, or at the employee's option, may be placed on paid time off or earned
   compensatory time. If no suspension without pay, reduction in pay, demotion or dismissal is imposed within a reasonable time
   not to exceed thirty (30) calendar days, the employee shall have the time restored to his/her balance; or if no leave was used,
   the employee shall receive full compensation for the time missed. In such cases, the Director of Administration shall instruct
   the Department of Finance to restore the employee's accrued time or unpaid compensation, without however barring an
   appointing authority from instituting such disciplinary action as may be appropriate.

D. Pre-disciplinary Review Prior To Severe Disciplinary Action. A pre-disciplinary review is an informal opportunity for the
employee to learn of the proposed severe disciplinary action and to present any information which the employee feels should be
considered prior to a final decision being made. No suspension, reduction in pay, demotion or dismissal shall be taken against a
non-probationary or promotional probationary employee unless they have been given the opportunity to have a pre-disciplinary
review. The employee must be given the following information in writing:

1. The proposed discipline being considered; and
2. The general reason for the proposed discipline; and
3. The right to a pre-disciplinary review; and
4. The manner in which the employee must schedule the review, or as an alternative, the date and time of the review which must be at least two (2) working days following receipt of the notice unless the employee agrees to a shorter time frame; and

5. The opportunity for the employee to bring one (1) person to the pre-disciplinary review; this individual may act as an observer but will not be permitted to take part in the proceeding.

The actual pre-disciplinary review shall be conducted by the appointing authority or his designee. Following the pre-disciplinary review, the information presented by the employee shall be considered and any additional investigation conducted.

E. Processing And Imposing Disciplinary Action.

1. Oral counseling, retraining, and written reprimands are issued in accordance with procedures established for the department by the appointing authority and in accordance with Part 2 of the Personnel Administration Program. Copies of all written reprimands shall be sent to the Department of Human Resources for inclusion in the employee's file.

2. If, after pre-disciplinary investigation and review, an appointing authority decides to take severe disciplinary action, the appointing authority shall, after submitting the Notice of Proposed Discipline, the employee's response and any other information requested by the Director of Administration, and upon receiving the approval of the Director of Administration, give written notice of the chosen disciplinary action to the employee and to the Department of Human Resources. The written notice shall include the following:
   a. The effective date of the chosen disciplinary action;
   b. The reasons for the action which may include one (1) or more of the following:
      (1) The employee is unwilling or unable to perform the duties or their position in a satisfactory manner; or
      (2) The employee has committed an act or acts prejudicial to the County service; or
      (3) The employee has omitted to perform an act or acts it was his duty to perform; or
      (4) The employee has rendered service that is below satisfactory standards or has otherwise become subject to disciplinary or other corrective measures; or
      (5) The employee has violated the Charter, constitutional or statutory prohibitions against conflicts of interest.
   c. The appropriate details which shall include:
      (1) References to prior disciplinary actions; and
      (2) Except in cases of dismissal, a warning that further unacceptable performance or inappropriate behavior will result in more severe disciplinary action including dismissal.

Immediately upon receiving notice of severe disciplinary action, the Human Resources Director shall place it in the employee's personnel file and certify resulting changes in payroll. (Ord. No. 99-138 §§1--3, 10-27-99; Ord. No. 10-009 §2, 1-27-10; Ord. No. 12-019 §2, 3-2-12; Ord. No. 12-083 §10, 11-5-12)

SECTION 115.470: APPEALS, HEARINGS, REVIEWS AND GRIEVANCES

Chapter 536, RSMo., shall govern appeals filed under this Section whenever applicable.

1. Appeal rights.
   a. A non-probationary or promotional probationary merit system employee may appeal disciplinary action taken against him in the form of a:
      (1) Suspension without pay for more than three (3) days; or
      (2) Reduction in pay, the total dollar amount of which is the equivalent of more than three (3) days' pay for the employee; or
      (3) Demotion; or
      (4) Dismissal.
   b. An applicant, Merit System employee or appointing authority may appeal:
      (1) Examination procedures and/or results;
      (2) Ratings;
      (3) Allocations; and
      (4) Failure by the appointing authority to appoint, in accordance with Section 115.410.B.1.b, a former non-probationary employee to a position in the same classification and in the same department from which he was laid off within the last twenty-four (24) months.
   c. Verbal counseling and written reprimand are not appealable, but the employee may submit a written response to a written reprimand that shall become part of the employee's personnel file.
   d. Waiver of appeal rights. The failure of an aggrieved party to appeal in the manner, form and within the time required
under this Part 2 of the Personnel Administration Program or rules adopted by the Merit System Commission or the failure to prosecute an appeal before the Merit System Commission shall be a waiver of all appeal rights.

e. Time to appeal. An aggrieved party shall have fifteen (15) calendar days from receipt of the notice of a decision to file an appeal.

f. Form of appeal. All appeals shall be submitted to the Chairperson of the Commission in writing on forms provided by the Secretary and shall contain the following:

(1) The name, home address, and home and work phone numbers of the aggrieved party;
(2) The position held (if any) by the aggrieved party;
(3) The nature of the action taken;
(4) The reason for the appeal;
(5) The remedy requested; and
(6) The name, address and phone number of the appellant's legal counsel if represented.

g. Notification procedure. Upon receipt of an appeal, the Chairperson shall notify all parties in writing of the time and place of the hearing, and of the procedures to be followed in considering the issues raised.

2. Hearing date.

a. The Chairperson of the Merit System Commission shall within a reasonable time set the hearing date giving consideration to:

(1) The presence of other appeals and requests for consideration pending before the Merit System Commission;
(2) The impact of the action appealed upon the individual and the County; and
(3) The availability of a quorum of Merit System Commissioners, the appellant, the appointing authority or his/her representative, and legal counsels.

3. Hearing procedure.

a. The matter shall be heard by a quorum of the Merit System Commission. In the alternative, the Merit System Commission Chairperson may appoint a neutral hearing officer who is a member of the Merit System Commission or is retained from a source outside County employment to hear the matter and make a record to be reviewed by the Merit System Commission which shall then make the decision.

b. All hearings shall be held at the location designated in the public notice.

c. Hearings shall be closed to the public unless both parties agree to an open hearing in conformance with Chapter 610, RSMo. ("Sunshine Law") and amendments thereto.

d. Aggrieved parties may be represented by counsel.

4. Investigations.

a. Any party to an appeal may request the County Council to issue subpoenas or subpoenas duces tecum as provided by Article II, Section 2.531 of the Charter. Where a party desires the issuance of a subpoena for any witness or records at any hearing, that party must apply to the Council sufficiently in advance of the hearing so that the subpoena may be delivered to the requesting party by mail or by FAX at least three (3) working days before the hearing. The requesting party shall provide the name and address of any witness subpoenaed, a detailed description of any records to be subpoenaed and a statement of what is intended to be proven by the records. The Council Chair or his designee issues the subpoena by request, but the service of the subpoena rests in the hands of the party requesting it. Service of the subpoena is to be effected in accordance with Section 536.077, RSMo., and the County Council may enforce the subpoena as provided by Section 536.077, RSMo.

b. Notice of the issuance of the subpoena shall be provided to all parties of the Merit System Commission at the time of issuance.

c. The Council Chair or his designee may hear motions to quash by telephonic hearing.

5. Attendance, witnesses and subpoenas. The following parties shall attend hearings:

a. The aggrieved party;

b. The appointing authority or the appointing authority's designee;

c. The Secretary to the Merit Commission; and

d. Witnesses appearing by agreement or subpoena, at the time such witnesses are required to testify, subject to requests by parties for the exclusion of witnesses from hearings except when testifying.

6. Decisions of the Merit System Commission. All decisions of the Merit System Commission shall be final.

a. The decision shall be rendered by a majority of the Merit System Commissioners who are qualified to vote on the appeal by attending the entire hearing, listening to the tape recording or reading the transcript of the hearing and reviewing the
b. No party or his counsel shall be present at deliberations of an appeal unless all parties or their representatives are present or been provided the opportunity to attend. Deliberations may be closed pursuant to Section 610.021(3), RSMo.

c. All decisions following hearings shall be in writing. The Merit Commission shall not merely adopt the findings and conclusions proposed by a party, but shall author a decision and order which shall include findings of fact, conclusions and a decision. The findings of fact shall be stated separately from the conclusions and shall include a concise statement of the findings on which the Merit Commission bases its order.

d. All decisions shall be rendered within sixty (60) calendar days following the end of the hearing and the final submittal of all evidence and briefs. The Merit Commission shall give written notice of its decision by delivering or mailing such notice to each party or his attorney of record.

e. The Merit System Commission may order remedies in accordance with Sections 115.370.B.1.d or 115.370.B.2.b of this Part 2 of the Personnel Administration Program.

7. Employee grievance procedure.
   a. Sometimes situations occur on the job which have a negative effect upon employee morale and for which no other avenue of relief is available in the Personnel Administration Program. Employees need to feel that a mechanism exists to allow consideration and resolution of these issues. The Employee Grievance Procedure is meant to address these issues and includes the following steps:

   (1) Step 1.
      a. The employee meets with his/her immediate supervisor in an attempt to resolve the matter informally and quickly. The employee describes the nature of the grievance and the specific relief or actions that he/she is requesting. This initial informal meeting should occur within five (5) working days following the incident. The supervisor is responsible for consulting his/her superiors, through the chain of command and making any necessary investigation. The supervisor shall inform the employee in writing within ten (10) working days of the initial meeting with the employee as to whether the relief or action requested can or will be implemented. As part of Step 1, other members of the chain of command including the elected official or department head may choose to meet informally with the employee.

      b. Every effort should be made to resolve the matter at Step 1. However, when the employee requests and the appointing authority concurs, Step 1 may be by-passed and the employee may start with Step 2.

   (2) Step 2.
      a. If the matter is not resolved to the satisfaction of the employee at Step 1, he/she may submit an "Employee Grievance Procedure Form" available from the Department of Human Resources. The employee shall describe in writing the nature of the grievance and the specific relief or action that he is requesting. The form shall be forwarded to the appropriate elected official or department head within five (5) working days. The elected official or department head will consider the information given and may conduct any necessary investigation. The elected official or department head will respond by completing the appropriate section of the Employee Grievance Procedure Form advising the employee as to whether the relief or action requested can or will be implemented. This form shall be returned to the employee within ten (10) working days following receipt.

      b. When the employee requests and the appointing authority concurs, Step 2 may be by-passed and the employee may start with Step 3.

   (3) Step 3. If the matter is not resolved at Step 2 to the satisfaction of the employee, he may complete the appropriate section of the Employee Problems Procedure Form indicating why he is dissatisfied with the decision of the elected official or department head. The form is then forwarded to the Director of Administration for final determination as to whether the relief or action requested can or will be implemented. The written conclusion of the Director of Administration shall be entered in the appropriate section of the form. Copies of the completed form will be returned to the employee, and the elected official or department head, both of whom will be expected to abide by the decision of the Director of Administration.

   b. The Employee Grievance Procedure may not be used for classification or compensation actions, or disagreements with policies established by the County Council or the County Executive. A separate procedure is used to appeal disciplinary actions.

   c. The Human Resources Director shall be provided with a copy of all grievance procedure forms and attachments for inclusion in the employee's personnel file. (Ord. No. 99-138 §§1--3, 10-27-99; Ord. No. 03-089 §5, 6-25-03; Ord. No. 04-014 §2, 1-28-04; Ord. No. 04-114 §2, 7-28-04; Ord. No. 06-144 §1, 11-1-06; Ord. No. 10-009 §2, 1-27-10)

SECTION 115.480--SECTION 115.550: RESERVED

Editor's Note--These sections have been reserved for future use by the county for additional provisions concerning personnel.
SECTION 115.555: BASIC PAY PLAN -- DEFINITIONS

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

BASE PAY: The fixed compensation paid to an employee that excludes other forms of pay or compensation such as, but not limited to, bonuses, commissions, overtime, shift differentials, benefits, etc.

BASIC PAY PLAN: The County's codified pay policies.

MIDPOINT: A reference point in a pay range that is halfway between the minimum and maximum of the range, or fifty percent (50%) of the range.

OPEN PAY RANGE: A specified range of pay rates with a defined minimum salary and maximum salary, but without defined steps. Individual salaries can be any amount within the specified range.

PAY BAND: Pay ranges that have been grouped together. The pay bands divide the pay schedule into thirds. Pay bands have been identified by the letters "A", "B" and "C".

PAY GRADE: An identifying number assigned to a specified pay range and the class of positions that are assigned to the grade.

PAY GRADE ASSIGNMENT: Designation of the proper pay range to a position classification.

PAY GRADE CORRECTION: When the designation of the pay range to a position classification is adjusted within eighteen (18) months of the last pay grade assignment without significant change in the essential duties and responsibilities.

PAY SCHEDULE: A chart of all pay grades and the specified pay range for each pay grade.

PAY STRUCTURE: General term to describe the inter-relationship of applying pay policies, utilizing pay grades and pay schedules to establish pay rates and a compensation strategy for the organization.

PERCENTAGE INCREASE: A salary increase provided based on a percentage of base pay. The increase may be of any percentage.

PERCENTILE: A measure of location in a distribution of numbers. For example, fifty percent (50%) is the midpoint of possible numbers that fall between the beginning and ending number in a distribution. Twenty-five percent (25%) or seventy-five percent (75%) of the range are additional reference points in an open pay range that provides some measure of location within the pay range as compared to the minimum, midpoint or maximum. (Ord. No. 08-157 §1, 12-17-08; Ord. No. 09-149 §1, 12-23-09)

SECTION 115.560: PAY GRADES

The Merit System position classifications established by the Merit System Commission in the Position Classification Plan and the non-merit positions authorized by Charter or ordinance are hereby assigned to pay grades as reflected in Section 115.710. (Ord. No. 97-10 §1, 1-29-97; Ord. No. 97-220 §2, 12-31-97; Ord. No. 08-157 §2, 12-17-08)

SECTION 115.570: PAY RANGES

The pay ranges as set out in Section 115.720 shall be utilized for the pay grades established in Section 115.560 for all positions whether covered by the Merit System or not, except elected officials, effective January 1, 1998. The rates for percentage time, intermittent, trainee and session rates shall be derived from and based upon the full-time rates as provided in Section 115.590. (Ord. No. 97-10 §2, 1-29-97; Ord. No. 97-220 §3, 12-31-97; Ord. No. 98-48 §1, 4-1-98; Ord. No. 08-157 §2, 12-17-08)

SECTION 115.580: STARTING RATE OF PAY

A. The normal rate of pay for new employees, except as otherwise specified by this Section, shall be at the minimum of the pay range established for the class of that position.

B. An advanced starting rate, including an advanced accrual rate of paid time off, may be approved by the Director of Administration upon recommendation of the appointing authority after consultation with the Director of Human Resources based upon exemplary qualifications or lack of available similarly qualified candidates willing to accept the position at, or closer to the normal hiring rate.

Editor's Note--To recognize the more currently accepted terminology, the working title of Director of Human Resources has been used for the Director of Human Resources as identified in Article Seven, Personnel and Merit System, of the St. Charles County Home Rule Charter.

C. The Director of Human Resources with the approval of the Director of Administration, subject to the availability of budgeted funds, may establish recruitment rates for entire classifications.

Whenever the County is unable to successfully recruit qualified candidates for a class of positions, the Director of Human Resources with the approval of the Director of Administration may establish a defined rate in the pay range as the minimum hiring rate, subject to the availability of budgeted funds. When a recruitment rate is established in this manner, a conversion procedure
shall be developed to assure equity and fairness to employees occupying positions in the classification, subject to the availability of budgeted funds. (Ord. No. 97-10 §3, 1-29-97; Ord. No. 97-220 §4, 12-31-97; Ord. No. 08-157 §2, 12-17-08; Ord. No. 09-149 §1, 12-23-09; Ord. No. 12-100 §9, 12-18-12)

SECTION 115.590: RATE OF PAY -- GENERALLY

A. The rate of pay for percentage time positions shall be prorated.

B. The rate for intermittent employees shall be the hourly equivalent of the minimum of the pay range or the recruitment rate (if one has been established) or at a higher rate recommended by the Director of Human Resources, after consultation with the appointing authority, for approval by the Director of Administration. The rate shall not be more than the equivalent of the maximum of the range.

C. The rate of pay for work study, interns, co-ops, and other employees where the employment relationships include a combination of work for the County and academic credit through a recognized educational institution shall be recommended by the Director of Human Resources, after consultation with the appointing authority, for approval by the Director of Administration.

D. The rate of pay for employees appointed to trainee positions shall be recommended by the Director of Human Resources after consultation with the appointing authority for approval by the Director of Administration. Such rates may be used whenever it is in the best interest of the County to fill a position or positions with applicants who do not yet possess the required minimum experience and training for the position(s). Such trainee rates shall take into consideration the relationship of the duties and responsibilities which the trainee will be expected to perform to the full duties of the position, and in the case of the promotion of an existing employee, the employee's current pay rate.

E. Session rates may be recommended by the Director of Human Resources after consultation with the appointing authority for approval by the Director of Administration. Session rates shall be established in such a manner that the total compensation paid does not exceed the maximum nor fall below the minimum or the recruitment rate for the pay range.

F. In establishing percentage time (for less than sixty percent (60%) time), intermittent, trainee and session rates, consideration may be given to the fact that the County's normal fringe benefit package is not provided.

G. Programs to provide within-range pay increases may be established to compensate for such things as exceptional performance, attainment of education or credentials, schedule or task premiums, or other incentive pay programs approved by the Director of Administration. Within-range pay programs provide a written description, rules for eligibility, administration and schedule of pay increase(s) which may be a lump sum or a temporary or permanent increase to base pay and specify the pay program which must be within the annual appropriation of funds in the approved County budget.

H. The Director of Administration is authorized to establish a base pay plus commission compensation agreement with employees at the Family Arena who have primary responsibility for generating sales revenue at the Arena.

1. The agreement shall contain the condition that the employee is an at-will employee of the County, not covered by the provisions of the merit system and setting forth the requirement that the base pay plus commission compensation does not change the employee's status as an at-will employee.

2. Such agreements shall be in writing and shall set forth the base pay that the employee receives pursuant to the pay plan and the manner in which the employee is able to earn commissions.

3. The base payment shall be made in equal payments on the normal County pay days. Commissions shall be certified as additions to pay in accordance with the commission agreement.

4. The base pay may be established at less than the rate that the employee would be earning for the grade occupied. Employee benefits that are determined by the employee's pay level shall be granted at a level no less than those available if the employee were being compensated at the full-time rate for his or her pay grade.

5. Agreements setting forth the commission to be paid based upon contracted business shall specify the percentage to be paid at the time of receipt of payment under contract, and may allow for a draw against commission to be earned as well as recoupment of unearned draw if employment terminates.

6. The commission arrangement may take into consideration, not only the dollar volume of the contract, but also the margin of revenue over costs and may specify a higher commission rate for new or increased repeat business than for repeat business.

7. The commission agreement shall not create an expectation of continued employment and shall clearly state that the employee continues to be an at-will employee and that the commission agreement shall be in effect for only so long as the employee remains in their at-will employment position.

8. The commission agreement shall contain provisions maintaining the County's authority to accept or reject any business submitted by the employee, to determine the relative commission to be paid when two (2) or more employees are jointly responsible for revenue enhancements and to make all other decisions required for the operation of the Family Arena and the functioning of the commission agreement program.

9. Should disagreement occur regarding the payment of commissions or any other aspect of the agreement, the issues shall be presented to the Director of Administration. If the disagreement is with an action taken by the Director of Administration, the matter may be presented to the County Executive for review.

10. The agreement may contain provisions which suspend the terms of the agreement when following the terms of the agreement would result in an unwarranted windfall commission resulting from some unforeseen circumstance rather than the superior performance of the employee. (Ord. No. 97-10 §4, 1-29-97; Ord. No. 97-220 §5, 12-31-97; Ord. No. 04-045 §1, 3-31-04;
SECTION 115.600: RATE OF PAY -- PROMOTION

A. The rate of pay for an employee who is promoted to a position in a higher pay grade shall be determined according to the Pay Band. Pay Band "A" includes pay grades 1 through 7; Pay Band "B" includes pay grades 8 through 13; and Pay Band "C" includes pay grades 14 through 19.

1. Promotions to a position assigned within Pay Band "A" will be processed in the following manner:
   a. If the promotion is to a position assigned to a pay grade one (1) grade higher, the employee's pay shall be increased seven percent (7%) or to the minimum of the new pay range, whichever is greater.
   b. If the promotion is to a position assigned to a pay grade two (2) or more grades higher, the employee's pay shall be increased ten percent (10%) or to the minimum of the new pay range, whichever is greater.

2. Promotions to a position assigned to Pay Band "B" or "C" will be processed in the following manner:
   a. If the promotion is to a position assigned to a pay grade one (1) grade higher, the employee's pay shall be increased five percent (5%) or to the minimum of the new pay range, whichever is greater.
   b. If the promotion is to a position assigned to a pay grade two (2) or more grades higher, the employee's pay shall be increased eight percent (8%) or to the minimum of the new pay range, whichever is greater.

B. A pay rate upon promotion may be established at a rate higher than that called for by Subsections (1) and (2) of this Section when recommended by the Director of Human Resources after consultation with the appointing authority for approval by the Director of Administration. This provision is only applicable when the amount of increase provided would not sufficiently compensate the employee for the additional duties and responsibilities to be assumed upon promotion.

C. An existing employee appointed by the County Executive (in accordance with Section 3.603 of the Charter) as an acting officer in any appointive or elective office or who receives a temporary promotional appointment (in accordance with Section 115.410 of the St. Charles County Code) may have their rate of pay raised as follows:
   1. If the temporary promotion is to a position assigned to a pay grade one (1) grade higher, for the duration of the temporary position, the employee's pay shall be at the minimum of the range for the new grade, or a five percent (5%) increase (if in Pay Band "A", a seven percent (7%) increase), whichever is greater; or
   2. If the temporary promotion is to a position assigned to a pay grade two (2) or more grades higher, for the duration of the temporary promotion, the employee's pay shall be at the minimum of the range for the new grade, or an eight percent (8%) increase (if in Pay Band "A", a ten percent (10%) increase), whichever is greater.

An employee, whose rate of pay has been advanced in accordance with this provision, shall return to his or her former rate of pay (or the rate he or she would be earning had not the temporary assignment been made) when the acting status or temporary appointment is ended. (Ord. No. 97-10 §5, 1-29-97; Ord. No. 97-220 §6, 12-31-97; Ord. No. 98-48 §2, 4-1-98; Ord. No. 02-117 §4, 7-31-02; Ord. No. 07-114 §1, 8-28-07; Ord. No. 08-157 §2, 12-17-08)

SECTION 115.610: RATE OF PAY -- DEMOTION

A. The rate of pay for an employee who is demoted shall be adjusted to the same relative point in the new pay range, except:
   1. If the employee has previously occupied, within the last two (2) years, the same class of position, they will be returned to the same relative point within the range as previously occupied.
   2. The rate of pay for employees who demote to a position in a lower pay grade in lieu of layoff resulting from a lack of funds or a lack of work or for the good of the service to the County as determined on a case-by-case situation, in consultation by the appointing authority, Director of Human Resources and the Director of Administration, may be placed within the range at a rate approved by the Director of Administration upon recommendation of the appointing authority and the Director of Human Resources.

B. The demoted employee may not be paid above the maximum of the range for the new position. (Ord. No. 97-10 §6, 1-29-97; Ord. No. 97-220 §7, 12-31-97; Ord. No. 98-48 §2, 4-1-98; Ord. No. 02-117 §4, 7-31-02; Ord. No. 07-114 §1, 8-28-07; Ord. No. 08-157 §2, 12-17-08)

SECTION 115.620: RATE OF PAY -- REALLOCATION TO A DIFFERENT CLASSIFICATION

The rate of pay for an employee whose position is reallocated to a different classification, as a result of a gradual change in duties and responsibilities, shall be adjusted in accordance with the following provisions, subject to appropriation of adequate funds and adequate Full Time Equivalent [FTE] positions in the budget:

1. If the employee's position is reallocated after December 31, 2008 to a classification which is assigned to a higher pay grade in the Basic Pay Plan, the employee's rate of pay shall be adjusted in accordance with Section 115.600 or to the minimum of the pay range for the new classification, whichever is greater.

2. If the employee's position is reallocated to a classification which is assigned to a lower pay grade by the Basic Pay Plan, the employee's rate of pay shall remain unchanged. If the employee's salary is above the maximum of the range, it shall remain unchanged, but will be subject to any provisions for future pay increases for salaries above the maximum of the range.
3. If the employee's position is reallocated to a classification which is assigned to the same pay grade by the Basic Pay Plan, the employee's rate of pay shall not be adjusted. (Ord. No. 97-10 §7, 1-29-97; Ord. No. 97-220 §8, 12-31-97; Ord. No. 98-48 §3, 4-1-98; Ord. No. 00-022 §1, 2-29-00; Ord. No. 08-157 §2, 12-17-08)

SECTION 115.630: RATE OF PAY -- TRANSFER

The rate of pay for an employee who transfers from one position to another position, which is in the same classification or in the same pay grade, shall not be changed by reason of the transfer. (Ord. No. 97-10 §8, 1-29-97; Ord. No. 97-220 §9, 12-31-97; Ord. No. 08-157 §2, 12-17-08)

SECTION 115.640: BASIC PAY PLAN -- AMENDED

A. If the Basic Pay Plan is amended and the pay grade for a position classification is adjusted, those employees occupying positions in the classification shall have their rate of pay adjusted in accordance with the procedures outlined in Section 115.620 except:

1. All pay adjustments must be within the appropriation of funds in the approved County budget.
2. Pay grade corrections made within eighteen (18) months of the last pay grade assignment will be made without consideration of pay adjustments outlined in Section 115.620(1) unless the placement within the new salary range is below the minimum, then salary will be adjusted to the minimum of the new pay range.

B. The County may develop a transitional pay plan which takes into consideration factors to both balance the budget and provide equity if the appropriation of funds in the approved County budget does not adequately allow the recommended rate of pay for all classifications to be adjusted to a different pay range. (Ord. No. 97-10 §9, 1-29-97; Ord. No. 97-220 §10, 12-31-97; Ord. No. 98-48 §4, 4-1-98; Ord. No. 08-157 §2, 12-17-08; Ord. No. 09-149 §1, 12-23-09)

SECTION 115.650: RE-APPOINTMENT OF FORMER EMPLOYEE

A. If a former non-probationary employee who has resigned in good standing, or been laid off, from the County service is re-appointed (within twenty-four (24) months) to the same or a similar class in the same pay grade, his or her rate of pay shall be placed within the range at a rate to be recommended by the Director of Human Resources with approval of the Director of Administration.

B. If a former non-probationary employee who has been laid off is re-appointed to a position in the same classification and in the same department, his or her rate of pay shall be placed at the same relative point within the pay range as the former point within the pay range. (Ord. No. 97-10 §10, 1-29-97; Ord. No. 97-220 §11, 12-31-97; Ord. No. 08-157 §2, 12-17-08)

SECTION 115.660: MAXIMUM RANGE OF PAY -- EXCEEDING

A. No employee's rate of pay shall be established above the maximum of the range except at the time of conversion or amendment to the Basic Pay Plan or as outlined in Subsection C below.

B. Whenever an employee's rate of pay exceeds the maximum of the pay range for the pay grade, the employee shall not receive further pay increases, except as listed in Subsection C below, affecting their base rate of pay until their base rate of pay no longer exceeds the maximum of the pay range.

C. Employees who are already at or above the maximum of the range for their position classification, who qualify for a percentage increase under the Exceptional Performer Pay Program will be placed at a salary beyond the top of the range for purposes of pay and future salary adjustments. The value of this salary increase will be calculated at two percent (2%). (Ord. No. 97-10 §11, 1-29-97; Ord. No. 97-220 §12, 12-31-97; Ord. No. 01-036 §1, 3-28-01; Ord. No. 08-157 §2, 12-17-08)

SECTION 115.670: BASIC PAY PLAN -- SALARY CONVERSION

The salaries to be granted to St. Charles County Government employees effective December 27, 2012, shall be governed by conversion to the charts effective December 27, 2012 contained herein Section 115.710, Pay Grades--Chart, and Section 115.720, Pay Range--Chart. Pursuant to the Charter's requirements that salaries of elected officials be fixed by ordinance, such salaries shall be fixed annually by ordinance, but no elected official's salary shall be increased during that elected official's term of office. Except for the position of Sheriff, the Human Resources Director shall calculate annual salary increases since the last time elected officials' salaries were increased, reflecting the average annual raise for all employees that elected officials would have received but for the prohibition against increasing such officials' salaries during their term of office. The salary that shall be effective for all elected officials, except the Sheriff, shall be that at the start of a new term of office to be fixed as provided in Section 115.721, OSCCMo, based on the annual salary ordinance that was in effect on January first (1st) of the year preceding the new term of office. The Sheriff's salary for the term beginning January 1, 2015 shall be set by separate ordinance. The rate of pay for County Government employees shall be determined in accordance with the following procedures:

A. Employees reclassified and/or upgraded during the budget process will be effective December 27, 2012 and processed in accordance with Section 115.620--Reallocation to a Different Classification and then will be converted.

B. Effective December 27, 2012 all classification titles are to be assigned to the pay grades as revised in Section 115.710 Pay Grades--Chart.
C. Effective December 27, 2012 the pay chart as revised in Section 115.720 Pay Ranges--Chart will be utilized in converting salaries for all County employees as follows:

1. All full-time, percentage-time and intermittent employees at or below the maximum of the range will receive the pay chart adjustment of one percent (1.0%).

2. Those employees whose rate of pay prior to December 27, 2012, exceeded the maximum of the range for their position as reflected in Section 115.720, Pay Ranges--Chart shall not receive a pay increase unless their rate of pay falls within the revised range, in which case they shall be placed at the maximum of the range.

D. Following the calculation to provide the pay chart adjustment in accordance with Subsection (C), regular full-time and percentage-time employees will receive an additional increase of one percent (1.0%) provided they received a three (3.0) or better rating on their 2012 performance evaluation, dated on or after July 1, 2012 in accordance with the following procedures:

1. Employees who occupied their position (or similar position in the same pay grade) for the entire calendar year of 2012 will receive the merit increase effective December 27, 2012.

2. Employees who were appointed to an eligible position (other than by promotion or demotion) in calendar year 2012 will be eligible to receive the increase following twelve (12) months of service in an eligible position.

3. Employees who were promoted during calendar year 2012 will be eligible for the increase December 27, 2012 or at the end of their promotional probationary period, whichever is later.

4. Employees who voluntarily transferred or demoted to a position in a lower pay grade; or were returned to their former position for failing to satisfactorily complete a promotional probationary period during calendar year 2012 will be eligible for the increase December 27, 2012.

5. Employees who were demoted as a result of disciplinary action during calendar year 2012 will be eligible for the increase December 27, 2012 or upon completion of six (6) months of service in the position, whichever is later.

6. Employees with a temporary reduction in pay as a result of disciplinary action will receive the increase based on their normal base salary, and the temporary reduction in pay specified in the disciplinary action will be subtracted from the balance of the temporary reduction.

7. Employees with a temporary increase for additional duties and responsibilities will receive the percentage increase based on the classification and pay grade of the temporary duties and responsibilities for the duration of the temporary duties.

8. Intermittent employees are not eligible for the merit increase, nor will time spent in an intermittent position be counted toward eligible service if appointed to a regular full-time or percentage-time position.

9. Employees who exceed the maximum of the revised pay range are not eligible for the merit increase.

E. Following the calculation to provide the pay chart adjustment in accordance with Subsection (C), and the additional one percent (1.0%) increase in accordance with Subsection (D), regular full-time and percentage-time employees shall receive compression increases equivalent to fifty percent (50%) of the minimum expected position on the pay range which takes into account their years of service.

1. Years of service for full-time and percentage-time employees will be calculated as of December 27, 2012. This will only include continuous time served in either a full-time or percentage-time position.

2. Employees who are probationary or in a promotional probationary period shall receive the salary increase in the above schedule unless special provisions are specified and accepted in an offer letter.

3. Employees with a temporary reduction in pay as a result of disciplinary action will receive the salary increase in the above schedule, based on their normal base salary, and the temporary reduction in pay specified in the disciplinary action will be subtracted.

4. Employees with a temporary increase for additional duties and responsibilities will receive the percentage increase based on the classification and pay grade of the temporary duties and responsibilities for the duration of the temporary duties.

5. Intermittent employees are not eligible for a compression increase, nor will time spent in an intermittent position be counted toward eligible service if appointed to a regular full-time or percentage-time position.

F. Employees appointed to a term position for a specified term of years and/or appointed under a session rate are not covered under these provisions as their salaries are set by the County Executive.

G. Commissioned Peace Officers in the Sheriff's Department, Department of Corrections, Parks Department and Prosecuting Attorney's office may also receive additional percentage increases when authorized by the Director of Administration following recognition under the Educational Attainment Program for each of the following: Two percent (2%) for attainment of an Associate's Degree, two percent (2%) for attainment of a Bachelor's Degree, and one percent (1%) for attainment of a Master's Degree. Recognition under Education Attainment may exceed the maximum of the range, when necessary to receive the authorized increase.

H. The Exceptional Performer Pay Program is not authorized for calendar year 2013.
I. The Director of Administration may authorize additional percentage increases, when reclassification or promotion is not utilized to sufficiently compensate employees for extenuating circumstances that affect pay equity following consultation with the appointing authority and the Director of Human Resources. (Ord. No. 97-10 §12, 1-29-97; Ord. No. 97-220 §15, 12-31-97; Ord. No. 98-247 §1, 12-29-98; Ord. No. 99-164 §1, 12-29-99; Ord. No. 00-156 §1, 12-27-00; Ord. No. 01-184 §1, 12-27-01; Ord. No. 02-207 §1, 12-23-02; Ord. No. 03-208 §1, 12-31-03; Ord. No. 04-208 §1, 12-22-04; Ord. No. 05-197 §1, 12-20-05; Ord. No. 06-176 §1, 12-19-06; Ord. No. 07-191 §1, 12-27-07; Ord. No. 08-157 §2, 12-17-08; Ord. No. 09-149 §1, 12-23-09; Ord. No. 10-121 §2, 12-28-10; Ord. No. 11-119 §3, 12-29-11; Ord. No. 12-100 §10, 12-18-12)

SECTION 115.680: BASIC PAY PLAN--PROVISIONS

The provisions of this Basic Pay Plan shall supersede applicable provisions of the Interim Employee Handbook. (Ord. No. 97-10 §13, 1-29-97; Ord. No. 97-220 §13, 12-31-97; Ord. No. 08-157 §2, 12-17-08)

SECTION 115.690: CHIEF DEPUTY POSITION--RECLASSIFIED

The positions of Chief Deputy contained in the 1996 Budget Ordinance which were reclassified as assistant director positions in the 1997 Budget Ordinance shall be Merit System employees and shall be allocated appropriate classifications as listed in the County's Position and Classification Plan. Such employees shall be considered to have completed their probationary period assuming that they have been employed in their positions for a period of longer than six (6) months. (Ord. No. 97-10 §14, 1-29-97; Ord. No. 97-220 §14, 12-31-97; Ord. No. 08-157 §2, 12-17-08)

SECTION 115.700: RESERVED

Editor's Note--Ord. no. 08-157 §2, adopted December 17, 2008, repealed section 115.700 "interim provisions" in its entirety. Former section 115.700 derived from ord. no. 97-23 §1, 2-26-97.

SECTION 115.705: POLICY ON OVERTIME, ON-CALL DUTY AND CALL-BACK WORK

A. County employees may be authorized or directed to work hours in addition to their normal work schedule and shall receive consideration for such hours in accordance with this Section which sets forth the County's Overtime Policy.

1. St. Charles County will fully comply with all provisions of the Fair Labor Standards Act (FLSA).

2. The official workweek for FLSA purposes will normally begin at 12:01 A.M. on Thursday morning and proceed for seven (7) full continuous days until Midnight the following Wednesday night. County departments may establish a different official workweek with prior authorization of the Director of Administration after consultation with the Director of Human Resources. The Sheriff's and Corrections Departments, with prior approval of the Director of Administration after consultation with the Director of Human Resources, shall establish the work period for law enforcement employees assigned to the twenty-eight (28) day cycles. ("Law enforcement employees" as used herein shall mean those employees who meet the definition contained in the Fair Labor Standards Act which generally includes certified Peace Officers and correctional officers.)

3. When calculating hours worked for overtime purposes, all hours worked, holidays, compensatory time, funeral leave as authorized by Section 115.240, attendance incentive leave earned in 2012 and taken in 2013, paid time off, jury and witness leave as authorized by Section 115.260, and Law Enforcement Appreciation Day as authorized by Section 115.740 are counted for qualifying exempt and non-exempt employees, but hours of sick leave taken from the paid sick leave bank or extended medical leave shall not be counted.

4. An appointing authority may change an employee's work schedule during the workweek or work period for the good of the service.

5. An appointing authority may assign overtime to specific employees whenever necessary. Failure of the employee to work the overtime will be considered an act of insubordination. It is the County's policy, however, whenever reasonably possible, to give employees advance notice of the need for overtime and to distribute available overtime among those employees who normally perform the work and who voluntarily agree to work the overtime.

6. The FLSA establishes two (2) categories of employees: (1) FLSA exempt, and (2) FLSA non-exempt. The County has chosen to divide employees into three (3) groups—one (1) group for non-exempt and two (2) groups for exempt employees:

   a. FLSA non-exempt employees--Eligible for 1.5X pay or FLSA compensatory time. (Code N-1.5)

   b. FLSA exempt employees--Eligible for 1.0X County compensatory time. (Code E-1.0)

   c. FLSA exempt employees--Not eligible for any overtime compensation. (Code E-0)

7. Eligibility for, and the form of, overtime compensation shall be determined in accordance with Section 115.725. The overtime code category and FLSA/non-FLSA designation applicable to all employees shall be published by the Director of Human Resources with approval of the Director of Administration.

8. Because of FLSA regulations, FLSA non-exempt employees are not to commence work prior to the scheduled starting time, work during their meal break, nor work past the scheduled end of their shift without prior approval of their immediate supervisor. FLSA non-exempt employees who work unauthorized overtime hours shall be counseled and if the practice continues, may become subject to disciplinary action.

97
9. The granting of pay rather than compensatory time for time worked in addition to the employee's schedule shall be governed by these guidelines:
   a. The County always reserves the right to use compensatory time as compensation to employees for time worked in excess of their regular schedule up to the limits set out in the FLSA.
   b. Compensation in the form of pay may be used, at the discretion of the appointing authority, for overtime Code N-1.5 employees when funds have been budgeted and are available.
   c. County compensatory time will be the normal method of compensation for overtime Code E-1.0 employees. However, compensation in the form of pay at 1.0X may be used when authorized by the Director of Administration when funds have been budgeted and are available. Compensation in the form of additional pay at a rate of 1.5X may be approved by the Director of Administration for extenuating circumstances. The Director of Administration will take into consideration extenuating circumstances such as, but not limited to the following:
      (1) The employee is specifically assigned to perform essential and critical work by the appointing authority or designee;
      (2) The critical work is required to preserve the public safety or continue essential community services;
      (3) The critical work must be completed to conform to local ordinances, State and/or federal regulations within a specified period;
      (4) The staffing level available and/or required to complete the critical work is limited.
         Under no circumstances will employees with an overtime Code of E-1.0 receive additional pay for hours that have been "self assigned"; they must have been specifically assigned by the immediate supervisor.
   d. When an overtime Code N-1.5 employee's FLSA compensatory time balance reaches the maximum allowed under FLSA, any additional overtime worked must be compensated by additional pay.

10. The accumulation of large FLSA and County compensatory time balances is discouraged; without prior approval of the Director of Administration, FLSA or County compensatory time balances in excess of eighty (80) hours for employees engaged in law enforcement, emergency response, and seasonal activities as defined by the Department of Labor (DOL) and forty (40) hours for all other employees will not be allowed.
    a. Whenever an employee's balance reaches these limits, the appointing authority shall not request the employee to perform additional overtime unless such overtime is in accordance with a policy authorized by the Director of Administration. In addition, the appointing authority shall encourage the employee to utilize accumulated compensatory time, may deny further overtime assignment, or may deny use of accumulated paid time off until the FLSA or County compensatory time balance is below the guideline.
    b. At the time of passage of this Section, employees maintaining balances in excess of eighty (80) hours for employees engaged in law enforcement, emergency response, and seasonal activities as defined by the Department of Labor (DOL) and forty (40) hours for all other employees shall not be assigned to additional overtime unless such overtime is in accordance with a policy authorized by the Director of Administration.

11. FLSA or County compensatory time may be used when requested by the employees and approved by the immediate supervisor. Supervisors shall not refuse approval unless there is a showing that there will be undue disruption of operations as a result of the absence of the employee.

12. FLSA compensatory time which has been earned but has not been used will be paid to the employees at time of separation. County compensatory time which has been earned but has not been used will be paid to employees at the time of separation up to the maximum of:
    a. Eighty (80) hours for employees engaged in law enforcement, emergency response, and seasonal activities as defined by the Department of Labor (DOL), or
    b. Forty (40) hours for all other employees.

The County will pay off compensatory time, as specified above, at the rate set by the FLSA.

13. Whenever an employee (not covered by the Personnel Policy Part 4 on the Work Week, Section 115.740) with an overtime Code of N-1.5 or E-1.0 is required to work on a County holiday, the following consideration will be given:
    a. If they were regularly scheduled, in advance, to work the day, they shall receive straight time pay or compensatory time for the holiday, plus their normal pay for the day.
    b. If they were scheduled to be off but are required to report to work, they shall receive their normal day's pay or a day's compensatory time for the holiday, plus pay or compensatory time for the hours worked. The compensation for the hours worked shall be in accordance with the provisions contained herein for compensating employees for hours worked in addition to their normal schedule.

14. Notwithstanding the provisions of Section 115.705(A), exempt and non-exempt employees working on projects approved by the Director of Administration and resulting from the contracts or grants from the State of Missouri, the Federal Bureau of Investigation, the Drug Enforcement Administration, the Department of Housing and Urban Development, the United States Army Corps of Engineers and other similar agencies may count hours of paid leave in calculating hours worked for overtime purposes so long as the contract from the overtime agency covers the salary expense for such overtime as is related in the project in full.
15. Notwithstanding the other provisions of Section 115.705(A), part-time employees in the classifications of DJO--Aide and DJO--Detention shall receive premium (1.5X) overtime compensation in the form of pay or compensatory time when required to work hours in addition to their schedule and notice of such required overtime is given less than twenty-four (24) hours prior to the start of the overtime.

B. The public safety departments or divisions of the County, including the Sheriff's Department, the Corrections Department, Division of Emergency Management, the Department of Dispatch and Alarm, the Division of Humane Services in the Department of Community Health and the Environment and any other public safety position in County Government may establish on-call procedures as set out in Subparagraph (1)(a) below.

All other parts of County Government may establish on-call procedures as set out in Subparagraph (1)(a) or (1)(b) below.

1. On-call procedures may be of two (2) types:
   a. General notice that during extreme circumstances or given the nature of their responsibilities, specific employees or groups of employees are expected to make themselves available for call back as a general condition of employment. In these situations, the employees affected shall be notified of their responsibilities. No on-call compensation shall be granted for this type of assignment, although those called in to work or required to work from home shall be compensated as authorized below.
   b. Specific on-call schedules setting forth a particular non-exempt employee or an exempt employee with an overtime Code of E-1, or a group of such employees, as being in a state of readiness to report back to work should they be needed. When such on-call procedures have been established in writing and approved in advance by the Director of Administration, the employee designated as being on-call shall receive compensation in an amount equal to .030 times their hourly rate of pay times the number of on-call hours. In determining the number of hours of on-call compensation, the employee's normal schedule plus any meal period is not to be counted.

2. The on-call procedures submitted and approved prior to implementation shall establish the conditions which those designated as being on-call must satisfy. Failure of an on-call employee to satisfy those conditions will result in the employee forfeiting any on-call pay for that workweek and may result in disciplinary action being taken.

C. Whenever a non-exempt employee or an exempt employee with an overtime Code of E-1, whether in a designated on-call status or not, is authorized and directed to report back to work, the employee shall be compensated for the actual travel time required to report to the work site, perform the work that is assigned, and return to the location from which called to work. The actual time shall be rounded to the nearest quarter hour. No travel time will be paid whenever the employee does not make an extra trip such as when called in to work early or authorized to stay at work past the end of the shift. Compensation may be in the form of compensatory time or additional pay.

D. Non-exempt employees and exempt employees with an overtime Code of E-1 who, whether designated as on-call or not, are contacted while off duty and who respond to the situation and perform work on behalf of the County without actually reporting back to the work site shall maintain a log of such activity and shall be credited for hours worked with the total of such hours each workweek being added and then rounded to the closest quarter hour. (Ord. No. 98-17 §2, 1-28-98; Ord. No. 98-246 §§1--4, 12-29-98; Ord. No. 99-32 §1, 4-16-99; Ord. No. 99-97 §1, 7-1-99; Ord. No. 00-022 §1, 2-29-00; Ord. No. 00-046 §§1--2, 5-1-00; Ord. No. 01-083 §1, 6-27-01; Ord. No. 01-108 §1, 8-29-01; Ord. No. 08-157 §2, 12-17-08; Ord. No. 09-003 §2, 1-27-09; Ord. No. 09-149 §1, 12-23-09; Ord. No. 12-083 §11, 11-5-12)

Editor's Note--Reference to "Emergency Management Agency" was changed to "Division of Emergency Management" per ord. no. 02-205, adopted 12-23-02, set out in full at §134.060 of this code.

ARTICLE II. PAY GRADES AND PAY RANGES

SECTION 115.710: PAY GRADES -- CHART

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**CLASSIFICATIONS IN FAMILY COURT AND JUVENILE**

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SECTION 115.720: PAY RANGES -- CHART

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<th>Midpoint</th>
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**PAY SCHEDULE FOR 2013**

**Programs**

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**Pay Band "A" = Pay Grades 1--7**

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**Pay Band "B" = Pay Grades 8--13**

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PAY SCHEDULE FOR 2013

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Pay Band "C" = Pay Grades 14–19

Pay Band "C" = Pay Grades 14–19

(Ord. No. 97-10 App. 2, 1-29-97; Ord. No. 97-220, 12-31-97; Ord. No. 98-247 §3, 12-29-98; Ord. No. 99-164 §3, 12-29-99; Ord. No. 00-156 §1, 12-27-00; Ord. No. 01-184 §3, 12-27-01; Ord. No. 02-207 §3, 12-23-02; Ord. No. 03-208 §3, 12-31-03; Ord. No. 04-208 §3, 12-22-04; Ord. No. 05-127 §1, 9-13-05; Ord. No. 05-197 §3, 12-20-05; Ord. No. 06-176 §3, 12-19-06; Ord. No. 07-191 §3, 12-27-07; Ord. No. 08-157 §2, 12-17-08; Ord. No. 09-149 §1, 12-23-09; Ord. No. 10-121 §4, 12-28-10; Ord. No. 11-025 §§5, 5-2-11; Ord. No. 11-119 §§5, 12-29-11; Ord. No. 12-100 §12, 12-18-12)

SECTION 115.721: PAY -- ELECTED OFFICIALS

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<td>Recorder of Deeds</td>
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</table>

Last increase given to the office of elected officials was in 2006, except the office of County Council member, which received the last increase for members elected in 2008 or after average raises to employees:

<table>
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<th>Year</th>
<th>Percentage</th>
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<tr>
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<tr>
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<td>3.00%</td>
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<tr>
<td>2013</td>
<td>4.00%</td>
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</table>

No elected official may receive an increase in salary during a term of office. (Ord. No. 12-100 §13, 12-18-12)

Editor's Note--Ord. no. 06-176, adopted December 19, 2006, superseded this section 115.721. "Conversion pay ranges--schedule". Former section 115.721 derived from ord. no. 05-197, 12-20-05. At the editor's discretion, we have left this section reserved for the county's future use. Subsequently, ord. no. 12-100 §13, adopted December 18, 2012, enacted the new provisions set out herein.

SECTION 115.725: OVERTIME/COMPENSATORY TIME

<table>
<thead>
<tr>
<th>Category Of Employee</th>
<th>Compensation for hours in excess of schedule but less than 40 in work week or 165 in a 28 day cycle for law enforcement personnel assigned to 28 day cycles</th>
<th>Compensation for hours in excess of 40 in work week or FLSA max in work period or 165 in a 28 day cycle for law enforcement personnel assigned to 28 day cycles</th>
</tr>
</thead>
<tbody>
<tr>
<td>FLSA Non-Exempt</td>
<td>Compensated by straight time pay or</td>
<td>Compensated by time and one half pay or</td>
</tr>
</tbody>
</table>

109
PART 4. POLICY ON THE WORK WEEK

SECTION 115.730: FULL-TIME EMPLOYMENT DEFINED, EXCEPT AS TO CERTAIN LAW ENFORCEMENT PERSONNEL

A. The standard for full-time employment is hereby adopted as forty (40) hours of work per work week. This Section does not apply to commissioned law enforcement and commissioned and non-commissioned corrections personnel unless they are assigned to a standard forty (40) hour schedule. Other commissioned law enforcement and commissioned and non-commissioned corrections personnel are covered in Section 115.740. This standard for full-time employment shall apply to the following:

1. All employees hired after January 10, 1994;
2. All employees who are currently working at least forty (40) hour schedules (regardless of any transfer, promotion or demotion into a position which may have previously been a thirty-seven and one-half (37.5) hour position);
3. All employees who are promoted (appointed to a vacant position in a higher pay grade) on or after February 4, 1995;
4. All employees who are reclassified to a position in a higher pay grade after the date of passage and approval of this Part of the Personnel Policy.
5. All employees who occupy job classifications which are raised to a higher pay grade after the date of passage and approval of this Part of the Personnel Policy.

B. The standard for full-time employment for employees who do not meet any of the criteria set out above is thirty-seven and one-half (37.5) hours of work per week. All employees who currently work a thirty-seven and one-half (37.5) hour schedule will continue to do so until they meet one (1) or more of the criteria set out in Section 115.730(A), above. (Ord. No. 96-14 §1, 2-12-96)

SECTION 115.740: FULL-TIME EMPLOYMENT DEFINED FOR LAW ENFORCEMENT

A. The standard for full-time employment for law enforcement employees who are not assigned by their appointing authority to thirty-seven and one-half (37.5) or forty (40) hours of work per work week schedules, shall be one hundred sixty-five (165) hours per twenty-eight (28) day cycle. This schedule shall be comprised of nineteen (19) eight and one-quarter (8.25) hour days, plus one (1) eight and one-quarter (8.25) day off in lieu of the twelve (12) day County declared holiday schedule plus one (1) additional Law Enforcement Appreciation Day which shall result in a day off in the thirteenth (13th) twenty-eight (28) day cycle. Notwithstanding the foregoing, the appointing authority for the County Departments which employ law enforcement employees may, with the approval of the Director of Administration, schedule employees in a manner which will meet the needs of the Departments, as long as the work cycle does not exceed one hundred sixty-five (165) hours in a twenty-eight (28) day cycle. The schedule shall include an appropriate number of holiday hours as specified by Ordinance 96-13 plus one (1) additional Law Enforcement Appreciation Day which shall result in a day off in the thirteenth (13th) twenty-eight (28) day cycle. In addition, such employees shall receive one (1) Law Enforcement Appreciation Day to be credited on January first (1st) of each year which may then be taken by the employee with the approval of the appointing authority any time in the following calendar year. If the employee fails to take the floating Law Enforcement Appreciation Day within that year, it lapses on December thirty-first (31st) of that year.

(Ord. No. 98-17, 1-28-98; Ord. No. 09-149 §1, 12-23-09)

Editor's Note--In the original text of ord. no. 09-149, the words "law enforcement personnel" read "enforcement personnel". This was a typographical error and corrected at the direction of the County Counselor's office.
B. For purposes of computation of overtime, overtime at the rate of one and one-half (1½) the regular rate shall be granted to non-exempt law enforcement employees whose hours of work exceed more than one hundred sixty-five (165) hours in a twenty-eight (28) day cycle. Compensation for overtime will be in the form of extra pay or compensatory time. Compensation due for overtime, whether in the form of additional pay or compensatory time, will be determined and credited to, or paid to, the employee at the end of the pay period in which the twenty-eight (28) day cycle ends. (Ord. No. 96-14 §II, 2-12-96; Ord No. 97-230 §1, 12-31-97; Ord. No. 98-18 §1, 1-28-98)

SECTION 115.750: MEAL PERIODS

A. Except as set out herein, in determining the work schedule of any forty (40) or thirty-seven and one-half (37.5) hour employee, meal periods shall not be counted as hours of work. The work schedule of every employee, unless an exception is approved as outlined below, shall contain a meal period of not less than thirty (30) minutes during which time they shall be relieved from duty and shall not be on call. The employee's supervisor shall be responsible for assuring that the meal periods are taken. Short breaks, when authorized, are counted as time worked and may not be used in such a fashion as to alter the starting time, ending time, nor to lengthen the meal period.

B. Since the policy is that meal periods are not counted as hours worked, an appointing authority may establish a schedule which does not include a meal break only with prior written approval of the Director of Administration. Such approval shall be given only in those instances where it is not feasible to regularly allow the employee to take a meal period and when the interests of the County are best served by scheduling the employee to work straight through their assigned shift.

C. All law enforcement employees shall have their meal period included as hours worked, so long as the employee is required to be on call and subject to the immediate orders of his supervisor during the meal period. Law enforcement employees, for purposes of this meal period policy, shall include all commissioned Law Enforcement Officers, dispatchers, civilian evidence technicians and all commissioned and non-commissioned correctional officers. (Ord. No. 96-14 §III, 2-12-96)

SECTION 115.760: LEAVE ACCRUAL FOR PERCENTAGE-TIME EMPLOYEES

The rate of pay and the rate of leave accrual shall be proportional for employees who work a percentage of full-time. (Ord. No. 96-14 §IV, 2-12-96; Ord. No. 12-019 §3, 3-2-12)

SECTION 115.762: MANDATORY FURLoughS

A. Mandatory furloughs may be ordered by the County Executive due to a projected or current lack of funds or lack of work. Lack of funds shall refer to significant revenue shortfall or reduction in funds which threaten the orderly operation of County Government. Lack of work shall refer to significant changes in workload, projected to be temporary, which have resulted in insufficient workload for certain positions. All departments, including those that do not affect the general fund, may be required to participate.

B. The amount of mandatory furlough days will be based on budgetary need. All employees, regardless of status, position, or level of employment, may be furloughed. The Director of Administration will analyze the workload of departments and/or divisions and will consider which department(s) to furlough first in order to achieve the savings necessary.

C. For percentage time employees, the furlough day will be prorated based on the percentage of time the employee is scheduled to work. (For example, if an employee is scheduled to work eighty percent (80%), then the employee would be charged eighty percent (80%) of their workday.)
D. The County may elect a mandatory furlough, however employees have the option to select which days they would like to use as a furlough unless a specific day or dates have been determined by the Director of Administration. If a holiday is selected as a furlough day or as part of a block, then the employee will not receive holiday pay.

E. If an employee has previously taken and/or elected to take voluntary furlough hours, that time will count toward the mandatory furlough time.

F. Unless a specific day or dates for furlough have been determined by the Director of Administration, the employee shall complete the furlough election form. Failure of the employee to complete the furlough election form by the announced deadline will authorize the County to establish the days for that employee's furlough dates. (Ord. No. 11-088 §3, 9-30-11)

SECTION 115.765: VOLUNTARY FURLOUGHS
A. In the event that the County Executive determines that cost saving measures must be taken, including, but not limited to, the reduction of personnel costs, the County Executive may declare a voluntary furlough plan.

B. Department directors and elected officials are encouraged to promote the voluntary furlough plan described herein in order to reduce agency/departmental expenditures. Appointing authorities receiving requests from employees wishing to take voluntary furloughs shall determine which option (i.e. block of time or reduced schedule) to allow based on the operational needs of the department.

C. During a voluntary furlough exempt and non-exempt employees are strictly prohibited from performing any work during the furlough period, except that Department and Division directors may check their work-related e-mail and voice mail should they determine it is necessary for the proper functioning of essential governmental services.

D. The VFP is subject to the following requirements:
1. The VFP is only available when authorized by the County Executive and may only be terminated by the County Executive. VFP may be authorized for any single division or department, grouping of departments or across all County departments or may be authorized by revenue fund. All eligible employees will be made aware of the VFP described herein. Employees taking a voluntary furlough shall do so prospectively and shall have their work schedule reduced in a manner which reflects their furlough period.
2. a. The VFP is available to all full-time and percentage-time employees, irrespective of the funding sources for their positions, who request to participate, subject to approval by their appointing authority.
   b. Intermittent employees are not eligible to enroll in this program.
3. a. Department directors and elected officials shall schedule participation based on the operational needs of their department, but shall not refuse an employee's requested participation without consulting the Director of Administration.
   b. The employee and supervisor shall mutually determine the amount of time reduced and the scheduling required (i.e., the reduced workday, workweek or schedule block of time off), however a supervisor shall not suggest nor shall the supervisor require the employee take furlough for more time than the employee proposes.
   c. Furloughs shall be scheduled to minimize disruption to the efficient operation of the department.
   d. In that furloughs are unpaid, a furlough should not result in the need for the furloughed employee or any other employee to work overtime.
   e. Once furlough time is agreed upon and approved, the final scheduling of specific furlough hours is at the sole discretion of the appointing authority.
   f. A determination to grant or deny voluntary furlough status and the determination of when furlough may be scheduled or taken is not subject to the grievance procedure.
   g. An employee cannot request more than five (5) consecutive days off at a time without prior approval, preferably thirty (30) days in advance.
   h. Exempt employees may not request voluntary furloughs that would reduce the employee's compensation in a pay period below the FLSA threshold amount for employees of exempt status.
   i. The employee must submit a completed furlough election form signed by their immediate supervisor and appointing authority to the Department of Human Resources for processing.
4. Conditions of participation. Upon receiving approval of the appointing authority to participate, the Department of Human Resources shall determine if each of the following conditions of participation are met:
   a. Participating employees must be in a paid status at the time of enrollment.
   b. Participating employees must ensure that they have adequate wages to cover their voluntary payroll deductions and their portion of contributions to benefits amounts, if applicable.
   c. Employees electing a block of time off greater than one (1) pay period must arrange payment of the normal required employee contributions for benefit plans.

If any of the above conditions of participation are not met, the Department of Human Resources shall notify the Director of Administration and the appointing authority that the employee is not eligible.
E. Two (2) methods of participation in the voluntary time off option are hereby authorized:
   1. The employee's scheduled workday or workweek is reduced on a biweekly basis.
   2. A block of time off is scheduled as unpaid leave.
F. Employees on voluntary furlough shall receive the same level of County contributions for LAGERS, as well as continuation of their other employee plans. They will retain their work status for benefit purposes. Voluntary furlough hours will have no effect on the following benefits:
   1. LAGERS.
   2. Medical/dental/vision/life insurance eligibility and coverage.
   3. Retirement eligibility and benefit level (unless retirement is within thirty-six (36) months).
   4. Paid time off and extended medical leave accruals.
G. The Department of Finance shall develop a special time entry code to capture all voluntary furlough hours taken under this program and to facilitate continuation of health and retirement benefit accruals, leave, contributions and payments. Employer taxes and withholdings will be calculated based on actual hours worked.
H. Notwithstanding anything to the contrary in Section 115.705 OSCCMo., furlough hours shall not count when calculating hours worked for overtime purposes nor shall furlough hours count toward the hours required before certain retention premiums are paid.
I. Time off must be taken in increments of full hours per pay period. For a block of time, it must be taken in increments of full days. There is no maximum to the block of time requested.
J. No form of salary compensation may be taken (i.e., paid time off, extended medical leave, paid sick leave bank, compensatory time) during furlough leave. Participation in the VFP will reduce the employee's immediate take home pay.
K. For percentage time employees, the furlough day will be prorated based on the percentage of time the employee is scheduled to work. (For example, if an employee is scheduled to work eighty percent (80%), then the employee would be charged eighty percent (80%) of their workday.)
L. An employee whose participation in VFP has been approved may not reduce or cancel the agreed schedule/amount except if:
   1. He/she transfers to another department;
   2. He/she terminates employment with the County;
   3. He/she demonstrates a personal hardship.
An employee may request to increase the agreed schedule/amount at any time. Any changes to the agreement will require a completed furlough election form, which must be submitted to Human Resources for processing. (Ord. No. 09-054 §2, 6-9-09; Ord. No. 11-088 §2, 9-30-11; Ord. No. 12-083 §11, 11-5-12)

SECTION 115.768: INCLEMENT WEATHER POLICY
A. Purpose. To properly serve the taxpayers of St. Charles County while allowing employees not designated as essential personnel some flexibility in their schedule and leave usage due to inclement weather.
B. The Inclement Weather Policy allows the County Executive to authorize all employees not designated as essential personnel flexibility in their schedule and further authorizes all County employees not designated as essential personnel the ability to use leave as further outlined below to cover any absences from work during the time the Inclement Weather Policy is in effect. The policy allows employees not designated as essential to determine when and if it is safe for them to travel, while the County serves the public in a safe and effective manner. Employees and the public will be notified of the policy's implementation through the County phone and Internet system, as well as through any news organization coverage.
C. Implementation of the Inclement Weather Policy may close County offices to the public, however invoking the policy does not alter the duty of an employee not designated as essential to report for their regularly scheduled hours or take leave in lieu of reporting for work.
D. Under the Inclement Weather Policy, County offices do not cease operations and hours still count as a regular workday for County employees including personnel not designated as essential. However should the County Executive implement an inclement weather period, employees not designated as essential may elect to not report to work during that time designated as an inclement weather period by reporting to their appointing authority that they are taking leave (paid time off, compensatory time or AIL day available in 2013 only to those who were awarded it under former Section 115.230, unpaid leave) or in the alternative, report that they will make up the missed hours during the current workweek.
E. Extended medical leave or leave from the employee's paid sick leave bank is not available unless the employee meets the criteria for the use of personal or family sick leave.
For example, if the Inclement Weather Policy is implemented and County offices open to the public at 10:00 A.M. instead of the usual 8:00 A.M., an employee not designated as essential continues to be responsible for regularly scheduled hours, however the policy gives them the flexibility to determine when and if it is safe for them to travel, and if it is not, to use paid or unpaid leave, or to make up the time as set out above to cover any time they are absent. (Ord. No. 11-088 §1, 9-30-11; Ord. No. 12-083 §12,
PART 5. DRUG-FREE WORKPLACE POLICY

SECTION 115.770: POLICY

A. It is the policy of St. Charles County to ensure that its employees are free from impairments due to drug and alcohol use. It is also the policy of St. Charles County to comply with the requirements of the Drug-Free Workplace Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991, in order to provide safe, dependable, and economical services to the citizens of the County and to provide safe working conditions for its employees.

B. To meet these goals, it is the policy of the County to ensure that its employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; to create a work place environment free from the adverse effects of alcohol and controlled substances abuse or misuse; to prohibit the unlawful manufacture, distribution, dispensing, possession or use of alcohol and controlled substances; and to encourage employees to seek professional assistance when personal problems, including alcohol and controlled substance dependency, adversely affect their ability to perform assigned duties. (Ord. No. 95-205 §1, 12-27-95)

SECTION 115.780: PURPOSE

The purpose of this policy is to assure worker fitness for duty and to protect employees and the public from the risks posed by the use of alcohol and controlled substances. It is also the purpose of this policy to comply with all applicable Federal and State regulations governing work place alcohol and controlled substance abuse programs mandated under the above-noted acts. These acts mandate urine drug testing and breathalyzer alcohol tests for safety-sensitive positions and prevent performance of safety-sensitive functions when there is a positive test result. The Federal law has also established standards for collection and testing of urine and breath specimens, the reporting of certain drug-related offenses, protective measures for certain employees tested, for the preservation of confidentiality, and for certain reporting. (Ord. No. 95-205 §2, 12-27-95)

SECTION 115.790: DEFINITIONS

As used in this Part of the Personnel Policy, the following words shall have these prescribed meanings:

COMMERCIAL DRIVER'S LICENSE: A driver's license issued by the State of Missouri pursuant to the Uniform Commercial Driver's License Act, Sections 302.700--302.780, RSMo., (1994), as presently enacted or as amended hereafter.

COMMERCIAL MOTOR VEHICLE: A motor vehicle for transporting passengers or property, as defined by the Uniform Commercial Driver's License Act, Section 302.700.2(6), RSMo., (1994), as presently enacted or as amended hereafter.

CONTROLLED SUBSTANCE: Any controlled substance as defined by the Drug-Free Workplace Act of 1988, as presently enacted or as amended hereafter.

COVERED POSITION: Any position identified as safety-sensitive by regulations adopted by agencies of the United States Department of Transportation pursuant to the Omnibus Transportation Employee Testing Act of 1991 (including but not limited to any position which requires commercial driver's licenses).

DELAY: Any failure to immediately report to the test site to participate in the required testing under this policy.

EMPLOYEE: Any person in the service of St. Charles County except contractors.

MEDICAL REVIEW OFFICER (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results from St. Charles County's drug testing program, and trained to interpret and evaluate an individual's confirmed positive test result along with that individual's medical history and other relevant biomedical information.

SUBSTANCE ABUSE PROFESSIONAL (SAP): A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders. (Ord. No. 95-205 §3, 12-27-95)

SECTION 115.800: DRUG- AND ALCOHOL-FREE WORKPLACE POLICY

A. Pursuant to the Drug-Free Workplace Act of 1988 and St. Charles County's Personnel Administration Program, County employees are subject to the following prohibitions and requirements:

1. No employee may unlawfully manufacture, distribute, dispense, possess or use a controlled substance in the workplace.

2. All employees must report, as provided by the mandatory reporting requirement of St. Charles County's Personnel Administration Program, their arrests, indictments, convictions, pleas of nolo contendere or impositions of sentence for the unlawful manufacture, distribution, dispensation, possession or use of controlled substances, whether on or off duty. In no case may an employee report such a conviction, plea, or imposition of sentence any later than five (5) days after such conviction, plea or sentence.

3. Any employee who violates Subsection (A)(2) of this Section shall be subject to immediate termination.

4. Within thirty (30) days after an employee reports any conviction, guilty plea or plea of nolo contendere as required by
B. Pursuant to the Drug-Free Workplace Act of 1988, the County shall make available to its employees counseling and information on drug abuse, as follows:

1. Any employee who abuses alcohol or medications or who unlawfully uses controlled substances may seek assistance through St. Charles County's Employee Assistance Program;

2. The Human Resources Director shall publish a statement notifying employees of the provisions of Subsection (A)(1–4) of this Section and informing employees that compliance with the provisions of Subsection (A)(1–4) of this Section is a condition of employment by the County; and

3. The Human Resources Director shall establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the County's policy of maintaining a drug-free workplace; the availability of drug counseling and rehabilitation programs, including the County's Employee Assistance Program; and the penalties that may be imposed upon employees for drug abuse violations.

C. All employees are also subject to the following prohibitions and requirements:

1. No employee may possess or consume alcohol while on duty, on County premises during business hours, or in a County vehicle whether or not while on duty.

2. No employee may unlawfully manufacture, distribute, dispense, possess or use a controlled substance off duty.

3. No employee whose position requires the possession of a valid commercial driver's license may:
   a. Operate a commercial motor vehicle of or for St. Charles County:
      (1) While consuming alcohol;
      (2) While having an alcohol concentration of two-tenths of one percent (0.2%) or greater;
      (3) Within four (4) hours of consuming alcohol;
      (4) After refusing to submit to an alcohol test; or
   b. Consume alcohol within eight (8) hours after an accident as specified in Section 115.830(A)(3)(d) of this Part.

4. Any employee whose position requires the possession of a valid commercial driver's license and who loses that license for a violation of or as a consequence of the law shall be subject to disciplinary action up to and including termination from service. The employee shall immediately notify the Personnel Director and the employee's immediate supervisor of the loss of the commercial driver's license. Failure to do so shall result in immediate termination from service.

5. Any employee who is consuming a prescribed or authorized prescription drug, or any other substance whose side effects may inhibit or impair the employee's performance, shall notify his appointing authority or supervisor of such consumption, upon reporting to work and prior to engaging in any work related activity, or earlier if possible. Ord. No. 95-205 §4, 12-27-95; Ord. No. 12-100 §14, 12-18-12)

SECTION 115.810: DRUG AND ALCOHOL TESTING PROGRAM FOR EMPLOYEES -- EMPLOYEES TO BE TESTED

A. All employees who hold covered positions shall be subject to all drug and alcohol testing as provided in Section 115.830 of this Part of the Personnel Policy, including random testing.

B. All employees without exception shall be subject to drug and alcohol testing as provided in Section 115.830 of this Part of the Personnel Policy, excepting random testing. (Ord. No. 95-205 §5, 12-27-95)

SECTION 115.820: DRUG AND ALCOHOL TESTING PROGRAM FOR EMPLOYEES -- PROGRAM ADMINISTRATOR -- DUTIES OF

A. Unless otherwise designated by the County Executive in writing, the Human Resources Director shall be the Program Administrator for the drug and alcohol testing program for St. Charles County employees.

B. Duties of the Program Administrator include:

1. Administering the drug and alcohol testing program under the supervision of the County Executive.

2. Developing and maintaining the following lists, subject to approval by the Director of Administration:
   a. A list of covered positions; and
   b. A list of supervisors to be trained and authorized to order drug and alcohol testing of employees upon reasonable suspicion.

3. Notifying applicants for covered positions that these positions are covered positions under this drug and alcohol testing program.
4. Developing all forms necessary to carry out this drug and alcohol testing program, unless the forms are provided under the Federal regulations.

5. Providing the required forms to appropriate persons who are responsible for the implementation and management of this drug and alcohol testing program.

6. Answering all inquiries concerning this drug and alcohol testing program, its application, its administration, or its interpretation, subject to Section 115.890 of this Part of the Personnel Policy.

7. Maintaining all records developed and/or acquired by the drug and alcohol testing Program Administrator pursuant to this Part of the Personnel Policy.

8. Requesting bids and proposals from potential contractors for professional services required by this Part of the Personnel Policy. (Ord. No. 95-205 §6, 12-27-95; Ord. No. 12-100 §15, 12-18-12)

SECTION 115.830: DRUG AND ALCOHOL TESTING PROGRAM FOR EMPLOYEES -- TESTING OF JOB APPLICANTS AND COVERED EMPLOYEES AUTHORIZED -- WHEN

A. Job applicants and employees shall be subject to testing for alcohol and for the five (5) drugs listed in Section 115.840(A)(1) of this Part of the Personnel Policy, as follows:

1. Pre-employment testing. Pre-employment urine testing for the drugs listed in Section 115.840(A)(1) of this Part of the Personnel Policy is required of all job applicants as a condition of the application procedure, whether or not the applicants are currently employed by the County, unless the applicant or employee can show satisfactory test results of urine testing within the previous thirty (30) day period. Receipt of satisfactory test results is required prior to commencement of employment and/or engaging in safety-sensitive functions. Pre-employment testing may be performed by a third party entity and those results accepted by the Director of Human Resources upon the determination by the Director that the testing procedure is in substantial compliance with the requirements of this Part. Failure of a drug test disqualifies an applicant from appointment to employment for a period of at least one hundred eighty (180) days. Evidence of the absence of drug dependency from a Substance Abuse Professional (SAP) and negative drug tests shall be required prior to further consideration for any employment, along with reports on any drug use by the job applicant from prior employers, supplied under the job applicant's written authorization.

2. Reasonable suspicion testing.
   a. Reasonable suspicion testing for alcohol and for the drugs listed in Section 115.840(A)(1) of this Part of the Personnel Policy is required to determine fitness for duty whenever there are objective observable reasons to believe that use of alcohol or such a drug impairs job performance by employees.
   b. Such testing may only be ordered on the basis of documented objective facts and circumstances which are consistent with the effects of substance use. Such facts and circumstances must be observed during, just before or just after the work day. Such observations may be made only by supervisors and managers trained to detect signs and symptoms of alcohol and drug use, and able reasonably to conclude that an employee's observed conduct is consistent with such signs and symptoms.
   c. Any supervisor or manager who orders an employee to report for reasonable suspicion testing must prepare and sign a report recording the observations that led to the testing order. That report must be prepared and signed within twenty-four (24) hours of the observations or before the results of the testings are released, whichever is earlier.
   d. Any employee ordered to report for reasonable suspicion testing shall be transported to the testing facility. Supervisors and managers shall make reasonable efforts to secure transportation home for such employees.
   e. Any employee ordered to report for reasonable suspicion testing shall be relieved from duty until the results of the testing are released. If the results are negative the employee shall be reimbursed for any loss of pay, and any leave taken shall be restored.
   f. Reasonable suspicion testing for alcohol shall be required and completed whenever possible within two (2) hours but in no case later than eight (8) hours after the observations leading an employee's supervisor to direct that employee to submit to such testing.
   g. Reasonable suspicion testing for drugs shall be completed no later than thirty-two (32) hours after the observations leading an employee's supervisor to direct that employee to submit to such testing.

3. Post accident testing.
   a. Post accident testing for alcohol and for the drugs listed in Section 115.840(A)(1) of this Part of the Personnel Policy shall be required for employees who hold covered positions and who, while performing their safety sensitive functions as defined by regulations adopted by agencies of the United States Department of Transportation pursuant to the Omnibus Transportation Employee Testing Act of 1991, are involved in accidents leading to fatalities or to citations under State or local law for moving violations.
   b. Post accident testing for alcohol shall be required and completed whenever possible within two (2) hours but in no case later than eight (8) hours after the accident's occurrence.
   c. Post accident testing for drugs shall be completed within thirty-two (32) hours of the accident's occurrence.
   d. Any employee involved in an accident shall refrain from alcohol consumption for eight (8) hours following the accident.
4. Random testing.
   a. Random testing for alcohol and for the drugs listed in Section 115.840(A)(1) of this Part of the Personnel Policy shall be conducted on all employees in covered positions. Random testing shall be unannounced and conducted with unpredictable frequency throughout the year using an established scientifically-based selection method.
   b. Testing shall be conducted whenever and as ordered by appropriate supervisory personnel, but shall be no less frequent than required by Federal law and regulations, in such numbers as required by Federal law and regulations. Such testing shall be conducted only when the employee in question is, or is about to, or has just performed safety-sensitive functions.
   c. Employees selected for random testing must report to the collection site within two (2) hours of being notified and may be accompanied by a supervisor to the collection site. This time will be counted as work time even if it extends beyond the employees' regular shift.

5. Return to work testing. Return to work testing for alcohol and for the drugs listed in Section 115.840(A)(1) of this Part of the Personnel Policy shall be required for any employee who previously tested positive on any test for alcohol or such drugs that is required by this Part of the Personnel Policy. An employee may not return to work until and unless the employee tests negative on return to work testing and is evaluated and released to return to work by a Substance Abuse Professional (SAP).

6. Follow-up testing. Follow-up testing for alcohol and/or the drugs listed in Section 115.840(A)(1) of this Part of the Personnel Policy shall be required for any employee who has returned to work after passing return to work testing. Such follow-up testing shall consist of frequent unannounced random urine drug and/or breath alcohol testing for at least six (6) times in the twelve (12) months after return to work. The Substance Abuse Professional (SAP) may recommend follow-up testing for both alcohol and drugs. If the SAP determines that the employee needs continued assistance in revolving problems associated with alcohol abuse or drug use, such testing may be continued for up to sixty (60) months from the employee's return to work date.

B. Any employee who questions the results of a required urine drug test under this drug and alcohol testing program may request that an additional test be conducted. The test must be conducted on a split sample that was provided at the same time as the original sample and the test analysis shall be conducted at a qualified laboratory other than the laboratory which conducted the original analysis. All costs for employee-requested testing shall be paid by the employee unless the second (2nd) test invalidates the original test. An employee's request for a re-test must be made to the Medical Review Officer (MRO) within seventy-two (72) hours of the notice to the employee of the initial test result. Requests made after the seventy-two (72) hour limit will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

C. The method of collecting, storing, and testing the split urine sample required under this drug and alcohol testing program shall be consistent with the procedures established in 49 Code of Federal Regulations Part 40.

D. If the County receives a negative test result indicating that the sample was diluted, the applicant or employee will be immediately scheduled for an additional sample collection.

E. Any employee shall be considered to have tested positive and shall be subject to all of the consequences that flow from testing positive, in case of:
   1. An employee's delay in reporting to the test site after being ordered to submit to testing;
   2. An employee's refusal to provide a sufficient urine sample for testing (to be determined as provided by 49 C.F.R. Section 40.25(4)(1), as presently promulgated or revised hereafter); or
   3. An employee's provision of an adulterated sample. (Ord. No. 95-205 §7, 12-27-95; Ord. No. 11-025 §6, 5-2-11; Ord. No. 12-100 §16, 12-18-12)

SECTION 115.840: DRUG AND ALCOHOL TESTING PROGRAM FOR EMPLOYEES -- AUTHORIZED TESTS, POSITIVE TEST RESULTS, CONSEQUENCES OF

A. Testing for drugs shall be as follows:
   1. Drug testing shall be conducted upon an employee's urine specimen by a laboratory certified and monitored by the U.S. Department of Health and Human Services. Such testing shall be for the following controlled substances:
      a. Marijuana (THC metabolite).
      b. Cocaine.
      c. Amphetamines.
      d. Opiates (including heroin).
      e. Phencyclidine (PCP).
      Such testing is a two (2) stage process. First (1st) a screening test is conducted. If the test is positive for one (1) or more of the drugs listed above, a confirmatory test is conducted for each identified controlled substance. The "confirmatory test" is a gas chromatography/mass spectrometry (GC/MS) analysis.
   2. Any employee who tests positive on the conformity test shall be interviewed by the County's Medical Review Officer (MRO). The employee shall be immediately removed from work-related activity, pending disciplinary action which may include termination. In no case shall the employee be permitted to resume work until the employee is:
      a. Evaluated by a Substance Abuse Professional (SAP),
b. Complies with the rehabilitation contract if such is required, and
c. Has tested negative in a follow-up test.

B. Testing for alcohol shall be performed as follows:

1. Federal regulations require breath testing to be done on Evidential Breath Testing devices approved by the National Highway Traffic Safety Administration. An initial screening test is conducted first. Any result that is less than two-tenths of one percent (0.2%) alcohol concentration is considered negative. If the alcohol concentration is two-tenths of one percent (0.2%) or greater, a second (2nd) confirmatory test must be conducted. Any employee in a covered position who tests with an alcohol concentration of two-tenths of one percent (0.2%) or greater shall be removed from service for at least twenty-four (24) hours, and shall be subject to discipline.

2. Any employee who tests with an alcohol concentration of four-tenths of one percent (0.4%) or greater shall be immediately removed from work-related activity, pending disciplinary action which may include termination. In no case shall the employee be permitted to resume work until the employee is:
   a. Evaluated by a Substance Abuse Professional (SAP),
   b. Complies with the rehabilitation contract if such is required, and
   c. Has tested negative in a follow-up test. (Ord. No. 95-205 §8, 12-27-95)

SECTION 115.850: DRUG AND ALCOHOL TESTING PROGRAM FOR EMPLOYEES -- EMPLOYEES WHO TEST POSITIVE FOR DRUG OR ALCOHOL USE, ASSESSMENT REQUIRED, DISCIPLINE POSSIBLE, REHABILITATION AVAILABLE

A. Any employee who tests positive for the presence of any of the drugs listed in Section 115.840(A)(1) of this Part of the Personnel Policy or alcohol above the minimum thresholds set forth in the Federal regulations shall be evaluated by a Substance Abuse Professional (SAP). The SAP shall evaluate each employee who tests positive to determine what assistance, if any, the employee needs in resolving problems associated with such drugs or alcohol.

B. Assessment by a SAP does not protect an employee from disciplinary action or guarantee continued employment of reinstatement by St. Charles County. The County's Personnel Administration Program provides guidance to the discipline that may be imposed, unless otherwise stated in this Part of the Personnel Policy.

C. Any employee who is determined by the SAP to be in need of assistance for a controlled substance or alcohol related problem under this drug and alcohol testing program may be permitted to enter into a rehabilitation plan approved by St. Charles County, provided the employee agrees to adhere to the terms of the rehabilitation contract with the County.

D. Rehabilitation assistance may be granted only once to any employee of St. Charles County. Failure to complete an agreed upon rehabilitation assistance plan or to adhere to the rehabilitation contract shall be considered a resignation by the employee from employment with the County.

E. Any rehabilitation contract entered into pursuant to this Section shall include the following terms and conditions to be adhered to by the employee who is granted rehabilitation assistance:

   1. The employee shall undertake and complete successfully a rehabilitation assistance plan established for the employee by the Substance Abuse Professional (SAP) or by a rehabilitation professional accepted by St. Charles County;
   2. The employee shall not violate this Part of the Personnel Policy nor use any controlled substances and alcohol inconsistently with the rehabilitation assistance plan or with this drug and alcohol testing program;
   3. The employee shall execute a release to St. Charles County of all medical records relating to the assistance given the employee under the employee's rehabilitation assistance plan, and to the employee's compliance with it;
   4. The employee shall submit to return to work testing as provided by this drug and alcohol testing program;
   5. The employee shall submit to follow-up testing for a period of time set by St. Charles County, as permitted by this drug and alcohol testing program; and
   6. Any future controlled substance or alcohol violations shall be considered as a resignation of the employee from service without recourse. (Ord. No. 95-205 §9, 12-27-95)

SECTION 115.860: DRUG AND ALCOHOL TESTING PROGRAM FOR EMPLOYEES -- CONTRACTS AUTHORIZED FOR REQUIRED SUPPORT PROFESSIONALS

A. St. Charles County shall contract with an appropriately certified testing laboratory to conduct controlled substance testing, analysis and reporting as required by this drug and alcohol testing program and by Federal law and regulations.

B. St. Charles County may contract with outside providers for alcohol testing, analysis and reporting and for training of supervisors, as required by this drug and alcohol testing program and by Federal law and regulations, or may perform these functions using qualified County personnel and appropriate testing equipment.

C. St. Charles County shall contract for the services of an independent contractor to serve the County as the Medical Review Officer (MRO), properly credentialed and trained in compliance with the Federal regulations, who shall not be an employee of the County. The MRO shall, as a part of the engagement contract, maintain all relevant records and provide the required reports that the
St. Charles County -- QuickCode

County needs to comply with Federal reporting requirements.

D. St. Charles County shall appoint a Substance Abuse Professional (SAP) for the providing of services under this policy and in compliance with the Federal regulations. (Ord. No. 95-205 §10, 12-27-95)

SECTION 115.870: DRUG AND ALCOHOL TESTING PROGRAM FOR EMPLOYEES -- EDUCATION AND TRAINING REQUIRED

A. The Program Administrator shall provide all employees and representatives of employee organizations (if any) with a copy of this Part of the Personnel Policy along with the following:

1. Materials related to the effects of the use and/or abuse of alcohol and controlled substances;

2. Information on the safety-sensitive functions of each covered position and the period of the work day during which employees in covered positions must comply with the requirements of this program;

3. Information regarding treatment and rehabilitation available.

Employees shall be required to confirm receipt of this Part of the Personnel Policy and the materials mentioned above along with any revisions to them. Such confirmation shall be in writing, noting the date of receipt and acknowledgement by signature witnessed by the supervisor providing the materials.

B. Training.

1. St. Charles County shall develop and provide training or shall contract for the provision of such training for all supervisors and managers who are hereby made responsible for determining whether reasonable suspicion exists to require an employee to undergo testing for alcohol or for the drugs listed in Section 115.840(A)(1) of this Part of the Personnel Policy. This training, at a minimum, shall include sixty (60) minutes on the misuse of alcohol and another sixty (60) minutes on the use of the drugs listed in Section 115.840(A)(1) of this Part of the Personnel Policy. This training shall also cover physical, behavioral, speech, and performance indicators of probable alcohol misuse and drug use, along with their effects on personal health and safety, and on the work environment, and on the consequences of prohibited work-related activity involving alcohol consumption. The training shall include an overview of this policy and its implementation and application to employees. Training shall also include a component related to objective observation for reasonable suspicion testing, documentation and record keeping.

2. The training may include other components that the drug and alcohol testing Program Administrator, the MRO, and/or the SAP believe can enhance the program administration and awareness of problems and treatment related to alcohol and controlled substance use. The training may also provide components related to St. Charles County sponsored or supported referral programs and employee assistance efforts that are sanctioned to deal with alcohol and controlled substance use and abuse problems. (Ord. No. 95-205 §11, 12-27-95)

SECTION 115.880: DRUG AND ALCOHOL TESTING PROGRAM FOR EMPLOYEES -- CONFIDENTIALITY OF ALL RECORDS DEVELOPED AND/OR ACQUIRED PURSUANT TO THIS PROGRAM

A. All records developed and/or acquired pursuant to this drug and alcohol testing program shall be maintained under strict confidentiality by St. Charles County, by the testing laboratory, by the Medical Review Officer (MRO), and by the Substance Abuse Professional (SAP), when and as applicable. The records shall be maintained separately from other personnel records kept by the County and shall be kept in a secured location with other medical records. Materials shall not be released to others without the written consent of the affected employee, except under provisions provided in the Federal regulations, as needed with regard to the rehabilitation contract, in litigation or quasi-judicial and administrative proceedings related to positive test results and/or to matters initiated by an employee.

B. Any person who breaches the confidentiality provisions of Subsection (A) of this Section shall be subject to immediate termination from employment and/or from any contractual relationship with St. Charles County, without recourse. (Ord. No. 95-205 §12, 12-27-95)

SECTION 115.890: DISCIPLINE

A. Unless otherwise specified in this Part of the Personnel Policy, St. Charles County's policies related to disciplinary action shall be followed when imposing discipline for violation of this Part of the Personnel Policy.

B. The acceptance by an employee of the rehabilitation assistance plan and contract does not serve as a bar to imposing disciplinary action related to violations of this Part of the Personnel Policy.

C. Any supervisor or manager who knowingly permits an employee to violate this Part of the Personnel Policy or engage in work activity while consuming alcohol or a controlled substance or who fails to enforce this policy shall be subject to immediate termination from employment.

D. This Part of the Personnel Policy does not displace any other penalties that may be imposed or incurred as a result of violation of County policy or State and Federal laws, or as provided in the Workers' Compensation laws.

E. Violations of this Part of the Personnel Policy may constitute exceptions to St. Charles County's policy of progressive discipline. (Ord. No. 95-205 §13, 12-27-95)

SECTION 115.900: COORDINATION WITH OTHER LAWS AND POLICIES

119
This Part of the Personnel Policy shall be administered in compliance with other Federal, State and local laws related to employee health and welfare policies, leave policies, benefit programs and other related policies of St. Charles County. In the case of apparent conflicts between the drug and alcohol testing program established by this Part of the Personnel Policy and other policies and applicable laws, the Director of Administration shall make the appropriate rulings to resolve the potential conflicts, whenever possible. (Ord. No. 95-205 §14, 12-27-95)

SECTION 115.910: AMENDMENTS--NOTICE REQUIRED

This Part of the Personnel Policy is subject to amendment by St. Charles County from time to time. Any amendments that may be made shall be provided to employees upon adoption and shall become effective as provided by the amending ordinance. (Ord. No. 95-205 §15, 12-27-95)

PART 6. SUPPLEMENTARY PERSONNEL REGULATIONS

SECTION 115.920: TEMPORARY APPOINTMENT OF FULL TIME EQUIVALENT EMPLOYEES

A. The Director of Administration is hereby authorized to allow employment of individuals in excess of the number of FTE authorized in the budget for a particular position classification as follows:

1. When any position authorized in the budget becomes vacant, the appointing authority may replace that position with a position of the same or lower pay grade, subject to the approval of the Director of Administration.

2. At any time during the fiscal year, with the approval of the Director of Administration, a department may, for a maximum of ninety (90) days, temporarily exceed the budgeted FTEs for a particular position classification in order to provide an immediate replacement for an employee who is off work and fulfilling the eligibility period required for disability benefits.

3. At any time during the fiscal year, with the approval of the Director of Administration, a department may temporarily exceed the budgeted FTEs for a particular position classification in order to provide an immediate replacement for an employee who is off work for an extended period of time due to military leave or other approved leave of absence. This authorization expires on the return to work of the employee on approved leave.

4. At any time during the fiscal year, with the approval of the Director of Administration, a department may temporarily exceed the budgeted FTEs for a particular position classification in order to provide an overlap whereby an employee may be appointed to a position which will soon be vacated thereby allowing for a short period during which the departing employee may assist in the necessary training of the replacement. This overlap period shall not exceed two (2) weeks.

B. Such authorizations from the Director of Administration shall be used sparingly and only when the Department has sufficient funds already budgeted to support the salary and benefit expenses incurred. (Ord. No. 01-021 §1, 2-28-01)

SECTION 115.925: LAW ENFORCEMENT EMPLOYEE COLLECTIVE BARGAINING

A. Responsibilities. The St. Charles County Merit Commission is hereby charged with responsibility, as set forth herein, in matters relating to the proposal of law enforcement employee collective bargaining representatives, including the petitions for certification and decertifications, unit clarifications, amendments of certification, determining the validity of the showing of interest, notices of and procedures for elections and operation of runoff elections.

B. Definitions. The following definitions are listed to clarify the terminology within this Chapter exclusively and apply unless otherwise specifically provided or unless plainly repugnant to the intent of the law or the context:

APPOINTING AUTHORITY: The County Director of Administration or the elected official or appointed director who serves as the County's officer in charge of a department.

CERTIFICATION: The designation by the St. Charles County Merit Commission of an employee organization selected as the majority representative of employees through an election in an appropriate unit.

COMMISSION: The St. Charles County Merit Commission.

COUNTY: Saint Charles County, a Charter County and political subdivision of the State of Missouri.

LAW ENFORCEMENT OFFICER: A commissioned or licensed Law Enforcement Officer armed by the County as a part of his duties and having responsibility for maintaining order, preventing or detecting crime or enforcing laws.

MEDIATOR: The St. Charles County Merit Commission or any officer so designated by the Commission to perform the functions and duties of mediation.

OFFICER: Any member of the Merit Commission named by the Commission to act on the Commission's behalf. The Commission may delegate to such officer all of the powers conferred upon the Commission in connection with the discharge of the duty(ies) so delegated.

PARTY: Any law enforcement employee or group of employees, law enforcement organization or law enforcement appointing authority filing a petition, request or application under these rules; any law enforcement organization or law enforcement appointing authority named as a party in a complaint, request, application or petition filed under these rules; any incumbent majority representative; or any other person, organization or law enforcement appointing authority whose intervention in a proceeding has been permitted or directed by the Commission, but nothing in this rule shall be construed to prevent the
Commission or any designated officer from limiting any party's participation in the proceedings to the extent of his interest.  

SHOWING OF INTEREST: A designated percentage of law enforcement employees in an allegedly appropriate bargaining unit or a bargaining unit determined to be appropriate, who are members of a labor organization or have designated it as their exclusive bargaining representative or have signed a petition requesting an election for certification or decertification of employee representatives.

C. Petitions For Certification Or Decertification.

1. A petition for certification of a law enforcement employee representative may be filed by any law enforcement employee, group of law enforcement employees, any law enforcement employee organization claiming to be the majority representative of law enforcement employees in an appropriate unit.

2. A petition for certification of law enforcement employee representative may be filed by the County law enforcement appointing authority alleging that one (1) or more County law enforcement employees, group of County law enforcement employees or law enforcement employee organizations have presented to him a claim to be recognized.

3. A petition for decertification of law enforcement employee representative may be filed by any law enforcement employee or group of law enforcement employees alleging that the certified law enforcement employee representative is no longer the majority representative of such employees.

4. Petition for unit clarification or amendment of certification may be filed by the County Director of Administration. In the case of an elected official, the elected official may petition the Director of Administration to seek unit clarification or amendment of certification. The determination of the Director of Administration shall be the final decision of management as to whether to seek such a determination.

5. All petitions shall be in writing and shall be filed with the Merit Commission Secretary.

D. Contents Of Petition For Certification.

1. A petition for certification of a law enforcement employee representative, when filed by a law enforcement employee, group of law enforcement employees or any law enforcement employee representative, shall contain substantially the following:
   a. Name of the department in which the bargaining unit is proposed;
   b. A description of the bargaining unit claimed to be appropriate for the purpose of exclusive representation by the petitioner. Such description shall indicate the general classifications of employees sought to be included and those sought to be excluded and the approximate number of employees in the unit claimed to be appropriate;
   c. Date of the request for recognition as majority representative;
   d. Name, address and telephone number of the certified exclusive representative, if any, and the date of such certification and the expiration date of any applicable contract, if known to the petitioner;
   e. Names, addresses and telephone numbers of any other interested employee organizations, if known to the petitioner;
   f. Any other relevant facts;
   g. Name and affiliation, if any, of the petitioner and its address and telephone number;
   h. The signature of the petitioner's representative, including his/her title, telephone number and facsimile number, and
   i. A petition for certification of law enforcement employee representative shall be accompanied by a "showing of interest", as defined in Subsection (B) above, of not less than thirty percent (30%) of the employees in the unit alleged to be appropriate. Such showing of interest shall be dated not more than six (6) months prior to filing of petition.

2. A petition for certification of law enforcement employee representative filed by a law enforcement appointing authority shall state that a claim for representation has been made by one (1) or more law enforcement employees, groups of law enforcement employees or law enforcement employee organizations and that the law enforcement appointing authority has a good faith doubt concerning the majority representative of its employees.

3. A petition for certification of law enforcement employee representative filed by a law enforcement appointing authority shall include all the information set forth in Subsection (D)(1) above, except Subsection (D)(1)(i).

E. Contents Of Petition For Decertification. A petition for decertification of law enforcement employee representative shall contain substantially the following:

1. A statement that the law enforcement employee representative certified by the Merit Commission no longer represents a majority of the employees in the collective bargaining unit in which it is currently certified and such employee organization asserts a claim to be the majority representative of the employees;

2. The petition for decertification of law enforcement employee representative also shall contain the information set forth in Subsection (D)(1) above, except Subsection (D)(1)(c); and

3. The petition for decertification shall be accompanied by a showing of interest of not less than thirty percent (30%) of the employees in the unit in which an employee representative has been certified. A showing of interest shall indicate that the employees no longer desire to be represented for purposes of collective bargaining by the certified employee representative.

F. Petition For Unit Clarification.

1. The petition may be filed by the certified representative, the law enforcement appointing authority or both. Petitioner(s) seeks
clarification of placement of certain job classifications of a bargaining unit previously certified by the Merit Commission.

2. A petition for clarification in addition to setting forth the information required by Subsection (D)(1)(a) and (d--h) above shall contain the following:
   a. A description of the present certified unit and the date of the certification;
   b. The proposed clarification of the unit; and
   c. A statement by petitioner setting forth reasons as to why clarification is requested.

G. Petition For Amendment Of Certification.

1. The certified representative or the law enforcement appointing authority may file a petition for amendment of certification. Petitioner seeks an amendment to reflect changed circumstances (such as merger or affiliation) in a unit covered by a certification and where no question concerning representation exists.

2. A petition for amendment, in addition to setting forth the information required by Subsection (D)(1)(a) and (d--h) above, shall contain the following:
   a. A description of the present certified bargaining unit and the date of the certification;
   b. The proposed amendment of the certification; and
   c. A statement by petitioner setting forth reasons as to why amendment is requested.

H. Number Of Copies Of Petition To Be Filed. Five (5) copies of all petitions listed under these rules shall be filed with the Merit Commission by mail addressed to: Secretary of the Merit Commission, 100 North Third Street, Suite 124, Saint Charles, MO 63301 or in person at that address. Copies shall be served simultaneously on all known interested parties and proof of such service shall be furnished to the Merit Commission.

I. Validity Of Showing Of Interest. The showing of interest submitted pursuant to Subsections (D), (E) and (O) shall not be furnished to any of the parties. The Merit Commission shall determine the adequacy of the showing of interest and such decision shall not be subject to collateral attack at a preliminary conference or a hearing.

J. Processing Of Petition. Upon the filing of any petition, the Merit Commission shall investigate the petition to determine the facts. The Merit Commission shall determine whether or not a valid question concerning the representation of employees exists in a prima facie appropriate unit.

K. Withdrawal Or Dismissal Of Petition. If the Merit Commission determines after an investigation that the petition has not been timely filed or that no valid question concerning the representation of employees exists in a prima facie appropriate unit, the Commission may request the party filing such petition to withdraw the petition without prejudice or in the absence of such withdrawal, within a reasonable time, the Commission may dismiss the petition. Such action may be taken by the Merit Commission at any time prior to the closing of the case.

L. Initial Action. Upon the filing of any petition, an authorized officer shall confer with and may hold informal conferences with the known interested parties in an attempt to ascertain the facts. The authorized officer shall encourage the parties to agree upon the appropriate bargaining unit and a suitable method by which representation is to be determined. Whenever the authorized officer shall determine that the parties are unable to agree upon a suitable method or upon the appropriate bargaining unit and he is unable to settle the controversy without hearing, he shall conduct a hearing to resolve such matters and he shall notify the parties of the time and place of such a hearing in writing at least ten (10) days, excluding Saturdays, Sundays and legal holidays, in advance.

M. Petition--Amendments Or Withdrawal By Petitioning Party. At any time prior to issuance of a written notice of election for the purpose of resolving the issue of representation, a petitioning party may amend or withdraw its petition at the discretion of the petitioner or petitioner's authorized officer.

N. List Of Employees. The County shall furnish to the Commission a current list of all employees in a proposed or agreed-upon bargaining unit to determine the thirty percent (30%) showing of interest. The list of employees must be submitted prior to or as a first (1st) order of business of any scheduled preliminary conference or hearing. If the list has not been provided to the Commission by the date designated, the Commission will determine the showing of interest using the estimated number of employees stated on the petition and the authorization cards submitted by petitioner.

O. Intervention. Any third (3rd) party having a legitimate interest in any proceedings may file a petition of intervention setting forth facts sufficient to establish such interest and requesting that the Merit Commission resolve contested factual matters in its favor. For purposes of third (3rd) party intervention, "legitimate interest" means the intervenor must be able to prove it is authorized to represent at least ten percent (10%) of the law enforcement employees within a proposed bargaining unit. An intervening organization's showing of legitimate interest shall be made either prior to the parties signing a consent election agreement or, absent an agreement, the start of any hearing. Any organization which has a signed, valid collective bargaining agreement encompassing the proposed bargaining unit, or any portion, shall be considered to have a legitimate interest in any proceedings upon presentation of same.

P. Hearings.

1. Merit Commission shall issue a notice of hearing, if after the filing of a valid petition, the petitioner, the law enforcement appointing authority and all intervenors are unable to resolve the matter through an agreed-upon method of adjustment approved by the Merit Commission.

2. A notice of hearing shall be served on all interested parties provided at least ten (10) days' notice, excluding Saturdays, Sundays and legal holidays, and shall include:
a. A statement of the time, place and nature of the hearing;

b. The name of the law enforcement appointing authority, petitioner and intervenors, if any; and

c. A statement of the legal authority and jurisdiction under which the hearing is to be held.

3. Hearings under these rules are considered investigatory and not adversary. Their purpose is to develop a full and complete factual record upon which the Merit Commission may base a meaningful report and recommendation.

4. Representation hearings and the procedures following such hearings shall be in accordance with these rules.

5. Rights of parties are:

a. Any party shall have the right to appear at such hearing in person, by counsel or by other representative, to call, examine and cross-examine witnesses and to introduce into the record documentary or other relevant evidence, except that the participation of any party shall be limited to the extent permitted by the Merit Commission; and provided further, that five (5) copies of documentary evidence shall be submitted; and

b. The Merit Commission at its discretion may permit a reduced number of copies of documentary evidence for good cause shown.

6. Rules of evidence are:

a. The parties shall not be bound by rules of evidence whether statutory, common law or adopted by the rules of court;

b. All relevant evidence is admissible, except as otherwise provided;

c. The Merit Commission, in its discretion, may exclude any evidence or offer of proof if they find that its probative value is substantially outweighed by the risk that its admission will either necessitate undue consumption of time or create substantial danger of undue prejudice or confusion;

d. The Merit Commission shall give effect to the rules of privilege recognized by law;

e. Every party shall have a right to present his/her cause by oral and documentary evidence and to submit rebuttal evidence; and

f. Every party and the Merit Commission shall have the right to examine and cross-examine as may be required for a full and true disclosure of the facts.

7. A charging party in asserting a violation of these rules shall have the burden of proving the allegations of the charge by a preponderance of the evidence.

8. Stipulation of fact:

a. In any proceeding an agreed statement of facts may be introduced into the record with respect to any issue.

b. An agreed statement of facts may be accepted by the Merit Commission for a decision without a hearing.

c. The acceptance of an agreed statement of facts by the Merit Commission may be deemed a waiver of a right to hearing.

9. Objections to conduct of hearing:

a. Any objection with respect to the conduct of the hearing, including any objection to the introduction of evidence, may be stated orally or in writing accompanied by a short statement of the grounds for such objection and included in the record.

b. No such objection shall be deemed waived by further participation in the hearing. Such objection shall not stay the conduct of the hearing.

c. Automatic exceptions will be allowed to all adverse rulings.

10. Motions before or after hearing:

a. All motions, other than those made during a hearing, shall be made in writing to the Merit Commission, shall briefly state the relief sought and shall be accompanied by affidavits setting forth the grounds for such motion.

b. The moving party shall serve a copy of all motion papers on all other parties and within three (3) days thereafter, excluding Saturdays, Sundays and legal holidays, shall file with the Merit Commission the original and four (4) copies with proof of service.

c. Answering affidavits, if any, must be served on all parties and the original, together with four (4) copies and proof of service, shall be filed with the Merit Commission within five (5) days, excluding Saturdays, Sundays and legal holidays, after service of the moving papers, unless the Merit Commission directs otherwise.

d. The Merit Commission may decide to hear oral argument or to hear testimony thereon, in which case he shall notify the parties of such fact and of the time and place of such argument or for the taking of such testimony.

11. All such motions, rulings and orders thereon shall be part of the record of the proceedings.

12. Filing of brief and oral argument at hearing:

a. Any party shall be entitled, upon request, to a reasonable period prior to the close of the hearing for oral argument, which shall be included in the official transcript of the hearing.
b. Any party shall be entitled, upon request made before the close of the hearing, to file a brief or proposed findings and conclusions, or both, with the Merit Commission which may fix a reasonable time for such filing, but not in excess of twenty-one (21) days, excluding Saturdays, Sundays and legal holidays, from the close of the hearing.

c. Requests for further extensions of time for good cause shown shall be made to the Merit Commission.

d. No request will be considered unless received at least three (3) days, excluding Saturdays, Sundays and legal holidays, prior to the expiration of the time fixed for the filing of briefs or proposed findings and conclusions, unless expressly authorized by the Merit Commission.

e. Notice of the request for any extension shall be served simultaneously on all other parties and proof of service shall be furnished.

f. Five (5) copies of any brief or proposed findings and conclusions shall be filed with the Merit Commission and copies shall be served simultaneously on the other parties and a statement of such service shall be furnished.

13. At the discretion of the Merit Commission, the hearing may be continued from day-to-day or adjourned to a later date or to a different place by announcement at the hearing by the Merit Commission or by other appropriate notice.

Q. Notices Of Election.

1. Appropriate notices of election shall be furnished to all interested parties and shall be prominently posted by the law enforcement appointing authority, no less than six (6) days, excluding Saturdays, Sundays and legal holidays, prior to opening of the polls. Such notice shall contain:
   a. The date, hours and place of election;
   b. The eligibility period;
   c. The details and procedures for an election;
   d. The appropriate units; and
   e. A sample ballot.

2. The reproduction of any document purporting to be a copy of the Merit Commission's official ballot, other than one (1) completely unaltered in form and content and clearly marked "sample" on its face, which suggests either directly or indirectly to employees that the Merit Commission endorses a particular choice, may constitute grounds for setting aside an election upon objections properly filed.

3. The law enforcement appointing authority shall furnish to the Merit Commission a list including the names, addresses and job titles of all eligible voters in the unit as determined by the Merit Commission or agreed to by the parties. This list must be supplied to the Merit Commission fourteen (14) working days prior to the election, excluding Saturdays, Sundays and legal holidays or as specified in the Direction of Election. The Merit Commission shall provide this information to any proposed employee organization for which an election has been ordered upon presentation of a release from the deputy so authorizing release of his information. Consent to Release forms shall be made available to law enforcement employees by the Merit Commission.

R. Election Procedure.

1. Each of the interested parties may designate two (2) persons as observers at the polls, subject to such limitations as the Merit Commission may prescribe.

2. Any observer or the authorized officer, for good cause, may challenge an employee's eligibility to vote. Challenged ballots shall be folded, placed in a sealed envelope with the name of the voter plainly written on the outside. Challenged ballots will not be considered unless they might affect the results of the election, in which case the Commission shall investigate and determine the eligibility to vote of the persons whose ballots are challenged. Challenged ballots which are disallowed will be destroyed. Challenged ballots which are allowed will be counted. The names of the persons whose ballots are challenged shall be made a part of the record of the election proceedings.

3. All elections shall be by secret ballot.

4. Ballots may not be tallied until after the posted time for the closing of the polls unless all eligible voters have cast their ballots. Upon the conclusion of the election, the Merit Commission shall furnish the parties with a tally of the ballots.

5. An organization shall be certified if it receives a majority of the votes cast.

6. Within ten (10) days, excluding Saturdays, Sundays and legal holidays, after the tally of ballots has been furnished, any party may file with the Merit Commission an original and four (4) copies of objections to the conduct of the election or conduct affecting the results of the election, which shall contain a short statement of the reasons therefore. Such filing must be timely whether or not the challenged ballots are sufficient in number to affect the results of the election. Copies of such objections shall be served simultaneously on the other parties by the party filing them and a statement of service shall be attached thereto.

7. If no objections are filed within the time set forth previously, if the challenged ballots are insufficient in number to affect the result of the election and if no runoff election is to be held, the Merit Commission shall forthwith issue to the parties a certification of the results of the election, including certification of representative, where appropriate.

8. If objections are filed to the conduct of the election or conduct affecting the result of the election or if the challenged ballots are sufficient in number to affect the result of the election, the Merit Commission shall investigate such objections or
challenges or both.

9. Where objections are filed or challenges are determinative, the Merit Commission shall conduct an investigation and, where appropriate, shall issue a notice for hearing for the Merit Commission to hear the matters alleged and to issue a report and recommendations. The objecting party shall bear the burden of proof regarding all matters alleged in the objections to the conduct of the election or conduct affecting the results of the election.

10. When the certification of the results of the election is issued, any petition requiring the holding of an election in any bargaining unit or subdivision of the bargaining unit is prohibited until one (1) year has lapsed from the date of issuance. Petitions prohibited are those filed by a law enforcement employee, group of law enforcement employees, law enforcement employee organization or the law enforcement appointing authority.

S. Runoff Election.

1. When the results of an election are inconclusive, the Merit Commission may conduct a runoff election without further order of the Merit Commission. An inconclusive election is an election in which the ballot provides for not less than three (3) choices (that is, at least two (2) employee organizations and "neither") and results in no choice receiving a majority of the valid ballots cast. Only one (1) runoff shall be held pursuant to this Section, unless the Merit Commission directs otherwise.

2. The ballot in the runoff election shall provide for a selection among the two (2) or more choices receiving the largest number of votes, the sum of whose votes aggregate at least one (1) more than half of the total votes cast.

   a. Exception: Where, in the original election, all choices receive an equal number of votes or where two (2) choices having received an equal number of votes, a third (3rd) choice receives a higher but less-than-majority vote, the Merit Commission should declare this election a nullity and conduct another (rerun) election with the same choices on the ballot. If the second (2nd) election results in another such nullity, the petition should be dismissed; if the results of the second (2nd) election require a runoff pursuant to the principles set forth in Subsection (S)(2)(b), a runoff should be conducted.

   b. Further exception: Where two (2) or more choices receive an equal number of votes, another receives no votes, there are no challenges and all eligible voters have voted, neither a runoff nor a rerun election should be conducted. A certification of results should be issued.

   c. Employees who were eligible to vote in the original election and who are in an eligible category on the date of the runoff election shall be eligible to vote in the runoff election.

   d. Upon the conclusion of the runoff election, the provisions of Subsection (R) shall govern, insofar as applicable.

T. Petitions For Certification And Decertification.

1. Where one (1) or more employee organizations assert a claim to represent employees in an appropriate unit and a petition for certification of law enforcement employee representative or a petition for decertification of law enforcement employee representative has been filed, the parties may stipulate, subject to the approval of the Merit Commission, that a secret ballot election shall be conducted by the Merit Commission among the employees in an appropriate bargaining unit to determine whether they desire to be represented for purposes of negotiations by any or none of the employee organizations involved. The parties to such proceeding shall be the law enforcement appointing authority, the petitioner, the incumbent, if any, and any intervenors who shall have complied with the requirements set forth in Subsection (O).

2. The parties shall stipulate as to the composition of the bargaining unit, the eligibility period for participation in the election, the dates, hours and places of the election and the designations on the ballot. (Ord. No. 09-004 §§1--20, 1-27-09)

SECTIONS 115.930--115.990: RESERVED

PART 7. PERSONNEL ADMINISTRATION PROGRAM RELATING TO ELECTRONIC INFORMATION POLICY

SECTION 115.1000: ELECTRONIC INFORMATION POLICY

A. Scope.

1. The Electronic Information Policy established by this Section of the Personnel Administration Program applies to all St. Charles County employees except as otherwise exempted in the Charter or by ordinance of the County Council.

2. Elected officials and department heads are required by the Charter to operate their offices within the guidelines of the Personnel Administration Program.

3. The County's ability to access electronic information in the course of the hiring process and in the course of employment.

4. Part 7 applies to all employees, vendors and consultants operating on behalf of St. Charles County.

B. Purpose.

1. The purpose of this policy is to ensure the proper use of computer information systems, Internet and e-mail by St. Charles County employees and others who may use County-owned equipment, data or facilities while supporting the needs of St. Charles County citizens, other customers of County services and County employees.

2. St. Charles County is committed to the utilization of new technologies to streamline operations, improve service to citizens and
C. Privacy.

1. There shall be no presumption of privacy while using County-owned or County-leased equipment or software.
   a. The County reserves the right to audit, access and review all matters on the County's information technology network, including e-mail and voice mail messages at any time, with or without notice, and that such access may occur during or after working hours.
   b. Use of a County provided password or code (identification and authentication) does not restrict the County's right to access electronic communications and that, except where prohibited by law, the County will disclose any and all information as provided by law.

2. All electronic systems, hardware, software, temporary or permanent files and any related systems or devices, including e-mail, are the property of St. Charles County Government. The County can and will monitor and/or review employee use of these systems and the data held within each system at any time without notice. This right is exercised in order to determine whether there have been any violations of law, breaches of County policy or security, or communications made in violation of this policy.

3. An employee's use of any County computing system constitutes consent for the County to monitor information systems usage.

4. The County reserves the right to access the Internet during the hiring process and in the course of employment. Any electronic information available to the public generally, whether through blogs or social networking websites, etc., may subject an employee to disciplinary action.

D. Identification And Authentication.

1. Employees assigned a unique user ID and password to County networks and systems shall be held responsible and accountable for use and activity of the ID.

2. Passwords or codes corresponding with an employee's unique user ID shall not be shared with anyone other than the authorized user.

E. Equipment.

1. Unless otherwise authorized by the Director of Administration, the Department of Information Systems is responsible for providing, installing and supporting County computer equipment including hardware and software.
   a. Hardware. Only County-owned hardware is allowed. An employee shall not install or attach any personal hardware to the County network without approval of the Director of Information Systems. Employees shall protect County-owned equipment from theft, damage and unauthorized use. The employee will be responsible for any intentional damage to County computer equipment.
   b. Software. Use of unauthorized or unlicensed software on County equipment is strictly prohibited. No employee may disable or circumvent anti-virus software without approval of the Director of Information Systems. An employee shall not install or place software on any County system without approval of the Director of Information Systems.

F. Data. All official County records, files and documents must be protected from unauthorized disclosure and damage.

G. E-mail.

1. Allowed use. The County e-mail system is set up to conduct County business, however, as with the County phone system, incidental use by employees which does not interfere with normal job functions, responsiveness, or the ability to perform daily job duties is permissible. Sending or receiving personal e-mail on the County system is permitted, however, it is to be kept to a minimum, should not impinge on production or work flow and shall be used as seldom, and kept as brief, as possible. E-mail can be inspected at any time by appropriate management personnel or requested under the Open Meetings Act. Employees sending or receiving e-mail for any reason should be aware that there is no presumption of privacy and they are expected to conduct themselves at all times so that their messages are appropriate and do not reflect poorly on County Government.

2. Prohibited use. Any action violating Federal, State or local laws and regulations. Prohibited use of e-mail includes, but is not limited to:
   a. Creation or distribution of chain letters or viruses, or of any messages that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs;
   b. Solicitation, promotion or advertising of any non-County organization, product or service unless approved by the Director of Administration as a charitable purpose or unless approved by the Appointing Authority as a civic purpose;
   c. Use of profane language;
   d. The display of any kind of sexually explicit image or document;
   e. Any political activity as prohibited by Section 115.450.2 of the Ordinances of St. Charles County, Missouri;
   f. Any use to conduct business other than County business or to send or receive messages related to another job.
H. Internet.

1. **Allowed use.** The County Internet and intranet systems are set up to conduct County business, however, as with the County phone system, incidental use by employees which does not interfere with normal job functions, responsiveness, or the ability to perform daily job activities is permissible. Accessing the County Internet system is permitted, however, it is to be kept to a minimum, should not impinge on production or work flow and shall occur as seldom, and kept as brief, as possible. Employees accessing the Internet or intranet for any reason should be aware that there is no presumption of privacy and they are expected to conduct themselves at all times so that their usage of the Internet or intranet is appropriate and does not reflect poorly on County Government. All employees should be aware that Internet or intranet use can be reviewed and inspected at any time by appropriate management personnel or requested by the public under the Open Meetings Act. Personal use must not interfere with business use of the Internet (i.e., using streaming video or audio that consumes band width).

2. **Prohibited use of the internet includes, but is not limited to:**
   a. Any action or communication construed as harassing or disparaging of another person or group of persons for any reason;
   b. The display of any kind of sexually explicit image or document;
   c. Any political activity as prohibited by Section 115.450.2 of the Ordinances of St. Charles County Missouri;
   d. Any third (3rd) party web application, chat program or browser plug in not provided for your job function;
   e. Downloading, installation or distribution of any software;
   f. Hosting of any application;
   g. Deliberately propagating any virus, worm, Trojan horse or trap door program code or other means of disrupting the intended beneficial use of the network system;
   h. Unauthorized representation of St. Charles County Government;
   i. Hosting, accessing or updating a personal webpage, blog or other social networking profile on County time or equipment.

I. Responsibilities. Employees are responsible for:

1. Reviewing and complying with the Electronic Information Policy which is provided upon hiring and is continuously available on the St. Charles County intranet;
2. Abiding by Federal, State and local laws and regulations and the policy provided for in this Section;
3. Following copyright laws regarding protected digital content or intellectual property;
4. Minimizing unnecessary network traffic that may interfere with the ability of others to make effective use of St. Charles County's network resources;
5. Executing a certification form provided by the Human Resources Department.

J. Exceptions. When approved by an Appointing Authority or his designee and necessary for a criminal investigation, legal proceedings, trial or other job responsibility, the access, receipt, transfer and/or retention of computer information prohibited under this policy is hereby exempt from prohibition pursuant to this policy.

K. Violations. Violations of this policy by County employees may result in suspension of Internet, e-mail, or other privileges, disciplinary action up to and including termination consistent with County personnel policies. (Ord. No. 09-090 §1, 9-1-09; Ord. No. 10-009 §3, 1-27-10)
G. Reviews management comments resulting from the completion of the County annual report and discusses with representatives of outside auditors if appropriate.

H. Reads numerous publications in order to keep informed of new regulations, pending legislation and other matters which could affect the County's financial situation; notifies the County Council, County Counselor, Director of Finance and other concerned parties of pertinent changes.

I. Reviews and analyzes payroll documents on a regular basis.

J. Prepares written reports for major audit programs and develops recommendations for improved policies, procedures and controls and other corrective actions based on audit findings.

K. Conducts follow-up investigations to determine whether corrective actions have been taken on problems found in previous audits.

L. Meets with representatives of audited entity to explain findings, discuss problems and suggests corrective actions.

M. Conducts desk audits of reports prepared by County departments to check and verify accuracy and completeness of information and identify irregularities requiring corrective actions.

N. Performs related work as required or as directed by the County Council. (Ord. No. 95-13 §1, 2-1-95)

SECTION 118.020: INTERNAL AUDITING STANDARDS

A. The Council hereby adopts the Standards for the Professional Practice of Internal Auditing, as revised, the Statement of Responsibilities of Internal Auditors, as revised, and The Institute of Internal Auditors Code of Ethics, as revised, a copy of which is on file in the City offices and incorporated herein as if fully set forth.

B. The standards shall be amended as follows:

1. Each time that the term "board of directors" appears, the term shall be replaced by "County Council".
2. Each time that the term "internal auditing department" appears, the term shall be replaced by "County Auditor's Office".
3. Each time that the term "director of internal auditing" appears, the term shall be replaced by "County Auditor".

C. The County Auditor's Office shall adhere to the standards adopted by this Section in the performance of its responsibilities. (Ord. No. 97-105 §§1--3, 7-30-97)

CHAPTER 119: PROSECUTING ATTORNEY

SECTION 119.010: PROSECUTING ATTORNEY -- DUTIES

The Prosecuting Attorney shall:

1. When necessary, appoint any Federal, State, County, municipal or private attorney as a special Assistant Prosecuting Attorney; such appointee shall have all the qualifications and powers of an Assistant Prosecuting Attorney. Such appointments shall be done in writing and shall specify the duration and duties assigned to the special Assistant Prosecuting Attorney. All costs associated with the appointment of a special Assistant Prosecuting Attorney shall be paid out of the Prosecuting Attorney's budget.

2. Serve as the Chief Law Enforcement Officer for the office of the Prosecuting Attorney and, as such, the Prosecuting Attorney shall, subject to appropriation and establishment of positions with the Personnel Administration Plan, designate criminal investigators within the Prosecuting Attorney's Office as Law Enforcement Officers who, as such, shall possess the duties and powers of arrest for violation of any criminal law of the State or violation of any County ordinance. The investigators shall comply with State certification requirements for Peace Officers as set forth in Chapter 590, RSMo. (Ord. No. 07-166 §1, 11-27-07)

CHAPTER 120: BOARDS AND COMMISSIONS

Cross Reference--As to screening process for employees on boards and commissions, see ch. 104.

ARTICLE I. ADVISORY BOARDS AND COMMISSIONS--GENERALLY

SECTION 120.010: SCOPE

These rules shall pertain to all County boards and commissions whose function is merely advisory. (Ord. No. 94-140 §1, 8-31-94)

SECTION 120.020: ESTABLISHMENT
County boards and commissions shall be established consisting of taxpaying citizens who shall be registered voters and residents of St. Charles County for a period of not less than one (1) year. (Ord. No. 94-140 §2, 8-31-94)

SECTION 120.030: TERMS
Members shall be appointed for a specified term. Members shall continue to serve until a duly qualified successor has been appointed. Removal of a member for good cause, such as conviction of a crime, misappropriation of public funds, and malfeasance in office, during the term may be made by ordinance. (Ord. No. 94-140 §3, 8-31-94)

SECTION 120.040: APPOINTMENTS
Each member shall be appointed by the County Executive with approval of the Council pursuant to St. Charles County Charter Article V, Section 5.104 (1992). (Ord. No. 94-140 §4, 8-31-94)

SECTION 120.050: OATH
Each member shall take the following oath to be administered by the County Registrar, the Chair of the board or commission, or his or her qualified designee, to insure that the spirit and intent of the appointment shall be honored:

"I, [name], promise to support the Constitution of the United States and of the State of Missouri and to honestly discharge the duties of the office to which I am appointed and to otherwise demean myself faithfully in office." (Ord. No. 94-140 §§5, 8-31-94; Ord. No. 11-026 §1, 5-2-11)

SECTION 120.060: CHAIR
A majority of the board or commission shall elect from their number a Chair and Vice-Chair at the first (1st) meeting of each calendar year. The Chair shall preside over all board and commission meetings and fulfill any other duties prescribed by the applicable law. In the absence of the Chair, the Vice-Chair shall take the place of the Chair. (Ord. No. 94-140 §6, 8-31-94)

SECTION 120.070: COMPENSATION
Board and commission members will serve without compensation unless otherwise specified by applicable law. (Ord. No. 94-140 §7, 8-31-94)

SECTION 120.080: VACANCIES
Vacancies or absences on the board or commission created by death, incapacity to perform duties, failure to attend three (3) consecutive regular meetings, or resignation shall be filled forthwith by appointment pursuant to St. Charles County Charter Article V, Section 5.104 (1992) and Section 120.030 of this Article. (Ord. No. 94-140 §8, 8-31-94)

SECTION 120.090: MEETINGS
The day and time for quarterly meetings shall be established by each board and commission and filed with the County Registrar at least forty-five (45) days before the effective date. Each board and commission shall meet not less than once quarterly, unless otherwise specified by applicable law.

1. Place. Each board and commission may meet at any public place within St. Charles County.

2. Time. Each board and commission shall hold meetings at such times as it deems necessary in order to exercise its power and duties.

3. Notice. Each board and commission shall comply with all notice requirements of the Missouri Sunshine Law, Chapter 610, RSMo.

4. Rules of procedure. Each board and commission shall follow Rules of Procedures as required by Section 120.120 of this Article. (Ord. No. 94-140 §9, 8-31-94)

SECTION 120.100: PROCEDURAL REQUIREMENTS AT HEARINGS
The board or commission shall observe all of the following procedural rules while taking evidence at hearings or meetings:

1. Any interested person may introduce evidence so long as it complies with these rules and the fundamental rules of evidence.

2. Oral evidence shall only be taken in compliance with Section 120.100 of this Article.
3. All proceedings shall be suitably recorded and preserved. A copy of the transcript of such proceeding shall be made available to any interested person upon the payment of a fee which shall in no case exceed the reasonable cost of preparation and supply.

4. Records and documents of the board or commission may be introduced so as to be a part of the record, but the records and documents may be considered as a part of the record by reference thereto when so offered.

5. Boards and commissions shall take official notice of the St. Charles County Charter and ordinances and all matters of which the courts take judicial notice. They may also take official notice of technical or scientific facts, not judicially cognizable, within their competence, if they notify the parties, either before the hearing or during the hearing of the facts of which they propose to take such notice and give the parties reasonable opportunity to contest such facts or otherwise show that it would not be proper for the board or commission to take such notice of them.

6. Copies of writings, documents and records shall be admissible without proof that the originals thereof cannot be produced, if it shall appear by testimony or affidavit or certification by the custodian of the writings, documents or records that the copy offered is a true copy of the original.

7. Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of an act, transaction, occurrence or event, shall be admissible as evidence of the act, transaction, occurrence or event, if it shall appear that it was made in the regular course of any business, and that it was the regular course of such business to make such memorandum or record at the time of such act, transaction, occurrence, or event or within a reasonable time thereafter. All other circumstances of the making of such writing or record, including lack of personal knowledge by the entrant or maker, may be shown to affect the weight of such evidence, but such showing shall not affect its admissibility. The term "business" shall include business, profession, occupation and calling of every kind.

8. The results of statistical examinations or studies, or of audits, compilation of figures, or surveys, including interviews with many persons or examination of many records, or of a long or complicated accounts, or of a large number of figures, or involving the ascertainment of many related facts, shall be admissible as evidence of such results, if it shall appear that such examination, study, audit, compilation of figures, or survey was made by or under the supervision of a witness, who is present at the hearing, who testifies to the accuracy of such results, and who is subject to cross-examination by the board or commission, and if it shall further appear by evidence adduced that the witness making or under whose supervision such examination, study, audit, compilation of figures, or survey was made was basically qualified to make it. All the circumstances relating to the making of such an examination, study, audit, compilation of figures or survey, including the nature and extent of the qualifications of the maker, may be shown to affect the weight of such evidence, but such showing shall not affect its admissibility.

9. Any party or the board or commission desiring to introduce an affidavit in evidence at a hearing must file the affidavit with the board or commission not later than seven (7) days prior to the hearing. (Ord. No. 94-140 §10, 8-31-94)

SECTION 120.110: WITNESSES

The board or commission may accept the testimony of witnesses provided that each witness takes the following oath:

"I do solemnly declare and affirm that I will tell the truth, the whole truth and nothing but the truth in these proceedings under the pains and penalties of perjury." (Ord. No. 94-140 §11, 8-31-94)

SECTION 120.120: DUTIES/POWERS

The following shall be the general duties and powers of boards and commissions. Applicable law may prescribe additional duties and powers specific to each individual board or commission.

1. Each board or commission whose function is to distribute funds of any type must record any decision made by the board or commission regarding any distribution and notify the St. Charles County Council of such decision. The board or commission's decision shall be placed on the Council's consent agenda for final approval or disapproval by the Council. No funds shall be distributed until after the Council has approved such distribution.

2. Each board or commission may adopt rules of procedure consistent with the provisions of Federal and State law and the St. Charles County Charter and ordinances.
   a. The rules adopted by the board or commission must be deemed necessary to conduct its business.
   b. The rules shall be adopted by a majority of the entire board or commission.
   c. A copy of the rules adopted by the board or commission shall be filed with the County Registrar.
   d. The board or commission may amend such rules of procedure by following the same requirements for the adoption of such rules.
   e. In the event that the board or commission has not adopted Rules of Procedure or where the board or commission's own Rules of Procedure are lacking, the board or commission shall follow Robert's Rules of Order.

3. Each board or commission shall keep a record of all its proceedings.
   a. The record must be approved by the board or commission and signed by the Chair of the board or commission.
   b. Within thirty (30) days following the record being signed by the Chair of the board or commission, the board or commission shall file with the County Registrar a record of its proceedings. (Ord. No. 94-140 §12, 8-31-94; Ord. No. 130
SECTION 120.130: QUORUM
A quorum of the members of the board or commission must present for the transaction of any business for the performance of any duty or for the exercise of any power of the board or commission. A majority of the board or commission shall constitute a quorum. (Ord. No. 94-140 §13, 8-31-94)

SECTION 120.140: MAJORITY
A majority of the members present shall determine all matters of business unless otherwise specified by applicable law. (Ord. No. 94-140 §14, 8-31-94)

ARTICLE II. BOARD OF EQUALIZATION

SECTION 120.150: ESTABLISHMENT
A. A County Board of Equalization is hereby established consisting of three (3) taxpaying property-owning citizens who shall be registered voters and residents of St. Charles County for at least one (1) year prior to their appointment.
B. Each member of the Board of Equalization shall have some level of experience, as determined by the County Executive, in one (1) of the following areas prior to their appointment to the Board:
   1. Real estate broker;
   2. Real estate appraiser;
   3. Home builder;
   4. Property developer;
   5. Lending officer; or
   6. Real estate investor. (Ord. No. 93-116 §1, 6-28-93; Ord. No. 06-059 §1, 4-25-06)

SECTION 120.160: TERMS
Each member shall serve a three (3) year term which ends January thirtieth (30th). One (1) member shall be appointed annually in January of each year. No member shall serve more than two (2) consecutive terms. (Ord. No. 93-116 §2, 6-28-93)

SECTION 120.170: APPOINTMENTS
Each member of the Board of Equalization shall be appointed by the County Executive with approval of the Council pursuant to St. Charles County Charter, Article V, Section 5.104. (Ord. No. 93-116 §3, 6-28-93)

SECTION 120.180: OATH
Each member shall take an oath, to be administered by the Clerk, to fairly and impartially equalize the valuation of all real estate and tangible personal property taxable by the County. (Ord. No. 93-116 §4, 6-28-93)

SECTION 120.190: COMPENSATION
Compensation shall be fixed by ordinance of the County Council. (Ord. No. 93-116 §5, 6-28-93)

SECTION 120.200: VACANCIES
Vacancies or absences on the Board of Equalization caused by death, incapacity to perform duties, failure to attend three (3) consecutive meetings, or resignation shall be filled forthwith by appointment pursuant to St. Charles County Charter, Article V, Section 5.104 and Section 120.170 of this Article. (Ord. No. 93-116 §6, 6-28-93)

SECTION 120.210: MEETINGS
The County Board of Equalization shall meet at least once a month for the purpose of hearing allegations of erroneous assessments, double assessments and clerical errors. Between the first (1st) Monday of June in each year and the last Saturday of July of that year, the Board shall meet in regular session and as often as necessary to timely hear and consider any appeal or...
complaint resulting from an evaluation made during a general reassessment of all taxable real property and possessory interests in St. Charles County. Such hearings must be concluded on the last Saturday in July of each year; provided, that the estimated true value of personal property as shown on any itemized personal property return shall not be conclusive on the Assessor or prevent the Assessor from increasing such valuation.

1. **Place.** The Board may meet at any public place within St. Charles County, but shall strive to select meeting places so as to avoid undue hardship, where practicable, to persons who have an interest in land being considered.

2. **Time.** The Board shall hold meetings at such times as it deems necessary in order to exercise its powers and duties. (Ord. No. 93-116 §7, 6-28-93)

### SECTION 120.220: DUTIES/POWERS

The following shall be the duties and powers of the Board of Equalization:

1. **Hear appeals and equalize valuation.** The Board shall hear complaints and appeals and equalize the valuation and assessments upon all real tangible personal property taxable by the County so that all the property shall be entered on the tax book at its true value:
   a. The Board shall raise the valuation of all tracts of parcels of land and all tangible personal property as in their opinion have been returned below their real value; but, after the Board has raised the valuation of such property, notice shall be given that said valuation of such property has been increased and a hearing shall be granted; such notice shall be in writing and shall be directed to the owner of the property or the person controlling the same, at his last address as shown by the records in the Assessor's office, and shall describe the property and the value thereof as increased; such notice may be by personal service or by mail and if the address of such person or persons is unknown, notice may be given by publication in two (2) newspapers published within the County; and such notice shall be served, mailed or published at least five (5) days prior to the date on which said hearing shall be held at which objections, if any, may be made against said increased assessment;
   b. The Board will reduce the valuation of such tracts or parcels of land or of any tangible personal property which, in their opinion, has been returned above its true value as compared with the average valuation of all the real and personal property of the County; however, the Board shall not reduce the valuation of the real or tangible personal property below the value therefore as fixed by the State Tax Commission;
   c. The Board shall keep a record of all its proceedings. Within thirty (30) days of a meeting, the original record shall be filed with the Registrar and a copy mailed to the Executive Assistant to the County Council.

2. **Assess omitted property.** The Board shall assess and equalize the value of any property that may have been omitted from the Assessor's books and records then under examination by them and adjust and correct the books and records accordingly:
   a. If the Board shall add any property to the Assessor's books and records or increase the assessment, the Board shall cause notice in writing to be served upon the person owning or controlling the property affected, his agent or representative, by personal notice, by mail, or if the address of the person, agent, or representative is unknown, then by publication in one (1) issue of at least two (2) daily newspapers published within the County. The notice shall state the kind and class of property and the value fixed thereon and name the time and place, not less than five (5) days thereafter, when and where such owner may appear before the Board and show cause why said assessment should not be made;
   b. At the time fixed, the Board shall again meet and give opportunity to the taxpayer to be heard in regard to his assessment, and may change or alter the same upon being shown by the owner that the assessment was erroneous or improperly made; otherwise, the property and the valuation, as fixed by the Board, shall be extended upon the Assessor's books and records, as in the case of other property.

3. **Compel attendance and production of papers.** The Board may compel attendance of witnesses and production of papers as conferred by law.

4. **Establish rules of procedure.** The Board may adopt rules of procedure consistent with the provisions of the Constitution of Missouri and the St. Charles County Charter and ordinances.
   a. A copy of the rules adopted by the Board shall be filed with the County Registrar. The rules shall provide for fair and adequate notice to individual taxpayers of actions and hearings of the Board of Equalization affecting their interests and appropriate notice of the public meetings of the Board of Equalization. The rules adopted may include such other matters as the Board deems necessary to the conduct of its business.
   b. The rules shall be adopted by a majority of the entire Board.

5. **General.** The Board shall have all other powers given to County Boards of Equalization under Missouri law. (Ord. No. 93-116 §8, 6-28-93; Ord. No. 02-007 §4, 6-26-02; Ord. No. 06-060 §1, 4-25-06)

   **Editor's Note--Reference to county clerk was changed to county registrar in accordance with ord. no. 01-121, adopted 9-26-01, set out in §129.010 of this code.**

### SECTION 120.230: MAJORITY

A majority of the Board shall constitute a quorum, and a majority of the members present shall determine all matters of appeal or revision. (Ord. No. 93-116 §9, 6-28-93)
ARTICLE III. MASTER PLAN STEERING COMMITTEE

SECTION 120.240: ESTABLISHMENT

A Master Plan Steering Committee is hereby established consisting of sixteen (16) taxpaying citizens who shall be registered voters and residents of St. Charles County for a period of not less than one (1) year. (Ord. No. 95-134 §1, 8-30-95; Ord. No. 02-044 §1, 5-1-02; Ord. No. 07-108 §1, 8-2-07; Ord. No. 07-124 §1, 8-28-07)

SECTION 120.250: MEMBERS

Membership on the Committee shall consist of two (2) members of the County Council, two (2) representatives from the County Executive's staff, the St. Charles County Director of the Department of Community Development and eleven (11) citizens of the County, with at least one (1) such citizen from each Council district and four (4) citizens at large. (Ord. No. 95-134 §2, 8-30-95; Ord. No. 02-044 §1, 5-1-02; Ord. No. 04-138 §1, 9-14-04; Ord. No. 07-108 §1, 8-2-07)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 120.260: TERMS

There shall be no specified term limits for the members of the County Council, the St. Charles County Director of the Department of Community Development or the representatives from the County Executive's staff. Each citizen member shall serve a five (5) year term. Such members shall continue to serve until a duly qualified successor has been appointed. A member may be removed in accordance with Section 120.030 of this Chapter. (Ord. No. 95-134 §3, 8-30-95; Ord. No. 02-044 §1, 5-1-02; Ord. No. 04-138 §1, 9-14-04; Ord. No. 07-108 §1, 8-2-07)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 120.270: APPOINTMENTS

Each member of the Master Plan Steering Committee shall be appointed by the County Executive with approval of the Council pursuant to St. Charles County Charter Article V, Section 5.104 (2006). (Ord. No. 95-134 §4, 8-30-95; Ord. No. 02-044 §1, 5-1-02; Ord. No. 07-108 §1, 8-2-07)

SECTION 120.280: OATH

Each member shall take the oath set forth in Section 120.050 of this Chapter. (Ord. No. 95-134 §5, 8-30-95; Ord. No. 02-044 §1, 5-1-02; Ord. No. 07-108 §1, 8-2-07)

SECTION 120.290: COMPENSATION

Members of this Committee shall serve without compensation. (Ord. No. 95-134 §6, 8-30-95; Ord. No. 02-044 §1, 5-1-02; Ord. No. 07-108 §1, 8-2-07)

SECTION 120.300: VACANCIES

Vacancies or absences on the Master Plan Steering Committee caused by death, incapacity to perform duties, failure to attend three (3) consecutive meetings, or resignation shall be filled forthwith by appointment pursuant to the St. Charles County Charter Article V, Section 5.104 (1992) and Section 120.270 of this Article. (Ord. No. 95-134 §7, 8-30-95; Ord. No. 02-044 §1, 5-1-02; Ord. No. 07-108 §1, 8-2-07)

SECTION 120.310: DUTIES/POWERS

The following shall be the duties and powers of the Master Plan Steering Committee:

1. The Committee shall recommend a County-wide Master Plan for the development of the County. The Master Plan shall be reviewed not less frequently than once every five (5) years.

2. The Master Plan, as developed by the Committee for consideration by the County Council, shall set forth recommended policy regarding the social, governmental, economic and physical development of the County. It shall include recommendations for the most desirable use of land within the County for residential, recreational, agricultural, commercial, industrial and other purposes; for the most desirable density of population in the several parts of the County; for a system of principal thoroughfares, highways, streets and other public ways; for airports, parks, playgrounds and other public open spaces; for the general location, relocation and improvement of the public buildings; for the general location and extent of public utilities and terminals for water, sewerage, light, power, transit and other purposes, whether publicly or privately owned; for adequate
3. The Master Plan shall contain a statement of the objectives, standards and principles sought to be embodied therein. It shall be based on studies of physical, social, economic and governmental conditions and trends. It shall be designed to assure the coordinated development of the County and to promote the general welfare and prosperity of its people.

4. The Committee shall continue to function following development of the recommended Master Plan and all reviews. (Ord. No. 95-134 §8, 8-30-95; Ord. No. 01-008 §1, 1-31-01; Ord. No. 01-120 §1, 9-26-01; Ord. No. 02-044 §1, 5-1-02; Ord. No. 07-108 §1, 8-2-07)

   Note: The initial plan review by the County Council took place prior to December 31, 1996, with a later review by June 30, 2003.

SECTION 120.320: COUNCIL ACTION

The Council shall receive the recommendations and report of the Committee and shall adopt or reject the recommendations of the Committee by ordinance. (Ord. No. 95-134 §9, 8-30-95; Ord. No. 02-044 §1, 5-1-02; Ord. No. 07-108 §1, 8-2-07)

SECTION 120.330: MEETINGS

The Master Plan Steering Committee shall meet at the call of the County Executive. The County Council may request that the County Executive convene the Committee for review and/or changes to the Master Plan. (Ord. No. 95-134 §9, 8-30-95; Ord. No. 02-044 §1, 5-1-02; Ord. No. 07-108 §1, 8-2-07)

SECTION 120.340: RULES OF PROCEDURE

The Master Plan Steering Committee is an advisory committee and, therefore, shall operate pursuant to the provisions of Article I, Advisory Boards and Commissions—Generally. (Ord. No. 95-134 §10, 8-30-95; Ord. No. 02-044 §1, 5-1-02; Ord. No. 07-108 §1, 8-2-07)

SECTION 120.350: APPLICATION OF ARTICLE I

The Master Plan Steering Committee is an advisory committee. Except where otherwise stated in this Article, the Master Plan Steering Committee shall abide by all provisions of Article I, Advisory Boards and Commissions—Generally. (Ord. No. 95-134 §11, 8-30-95; Ord. No. 02-044 §1, 5-1-02; Ord. No. 07-108 §1, 8-2-07)

ARTICLE IV. COMMUNITY ASSISTANCE BOARD

SECTION 120.360: CREATION

There is hereby created the Community Assistance Board of St. Charles County, which Board shall be the successor board to the St. Charles County Homeless Board. All of the powers and duties of the St. Charles County Homeless Board are transferred to the Community Assistance Board. (Ord. No. 96-170 §2, 12-30-96)

SECTION 120.370: FEES ON RECORDED INSTRUMENTS

As approved by the voters in the November 5, 1991, election and ordered by the County Commission upon the results of the election, it is hereby ordained that a user fee of three dollars ($3.00) shall be charged and collected on all instruments recorded with the Recorder of Deeds, over and above any other fees required by law, as a condition precedent to the recording of any instrument. (Ord. No. 96-170 §3, 12-30-96)

SECTION 120.380: PURPOSE

The Community Assistance Board is created for the purpose of administering the allocation and distribution to not-for-profit agencies funds for homeless assistance programs from the user fees collected in Section 120.370, and funds for assistance to the indigent from the "County Indigent Fund". (Ord. No. 96-170 §4, 12-30-96)

SECTION 120.390: MEMBERSHIP AND QUALIFICATIONS

A. There shall be nine (9) members of the Community Assistance Board, to be appointed by the County Executive with the approval of the County Council. The Community Assistance Board shall meet at least quarterly.

B. Membership on the Community Assistance Board shall be limited to registered voters who have resided in St. Charles County for a period of not less than one (1) year.

C. No member of the Community Assistance Board shall be an employee, board member or volunteer of an agency receiving assistance from the funds administered or recommended by the Community Assistance Board. Nothing in this Article shall be interpreted to disable persons formerly served by agencies from serving on the Community Assistance Board. Volunteers serving
D. Currently sitting members of the Homeless Board shall be grandfathered as members of the Community Assistance Board for their current term, notwithstanding that they may not meet criteria as set out in Subsection (C) of this Section. Appointments to the Community Assistance Board, at the expiration of the terms of currently sitting Board members, shall be made for three (3) year terms; such that three (3) members shall be appointed for a three (3) year term beginning February 14, 1997; three (3) members shall be appointed for a three (3) year term beginning February 14, 1998; and three (3) members shall be appointed for a three (3) year term beginning February 14, 1999. From and after February 13, 2013, future appointments of Community Assistance Board members shall be for three (3) year terms ending on June thirtieth (30th). Appointments as a result of a Board member's death, resignation or forfeiture shall be made for the remainder of the three (3) year term of that member. (Ord. No. 96-170 §§5--8, 12-30-96; Ord. No. 00-087 §1, 7-26-00; Ord. No. 12-035 §1, 5-3-12)

SECTION 120.400: COMPENSATION

The members of the Community Assistance Board may be reimbursed for their reasonable and necessary expenses from the special fund created by the user fees in Section 120.370 of this Article, and such reimbursement shall be limited to monies, actually and necessarily expended in their performance of their duties, but such reimbursement shall not exceed more than two and one-half percent (2½%) of the fees collected pursuant to Section 120.370 of this Article. (Ord. No. 96-170 §6, 12-30-96)

SECTION 120.410: QUALIFICATIONS FOR FUNDS DISTRIBUTED BY THIS BOARD

To qualify for funds allocated and distributed by the Community Assistance Board pursuant to this Article, an agency shall meet all of the following requirements, provided that agencies applying for funds from the "County Indigent Fund" shall not be required to comply with Subsection (3) of this Section.

1. Be incorporated or authorized to do business in the State as a public benefit corporation pursuant to Chapter 355, RSMo., or recognized by the United States Internal Revenue Service as an entity exempt from Federal tax pursuant to Section 501 of the Internal Revenue Code, except that agencies applying for homeless assistance funds provided through this County pursuant to Section 67.1062, RSMo., et seq. shall at least be a public benefit corporation pursuant to Chapter 355, RSMo.;
2. Have trustees or board members who represent the racial, ethnic and socio-economic diversity of the community to be served;
3. Have at least one (1) trustee or board member who possesses experience in confronting or mitigating the problems of the homeless;
4. Receive at least twenty-five percent (25%) of its funds from sources other than funds distributed pursuant to this Article. These other sources may be public or private, but no more than half (½) of these other sources may include contributions of goods or services, including materials, commodities, transportation, office space or other types of facilities or personal services;
5. Require persons employed by or volunteering services to the agency to maintain the confidentiality of any information that would identify individuals served by the agency;
6. Require that services be provided by the agency regardless of race, religion, national origin, sex, gender or age; and
7. Require that employees and volunteers of the agency who work regularly with children as set out in Section 104.010 be screened as required in that Section.
8. Effective with the funds to be allocated and distributed in Fiscal Year 2009, require each agency receiving CAB funds collect documentation that any person served by that agency with such CAB funds is a citizen or legally within the United States as a qualified alien or otherwise eligible pursuant to 8 USCA Section 1621. The agency receiving such funds shall maintain documentation on each recipient for three (3) years after such services were delivered. Such information shall be made available to Federal, State or local government agencies entitled to view such information. (Ord. No. 96-170 §10, 12-30-96; Ord. No. 03-100 §1, 7-30-03; Ord. No. 08-078 §2, 7-2-08)

SECTION 120.420: AGENCIES WHICH MAY APPLY FOR FUNDS

Any agency meeting the requirements set out in Section 120.410 above may apply to the Community Assistance Board for funds, and may use such funds to provide homeless assistance programs or programs providing services to the indigent. All applications must be submitted by December thirty-first (31st) of the year prior to the calendar year during which funding is sought. All applications shall include, but not be limited to, the following:

1. Be incorporated or authorized to do business in the State as a public benefit corporation pursuant to Chapter 355, RSMo., or recognized by the United States Internal Revenue Service as an entity exempt from Federal tax pursuant to Section 501 of the Internal Revenue Code, except that agencies applying for homeless assistance funds provided through this County pursuant to Section 67.1062, RSMo., et seq. shall at least be a public benefit corporation pursuant to Chapter 355, RSMo.;
2. A list of the trustees or board members required by Section 120.410;
3. The proposed budget of the agency for the following calendar year, or other period for which funding is sought;
4. A summary of the services proposed to be offered in the following calendar year, or other period for which funding is sought;
5. An estimate of the number of persons to be served during the following calendar year as a result of the funds received pursuant
to this Article, or other period for which funding is sought;

6. Any other information deemed relevant to the application by the Community Assistance Board;

7. A detailed report of programs and services provided in a format designated by the Community Assistance Board. The Board shall, at a minimum, require that dollars allocated from the user fee for the homeless be reported and accounted for separately from allocations from the "County Indigent Fund". (Ord. No. 96-170 §11, 12-30-96; Ord. No. 97-20 §1, 2-26-97; Ord. No. 03-100 §§2–3, 7-30-03)

SECTION 120.430: NOTIFICATION

After review of the applications for funds from agencies that meet the criteria set out above, the Community Assistance Board shall notify agencies in writing whether they are eligible to receive funds, and if the agency is eligible, specify the fund from which the agency is eligible to receive funds (User fees or "County Indigent Fund"). (Ord. No. 96-170 §12, 12-30-96; Ord. No. 97-20 §2, 2-26-97)

SECTION 120.440: COMMUNITY ASSISTANCE PLAN

The Community Assistance Board shall develop a community assistance plan to address the needs of indigent residents of St. Charles County. The initial plan shall address a five (5) year period and shall be developed by September 1, 1997. The plan shall be reviewed yearly and the Community Assistance Board shall provide addendums, amendments and a progress report each November. Priority shall be given in the allocation and distribution of funds from the "County Indigent Fund" to agencies which recognize and plan to meet the goals, priorities, established needs and objectives of the Community Assistance Board as outlined in the community assistance plan. Upon completion of the initial community assistance plan in September of 1997, the Community Assistance Board shall issue Requests for Proposal for future financial assistance awards consistent with its community assistance plan. (Ord. No. 96-170 §13, 12-30-96; Ord. No. 08-078 §1, 7-2-08)

SECTION 120.450: ALLOCATION OF FUNDS

Funds from the user fees established in Section 120.370 of this Article shall be allocated to:

1. Agencies offering or proposing to offer the broadest range of housing-related services to persons in the community served, including:
   a. Emergency short-term and long-term shelter for the homeless;
   b. Prevention of residential foreclosures and evictions;
   c. Coordination of existing community services; and
   d. Projects to encourage self-sufficiency of participants and facilitate transition from dependency on subsidized housing.

2. Other agencies offering or proposing to offer services specifically to homeless persons. (Ord. No. 96-170 §14, 12-30-96; Ord. No. 97-20 §3, 2-26-97)

SECTION 120.460: APPROVAL REQUIRED BEFORE DISTRIBUTION

All funds distributed by the Community Assistance Board shall be distributed only after the approval of the Board's recommendations by the County Council upon the consent agenda and upon the signing of a contract by the agency to whom funds will be distributed. The contract between the agencies and the County shall be approved in form by ordinance. (Ord. No. 96-170 §15, 12-30-96; Ord. No. 97-20 §4, 2-26-97)

SECTION 120.470: SERVICE REPORT REQUIRED BY AGENCY

A. An agency that receives funds pursuant to this Article shall file a service report with the Community Assistance Board on or before the fifteenth (15th) day of April of any year in which the agency has an existing service contract with the County. This service report shall include information detailing the services provided by the agency and statistics on the number of persons served by the agency as a result of the funds received pursuant to this Article through the month of February of the current contract year, along with any other information requested by the Board. The service report shall include an external independent audited financial statement of the previous closed financial year of the applicant agency. At the close of the agency's contract year, the agency shall furnish a supplemental service report detailing services provided by the agency beginning with the month of March through the end of the contract year. No information contained in the reports shall identify any person served by the agency or enable any person to determine the identity of any such person.

B. An agency which misses the April fifteenth (15th) deadline for submission of its service report thereby renders itself ineligible for the upcoming funding cycle and no funding shall be voted by the Community Assistance Board during that funding cycle for that agency. However, if the agency shows good cause why the agency cannot submit the audited financial statement, the Community Assistance Board may make an award contingent upon the submission of the audit; the funds may be allocated but shall not be disbursed until the audited financial statement is submitted to and approved by the Community Assistance Board.

C. Such ineligibility for funds due to failure to submit a service report shall not be permanent, but in order to be eligible in future funding cycles, the agency shall:
1. Have sat out at least one (1) twelve (12) month funding cycle for the Community Assistance Board; and

2. Shall have filed with the Community Assistance Board the missing report.

D. Any funds received by an agency in excess of one thousand dollars ($1,000.00) which are unexpended at the end of a contract year shall be returned to St. Charles County Government. Remaining funds of one thousand dollars ($1,000.00) or less shall be expended in the following contract year for the same services outlined in the agency's original application. Any agency which still has funds received from the County remaining at the end of a contract year which does not receive a renewal of its contract with the County shall return those unexpended funds to the County Treasury. (Ord. No. 96-170 §16, 12-30-96; Ord. No. 97-20 §5, 2-26-97; Ord. No. 97-148 §§1–2, 10-1-97; Ord. No. 99-62 §1, 5-26-99; Ord. No. 05-096 §1, 6-27-05)

SECTION 120.480: SOLICITATION OF DONATIONS

The Community Assistance Board shall have the authority to solicit donations and contributions from the community, which funds shall be appropriated in the same manner as those from the "County Indigent Fund". (Ord. No. 96-170 §17, 12-30-96)

ARTICLE V. EMPLOYEE ACTIVITY BOARD

SECTION 120.490: BOARD

The County Executive may appoint an "Employee Activity Board" which shall make recommendations to the Director of Administration concerning the placement of vending machines, the type of vending machines, vending contracts and the expenditure of funds from the employee activity account. The Board shall also orchestrate employee functions. The Board will be composed of twenty (20) members appointed by the County Executive pursuant to Section 3.601.3 of the St. Charles County Home Rule Charter. Each member of the Board shall serve an indefinite term until a new member is appointed and confirmed to replace that person. (Ord. No. 95-82 §1, 6-28-95; Ord. No. 04-113 §1, 7-28-04)

SECTION 120.500: RULES OF PROCEDURE

The Employee Activity Board shall be under the supervision of the Director of Administration. The Director of Administration may set rules of procedure, as necessary, for the Board. The Board shall meet at least quarterly. (Ord. No. 95-82 §2, 6-28-95; Ord. No. 04-113 §1, 7-28-04)

SECTION 120.510: EMPLOYEE ACTIVITY ACCOUNT

Any funds derived from vending machine operations or activities of the Employee Activity Board shall be deposited by the Director of Finance into a separate interest-bearing fund to be expended at the direction of the Director of Administration as an additional employee benefit.

1. The funds deposited in the account may only be used for employee functions or contributions to charitable organizations serving the indigent as recommended by the Employee Activity Board and approved by the Director of Administration. The Board and the Director of Administration may create a form to be used for recommending expenditures, which form, with the signature of the Director of Administration may also serve as the authorization required under Subsection (2) of this Section.

2. These funds shall be expended only upon the written authorization of the Director of Administration. No prior approval of the expenditures from this account shall be required by the County Council.

3. This account may be audited by the County Auditor.

4. If the monies collected and deposited into this fund are not totally expended annually, then the unexpended balance shall remain in said account and the balance shall be kept in said account to accumulate from year to year. (Ord. No. 95-82 §3, 6-28-95; Ord. No. 04-113 §1, 7-28-04)

ARTICLE VI. COMMISSION ON ENVIRONMENTAL QUALITY

SECTION 120.520: COMMISSION ESTABLISHED

A. There is hereby established a nine (9) member board, to be known as the Commission on Environmental Quality, which shall advise the County Executive and County Council on environmental concerns with the goal of conserving the County's natural resources and preventing degradation of the environment.

B. The provisions of Article I of this Chapter, governing advisory boards and commissions and passed August 30, 1994, shall apply to the Commission on Environmental Quality unless otherwise expressly stated to the contrary in this Article. (Ord. No. 96-65 §1, 6-26-96; Ord. No. 08-156 §1, 12-17-08)

SECTION 120.530: MEMBERS TO BE APPOINTED

All members of the Commission shall be registered voters and shall be residents of St. Charles County for at least one (1) year.
prior to their appointment and shall not be employees of any political subdivision within the County. The County's Director of the Department of Community Development and the County's Director of Community Health and the Environment, or their representatives, shall serve as ex officio members of the Commission. The Solid Waste Task Force created by the former County Commission is hereby disbanded. (Ord. No. 96-65 §2, 6-26-96; Ord. No. 99-25 §1, 4-1-99; Ord. No. 08-156 §1, 12-17-08)

Editor's Note—For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 120.540: TERMS OF APPOINTMENT, CHAIR AND VICE-CHAIR SELECTED
A. Three (3) Commission members shall be appointed to initial terms expiring on May 31, 1997. Three (3) Commission members shall be appointed to initial terms expiring on May 31, 1998. Three (3) Commission members shall be appointed to initial terms expiring on May 31, 1999. All succeeding members shall be appointed for three (3) year terms which shall expire on May thirty-first (31st) of the respective year.
B. A majority of the members shall select from their number a Chair and Vice-Chair at the second (2nd) quarterly meeting of each year. The Chair shall preside over all Commission meetings and fulfill any other duties prescribed by the applicable law. In the absence of the Chair, the Vice-Chair shall take the place of the Chair. (Ord. No. 96-65 §3, 6-26-96; Ord. No. 08-156 §1, 12-17-08)

SECTION 120.550: QUORUM
A majority of the Commission shall constitute a quorum and the concurring vote of five (5) members shall determine all matters of Commission action. (Ord. No. 96-65 §4, 6-26-96; Ord. No. 08-156 §1, 12-17-08)

SECTION 120.560: APPOINTMENT OF MEMBERS BY COUNTY EXECUTIVE
Each member of the Commission on Environmental Quality shall be appointed by the County Executive with the approval of the Council pursuant to the St. Charles County Charter, Article V, Section 5.104 (2006). (Ord. No. 96-65 §5, 6-26-96; Ord. No. 08-156 §1, 12-17-08)

SECTION 120.570: VACANCIES OR ABSENCES
Vacancies or absences on the Commission on Environmental Quality caused by death, incapacity to perform duties, failure to attend three (3) consecutive meetings or resignation shall be filled forthwith by appointment pursuant to the St. Charles County Charter, Article V, Section 5.104 of this Article. Appointments as a result of a Commission member's death, resignation or forfeiture shall be made for the remainder of the term of that member. (Ord. No. 96-65 §6, 6-26-96; Ord. No. 08-156 §1, 12-17-08)

SECTION 120.580: MEETINGS
The Commission on Environmental Quality shall meet at least quarterly for the purpose of advising the St. Charles County Executive and the County Council on issues of environmental quality and the state of the Weldon Spring Project site and surrounding area. The Commission may meet at any public place within St. Charles County, but shall normally meet within one (1) of the County-owned facilities or a similar public facility available to the Commission without charge. The Commission shall hold meetings at such times as it deems necessary in order to exercise its powers and duties. (Ord. No. 96-65 §7, 6-26-96; Ord. No. 08-156 §1, 12-17-08)

SECTION 120.590: DUTIES
A. It shall be the duty and responsibility of the Commission on Environmental Quality to advise the County Executive and County Council on policy decisions regarding air and water quality, soil conservation, wastewater and storm water management and solid waste collection and disposal. The Commission shall examine ways for the County to collaborate and coordinate its policies and ordinances with other political subdivisions in the County.
B. The Commission shall also obtain information concerning the areas adjacent to the Weldon Spring Site Remedial Action Program and shall report on any issues which could potentially affect the public and/or the environment including, but not limited to, the water supply. (Ord. No. 96-65 §8, 6-26-96; Ord. No. 08-156 §1, 12-17-08)

ARTICLE VII. ST. CHARLES COUNTY AVIATION BOARD

SECTION 120.600: AVIATION BOARD ESTABLISHED
The St. Charles County Aviation Board is hereby established. (Ord. No. 97-34 §1, 3-26-97)

SECTION 120.605: ADVISORY BOARD
The St. Charles County Aviation Board shall make recommendations to the County Executive and County Council regarding:

1. Future growth and development of general aviation in St. Charles County and adjoining counties.
2. The adequacy of existing general aviation airports and airport facilities and the potential need for new facilities serving general aviation operations in St. Charles County.
3. The allocation of funds in the annual County budget needed for the effective operation and management of any general aviation airport or airport facilities owned by St. Charles County.
4. The appropriate procedures and policies to be adopted to ensure the proper operation and management of any general aviation airport or airport facilities owned by St. Charles County. (Ord. No. 97-34 §2, 3-26-97)

SECTION 120.610: COMPOSITION--APPOINTMENT OF MEMBERS BY COUNTY EXECUTIVE

There shall be nine (9) members of the St. Charles County Aviation Board, to be appointed by the County Executive with the approval of the County Council. The Board shall meet at least quarterly. (Ord. No. 97-34 §3, 3-26-97; Ord. No. 97-69 §1, 5-28-97)

SECTION 120.615: MEMBERSHIP--TERM--ABSENCES

A. Membership on the St. Charles County Aviation Board shall be limited to registered voters who have resided in St. Charles County for a period of not less than one (1) year.

B. Of the initial appointments, three (3) individuals shall be appointed for terms expiring on March 31, 1998, three (3) for terms expiring on March 31, 1999, and three (3) for terms expiring on March 31, 2000; appointments thereafter shall be for three (3) year terms. The Airport Director shall serve as ex-officio member and shall have no vote.

C. Three (3) consecutive absences from regularly scheduled meetings shall result in forfeiture of membership on the Board. Appointments as a result of a Board member's death, resignation or forfeiture shall be made for the remainder of the three (3) year term of that member. (Ord. No. 97-34 §§4--6, 3-26-97; Ord. No. 97-69 §2; 5-28-97; Ord. No. 99-44 §1, 4-28-99)

SECTION 120.620: REIMBURSEMENT OF EXPENSES

The members of the St. Charles County Aviation Board may be reimbursed for their reasonable and necessary expenses from the Board's operating budget. (Ord. No. 97-34 §7, 3-26-97)

ARTICLE VIII. ST. CHARLES COUNTY DOMESTIC VIOLENCE BOARD

SECTION 120.625: CREATION OF DOMESTIC VIOLENCE BOARD

There is hereby created the St. Charles County Domestic Violence Board for the purpose of administering the allocation and distribution of the fees provided for by Section 488.445, RSMo. The St. Charles County Domestic Violence Board is created for the purpose of administering the allocation and distribution of funds to shelters for victims of domestic violence from the fees collected under Section 488.445 et seq., RSMo., and this Article. (Ord. No. 97-98 §1, 7-30-97; Ord. No. 03-184 §1, 11-26-03)

SECTION 120.630: FEES IMPOSED ON MARRIAGE LICENSES AND PETITIONS FOR DISSOLUTION OF MARRIAGE

As approved by the voters in the August 7, 1984, election and ordered by the County Commission upon the results of the election, it is hereby affirmed and ordained that a fee of five dollars ($5.00) shall be imposed upon the issuance of a marriage license and a fee of ten dollars ($10.00) shall be imposed upon the filing of a Petition for Dissolution of Marriage. These fees are over and above any other fees required by law. (Ord. No. 97-98 §2, 7-30-97)

SECTION 120.635: MEMBERSHIP, QUALIFICATIONS AND TERM

A. There shall be seven (7) members of the St. Charles County Domestic Violence Board to be appointed by the County Executive with the approval of the County Council.

B. Membership on the Domestic Violence Board shall be limited to registered voters who have resided in St. Charles County for a period of not less than one (1) year. No member of the Domestic Violence Board shall be an employee, board member or volunteer of an agency receiving assistance from the funds administered or recommended by the Domestic Violence Board. Nothing in this Article shall be interpreted to disable persons formerly served by agencies from serving on the Domestic Violence Board. Volunteers serving an agency or agencies receiving money from the Domestic Violence Board twelve (12) hours a year or less shall be exempt from this Section.

C. Currently sitting members of the Domestic Violence Board shall be grandfathered as members of the Board established by this Section for their current term, notwithstanding that they may not meet criteria as set out in Subsection (B) of this Section. Appointments to the Domestic Violence Board, at the expiration of the terms of currently sitting Board members, shall be made
for three (3) year terms: such that three (3) members shall be appointed for a three (3) year term beginning January 1, 1998; two (2) members shall be appointed for a three (3) year term beginning January 1, 1999; and two (2) members shall be appointed for a three (3) year term beginning January 1, 2000. All future appointments of Domestic Violence Board members shall be thereafter for three (3) year terms. Appointments as a result of a Board member's death, resignation or forfeiture of office shall be made for the remainder of the three (3) year term of that member. (Ord. No. 97-98 §§3--5, 7-30-97)

SECTION 120.640: REIMBURSEMENT FOR EXPENSES

The members of the Domestic Violence Board may be reimbursed for their reasonable and necessary expenses from the special fund created by the fees collected pursuant to Section 455.200 et seq., RSMo., and this Article and such reimbursement shall be limited to moneys actually and necessarily expended in their performance of their duties; however, such reimbursement shall not exceed more than five percent (5%) of the fees collected pursuant to Section 455.200 et seq., RSMo., and this Article. (Ord. No. 97-98 §6, 7-30-97)

SECTION 120.645: QUALIFICATIONS FOR FUNDS DISTRIBUTED BY THIS BOARD

An agency seeking funds from the Domestic Violence Board must operate a shelter for victims of domestic violence and all funds received shall be used for the funding of the shelter. To qualify for funds allocated and distributed by the St. Charles County Domestic Violence Board, an agency shall meet all of the following requirements:

1. Be incorporated in the State as a non-profit corporation;
2. Have trustees who represent the racial, ethnic and socioeconomic diversity of the community to be served, at least one (1) of whom must possess personal experience in confronting or mitigating the problems of domestic violence;
3. Receive at least twenty-five percent (25%) of its funds from sources other than funds distributed pursuant to Section 455.200 et seq., RSMo., and this Article. These other sources may be public or private but no more than half of the funds may include contributions of goods or services, including materials, commodities, transportation, office space or other types of facilities or personal services;
4. Provide residential service or facilities for children when accompanied by a parent, guardian, or custodian who is a victim of domestic violence and who is receiving temporary residential service at the shelter;
5. Require persons employed by or volunteering services to the shelter to maintain the confidentiality of any information that would identify individuals served by the shelter;
6. Require that employees and volunteers of the agency who work regularly with children as set out in Section 104.010 be screened as required in that Section; and
7. Provide services without regard to race, religion, color, age, marital status, national origin, or ancestry. (Ord. No. 97-98 §7, 7-30-97; Ord. No. 97-168 §1, 10-29-97)

SECTION 120.650: AGENCIES WHICH MAY APPLY FOR FUNDS

Any agency meeting the requirement set out in Section 120.645 above may apply to the Domestic Violence Board for funds and may use such monies for funding of a shelter for victims of domestic violence. The application shall be filed with the Board by October first (1st) of the year preceding the calendar year for which the funding is desired and shall include the following:

1. Evidence that the shelter is incorporated in this State as a non-profit corporation;
2. A list of the directors of the corporation, and a list of the trustees of the shelter if different;
3. The proposed budget of the shelter for the following calendar year;
4. A summary of the services proposed to be offered in the following calendar year;
5. An estimate of the number of persons to be served during the following calendar year;
6. A detailed report of programs and services currently provided in a format approved by the Domestic Violence Board; and
7. Any other information required by ordinance or by the Domestic Violence Board. (Ord. No. 97-98 §§8, 7-30-97; Ord. No. 97-168 §2, 10-29-97)

SECTION 120.655: NOTIFICATION

After review of the applications for funds from agencies that meet the criteria set out above, the Domestic Violence Board shall notify the agencies in writing on or before November fifteenth (15th) of the year in which the application is filed, whether the agency is eligible to receive funds and the amount which may be available to the agency if such amount is approved by the County Council. (Ord. No. 97-98 §9, 7-30-97)

SECTION 120.660: APPROVAL REQUIRED BEFORE DISTRIBUTION

All funds distributed by the Domestic Violence Board shall be distributed only after the approval of the Board's recommendations by the County Council upon its consent agenda and after the execution of a contract by the agency to whom funds will be
St. Charles County -- QuickCode

distributed. The contract between the agencies and the County shall be approved in form by ordinance. (Ord. No. 97-98 §10, 7-30-97)

SECTION 120.665: ALLOCATION OF FUNDS--WHEN--BASIS OF PRIORITIES
A. Funds allocated to agencies shall be paid to the agencies twice annually, on the first (1st) day of January and the first (1st) day of July of the year following the year in which the application is filed.
B. If applications are received from more than one (1) qualified shelter for victims of domestic violence and the requests for the funds exceed the amount of funds available, funds shall be allocated on the basis of the following priorities:
   1. To shelters in existence on August 13, 1982;
   2. To shelters offering or proposing to offer the broadest range of services and referrals to the community served, including medical, psychological, financial, educational, vocational, child care services and legal services;
   3. To other facilities offering or proposing to offer services specifically to victims of physical domestic violence;
   4. To other qualified shelters. (Ord. No. 97-98 §§11--12, 7-30-97)

SECTION 120.670: ANNUAL REPORT REQUIRED
A. An agency that receives funds pursuant to Sections 455.200 through 455.230, RSMo., and this Article shall file an annual report with the Domestic Violence Board on or before March thirty-first (31st) of the year following the year in which funds were received. The annual report shall include statistics on the number of persons served by the shelter, the relationship of the victim of domestic violence to the abuser, the number of referrals made for medical, psychological, financial, educational, vocational, child care services or legal services. The annual report shall also include an external, independent audited financial statement of the previous closed financial year of the applicant agency; however, if that statement is not through December thirty-first (31st) of the previous year, the external, independent audited financial statement covering the period closing December thirty-first (31st) of the previous year is due within ten (10) days of its receipt by the agency. No information contained in the report shall identify any person served by the shelter or enable any person to determine the identity of any such person.
B. An agency which misses the March thirty-first (31st) deadline for submission of its agency's report thereby renders itself ineligible for the following year's funding cycle and no funding shall be voted by the Domestic Violence Board for the following budget year with regard to that agency. However, if the agency shows good cause why the agency cannot submit the audited financial statement, the Domestic Violence Board may recommend an award contingent upon the submission of the audit; the funds may be allocated but shall not be disbursed until the audited financial statement is submitted to and approved by the Domestic Violence Board.
C. The ineligibility for funds due to failure to submit an annual report shall not be permanent, but in order to be eligible in future funding cycles, the agency shall have sat out at least one (1) twelve (12) month funding cycle for the Domestic Violence Board and shall have filed the missing report with the Domestic Violence Board.
D. The Domestic Violence Board shall compile the reports filed pursuant to this Section annually and transmit the compiled report to the County Executive and the County Council. (Ord. No. 97-98 §13, 7-30-97; Ord. No. 97-168 §3, 10-29-97; Ord. No. 09-127 §1, 10-28-09)

SECTION 120.675: SOLICITATION OF DONATIONS
The Domestic Violence Board shall have the authority to solicit donations and contributions from the community, which funds shall be appropriated in the same manner as those funds collected pursuant to Section 455.200 et seq., RSMo., and this Article. (Ord. No. 97-98 §14, 7-30-97; Ord. No. 09-127 §1, 10-28-09)

ARTICLE IX. PARKS AND RECREATION ADVISORY BOARD

Cross Reference--As to regulations in county parks, see ch. 250; as to department of parks and recreation, see ch. 133.

SECTION 120.680: CREATION OF PARKS AND RECREATION ADVISORY BOARD
There is hereby created a Parks and Recreation Advisory Board of St. Charles County with all the duties and responsibilities outlined herein as well as those authorized in Article I of this Chapter governing advisory boards and commissions. (Ord. No. 97-102 §1, 7-30-97)

SECTION 120.685: ADVISORY BOARD
The Board shall act in an advisory capacity to the County Executive and County Council to study and make plans and recommendations for the acquisition, development and maintenance of properties, facilities and programs for a progressive parks system. The Board shall investigate and evaluate issues related to parks and recreation planning, program priorities and parks management and make appropriate recommendations. (Ord. No. 97-102 §2, 7-30-97)
SECTION 120.690: DUTIES AND POWERS
A. The Board shall identify, analyze and promote new and existing park land opportunities and shall make recommendations to the County Executive and County Council on the supervision, improvement, care and custody of County parks.

B. The Board shall work to advance the objectives outlined in the St. Charles County Parks and Recreation Comprehensive Open Space Plan and make periodic reports to the County Executive and the County Council concerning the progress toward the goals of the park plan.

C. The Board shall make recommendations regarding funding decisions and program priorities to be included in the County's annual parks and recreation budget and will make recommendations on user fees and permit rates to the County Executive and the County Council annually.

D. The Board shall promote community awareness of parks and recreation facilities and programs through public information and community education activities. The Board shall also solicit citizen input to identify park and recreation concerns and needs of individuals, organizations and political subdivisions throughout the County. (Ord. No. 97-102 §§3--6, 7-30-97)

SECTION 120.695: COMPOSITION--TERM OF MEMBERS--VACANCY
A. The Board membership shall consist of nine (9) members, one (1) from each County Council District and two (2) at-large members. The initial members shall serve staggered terms beginning October 1, 1997, three (3) members serving an initial term of one (1) year, three (3) members serving an initial term of two (2) years and three (3) members serving a term of three (3) years each. All succeeding appointments thereafter shall be for a term of three (3) years.

B. The Director of Parks and Recreation and a designated member of the County Council shall serve as ex-officio members of the Board. No elected officials may serve on the Board as a voting member. Each member shall be appointed by the County Executive with approval of the Council pursuant to Ordinance 94-140 and St. Charles County Charter Article V, Section 5.104 (1992). Any vacancy on the Board shall be filled by appointment and approval in like manner for the unexpired portion of the term. (Ord. No. 97-102 §7, 7-30-97; Ord. No. 09-010 §1, 1-27-09)

SECTION 120.700: MEETINGS
The Board shall meet not less than once quarterly. All Board meetings and business shall be conducted in accordance with Chapter 610, RSMo. (Ord. No. 97-102 §8, 7-30-97)

SECTION 120.705: QUORUM
A majority of the Board shall constitute a quorum for the transaction of business, and a majority of the Board shall be necessary to pass any motion or resolution brought before the Board. (Ord. No. 97-102 §9, 7-30-97)

SECTION 120.710: COMPENSATION--EXPENSE REIMBURSEMENT
Each member of the Board shall serve without pay, but shall be reimbursed for reasonable and necessary expenses incurred in performing official duties as provided by ordinance. (Ord. No. 97-102 §10, 7-30-97)

SECTION 120.720: SECRETARIAL ASSISTANCE TO BOARD
The Director of Parks and Recreation shall arrange secretarial assistance to the Board. (Ord. No. 97-102 §11, 7-30-97)

ARTICLE X. COMMUNITY AND CHILDREN'S RESOURCE BOARD

SECTION 120.730: CREATION OF COMMUNITY AND CHILDREN'S RESOURCE BOARD
There is hereby created the Community and Children's Resource Board of St. Charles County, which Board shall be the successor board to the Community and Children's Resource Board. All of the powers and duties of the Community and Children's Resource Board are transferred to the Community and Children's Resource Board. (Ord. No. 97-152 §1, 10-1-97; Ord. No. 06-146 §1, 11-1-06)

SECTION 120.740: PURPOSE
The Community and Children's Resource Board is created for the purpose of administration, allocation and distribution of any taxes or fees authorized by the voters and collected hereafter for the purpose of providing necessary funds to establish, operate and maintain community mental health services and for the purpose of providing counseling, family support, and temporary residential services to persons eighteen (18) years of age or less and for the purpose of recommending to the County Governing Body the allocation and distribution of other County funds appropriated to the benefit of the Community and Children's Resource Board. (Ord. No. 97-152 §2, 10-1-97; Ord. No. 06-146 §1, 11-1-06)
SECTION 120.750: MEMBERSHIP, QUALIFICATIONS AND TERM

A. There shall be nine (9) members of the Community and Children's Resource Board to be appointed by the County Executive with the approval of the County Council. The Community and Children's Resource Board shall meet at least quarterly.

B. Membership on the Community and Children's Resource Board shall be limited to registered voters who have resided in St. Charles County for a period of not less than one (1) year.

C. No member of the Community and Children's Resource Board shall be an employee, board member or volunteer of an agency receiving assistance from the funds administered or recommended by the Community and Children's Resource Board. Nothing in this Article shall be interpreted to disable persons formerly served by agencies from serving on the Community and Children's Resource Board. Volunteers serving an agency or agencies receiving money from the Community and Children's Resource Board twelve (12) hours a year or less shall be exempt from this Subsection.

D. Appointments to the Community and Children's Resource Board shall be made as follows: three (3) members shall be appointed for a one (1) year term beginning October 1, 1997; three (3) members shall be appointed for a two (2) year term beginning October 1, 1997; and three (3) members shall be appointed for a three (3) year term beginning October 1, 1997. From and after October 1, 2012, all appointments of Community and Children's Resource Board members shall be for a term of three (3) years ending December thirty-first (31st). Appointments as a result of a Board member's death, resignation or forfeiture shall be made for the remainder of the three (3) year term of that member. (Ord. No. 97-152 §§3--6, 10-1-97; Ord. No. 98-142 §1, 7-30-98; Ord. No. 04-098 §1, 6-30-04; Ord. No. 06-146 §1, 11-1-06; Ord. No. 12-035 §2, 5-3-12)

SECTION 120.755: REIMBURSEMENT FOR EXPENSES

The members of the Community and Children's Resource Board may be reimbursed for their reasonable and necessary expenses from funds appropriated for that purpose and such reimbursement shall be limited to monies actually and necessarily expended in their performance of their duties. (Ord. No. 97-152 §7, 10-1-97; Ord. No. 06-146 §1, 11-1-06)

SECTION 120.760: QUALIFICATIONS FOR FUNDS DISTRIBUTED BY THIS BOARD

To qualify for funds allocated and distributed by the Community and Children's Resource Board pursuant to this Article, an agency shall meet all of the following requirements:

1. Be incorporated or authorized to do business in the State as a not-for-profit corporation or be a governmental entity;
2. Receive at least twenty-five percent (25%) of its funds from sources other than funds distributed pursuant to this Article. These other sources may be public or private, but no more than one-half (½) of these other sources may include contributions of goods or services, including materials, commodities, transportation, office space or other types of facilities or personal services;
3. Require persons employed by or volunteering services to the agency to maintain the confidentiality of any information that would identify individuals served by the agency;
4. Require that services be provided by the agency regardless of race, religion, national origin, sex, gender or age; and
5. Require that employees and volunteers of the agency who work regularly with children as set out in Section 104.010 be screened as required in that Section. (Ord. No. 97-152 §8, 10-1-97; Ord. No. 06-146 §1, 11-1-06)

SECTION 120.765: AGENCIES WHICH MAY APPLY FOR FUNDS

Any agency meeting the requirements set out in Section 120.760 above may apply to the Community and Children's Resource Board for funds and may use such funds to establish, operate and maintain community mental health services and for the purpose of providing counseling, family support, and temporary residential services to persons eighteen (18) years of age or less. All applications shall include, but not be limited to, the following:

1. Evidence that the agency is incorporated or authorized to do business in this State as a not-for-profit corporation, or is a governmental entity;
2. Where appropriate, a list of the directors of the corporation, and a list of the trustees of the agency if different;
3. The proposed budget of the agency for the following calendar year, or other period for which funding is sought;
4. A summary of the services proposed to be offered in the following calendar year, or other period for which funding is sought;
5. An estimate of the number of persons to be served during the following calendar year as a result of the funds received pursuant to this Article, or other period for which funding is sought;
6. Any other information deemed relevant to the application by the Community and Children's Resource Board;
7. A detailed report of programs and services provided in a format designated by the Community and Children's Resource Board. (Ord. No. 97-152 §9, 10-1-97; Ord. No. 98-142 §2, 7-30-98; Ord. No. 06-146 §1, 11-1-06)

SECTION 120.770: NOTIFICATION
After review of the applications for funds from agencies that meet the criteria set out above, the Community and Children's Resource Board shall notify agencies in writing whether they are eligible to receive funds, and if the agency is eligible, specify the amount of the award. (Ord. No. 97-152 §10, 10-1-97; Ord. No. 06-146 §1, 11-1-06)

SECTION 120.775: APPROVAL REQUIRED BEFORE DISTRIBUTION

All general funds appropriated to be distributed by the Community and Children's Resource Board shall be distributed only after the approval of the Board's recommendations by the County Council and upon the signing of a contract by the agency to whom funds will be distributed. The contract between the agencies and the County shall be approved in form by ordinance. (Ord. No. 97-152 §11, 10-1-97; Ord. No. 06-146 §1, 11-1-06)

SECTION 120.780: ANNUAL REPORT REQUIRED

A. An agency that receives funds pursuant to this Article shall file an annual report with the Community and Children's Resource Board on or before the fifteenth (15th) day of April for the year following the year in which funds were received. The annual report shall include statistics on the number of persons served by the agency as a result of the funds received pursuant to this Article. The annual report shall include an external, independent audited financial statement of the previous closed financial year of the applicant agency; however, if that statement is not through December thirty-first (31st) of the previous year, it shall be supplemented by the external independent audited financial statement covering the period closing December thirty-first (31st) for the previous year within ten (10) days of its receipt by the agency. No information contained in the report shall identify any person served by the agency or enable any person to determine the identity of any such persons.

B. An agency which misses the April fifteenth (15th) deadline for submission of its agency's report thereby renders itself ineligible for that year's funding cycle and no funding shall be voted by the Community and Children's Resource Board for that budget year with regard to that agency. However, if the agency shows good cause why the agency cannot submit the audited financial statement, the Community and Children's Resource Board may make an award contingent upon the submission of the audit; the funds may be allocated but shall not be disbursed until the audited financial statement is submitted to and approved by the Community and Children's Resource Board.

C. Such ineligibility for funds due to failure to submit an annual report shall not be permanent, but in order to be eligible in future funding cycles, the agency shall:
1. Have sat out at least one (1) twelve (12) month funding cycle for the Community and Children's Resource Board; and
2. Shall have filed with the Community and Children's Resource Board the missing report.

D. The Community and Children's Resource Board shall compile the reports filed pursuant to this Section annually and transmit the compiled report to the County Executive and the County Council with its estimate of the number of persons served by funds the Board has recommended, its recommendations of programs to aid children residing in the County, its estimates of the resources necessary to implement and operate such programs, and shall develop and report like figures with regard to persons receiving funds from the Board. (Ord. No. 97-152 §12, 10-1-97; Ord. No. 06-146 §1, 11-1-06)

SECTION 120.785: SOLICITATION OF DONATIONS

The Community and Children's Resource Board shall have the authority to solicit donations and contributions from the community. (Ord. No. 97-152 §13, 10-1-97; Ord. No. 98-142 §3, 7-30-98; Ord. No. 06-146 §1, 11-1-06)

ARTICLE XI. ST. CHARLES COUNTY ROAD BOARD

SECTION 120.790: CREATION OF BOARD--RECOMMENDATIONS FOR IMPROVEMENTS

A. There is hereby created the St. Charles County Road Board to evaluate and recommend to the County Executive and the County Council road and bridge projects to be funded by the capital improvements sales tax in the incorporated and unincorporated areas of the County.

B. Recommendations of the Road Board shall be formulated in three (3) separate components:
1. The Ten Year Transportation Improvement Program;
2. The Three Year Transportation Improvement Plan; and
3. The annual funding recommendations derived from the Three Year Transportation Improvement Plan. Projects shall be recommended for funding from the capital improvements sales tax for purposes which may include traffic relief, construction, reconstruction and repair of roads and bridges within St. Charles County. (Ord. No. 95-185 §2, 11-29-95)

SECTION 120.795: COMPOSITION--MEMBERSHIP--TERM

The Road Board shall be composed of twelve (12) members who shall be appointed to initial terms as set out below. The terms of members appointed thereafter shall be for four (4) years. Pursuant to Article V of the Charter, such appointments shall be made by the County Executive and approved by the County Council. Membership on the Road Board shall consist of registered voters.
who have resided in St. Charles County for a period of not less than one (1) year. No member of the Road Board shall be an elected member of the governing body of the County or of the governing body of any political subdivision within the County or, in the case of the appointees representing the five (5) cities, shall be an employee of the City they are appointed to represent. Representatives of Council District may reside in incorporated or unincorporated areas of the District. Members of the Road Board may be renominated for additional terms. (Ord. No. 95-185 §3, 11-29-95)

SECTION 120.800: RESERVED

Editor's Note--Section 120.800 "initial appointments" was removed at the instruction of the County due to its obsolescence. Former section 120.800 derived from ord. no. 95-185 §4, 11-29-95.

SECTION 120.805: CHAIRMAN

The Road Board shall select a Chairman and Vice-Chairman annually during its first (1st) regularly scheduled meeting for the calendar year. The Chairman and Vice-Chairman will be selected by a simple majority of those members present. The Vice-Chairman shall assume the duties of the Chairman in the absence of the Chairman. The Chairman shall have a voice in all matters but shall have no vote, except in case of a tie. (Ord. No. 95-185 §5, 11-29-95; Ord. No. 04-040 §1, 3-31-04)

SECTION 120.810: ABSENCES OF MEMBERS FROM MEETINGS -- VACANCY

Members who shall miss three (3) consecutive regular meetings unless due to verifiable serious illness or incapacity, shall automatically forfeit their membership on the Road Board and shall be ineligible for reappointment for a period of one (1) year. Vacancies on the Road Board as a result of such forfeiture, or by reason of death, incapacity to perform duties or resignation shall be filled forthwith by appointment pursuant to Section 5.104 of the St. Charles County Charter. (Ord. No. 95-185 §6, 11-29-95)

SECTION 120.815: TRANSPORTATION IMPROVEMENT PLANS

A. Three Year Plan Or Transportation Improvement Plan. On or before October first (1st) of each year the Road Board will present to the County Executive and the County Council a proposed Transportation Improvement Plan for the three (3) upcoming fiscal years along with specific projects recommended for funding in the upcoming fiscal year. The Road Board shall solicit comment from citizens, County staff, elected officials and from representatives of the municipalities located within the County, as necessary, to formulate recommendations for priority projects. Such priority projects shall be included in the proposed Transportation Improvement Plan.

B. Ten Year Plan Or Transportation Improvement Program. The Ten Year Transportation Improvement Program or "Ten Year Program" first approved by the Road Board on January 19, 1994, is hereby acknowledged. When appropriate in light of continued growth in St. Charles County, the Road Board shall revise the Ten Year Program and recommend its revisions to the St. Charles County Council for adoption by ordinance. The Road Board shall recommend projects in the Transportation Improvement Plan which adhere as closely as possible to those projects identified in the Ten Year Program, understanding that as demographics of the County change, the Road Board shall consider these changes when making project allocations whether they had previously been included in the Ten Year Program or not. Such recommendations shall be based upon the following priorities for funding:

First Priority: New Arterial Roadways or Improvements to Existing Arterials
Second Priority: Congestion Mitigation/Safety on Non-Arterial Roads
Third Priority: Economic Development Enhancement Projects

Recommendations shall identify the applicable priority category. (Ord. No. 95-185 §§7--8, 11-29-95; Ord. No. 03-205 §1, 12-31-03)

SECTION 120.820: SUBMISSION OF PLAN TO COUNTY COUNCIL

The County Executive, in consideration of the recommendations of the Road Board, shall submit to the County Council a three (3) year Transportation Improvement Plan on or before November first (1st) of each year, along with a list of projects recommended for appropriation from the capital improvements sales tax for the upcoming fiscal year which shall be included in the annual County Budget Ordinance. The County Council shall revise, as necessary, and approve the Transportation Improvement Plan by December thirty-first (31st) of each year. (Ord. No. 95-185 §9, 11-29-95)

SECTION 120.825: ANNUAL BUDGET RECOMMENDATION

The Road Board annual budget recommendation shall include a minimum of six hundred thousand dollars ($600,000.00) for the purpose of County improvements to rural roads and bridges which would otherwise not be improved due to the lack of available road and bridge funds. Transportation funds from the one-half cent ($0.005) sales tax shall not be used for maintenance purposes. (Ord. No. 95-185 §10, 11-29-95)

SECTION 120.830: MUNICIPALITIES TO MATCH FUND REQUIREMENTS

Municipalities shall provide a match in the amount of at least ten percent (10%) of the total cost of the project they submit. The
Road Board may recommend to the County Executive and the County Council that the matching fund requirement be waived or reduced, but in all such recommendations the reason for the waiver or reduction shall be stated. The County Executive shall not execute any contract with a municipality unless the ten percent (10%) matching fund requirement has been satisfied or unless the County Council waives or reduces the matching requirement by ordinance. (Ord. No. 95-185 §11, 11-29-95)

SECTION 120.835: DISBURSEMENT OF FUNDS

A. Funds appropriated in the annual County budget from the capital improvements sales tax for road and bridge projects in a municipality are eligible to be released for use after the respective municipality and the County enter into a contract for the disbursement of the funds, subject to Subsection (B) hereof. Such contract shall include a complete description of the project to be funded, and allocation of the responsibilities of the parties.

B. Disbursement of funds to the municipalities for project costs shall be paid by the County after the expenditures for which reimbursement is sought have been incurred. (Ord. No. 95-185 §§12--13, 11-29-95; Ord. No. 04-040 §2, 3-31-04)

SECTION 120.840: LIMIT OF SALES TAX USED TOWARD PROJECT COSTS

The County shall not expend from the capital improvements sales tax in excess of sixty-five percent (65%) of the total project costs of any improvement on the Federal or State highway system for any contract entered into after the effective date of the ordinance. (Ord. No. 95-185 §14, 11-29-95)

SECTION 120.845: CONFLICT OF INTEREST

No member of the Road Board shall participate in the discussion or vote concerning a recommendation of any project to the County Executive if a conflict of interest pursuant to the Charter or Chapter 105, RSMo, would be involved. (Ord. No. 95-185 §15, 11-29-95)

SECTION 120.850: MEETINGS OF ROAD BOARD

The Road Board shall meet not less than quarterly. The Road Board shall comply with the requirements of Chapter 610, RSMo., known as the Missouri Sunshine Law. (Ord. No. 95-185 §16, 11-29-95)

SECTION 120.855: RULES OF PROCEDURE

The Road Board shall observe the following procedural rules while taking evidence at hearings or meetings:

1. Any interested person may introduce evidence so long as it complies with these rules and the fundamental rules of evidence.
2. Oral evidence shall only be taken in compliance with the requirements contained in this Section.
3. Any proceedings shall be suitably recorded and preserved. A copy of the transcript or recording of such proceedings shall be made available to any interested person upon the payment of a fee which shall reflect the cost of preparation and supply.
4. Records and documents of the Road Board may be introduced as a part of the record at a hearing or meeting.
5. The Road Board shall take official notice of the St. Charles County Charter and ordinances and all matters of which the courts take judicial notice. They may also take official notice of technical or scientific facts, not judicially cognizable, within their competence, if they notify the parties either before or during the hearing of the facts of which they propose to take such notice. The Road Board in such instance shall give the parties reasonable opportunity to contest such facts or otherwise show that it would not be proper for the Road Board to take such notice of the facts.
6. Copies of writings, documents and records shall be admissible without proof that the originals thereof cannot be produced, if it shall appear by testimony or affidavit or certification from the custodian of the records that the copy offered is a true copy of the original. (Ord. No. 95-185 §17, 11-29-95)

SECTION 120.860: RECORDING OF DECISIONS

The Road Board shall record any decision regarding the recommendation to distribute any funds and shall include such record in its official minutes and shall notify the County Executive and the County Council of such a decision. (Ord. No. 95-185 §18, 11-29-95)

SECTION 120.865: ADOPTION OF RULES OF PROCEDURE

The Road Board may adopt rules of procedure consistent with the provisions of State and Federal law, the St. Charles County Charter and the ordinances duly enacted by the governing body of this County.

1. Rules adopted by the Road Board must be so adopted by a majority of the Board.
2. A copy of the rules adopted by the Road Board shall be filed with the County Registrar.
3. The Road Board may amend such rules of procedure by following the same requirements for the adoption of such rules.
4. In any area in which the Road Board has not adopted rules of procedure, the Board shall follow Robert's Rules of Order. (Ord. No. 95-185 §19, 11-29-95)

Editor's Note--Reference to county clerk was changed to county registrar in accordance with ord. no. 01-121, adopted 9-26-01, set out in §129.010 of this code.

SECTION 120.870: RECORD OF PROCEEDINGS KEPT -- FILED WITH COUNTY REGISTRAR

The Road Board shall keep a record of all its proceedings:

1. The record shall be approved by the Road Board and signed by the Chair.
2. Within thirty (30) days following their approval by the Road Board, the Road Board shall file with the County Registrar the approved minutes of its proceedings.
3. A quorum of the members of the Road Board shall be present for the transaction of any business, for the performance of any duty or for the exercise of any power of the Board. A majority of the Board shall constitute a quorum. (Ord. No. 95-185 §20, 11-29-95; Ord. No. 04-040 §3, 3-31-04)

Editor's Note--Reference to county clerk was changed to county registrar in accordance with ord. no. 01-121, adopted 9-26-01, set out in §129.010 of this code.

ARTICLE XII. DEVELOPMENTAL DISABILITIES RESOURCE BOARD

Editor's Note--On April 5, 1977, the voters of St. Charles County approved a tax levy for establishing and maintaining a residence facility for handicapped persons pursuant to §205.971, RSMo. On May 24, 1977, the St. Charles County Commission appointed the nine (9) member board (known since December 1993, as the Developmental Disabilities Resource Board) to administer that facility pursuant to §205.970, RSMo. (Order of the St. Charles County Commission, May 24, 1977.)

SECTION 120.875: TERMS

A. The terms of the current members of the Developmental Disabilities Resource Board, a board formerly known as the Handicapped Facilities Board, shall be extended six (6) months to January thirty-first (31st) of the year following that in which their appointment was scheduled to expire.

B. The Order of the St. Charles County Commission dated May 24, 1977, is amended by adding the following:

The terms of the newly appointed members of the board shall begin on February first (1st) of the year of appointment and shall continue for a period of three (3) years from that date. (Ord. No. 95-206 §§1--2, 12-27-95)

ARTICLE XIII. HISTORICAL ADVISORY BOARD

Editor's Note--Ord. no. 01-119 §1, adopted September 26, 2001, repealed section 120.880. Former section 120.880 derived from ord. no. 98-140 §§1--7, 7-30-98 and ord. no. 99-46 §1, 4-28-99. Subsequently, ord. no. 07-020 §§1--9, adopted January 30, 2007, enacted the provisions set out herein.

SECTION 120.880: ESTABLISHMENT OF HISTORICAL ADVISORY BOARD

A. There is hereby established a Historical Advisory Board of St. Charles County with all the duties and responsibilities outlined herein as well as those authorized in Chapter 120 governing advisory boards and commissions.

B. The Board shall advise the County Executive and County Council on historical issues including, but not limited to, the care and use of historic structures owned by the County, preservation of historic structures located within the County and care and maintenance of cemeteries for which the County is trustee for the land or for maintenance funds.

C. The Board shall promote community awareness of historic facilities and programs through public information and community education activities. The Board shall also solicit citizen input to identify historic preservation concerns and needs of individuals, organizations and political subdivisions throughout the County.

D. The Board membership shall consist of nine (9) members. The initial members shall serve staggered terms beginning March 1, 2007, three (3) members serving an initial term of one (1) year, three (3) members serving an initial term of two (2) years and three (3) members serving a term of three (3) years each. All succeeding appointments thereafter shall be for a term of three (3) years.

E. The Director of Parks and Recreation, the Parks and Recreation Department Historian and a designated member of the County Council shall serve as ex officio members of the Board. No elected officials may serve on the Board as a voting member. Each member shall be appointed by the County Executive with approval of the Council pursuant to Chapter 120 and St. Charles County Charter Article V, Section 5.104 (2006). Any vacancy on the Board shall be filled by appointment and approval in like manner for the unexpired portion of the term.

F. The Board shall meet not less than once quarterly. All Board meetings and business shall be conducted in accordance with
G. A majority of the Board shall constitute a quorum for the transaction of business and a majority of the Board shall be necessary to pass any motion or resolution brought before the Board.

H. Each member of the Board shall serve without pay, but shall be reimbursed for reasonable and necessary expenses incurred in performing official duties as provided by ordinance, subject to the appropriation of funds for this purpose in the County's budget.

I. The Director of Parks and Recreation shall arrange secretarial assistance to the Board.

J. The Board shall cease to exist on March 1, 2013, unless its duration is extended by ordinance. (Ord. No. 07-020 §§1--9, 1-30-07; Ord. No. 08-008 §1, 2-6-08)

ARTICLE XIV. ANIMAL CONTROL FACILITY ADVISORY COMMITTEE

SECTION 120.890: ESTABLISHMENT OF ANIMAL CONTROL FACILITY ADVISORY COMMITTEE

A. Establishment And Duties Of Committee. There is hereby created the Animal Control Facility Advisory Committee of St. Charles County (hereinafter "Committee"). Except as otherwise provided in this Article, the Committee shall have the duties and responsibilities set out in Article I of Chapter 120 of the Ordinances of St. Charles County, Missouri. The Committee shall act in an advisory capacity to review policy and procedures of the County Animal Control Facility and shall submit all recommended policies and procedures to the County Executive and County Council for review and consideration.

B. Membership Of Committee. Membership of the Committee shall be composed of: two (2) members representing each municipality leasing a portion of the impoundment facility; one (1) member from the St. Charles Humane Society; two (2) members representing the St. Charles County Government; and one (1) member representing the veterinary community. Any municipality that in the future leases a portion of the impoundment facility shall have two (2) members representing that municipality.

C. Appointment Of Members. Members of the Committee shall be appointed by the County Executive with the approval of the County Council pursuant to St. Charles County Charter Article V, Section 5.104 (1998).

D. Terms Of Members. Except as otherwise provided herein, members of the Committee shall serve for terms of two (2) years, the first (1st) term beginning on February 1, 2000. If and when any municipality ceases to lease a portion of the impoundment facility, the terms of the members representing that municipality shall expire automatically.

E. Appointments To Fill Vacancies. Appointments to fill vacancies shall be made for the remainder of the current term.

F. Officers, Meetings And Records. The Committee shall elect a Chairperson, Vice-Chair and Secretary for the orderly conduct of its business. The Committee shall meet regularly and not less than quarterly and shall keep minutes of its meetings. The Committee's meetings and records shall be open to the public. (Ord. No. 00-001 §§1--6, 1-11-00)

ARTICLE XV. RESERVED

Editor's Note--This Art. XV "complete count commission" and section 120.900 was removed as ord. no. 09-045, adopted May 6, 2009, provided for a completion date of September 30, 2010.

SECTION 120.900: RESERVED

ARTICLE XVI. AMERICAN RECOVERY AND REINVESTMENT ACT REPORTING OVERSIGHT BOARD

SECTION 120.910: AMERICAN RECOVERY AND REINVESTMENT ACT REPORTING OVERSIGHT BOARD

A. Pursuant to Section 2.507 of the St. Charles County Charter and the recommendation of the County Executive, there is hereby established the American Recovery and Reinvestment Act (ARRA) Reporting Oversight Board of St. Charles County. Except as otherwise provided in this Article, the Board shall have the duties and responsibilities set out in Article I of Chapter 120 of the Ordinances of St. Charles County, Missouri.

B. The purpose of the Board shall be performing oversight of the utilization of American Recovery and Reinvestment Act (ARRA) grant funds and monitoring expenditures of those funds. All County departments administering or accessing ARRA funds shall report utilization and expenditure data to the ARRA Reporting Oversight Board on a quarterly basis for the duration of the receipt of such funds. The ARRA Reporting Oversight Board shall review the quarterly reports and report to the County Council biannually as to the utilization of ARRA funds.

C. There shall be five (5) members of the ARRA Reporting Oversight Board. Membership on the ARRA Reporting Oversight Board shall be comprised of the County Auditor, Director of Finance, Director of Policy Research and Development, the County Counselor or his/her designee, and the Director of Community Development. The County Auditor shall serve as Chairman of the ARRA Reporting Oversight Board and staff support to the Board shall be provided by the County Auditor.

D. The Department of Information Systems shall establish and maintain an American Recovery and Reinvestment Act activities page
St. Charles County -- QuickCode

on the County's website for the duration of the funds to provide transparency and to inform the public regarding the way in which St. Charles County is utilizing such funds. The ARRA Reporting Oversight Board shall assist in the development of content for the site including, but not limited to, project descriptions, cost and performance data, and contact information for citizens wishing to access ARRA funded services in St. Charles County.

E. The ARRA Reporting Oversight Board shall meet at the call of the Chairman as often as determined prudent to perform oversight of the ARRA grant funds.

F. The ARRA Reporting Oversight Board shall cease to exist one (1) quarter after termination of expenditure of American Recovery and Reinvestment Act funds by the County.

G. The ARRA Reporting Oversight Board shall provide a final report to the County Council upon the Board's termination. (Ord. No. 09-128 §§1--7, 10-28-09)

CHAPTER 121: ST. CHARLES COUNTY HOUSING ASSISTANCE PROGRAM

ARTICLE I. IN GENERAL

SECTION 121.010: COUNTY EXECUTIVE AND COUNTY COUNCIL TO BE GOVERNING BODY OF PROGRAM

As set forth in the Charter of St. Charles County, the Governing Body of the County is the County Executive, as vested with all executive power of the County, and the County Council, as vested with all legislative power. The County Governing Body shall be the Governing Body of the Section Eight Housing Choice Voucher Program in St. Charles County. (Ord. No. 06-143 §1, 11-1-06)

SECTION 121.020: COUNTY EXECUTIVE TO BE CHIEF EXECUTIVE OFFICER OF PROGRAM

Pursuant to Article Three, Section 3.100, the executive power of the County is vested in the County Executive and thus the County Executive shall be the Chief Executive Officer of the Section Eight Housing Choice Voucher Program. (Ord. No. 06-143 §2, 11-1-06)

SECTION 121.030: TITLE OF PROGRAM

The Section Eight Housing Choice Voucher Program shall be known as the "St. Charles County Housing Assistance Program" and the office location for the program shall be known as the "St. Charles County Housing Assistance Center". (Ord. No. 06-143 §3, 11-1-06)

SECTION 121.040: SEAL OF PROGRAM

The Seal of the St. Charles County Housing Assistance Program shall be the Seal of the County of St. Charles. (Ord. No. 06-143 §4, 11-1-06)

SECTION 121.050: FISCAL YEAR OF PROGRAM

The St. Charles County Housing Assistance Program shall utilize January first (1st) through December thirty-first (31st) of each year as its fiscal year. (Ord. No. 06-143 §5, 11-1-06)

SECTION 121.055: DAY TO DAY OPERATIONS OF PROGRAM

The day to day operations of the Housing Assistance Program shall be administered by an entity, under the supervision of the County Executive, as contracted by separate ordinance. The County Executive shall be responsible for oversight of the contract. (Ord. No. 06-143 §16, 11-1-06)

ARTICLE II. COMMISSION ON HOUSING ASSISTANCE

SECTION 121.060: ESTABLISHED

Pursuant to Article Five, Section 5.102 et seq., the Governing Body of St. Charles County hereby establishes the Commission on Housing Assistance. The Commission shall serve as an advisory body to the County Executive with regard to matters of administration, operation and management of the Housing Assistance Program and thereby be a part of the decision-making process of the County. (Ord. No. 06-143 §6, 11-1-06; Ord. No. 10-104 §3, 11-5-10)

SECTION 121.070: MEMBERSHIP -- TERMS -- REQUIREMENT FOR TENANT MEMBER
The term of the members of the Commission on Housing Assistance shall be for three (3) years. The initial term of two (2) members shall be November 1, 2006 through October 31, 2009. The initial term of two (2) additional members shall be November 1, 2006 through October 31, 2008 and the initial term of the remaining member shall be November 1, 2006 through October 31, 2007. All additional terms shall be for three (3) years. As set forth in Section 121.080(C), the tenant member of the Commission shall be a current resident of the County utilizing Section Eight vouchers through the Housing Assistance Program. Should the tenant member of the Standing Committee move from the County or cease participation in the Section Eight voucher program, that member shall cease to be a member of the Standing Committee and the Chair of the Commission shall immediately notify the County Executive of the necessity of appointing a new tenant member to fill the remainder of the unexpired term. (Ord. No. 06-143 §7, 11-1-06; Ord. No. 10-104 §3, 11-5-10)

SECTION 121.080: MEMBERSHIP -- QUALIFICATIONS OF MEMBERS, INCLUDING TENANT MEMBER -- APPOINTMENT OF CHAIR

A. The Commission shall consist of five (5) members who shall have qualifications in the following areas:
   1. One (1) person shall have experience with property code requirements;
   2. One (1) person shall be a current tenant assisted by the Section Eight Housing Choice Vouchers;
   3. One (1) member shall be familiar with matters of public safety;
   4. One (1) member shall be familiar with public health; and
   5. One (1) member shall be a member at large.

B. The County Executive shall appoint the Chair.

C. The tenant member on the Commission on Housing Assistance shall at all times be directly assisted by the Housing Assistance Program. A tenant board member who ceases to be directly assisted by the Housing Assistance Program is no longer an "eligible tenant".

D. The County Director of Policy Research and Development shall serve to consult and assist the Commission regarding matters of the Housing Assistance Program. (Ord. No. 06-143 §8, 11-1-06; Ord. No. 10-104 §3, 11-5-10)

SECTION 121.090: MEMBERSHIP -- APPOINTMENT OF MEMBERS

The appointment of the members of the Commission shall be made by the County Executive and approved by the Council within the time line for Council approval of County Executive appointments as set forth in Article II, Section 2.503 of the County Charter. (Ord. No. 06-143 §9, 11-1-06; Ord. No. 10-104 §3, 11-5-10)

SECTION 121.100: RECORDING SECRETARY -- RECORDS TO BE LODGED WITH REGISTRAR

The Administrative Assistant to the Department of Community Development shall serve as the Recording Secretary of the Commission. Official records of the Commission shall be lodged with the County Registrar. (Ord. No. 06-143 §10, 11-1-06; Ord. No. 10-104 §3, 11-5-10)

SECTION 121.110: MEETINGS -- WHERE -- WHEN -- NOTICE -- PUBLIC COMMENTS

The Commission on Housing Assistance shall meet as needed, such meetings to be known as the regular meeting of the Commission. Such regular meetings shall be held at the County Council chambers, 100 North Third Street, Saint Charles, Missouri, 63301. Notice of such meetings shall conform, at a minimum, to the requirements of the Missouri Open Meetings Act, Chapter 610, RSMo. Each regular meeting shall include, at a minimum, a public comment period. (Ord. No. 06-143 §11, 11-1-06; Ord. No. 10-104 §3, 11-5-10)

SECTION 121.120: ROBERT'S RULES OF ORDER ADOPTED

The Robert's Rules of Order are hereby adopted for business conducted before the Commission on Housing Assistance. Matters before the Saint Charles County Council are governed by Council Rules adopted July 25, 1995, as amended January 11, 2005, except as explicitly modified by ordinance. (Ord. No. 06-143 §12, 11-1-06; Ord. No. 10-104 §3, 11-5-10)

SECTION 121.130: COMMISSION TO HEAR COMMENTS, CONCERNS AND MAKE RECOMMENDATIONS TO COUNTY EXECUTIVE

The Commission shall initially hear all comments, concerns or requests regarding the St. Charles County Housing Assistance Program and shall make a recommendation to the County Executive concerning the disposition or resolution of such comments, concerns or requests. (Ord. No. 06-143 §13, 11-1-06; Ord. No. 10-104 §3, 11-5-10)

SECTION 121.140: COMMISSION TO MEET WITH COUNTY EXECUTIVE -- WHEN

The Commission on Housing Assistance shall meet at least semi-annually with the County Executive. The County Executive shall
SECTION 121.150: COUNTY COUNCIL TO INCLUDE TENANT MEMBER IN PARTICIPATION INCLUDING CERTAIN VOTES

When the County Council meets to take up matters concerning the Housing Assistance Program, the tenant member of the Commission on Housing Assistance shall participate in matters concerning the Housing Assistance Program, including the right to participate in any necessary vote concerning the Housing Assistance Program.  (Ord. No. 06-143 §15, 11-1-06; Ord. No. 10-104 §3, 11-5-10)

CHAPTER 125: COUNTY DEPARTMENT OF CORRECTIONS

ARTICLE I. DEPARTMENT OF CORRECTIONS

SECTION 125.010: CREATION OF THE DEPARTMENT

The Department of Corrections is hereby created and assigned, pursuant to the St. Charles County Charter Article IV, Section 4.802.4 (1992) responsibility for the operations of all County corrections/detention facilities, and community-based corrections programs. The Department shall have the responsibility for the prevention and detection of crime and the enforcement of the general criminal laws of the State and for violation of ordinances of the County. The Department of Corrections is subject to the control of the St. Charles County Executive and shall prioritize the duties of its certified Peace Officers as set by executive order.  (Ord. No. 95-111 §1, 7-27-95)

Editor's Note--Reference above to Section 4.802.4 of the Charter has been changed from 4.802.5 which was a typographical error in ord. no. 95-111 adopted 7-27-95.

SECTION 125.020: TITLE OF THE OFFICE

The Director of Services for Courts and Corrections shall use the working title of Director of Corrections in all official documents.  (Ord. No. 95-111 §2, 7-27-95)

SECTION 125.030: ADDITIONAL POWERS AND DUTIES OF THE DIRECTOR

In addition to powers and duties granted by the St. Charles County Charter (1992), the Director shall:

1. Develop and issue rules on policy and procedure for the operations of the Department of Corrections. The Department of Corrections, as set out in this Article, includes the operations of all County corrections/detention facilities, to include, but not be limited to, the St. Charles County Adult Detention Facility and all other County operated, community-based corrections programs, as may presently exist, or as may be created in the future.

2. Be responsible for the establishment of positions within the Department who are designated as Peace Officers and who possess the duty and power of arrest for violation of any criminal laws of the State or for violation of County ordinances.

3. Designate specific officers of the Department of Corrections to carry firearms when necessary for the proper discharge of their duties in this State, or any State. These officers will retain powers of arrest and are authorized to act, having the same powers as granted other Law Enforcement Officers in this County or State to: arrest escaped inmates; apprehend any and all persons who may be aiding and abetting such an escape; apprehend any person who willfully fails or refuses to comply with the lawful order or direction of said officer in the discharge of his official duties, or who may be hindering, obstructing, resisting or otherwise interfering with the discharge of those duties; and serve arrest warrants within the criminal justice facilities.

4. Have all necessary powers and duties to carry out the day to day functions of the Department of Corrections.  (Ord. No. 95-111 §3, 7-27-95)

SECTION 125.035: DIRECTOR OF CORRECTIONS TO ENTER INTO AGREEMENTS FOR THE MOVEMENT OF PRISONERS TO OTHER FACILITIES FOR NECESSARY REASONS

A. The Director of Corrections, St. Charles County (hereinafter referred to as the "Director"), or his/her designated representative, will have the discretionary authority to enter into agreements with other outside county jails for the purpose of seeking housing for prisoners of St. Charles County at other facilities when it reasonably appears that the continued housing of that prisoner at the Adult Detention Facility (ADF) will in some manner create a reasonable health, safety, welfare, or other concern regarding the conditions of incarceration for that prisoner, or for the facility and staff.

B. The maximum level of monetary commitment, both for per diem and in total, for which the Director can obligate the County in these agreements will be set by the County Executive. The Director will be required to seek approval of the County Council, by way of ordinance, to exceed these set amounts. Medical care for the prisoner, as necessary to maintain adequate health standards, will not be included in this ceiling amount. Other housing agreements, already set by ordinance, will remain in effect until such time as they must be modified or adjusted.
St. Charles County -- QuickCode

C. The Director will also have the discretionary authority to enter into agreements with other law enforcement agencies, jails for counties, jurisdictions other than St. Charles County, for the purpose of housing their prisoners in the ADF, on a per diem basis, when it reasonably appears that their agency/jail does not have the housing capacity, or some other undesirable conditions exist, so as to necessitate seeking assistance from St. Charles County.

D. The County Executive will be responsible to set a per diem charge for the housing of outside prisoners based on the established daily per diem rate of the ADF. It shall be the duty of the Director to obtain a signed agreement from an authorized party of the outside agency prior to accepting that prisoner into custody, to include the agreement to accept all medical expenses incurred for that prisoner, and to pursue billing to receive reimbursement from other agencies.

E. Any failure by an outside agency to reimburse St. Charles County for the housing of their prisoner by the ADF, after having been properly billed, will be referred by the Department of Corrections to the County Counselor's office for appropriate action. (Ord. No. 99-45 §§1--5, 4-28-99; Ord. No. 06-056 §1, 4-25-06)

SECTION 125.037: DIRECTOR OF CORRECTIONS TO OPERATE A WORK RELEASE PROGRAM

A. The Director of Corrections for St. Charles County (hereinafter referred to as the "Director"), through the St. Charles County Department of Corrections (hereinafter referred to as "SCCDCOC"), shall operate a Work Release Program pursuant to Section 221.170, RSMo., and the provisions of this Section.

B. The Director shall determine the location and the capacity of the Work Release Program within the Adult Detention Facility. If proper facilities and/or adequate staff cease to be available for the operation of the Work Release Program, the Director shall notify the County Executive who may order the suspension or modification of the program until such time as proper facilities and adequate staffing can again be achieved.

C. The Work Release Program shall operate in accordance with the Revised Statutes of Missouri (RSMo.), the Ordinances of St. Charles County, Missouri, and the policies and procedures of the SCCDOC. The Director is hereby given authority to promulgate additional policies, procedures and rules for the safe and effective administration of the Work Release Program.

D. The Work Release Program is hereby made available as an alternative incarceration method for individuals who are sentenced for a crime, being held in contempt or for non-payment of fines or participating in a diversionary program by order of the 11th Judicial Circuit or a municipal court within St. Charles County. The Work Release Program will be made available to similarly situated prisoners of outside agencies pursuant to written agreements between such agencies and the SCCDOC in accordance with this Section and other applicable law.

E. The Director or his authorized representative shall have the discretionary authority to enter into written agreements with other agencies, jails for counties or jurisdictions other than this County for the purpose of accommodating their prisoners in the Work Release Program, when it reasonably appears that the requesting agency or jail does not have such a program otherwise available. Such written agreements may only be entered upon the Director's determination that there is space available in the Work Release Program and that the prisoner has been granted the privilege of release by order of a court of competent jurisdiction. All such agreements must receive the written approval of the County Executive.

F. The Director or his authorized representative shall obtain a signed agreement with any other agency, jail or jurisdiction prior to accepting a prisoner of such entity into the Work Release Program, which agreement shall include:

1. Certification by the outside agency, jail or jurisdiction that the prisoner has been granted the privilege of release by a court of competent jurisdiction. A copy of the pertinent court order shall be attached to the agreement.

2. Certification that the individual is not known to the outside agency, jail or jurisdiction to have a history of violence or escape risk.

3. The agency, jail or jurisdiction's agreement to pay the per diem Work Release Fee, as set by the County Executive, to the SCCDOC for each day the prisoner is housed in the County's Work Release Program and that said Work Release Fee shall not be waived.

4. The agency, jail or jurisdiction's agreement to accept responsibility for any and all medical expenses incurred for its prisoner while housed in the County's Work Release Program and that the County is not responsible for any such medical expenses.

5. The agency, jail or jurisdiction's agreement that in the event the prisoner must be taken before the sentencing court for violation of Work Release Program rules and is thereafter ordered to be placed in the general population under ordinary confinement, the agency, jail or jurisdiction will pay the standard per diem rate for the Adult Detention Facility set by the County Executive pursuant to Section 125.035(D) of the Ordinances of St. Charles County.

G. The Director or his authorized representative shall obtain a signed Work Release Program Agreement from any individual sentenced for a crime, being held in contempt or for non-payment of fines, or participating in a diversionary program by order of the 11th Judicial Circuit or a municipal court within St. Charles County or from an outside agency, jail or jurisdiction before accepting him into the County's Work Release Program, which agreement shall include:

1. Certification that the prisoner is employed and an agreement that he will make every reasonable effort to remain employed while in the County's Work Release Program;

2. The prisoner's agreement to obey the laws of the United States, the State of Missouri and any local jurisdiction in which the prisoner may be while in the Work Release Program;

3. The prisoner's agreement to comply with the orders of the court granting him the privilege of release and with any restrictions and limitations thereof and with the rules of the County's Work Release Program;
4. For St. Charles County prisoners, the prisoner's agreement to pay in advance for each week (or portion thereof) he is committed to the Work Release Program, if less than one (1) week remains to be served, the per diem Work Release Fee to the SCCDOC by cashier's check or money order, in lieu of surrendering his/her full wages or salary to the SCCDOC for deposit in a trust checking account in accordance with Section 221.170.3, RSMo.; and

5. For a person in the Work Release Program, the daily fee for room and board shall be determined and fixed by the County Executive for each calendar year.

6. The prisoner's agreement that his failure to follow the orders of the court and the rules of the Work Release Program, including full payment of the per diem Work Release Fee, will result in suspension of the privilege of release for up to five (5) days and/or an appearance before the sentencing court with a recommendation by the Director that the privilege of release be withdrawn and that the prisoner be ordered to ordinary confinement in the general population.

H. Any failure by an outside agency, jail or jurisdiction to reimburse St. Charles County for fees for the housing of their prisoner(s) pursuant to this Chapter, after having been properly billed for said fees, will be referred by the SCCDOC to the County Counselor's Office for appropriate action.  (Ord. No. 03-079 §§1--8, 6-25-03; Ord. No. 06-056 §2, 4-25-06)

SECTION 125.040: OPERATIONS OF THE ST. CHARLES COUNTY ADULT DETENTION FACILITY

The operations of the St. Charles County Adult Detention Facility include, but are not limited to, the following:

1. Receiving and holding prisoners committed to the St. Charles County Adult Detention Facility by the Circuit Court for the 11th Judicial Circuit of the State of Missouri, and holding such prisoners until their release by expiration of commitment, their release on authorized bond, or their release by order of a court of competent jurisdiction.

2. Receiving and temporarily holding the following prisoners:
   a. Prisoners arrested or detained by commissioned officers of the St. Charles County Sheriff's Department or Missouri State Highway Patrol pending application for arrest warrant(s) for felony offense(s) (such prisoners may not be held more than twenty-four (24) hours without such warrants);
   b. Prisoners arrested or detained by commissioned officers of the St. Charles County Sheriff's Department or the Missouri State Highway Patrol pending release on summons for a criminal offense (such prisoners may not be held for more than twenty-four (24) hours);
   c. Prisoners transferred to the St. Charles County Adult Detention Facility by the United States Marshals Service, the United States Bureau of Prisons, or other Federal law enforcement agencies, or by other Missouri Sheriffs, provided the Director, or his designated representative, consents to such transfer after determining that space is available within the St. Charles County Adult Detention Facility;
   d. Prisoners in transit and in the custody of other competent law enforcement agencies, provided the Director, or his designated representative, consents to such transfer after determining that space is available within the St. Charles County Adult Detention Facility.

3. Receiving and holding arrest warrants issued by the Circuit Court for the 11th Judicial Circuit of the State of Missouri, until such warrants are served or recalled, and return arrest warrants to the courts as required or directed.

4. Receiving bond for the release of any prisoner held at the St. Charles County Adult Detention Facility as may be prescribed by a court having competent jurisdiction over the custody of that prisoner.

5. Keeping records on prisoners and detainees held by the St. Charles County Adult Detention Facility and acting as the custodian of records for those records.  (Ord. No. 95-111 §4, 7-27-95; Ord. No. 06-009 §1, 1-31-06)

SECTION 125.045: TUBERCULOSIS SCREENING AND TESTING FOR EMPLOYEES AND PRISONERS REQUIRED

A. All persons offered employment in the St. Charles County Department of Corrections (hereafter referred to as SCCDOC) shall submit to a two-step skin testing for Tuberculosis (TB) which shall be conducted by the St. Charles County Department of Community Health and the Environment (hereafter referred to as the Health Department), or other appropriate agency. If the individual produces proof of having been tested for TB within the preceding twelve (12) month period, only one (1) additional test will be required by the Health Department.

B. Person(s) who test positive for TB shall be referred for follow-up treatment under the protocols established by the Health Department and the SCCDOC.

C. All current employees of the SCCDOC shall submit to an annual PPD skin test conducted by the Health Department, or other appropriate agency. Employees who test positive shall be referred for follow-up treatment under the protocols established by the Health Department and SCCDOC.

D. The SCCDOC shall test all prisoners for TB, except those in custody for fewer than fifteen (15) consecutive days and those in work release. If any prisoner tests positive, the SCCDOC shall require that he shall be treated for TB as required under the established Health Department protocols as adopted by the SCCDOC. Costs related to such treatment shall be assessed against the prisoner, as allowed by law.

E. All screening and testing required by this Section shall be confidential.  (Ord. No. 99-28 §§1--5, 4-1-99; Ord. No. 11-026 §2, 5-2-11)
ARTICLE II. FEES

SECTION 125.050: FEES CHARGED BY THE DEPARTMENT OF CORRECTIONS FOR SERVICES

The Department of Corrections shall charge the following fees for services, as managed in accordance with Department policy:

1. Ten dollars ($10.00) per individual for booking.
2. Ten dollars ($10.00) per letter of initial letter of incarceration.
3. Two dollars ($2.00) per duplicate of letter of incarceration, issued same day.
4. Ten dollars ($10.00) per visit to the dentist or physician, excluding those for mental health.
5. Seven dollars ($7.00) per visit to physician's assistant or nurse practitioner, excluding those for mental health.
6. Five dollars ($5.00) per visit to the nurse.
7. Ten dollars ($10.00) per prescription administered through the Department.
8. Ten dollars ($10.00) per prescription administered through the Department.
9. Five dollars ($5.00) per visit to the nurse.
10. Ten dollars ($10.00) per set of fingerprints for each individual, not otherwise being booked into the Adult Detention Facility, on a single day. (Ord. No. 01-116 §3, 9-26-01; Ord. No. 03-078 §1, 6-25-03; Ord. No. 03-123 §1, 8-27-03; Ord. No. 05-124 §1, 8-30-05; Ord. No. 06-056 §3, 4-25-06; Ord. No. 11-026 §3, 5-2-11)

CHAPTER 126: DEPARTMENT OF INFORMATION SYSTEMS

SECTION 126.010: FEES CHARGED BY THE DEPARTMENT OF INFORMATION SYSTEMS FOR SERVICES RELATED TO ISSUANCE OF ANNUAL DATA LICENSES

A. The Department of Information Systems shall collect certain fees as set forth in Subsections (B) through (E) for issuance of annual data licenses, provided that the licensee executes the "St. Charles County, Missouri GIS Data Licensing Agreement". An annual license shall include all updates during that license period. Licenses may be established for the entire data layer or for identifiable individual layers.

B. The fee schedule for issuance of annual data licenses frequently requested by the public ("GIS Data Layer Pricing") shall be established by the Director of Information Systems, upon approval by the Director of Administration, not to exceed the cost to the County as set forth in Section 67.1850, RSMo. The Director of Information Systems shall direct that the GIS Data Layer Pricing be posted in the Department of Information Systems in an area accessible to the public and on the Department's website.

C. The Director of Information Systems is hereby authorized to provide additional tabular or spatial data layers, not already available in the current GIS Data Layer Pricing pursuant to Subsection (B), and to establish the fee therefore. Such fee shall not exceed the cost to the County as set forth in Section 67.1850, RSMo.

D. The Department of Information Systems shall not collect any annual data license fee from a governmental entity, provided that the governmental entity executes the "St. Charles County, Missouri GIS Data Licensing Agreement".

E. The Department of Information Systems may, at the discretion of the Director of Information Systems, issue single-use licenses at ten percent (10%) of the GIS Data Layer Pricing in effect at that time pursuant to Subsection (B) or (C), for the purpose of journalistic or scholarly research, provided that the licensee executes the "St. Charles County, Missouri GIS Data Licensing Agreement".

F. Enforcement of the provisions of this Section shall be the responsibility of the Director of Information Systems. (Ord. No. 06-170 §§1--4, 11-28-06; Ord. No. 07-123 §1, 8-28-07; Ord. No. 12-082 §1, 11-5-12)

CHAPTER 127: DEPARTMENT OF GOVERNMENTAL COMMUNICATIONS

SECTION 127.010: ESTABLISHMENT

Pursuant to Section 2.507 of the St. Charles County Charter and the recommendation of the County Executive, the County Department of Governmental Communications is hereby created. The Department shall be responsible for planning, implementing, coordinating and directing a variety of community relations and public information activities as well as directing the internal printing and copying service, internal mail distribution system, and video production activities. (Ord. No. 99-100 §1, 7-12-99)
SECTION 127.020: DIRECTOR--APPOINTMENT--TERM
A. The Department shall be headed by a Director who shall be exempted from the Merit System pursuant to the St. Charles County Charter, Section 7.300 (1998).

B. Pursuant to Section 3.601.1 and Section 4.1503 of the St. Charles County Charter, the County Executive shall appoint the Director of Governmental Communications, subject to approval by the County Council. The Director shall serve until his successor is duly qualified and appointed. (Ord. No. 99-100 §§2, 7-12-99)

SECTION 127.030: VACANCY
In the case of a vacancy in the office of Director, the vacancy shall be filled in the same manner as an appointment is made. However, the County Executive, pursuant to the St. Charles County Charter, Section 3.603 (1998) may appoint an Acting Director who shall serve for a period until a new Director is appointed. (Ord. No. 99-100 §6, 7-12-99)

SECTION 127.040: DUTIES AND POWERS
The Director of the Department of Governmental Communications shall be responsible for the Department and shall have such duties and powers as directed by the County Executive. The Director shall not be involved in promoting or advocating the public policy viewpoints of elected officials or County employees. (Ord. No. 99-100 §7, 7-12-99)

SECTION 127.050: DEPARTMENT DIRECTOR AND EMPLOYEES NOT TO REPRESENT THE COUNTY COUNCIL UNLESS AUTHORIZED
Neither the Director of the Department nor any employee of the Department shall be considered to be a representative of the County Council unless the Council has provided prior approval for representation. Such approval may take the form of a passage of a bill, resolution, or other such communication as the Council may deem appropriate in the future. (Ord. No. 99-100 §8, 7-12-99)

SECTION 127.060: CONSOLIDATION OF CERTAIN OTHER DEPARTMENTS
A. The duties and responsibilities formerly assigned to the Printing and Mail Section of the Management Information Systems Department are hereby transferred to the Department of Governmental Communications effective September 1, 1999, and the Printing and Mail Section of the Management Information Systems Department will henceforth be abolished on that date. Employees of that section will thereby be consolidated with those of the Department of Governmental Communications.

B. The duties and responsibilities formerly assigned to the Facilities Maintenance Department relating to video production are hereby transferred to the Department of Governmental Communications. (Ord. No. 99-100 §§3--4, 7-12-99)

CHAPTER 128: DEPARTMENT OF WORKFORCE DEVELOPMENT

SECTION 128.010: DEPARTMENT ESTABLISHED--DIRECTOR APPOINTED--VACANCY
A. A County Department of Workforce Development ("Department") is hereby created consisting of a department head and an appropriate number of County merit employees.

B. All employees of the department, excluding the department head, shall be merit employees. All employees of the department shall be hired, fired, promoted and disciplined by the department head in accordance with the County Merit System and County Personnel Administration Program.

C. The department shall be headed by a Director who shall be exempted from the Merit System pursuant to the St. Charles County Charter, Article VII, Section 7.300. The department head shall be a St. Charles County employee and shall be known by the working title of Executive Director. The position of Executive Director in the Department of Workforce Development shall be assigned to Pay Grade 20 in the Basic Pay Plan.

D. Pursuant to Section 2.503 and Section 4.1503 of the St. Charles County Charter, the County Executive shall appoint the Director of the Department of Workforce Development subject to approval by the County Council on the consent agenda.

E. In the case of a vacancy in the office of Director, the vacancy shall be filled in the same manner as an appointment is made. However, the County Executive, pursuant to the St. Charles County Charter, Section 3.603 (1998) may appoint an Acting Director who shall serve until a new director is appointed for a period not to exceed one hundred eighty (180) days. If the vacancy has not been filled in the manner provided by Charter, the County Executive shall submit the acting officer's nomination to the County Council for their approval. If the County Council approves the nomination, the acting officer shall serve until such time as the vacancy is filled in the manner provided by Charter. (Ord. No. 99-162 §§1--5, 12-29-99)

Editor's Note--Reference in subsection (D) above to Section 2.503 of the Charter has been changed from 2.1503 which was a typographical error in ord. no. 99-162 adopted 12-29-99.
SECTION 128.020: POWERS AND DUTIES
A. The Director shall possess and exercise all powers given him by applicable law, shall be responsible for the operations of the department and shall have such duties and powers as directed by the County Executive.
B. The department head shall operate the department within the guidelines of the County Personnel Administration Program and purchasing policy.
C. The department as a whole shall be responsible for the operation of programs that provide employment and training services for St. Charles County citizens who meet Federal guidelines as low income, dislocated workers, teenage parents, or individuals with physical or mental impairment.
D. The department head shall govern and control the day to day operations of the department. The department head shall report only to the County Executive.
E. The department head shall take any action regarding merit employees including the hiring, firing, promoting or disciplining of employees, within the guidelines of the County Personnel Administration Program. (Ord. No. 99-162 §6, 12-29-99)

CHAPTER 129: COUNTY REGISTRAR

SECTION 129.010: OFFICE OF COUNTY REGISTRAR -- ESTABLISHED
A. The office of County Registrar is hereby created and shall be a division of the Department of Finance.
B. The position of County Registrar is hereby established as a position within the merit system.
C. Pursuant to Article II, Section 2.507 of the St. Charles County Charter, and on the recommendation of the County Executive, the functions and duties of the office of County Clerk as delineated in the Revised Statutes of the State of Missouri, including, but not limited to, the duty to accept service of summons on the County as required by Section 506.150, RSMo., shall be transferred to the Department of Finance, with the exception of the functions and duties set out in Subsection (D) below. Those duties and functions transferred by Ordinance No. 01-159 and amended by Ordinance No. 04-096 and transferred by Ordinance No. 01-159 shall now be transferred to the Registrar Division of the Department of Finance.
D. The functions and duties of the office of County Clerk which are excepted from the transfer to the office of County Registrar and remain the responsibility of the County Clerk are all functions and duties regarding:
   1. Voter registration and the conduct and certification of elections;
   2. Petitions seeking the establishment of political subdivisions or special districts;
   3. Petitions, certification and recording of boundary changes, including, but not limited to, consolidations, incorporations, disincorporations of political subdivisions or special districts, petitions seeking the establishment of, or inclusion of a new area in, special districts and the transfer of areas between school districts in accordance with Missouri law.
E. The above transfer of functions and duties from the County Clerk to Registrar became effective January 1, 2002. The transfer of the duties of the Registrar to a division of the Department of Finance shall become effective January 1, 2009. (Ord. No. 01-159 §§1-5, 9-26-01; Ord. No. 04-096 §1, 6-30-04; Ord. No. 08-130 §1, 10-30-08)

SECTION 129.020: FEES FOR SERVICES TO NOTARIES PUBLIC
A. The County Clerk shall charge the following fee for services required by Sections 486.200 through 486.405, Revised Statutes of Missouri, as amended:
   Five dollars ($5.00) for processing the applicant's bond, maintaining the applicant's signature on file and entering the notary in the register of notaries for the County of St. Charles.
B. On January 1, 2002, the duty of the County Clerk set forth in Sections 486.200 through 486.405, Revised Statutes of Missouri, as amended, shall be transferred to the County Registrar and the authority to collect this fee shall likewise be transferred from the County Clerk to the County Registrar. (Ord. No. 01-159 §§1--2, 11-28-01)

CHAPTER 130: DEPARTMENT OF FINANCE

ARTICLE I. DEPARTMENT OF FINANCE--POWERS AND DUTIES--DIRECTOR

SECTION 130.010: ESTABLISHMENT
The Department of Finance and Director of Finance positions are hereby established to perform certain functions as outlined in Section 130.050 of this Article and other functions which may hereafter be assigned to the Director by the Council. (Ord. No.
SECTION 130.020: SELECTION OF DIRECTOR
The Director of Finance is a newly created position, the appointment of which is not covered by the Merit System, but the Director's removal shall be governed by the Merit System. The Director shall be appointed by the County Executive and approved by the County Council on the consent agenda. The Director shall serve until his successor is duly qualified and appointed. (Ord. No. 95-1 §2, 1-3-95; Ord. No. 95-15 §1, 2-17-95)

SECTION 130.030: VACANCY
In case of vacancy in the office of Director, the vacancy shall be filled in the same manner as an appointment is made. However, the County Executive, pursuant to the St. Charles County Charter, Article III, Section 3.603 (1992) may appoint an Acting Director who shall serve for a period not to exceed ninety (90) days. (Ord. No. 95-1 §3, 1-3-95)

SECTION 130.040: REMOVAL
Removal of the Director of Finance shall be governed by the Merit System. (Ord. No. 95-1 §4, 1-3-95; Ord. No. 95-15 §2, 2-17-95)

SECTION 130.050: POWERS AND DUTIES
A. The Director of Finance shall operate the office within the guidelines of the County personnel policy and purchasing policy.
B. The Director of Finance shall account for and deposit, in accordance with applicable law, funds, all fees, commissions, penalties and other funds payable to this office.
C. The Director of Finance shall possess and exercise all powers and duties now or hereafter given to the office of Treasurer for a County of the First Class by applicable law except for powers or duties removed or assigned to other offices pursuant to the provisions of the Charter.
D. The Director of Finance shall be responsible for the development, implementation and maintenance of a system which allows him to process all accounts payable of St. Charles County including accepting requests for payment of goods or services, approving such requests if such requests are within the guidelines of the Department's budget and issuing payment.
E. The Director of Finance shall be responsible for development, implementation and maintenance of a system of payment of all salaries, pay and expenses to employees of St. Charles County Government. In carrying out the functions and duties related to the payment of all salaries, pay and expenses to employees of St. Charles County Government, the Director of Finance may establish a system of direct deposit.
F. The Director of Finance shall be responsible for coordination of the annual external-contracted audit and shall provide all requested information for the annual audit.
G. The Director of Finance shall be responsible for development, presentation and disbursement of the annual financial report for St. Charles County.
H. The Director of Finance is hereby authorized to dispose of personal property items with a value of twenty-five thousand dollars ($25,000.00) or less, no longer needed by the County or determined to be obsolete, at the most advantageous terms available. Any such disposal shall be made only after notice to, and approval by, the County Executive. (Ord. No. 95-1 §5, 1-3-95; Ord. No. 99-88 §1, 7-1-99)

SECTION 130.055: TRANSFERRING CERTAIN DUTIES FROM COUNTY AUDITOR TO THE DIRECTOR OF FINANCE AND ABOLISHING CERTAIN DUTIES
A. The following duties, currently assigned to and performed by the County Auditor, shall be abolished:
   1. The duty to countersign duplicate numbered tax receipts; and
   2. The duty to countersign checks which disburse money by the County Collector.
B. The responsibility for maintaining the fixed asset system and tagging new property is hereby transferred from the County Auditor to the Department of Finance; however, the County Auditor shall continue to perform the duty of keeping an inventory of all County property pursuant to Section 55.030, RSMo.
C. The Director of Finance shall keep account of all appropriations and expenditures made by St. Charles County's governing body, departments, divisions, bureaus, commissions, boards and officers.
D. No warrant shall be drawn or obligations incurred without the Director of Finance's certification that an unencumbered balance, sufficient to pay the same, remains in the appropriation account against which such warrant or obligation is to be charged.
E. The Director of Finance shall audit and examine all accounts, demands, and claims of every kind and character presented for payment against St. Charles County, and shall approve to St. Charles County's governing body all lawful, true and just accounts, demands, and claims of every kind and character payable out of St. Charles County revenue or out of any St. Charles County funds

157
SECTION 130.056: TRANSFERRING CERTAIN DUTIES FROM COUNTY COLLECTOR TO DIRECTOR OF FINANCE

A. The duties concerning the issuance of licenses and the collection of license fees for vendors of goods, wares and merchandise pursuant to Chapter 150, RSMo., shall be transferred from the Collector of Revenue to the Department of Finance effective July 1, 2004, and the issuance of licenses and the collection of license fees for manufacturers as defined in Section 150.300, RSMo., shall be transferred from the Collector of Revenue to the Department of Finance effective September 1, 2004.

B. From and after July 1, 2004, the Department of Finance shall collect merchant license fees and issue merchant licenses to every person, corporation, copartnership or association of persons, except motor vehicle dealers as defined in Sections 150.010 to 150.0155, RSMo., who shall deal in the selling of goods, wares and merchandise at any store, stand or place occupied for that purpose. Every person, doing business in this County, who shall, as a practice in the conduct of such business, make or cause to be made any wholesale or retail sales of goods, wares and merchandise to any person, corporation, copartnership or association of persons shall be deemed to be a merchant whether said sales be accommodation sales, whether they be made from a stock of goods on hand or by ordering goods from another source, and whether the subject of said sales be similar or different types of goods than the type, if any, regularly manufactured, processed or sold by said seller.

From and after September 1, 2004, the Department of Finance shall collect manufacturer license fees from, and issue manufacturer's licenses to, every person, company or corporation who shall hold or purchase personal property for the purpose of adding to the value thereof by any process of manufacturing, refining or by the combination of different materials.

Upon non-compliance with the provisions of this Section by a merchant or manufacturer, the Director of Finance shall issue a warning and if there is a continuing failure to comply and after consultation with the Director of Administration, may suspend, revoke or refuse to renew the license, as provided herein. (Ord. No. 04-078 §§1--2, 5-27-04; Ord. No. 04-133 §1, 9-1-04)

SECTION 130.057: FEES CHARGED BY THE DEPARTMENT OF FINANCE FOR SERVICES RELATED TO ISSUANCE OF MERCHANT AND MANUFACTURER LICENSES

The Department of Finance shall collect certain fees related to duties as set out in Section 130.056 for issuance of merchant and manufacturer licenses. Fees shall be based upon the business' annual sales volume as reported to the Missouri Department of Revenue:

<table>
<thead>
<tr>
<th>Annual Sales Volume</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $1 million</td>
<td>$15.00</td>
</tr>
<tr>
<td>$1 million to $10 million</td>
<td>$20.00</td>
</tr>
<tr>
<td>Over $10 million</td>
<td>$25.00</td>
</tr>
</tbody>
</table>

(Ord. No. 04-133 §2, 9-1-04)

SECTION 130.060: QUALIFICATIONS

To serve as Director of Finance, a person:

1. Must, within one hundred twenty (120) days of appointment, be a resident of St. Charles County;
2. Must have a Bachelor's degree in Business with a major in accounting or finance;
3. Must have at least ten (10) years of suitable experience;
4. Shall not, at the time of assuming office, hold any other remunerative office with the United States, the State of Missouri, St. Charles County, or any political subdivision of the State. This subparagraph shall not apply to membership in the military forces of the United States, State militia, or notaries public; and
5. Shall take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Missouri, to abide by the St. Charles County Charter and to faithfully perform all of the duties of the office. (Ord. No. 95-1 §6, 1-3-95)

SECTION 130.070: SALARY

The salary of the Director of Finance shall be fixed by the County Executive as part of the annual budget, subject to approval by the County Council. Such salary shall be paid to the Director in lieu of all fees, commissions, penalties, charges or other money due to or receivable by such officer. Salary, mileage, travel, and other actual and necessary expenses incurred by the Director shall be reimbursed as provided by ordinance. (Ord. No. 95-1 §7, 1-3-95)

ARTICLE II. MISCELLANEOUS PROVISIONS
SECTION 130.080: DEFINING THE ACCOUNTING OFFICER
A. The "Accounting Officer" of St. Charles County is hereby defined as the Director of Finance. In each instance that the term "Accounting Officer" is used, it should be construed to mean the Director of Finance.
B. The Director of Finance shall perform all duties imposed on the "Accounting Officer" by State Statute, Charter or ordinance. (Ord. No. 95-84 §§1–2, 6-28-95)

ARTICLE III. BUDGET PROCEDURES

SECTION 130.090: BUDGET PROCEDURES
A. The Department of Finance shall provide budget estimate forms to each department, elected official, the Circuit Court or other appropriate entity of the County by August fifteenth (15th) of each year. Each department, elected official, the Circuit Court, or other appropriate entity of the County shall prepare and submit to the County Executive by September fifteenth (15th) of the same year, estimates of its requirements for expenditures and its estimated revenues for the next budget year.
B. If any department, elected official, the Circuit Court or other entity responsible for submitting budget estimates to the County fails to return its budget estimates on or before September fifteenth (15th) of each year to the County Department of Finance, the County Executive shall make the estimates, and his estimates shall be considered the estimates of the department, elected official, the Circuit Court or other appropriate entity of the County, as provided for by Section 50.540, RSMo.
C. The estimates so submitted by the departments, elected officials, the Circuit Court, Circuit Clerk or other entity responsible for submitting a budget shall be reviewed and altered, revised, increased or decreased as necessary in view of the total financial needs of the County and the probable income for the year; however the budget officer or the County Council shall not change the estimates of the Circuit Court or of the Circuit Clerk without the consent of the Circuit Court or the Circuit Clerk, respectively, but shall appropriate in the appropriation ordinance the amounts estimated as originally submitted or as changed, with their consent. If the County deems the estimates of the Circuit Court to be unreasonable, the County may file a petition for review with the Judicial Finance Commission in accordance with Section 50.640 of the Revised Statutes of Missouri.
D. Pursuant to Article VI, Section 6.201 of the St. Charles County Charter, the budget will be submitted to the County Council on or before the first (1st) day of November, 2002. (Ord. No. 02-032 §§1–4, 3-28-02; Ord. No. 02-074 §1, 5-29-02)

ARTICLE IV. DEFERRED COMPENSATION MATCH BENEFIT PROGRAM

SECTION 130.100: DEFERRED COMPENSATION MATCH BENEFIT PROGRAM
A. Deferred Compensation Match Benefit Program Established. There is hereby established, effective April first (1st), 2002, a Deferred Compensation Match Benefit Program which shall be funded in those years in which an appropriation is authorized in the County Budget. The Deferred Compensation Match Benefit Program shall be a Chapter 401(a) plan under the Internal Revenue Service Code, administered by the County.
B. Department Of Finance To Administer The Plan. The Department of Finance shall administer the plan in accordance with the requirements of this Section. The County shall choose a provider or providers of investment plans by competitive bidding. The Director of Finance, or his designee, is hereby designated the Plan Administrator. At no time shall the County, or any of its employees, act as a financial advisor to employees.
C. Eligibility, Participation, Vesting. Plan eligibility and participation requirements and vesting stipulations are covered in Section 115.320(6). (Ord. No. 02-025 §§1–4, 2-27-02; Ord. No. 05-187 §3, 12-20-05)

SECTION 130.110: EDUCATIONAL ASSISTANCE PROGRAM
A. Establishment Of The Educational Assistance Program And Board. The County Executive is hereby authorized to develop a process and program for educational assistance to be supported by the current and future late filing fees collected by the County Collector. The County Executive shall appoint, subject to confirmation by the County Council, an Educational Assistance Board whose members shall serve staggered terms and shall consist of two (2) department heads or elected officials, three (3) employee representatives, the County Director of Personnel and the County Director of Finance. The Board shall develop, with the approval of the County Executive, the goals of the program, application process, eligibility criteria, level of reimbursement and any other matter relevant to the program. The Educational Assistance Board shall administer the Educational Assistance Program and shall be responsible for approving or denying all requests and its decision shall be final.
B. Educational Assistance Fund. The Director of Finance is hereby authorized to create an Educational Assistance Fund which shall consist of the late filing fees collected by the County Collector. The Director of Finance shall be responsible for the administration and investing of the Educational Assistance Fund. Funds not expended in any fiscal year shall remain in the Educational Assistance Fund which may be used for the following purposes:
   1. The education reimbursement line item shall be used for the purpose of tuition reimbursement for eligible classes at approved institutions or for the reimbursement of or the payment for professional development classes, courses, training, seminars or conferences approved by the Educational Assistance Board.
2. The Chapter 401(a) contribution line item may be used for the purpose of providing funding to the deferred compensation match benefit as defined under Section 115.320(6).

3. The miscellaneous line item may be used for purposes recommended by the Board and approved by the County Executive. (Ord. No. 05-187 §4, 12-20-05)

CHAPTER 131: FAMILY ARENA

SECTION 131.010: CREATION OF FAMILY ARENA

Pursuant to Section 2.507 of the St. Charles County Charter and the recommendation of the County Executive, the Family Arena is hereby created consisting of a General Manager and an appropriate number of County non-merit employees. (Ord. No. 01-158 §1, 11-29-01; Ord. No. 11-067 §1, 7-26-11)

SECTION 131.020: FAMILY ARENA EMPLOYEES -- NON-MERIT

All employees of the Family Arena, including the General Manager, shall be non-merit employees at will. All employees of the Family Arena shall be hired, fired, promoted and disciplined by the General Manager in accordance with the County Personnel Administration Program, but in no event shall merit rules apply to the employment of personnel employed in the Family Arena. (Ord. No. 01-158 §2, 11-29-01; Ord. No. 11-067 §1, 7-26-11)

SECTION 131.030: GENERAL MANAGER TO HEAD FAMILY ARENA

The Family Arena shall be operated day-to-day by a General Manager who shall be exempted from the merit system pursuant to the St. Charles County Charter, Article VII, Section 7.300. The General Manager shall be a St. Charles County employee and shall be known by the working title of Family Arena General Manager. (Ord. No. 01-158 §3, 11-29-01; Ord. No. 02-013 §1, 1-30-02; Ord. No. 11-067 §1, 7-26-11)

SECTION 131.040: APPOINTMENT OF GENERAL MANAGER

The County Executive shall appoint the General Manager of the Family Arena subject to the approval of the County Council. (Ord. No. 01-158 §4, 11-29-01; Ord. No. 11-067 §1, 7-26-11)

SECTION 131.050: VACANCY IN THE OFFICE OF GENERAL MANAGER

In a case of a vacancy in the office of General Manager, the vacancy shall be filled in the same manner as the initial appointment. However, the County Executive may appoint an Acting General Manager. (Ord. No. 01-158 §5, 11-29-01; Ord. No. 11-067 §1, 7-26-11)

SECTION 131.060: GENERAL MANAGER -- POWERS AND DUTIES

A. The General Manager shall possess and exercise all powers given him by applicable law, shall be responsible for the operations of the Family Arena and shall have such duties and powers as directed by the County Executive.

B. The General Manager of the Family Arena shall operate the Family Arena within the guidelines of the County Personnel Administration Program and purchasing policy, however, in no event shall the merit rules apply to any employee of the Family Arena.

C. The General Manager shall be responsible for the operation of the Family Arena and shall govern and control the day-to-day operations of the Family Arena. The General Manager shall report only to the County Executive and his designee, the County Director of Administration.

D. The General Manager of the Family Arena shall take any action regarding the non-merit employees, including hiring, firing, promoting and disciplining employees, and shall take such action within the guidelines of the Personnel Administration Program, excluding the merit system rules. (Ord. No. 01-158 §6, 11-29-01; Ord. No. 11-067 §1, 7-26-11)

CHAPTER 132: DEPARTMENT OF COMMUNITY DEVELOPMENT

SECTION 132.010: ESTABLISHMENT

Pursuant to Section 2.507 of the St. Charles County Charter and the recommendation of the County Executive, the Building Department and the Department of Planning are abolished and a new Department of Community Development is hereby created. The functions of the former departments are placed in the administrative structure of the new Department of Community Development and all powers and duties, including those set out in Section 132.100 below, formerly held by the abolished departments are hereby transferred to the new department. (Ord. No. 02-204 §1, 12-23-02)
SECTION 132.020: FUNCTIONS
In addition to the functions established in Section 132.010 above, the duties of plan review and neighborhood improvement districts are transferred from the County Highway Department to the newly created Department of Community Development. These functions are placed in the administrative structure of the new Department of Community Development and all powers and duties exercised by those fulfilling these functions, including those set out in Section 132.100 below, are hereby transferred to the new department. (Ord. No. 02-204 §2, 12-23-02)

SECTION 132.030: DIRECTOR TO BE DEPARTMENT HEAD
The department shall be headed by a director who shall be exempted from the merit system pursuant to the St. Charles County Charter, Section 7.300 (2002). (Ord. No. 02-204 §3, 12-23-02)

SECTION 132.040: DIRECTOR OF DIVISION OF PLANNING AND ZONING
The former position of Director of Planning is abolished and the position of Director of the Division of Planning and Zoning is hereby created. The current Director of Planning is transferred to the new merit position of Director of the Division of Planning and Zoning in the same pay grade and classification. (Ord. No. 02-204 §4, 12-23-02)

Editor's Note--For designation of division of planning and zoning, see ord. no. 03-195 adopted 12-31-03.

SECTION 132.050: DIRECTOR OF DIVISION OF BUILDING CODE ENFORCEMENT
The former position of Building Department Director is abolished and the position of Director of the Division of Building Code Enforcement is hereby created. The current Building Department Director is transferred to the new merit position of Director of the Division of Building Code Enforcement in the same pay grade and classification. (Ord. No. 02-204 §5, 12-23-02)

SECTION 132.060: DIRECTOR OF DIVISION OF DEVELOPMENT REVIEW
The former position of Engineering Review Manager in the County Highway Department is retitled and transferred to the Department of Community Development and shall be known as the Director of the Division of Development Review. The current Engineering Review Manager in the County Highway Department is transferred to the new merit position of Director of the Division of Development Review in the new Department of Community Development. The position of Neighborhood Improvement District Program Coordinator is retitled and transferred to the new Department of Community Development and shall be known as the Director of the Division of Neighborhood Improvement. But effective on March 28, 2006, the position of Director of the Division of Neighborhood Improvement is abolished and its functions are hereby reassigned to the Director of the Division of Development Review. (Ord. No. 02-204 §6, 12-23-02; Ord. No. 06-041 §1, 3-28-06)

SECTION 132.065: DIRECTOR OF DIVISION OF NEIGHBORHOOD PRESERVATION
The position of Director of the Division of Neighborhood Preservation is hereby created and that Division shall have the functions assigned to it in or pursuant to Section 132.100(D) of this Chapter. (Ord. No. 06-041 §1, 3-28-06)

SECTION 132.070: TRANSFER OF EMPLOYEES AND POSITIONS
All employees and positions currently assigned to the Building Department, the Department of Planning, the Neighborhood Improvement District Program Coordinator and the Engineering Review Manager in the County Highway Department are transferred to the new Department of Community Development. (Ord. No. 02-204 §7, 12-23-02)

SECTION 132.080: APPOINTMENT
Pursuant to Section 2.503 and Section 4.1503 of the St. Charles County Charter, the County Executive shall appoint the Director of Community Development, subject to approval by the County Council. The Director shall serve until his successor is duly qualified and appointed. (Ord. No. 02-204 §8, 12-23-02)

SECTION 132.090: VACANCY
In the case of a vacancy in the office of Director, the vacancy shall be filled in the same manner as an appointment is made. However, the County Executive, pursuant to the St. Charles County Charter, Section 3.603 (2002), may appoint an acting Director who shall serve for a period until a new Director is appointed. (Ord. No. 02-204 §9, 12-23-02)

SECTION 132.100: RESPONSIBILITIES
A. The Director of the Department of Community Development shall be responsible, through the Division of Planning and Zoning, for the administration of the zoning and subdivision regulations in Chapters 405 and 410 of the Unified Development Ordinance
of St. Charles County and for all associated functions, including enforcement except as otherwise provided pursuant to Section 132.100(D) of this Chapter.

B. The Director of the Department of Community Development shall be responsible, through the Division of Development Review, for reviewing and approving plans pursuant to the regulations in Chapters 405, 410 and 412 of the Unified Development Ordinance of St. Charles County, and for managing public works projects undertaken for neighborhood improvement districts established by St. Charles County, and for all associated functions, including enforcement except as otherwise provided pursuant to Section 132.100(D) of this Chapter.

C. The Director of the Department of Community Development shall be responsible, through the Division of Building Code Enforcement, for the administration of the Building Codes of St. Charles County adopted in Sections 500.010 through 500.080, Ordinances of St. Charles County, Missouri, and for all associated functions, including enforcement except as otherwise provided pursuant to Section 132.100(D) of this Chapter.

D. The Director of the Department of Community Development shall be responsible, through the Division of Neighborhood Preservation, for the enforcement of the Property Maintenance Code of St. Charles County adopted in Section 500.090, Ordinances of St. Charles County, Missouri, and for the enforcement of such specific provisions of the Unified Development Ordinance and of the above-mentioned Building Codes of St. Charles County as the Director may assign to that Division.

E. The Director of the Department of Community Development shall be responsible for the administration of the department and shall possess all other powers previously vested by order or ordinance in the former, and now abolished, Departments of Planning and Building and in the Plan Review and Neighborhood Improvement District functions of the County Highway Department. (Ord. No. 02-204 §10, 12-23-02; Ord. No. 06-041 §1, 3-28-06)

Editor's Note--For designation of division of planning and zoning, see ord. no. 03-195 adopted 12-31-03.
C. Park Rangers shall engage in general law enforcement duties when inside the boundaries of St. Charles County parks. Except as authorized by the Sheriff or the Sheriff's designee, Park Rangers shall not engage in general law enforcement duties when they are outside of the boundaries of St. Charles County parks. In no event shall Park Rangers participate in any vehicular pursuits outside park boundaries.

D. Commissioned and licensed Peace Officer in the employ of the County and working as Park Rangers in the St. Charles County Parks and Recreation Department shall only carry such weapons on duty as the Sheriff shall authorize and for which such Peace Officer is trained and qualified through the Sheriff's Department to carry. Such Peace Officer shall remain current in his/her firearm qualification as required by the Sheriff's Department.

E. As required by Chapter 590 of the Revised Statutes of the State of Missouri, the Park Rangers shall be responsible to the Sheriff for their attendance at the following training and for producing the following reports:
   1. Racial Profile Reports for all traffic stops within the St. Charles County Parks as set out in the Sheriff's Department policy adopted pursuant to the requirements of Section 590.650 of the Revised Statutes of Missouri.
   2. Annual training on racial profiling as required by Section 590.050 of the Revised Statutes of Missouri.
   3. Annual POST certification and licensure training as required by POST rules established pursuant to the authority of the Director of Public Safety in Section 590.030, RSMo.

F. Each Park Ranger commissioned as a Peace Officer by the Sheriff shall, prior to entering upon the discharge of his duties, take and subscribe an oath of office to perform his duties as a Peace Officer faithfully and impartially.

G. The Sheriff shall report the name of any Park Ranger who fails to meet the criteria for certification and licensure to the Director of the Department of Public Safety as required by Section 590.070, RSMo. (Ord. No. 01-133 §§1-7, 10-31-01; Ord. No. 08-069 §1, 6-6-08)

CHAPTER 134: DEPARTMENT OF COMMUNITY HEALTH AND THE ENVIRONMENT

SECTION 134.010: CREATION OF DEPARTMENT

Pursuant to Section 2.507 of the St. Charles County Charter and the recommendation of the County Executive, the County Departments of Humane and Environmental Services and County Health are abolished and a new Department of Community Health and the Environment is hereby created. The functions of the former Departments are placed in the administrative structure of the new Department of Community Health and the Environment, and all powers and duties, including those set out in Section 134.050 below, formerly held by the abolished departments are hereby transferred to the new Department. (Ord. No. 96-24 §1, 2-27-96)

SECTION 134.020: DIRECTOR TO HEAD DEPARTMENT

The Department shall be headed by a director who shall be exempted from the Merit System pursuant to the St. Charles County Charter, Section 7.300 (1992). (Ord. No. 96-24 §2, 2-27-96)

SECTION 134.030: ORGANIZATION--ESTABLISHMENT OF NEW POSITIONS

A. The former position of Nursing Services Administrator is abolished and the position of Deputy Director of the County Division of Public Health is hereby created. The current Nursing Services Administrator is transferred to the new merit position of Deputy Director of the Division of Public Health in the same pay grade and classification.

B. The former position of Department Director of Humane and Environmental Services is abolished and the position of Deputy Director of the County Division of Humane Services is created. The current Director of Humane and Environmental Services is transferred to the new merit position of Deputy Director of the Division of Humane Services in the same pay grade and classification.

C. The former position of Solid Waste Manager in the Humane and Environmental Services Department is hereby abolished and a new merit position of Deputy Director of the Division of Environmental Services is hereby created. (Ord. No. 96-24 §§3--5, 2-27-96)

Cross Reference--As to pay grades and classifications for the above positions, see §115.710 of this code.

SECTION 134.040: APPOINTMENT OF DIRECTOR -- TERM -- VACANCY

A. Pursuant to Section 2.503 and Section 4.1503 of the St. Charles County Charter, the County Executive shall appoint the Director of Community Health and the Environment, subject to approval by the County Council. The Director shall serve until his successor is duly qualified and appointed.

B. In the case of a vacancy in the office of Director, the vacancy shall be filled in the same manner as an appointment is made. However, the County Executive, pursuant to the St. Charles County Charter, Section 3.603 (1992) may appoint an acting director who shall serve for a period until a new director is appointed. (Ord. No. 96-24 §§6--7, 2-27-96)
SECTION 134.050: DIRECTOR--POWERS AND DUTIES

A. The Director of the Department of Community Health and the Environment shall be responsible for determining the public health, humane and environmental needs of St. Charles County.

B. The Director of the Department of Community Health and the Environment shall be responsible for the assessment of the public health needs of St. Charles County, the compilation of data concerning the health status of the County, establishing a plan for the delivery of public health services, including but not limited to communicable disease control, health education, restaurant inspections, immunizations and facilitating and coordinating public health resources available within the County.

C. The Director of the Department of Community Health and the Environment shall be responsible for the operation of all humane services functions in the County, including the custody and control of dangerous animals at large in the unincorporated areas of the County, the enforcement of the rabies and registration laws, the provision for kenneling of animals while in custody and other related functions.

D. The Director of the Department of Community Health and the Environment shall be responsible for recycling coordination, resource recovery, and implementation of the County's solid waste management plan.

E. The Director of the Department of Community Health and the Environment shall be responsible for the administration of the Department and shall possess all other powers previously vested by order or ordinance in the former, and now abolished, Departments of Humane and Environmental Services and County Health. (Ord. No. 96-24 §8, 2-27-96)

SECTION 134.060: RESERVED

Editor's Note--Ord. no. 07-061 transferred the division of emergency management within the department of community health and environment to the sheriff's department as the division of emergency management and is now set out in section 200.060. Former section 134.060 "division of emergency management" derived from ord. no. 02-205 §§1--5, 12-23-02.

CHAPTER 135: PURCHASING POLICY

ARTICLE I. DELEGATION OF PROCUREMENT FUNCTION

SECTION 135.010: SCOPE AND PURPOSE

A. The primary objective of this policy is to assure that the procurement of all materials, supplies, equipment and services for St. Charles County shall be in accordance with applicable statutes of the State of Missouri and shall be accomplished in such a manner that the maximum value will be obtained for the money expended. This policy also provides guidance for grant applications, franchise agreements, reimbursement and other contracts in which the County serves as a pass-through to provide funding to other agencies for the benefit of County residents. Procedures outlined herein shall apply to all County funds.

B. Purchase refers to the procurement of any and all supplies, materials, equipment, contractual services or articles and shall include the rental or leasing of any equipment or articles, and any cost of financing the lease/purchase of equipment, articles, or services. (A purchase is one (1) transaction, regardless of the number or type of items acquired or ordered in that transaction.) This definition should be used when applying the procurement procedures contained herein. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.020: SOURCE AND EXTENT OF PROCUREMENT RESPONSIBILITY

A. The Department of Finance shall have responsibility for purchasing, acquiring, leasing and renting goods and services for the County and for the sale, disposition, leasing and renting of County surplus goods or services.

B. Purchase refers to the procurement of any and all supplies, materials, equipment, contractual services or articles and shall include the rental or leasing of any equipment or articles, and any cost of financing the lease/purchase of equipment, articles, or services. (A purchase is one (1) transaction, regardless of the number or type of items acquired or ordered in that transaction.) This definition should be used when applying the procurement procedures contained herein. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.030: ESTABLISHMENT OF POLICY

ARTICLE II. GENERAL PURCHASING POLICIES
The Department of Finance will establish and administer purchasing procedures, negotiate contracts on behalf of the County and its departments, and coordinate purchasing procedures with the departments. (Ord. No. 00-032 §§1–2, 3-29-00)

SECTION 135.040: FEDERAL, STATE AND COOPERATIVE PROGRAMS

A. Except as provided herein, all Statutes of the State of Missouri that apply to the procurement of any materials; supplies; equipment; articles; services, including architectural, engineering, construction, management, consulting, maintenance and other similar professional services; banking; and insurance, shall be in effect as those Statutes apply to any First Class Charter County, except as otherwise provided herein.

B. Cooperative procurement agreements, which have met the sealed bid requirements, as outlined herein, in which St. Charles County is eligible to participate, shall be considered to have met all bid documentation requirements. All Missouri State bid contracts qualify for this bid documentation exemption; any other cooperative procurement agreement must be documented in writing and approved by the Director of Finance prior to any purchase being made through the agreement. The approval authority for all normal purchases remains in effect. (Ord. No. 00-032 §§1–2, 3-29-00)

SECTION 135.050: STANDARDIZATION OF PROCEDURES

Purchasing procedures and administrative practices developed from this policy shall be uniformly standardized, but sufficiently flexible to care for isolated unique conditions. Items commonly used in the various departments or units thereof shall be standardized whenever consistent with County goals and in the interest of efficiency and economy. (Ord. No. 00-032 §§1–2, 3-29-00)

SECTION 135.060: BIDDERS' LISTS

A. All responsible vendors who wish to conduct business with the County may contact the Purchasing Agent, who shall develop and maintain lists of potential bidders for the various types of materials, equipment and supplies. Such bidders' lists shall be used in the development of a mailing list for distribution of specifications and invitations to bid. All responsible vendors may be included in this list upon filling out the Department's application. The Director of Finance has the authority to declare as irresponsible bidders those vendors who default on their quotations, and to disqualify them from receiving any business from the County for a stated period of time.

B. Suppliers must complete an application form to be added to the list, due to the need to include National Institute of Government Purchasing (NIGP) commodity codes and other data that must be part of the computerized record. Departments and offices of the County are encouraged to direct potential suppliers to the Department of Finance for inclusion in the County's Computerized Bidders' Lists. (Ord. No. 00-032 §§1–2, 3-29-00)

SECTION 135.070: CONFLICT OF INTEREST

A. No officer or employee of the County, whether elected or appointed, shall in any manner whatsoever be interested in or receive any benefit from the profits or emoluments of any contract, job, work, activity, function, or service for the County. No officer or employee shall act or refrain from acting in any capacity in which he is lawfully empowered to act as such an official or employee by reason of any payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value, other than compensation to be paid by the County. No officer or employee shall accept any service or thing of value, directly or indirectly, from any person, firm or corporation having dealings with the County, upon more favorable terms than those granted to the public generally. No officer or employee shall receive, directly or indirectly, any part of any fee, commission or other compensation paid by or payable to the County, or by any person in connection with any dealings with the County, or by any person in connection with any dealings with or proceedings before any office, officer, department, board, commission or other agency of the County. No such officer or employee shall directly or indirectly be the broker or agent who procures or receives any compensation in connection with the procurement of any type of bonds for County officers, employees or persons or firms doing business with the County guaranteeing the performance of any contract with the County.

B. No officer or employee shall use confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself, his spouse, his dependent child in his custody, or any business with which he is associated. No officer or employee shall disclose confidential information obtained in the course of or by reason of his employment or official capacity in any manner with intent to result in financial gain for himself or any other person.

C. The provisions of Section 10.400 of the St. Charles County Charter shall be broadly construed and strictly enforced for the purpose of preventing County officers and employees from securing any pecuniary advantages, however indirect, from their public affiliations, other than their County compensation.

D. Any officer or employee of the County who willfully conceals any such interest or violates any of the provisions of Section 10.400 of the St. Charles County Charter shall forfeit his office. Any contract made in violation of Section 10.400 of the St. Charles County Charter may be declared void by the County Executive or by resolution of the County Council.

E. All officers and employees of the County shall be bound by all applicable laws that pertain to conflicts of interest of such officers and employees such as those contained in the Revised Statutes of Missouri (1991) or its successor Statutes. No employee of the County shall have a direct financial interest in any contract, including but not limited to the sale to the County of any land, materials, supplies or services. Any indirect relationships must be disclosed prior to execution of the contract. Any violation of Section 10.400 of the St. Charles County Charter shall render the contract or sale null and void.
F. Acceptance of gifts other than advertising novelties for use at work is prohibited at all times. Personnel must not become obligated to any vendor and shall not conclude any transaction from which they may personally benefit.

G. Employees and officials of the County shall be cautious to avoid situations in dealing with vendors or potential vendors which may be construed as bribery. Open bribery is seldom attempted; usually it consists of an attempt to secure favoritism by gifts or entertainment. County purchasing personnel and other employees and officials should be cautious to avoid situations which may give rise to suspicion of their ethics. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.080: COMPETITIVE BUYING

A. Competitive bids will be solicited in connection with all procurements whenever required, and in other instances where price comparison may be advantageous. Contracts will be awarded to the lowest responsible bidder complying with specifications and with other stipulated bidding conditions.

B. Market checks will continue to be made by procurement personnel even where bid or negotiation on standard items has established price. Contracts for standard items shall indicate that a significantly lower market price may result in market purchases or re-bidding of items. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.090: SMALL ORDERS DISCOURAGED

Small orders are discouraged in that such orders can be costly to the County and to vendors. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.100: RECORDS

Records of all purchases will be readily available and maintained by the Department of Finance. Departments are encouraged to keep copies of their purchase transactions as appropriate for their own records. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.110: RECEIVING AND INTERVIEWING SALES REPRESENTATIVES

Sales representatives may be interviewed and demonstrate their products to the Departments; however, anyone who is not a member of the Department of Finance should recommend to the sales representative that they visit the Department of Finance to advise them of their products and pricing. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.120: CORRESPONDENCE WITH VENDORS

All correspondence with vendors should be written by the Department of Finance, except in special cases where the details involved make it advisable to delegate authority to others. Where purchasing correspondence is initiated through another department, the Department of Finance shall receive copies of that correspondence. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.130: CHANGES TO PURCHASE ORDERS

The Purchasing Agent or his designee will execute all modifications to purchase orders and contracts such as encumbrance changes, quantity changes, price changes and cancellations. The buyer who issued the purchase order knows all the elements of cost, including the prices bid, F.O.B. point, discounts offered and delivery promised, etc. Changes to purchase orders are to be made only by authorized personnel in the Department of Finance upon approval of the appropriate department. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.140: OVERDRAFTS PROHIBITED

No purchase requisition shall be allowed to overdraft a budgetary account. It is the responsibility of the requisitioner to know that funds are available in the designated account before a request for purchase is made. (Ord. No. 00-032 §§1--2, 3-29-00)

ARTICLE III. QUALITY, QUANTITY AND PRICE CONSIDERATIONS

SECTION 135.150: BUYING APPROPRIATE QUALITY

A. Quality and service are just as important as price, and it is the duty of the Purchasing Agent to secure the appropriate quality for the purpose intended. Quality buying is the buying of materials, goods or services that will fulfill but not exceed the requirements for which the goods are intended.

B. Proper specifications help to obtain appropriate quality. Buying appropriate quality depends upon:
   1. Having proper specifications;
   2. Checking material to be purchased against specifications; and
   3. Checking material received with specifications. (Ord. No. 00-032 §§1--2, 3-29-00)
SECTION 135.160: FORMS OF SPECIFICATIONS

A "specification" is defined as an accurate, non-restrictive description of the material to be purchased. Acceptable forms of specifications are set out below. Department heads or staff should consult the Purchasing Agent or the Director of Finance if the form of specification does not conform to one (1) of those set out below.

1. **Federal specifications.** These are issued by the General Services Administration (The Federal Government Procurement Section) and cover common-use items regularly used by all Federal agencies. They establish the minimum standards of quality or performance, which are required to meet the Federal Government's needs consistent with regularly available commercial production.

2. **State/County purchase specifications.** These are developed by the purchasing staff in the Missouri Division of Purchasing or St. Charles County Department of Finance or by technical personnel, chemists, engineers or other qualified agency representatives in the various State or County departments. They provide, as far as possible, for the purchase of standard products rather than special manufacture. Members of the National Association of State Purchasing Officials and the National Institute of Governmental Purchasing provide information that assists in writing specifications.

3. **Qualified products or acceptable brands list.** This list is developed only where it is not possible to write specifications adequate to the quality and performance required of the item, or where the tests necessary to determine compliance with the specification are lengthy, costly, and require complicated technical equipment or where currently existing County products, technical equipment or other circumstances in the opinion of the Director of Finance, require such acceptable brands for continuity and effective operation. Acceptable brand lists are used in lieu of the preparation of detailed specifications in instances where the latter process is neither possible nor practical. Among the considerations, which favor the development of "acceptable brands lists", are the following:
   a. The difficulty of developing detailed specifications for products manufactured by secret processes.
   b. The difficulty of developing detailed specifications in such manner as to eliminate inferior products.
   c. The variability of designs, features, or compositions of products acceptable for a common end use purpose.
   d. The absence of adequate facilities, or extreme costs, or time involved in testing against a detailed specification for compliance.

4. **Specification by brand or trade name.** This should be used where brand name products have been found to be superior to others for the purpose intended and when the construction, manufacture or type of service is proprietary, unknown or patented. It establishes a quality standard, but is not intended to limit or eliminate competition. This method should be limited, insofar as possible, to open market purchases where quantities are limited or when time does not permit the development of one of the other types of specifications mentioned.

5. **Specifications by blueprint or dimension sheet.** Such specifications are advisable for the purchase of custom built cabinets, special furniture, machines, construction of new facilities. Blueprints supply a safe method of checking against specifications when material is received and inspected.

6. **Specifications by chemical analysis or physical properties.** This method is ideal for many materials since such specifications can be checked accurately by laboratory tests and other methods.

7. **Specifications by description of material and methods of manufacture.** This type of specification should be used rarely. Ordinarily, the seller, if he knows the use for which the goods are intended, is in a better position to determine the proper materials and method of manufacture than the buyer. It should be used only for very special requirements.

8. **Specifications by performance, purpose or use.** This is an excellent form of specification as it places the responsibility on the vendor to meet the buyer's requirements. It is always advisable to obtain substantial competition when using this type of specifications, since only one (1) bidder, being responsible for results, may suggest a better but more expensive article than is justified or required.

9. **Specifications by sample.** The use of a sample is sometimes a good way to make your requirements known. For example: "Print 1000 cards per the attached sample", or "See attached sample". The danger involved in samples is that they are subject to physical change or substitution and their use as standards often cause disputes. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.170: PRE-REQUISITES OF GOOD SPECIFICATIONS

A. Product specifications should, when possible, be identified with some specification already on the market. Special goods are expensive.

B. Product specifications should be capable of being checked. The specifications should describe the method of checking, which will govern acceptance or rejection.

C. Product specifications should, when possible, be capable of being met by several bidders for the sake of competition.

D. Product specifications should be flexible where possible and further, where possible, invite vendors to suggest cost-saving alternates or substitutes. (Ord. No. 00-032 §§1--2, 3-29-00)
SECTION 135.180: INSPECTION AS A CHECK ON SPECIFICATIONS

All specifications must be reasonably checked by inspection of goods and services received. Inspection is a responsibility of the using department function, but the Purchasing Agent or his designee should be informed of inspection results so that it can place orders with the sellers who supply the most satisfactory goods and services. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.190: OPTIMUM ORDERING QUANTITY

The Director of Finance shall determine optimum-ordering quantity for standard goods based on the following factors:

1. The quantity to be purchased for a given period.
2. The reserve stock necessary for emergencies.
3. The unit purchase price.
4. The availability and cost of suitable storage.
5. The advantage of eliminating frequent and costly orders for small value items.
6. The grouping of requisitions and combining those to the same supplier on one (1) order to obtain price advantages. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.200: TRANSPORTATION COSTS

A. Continuing increases in transportation costs have become an important factor in evaluating vendor quotations. Higher transportation costs plus time lost in transit could negate a lower price from a distant vendor in favor of a higher price from a nearer vendor. The cost of freight to destination must be included in any tabulation of prices if a fair comparison is to be made.

B. The County will allow both Freight on Board (FOB) terms, origin and destination, although destination is preferred. There are two (2) allowable methods for the County to reimburse the seller for freight:

1. Prepaid and added. This indicates that the seller will prepay the transportation charges, but will add the charges to the invoice for reimbursement from the buyer.
2. Prepaid and allowed. This means that the seller will prepay the transportation charges and that they are already included in the contract price. (Ord. No. 00-032 §§1--2, 3-29-00)

ARTICLE IV. LEGAL ASPECTS OF PURCHASING

SECTION 135.210: THE PURCHASE ORDER

A purchase order is the formal offer to buy specified commodities, materials, equipment or services, and upon acceptance by the vendor, becomes a legal and binding contract obligating the County. The Purchase Order can also serve as the acceptance document if in response to a bid provided by the supplier. The issuance of purchase orders is the responsibility of the Department of Finance. The Purchasing Agent legally obligates the County, and the County will not recognize purchases executed by unauthorized individuals and payment of these obligations will not be approved. Purchases of this nature are illegal by County ordinance. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.220: UNAUTHORIZED PURCHASES

No individual has the authority to enter into purchase contracts, or in any way to obligate the County for a procurement indebtedness, unless specifically authorized to do so by the Charter, ordinance or by Director of Finance pursuant to his powers under this Chapter, or except as set out in Section 135.260 hereof. Any such purchase is an unauthorized purchase and the obligation is classified as a personal expense. Firms ordinarily doing business with the County are to be made aware of this policy by the Director of Finance and advised that all purchases chargeable to the County must be authorized by an official County purchase order, signed by an authorized individual. The County will not reimburse officers or employees for the cost of any such purchases on behalf of the County, unless previous arrangements to that end have been made. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.230: CONTRACT CANCELLATIONS AND MODIFICATIONS

A. Mistakes in specifying the correct product by the requisitioning department may be costly because of restocking charges, freight two (2) ways and in loss of vendor good will. Requests for cancellations or modification of purchase orders should be attempted to be made before shipping. The department should advise the Purchasing Agent of the Department of Finance of the reasons, referring to the purchase order number and vendor.

B. Change orders, which increase the contract amount, shall require the same level of approval as was required when the contract was originally approved.

C. The Department of Finance shall notify the office of the County Counselor when a contract is cancelled or modified. (Ord. No. 00-032 §§1--2, 3-29-00)
ARTICLE V. PURCHASE REQUISITIONS

SECTION 135.240: NECESSITY FOR PRE-PLANNING OF ITEMS NEEDED

The Director of Finance shall establish objectives for time-lines within which the purchasing staff shall normally review requisitions and initiate action (clarify specifications, submit Invitation for Bid, etc.) after receipt from a department and shall notify the County departments of that objective. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.250: REVIEW OF THE REQUISITION

A. Completed requisitions from offices shall be forwarded through the department and/or division head or their designee. Approved requisitions are forwarded subsequently to the Department of Finance where they are reviewed for accuracy of account numbers to be charged. The request will flow through the appropriate approval levels in accordance with the dollar levels established in Section 135.290.

B. If a requisition is not approved, it will be returned by the Department of Finance to the originating department with explanations for disapproval. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.260: REQUEST FOR FIELD PURCHASE ORDER FORM

This form shall be used to request payment of items that are not directly related or under the control and responsibility of the purchasing staff. The use of the form became effective October, 1997, and is limited to specific transactions listed on the form. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.270: CHANGES OF SUGGESTED VENDOR BY PURCHASING AGENT

The Purchasing Agent may abstract an item listed and buy from another source to take advantage of special circumstances. An order may also be shifted entirely to another supplier who will provide better prices, service, or delivery. The standard of quality will not be changed, however, except in necessary cases and with consultation between the purchasing staff and the department requesting the purchase. No commitments should be made by County departments. (Ord. No. 00-032 §§1--2, 3-29-00)

ARTICLE VI. INVITATIONS FOR BID

SECTION 135.280: BIDDING REQUIREMENTS

A. Normal Purchases.

1. A purchase of less than five hundred dollars ($500.00) shall not require a formal bidding process, however, the approving authority must exercise due diligence to assure the best possible price commensurate with the relative value of the product or service to be acquired.

2. A purchase of five hundred dollars ($500.00) to less than five thousand dollars ($5,000.00) shall require written bid documentation provided by at least three (3) vendors to be submitted to the purchasing staff in the Finance Department prior to issuance of the purchase order. The Uniform Commercial Code (UCC) requires bids to be in writing if over five hundred dollars ($500.00) in order to be binding. Written bid documentation shall include detailed bid specifications, vendor name, address, telephone number, representative name, description of item(s) bid if different than the item(s) specified (including rationale for accepting deviations), and total bid including any shipping/delivery and handling charges. A "no bid" response will qualify as a required bid, provided that:
   a. All other documentation is included;
   b. Vendor was given a minimum of three (3) days to respond; and
   c. Vendor can obtain specified items. Any deviation from the written bid requirement shall be justified in writing and submitted to the Director of Finance for approval.

3. A purchase of five thousand dollars ($5,000.00) or more shall require advertisement for sealed bids in conformance with Subsection (A)(4) below. Timetables for advertising, opening and awarding of bids in this category shall be coordinated with the Department of Finance, and the County Auditor's office. Awarding of bids in this category shall be based on criteria established prior to the bid opening. In making a recommendation for the awarding of the bid, the requisitioning official shall address the pre-established criteria and summarize the evaluation process. Pre-established criteria shall include:
   a. Cost.
   b. Professional qualifications/certifications.
   c. Bonding (if applicable).
d. Compatibility with existing conditions (if applicable).

e. Enhancements and warranties included at a reasonable or no additional charge (if applicable).

f. Specific requirements, capabilities, and abilities included in the bid specifications.

Pre-established criteria, as well as specific criteria approved for an individual bid, shall be given relative weight at the time of the issuance of the request for bids.

In addition to the mandatory considerations, the residual benefits to the St. Charles County economy may be considered where the purchase has local source as a component in the purchase. In making purchases the County may give preference to all commodities manufactured, mined, produced, or grown within St. Charles County and to all firms, corporations, or individuals doing business in St. Charles County. “Preference” shall be defined as products where quality is equal or better and the difference in the delivered price is negligible.

Bids are solicited from all interested and qualified suppliers and preference for a local source must be provided and approved by the Director of Finance. County ordinance directs that products manufactured in the United States be given preference if price, quality and other considerations are equal. The County can also capitalize on needs for special locally available emergency services.

Any deviation from the sealed bid requirement shall be justified in writing and submitted to the Director of Finance for approval.

4. On any purchase where the estimated expenditure shall be five thousand dollars ($5,000.00) or over, the Director of Finance shall:

a. Advertise for bids in a newspaper of general circulation in the County and may also advertise in such places as are most likely to reach prospective bidders, if the Director determines that such additional advertisement is an efficient means to reach such prospective bidders and further, may provide such information through an electronic medium available to the general public at least five (5) days before bids for such purchases are to be opened. Other methods of advertisement may be adopted by the Director of Finance when such other methods are deemed more advantageous for the supplies to be purchased; and

b. Solicit bids by mail or other reasonable method generally available to the public from prospective suppliers. All bids for such supplies shall be mailed or delivered to the office of the Department of Finance so as to reach such office before the time set for opening bids.

5. The contract shall be let to the lowest responsible bidder. The Director of Finance shall have the right to reject any or all bids and advertise for new bids, or purchase the required supplies on the open market if they can be so purchased at a better price. When bids received pursuant to this Section are unreasonable or unacceptable as to terms and conditions, non-competitive, or the low bid exceeds available funds and it is determined in writing by the Director of Finance that time or other circumstances will not permit the delay required to resolicit competitive bids, a contract may be negotiated pursuant to this Section, provided that each responsible bidder who submitted such bid under the original solicitation is notified of the determination and is given a reasonable opportunity to modify their bid and submit a best and final bid to the County. In cases where the bids received are non-competitive or the low bid exceeds available funds, the negotiated price shall be lower than the lowest rejected bid of any responsible bidder under the original solicitation. (Ord. No. 00-032 §§1–2, 3-29-00; Ord. No. 01-178 §1, 12-27-01)

SECTION 135.290: APPROVAL AUTHORITY

A. No elected official or department head shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditures of money, for any purpose, in excess of the amounts appropriated for that general category of expenditures (i.e., salary, operating, or capital) in the budget, except that, as provided in the annual budget ordinance, at any time during the fiscal year a department may within its department transfer all or any part of any unencumbered line item authorization to another category by making written request of the County Council and obtaining County Council approval on the consent agenda. Pursuant to Section 6.209 of the St. Charles County Charter, no payment shall be made or obligation incurred against any allotment or appropriation except in accordance with appropriations duly made. Liability for violation of this prohibition shall be as set out in the Charter. Any contract verbal or written, made in violation of this or any provision outlined herein, shall be null and void.

B. Purchases and bids of less than five thousand dollars ($5,000.00) shall be approved by the department director/elected official.

C. Purchases and/or bids of five thousand dollars ($5,000.00) or more but less than twenty-five thousand dollars ($25,000.00) shall be approved by the department director/elected official responsible for the department and the County Executive. Where a bid is part of the purchasing process, the County Executive shall approve the bid but shall not be required to approve the purchase. The Director of Finance shall approve the purchase.

D. Purchases and/or bids of twenty-five thousand dollars ($25,000.00) or more shall be approved by the department director/elected official and the County Council on the consent agenda. Where a bid is part of the purchasing process, the County Council shall approve the bid but shall not be required to approve the purchase. The Director of Finance shall approve the purchase. (Ord. No. 00-032 §§1–2, 3-29-00)

SECTION 135.300: ANNUAL/CONSOLIDATED REQUIREMENTS

A. The Department of Finance, and elected officials/department directors, shall perform an annual assessment of the annual or
consolidated requirements of all St. Charles County Government offices, departments, agencies and funds. This consolidated procurement of goods and services will conform to the sealed bid requirements, as outlined herein, and shall be done annually based on anticipated requirements for the ensuing fiscal year and shall be accomplished, if practical, on a timetable to facilitate firm cost figures to be incorporated into the budget for the ensuing fiscal year, or, in the case of consolidations, shall be done one (1) time based on the consolidated requirements in a time-table to satisfy the requirements of the consolidation. Unless specifically exempt from annual bidding by the County Council on the recommendation of the Director of Finance, procurement of the following shall conform to annual bidding requirements and shall include the consumption requirements of all County offices, departments, agencies, and funds:

1. Office supplies, equipment, and furnishings.
2. Data processing and printing supplies - continuous forms, paper, printer ribbons, media etc.
4. Food and staples.
5. Janitorial supplies and/or services.
6. Vehicles, machinery and road repair equipment.
8. Vehicle and equipment repair services.

B. No purchase shall be made for goods, services, equipment or other items for which a contract has been awarded from a vendor other than the successful bidder unless the market price of such goods, services, equipment or other items is at least ten percent (10%) below the contract price or where the purchase, if not less than ten percent (10%) below the contract price for a single aggregate purchase, is at least five hundred dollars ($500.00) less than the contract price for the same goods or services. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.305: COMMONLY PURCHASED DATA, COMMUNICATIONS AND TECHNOLOGY INFRASTRUCTURE REQUIREMENTS

The Department of Finance shall perform an annual assessment of the annual or consolidated requirements of data transmission, communications and technology infrastructure needs for all St. Charles County Government offices and departments and, in conjunction with the Department of Information Systems, shall procure such data, communications and technology infrastructure by lease or purchase on the most advantageous terms available to the County. The cost of such infrastructure shall be billed to, and paid by, the end user office or department of the County. (Ord. No. 09-147 §4, 12-23-09)

SECTION 135.310: EMERGENCY PURCHASES

A. Emergency purchases shall be approved only in cases of compelling urgency and gravity.

B. Emergency purchases of up to twenty-five thousand dollars ($25,000.00) made without following the bidding requirements, as outlined herein, must receive the prior written approval of the Director of Finance who shall consult with the County Executive. Emergency purchases of more than twenty-five thousand dollars ($25,000.00) made without following the bidding requirements, as outlined herein, must receive the prior written approval of the Director of Finance who shall consult with the County Executive and the County Council Chair.

C. To qualify as an emergency, conditions (as defined herein) must exist and create an immediate and serious need for equipment, supplies or services, which cannot be satisfied through normal procurement methods. A situation shall not warrant an emergency purchase unless:
   1. An emergency condition exists;
   2. The element of time is a crucial factor in seeking relief; and
   3. The resolution of the condition receives priority over routine operations and duties of the County. (Ord. No. 00-032 §§1--2, 3-29-00; Ord. No. 09-147 §2, 12-23-09)

SECTION 135.320: SOLE SOURCE

The term "sole source" refers to any purchase from one (1) source only, allowing no substitutes, where the item or service being purchased is sufficiently unique or existing County equipment or technical requirements make such items or service unique so as to preclude the use of another similar item or service of different manufacture or brand. Sole source purchases must be completely justified setting forth the specific and valid reason(s), which will prevent any other vendor's product or service from satisfying a valid requirement. This justification must be submitted on-line with the request for purchase and approved by the Director of Finance prior to placement of the order. Reference to the original justification must be submitted to the purchasing staff with each new request for purchase. However, justification and approval as specified above shall be required annually. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.330: USED AND DEMONSTRATION EQUIPMENT
Requests to purchase used equipment or equipment which has been used by the retailer as demonstration equipment shall be approved by the same method as set out by Section 135.320 on sole source purchases. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.340: MAINTENANCE AGREEMENTS
A. If the need for a maintenance agreement is anticipated at the time of purchase, the cost associated with the agreement should be included in the original specifications.
B. If the need for a maintenance agreement was not anticipated at the time of purchase, or the original maintenance agreement has expired, normal bidding requirements apply. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.350: PROFESSIONAL SERVICES
A. Architects And Engineers And Land Surveyors. It shall be the policy of the County pursuant to Section 8.285 et seq., RSMo., to negotiate contracts for architectural, construction management, engineering and land surveying services on the basis of demonstrated competence and qualifications for the type of services required and at fair and reasonable prices. Departments will work with the Department of Finance to request qualifications from architectural, engineering, construction management and land surveying firms.
1. If the need for a maintenance agreement is anticipated at the time of purchase, the cost associated with the agreement should be included in the original specifications.
2. If the need for a maintenance agreement was not anticipated at the time of purchase, or the original maintenance agreement has expired, normal bidding requirements apply. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.355: CREDIT CARD PAYMENT SERVICES
A. With prior approval by the Director of Administration, any department or office of St. Charles County is authorized to receive payment by credit card of any fees it imposes pursuant to County ordinance or State law, but shall charge a convenience fee not to exceed any administrative costs imposed by the credit card service under contract to process such payments.
B. Any department or office seeking to receive payments of fees by credit card may select and contract with a provider of credit card payment services under the provisions of the purchasing policy of St. Charles County, Chapter 135, OSCCMo, or may participate in any County-wide contract for such services administered by the Finance Department. (Ord. No. 10-028 §1, 4-12-10)

ARTICLE VII. MISCELLANEOUS PURCHASING PROCEDURES AND INFORMATION

SECTION 135.360: PAYMENT OF INVOICES
No invoice will be honored for payment until on-line notice has been provided that the goods or services have been inspected and found to be in order and that the payments are in accordance with purchasing, budget, and the appropriate operating department's policies and procedures. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.370: PERSONAL PURCHASES FOR EMPLOYEES
Personal purchases for employees by purchasing personnel are prohibited. County employees are also prohibited from using the County's name or the employee's position to obtain special price or service consideration in personal purchases unless specified as acceptable by the vendor. (Ord. No. 00-032 §§1--2, 3-29-00)

SECTION 135.380: ENDORSEMENT OF COMMODITIES OR VENDORS

172
It is County policy not to endorse or in any way permit the employee's name, position, or the County's name to be used and advertised as supporting any product or vendor. This does not restrict the issuance of letters to vendors noting satisfactory or exceptional service or product, however, the correspondence must clearly indicate that it is not for reprinting. (Ord. No. 00-032 §§1–2, 3-29-00)

SECTION 135.390: GENERAL VENDOR TERMS AND CONDITIONS

Vendors shall be current on all St. Charles County taxes including property and sales taxes. Vendors may not be awarded a contract unless they have all required permits and licenses as required by St. Charles County, including but not limited to licenses for HVACR contractors, plumbing contractors, and electrical contractors. (Ord. No. 00-032 §§1–2, 3-29-00)

ARTICLE VIII. GENERAL SERVICES

SECTION 135.400: SURPLUS PERSONAL PROPERTY

A. If property, personal or real, is determined to be usable, it may be transferred to another department within County Government where it can be used. Notification in writing shall be submitted to the Department of Finance for fixed asset inventory purposes.

B. The Director of Finance is authorized to dispose of personal property items with a value of twenty-five thousand dollars ($25,000.00) or less, no longer needed by the County or determined to be obsolete, at the most advantageous terms available. Any such disposal shall be made only after notice to, and approval by, the County Executive.

C. Real property shall only be disposed of through ordinance.

D. Leasing or rental of County property shall be treated as above. (Ord. No. 00-032 §§1–2, 3-29-00)

SECTION 135.410: GRANTS

A. The County encourages its department directors and elected officials to seek out grants to accomplish the work of the County that would otherwise have to be funded entirely by the general fund. In instances in which a new grant is applied for, the department director/elected official may make the application subject to approval by the County Executive. Acceptance of the actual grant funds shall be approved by the County Council and the County Executive. Pursuant to Section 6.205.3 of the Charter, the County Council may authorize the acceptance of the grant funds in the budget ordinance or in a separate ordinance addressing the grant individually.

B. Grant Renewal.

1. Where a grant is renewed and the grant amount is contained in the annual budget of the County as passed by the County Council and approved as required by law, but with an additional increase of not more than twenty-five percent (25%) of the grant budgeted in the previous year, then no further action of the Council shall be required for the responsible department director or elected official to apply for renewal and acceptance of the grant.

2. Where a grant is renewed and the grant amount is contained in part in the current year's budget, upon written certification by the Director of Administration that such grant is to be requested in the next fiscal year's budget of the County and upon a statement that such grant continuance is subject to acceptance and appropriation of the grant funds by the County Council, and that an increase in the grant shall not exceed twenty-five percent (25%) of the grant budgeted in the previous year, then no further action of the Council shall be required for the responsible department director or elected official to apply for renewal and acceptance of the grant.

3. All grant renewals shall be signed or countersigned by the County Executive or his designee. The additional amount may not be encumbered until a supplemental appropriation is approved. (Ord. No. 00-032 §§1–2, 3-29-00; Ord. No. 07-111 §1, 8-14-07; Ord. No. 07-150 §1, 10-30-07)

SECTION 135.415: RESERVED

Editor's Note--Ord. no. 07-111 §1, adopted August 14, 2007, repealed section 135.415 "certain grants may be accepted on consent agenda" in its entirety. Former section 135.415 derived from ord. no. 99-108 §1, 7-28-99. At the editor's discretion, this section has been reserved for the city's future use.

SECTION 135.420: FRANCHISES

In instances in which the County has granted a franchise pursuant to Section 2.521 of the Charter, the Council vests in the County Executive the responsibility and the discretion to carry out the franchise, including the ability to negotiate and authorize changes to the agreement which would not alter its essential character or value to the County. The County Executive shall apprise the Council in writing of all changes in a franchise agreement committed to his responsibility and unless the Council disapproves such changes within fifteen (15) days after notice is filed, the changes to the franchise agreement shall be deemed authorized and the County Executive may so notify the franchisee. Where the County Council disapproves a proposed change, the disapproval shall be by duly recorded vote during a meeting of the County Council. (Ord. No. 00-032 §§1–2, 3-29-00)
SECTION 135.430: REIMBURSEMENT CONTRACTS

In instances in which the County serves as a pass-through agent under Federal, State, municipal or private business grant requirements, the County Executive may approve the grant request in his discretion and no ordinance shall be required. Pass-through grants are those in which no more than administrative costs are payable to the County from the grant and such administrative costs are not appropriated to an agency but are paid to the County general fund. (Ord. No. 00-032 §§1--2, 3-29-00)

CHAPTER 137: PROCEDURES ON ACQUISITION OF REAL ESTATE INTEREST BY COUNTY

SECTION 137.010: APPROVAL OF ACQUISITION

The County Executive is hereby authorized to approve acquisition of right-of-way and related easements, or other easements required for neighborhood improvement district projects, including, without limitation, permanent drainage easements, permanent wall easements, permanent utility easements and temporary slope and construction easements up to one hundred thousand dollars ($100,000.00) per parcel for County road and bridge projects that are approved in the County's annual budget or in the transportation improvement plan and up to fifteen thousand dollars ($15,000.00) for neighborhood improvement district projects in districts duly established by ordinance. Acquisitions of parcel(s) which are valued in excess of the limits stated herein for road and bridge projects may be approved on the consent agenda of the County Council if a written request by the County Engineer is approved by the County Executive. After approval of the acquisition on the consent agenda, the County Executive shall have authority to approve all necessary acquisitions of right-of-way and related easements on the approved parcel(s) including, without limitation, permanent drainage easements, permanent wall easements, permanent utility easements and temporary slope and construction easements for County road and bridge projects that are approved in the County's annual budget or in the transportation improvement plan. Such acquisitions may be by purchase, condemnation, receipt of gifts, intergovernmental agreements and/or by negotiated adjustments to the planned construction of a project. Such acquisitions shall be administered by the Highway Department after receiving approval from the County Executive to proceed with right-of-way acquisition for each project or by the Director of Community Development after passage and approval of an ordinance duly establishing a neighborhood improvement district. Once the County Executive has given such approval, the County Engineer or, in the case of a neighborhood improvement district, the Director of Community Development shall be authorized to initiate condemnation proceedings to complete the approved acquisitions. (Ord. No. 06-142 §1, 11-1-06; Ord. No. 08-115 §1, 9-30-08; Ord. No. 10-018 §1, 4-7-10)

SECTION 137.020: APPRAISAL SUPPORTING PURCHASE OVER CERTAIN VALUATIONS

Purchases or condemnations of right-of-way and related easements, or of any other property interests required for a neighborhood improvement district, with initial valuations in excess of ten thousand dollars ($10,000.00) per parcel, or for such lesser amounts where required by Federal participation, shall be made only upon the condition of appraisal supporting the offered purchase price. (Ord. No. 06-142 §2, 11-1-06; Ord. No. 08-115 §2, 9-30-08)

SECTION 137.030: ACCEPTANCE OF DONATIONS OR DEDICATION

The County Executive and County Engineer or Director of Community Development hereby are each authorized to acknowledge acceptance of any donation or dedication of right-of-way and related easements or any other property interests required for a neighborhood improvement district pursuant to Section 49.292, RSMo., as amended. (Ord. No. 06-142 §3, 11-1-06; Ord. No. 08-115 §3, 9-30-08)

CHAPTER 140: REVENUE AND TAXATION

ARTICLE I. TAXATION -- GENERALLY

SECTION 140.010: COLLECTION OF DELINQUENT TAXES

A. St. Charles County elects to operate under the provisions of Chapter 140, RSMo., in the collection of delinquent taxes and shall so operate in accordance with those provisions.

B. The County Council declares an emergency to exist in that Chapter 140 requires a certain form of advertising prior to the August tax sale and the advertisements must begin July 19, 1993. (Ord. No. 93-122 §§1--2, 7-14-93)

SECTION 140.015: ASSESSMENT CERTIFICATION AND NOTIFICATION PROCEDURES

A. The certification of assessed valuation determined by the Assessor on or before July first (1st) each year pursuant to Section 137.245.1, RSMo., and notification to political subdivisions of those values, including the filing of Form 11 required by Section
137.245.2, RSMo., with the State of Missouri Tax Commission, shall be the duty of the St. Charles County Assessor, except that the Assessor shall have no responsibility for certification or notification regarding the State assessed valuation received from the State Tax Commission pursuant to Section 138.420, RSMo., on utilities and railroad property. Certification and notification to political subdivisions of the State assessments on utilities and railroads shall be the responsibility of the County Registrar.

B. The County Registrar shall keep an accurate record of the orders of the County Board of Equalization and the State Tax Commission and shall provide those to the Assessor and Collector so that erroneous assessments may be corrected. The Registrar shall certify such orders of the Board of Equalization and State Tax Commission as received by the Registrar as a result of the action of those bodies through the fourth (4th) Saturday in August of each year. The Registrar shall then certify the assessed valuation reflecting the orders of the Board of Equalization and State Tax Commission and shall notify the County Collector and the State of Missouri Tax Commission of those assessed values, including utilities and railroad. The Registrar shall file the Form 11A with the State Tax Commission annually.

C. After the Board of Equalization has completed the equalization of the Assessor's books, the Registrar shall extend on the books all proper taxes at the same rate as assessed for the time on real estate and the Registrar shall, on or before the first (1st) day of October thereafter, make out and deliver to the Collector of St. Charles County a certified copy of such books and take the receipt of the Collector showing the aggregate amount of each kind of taxes due thereon and the Registrar shall notify the Collector of the amount of the taxes therein shown and collectable as required by Section 138.130, RSMo.

D. The County Registrar shall provide their tax levy to the County Registrar in writing. The Registrar shall notify the Collector of all levies received.

E. The Registrar shall receive the additional orders of the Board of Equalization from August through December of each year and shall correct the errors and certify the corrections to the County Collector as required by Section 138.100.2, RSMo.

F. The Collector shall provide the office of Assessor the assessed valuations information appearing on the books of the Collector as of December thirty-first (31st) of the tax year and shall forward that information to the Registrar by April first (1st) of the following tax year, who shall certify the reconciled assessed valuation to the County Executive within thirty (30) days of receipt. (Ord. No. 02-097 §§1–3, 5–7, 6-26-02; Ord. No. 09-087 §§1–3, 9-1-09)

ARTICLE II. TRANSPORTATION SALES TAX

SECTION 140.020: TRANSPORTATION SALES TAX -- IMPOSITION

A one-half of one percent (0.5%) County-wide sales tax be and is hereby imposed for the purpose of traffic relief, construction, reconstruction and repair of roads and bridges within St. Charles County, Missouri, for a period of ten (10) years, in accordance with House Bill No. 542 of the 83rd General Assembly. Said sales tax shall become effective on April 1, 1986. This transportation sales tax authorized by the voters at the August 3, 2004, election to be extended through March 31, 2016. (Ord. No. 94-16 §1, 1-25-94; Ord. No. 04-175 §1, 10-27-04)

Editor's note--This tax passed in election August 3, 2004, to be extended through March 31, 2016.

SECTION 140.025: TRANSPORTATION SALES TAX -- APPROVAL

As approved by the voters in the November 5, 1985, election and ordered by the County Commission upon the results of that election, and as reapproved by the voters at the April 5, 1994, election, it is hereby ordained that the tax authorized by the voters to be collected through March 31, 2006, for traffic relief, and the construction, reconstruction, and repair of roads and bridges in this County is enacted and the tax shall be charged and collected by the State Director of Revenue or the Director's designee for remittance to the County. This tax has been reapproved by the voters at the August 3, 2004, election and is hereby ordained to be collected through March 31, 2016. (Ord. No. 95-185 §1, 11-29-95; Ord. No. 04-175 §1, 10-27-04)

ARTICLE III. GAMING REVENUES

SECTION 140.030: REGULATING THE USE OF GAMING REVENUES

A. The revenues received from the gaming interests shall be used to support non-recurring capital expenditures and associated start up costs.

B. The revenues received from the gaming interests shall not be used for recurring operational expenditures or salary related expenditures, including fringe benefits.

C. A one (1) time use of gaming revenues for a purpose other than those set out in Subsection (A) of this Section shall require a favorable vote of two-thirds (2/3) of all the members of the County Council.

D. The revenues received from the gaming interests shall be considered revenue pursuant to the St. Charles County Charter and shall be budgeted and appropriated pursuant to that document. (Ord. No. 95-71 §§1–4, 5-31-95)
ARTICLE IV. MISCELLANEOUS PROVISIONS

SECTION 140.040: ADOPTION OF CERTAIN STATUTE SECTIONS

A. The County Council hereby adopts the provisions of Subsections (1--7) of Section 137.082, RSMo., as amended by House Bill Number 211.

B. The County Assessor and the Occupancy Department which he/she has established within his office, shall be responsible for the implementation of the "occupancy" provisions. (Ord. No. 94-180 §§1--2, 10-26-94; Ord. No. 95-105 §1, 7-27-95)

SECTION 140.045: COLLECTOR TO ABATE INTEREST AND PENALTIES FOR THIRTY DAYS ON NEWLY OCCUPIED PROPERTY -- WHEN

A. The Collector is hereby authorized to prepare and deliver an ad valorem real estate tax bill on any newly occupied residential structure to any owner of such structure within one (1) year of the date upon which such structure became occupied, prorated in accordance with the provisions of Section 137.082.1, RSMo.

B. The owner of such property, billed for taxes associated with the new occupancy for the correct proportionate part of the year shall have thirty (30) days from the date on which the tax bill was placed in the mail to the last address of the owner known to the Collector in which to pay the tax arising from new occupancy. During the thirty (30) day period, no interest or penalties shall accrue or be charged to the owner provided the bill is paid in full on or before the due date, which shall be clearly noted on the bill.

C. Each such new occupancy tax bill shall state that failure to pay the full amount listed on the bill for new occupancy shall result in late penalties and interest being charged from the date of the billing at rates and penalties as otherwise described by law for payment of delinquent ad valorem real estate taxes.

D. Nothing in this Section shall be construed to interfere with the rights of any taxpayer aggrieved by his assessment to pay his taxes under protest nor any right he may have to appeal the assessment to the Board of Equalization in accordance with the time allowance described in Section 137.082, RSMo.

E. Nothing in this Section shall be deemed to provide for or authorize payments of these occupancy tax bills by installments. (Ord. No. 04-186 §§1--5, 12-1-04)

SECTION 140.047: COLLECTOR AUTHORIZED TO MAKE CERTAIN REFUNDS UPON ASSESSOR'S AUTHORIZATION -- WHEN

A. The Collector is hereby authorized to prepare and deliver any refund authorized in writing by the Assessor as set out in Subsection (B), not exceeding the sum of two hundred dollars ($200.00) per account, to any taxpayer that has been billed erroneously due to a mistake in data collection during assessment and has been charged certain penalties for late payment due to late generation or correction of the underlying tax bill.

B. Prior to delivering any such refund, the Collector shall receive and retain the Assessor's statement advising the Board of Equalization that taxpayer's property was erroneously assessed due to an error in data collection and/or a clerical error in data entry on assessment.

C. Nothing in this Section shall be construed to interfere with or supersede the rights of any taxpayer aggrieved by his assessment to pay his taxes under protest nor any right or duty he may have to appeal the assessment to the Board of Equalization in accordance with the time allowance described in Section 137.082, RSMo.

D. Nothing in this Section shall be deemed or construed to entitle any taxpayer to a refund when any error in data reporting, including a clerical error, is or may be solely attributed to an error or omission on the part of the taxpayer or his agent or representative and that results in an erroneous assessment of his property. (Ord. No. 07-161 §§1--4, 11-27-07)

ARTICLE V. LOCAL USE TAX

SECTION 140.050: LOCAL USE TAX FOR PARKS

The County Council hereby authorizes the imposition of a local use tax on purchases from out of state vendors at the same rate as the total local sales tax currently in effect in St. Charles County as defined by Section 32.085, RSMo., and dedicates that tax to the exclusive purpose of the development, acquisition, operation and maintenance of a system of parks for the use and enjoyment of the residents of St. Charles County. (Ord. No. 97-1 §1, 1-21-97)

ARTICLE VI. METROPOLITAN PARK AND RECREATION DISTRICT SALES TAX

SECTION 140.060: METROPOLITAN PARK AND RECREATION DISTRICT SALES TAX
A. Upon receipt of the Metropolitan Park and Recreation District Sales Tax, forty percent (40%) of the funds directed by Section 67.1754(2) RSMo., shall be distributed to the municipalities as follows:

Each municipality shall receive the percentage of the forty percent (40%) which corresponds to the percentage of people of the total incorporated population of St. Charles County which resides within the municipality as set out at the last decennial census.

B. Payment of the tax shall occur quarterly. Funds shall not be paid until the County receives the municipality's statement of assurance, as set out in Subsection (C) below.

C. Prior to payment of any parks and recreations sales tax, the municipality shall forward to the County a letter signed by the governing body or chief executive officer of the municipality assuring that the funds will be used exclusively for the establishment, administration, operation or maintenance of public recreational facilities, parks and public recreational grounds for the municipality as required by Sections 67.1700 through 67.1769, RSMo. (Ord. No. 00-159 §§1--2, 12-27-00; Ord. No. 01-057 §§1-3, 5-30-01)

Editor's note-The sales tax provision set out in Section 140.060 was approved by the voters at the general election of November 7, 2000, pursuant to ord. no. 00-97.

ARTICLE VII. TAX FOR "911" SERVICE

SECTION 140.070: TAX FOR "911" SERVICE

A. The St. Charles County Council hereby affirms and authorizes the tax of two percent (2%) of the tariff local service rate for telephone service as authorized by Section 190.305, RSMo., and the approval of the voters on August 7, 1984, for the purpose of funding "911" service in St. Charles County.

B. Any person, corporation or company providing telephone service in St. Charles County shall, and is hereby authorized to, collect the two percent (2%) tax from every billed service user of the service provider in the County. The service provider shall remit the tax funds to the County in accordance with the contracts between the telephone service providers and the County. (Ord. No. 94-12 §1, 1-27-94; Ord. No. 98-242 §§1--2, 12-29-98)

ARTICLE VIII. CAPITAL IMPROVEMENT SALES TAX

SECTION 140.080: CAPITAL IMPROVEMENT SALES TAX

A. The capital improvement sales tax at the rate of one-fifth of a cent (1/5¢) is hereby enacted effective January 1, 2007 through December 31, 2021.

B. A copy of this ordinance shall be forwarded to the State Director of Revenue by the Director of Finance with direction that the capital improvement sales tax at the rate of one-fifth of a cent (1/5¢) is hereby enacted effective January 1, 2007 through December 31, 2021 shall be charged and collected by the State Director of Revenue or the Director's designee for remittance to this County. (Ord. No. 05-077 §§1--2, 6-1-05)

CHAPTER 145: RECORDER OF DEEDS

ARTICLE I. SYSTEM FOR FILING A CERTIFICATE OF VALUE

SECTION 145.010: SYSTEM FOR FILING A CERTIFICATE OF VALUE

A. At the same time as any deed or instrument providing for the transfer of title to real estate is presented to the Recorder of Deeds for recordation, there shall be filed with the Recorder of Deeds a certificate of value. The filed certificate of value shall be transmitted to the Assessor and retained by the Assessor for his reference. A copy of the filed certificate shall be returned to the grantee.

B. The certificate of value shall be executed by the grantee or grantees or his representative on forms approved and supplied without charge by the County Assessor.

C. The certificate of value shall contain sufficient information to determine the following:

1. The full consideration for the property splitting out any personal property and/or business value or accommodations for handicap;
2. The intended use of the property; and
3. Whether the transaction was at arms length.

The grantee may add any additional information pertaining to the true value of the property as he/she desires.

D. Information concerning sales price and other consideration is not required to be included in a certificate of value accompanying
transfer of title:
1. To or from the United States, the State of Missouri, or any of the instrumentalities, agencies, or political subdivisions thereof;
2. Made solely for the purpose of confirming, correcting, modifying or supplementing a deed previously recorded, and without additional consideration;
3. Made solely for the purpose of releasing security for a debt or other obligation;
4. On sales for delinquent taxes;
5. To cemetery lots;
6. By lease or other transfer or severed mineral interests;
7. By order of any court;
8. By deed between husband and wife, parent and child, without actual consideration; deeds to or from a family corporation or partnership when all shares of stock are owned by members of a family, or a trust created for the benefit of a member of that family, related to one another within the fourth degree of kindred, and their spouses, for no consideration;
9. By deed of partition;
10. By deed made pursuant to merger, consolidation, sale or transfer of the assets of a corporation pursuant to a plan of merger or consolidation filed with the Missouri Secretary of State;
11. By executory contract for deed;
12. By deed of distribution executed by a personal representative conveying to devised or heirs property passing by testate or intestate succession;
13. By lease or easement; or
14. By deed which conveys property held in the name of any partnership, not a family, to any partner or his spouse.

E. The grantee is responsible for the filing of a certificate of value. If the grantee is a corporation, partnership or other entity, each responsible officer and agent of the grantee is responsible for filing the certificate of value. However, any attorney, real estate agent or broker or title company may file the certificate of value on behalf of the grantee.

The attorney, real estate agent or broker, and title company representing the grantee in any such transaction shall inform the grantee of his obligation to file a certificate of value.

F. Upon the enactment of this Section, the County Assessor shall immediately prepare and make appropriate forms available at the office of the Recorder of Deeds and to any persons or organizations requesting the same.

G. Any person who is convicted of preparing or filing a certificate of value known to be false; of failing to file a certificate of value at the time of presenting a deed or instrument for the transfer of title to property; or of failing to inform the grantee of his obligation to file a certificate of value when under the obligation to do so, shall be punished by a fine of one percent (1%) of the sales price or five hundred dollars ($500.00), whichever is greater.

H. The enforcement of the regulations established by this Section shall be the responsibility of the County Counselor. (Ord. No. 94-60 §§1--10, 4-26-94; Ord. No. 94-72 §1, 5-10-94)

ARTICLE II. MISCELLANEOUS

SECTION 145.020: REMOTE ACCESS FOR TITLE COMPANIES TO CERTAIN RECORDS OF THE RECORDER OF DEEDS

A. The Director of Management Information Systems ("MIS") is authorized and directed to provide title companies with remote access to the Recorder of Deeds' Uniform Commercial Code indexes and land records on the St. Charles County computer network, as follows:

1. Exclusive access (i.e., access over a line dedicated to a single user from 7:30 A.M. through 6:00 P.M., Monday through Friday excepting holidays of St. Charles County and excepting down-time required for maintenance and upgrades); or
2. Shareable access (i.e., access over a line dedicated to a single user from 7:30 A.M. through 12:00 noon or from 12:30 P.M. to 5:00 P.M., as assigned by St. Charles County, Monday through Friday excepting holidays of St. Charles County and excepting down-time required for maintenance and upgrades).

B. The Director of MIS shall establish and title companies shall meet such requirements for computer hardware and software as may be necessary for remote access.

C. The Director of MIS shall charge such cost-based fees to recover the costs of rendering services. The 1999 fee schedule shall not exceed:

1. One-time setup charge for exclusive access $500.00
2. One-time setup charge for shareable access $250.00
3. Monthly recurring fee for exclusive access $100.00
4. Monthly recurring fee for shareable access $50.00

The Director may publish a new fee structure on or before January thirty-first (31st) of each year for that year's costs.

D. The services authorized by this Section shall be rendered upon receipt of a completed Remote Access Request Form and of the payments required in that Form. That Form shall be in substantially the same form as Exhibit A to Ord. No. 99-27, which shall be on file at the City's offices and incorporated herein by reference. (Ord. No. 99-27 §§1--4, 4-1-99)

SECTION 145.030: ADOPTING THE LAW OF THE STATE DEFINING MARRIAGE AND ESTABLISHING THE LANGUAGE OF A MARRIAGE LICENSE

A. The law of the State of Missouri, as set forth at Section 451.022, RSMo., is hereby enacted as an ordinance of St. Charles County, Missouri, as follows:

1. It is the public policy of St. Charles County Government to recognize marriage only between a man and a woman;
2. Any purported marriage not between a man and a woman is deemed invalid;
3. The St. Charles County Recorder of Deeds, or any other officer or employee of the County, shall not issue or record a marriage license, except to a man and a woman;
4. A purported marriage between persons of the same sex will not be recognized for any purpose by St. Charles County Government even when valid where contracted.

B. The marriage license set out in Subsection (C) is hereby adopted as the official marriage license to be issued in St. Charles County.

C. Marriage License.
IF NOT USED THIS LICENSE SHALL BE VOID AFTER THIRTY (30) DAYS FROM DATE OF ISSUANCE

(Ord. No. 04-072 §§1–2, 5-10-04)

SECTION 145.040: FEES PAYABLE BY CREDIT CARD

The Recorder of Deeds is authorized to receive payment by credit card for fees imposed by law and to recover costs for mailing documents if that service is requested, but shall charge a convenience fee reasonably calculated to recover all but no more than all administrative costs imposed by the credit card service under contract to process such payments. (Ord. No. 06-116 §1, 8-29-06; Ord. No. 07-078 §1, 5-31-07)
SECTION 147.010: COUNTY BRIDGE STANDARDS

All new and replacement bridges constructed on St. Charles County right-of-way shall be at least twenty-six (26) feet wide. (Ord. No. 00-033 §1, 3-29-00; Ord. No. 07-019 §1, 1-30-07)

SECTION 147.101: TITLE OF LAW -- REDESIGN OF CERTAIN PROJECTS NOT REQUIRED

Sections 147.101 to 147.109 shall be known as the "St. Charles County Road Utility Relocation". County shall not be required to redesign any project plans or mail additional notices, nor shall the owner of a utility facility be required to submit additional relocation plans or otherwise comply with requirements of Sections 147.101 to 147.109 for any construction project on a County road for which the letting date was prior to March 1, 2007. (Ord. No. 07-019 §1, 1-30-07)

SECTION 147.102: DEFINITIONS

As used in Sections 147.101 to 147.109, the following terms shall mean:

ACT OF GOD: An unanticipated grave natural disaster or other natural phenomenon of an exceptional, inevitable and irresistible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.

CONSTRUCTION PROJECT: All contracts let for construction, reconstruction or improvement of County roads, except for contracts for maintenance or resurfacing determined by the County not to conflict with public utilities and routine maintenance and repairs completed by employees of the County. The term "construction project" shall not include projects for road beautification, road irrigation and drainage projects, culvert installation or repair, sound wall installation, decorative lighting, landscaping or other projects not directly related to improving or routing road traffic. The term "construction project" shall also not include any project authorized by the County to accommodate any private development, including a shopping mall, stadium, office building or arena.

CONTRACTOR: Any person entering into a contract with the County for purposes of completing a construction project on a County road, including a subcontractor or supplier to such contractor.

COUNTY: St. Charles County, Missouri, the County Engineer or designees of the County Engineer for the purpose of Sections 147.101 to 147.109.

COUNTY ENGINEER: The County Engineer of St. Charles County.

COUNTY ROAD: A road constructed or maintained at the cost of the County or constructed with the aid of State funds or United States Government funds or any road included by authority of law in the County road system.

CUSTOMER DELAYS: Delays in the relocation work due to delays caused by the utility's customers including, but not limited to, delays in getting written or oral approvals from customers for permissible utility service cut-over dates.

CUT-OVER DATE: The date utility owner interrupts utility service to a utility customer provided through an existing utility facility and switches the service over to a new utility facility serving the customer.

DAY OR DAYS: A business day or a period of consecutive business days consisting of every work day excluding Saturdays, Sundays and legal holidays.

EXTREME WEATHER EVENT: A severe weather occurrence including, but not limited to, fire, flood, earthquake, tornado, wind, hurricane, storm, ice, abnormal rainfall, blizzard or extended periods of severe inclement weather.

LETTING DATE: The date established by the County for the acceptance of bids by contractors.

MAIL: A dated written transmittal sent to the addressee by regular or certified mail.

MAINTENANCE: Routine work performed on County roads by employees of the County or contractors to the County, including minor pavement and shoulder repairs, striping, grading, irrigation ditch clearing, street overlays and other work determined by the County not to conflict with public utilities.

NOTICE TO PROCEED: Notice by the County to a contractor to proceed with work on a contract awarded by the County.

OWNER: The individual, firm, joint venture, partnership, corporation, association, cooperative, municipality, County, district, political subdivision, department, agency or any other institution owning or operating utility facilities.

PROJECT PLANS: Any plan for road construction projects demonstrating the need to design and conduct utility facility alterations or relocations due to the work.

RELOCATE OR RELOCATION: The adjustment of utility facilities, as the County or County Engineer may determine is necessary in connection with the construction of a County road. Relocation includes:

1. Removing and reinstalling the utility facility, including necessary temporary facilities;
2. Moving, rearranging or changing the type of existing utility facilities; and
3. Taking any necessary safety and protective measures.

RELOCATION PLAN: A plan designed by the owner to carry out utility facility relocation work to accommodate a construction
project on a County road.

RESURFACING: Work which provides a new roadway surface for existing pavement on a County road, including minor base patching, intersection paving, shoulder work and guardrail work which is determined by the County not to conflict with public utilities.

UTILITY CONTRACTOR: A person contracting with an owner of a utility facility, or a subcontractor to a person contracting with an owner of a utility facility, for the alteration, relocation or installation of a utility facility in connection with a construction project on a County road.

UTILITY FACILITY: Any underground facility as defined in Section 319.015, RSMo., and above ground facilities, including poles, lines, wires and appurtenances, for the purposes of electrical power, telephone, telegraph, fiber optic and cable television services and any other purpose for which above ground utility facilities may be located along County roads.

WORK: Construction and services required of the contractor by the contractor's contract with the County, including excavation as that term is defined in Section 319.015, RSMo. (Ord. No. 07-019 §1, 1-30-07)

SECTION 147.103: UTILITY FACILITIES LOCATED IN RIGHT-OF-WAY, SURVEY REQUIRED -- NOTIFICATION REQUIREMENTS

A. At the earliest possible date in the design of a construction project on a County road, the County shall attempt to determine what utility facilities are located within the right-of-way of the planned construction project by researching permit files and reviewing map files maintained by the County. The County shall also, as necessary, conduct field investigations and contact local governments to identify any utility facilities within the right-of-way.

B. Within thirty (30) days of completion of the survey conducted under Subsection (A) of this Section, the County shall notify in writing owners of each known utility facility that a construction project is planned that may conflict with their utility facility. The notification shall include the name or route number of the road, the geographical limits of the planned construction project, a general description of the work to be done including a preliminary plan, the desired date for completion of a relocation plan and the anticipated month and year a letting date could be set for the construction project.

C. The owner shall examine the notice and notify the County in writing of any utility facility not correctly described in the County's notice. Within sixty (60) days of receiving the notice required in Subsection (B) of this Section, the owner shall provide a written response to the County. The response shall describe and provide the general location of each utility facility of the owner by confirming the location shown in the County's notice or by providing additions or corrections. (Ord. No. 07-019 §1, 1-30-07)

SECTION 147.104: PROJECT PLANS TO BE PROVIDED TO OWNERS OF UTILITY FACILITIES, CONTENTS -- UTILITY COORDINATION MEETING REQUIRED, WHEN

A. Upon completion of the initial design of the construction project, the County shall provide at least one (1) set of project plans to each owner of a utility facility identified under Section 147.103.

B. The project plans shall show those portions of the construction project upon which the owner's utility facilities are located and where the utility facilities of other owners are located in relation to work required for the project. The County shall also provide with the project plans a description of any right-of-way still to be purchased and the anticipated letting date of the project. The project plan shall be accompanied by a complete set of plans including profile, cross section, drainage, signal, lighting, signing plans, temporary road plans that may affect utilities and other pertinent plan sheets. Upon request of the owner, the County shall provide any additional plan information needed by the owner to design and lay out the removal, relocation or adjustment of existing facilities and the placement of relocated or new utility facilities within the limits of the construction project.

C. Within thirty (30) days of receipt of the project plans, the utility owner shall develop a preliminary plan of adjustment and return the marked-up project plans to the County. The plan of adjustment shall include:
   1. Verification that all utility facilities are shown;
   2. The proposed location of adjusted utility facilities;
   3. Any additional right-of-way requirements; and
   4. Any other concerns.

D. When two (2) or more owners have facilities in the area encompassed by the construction project, the County shall schedule a utility coordination meeting as soon as possible but no longer than thirty (30) days from the date the project plans were mailed. The County's project manager and all owners are required to attend this meeting. If there is a conflict between two (2) owners which cannot be satisfactorily resolved by the owners, the County shall determine the most appropriate method to resolve the conflict between the two (2) owners and, in making such determination, shall weigh equally the length of time necessitated by each owner's proposal and the relative cost to each owner if the other's proposal is adopted. The County shall notify all utility owners involved with the project in writing of the County's acceptance or revisions to the utility plan of adjustment. (Ord. No. 07-019 §1, 1-30-07)

SECTION 147.105: RELOCATION PLAN, CONTENTS -- REVIEW OF PLAN -- MEETING FOR COORDINATION OF WORK REQUIRED -- NOTIFICATION OF APPROVAL OF PLAN

A. Within one hundred twenty (120) days of receiving written notice of approval of the utility plan of adjustment from the County,
the owner shall provide the County with a relocation plan. The one hundred twenty (120) day clock stops after the relocation plan is submitted by the owner. If, after timely submission of the relocation plan by the owner, revisions or alterations are necessary for any reason or if the original relocation plan was incomplete due to information needed from other parties, the one hundred twenty (120) day clock begins to run again when the needed information is received back by the owner.

B. The relocation plan shall include a narrative description of work that will be done in relocating the owner's utility facilities and whether the work or a portion of the work must be coordinated with or is contingent upon work being performed by another utility facility owner or the contractor to the County. The relocation plan shall list, if applicable, any anticipated issues or problems related to the acquisition of right-of-way. The relocation plan shall, if applicable, detail the anticipated number of days to acquire additional easements not provided within the new road right-of-way. The relocation plan shall also give estimates as to the time needed to obtain any necessary customer approvals for cut-over dates, if necessary. The relocation plan shall state when the work will be started and the length of time in days estimated to complete the work. It is permissible for an owner to state in a relocation plan that the owner's work will be completed within a stated number of days from the date that a contractor or another owner completes certain identified work which interferes with the owner's work. The relocation plan shall identify any contingencies, if applicable, that may impact the anticipated start of relocation. The relocation plan shall also describe whether the plan is incomplete due to:

1. Other owners failing to coordinate their plans with the owner submitting the plan;
2. Other owners failing to provide information necessary to submit a complete relocation plan;
3. The County failing to provide any information required by Subsection (B) of Section 147.104; or
4. Any other reason explained in the plan regarding the circumstances and cause of the plan being incomplete.

C. The County shall review the relocation plan to ensure compatibility with permit requirements, the project plan and the anticipated letting date and notice to proceed for the project. If utility relocation is dependent upon or must be coordinated with work to be completed by the contractor, the relocation plan shall assure timely completion of the project. If the relocation plan is acceptable to the County, the County shall notify the owner in writing within thirty (30) days of receiving the plan. If the relocation plan submitted by the owner is not compatible, reasonable or does not allow timely completion of the project, the County shall advise the owner in writing as soon as practicable, but not later than thirty (30) days after receiving the relocation plan. The County shall specify in the notice which parts of the relocation plan it finds objectionable and the reasons for its conclusions. The owner shall submit a revised relocation plan within thirty (30) calendar days after receipt of notice by the County that the relocation plan is not acceptable. The County shall review the revised relocation plan and if the relocation plan is still not acceptable, the County shall provide a relocation plan to the owner. The owner shall not be bound by the terms of the County's relocation plan if such relocation plan:

1. Requires the payment of overtime to employees to expedite the construction project; or
2. Requires the owner to comply with a deadline which is not feasible due, in whole or in part, to one (1) or more factors outside the control of the owner.

D. If the owner informs the County, in writing, or the County determines that the owner's relocation work is dependent upon or must be coordinated with work being performed by the County's contractor, the County shall convene a meeting of the contractor and the one (1) or more owners whose relocation work is dependent upon or must be coordinated with the contractor's work. Such meeting shall be held after the letting date at which bids were received for the construction project, but prior to the issuance of a notice to proceed to the County's contractor. After such meeting and before or concurrent with the issuance of a notice to proceed, the County shall provide a schedule for the relocation of utilities to the owner and the County's contractor. If the approved relocation plan, or a portion of such plan, is dependent upon or must be coordinated with work to be performed by the contractor, the contractor shall notify the County of its best estimate of the date that all construction necessary for the relocation of utilities will be completed, at least fourteen (14) days prior to such date. If such completion date is delayed due to weather or other causes, the contractor shall immediately notify the County of the delay and the revised expected completion date. The contractor shall give a second (2nd) notice to the County five (5) days prior to the date work will be completed as necessary for relocation work to begin. It shall be the responsibility of the County to notify the owner or owners of the contractor's estimated completion dates. The contractor may also notify the owner directly of such dates, if the contractor has received information from the owner under Subsection (E) of this Section, but such notice shall not relieve the County of its obligation to notify the owner. If the contractor's delay causes additional delay by the owner, the County and the owner shall negotiate in good faith to determine the new completion date.

E. Notification.

1. The County shall notify the owner in writing not less than thirty (30) days before the owner is required to begin relocation provided for in the approved relocation plan. Unless the owner has encountered excusable delay as set forth in Subsection (D) of Section 147.108, the owner shall complete its work within the time frame described in the relocation plan and shall complete all work that can be done prior to construction before the issuance of the notice to proceed, including work that may need to be coordinated with other utility owners but is not dependent on the work of the contractor.
2. The notice required by Subdivision (1) of this Subsection shall include the name, address, telephone number, facsimile number and electronic mail address of the County's contractor and any subcontractors performing work on the construction project. Such information shall also include the name and title of an individual employed by the contractor or subcontractor having primary responsibility for the construction project. Within fifteen (15) days of receiving notice, the owner shall provide to the County and the County's contractor the name, address, telephone number, facsimile number and electronic mail address of the employee of the owner who is responsible for implementation of the owner's relocation plan and the same information for any utility contractor to the owner for purposes of carrying out the relocation plan.

F. The owner shall notify the County when relocation work has started. During the course of the relocation work, the County may
require owners to provide progress reports until its relocation is complete. The owner shall notify the County when all relocation work is complete. All notices of either starting or completion of relocation work and all monthly progress reports shall be provided within five (5) days after such dates. (Ord. No. 07-019 §1, 1-30-07)

SECTION 147.106: REVISED PROJECT PLAN REQUIRED, WHEN
A. If, prior to the letting date of the construction project, the County's project plan is changed so that additional or different utility relocation work is found necessary, the County shall furnish a revised project plan under Section 147.104 and the owner shall provide the County with a revised relocation plan under Section 147.105, except that the time allowed for the owner to submit the revised relocation plan after receipt of the revised project plan shall not exceed sixty (60) days.
B. If, after the letting date of the road construction project, additional utility relocation work is found necessary which was not indicated on the original project plan, the County shall provide the owner with a revised project plan within fifteen (15) days and the County and the owner shall agree on a reasonable schedule for completion of the additional utility location. (Ord. No. 07-019 §1, 1-30-07)

SECTION 147.107: METHOD OF PROVIDING NOTICES, RESPONSES AND PLANS -- NOTICE OF EXCAVATION REQUIRED
A. The County shall have authority to require that any required notice, response or plan be submitted by mail or certified mail. Otherwise notices, plans and other statements in writing may be provided by mail, facsimile or electronic mail. The County may require that some form of proof of receipt be provided in regard to any notice, plan or other statement in writing. Upon mutual agreement between the County and an owner, additional time may be granted for the completion of any act required by Sections 147.101 to 147.109.
B. Nothing in Sections 147.101 to 147.109 shall be construed to relieve a contractor from making notice of excavation as required by Sections 319.010 to 319.050, RSMo., of the underground facility safety and damage prevention act or complying with the requirements of Sections 319.075 to 319.090, RSMo., of the overhead power line safety act, except to the extent that any provisions of Sections 147.101 to 147.109 require additional obligations beyond those set forth in Sections 319.011 to 319.050, RSMo., or Sections 319.075 to 319.090, RSMo., in which case the requirements of Sections 147.101 to 147.109 shall prevail. (Ord. No. 07-019 §1, 1-30-07)

SECTION 147.108: DAMAGES FOR FAILURE TO RESPOND OR CORRECT PROJECT PLANS OR FAILURE TO RELOCATE--EXCEPTIONS--REMOVAL AND RELOCATION AT EXPENSE OF OWNER
A. If the owner of a utility facility fails to provide the responses or corrections to project plans required by Sections 147.103 to 147.106, the County may recover from the owner damages in the amount of up to one hundred dollars ($100.00) per day for each day the required act is not completed.
B. If the owner fails to provide a relocation plan or fails to timely relocate utility facilities in accordance with the relocation plan as required by Section 147.105, the County may recover from the owner damages in the amount of up to one thousand dollars ($1,000.00) per day for each day the required act is not completed.
C. The damages authorized by Subsections (A) and (B) of this Section may be recovered through actions brought by the County Counselor. An action to collect the damages authorized by this Section shall be brought in a court of appropriate jurisdiction. All damages collected under this Section shall be deposited in the County Transportation Fund.
D. No damages or fines of any kind shall be assessed for delays that result, in whole or in part, directly or indirectly, from any of the following:
   1. Customer delays;
   2. Labor strikes or shortages;
   3. Terrorist attacks, riots, civil unrest or criminal sabotage;
   4. Acts of God or extreme weather events;
   5. Delays caused by staffing shortages in the geographic area near the County's construction project due to the owner's need to reassign an unusual number of workers to any other area to respond to an act of God or extreme weather event;
   6. The failure of another owner to sufficiently complete its required relocation of utility facilities that interfere with an owner's relocation plan;
   7. The failure of another owner or delay by another owner in submitting relocation plans that interfere with an owner's relocation plan;
   8. Delays by the County in acquiring necessary right-of-way or necessary easements;
   9. Delays caused by facility damages or cable cuts caused by the County's contractor, other owners or third parties;
   10. Unusual material shortages; and
   11. Any other event or action beyond the reasonable control of the owner.
The occurrence of any of the unusual events listed in this Section shall constitute an affirmative defense to the assessment of
damages under the provisions of this Section.

E. The removal and relocation of utility facilities shall be made at the expense of the owners unless otherwise provided by the
County. If the owner fails to relocate the utility facilities in accordance with the relocation plan as required by Section 147.105,
the utility facilities may be removed and relocated by the County or under its direction and the cost of relocating the utility
facilities shall be collected from such owner. If the County or its designee removes and relocates the utility facilities, the utility
owner shall not be liable to any party for any damages caused by the County's or the County's designee's removal and relocation of
such facilities. (Ord. No. 07-019 §1, 1-30-07)

SECTION 147.109: AUTHORITY

A. This Act is adopted pursuant to authority specifically granted by Section 227.559, RSMo., and is intended to be consistent with the
requirements of the State Highway Utility Relocation Act as set forth in Sections 227.551 to 227.559, RSMo. The following terms
from the State Act have been replaced as follows:

COMMISSION: County.
DIRECTOR: County Engineer.
HIGHWAY: Road.
STATE HIGHWAY: County road.

B. This Act is further adopted pursuant to the authority created by the Charter of St. Charles County, Missouri, including, without
limitation, Sections 2.524 and 2.535 of said Charter. No provision of this Act shall infringe upon, negate or otherwise abrogate an
owner's right to construct, own, operate and maintain utility facilities within the rights-of-way of the County that the owner
otherwise enjoyed prior to the adoption of this Act. (Ord. No. 07-019 §1, 1-30-07)

CHAPTER 150: COURT COSTS AND FEES

A. The County Council hereby authorizes the collection of fees in criminal cases, felony, misdemeanor and traffic cases where
restitution is ordered and the restitution payments are collected by the St. Charles County Prosecutor's office. The fee schedule
shall be as follows:

1. Up to $1,000.00 in restitution $ 40.00
2. Over $1,000.00 in restitution 80.00
3. Over $5,000.00 in restitution 120.00

B. Criminal restitution fees are to be credited to line item 001-000-4-225.00 in the General Fund. (Ord. No. 96-26 §1, 2-27-96)

SECTION 150.020: FEES TO SUPPORT PEACE OFFICER STANDARDS AND TRAINING COMMISSION FUND

A. The County Council hereby authorizes the collection of an additional dollar ($1.00) as a cost assessed in certain criminal cases
defined by State Statute.

B. The additional dollar ($1.00) shall be forwarded to the State Treasury in care of the Department of Public Safety to the credit of
the Peace Officer Standards and Training Commission Fund.

C. The County Council authorizes and directs the Sheriff to notify the Peace Officer Standards and Training (POST) Commission
that St. Charles County will participate in the fund, and further authorizes the Sheriff to submit the POST Commission Training
Fund Application Contract to the Department of Safety's POST Program. (Ord. No. 95-108 §§1--3, 7-27-95)

SECTION 150.030: ESTABLISHMENT OF A DWI/DRUG ENFORCEMENT FUND

A. The Sheriff shall establish a schedule of costs associated with alcohol- and drug-related traffic offenses and which include the
reasonable cost of making the arrest, cost of any chemical tests to determine the alcohol or drug content of the person's blood and
the cost of processing, charging, booking and holding such person in custody.

B. Any County official receiving or collecting funds pursuant to a court order for reimbursement of costs associated with alcohol or
drug related traffic offenses shall turn over the funds to the County Treasurer for deposit into the "DWI/Drug Enforcement Fund".

C. The County Treasurer shall retain the fees collected by the court, Sheriff or other officer of the County for reimbursement to law
enforcement authorities for the costs associated with alcohol or drug related traffic offenses in a separate fund known as the
"DWI/Drug Enforcement Fund". Monies within the DWI/Drug Enforcement Fund shall be appropriated by the County Council to
law enforcement authorities specifically used to enhance and support the enforcement of alcohol and drug-related traffic laws
within the County. (Ord. No. 94-161 §§1--3, 9-28-94)
SECTION 150.040: AUTHORIZING CERTAIN FEES ON TRAFFIC VIOLATIONS

A. Pursuant to Section 590.140, RSMo., the County Council hereby authorizes the collection of the two dollar ($2.00) training fee on non-moving violations and reauthorizes the two dollar ($2.00) training fee on violations of the general criminal laws of the State, violations of County or municipal ordinances and moving violations. Such fees shall be assessed as costs in each court proceeding involving violations of the general criminal laws of the State, violations of County or municipal ordinances and moving and nonmoving violations.

B. The County Clerk is hereby directed to forward a copy of this Section to the Circuit Court of St. Charles County. (Ord. No. 97-121 §§1--2, 8-27-97)

SECTION 150.050: SURCHARGE FOR COUNTY CRIMINAL CODE VIOLATIONS

A. Pursuant to Section 479.261 RSMo., the County Council hereby authorizes the collection of a two dollar ($2.00) surcharge on County ordinance violations having a criminal penalty. Such surcharges shall be assessed as costs in each court proceeding involving violations of County ordinances containing a criminal penalty. No surcharge shall be collected in any proceeding when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the State or County. Such surcharges collected by the Circuit Clerk shall be collected and disbursed as provided by Sections 488.010 to 488.020, RSMo. The County shall use such moneys only for the purpose of providing operating expenses for shelters for battered persons as defined in Sections 455.200 to 455.230, RSMo.

B. Fees collected hereby are to be credited to line item 221-0000-341.20-00, Domestic Violence--Recording Fees.

C. The County Clerk is hereby directed to forward a copy of this ordinance to the Circuit Court of St. Charles County. (Ord. No. 99-165 §§1--3, 12-29-99)

SECTION 150.060: COSTS OF INCARCERATION AND MEDICAL EXPENSES AGAINST CURRENT OR FORMER INMATES

A. It is the intent of this Section that persons who plead guilty to or are convicted of an offense and are committed to the St. Charles County Detention Facility or the Missouri Department of Corrections or any other correctional facility shall, to the extent authorized by law, pay for the cost of their incarceration and their medical expenses while in the custody of the St. Charles County Adult Detention Facility whether incurred before or after trial or both.

B. The cost of maintenance of County inmates is determined to be as follows:

1. For a person in ordinary confinement, the daily fee for room, board and medical care in the Adult Detention Facility shall be determined and fixed by the County Executive for each calendar year, in a sum not to exceed the actual average daily cost to the County of providing room, board and medical care to persons in ordinary confinement, together with a one-time booking fee of ten dollars ($10.00).

2. Any unpaid work release fees.

C. The Director of Corrections ("Director") may charge an inmate for expenses as set forth in this Section while he is incarcerated and may deduct payment for said expenses from the inmate account maintained by the St. Charles County Department of Corrections ("SCCDOC") for the benefit of the inmate. In the event the inmate has a balance due for expenses accrued under this Section from prior incarcerations, any inmate account created as part of a subsequent incarceration may be used to recover sums due from the prior incarceration.

D. Within five (5) years after the release of the inmate from the Adult Detention Facility, the County, through the County Counselor, may commence an action in the Circuit Court of St. Charles County to recover any unpaid expenses under this Section, unless the inmate has made a reasonable, good faith effort to keep and maintain installment payments through a voluntary repayment plan to SCCDOC for the unpaid balance. Inmate accounts established under a voluntary repayment plan must be set up and maintained in good standing as follows:

1. Within six (6) months of his release date from SCCDOC, except any such release that is the result of a transfer to another permanently locked and secure correctional facility, each former inmate shall contact the SCCDOC to establish a plan for payment of any outstanding balance of fees and expenses owed to the County pursuant to this Section; and

2. Upon such contact, the SCCDOC shall set up a receivable account in the name of the former inmate and shall send him one (1) letter notifying him of his monthly repayment installment obligation and the date each month on which the payment shall be due. Said notice letter shall be sent to the address provided by the inmate at the time of such contact. No monthly statements, bills or coupons will be sent, however, the SCCDOC shall furnish, upon request of the former inmate, a statement of account; and

3. If the payments of any former inmate are found to be unpaid for any period of sixty (60) days or more under the terms of his payment plan, suit may be commenced by the County Counselor to collect the full balance of all fees and expenses due and owing under this Section. All accounts for which monthly payments are received in full, on or before the due date, shall be deemed to be accounts in good standing.

E. Any fees or expenses taxed to the inmate as costs in the criminal proceedings in which he is convicted and sentenced to the Adult Detention Facility and/or in which he is convicted subsequent to a term of pre-trial detention in the Adult Detention Facility shall not be the subject of any civil action commenced through the County Counselor. The County Counselor shall have the discretion
to amend or dismiss any claims for reimbursement for which other legal remedy has been obtained.

F. Any sums collected pursuant to this Section shall be deposited with the Director of Finance in a separate account for inmate expenses. (Ord. No. 04-026 §§1–9, 2-25-04; Ord. No. 04-050 §1, 3-31-04; Ord. No. 05-008 §1, 2-1-05; Ord. No. 05-084 §1, 6-14-05; Ord. No. 05-188 §1, 12-20-05; Ord. No. 11-026 §§4, 5-2-11)

SECTION 150.070: SURCHARGE FOR INMATE SECURITY FUND

A. A surcharge of two dollars ($2.00) shall be assessed as costs in each court proceeding filed in the Circuit Court of St. Charles County in all criminal cases including violations of any County ordinance or any violation of criminal or traffic laws of the State, including an infraction and violation of a municipal ordinance; except that no such fee shall be collected in any proceeding when the proceeding or the defendant has been dismissed by the court or when costs are to be paid by the State, County or a municipality. A surcharge of two dollars ($2.00) shall be assessed as costs in a juvenile court proceeding in which a child is found by the court to come within the applicable provisions of Subdivision (3) of Subsection (1) of Section 211.031, RSMo.

B. Such collection of fees shall be the responsibility of the St. Charles County Circuit Clerk.

C. Notwithstanding any other provision of law, the monies collected by the St. Charles County Circuit Clerk pursuant to the provisions of this Section shall be collected and disbursed in accordance with Sections 488.010 to 488.020, RSMo., and shall be payable to the St. Charles County Finance Department.

D. The St. Charles County Director of Finance shall deposit such funds generated by the surcharge into a dedicated account within the General Fund known as the "Inmate Security Fund". Funds deposited shall be used to develop biometric verification systems to ensure that inmates can be properly identified and tracked within the local jail system. Upon the installation of the biometric verification system, funds in the Inmate Security Fund may be used for the maintenance of the biometric verification system and to pay for any expenses related to custody and housing and other expenses for prisoners as authorized by Section 488.5026.3, RSMo.

E. The surcharge fee as authorized by Section 488.5026, RSMo., is hereby adopted at the maximum fee authorized by Statute and the amount of such fee shall change to reflect the maximum authorization should the maximum fee set by Statute be altered by the Missouri legislature. (Ord. No. 05-048 §§1–5, 4-27-05)

CHAPTER 160: MUNICIPAL COURT

SECTION 160.010: ESTABLISHED -- JURISDICTION

A. There is established in the County of St. Charles a Municipal Court, to be known as the St. Charles County Municipal Court, a Division of the Eleventh Judicial Circuit Court of the State of Missouri. This Court shall be known as the County Municipal Court.

B. The jurisdiction of the Municipal Court shall extend to all cases involving alleged violations of the County's Code of Ordinances, any other ordinance of the County, and any ordinance of a political subdivision wholly within the County (hereafter "municipality") with which the County has a contract to prosecute and punish violations of that ordinance.

C. The Municipal Court of the County shall be subject to the rules of the Circuit Court of which it is a part and to the rules of the Missouri Supreme Court. The Municipal Court shall be subject to the general administrative authority of the Presiding Judge of the Circuit Court and the County Municipal Judge and County Municipal Court personnel shall obey the official directives of the Presiding Judge. (Ord. No. 07-152 §1, 10-30-07; Ord. No. 08-094 §1, 8-1-08)

SECTION 160.020: QUALIFICATIONS FOR OFFICE

A. The Judge of the County Municipal Court shall be known as a County Municipal Judge of the Eleventh Judicial Circuit Court and shall be appointed to his position by the County Executive, subject to the consent of the County Council as set forth in Article II, Section 2.503 of the Charter of St. Charles County, for a term of office of two (2) years. The County Municipal Judge shall not be a merit employee, but may only be removed from office as set forth in ordinance.

B. The County Municipal Judge shall possess the following qualifications before he shall take office:

1. Shall be a licensed attorney, qualified to practice law within the State of Missouri.
2. Shall reside within the County.
3. Shall be a resident of the State.
4. Shall not serve as Judge or Prosecutor for any other Court.
5. Shall not hold any other office within the County Government.
6. The County Municipal Judge shall be considered to hold a part-time position and as such may accept other employment.
7. Shall not accept or handle cases in his practice of law which are inconsistent with his/her duties as a County Municipal Court Judge. (Ord. No. 07-152 §2, 10-30-07)
SECTION 160.030: TERM OF OFFICE -- VACATION OF OFFICE

A. A person appointed to the office of County Municipal Judge shall hold his office for a period of two (2) years and until his successor is duly appointed and qualified. If for any reason the County Municipal Judge vacates his office, his successor shall complete that term of office, even if the same be for a term less than two (2) years.

B. The County Municipal Judge shall vacate his office under the following circumstances:

1. Upon removal from office by the State Commission on the Retirement, Removal and Discipline of Judges, as provided in Missouri Supreme Court Rule 12;
2. Upon attaining his seventieth (70th) birthday;
3. If he should lose his license to practice law within the State; or
4. Upon violation of the qualifications of the office of County Municipal Judge set forth within this Chapter. (Ord. No. 07-152 §3, 10-30-07)

SECTION 160.040: POWERS AND DUTIES

The County Municipal Judge shall be and is authorized to:

1. Serve as the department head of the County Municipal Court.
2. Establish a Traffic Violations Bureau as provided for in the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and Section 479.050, RSMo.
3. Administer oaths and enforce due obedience to all orders, rules and judgments made by him and may fine and imprison for contempt committed before him while holding Court in the same manner and to the same extent as a Circuit Judge.
4. Establish a fine schedule for traffic offenses.
5. Commute the term of any sentence, stay execution of any fine or sentence, suspend any fine or sentence and make such other orders as the County Municipal Judge deems necessary relative to any matter that may be pending in the Municipal Court.
6. Make and adopt such rules of practice and procedure as are necessary to implement and carry out the provisions of this Chapter and to make and adopt such rules of practice and procedure as are necessary to hear and decide matters pending before the Municipal Court and to implement and carry out the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts. Any and all rules made or adopted hereunder may be annulled or amended by an ordinance limited to such purpose; provided that such ordinance does not violate or conflict with the provisions of the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts or State Statutes.
7. The County Municipal Judge of the Municipal Court is authorized to appoint an attorney to represent an indigent defendant in Municipal Court when the County Municipal Judge finds that the County Counselor has informed the County Municipal Judge that he will recommend a jail sentence if the defendant is found guilty and if the defendant is found to be without sufficient funds or property with which to retain an attorney. The appointed attorney shall be entitled to compensation for his services in an amount not exceeding the sum of two hundred fifty dollars ($250.00). Such amount shall be determined by the County Municipal Judge upon proof presented by the attorney of his services rendered.
8. The County Municipal Judge shall have such other powers, duties and privileges as are or may be prescribed by the laws of this State, this Code of Ordinances or any other ordinance of the County. (Ord. No. 07-152 §4, 10-30-07)

SECTION 160.050: QUARTERLY REPORT TO COUNTY EXECUTIVE

The County Municipal Judge shall cause to be prepared within the first ten (10) days of every quarter a report indicating the following: A list of all cases heard and tried before the Court during the preceding month, giving in each case the name of the defendant, the fine imposed, if any, the amount of cost, the names of the defendants committed and in the cases where there was an application for trial de novo, respectively. The same shall be prepared under oath by the County Municipal Court Clerk or the County Municipal Judge. This report will be filed with the County Executive. The County Municipal Court shall, within ten (10) days after the first (1st) of the month, pay to the County's Department of Finance the full amount of all fines collected during the preceding month, if they have not previously been paid. (Ord. No. 07-152 §5, 10-30-07)

SECTION 160.060: DOCKET AND COURT RECORDS

The County Municipal Judge shall be a conservator of the peace. He shall keep a docket in which he shall enter every case commenced before him and the proceedings therein and he shall keep such other records as may be required. Such docket and records shall be records of the Eleventh Circuit Court. The County Municipal Judge shall deliver the docket and records of the County Municipal Court, and all books and papers pertaining to his office, to his successor in office or to the Presiding Judge of the Circuit. (Ord. No. 07-152 §6, 10-30-07)

SECTION 160.070: TEMPORARY COUNTY MUNICIPAL JUDGE
If a County Municipal Judge is absent, sick or disqualified from acting, the County Executive may designate some competent, eligible person who meets the qualifications set forth for the County Municipal Judge to act as County Municipal Judge until such absence or disqualification shall cease. Such temporary County Municipal Judge shall be paid at a rate established by the County Executive. (Ord. No. 07-152 §7, 10-30-07)

SECTION 160.080: CLERK OF MUNICIPAL COURT

The County Municipal Court Clerk is designated as the Clerk of the Municipal Court. The duties of the County Municipal Court Clerk shall be as follows:

1. To collect such fines for violations of such offenses as may be described and the Court costs thereof and to pay over all fines and costs into the County Treasury.
2. To take oaths and affirmations.
3. To accept signed complaints and allow the same to be signed and sworn to or affirmed before him.
4. Sign and issue subpoenas requiring the attendance of witnesses and sign and issue subpoenas duces tecum.
5. Accept the appearance, waiver of trial and plea of guilty and payment of fine and costs in Traffic Violations Bureau cases or as directed by the County Municipal Judge; generally act as Violation Clerk of the Traffic Violations Bureau.
6. Perform all other duties as provided for by ordinance, by rules of practice and procedure adopted by the County Municipal Judge and by the Missouri Rules of Practice and Procedure in Municipal and Traffic Courts and by Statute.
7. Maintain, properly certified by the Registrar, a complete copy of this Code and any other ordinance of the County which shall constitute prima facie evidence of such Code or ordinance before the County Municipal Court. Further, the County Municipal Court Clerk shall maintain a similar certified copy on file with the Circuit Clerk serving the Eleventh Circuit Court.
8. The Clerk of the County Municipal Court is authorized to issue warrants and summons as the result of complaints or information filed by the County Counselor; provided, that no such summons or warrants shall be issued without the authority of the County Municipal Judge.
9. Delegate any duties set forth herein, or as established by the County Municipal Judge, to such assistants as are authorized within the office, after consultation and concurrence of the County Municipal Judge. (Ord. No. 07-152 §8, 10-30-07)

SECTION 160.090: COURT COSTS

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

1. Costs of Court in the amount of twelve dollars ($12.00), pursuant to Section 488.012(3)(6), RSMo.
2. In all cases submitted to the Traffic Violation Bureau and/or the County Municipal Court, there shall be an additional fee of two dollars ($2.00) assessed for the training of Sheriff's deputies pursuant to Section 488.5336, RSMo.
3. Other costs for new charges such as failure to appear or like charges, such as for the issuance of a warrant, a commitment or a summons, as provided before the Associate Circuit Judge in criminal prosecutions.
4. Actual costs assessed against or incurred by the County by or from any County Sheriff or other Law Enforcement Officer for transportation to and from, apprehension or confinement in any County Jail and service costs, witness fees and jail costs.
5. Mileage, in the same amount as provided to the Sheriff in criminal violations, for each mile and fraction thereof the deputy must travel in order to serve any warrant or commitment or order of this Court.
6. A surcharge of one dollar ($1.00) to be collected for the State's Peace Officer Standards and Training Commission Fund as required by Section 488.5336, RSMo.
7. A surcharge of seven dollars fifty cents ($7.50) to be collected for the State's Crime Victims' Compensation Fund as required by Section 595.045, RSMo.
8. A surcharge of two dollars ($2.00) to be collected for the Inmate Security Fund as required by Section 488.5026, RSMo.
9. A surcharge of seven dollars ($7.00) to be collected for the Justice Information System Fund as authorized by Section 476.056, RSMo.
10. A surcharge of three dollars ($3.00) to be collected for the Sheriff Retirement Fund as required by Section 488.024, RSMo.
11. A surcharge of two dollars ($2.00) to be collected for the Head Injury Fund as required by Section 304.028, RSMo.
12. A surcharge of one dollar ($1.00) to be collected for the Motorcycle Safety Trust Fund as required by Section 302.137, RSMo.
13. A surcharge of one dollar ($1.00) to be collected for the Independent Living Center Fund as required by Section 488.5332, RSMo.
14. A surcharge of one dollar ($1.00) to be collected for the Missouri Office of Prosecution Services Fund as required by Section 56.765, RSMo., and to be disbursed as set forth in Subsections (2) and (3) thereof.
15. A surcharge of four dollars ($4.00) to be collected for the Prosecuting Attorney Retirement Fund as required by Section 488.026, RSMo.

16. A surcharge of two dollars ($2.00) to be collected for the Spinal Cord Injury Fund as required by Section 304.027, RSMo.

17. A surcharge of ten dollars ($10.00) to be collected for the County Treasury as required by Section 488.4014, RSMo.

18. A surcharge of two dollars ($2.00) to be collected for the Domestic Violence Fund as required by Section 488.607, RSMo.

(Ord. No. 07-152 §8, 10-30-07; Ord. No. 08-030 §9, 3-3-08)

SECTION 160.100: ASSESSMENT AGAINST PROSECUTING WITNESS

The costs of any action may be assessed against the prosecuting witness and judgment may be rendered against him that he pay the same and stand committed until paid in any case where it appears to the satisfaction of the County Municipal Judge that the prosecution was commenced without probable cause and from malicious motives. (Ord. No. 07-152 §9, 10-30-07)

SECTION 160.110: PAYMENT OF FINES/COSTS

A. Installment Payment Of Fine. When a fine is assessed for violating a provision of this Code, any other ordinance of the County, and any ordinance of a municipality with which the County has a contract to prosecute and punish violations of that ordinance, it shall be within the discretion of the County Municipal Judge assessing the fine to provide for the payment of a fine on an installment basis under such terms and conditions as he may deem appropriate.

B. Payment By Credit Card. The Municipal Court is authorized to receive payment by credit card for fines and/or costs of the Court imposed by law and to recover costs for mailing documents if that service is requested, but shall charge a convenience fee reasonably calculated to recover all but no more than all administrative costs imposed by the credit card service under contract to process such payments. (Ord. No. 07-152 §10, 10-30-07; Ord. No. 08-094 §2, 8-1-08; Ord. No. 09-009 §1, 1-27-09)

SECTION 160.120: TRAFFIC VIOLATIONS BUREAU

A. Should the County Municipal Judge determine that there shall be a Traffic Violations Bureau, the County shall provide all expenses incident to the operating of the same. The County Municipal Court Clerk is designated as the Traffic Violations Clerk for such Bureau, if established.

B. When Person Charged May Elect To Appear At Bureau Or Before County Municipal Court Judge.

1. Any person charged with an offense for which payment of a fine may be made to the Traffic Violations Bureau shall have the option of paying such fine within the time specified in the notice of arrest at the Traffic Violations Bureau upon entering a plea of guilty and upon waiving appearance in Court; or may have the option of depositing required lawful bail, if so indicated, and upon a plea of not guilty shall be entitled to a trial as authorized by law.

2. The payment of the fine to the Bureau shall be deemed an acknowledgment of conviction of the alleged offense and the Bureau, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof.

C. The following duties are imposed upon the Traffic Violations Bureau in reference to traffic offenses:

1. It shall accept designated fines, issue receipts and represent in Court such violators as are permitted and desire to plead guilty, waive court appearance and give power of attorney;

2. It shall receive and issue receipts for cash bail from the persons who must or wish to be heard in Court, enter the time of their appearance on the Court docket and notify the arresting officer and witnesses, if any, to be present.

D. The Traffic Violations Bureau shall keep records and submit summarized monthly reports to the Municipal Court of all notices issued and arrests made for violations of the traffic laws and ordinances in the County and of all the fines collected by the Traffic Violations Bureau or the County Municipal Court and of the final disposition or present status of every case of violation of the provisions of such laws and ordinances. Such records shall be so maintained as to show all types of violations and the totals of each. Such records shall be public records.

E. The Traffic Violations Bureau shall follow such procedure as may be prescribed by this Traffic Code and any other traffic ordinance of the County or as may be required by any laws of this State. (Ord. No. 07-152 §11, 10-30-07)

SECTION 160.130: FAILURE TO APPEAR AND FAILURE TO PAY FINES AND COURT COSTS AFTER ENTRY OF PLEA

A. In addition to the forfeiture of any security which was given or pledged for his release, any person who, having been released upon a recognizance or bond pursuant to any other provisions of law, willfully fails to appear before the Judge of the County Municipal Court as required shall be guilty of an offense, shall (if the matter upon which the person has failed to appear is a traffic offense) have their license suspended and in all such matters of a failure to appear, shall be punished by penalty provisions set forth in Section 160.150 below.

B. Nothing in this Section shall prevent the exercise of the County Municipal Court's power to punish for contempt.

C. Whenever a defendant having pled guilty and had a fine and costs enter against him shall fail to pay his fine and costs by the due date, the Court may issue a warrant for his arrest so that he may be called before the Court to account for his failure to fulfill the
SECTION 160.140: REIMBURSEMENT OF COST FOR ALCOHOL- AND DRUG-RELATED OFFENSES
A. Upon a plea of guilty, finding of guilt or conviction for violation of the provisions of Section 310.040 OSCCMO (driving with excessive blood alcohol content) or Section 310.030 OSCCMO (driving under the influence), the County Municipal Court may, in addition to imposition of any penalties provided by law, order the person to reimburse law enforcement authorities for the costs associated with such arrest.
B. Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical tests to determine the alcohol or drug content of the person's blood and the cost of processing, charging, booking and holding such person in custody.
C. Law enforcement authorities may establish a schedule of such costs for submission to the Court; however, the Court may order the costs reduced if it determines that the schedule of costs is excessive given the circumstances of the case or for good cause shown.
D. These fees shall be calculated as additional costs by the County Municipal Court and shall be collected by the Court in the same manner as other costs and fees are collected and remitted.
E. The Director of Finance shall retain these fees in a separate fund known as the DWI-Drug Enforcement Fund. Monies within the DWI-Drug Enforcement Fund shall be appropriated by the County Council to the Sheriff from such fund in amounts equal to those costs so incurred and shall be specifically used to enhance and support the enforcement and prosecution of alcohol- and drug-related traffic laws within the County. (Ord. No. 07-152 §13, 10-30-07)

SECTION 160.150: PENALTY
Any person who violates the provisions of Section 160.130(A) above shall be subject to a fine not to exceed five hundred dollars ($500.00). (Ord. No. 07-152 §14, 10-30-07)

SECTION 160.160: ARRESTS WARRANTS AND TRIAL PROCEDURES

Issue and Execution of Arrest Warrants--Arrests Without Warrants.
1. All arrest warrants issued or authorized by the County Municipal Judge shall be directed to the Sheriff of St. Charles County and any other Police Officer of a municipality with the County of St. Charles. The warrant shall be executed by the Sheriff any place within the limits of the County and not elsewhere unless the warrants are endorsed in the manner provided for warrants in criminal cases and, when so endorsed, shall be served in other Counties as provided for in warrants in criminal cases.
2. The Sheriff, his deputies or other Police Officer of the County may, without a warrant, make arrest of any person who commits an offense in the officer's presence or when the officer has reasonable grounds to believe any such person has violated any ordinance of the County, but such deputy or officer shall, before the trial, file a written complaint with the Judge hearing violations of County municipal ordinances. (Ord. No. 07-152 §15, 10-30-07)

SECTION 160.170: SEARCH WARRANTS -- PROCEDURES

A. Search Warrants--Who May Issue, Execute.
1. The County Municipal Judge shall have the authority to issue search warrants for searches or inspections to determine the existence of violations of any of the following provisions of this Code of Ordinances or of any ordinance of a municipality that has adopted these provisions and that has a contract with the County to prosecute and punish violations of these provisions:
   a. Chapter 205, Animal Regulations;
   b. Chapter 500, Building and Building Regulations (including the Electrical and Plumbing Codes, the Property Maintenance Code, Mechanical Code, Converted Building Code and Heating, Ventilation and Air Conditioning Code and Dangerous Building Code);
   c. Chapters 210, 224, 230, 240 and 260, Health, Safety and Sanitation.
2. The search warrants may be issued for:
   a. Business premises, where such business premises is defined as "all premises used or designed for use as any permitted use or conditional use listed under the CO, C-1, C-2, C-3, HTCD, I-1, I-2 or commercial or industrial portion of a PUD district as listed in the Zoning Code, except that it shall not include dwelling units", or
   b. A dwelling unit, where a dwelling unit is within the definition set forth in this Chapter, but only for:
      (1) Violations of the Property Maintenance Code, as adopted and amended, where the health, safety or welfare of the citizens of the County are, or an individual is, at risk;
      (2) Animal bite cases.
B. Warrants and searches or inspections made pursuant thereto shall conform to and be governed by the following provisions:
1. The Sheriff, County Counselor or Prosecuting Attorney or a designated assistant may make application for the issuance of a
search warrant.

2. The application shall:
   a. Be in writing;
   b. State the time and date of the making of the application;
   c. Identify the property, article, material, substance, person or other evidence which is to be searched for and seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
   d. Identify the person, place or thing which is to be searched in sufficient detail and particularity that the officer executing the warrant can readily ascertain whom or what is to be searched;
   e. State facts sufficient to show:
      (1) Probable cause for the issuance of the search warrant; and
      (2) That the owner and the occupant of the premises were sent a notice in writing, either by personal service or by certified mail, that a search warrant would be sought. This notification requirement shall not apply if the persons signing the application determine that an emergency exists or that the application is for an animal bite case.
      (a) The notice shall state that the property owner would be allowed at least seven (7) calendar days from the date of personal service or from the date of mailing in which to provide access to the premises.
   f. Be verified by the oath or affirmation of the applicant;
   g. Be filed in the County Municipal Court;
   h. Be signed by the Sheriff, County Counselor or the Prosecuting Attorney or a designated assistant, or by both the appropriate department director and the County Director of Administration.

3. The application shall be supplemented by a written affidavit verified by oath or affirmation. Such affidavit shall be considered in determining whether there is probable cause for the issuance of a search warrant and in filling out any deficiencies in the description of the person, place or thing to be searched or of the property, article, material, substance, person or other evidence to be seized. Oral testimony shall not be considered.

4. The County Municipal Judge shall determine whether sufficient facts have been stated to justify the issuance of a search warrant. If it appears from the application and any supporting affidavit that there is probable cause to believe that the property, article, material, substance, person or other evidence subject to seizure is on the person or at the place or in the thing described, a search warrant shall immediately be issued. The warrant shall be issued in the form of an original and two (2) copies.

5. The application and any supporting affidavit and a copy of the warrant shall be retained in the records of the Municipal Court.

6. The search warrant shall:
   a. Be in writing and in the name of the County or municipality as the case may be;
   b. Be directed to any Peace Officer in the County;
   c. State the time and date the warrant is issued;
   d. Identify the material, article, substance, person or other evidence which is to be searched for and seized in sufficient detail and particularity that the officer executing the warrant can readily ascertain it;
   e. Identify the person, place or thing which is to be searched in sufficient detail and particularity that the officer executing the warrant can readily ascertain whom or what the officer is to search;
   f. Command that the described person, place or thing be searched and that any of the described property, article, material, substance, person or other evidence found thereon or therein be seized or photographed or copied and be returned or the photograph or copy be brought, within ten (10) days after filing of the application, to the County Municipal Judge or Judge of the Eleventh Circuit Court who issued the warrant, to be dealt with according to law;
   g. Be signed by the County Municipal Court Judge or a Judge or the Eleventh Circuit Court, with his/her title of office indicated;
   h. Not authorize the seizure of real property.

7. A search warrant issued under this Section may be executed only by a Sheriff's Deputy or Police Officer. The warrant shall be executed by conducting the search and seizure commanded.

8. A search warrant shall be executed as soon as practicable and shall expire if it is not executed and the return made within ten (10) days after the date of the making of the application.

9. After execution of the search warrant, the warrant, with a return thereon signed by the officer making the search, shall be delivered to the Judge who issued the warrant. The return shall show the date and manner of execution, what was seized and the name of the possessor and of the owner, when the owner and possessor are not the same person, if known. The return shall be accompanied by a copy of the itemized receipt required by Subsection (C)(5) below. The County Municipal Court Judge or the County Municipal Court Clerk shall, upon request, deliver a copy of such receipt to the person from whose possession the property was taken and to the applicant for the warrant.

10. A search warrant shall be deemed invalid:
C. Procedures—Execution And Return.

1. The search shall be conducted in a reasonable manner. The search warrant shall be executed only between the hours of 8:00 A.M. and 5:00 P.M., except where its execution during those hours is not practicable, in which case the search warrant may be executed no later than 9:00 P.M.

2. An officer making a search pursuant to an invalid warrant, the invalidity of which is not apparent on its face, may use such force as would be justified if the warrant were valid.

3. The Deputy Sheriff or Police Officer may summon as many persons as deemed necessary to assist in executing the warrant. Such persons shall not be held liable should there be a subsequent finding of illegality of the search and seizure.

4. If any property is seized, the Deputy Sheriff or Police Officer shall give to the person from whose possession it is taken, if the person is present, a copy of the warrant and an itemized receipt of the property taken. If no person is present, the deputy shall leave the copy and the receipt at the site of the search.

5. A copy of the itemized receipt of any property taken shall be delivered to the office of the County Counselor within two (2) working days of the search.

D. A person aggrieved by an unlawful seizure made by a County employee or deputy or Police Officer and against whom there is a pending proceeding growing out of the subject matter of the seizure may file a motion to suppress the use in evidence of the property or matter seized. For the purposes of this Section, "a pending proceeding" shall mean any investigation being conducted with the intention of using the seized subject matter in seeking an information or when an information has been issued. The procedures for a motion to suppress contained in Section 542.296, RSMo., shall apply.

E. The disposition of property seized pursuant to a search warrant under this Section shall be in accordance with Section 542.301, RSMo. (Ord. No. 07-152 §16, 10-30-07; Ord. No. 08-094 §3, 8-1-08)

SECTION 160.180: SEARCH WARRANTS FOR ABATEMENT OF NUISANCES WHICH THREATEN THE PUBLIC HEALTH OR WELFARE

The County Municipal Judge shall have the authority to issue search warrants to allow authorized officials of the County to enter onto private property for the purpose of abating nuisances which threaten the public health or welfare.

1. For purposes of this Subsection an official of the County, or that official's designee, whose duties involve the enforcement of the Code Sections identified in Section 160.170(A) of this Code or the enforcement of Chapters 412 or 422 of this Code may apply for a search warrant to enforce the ordinance and abate such an existing nuisance by filing an application for a search warrant with a County Municipal Judge of the County.

2. The application shall:
   a. Be in writing;
   b. State the time and date of the making of the application;
   c. State facts sufficient to show that a violation or nuisance under the Code provision exists;
   d. Identify the nature of the nuisance or violation and the matter of its proposed abatement;
   e. State that the premises are occupied and that the owner or person in possession has refused or has not granted permission to enter onto the premises to abate the ordinance violation or nuisance;
   f. Be verified by the oath or affirmation of the applicant;
   g. Be signed by one (1) of the following or a designee: the Sheriff, County Counselor, Assistant County Counselor, Prosecuting Attorney, Assistant Prosecuting Attorney or the director of the department of the County and the Director of Administration whose duty it is to enforce the Code Chapter and Section involved;
   h. Be filed in the Municipal Court.

3. The search warrant shall:
   a. Be in writing and in the name of the County or of the municipality as the case may be;
   b. Be directed to any Peace Officer or enforcement official in the County;
St. Charles County -- QuickCode

c. State the time and date the warrant is issued;
d. Identify the place or thing which is to be searched and the nuisance or violation to be abated in sufficient detail and particularity that the officer or enforcement official executing the warrant can readily determine what is to be abated;
e. Be signed by the County Municipal Court Judge or a Judge of the Eleventh Circuit Court, with title of office indicated.

4. A search warrant issued under this subsection may be executed by a Deputy Sheriff, a Police Officer or the County Official, or his/her designees, whose duty it is to enforce the Code Chapter and Section which prompted the issuance of the warrant.

5. A search warrant shall be executed as soon as practicable and shall expire if it is not executed and the return made within ten (10) days after the date of the making of the application.

6. After execution of the search warrant, the warrant, with a return thereon signed by the person making the search, shall be delivered to the Judge who issued the warrant. The return shall show the date and manner of execution, what was abated, the method and manner of abatement and the name of the person, if any, upon whom the warrant was served. (Ord. No. 07-152 §17, 10-30-07; Ord. No. 08-094 §4, 8-1-08)

SECTION 160.190: JURY TRIALS

Any person charged with a violation of an ordinance of this County shall be entitled to a trial by jury as in prosecutions for misdemeanors before an Associate Circuit Judge. Whenever a defendant accused of a violation of a municipal ordinance demands trial by jury, the Municipal Court shall certify the case to the Presiding Judge of the Circuit Court for reassignment as provided by applicable State law. (Ord. No. 07-152 §18, 10-30-07)

SECTION 160.200: DUTIES OF COUNTY COUNSELOR

It shall be the duty of an attorney or attorneys designated by the County Counselor to prosecute the violations of the Code of Ordinances and any other ordinance of the County and any ordinance of a municipality with which the County has a contract to prosecute and punish violations of that ordinance, before the County Municipal Judge or before any Circuit Judge hearing such violations. (Ord. No. 07-152 §19, 10-30-07; Ord. No. 08-094 §5, 8-1-08)

SECTION 160.210: SUMMONING OF WITNESSES

It shall be the duty of the County Municipal Judge to summon all persons whose testimony may be deemed essential as witnesses at the trial and to enforce their attendance by attachment, if necessary. The fees of witnesses shall be the same as those fixed for witnesses in trials before Associate Circuit Judges and shall be taxed as other costs in the case. When a trial shall be continued by a County Municipal Judge, it shall not be necessary to summon any witnesses who may be present at the continuance; but the County Municipal Judge shall cause such persons to receive verbal notification that such witnesses as either party may require are to attend before him on the day set for trial to testify in the case and the County Municipal Judge shall enter the names of such witnesses on his docket, which verbal notice shall be valid as a summons. (Ord. No. 07-152 §20, 10-30-07)

SECTION 160.220: JAILING DEFENDANT -- PAROLE AND PROBATION

A. The County Municipal Judge may commit the defendant to the County Department of Corrections, and it shall be the duty of the Director of Corrections, upon receipt of a warrant of commitment from the Judge to receive and safely keep such prisoner until discharged by due process of law. The cost of such commitment to the County Department of Corrections shall be taxed as costs in the case.

B. Any Judge hearing violations of this Code and any other ordinance of the County and any ordinance of a municipality with which the County has a contract to prosecute and punish violations of that ordinance may, when in his judgment it may seem advisable, grant a parole or probation to any person who shall plead guilty or who shall be convicted after a trial before such Judge. (Ord. No. 07-152 §21, 10-30-07; Ord. No. 08-094 §6, 8-1-08)

SECTION 160.230: RIGHT OF APPEAL -- APPEAL FROM JURY VERDICT

A. In all cases tried before the County Municipal Court, except where there has been a plea of guilty or where the case has been tried with a jury, the defendant shall have a right of trial de novo before a Circuit Judge or on assignment before an Associate Circuit Judge. An application for a trial de novo shall be filed within ten (10) days after judgment and shall be filed in such form and perfected in such manner as provided by Supreme Court Rules.

B. In all cases in which a jury trial has been demanded, a record of the proceedings shall be made and appeals may be had upon that record to the appropriate Appellant Court. (Ord. No. 07-152 §22, 10-30-07)

SECTION 160.240: BREACH OF RECOGNIZANCE

In the case of a breach of any recognizance entered into before a County Municipal Judge or an Associate Circuit Judge hearing a Code or ordinance violation case, the same shall be deemed forfeited and the Judge shall cause the same to be prosecuted against the principal and surety, or either of them, in the name of the municipality as plaintiff. Such action shall be prosecuted before a Circuit Judge or Associate Circuit Judge and in the event of cases caused to be prosecuted by a County Municipal Judge, such
shall be on the transcript of the proceedings before the County Municipal Judge. All monies recovered in such actions shall be paid over to the County Treasury to the General Revenue Fund of St. Charles County. (Ord. No. 07-152 §23, 10-30-07)

TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE

CHAPTER 200: SHERIFF'S DEPARTMENT -- LAW ENFORCEMENT FUNCTIONS

ARTICLE I. SHERIFF'S DEPARTMENT -- GENERALLY

SECTION 200.010: SHERIFF'S DEPARTMENT TO PROVIDE POLICE SERVICES TO MUNICIPALITIES -- FEES

A. As approved by Ordinance 96-164, the County may:

1. Provide police services in the incorporated area of any municipality with a population of four thousand (4,000) citizens or less as reported in the last decennial census, which municipality has no police force at the time of the execution of a contract between the County and the municipality. Such services shall include patrol and other law enforcement duties and the services shall be performed in the same manner as provided in unincorporated areas of the County. Notwithstanding any other provision of this Section, there shall be a minimum of thirty (30) minutes of patrol during each shift; and

2. Enforce within the limits of the municipality the Missouri State Statutes for felonies, misdemeanors and traffic, but shall not enforce municipal ordinances.

B. The municipality shall:

1. Not have any governmental authority to order the deputy sheriff to engage in selective enforcement.

2. Direct governmental requests for response to specific problems to the County at 949-0809 (Sheriff's Office Dispatch).

3. Provide the County a copy of its ordinance authorizing its entry into this contract.

4. Establish or continue a police reserve unit only where such unit is trained, equipped, operated and called upon at the determination of the Sheriff or his designee.

5. Indemnify the County for any action of the municipality resulting in liability.

C. In consideration of the County providing patrol services as authorized in the contract, the County shall charge an annual fee of one dollar ($1.00) per resident as the total residents are reported in the last decennial census to allow the County to recover on a proportional cost basis a portion of the County's expenses for the services rendered pursuant to this Contract. No municipality shall be billed for any additional police services during a contract period. A municipality so contracting with the County shall be billed on a quarterly basis at the beginning of each quarter.

D. The contract shall contain the terms under which it may be renewed. (Ord. No. 95-180 §1, 11-29-95; Ord. No. 98-67 §§1--4, 4-29-98)

SECTION 200.020: PROHIBITED USE OF EXCESSIVE FORCE OR BARRING OF ACCESS TO FACILITIES -- NON-VIOLENT CIVIL RIGHTS DEMONSTRATIONS

A. Policy. St. Charles County hereby adopts and will enforce a policy of prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations. St. Charles County also prohibits the physical barring of any entrance or exit to a facility or location which is the subject of such demonstrations, and will enforce all applicable State laws regarding same.

B. Prohibited Conduct.

1. It shall be unlawful for St. Charles County law enforcement agency personnel to use excessive force against any individual engaged in non-violent civil rights demonstrations.

2. It shall be unlawful to bar any entrance or exit to a facility or location which is the subject of a non-violent civil rights demonstration.

C. Enforcement.

1. Any person found to be violating any provision of this Section shall be served by the County with written notice stating the nature of the violation.

2. Enforcement of this Section shall be the responsibility of the County Counselor.

D. Penalties.

1. Any person violating any of the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof shall
be fined in an amount not exceeding one thousand dollars ($1,000.00) for each violation, or imprisonment for not more than one (1) year for each violation, or both. Each day on which any such violation shall continue shall be deemed a separate offense.

2. Any person convicted of violating any of the provisions of this Section shall also be liable to St. Charles County for any expense, loss or damage sustained by the County by reason of such violation. (Ord. No. 94-50 §§1–4, 3-31-94)

SECTION 200.025: TEMPORARY DETENTION BY SHERIFF'S DEPUTY OF PERSON SUSPECTED OF CRIMINAL BEHAVIOR OR OF VIOLATING CONDITIONS OF PAROLE OR PROBATION -- LIMITATIONS

A. Any Sheriff's Deputy may detain any person whom the Deputy encounters under circumstances which reasonably indicate that the person has committed, is committing or is about to commit a crime.

B. Any Sheriff's Deputy may detain any person the officer encounters under circumstances which reasonably indicate that the person has violated or is violating the conditions of his or her parole or probation.

C. The Deputy may detain the person pursuant to this Section only to ascertain his or her identity and the suspicious circumstances surrounding his or her presence abroad. Any person so detained shall identify himself or herself, but may not be compelled to answer any other inquiry of any Deputy.

D. A person must not be detained longer than is reasonably necessary to effect the purposes of this Section and, in no event, longer than sixty (60) minutes. The detention must not extend beyond the place or the immediate vicinity of the place where the detention was first effected unless the person is arrested. (Ord. No. 08-092 §1, 8-1-08)

ARTICLE II. EMERGENCY SERVICES ACCESS

SECTION 200.030: EMERGENCY ACCESS TO MULTI-FAMILY RESIDENTIAL PROPERTY AND SUBDIVISIONS

A. Owners of multi-family property and trustees of subdivisions which have security measures at common entrance and exit points preventing public access shall provide to the St. Charles County Sheriff's Department notice that such security measures are in place, and whether or not there is a manager on site twenty-four (24) hours a day and a telephone number for that person. Changes in the method of access shall be cause for a new notice to the Sheriff's Department.

B. Penalty For Violation. An owner who does not comply with this requirement shall be fined up to one thousand dollars ($1,000.00) per violation. Each day of non-compliance shall constitute a separate violation.

C. Enforcement. Enforcement of this Section shall be the responsibility of the County Counselor's office. (Ord. No. 97-90 §§1–3, 6-25-97)

ARTICLE III. FEES

SECTION 200.040: FEES FOR SERVICES DELIVERED BY THE SHERIFF'S DEPARTMENT

The Sheriff's Department shall charge the following fees for services:

1. Five dollars ($5.00) per individual for processing record checks.

2. Ten dollars ($10.00) per incident report.

3. Thirty-one dollars ($31.00) per list of individuals arrested within the previous thirty (30) days.

4. Ten dollars ($10.00) per set of fingerprints for each individual on a single day.

5. Ten dollars ($10.00) per photograph (not to exceed 8 inches by 10 inches) of accidents or crime scenes when such photographs are available under the Sunshine Law.

6. Ten dollars ($10.00) per Brady Law background check necessary to effect a weapons transfer regulated by the federal government.

Such fees for photographs and incident reports may be waived if the requesting entity is another governmental entity which has waived its fees for requesting governmental entities. (Ord. No. 01-116 §1, 9-26-01)

SECTION 200.050: FEES FOR APPLICATIONS FOR CERTIFICATE OF QUALIFICATION FOR CONCEALED CARRY ENDORSEMENTS

A. The Sheriff is authorized to charge a non-refundable user fee of one hundred dollars ($100.00), which charge reflects the actual unfunded costs for the processing of the application for a certificate of qualification for a concealed carry endorsement. The fee shall be deposited into the County Treasury to be used to directly fund the costs of the issuance of the permits. This fee consists of the following components

1. Internal staff cost for application processing, and inquiry and investigation of the application by Sheriff's Department: $51.80

196
ARTICLE IV. DIVISION OF EMERGENCY MANAGEMENT

SECTION 200.060: DIVISION OF EMERGENCY MANAGEMENT

A. Pursuant to Section 2.507 of the St. Charles County Charter and the recommendation of the County Executive, the Division of Emergency Management within the Department of Community Health and the Environment is hereby transferred to the Sheriff's Department as the Division of Emergency Management within that Department, with a sunset of April 30, 2015, unless earlier extended. The functions of the Division in the former Department of Community Health and Environment are placed in the administrative structure of the Sheriff's Department, Bureau of Special Enforcement and all powers and duties, including those set out below, formerly held by the Division within the Department of Community Health and the Environment are hereby transferred to the Sheriff's Department, Bureau of Special Enforcement.

Editor's Note--As to transfer of some duties to the Department of Dispatch and Alarm as recommended by the County Executive and authorized in Ord. No. 11-043 §2, adopted June 14, 2011, see Subsection (D)(3) below of this Section.

B. The Division shall be headed by a director who shall be a Merit System employee pursuant to the St. Charles County Charter, Section 7.300 (2006). The Division Director will report to the Commander of the Bureau of Special Enforcement.

C. All employees and positions currently assigned to the Division of Emergency Management within the Department of Community Health and the Environment are transferred to the Sheriff's Department, Bureau of Special Enforcement, Division of Emergency Management. In addition, all equipment of the Division is transferred to the Sheriff's Department, Bureau of Special Enforcement, Division of Emergency Management.

D. Powers And Duties.

1. The duties of "emergency management" shall include the preparation for and execution of emergency functions in order to minimize and repair injury and damage resulting from disasters caused by or arising from natural disasters or from terrorism. These functions include, at a minimum, audible warning sirens, communications, evacuation of civilian personnel from stricken areas, the acquisition or arrangement for emergency transportation or shelter and other functions relating to civilian protection, together with all other activities necessary or incidental to the preparation for and execution of the foregoing functions, including the planning, coordination and execution of emergency management services, disaster preparedness and emergency response for St. Charles County.

2. The Bureau of Special Enforcement, through the Division of Emergency Management, shall be responsible for the administration of the Division and shall possess all other powers previously vested by order or ordinance in the former and now abolished Emergency Management Agency.

3. Pursuant to Section 2.507 of the St. Charles County Charter and the recommendation of the County Executive, the addressing and database maintenance for the "911" system as carried out by the "911" database specialist shall transfer from the Division.
 SECTION 202.010: ESTABLISHMENT, POWERS AND DUTIES

A. Creation. A County Dispatch and Alarm Department is hereby created. The functions of the Department may be contracted or may be fulfilled by County employees, as authorized by ordinance.

B. Employees. If the Dispatch and Alarm Department is contracted, the contract shall specify that the contractor shall use the County's classification and compensation system for contractors employees who are employed pursuant to the contract with the County. If the Dispatch and Alarm Department is operated by County employees, such employees shall be within the merit system.

C. Should the County determine to continue to operate the Dispatch and Alarm Department with County employees rather than through a contractor, pursuant to the terms of this Section, the employees shall remain in the appropriate merit system job classification.

D. Powers And Duties.

1. The Department Head shall possess and exercise all powers given it by applicable law.

2. If, by ordinance, the Dispatch and Alarm Agency is operated directly by the County, the Department shall be operated within the guidelines of the County Personnel Administration Program and Purchasing Policy. If, by ordinance, the Dispatch and Alarm Agency is contracted for operation by another entity, the contract shall specify that the contractor will use the County's compensation and classification system for its employees, and that the contractor shall provide for the worker's compensation and other insurance programs for its employees. The contractor shall comply with Subsection (D), in all areas, unless otherwise specifically exempted.

3. The Department as a whole shall be responsible for providing fire and emergency dispatching services.

4. If, by ordinance, the Dispatch and Alarm Agency is operated directly by the County, the Department shall be under the day-to-day control of the Department Head, who shall report to the County Executive. If, by ordinance, the Department shall be operated by contractor, the contract between the County and its contractor shall specify that there is an Executive Board, consisting of five (5) members, two (2) members of which shall be elected representatives of Fire Protection Districts, two (2) members of which shall be elected members of the Ambulance District and one (1) member of which shall be appointed by the County Executive pursuant to Section 3.601.3 of the St. Charles County Charter.

5. If, by ordinance, the Dispatch and Alarm Agency is operated directly by the County, the Department shall hire, fire, promote and discipline its employees within the guidelines of the County Personnel Administration Program as that program applies to merit employees. If, by ordinance, the Department shall be operated by a contractor, the contractor shall provide its employees a grievance and due process system when discipline is imposed which allows the employee notice and an opportunity to be heard regarding any suspensions, terminations or demotions proposed by the contractor.

6. The Department Head may recommend to the County Council the purchase or lease of property or equipment necessary to the Department.

7. The Department Head shall submit a yearly budget request by September first (1st) of the preceding year to be approved by the County Council with or without amendment.

8. The Department shall be responsible for management of the 9-1-1 system, including its addressing and database management system and its Department Head shall adopt as the Department's standard for addressing a single well established national standard and may change that standard from time to time when the Department Head determines that such changes serve the interest of public safety and emergency response. (Ord. No. 93-211 §§1--4, 12-1-93; Ord. No. 96-146 §§3--6, 12-30-96; Ord. No. 11-067 §2, 7-26-11; Ord. No. 12-043 §1, 6-1-12)

SECTION 202.020: POSITION OF DEPARTMENT HEAD SHALL HAVE TITLE OF EXECUTIVE DIRECTOR

The position of Department Head of the St. Charles County Dispatching Department, known as the Department of Dispatch and Alarm, is created in Section 202.010 as a non-merit position and such position is therefore exempted from the Merit System pursuant to the St. Charles County Charter, Article VII, Section 7.300. Effective April 3, 1997, the department head shall be a St. Charles County employee and shall be known by the working title of Executive Director. The position of Executive Director in the Department of Dispatch and Alarm shall be assigned to Pay Grade 18 in the new Basic Pay Plan which becomes effective July
SECTION 202.030: ESTABLISHMENT AND AMENDMENT OF STREET NAMES AND NUMBERS

A. Within the unincorporated area of the County, the Department of Dispatch and Alarm shall be authorized to establish street names and numbers and amend such names and numbers when there is a street name or address number so substantially similar as to pose a hazard to efficient emergency service response.

1. When the Department proposes to amend an existing street name or number, the Department shall send a written notice to the address proposed to be changed and, if the property is not owner-occupied, to the owner of record set forth in the records of the St. Charles County Assessor, using a mail format which provides proof of delivery.

2. The Department shall state in the notice that fifteen (15) days from the date of delivery the amended address will take place unless the owner of the premises objects in writing prior to the close of the fifteen (15) days.

3. The written notice shall specify that the objection may be by letter, fax or e-mail and shall provide the appropriate fax number and e-mail address.

4. If an objection is received by the Department and the Department wishes to proceed with the amendment, the Department shall request the County Counselor prepare an ordinance amending the name or number and forward it to the Council for placement on the next month's agenda.

B. Within the unincorporated area of the County, the Department shall also be authorized to amend street names and numbers at the request either of abutting private property owners or of other political subdivisions, subject to the following provisions.

1. If the Department finds that the proposed new street name or address numbering is not so substantially similar to names and numbers of other streets as to pose a hazard to efficient emergency service response, the Department shall proceed as provided in Subsection (A)(1--4), above.

2. Before the Department proceeds, however, the party or parties requesting a street renaming/renumbering shall deposit funds with the Department sufficient to cover the following costs:

   a. The estimated cost to be born by the Department to record a report or ordinance approving the requested change; and

   b. The costs of the County Highway Department as invoiced for fabricating and installing new signage that may be required by the street renaming/renumbering requested and that meet the County Highway Department's current standards for such signage.

   If a requested change is denied, the funds deposited shall be remitted to the party or parties that deposited them. If deposited funds are greater than needed to record a report or ordinance, the excess shall be refunded.

C. If the Department renames or renumbers a street pursuant to Subsection (A) or (B), above, it shall report such renaming/renumbering to the County Council which shall receive that report among his records. Upon approval the Department shall record the report, using funds deposited pursuant to Subsection (B) if appropriate.

D. If the County Council renames or renumbers a street by ordinance pursuant to Subsection (A) or (B), above, the Department shall record the ordinance approving that street renaming/renumbering, using funds deposited pursuant to Subsection (B) if appropriate.

E. Upon approval of a street renaming/renumbering, the County Highway Department shall fabricate and install necessary signage, at County's costs for street renaming/renumberings pursuant to Subsection (A), above, or using funds deposited by requesting parties for street renaming/renumberings pursuant to Subsection (B) above. (Ord. No. 08-100 §1, 8-1-08; Ord. No. 12-043 §2, 6-1-12)

SECTION 202.032: CONTRACTS FOR ESTABLISHMENT AND AMENDMENT OF STREET NAMES WITHIN MUNICIPALITIES

The Department of Dispatch and Alarm shall be authorized to contract with municipalities within St. Charles County to establish and amend street names and numbers within a contracting municipality. Such contract shall be substantially the same as that set forth in Exhibit A to Ord. No. 08-100 which is on file in the County offices. (Ord. No. 08-100 §1, 8-1-08)

CHAPTER 205: ANIMAL REGULATIONS

ARTICLE I. IN GENERAL

SECTION 205.010: DEFINITIONS

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

ADEQUATE CARE: Normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal.

ADEQUATE CONTROL: Reasonable restraint sufficient to prevent an animal from running at large, or from injuring itself, any
ADEQUATE SHELTER: Structurally sound, properly ventilated and weatherproofed housing which is large enough to let the animal housed in it stand up, turn around, and lie down; is equipped with bedding that will not absorb water and/or freeze; and will not exacerbate existing weather conditions by, for example, absorbing heat on hot sunny days.

ANIMAL: Any living warm blooded animal which includes only the following:

1. Cats: Any domestic member of the feline (Felidae) family over the age of six (6) months.
2. Dog: Any domestic member of the canine (Canidae) family over the age of six (6) months.
3. Ferret: Any domesticated variety of polecat (Mustela furo) family.
4. Kitten: Any domestic member of the feline (Felidae) family six (6) months of age or younger.
5. Puppy: Any domestic member of the canine (Canidae) family six (6) months of age or younger.

AT LARGE: Off the premises of the owner, and not under the adequate control of the owner or a competent person.

BOARDING KENNEL: A place or establishment other than a pound where animals not owned by the proprietor are sheltered, fed and watered for a fee.

BREEDING KENNEL: A place or establishment maintaining five (5) or more female cats or dogs as breeding stock.

COMPENDIUM: The current Compendium of Animal Rabies Control issued by the National Association of State Public Health Veterinarians, Inc.

COMPETENT PERSON: A human being capable of controlling and governing the animal in question, or to whose commands the animal is obedient.

DANGEROUS DOG: Any dog with the following characteristics:

1. Any dog which has inflicted a severe or fatal injury on a human, whether upon public or private property, provided that the Division has a signed physician's statement documenting the injury and its treatment, and qualifying the injury as a severe or fatal injury.
2. Any dog declared by the Director to be dangerous pursuant to Section 205.142(C) and (D) of this Chapter.

DEALER: Any person, group of persons or corporation engaged in selling or donating dogs, cats or other small animals to other dealers, or to kennels, pet shops or research facilities.

DIRECTOR: The Director of the Division of Humane Services or any person or agent employed or designated by the Director.

EXPOSED TO RABIES: Any animal, whether licensed and vaccinated for rabies or not, which has been bitten by or has been fighting with, or has consorted with an animal known to have rabies or showing symptoms of rabies.

GROOMING SHOP OR PARLOR: Any establishment or place where animals are bathed and/or groomed for a fee.

HARBOR: To feed or shelter an animal at a single location.

IMPOUND: To apprehend, catch, trap, net or, if necessary, kill any animal by the Division of Humane Services of the County or its agent.

IMPOUNDING FACILITIES: Any premises designated by the County for the purpose of caring for animals impounded by the Division of Humane Services of the County or its agent.

KENNEL: Any person, group of persons or corporation engaged in the commercial business of buying, selling, breeding, or boarding dogs, cats or other small animals.

OWNER: Any person who owns an animal within the ordinary meaning of "own", or who harbors an animal for thirty (30) consecutive days, or who professes to own or harbor an animal.

PET SHOP: Any commercial establishment where dogs, cats or other small animals are bought, sold, or exchanged.

REGISTRATION-VACCINATION: The procedure of vaccinating against the rabies virus and issuing a numbered tag and an identically numbered certificate of vaccination. The words "registration" and "vaccination" shall be interchangeable.

SEVERE OR FATAL ATTACK: Any attack by a dog which causes a severe or fatal injury, or the death of a domestic animal.

TAG: Any object, regardless of the shape or material, which bears the number of a certificate of vaccination and the words "registered and vaccinated for rabies", and which has been issued by the authority of the Division of Humane Services of the County.

VETERINARIAN: Any veterinarian holding a current State license to practice veterinary medicine. (Ord. No. 93-162 Art. I §1, 10-4-93; Ord. No. 00-064 §§1,3, 5-31-00)

SECTION 205.020: APPLICATION

This Chapter shall regulate all owners, competent persons, businesses, occupations or activities within the unincorporated area of the County. (Ord. No. 93-162 Art. I §2, 10-4-93)
SECTION 205.030: INTERGOVERNMENTAL COOPERATION

Nothing herein shall prevent the County from cooperating or joining by contract with any City, Town or Village for the regulation of animals, provided:

1. The Governing Body of the affected City, Town or Village consents to such cooperation or contract, and
2. In contracting with any City, Town or Village to render animal control services, the County agrees to enforce the provisions of this Chapter alone. (Ord. No. 93-162 Art. I §3, 10-4-93)

ARTICLE II. PROHIBITED CONDUCT

SECTION 205.039: ANIMALS TO BE UNDER CONTROL WHEN OFF OWNER'S PREMISES

All owners and custodians of dogs, cats and ferrets shall control their animal when such animal is off of their premises. Any dog, cat or ferret taken by its owner or custodian into a recreational, industrial, commercial or residential area of one (1) acre zoning or less, or into a County park shall be on a leash, unless posted rules of the County park provide for such animals to be off a leash. An owner allowing his dog, cat or ferret to run in an area in which the animal is required to be on a leash shall be subject to a fine of fifteen dollars ($15.00), in addition to any other kennel, vaccination or chipping fee that may be imposed. (Ord. No. 01-161 §11, 11-28-01)

SECTION 205.040: CRUELTY TO ANIMALS

A. A competent person or owner is guilty of animal neglect when having custody or ownership or both of an animal, he fails to give it adequate care or adequate control, or allows the animal to be at large.

B. A competent person or owner is guilty of animal abuse when he:
1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of this act;
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, overloads, drives, tortures, cruelly beats, or needlessly wounds or kills an animal, or carries or transports it in any vehicle or other conveyance in an inhumane manner or causes any of these acts to be done; or
5. Having ownership or custody or both of an animal, willfully fails to provide adequate care or adequate control or allows it to be at large.

C. The provisions of this Section shall not apply to:
1. Dogs being used in hunting, training, field trials and dog shows while on Federal, State, municipal or County roads or highways, in a rural area, Federal preserve, wildlife area or private property, while going to or coming from a hunting, field trial or dog show site;
2. Bloodhounds or other dogs used for tracking in conjunction with Police activities; and
3. Dogs of the Canine Corps of any Police force of the City of St. Louis, St. Louis County, the Missouri State Highway Patrol, St. Charles County or any municipality within, any Federal law enforcement agency, or the Armed Forces of the United States, while being used to conduct official business or being used for official purposes.
4. Euthanasia of an animal by the owner or a veterinarian. (Ord. No. 93-162 Art. II §1, 10-4-93)

SECTION 205.050: FAILURE TO REGISTER/VACCINATE

An owner is guilty of failure to register/vaccinate when he:
1. Fails to arrange registration/vaccination of any puppy or kitten with the St. Charles County Division of Humane Services when or before the puppy or kitten reaches six (6) months of age, but not before it reaches three (3) months of age;
2. Fails to arrange registration/vaccination of any cat, dog or ferret within forty-five (45) days of acquisition by the owner; or
3. Fails to have a collar or harness bearing a current tag on the vaccinated cat, dog, ferret, kitten or puppy when the animal is outside the residence of the owner except during hunting, training, field trials and dog shows. (Ord. No. 93-162 Art. II §2, 10-4-93; Ord. No. 00-064 §1, 5-31-00)

SECTION 205.060: HARBORING HABITUALLY BARKING DOGS

A. No owner or competent person shall keep or harbor upon his premises any dog that by frequent and habitual barking, yelping or howling causes fear or annoyance to the person or persons living in the immediate area or to persons passing upon the streets or sidewalks.
Complaints during normal business hours of the Division of Humane Services shall be taken by the Division. Complaints after the Division's normal business hours shall be taken by the St. Charles County Sheriff's office.

Before investigating the complaint, the authority receiving it shall take the name, address and telephone number(s) of each complainant. If the Sheriff's office investigates the complaint, the Sheriff's office shall forward a copy of the complaint, as well as an incident report, if any, to the Division of Humane Services. Upon complaint to the Division of Humane Services or upon the Division's receipt of a copy of a complaint taken by the Sheriff's Department, the Division of Humane Services may investigate and, upon a finding that the owner of the animal has violated Subsection (A), may request further legal action if either the complainant agrees in writing to testify against the violator of this Section or if the Division's own investigation results in competent evidence of the violation of Subsection (A).

This Section shall not apply to kennels operating under licenses issued by St. Charles County at the time this Chapter takes full force and effect.

A violation of Section 205.060 is an infraction punishable by a fine of fifty dollars ($50.00) for the first (1st) offense, one hundred dollars ($100.00) for the second (2nd) offense and two hundred dollars ($200.00) for any offense thereafter. (Ord. No. 93-162 Art. II §3, 10-4-93; Ord. No. 00-064 §§1–2, 5-31-00; Ord. No. 01-161 §1, 11-28-01)

SECTION 205.062: HARBORING DANGEROUS DOGS

No owner or competent person shall keep or harbor upon his/her premises any dangerous dog in violation of the provisions of Section 205.145(B), nor shall any owner or competent person fail to control his or her dangerous dog as required by the provisions of this Chapter. Violation of this provision shall be subject to the penalties set out in Section 205.250, in addition to the fees and penalties set out in Section 205.240.

This Section shall not apply to:

1. Dogs of the Canine Corps of any Police force of the City of St. Louis, St. Louis County, the Missouri State Highway Patrol, St. Charles County or any municipality, any Federal law enforcement agency or the Armed Forces of the United States, while being used to conduct official business or being used for official purposes.

2. Kennels operating under licenses issued by St. Charles County. (Ord. No. 00-064 §4, 5-31-00; Ord. No. 01-161 §2, 11-28-01)

SECTION 205.064: PROHIBITION ON ANIMAL FIGHT TRAINING

It shall be a misdemeanor to fight-train a dog or to keep, harbor, board or in any manner possess a dog for the purpose of dog-fight exhibitions. Dog-fight exhibitions shall include both commercial and non-commercial events, whether open to the public or clandestine. Scars and wounds are rebuttable evidence of participation in dog-fight training or exhibitions. "Fight training" shall include, but not be limited to:

1. Actions designed to torment, badger or bait any dog for purposes of encouraging said dog for fight exhibition.

2. The use of other dogs or animals of any sort for blood sport training.

3. Abusing the animal by inflicting blows, kicks or other physical contact in order to encourage the dog to develop fighting skills.

4. Any other activity, the primary purpose of which is the training of dogs for aggressive or vicious behavior or dog fights. (Ord. No. 01-161 §§8, 11-28-01)

SECTION 205.070: FAILURE TO DISPOSE OF DEAD ANIMALS

No competent person or owner shall place or leave the carcass of any dead animal in any street, alley or lot, or allow the carcass to remain on his or anyone else's property.

The owner of any animal which has died from any cause shall dispose of the body within twenty-four (24) hours after knowledge of such death. The animal shall be buried no closer than four (4) feet to the natural surface of the ground or disposed of by the County, a private veterinarian, or a disposal plant licensed under Chapter 269, RSMo., 1986. (Ord. No. 93-162 Art. II §4, 10-4-93)

SECTION 205.080: KEEPING EXOTIC ANIMALS

It shall be unlawful for any person to sell, own, possess or harbor any bear, lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, wolf hybrids, or coyote, or any deadly, dangerous, or poisonous reptile, in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital, or animal refuge. (Ord. No. 93-162 Art. II §5, 10-4-93)

SECTION 205.090: INTERFERING WITH OFFICER

An owner or any person is guilty of interfering with an officer when he:

1. Conceals an animal from an officer of the Division of Humane Services or Sheriff's Department.

2. Refuses to surrender an animal upon the lawful request of an officer of the Division of Humane Services or Sheriff's
3. Physically attempts to prevent impounding by the officer of the Division of Humane Services or Sheriff's Department. (Ord. No. 93-162 Art. II §6, 10-4-93; Ord. No. 00-064 §1, 5-31-00)

SECTION 205.100: DISPOSAL OF FECAL MATTER

All fecal accumulations in any pen, run, cage or yard where any animal is kept shall be removed and disposed of in such a manner as to prevent the breeding of flies and the creation of offensive, disagreeable, or noxious odors. (Ord. No. 93-162 Art. II §7, 10-4-93)

ARTICLE III. REGISTRATION AND IMPOUNDING

SECTION 205.110: REGISTRATION/VACCINATION

A. Every person who is responsible for any puppy or kitten shall have such puppy or kitten vaccinated by a veterinarian against rabies and registered as provided in this Article when or before the puppy or kitten reaches six (6) months of age, but not before it reaches three (3) months of age.

B. Every cat, dog, ferret, kitten and puppy shall be vaccinated by a veterinarian as indicated by the Compendium of Animal Rabies Control. No cat, dog, or ferret shall be exempted from this Article due to advanced age.

C. No veterinarian practicing in St. Charles County shall vaccinate a cat, dog, ferret, kitten or puppy without complying with the registration requirements of this Section.

D. The Division of Humane Services of the County shall prepare numbered tags and certificates of vaccination for distribution to veterinarians practicing within St. Charles County, and to veterinarians who practice outside the County but who vaccinate animals that are transported into the County.

E. Each veterinarian practicing in St. Charles County shall order from the Division of Humane Services of the County a sufficient number of numbered tags and certificates of vaccination to assure that he will be able to discharge his duty to register and vaccinate cats, dogs, ferrets, kittens and puppies under this Section.

F. All veterinarians shall pay the Division of Humane Services of the County a fee to be set by the County Council for each numbered tag and certificate of vaccination ordered, payable either upon receipt of the tags and certificates ordered or within thirty (30) days of billing.

G. Veterinarians may include the fee authorized by Subsection (F) of this Section in the amount charged clients for supplies and services in vaccinating a cat, dog, ferret, kitten or puppy.

H. After vaccinating any cat, dog, ferret, kitten or puppy, the veterinarian shall complete a certificate of vaccination, assign it the number of a numbered tag, and deliver that tag and a copy of the certificate of vaccination to the vaccinated animal's owner or to a competent person. It shall be the owner's duty to attach the tag to a collar or harness of the vaccinated animal and ensure that the animal wears its collar or harness when outside the owner's residence. Any cat, dog, ferret, kitten or puppy found at large without a tag may be deemed to be a stray animal and not vaccinated under this Section.

I. The Division of Humane Services shall collect its copies of completed certificates of vaccination and maintain cross files of the certificates by name of owner and by certificate number. (Ord. No. 93-162 Art. III §1, 10-4-93; Ord. No. 00-064 §1, 5-31-00; Ord. No. 00-086 §1, 7-26-00)

SECTION 205.120: ANIMALS IMPOUNDED--WHEN--WHERE KEPT

A. The Director of the Division of Humane Services of the County, or other persons designated by the Director, shall have the power to enter onto any lots or lands to impound any animal as follows:

1. All dogs and cats, registered or unregistered, not securely confined in an enclosed place, while in heat or estrus;

2. All animals which are at large contrary to the requirements of Article II, Section 205.040, or which have been at large and are immediately pursued by an employee of the Division of Humane Services regardless of whether the animal is at large at the time it is apprehended;

3. All cats, dogs, ferrets, kittens, puppies for which there is no competent person apparently responsible who can provide adequate care;

4. All animals exposed to rabies, whether or not at large, or on a leash, or confined to an owner's premises;

5. Any cat, dog, ferret, kitten or puppy which has not been vaccinated within the seventy-two (72) hour period following release from any impounding facility as required by Section 205.110 of this Article;

6. Any cat, dog, ferret, kitten or puppy not vaccinated against the rabies virus;

7. Any animal that has bitten a person or animal;

8. Any animal whose owner has voluntarily and intentionally relinquished control to the Director.
9. Any cat, dog, ferret, kitten or puppy not wearing a registration tag.

B. Any animal impounded pursuant to this Section shall be impounded in the St. Charles County Animal Control Shelter or elsewhere under the supervision of and in a manner satisfactory to the Director of the Division of Humane Services of St. Charles County, or the Director's designee.

C. Any impounded animal bearing registration tags or bearing identification of ownership shall be held ten (10) days after the owner has been notified, unless it is claimed sooner by the owner. The Director of the Division of Humane Services of the County or the Director's designee shall make reasonable efforts within twenty-four (24) hours of impoundment to notify the owner, and, if unsuccessful, shall send the owner written notice by mail within forty-eight (48) hours of impoundment. The written notice shall include the date by which the owner must redeem the impounded animal, and state the fees payable pursuant to Sections 205.150 and 205.240 prior to release. Once written notice is sent, the impounded animal shall be held for ten (10) days from the date of mailing. Any impounded animal unclaimed after ten (10) days shall be placed for adoption or humanely destroyed. But no animal shall be placed for adoption if suspected of rabies, exposed to rabies, or known to have bitten any person.

D. If an impounded animal does not bear registration tags or identification of ownership, and is not diseased or disabled beyond reasonable recovery, that animal shall be held for five (5) consecutive business days. If unclaimed by its owner after five (5) days, that animal may be placed for adoption or humanely destroyed. But no animal shall be placed for adoption if suspected of being rabid, exposed to rabies, or known to have bitten any person or domestic animal. (Ord. No. 93-162 Art. III §2, 10-4-93; Ord. No. 94-17 §1, 1-27-94; Ord. No. 00-064 §1, 5-31-00; Ord. No. 01-104 §1, 8-29-01)

SECTION 205.130: IMPOUNDING OF ANIMALS SUSPECTED OF OR EXPOSED TO RABIES

A. Any animal which exhibits objective symptoms suggestive of rabies, after written certification to the owner by the impounding officer or veterinarian or such other person designated by the County for enforcement of this Chapter, shall be impounded off the property of the owner. The animal shall be held for clinical observation for ten (10) days at the impounding facilities designated by the County and, if alive at the termination of this period, shall be returned to the owner after payment of the fees payable pursuant to Sections 205.150 and 205.240. As an alternative procedure, the owner, at his own expense, may designate any veterinary hospital in the County or any boarding kennel licensed by the County wherein such animal is to be impounded and observed for a similar ten (10) day period. If such animal should die during the observation period, regardless of the location, the head shall be removed and submitted to a qualified laboratory for examination.

B. Any animal which has been exposed to rabies shall be immediately destroyed unless the owner, at his expense, chooses one (1) of the following alternative methods:

1. Strict isolation in a kennel or animal hospital for six (6) months.

2. Impounding and vaccination, if the animal is a cat, dog, kitten or puppy not immunized by any vaccine recommended by the Compendium within such vaccine's duration of immunity (as stated in the Compendium under booster recommendations).

3. Restraint by leash at owner's home and re-vaccination, if the animal is a cat, dog, kitten or puppy immunized by a vaccine recommended by the Compendium within such vaccine's duration of immunity (as stated in the Compendium under booster recommendations).

C. All other conditions of this Section and of Section 205.150 of this Article, must be fulfilled prior to the release of any animal suspected of or exposed to rabies and impounded for clinical observation. (Ord. No. 93-162 Art. III §3, 10-4-93)

SECTION 205.140: PROCEDURE FOLLOWING ANIMAL BITE

A. The owner of any cat, dog, kitten, puppy or ferret which bites any person, regardless of the circumstances or irrespective of whether such cat, dog, kitten, puppy or ferret is vaccinated, shall place such cat, dog, kitten, puppy or ferret in the custody of the impounding officer for confinement in a manner satisfactory to the impounding officer and in a manner that will prevent contact with people and other animals for a period of ten (10) days following the evening of the day of the bite, for the purpose of clinical observation. As set out in Section 205.141, during such confinement, the cat, dog, kitten, puppy or ferret shall be permanently identified by the implantation of an encoded, inert glass chip, or like device, which contains a unique identifier capable of providing a permanent record of the identity of the animal. All expenses shall be borne by the owner of the cat, dog, kitten, puppy or ferret as provided in Section 205.150 of this Article. If for any reason, such cat, dog, kitten, puppy or ferret should die while in confinement, its head shall be removed and submitted to a qualified laboratory. If at the end of such ten (10) day period of observation such cat, dog, kitten, puppy or ferret is alive and healthy, it may be released to its owner unless such cat, dog or ferret has been declared a dangerous animal and is subject to the provisions of Section 205.145. An animal subject to the provisions of Section 205.145 shall be released or euthanized in conjunction with the provisions of that Section.

B. The Division of Humane Services is authorized to allow confinement other than as described provided in Subsection (A) of this Section, such animal will be controlled and observed according to the owner's signed agreement. Preconditions for quarantine at home would be that the animal must have current rabies vaccination, be licensed, be permanently identified by the implantation of an encoded, inert chip, or like device, which contains a unique identifier capable of providing a permanent record of the identity of the animal, not have a recent history of being at large; there shall be proof presented that the bite was provoked, the animal is not displaying a sudden change in disposition, and the owner has both the ability and desire to keep the animal in a secure building and separate from other animals. All expenses shall be borne by the owner of the cat, dog, kitten, puppy or ferret as provided in Section 205.150 of this Article.

C. All other conditions of this Section and of Section 205.150 must be fulfilled prior to the release of any animal impounded or confined for clinical observation as the result of biting a person.
D. It shall be the duty of a person bitten by any animal, or of the parent or guardian of a minor bitten by an animal, to report the bite to the Division of Humane Services immediately. Such report shall contain the name and address of the owner of the animal, the date and time of the bite, the place where the person was bitten, and a general description of the animal. (Ord. No. 93-162 Art. III §4, 10-4-93; Ord. No. 00-064 §1, 5-31-00; Ord. No. 01-161 §3, 11-28-01; Ord. No. 01-174 §1, 12-27-01)

SECTION 205.141: ANIMAL IDENTIFICATION

A. Any dog, cat or ferret which is apprehended running at large or who has bitten a human being or another domestic animal shall be permanently identified by the implantation of an encoded, inert chip, or like device, which contains a unique identifier capable of providing a permanent record of the identity of the animal. Such device shall be implanted prior to the release of the animal from impoundment.

B. The cost of such permanent identification shall be charged to the owner as a fee pursuant to Section 205.240.

C. Owners or custodians of any dog, cat or ferret which has been impounded for biting shall, within ten (10) days, but in no event later than the release of the animal, inform the Director in writing of the name, address and telephone number of all owners or custodians of the animal. Thereafter, if the animal is transferred to another owner or custodian, the previous owner or custodian shall, within ten (10) days of the transfer of ownership or custody, inform the Director in writing of the name, address and telephone number of the new owner(s) or custodian(s) of the animal. The previous owners or custodians shall notify the new owners or custodians in writing of the details of the dog's, cat's or ferret's record, terms and conditions of maintenance, if any, and provide the Director with a copy of the notice and the new owners or custodians acknowledgment of receipt. (Ord. No. 01-161 §9, 11-28-01)

SECTION 205.142: PROCEDURES AND REQUIREMENTS FOR DECLARING DOGS, CATS OR FERRETS TO BE DANGEROUS AND FOR HANDLING SUCH DOGS, CATS OR FERRETS AFTER BITE INCIDENTS

A. Whenever the Director learns that a dog, cat or ferret has bitten a human being or another domestic animal, the Director shall record the incident and determine whether the Division has records of prior incidents in which the dog, cat or ferret in question has bitten human beings or domestic animals. The Director may consider information that the dog, cat or ferret in question has bitten human beings or domestic animals in other Cities or Counties when that information is received in writing from the individual(s) responsible for animal control in that City or County.

B. If the Director finds no records of such prior incidents, and the Director determines that the bite was a provoked attack in which a human being or domestic animal has been injured and required medical care from a physician or veterinarian or was an unprovoked attack in which a human being or domestic animal was not injured and did not require medical care, the Director shall give the dog's, cat's or ferret's owner an educational packet prepared by the Division stating the Division's procedures in bite cases and the Division's recommendations for animal care and for handling dogs, cats or ferrets that have bitten. If the Director determines that the bite was an unprovoked attack in which a human being or domestic animal has been injured and required medical care from a physician or veterinarian, the Director may, after considering all mitigating factors, declare the animal a dangerous dog, cat or ferret and may utilize the procedures set out in Section 205.145. The Director's determination that the animal is a dangerous dog, cat or ferret may be based on information that the dog, cat or ferret in question has been declared a dangerous dog, cat or ferret in another City or County when that information is received in writing from the individual(s) responsible for animal control in that City or County and when the criteria for determining the animal a dangerous dog, cat or ferret in that City or County are substantially similar to the criteria set forth herein.

C. Regardless of whether the attack is provoked or unprovoked, where a bite occurred on the property of the owner or custodian of the dog, cat or ferret under review, the Director may consider, as a mitigating factor in his decision whether to declare a dog, cat or ferret to be dangerous, that the victim of the bite is an animal which intruded onto those premises. Where the victim of a bite which occurs on the premises of the owner or custodian is a human, the Director may only consider a provoked bite as a mitigating factor in his decision whether to declare a dog, cat or ferret to be dangerous.

D. If the Director finds any record of one (1) such prior incident, including any one (1) such prior incident in another City or County, the Director shall:

1. Determine whether to declare the dog, cat or ferret in question a dangerous dog, cat or ferret, after considering any or all of the following factors:
   a. Whether the dog, cat or ferret has killed a domestic animal, livestock or poultry without provocation while off the owner's property;
   b. Whether the dog's owner owns or harbors the dog primarily or in part for the purpose of dog fighting, or has trained the dog for dog fighting;
   c. Whether the dog, cat or ferret has bitten a human being without provocation and off the premises of the dog's, cat's or ferret's owner regardless of whether medical care was required;
   d. Whether the dog, cat or ferret, while on the owner's or custodian's premises, has bitten without provocation a human being other than the dog's, cat's or ferret's owner, custodian or a member of that owner's or custodian's family normally residing where the dog, cat or ferret is harbored;
   e. Whether the dog, when unprovoked, has chased or approached a human being off the premises of the dog's owner and in a menacing fashion or apparent attitudes of attack, regardless of whether the human being is injured by the dog;
   f. Whether the dog, cat or ferret has a known propensity, tendency or disposition to make unprovoked attacks, to cause
g. Whether the dog, cat or ferret can be effectively trained or retrained to change its temperament or behavior;

h. Whether the owner or custodian maintains the dog to promote its aggressive tendencies or responses;

i. Any other relevant evidence concerning the maintenance of the dog, cat or ferret; and

j. Any other relevant evidence regarding the ability of the owner or custodian to protect the public safety in the future if the dog, cat or ferret is permitted to remain in the County.

2. Impound any dog, cat or ferret determined to be a dangerous dog, cat or ferret at a designated kennel as provided in Section 205.140(A) of this Chapter; and

3. Spay or neuter any dog determined to be dangerous while that dog is impounded.

E. If the Director receives a report that a dog, when unprovoked, has chased or approached a human being or domestic animal while at large and off the premises of the dog's owner and confronted that person in a menacing fashion or apparent attitude of attack, regardless of whether the human being or domestic animal is injured by the dog, the Director shall give the dog's owner an educational packet prepared by the Division concerning dangerous dogs. The Director shall record the incident in the Department's records and that incident may be taken into account in determining whether the dog is a dangerous dog should there be any subsequent bite of a human or domestic animal. The Director may consider information that a dog has, when unprovoked, chased or menaced a human being in another City or County, when that information is received in writing from the individual(s) responsible for animal control in that City or County, in determining whether to provide educational information to the dog's owner. The Director may record such information from another City or County into the Department's records and may consider such information in determining whether the dog is a dangerous dog should there be any subsequent bite of a human being or domestic animal.

F. If the Director finds records of two (2) or more prior incidents in which a dog or ferret has bitten a human being or a domestic animal, including incidents occurring in another City or County, where that information is received in writing from the individual(s) responsible for animal control in that City or County, the Director shall:

1. Declare the dog or ferret a dangerous dog or ferret;

2. Impound the dog or ferret at a designated kennel as provided in Section 205.140(A) of this Chapter; and

3. At the end of the dog's or ferret's impoundment as provided above, cause the dog or ferret to be humanely euthanized pursuant to Section 205.145. (Ord. No. 00-064 § 5, 5-31-00; Ord. No. 01-161 § 4, 11-28-01)

SECTION 205.145: CONTROL AND EUTHANASIA OF DANGEROUS DOGS OR FERRETS

A. If the Director declares that a dog or ferret that has bitten a human being or a domestic animal is dangerous, the Director shall dispose of the dog or ferret as follows:

1. If the Director finds that the dog or ferret made a severe or fatal attack upon a human being or domestic animal, the Director shall cause the dog or ferret to be humanely euthanized as set out in Subsection (C) herein.

2. If the Director finds that the dog had been provoked to make a severe or fatal attack upon a human being or domestic animal, the Director shall either cause the dog to be humanely destroyed or return the dog to its owner subject to the owner's written agreement to control the dog as provided in Section 205.145(B) below. The agreement may include a provision that if the animal attacks again, it shall be humanely euthanized.

3. The Director has discretion to dispose of all other dogs or ferrets declared to be dangerous either by causing them to be humanely euthanized or returned to its owner subject to the restrictions as provided in Section 205.145(B) below, after giving notice and an opportunity to be heard to the dog's or ferret's owner as provided in Section 205.145(C) below.

B. Before the Director returns a dangerous dog or ferret to its owner, the Director shall secure that owner's written agreement to control the dog or ferret as provided herein.

1. Any dangerous dog shall wear at all times a bright collar with the words "Dangerous Dog" embroidered or stamped on the collar so the dog can readily be identified as a dangerous dog.

2. The owner or custodian of the dangerous dog or ferret shall notify the Division of Humane Services immediately if the dog or ferret is loose or missing or has attacked another animal or human being.

3. The owner or custodian of the dangerous dog or ferret shall notify the Division of Humane Services within twenty-four (24) hours if the dog or ferret has died or has been sold or given away to a new owner or custodian. The owner or custodian transferring custody to a new owner or custodian shall comply with the notice provisions of Section 205.141(C). If the dog or ferret has been sold or given away, the owner or custodian shall provide the Division of Humane Services with the name, address and telephone number of the new owner or custodian. The new owner or custodian, if the animal is kept within St. Charles County, must comply with the requirements in this Chapter for keeping a dangerous animal.

4. While on its owner's property, a dangerous dog or ferret must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the animal from escaping. Such a pen or structure must have a minimum dimension of five (5) feet by ten (10) feet, must have strong, secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than twelve (12) inches. The enclosure must also provide adequate shelter, as defined by this Chapter. The enclosure, when occupied by a dangerous dog or ferret, shall not be occupied by any other animal, unless the dangerous dog or ferret is a female with young under three (3) months of age, in which case the young
5. No dangerous dog may be kept in any area of the owner's property that would allow the dog to exit easily (i.e. behind screen doors or windows), nor may any dangerous dog be chained without a physical barrier to prevent contact with other animals or people or the escape of the dog.

6. A sign indicating the presence of a dangerous dog shall be present at and large enough to read from any public thoroughfare from which the property is entered and the owner or custodian of the dog shall post a notice conspicuously visible to the public at each entrance to the premises and on each side of the dog's enclosure, if any, reading in letters not less than two (2) inches high "DANGEROUS DOG - BEWARE". A sign with a picture of a growling dog shall also be displayed at all places where the notice of dangerous dog is posted. The sign available from the Division of Humane Services shall be deemed to meet this requirement. Any alternate sign shall be approved in advance, in writing, by the Director and a copy of the approved sign shall be maintained in the Division's file on the dog.

7. A dangerous dog may be off the owner's premises only if it is securely muzzled and on a strong leash no more than four (4) feet long and under the control of a competent person. A dangerous ferret may be off the owner's premises only if on a strong leash no more than four (4) feet long and under the control of a competent person.

8. The owner or custodian of a dangerous dog shall present to the Division of Humane Services proof that the owner or custodian has procured primary liability insurance or a surety bond to include bodily injury and property damage in the amount of at least three hundred thousand dollars ($300,000.00). Such insurance or surety bond shall be for an initial period of twelve (12) months and must be continuously renewed without a break in coverage for as long as the dangerous dog lives or is kept in St. Charles County. The insurance or bond shall be payable to any person injured by the dangerous dog. This policy or bond shall contain a provision requiring the County to be notified by the issuing company at least ten (10) working days prior to any cancellation, termination or expiration of the policy.

9. All owners or custodians of dangerous dogs must, within ten (10) days of such declaration, provide the Division of Humane Services with two (2) sets of color photographs of the dangerous dog, one (1) of each side and showing the color and approximate size of the dog. The owners or custodians shall, in addition to any information required by Section 205.141, provide the following information: The dog's name or names and the name, address and phone number of the dog's veterinarian.

10. All owners or custodians of dangerous dogs must, within ten (10) days of such declaration, have the dog spayed or neutered and must provide evidence of such spaying or neutering from a duly licensed veterinarian.

11. Any dog not controlled as provided in this Subsection 205.145(B) shall be subject to immediate seizure and impoundment for a minimum of ten (10) days or for the time necessary for the owner or custodian to comply with this Subsection, whichever is larger. Any ferret not controlled as provided in applicable parts of Subsection 205.145(B) shall be subject to immediate seizure and impoundment for a minimum of ten (10) days or for the time necessary for the owner or custodian to comply with this Subsection, whichever is larger.

C. The Director shall give owners of dogs or ferrets declared to be dangerous notice of the Director's declaration and intended disposition of the dog or ferret, as provided herein.

1. Notice of declaration of dangerous dog or ferret and of disposition. Immediately upon determining that a dog or ferret is dangerous, and at least ten (10) days prior to any humane euthanasia of any such dog or ferret, the Division of Humane Services shall notify the dog's or ferret's owner, if known, or custodian if the owner is unknown or unable to be contacted, of the declaration and of any scheduled euthanasia. The notice shall state the owner's right to request a hearing before the Director of the Department of Community Health and the Environment of any determination made by the Director by submitting a written request for hearing to the Director of the Department of Community Health and the Environment's office within five (5) days of receiving the aforesaid notice.

2. Hearing. Upon timely receipt of the written request submitted pursuant to Subsection 205.145(C)(1), above, the Director of the Department of Community Health and the Environment's office shall schedule a hearing at which all interested parties may be heard, including the owner, individuals possessing knowledge of the characteristics of the dog or ferret in question, and any other individuals who may come into contact with the dog or ferret if it is not destroyed. After all parties have been heard, the Director of the Department of Community Health and the Environment shall make the final determinations as to whether a dog or ferret is a dangerous dog or ferret and what its disposition shall be under the provisions of this Chapter. The Director of the Department of Community Health and the Environment's determination and decision is final for all purposes, and there shall be no further administrative relief available.

D. The Director may declare a dog or ferret to be dangerous because of its prior acts even after its owner or custodian has removed it from unincorporated St. Charles County. Such a dog or ferret may not be returned to the County.

E. Should the Director receive from any court of competent jurisdiction a stay of an order of euthanasia on a dog or ferret, the dog or ferret shall remain impounded in the County animal facility until the court has issued its final order. (Ord. No. 00-064 §5, 5-31-00; Ord. No. 01-161 §5, 11-28-01)

SECTION 205.150: COUNTY SHELTER RATES

Any dog, cat or other animal captured or impounded under the provisions of this Chapter, determined not to be infected with rabies, may be redeemed by the owner or other person having the right of possession of such animal upon the presentation of proper vaccination certificate and upon the payment to the Division of Humane Services of:

1. An impoundment registration fee to be set by the County Council and to be charged when any animal is impounded.
A daily boarding fee to be set by the County Council and to be charged for sheltering and feeding impounded animals.

3. All other expenses incurred by the County in impounding in the manner provided herein. (Ord. No. 93-162 Art. III §5, 10-4-93; Ord. No. 00-064 §1, 5-31-00)

ARTICLE IV. KENNEL REGISTRATION FOR BOARDING OR BREEDING KENNELS, PET SHOPS, DEALERS AND GROOMING SHOPS OR PARLORS

SECTION 205.160: KENNEL REGISTRATION REQUIRED

It is unlawful for any person to keep or maintain a boarding or breeding kennel, pet shop, grooming shop, or dealership in unincorporated St. Charles County without first obtaining a valid and subsisting registration therefor from the Division of Humane Services of St. Charles County. The County Council shall set a fee and, if required by any applicable provision of law, the voters shall approve that fee, for such kennel registration. That fee shall be assessed not upon individual animals but upon the owner or keeper of a boarding or breeding kennel, pet shop, grooming shop, or dealership. Each registration and certificate of inspection issued pursuant to this Article shall be conspicuously displayed at the establishment to which such registration and certificate were issued. The registration shall be dated and numbered and shall bear the name of St. Charles County, Missouri, and the name and address of the owner or keeper of the establishment, and the expiration date of the registration. The registration shall run for a period of one (1) year from the date of purchase. (Ord. No. 93-162 Art. IV §1, 10-4-93; Ord. No. 00-064 §1, 5-31-00)

SECTION 205.170: KENNEL REGISTRATION -- INFORMATION REQUIRED

A. Zoning Compliance. The applicant for an original kennel registration shall present to the Director a written statement from the County Division of Planning and Zoning of the Department of Community Development that the establishment of a kennel at the proposed site is not in violation of the St. Charles County Unified Development Ordinance or is permissible either as a legal non-conforming use or under a conditional use permit.

B. Health Inspection. Before a boarding or breeding kennel, pet shop, grooming shop, or dealership registration may be issued by the Division of Humane Services of St. Charles County, the Division must issue a certificate of inspection showing that said boarding and breeding kennel, pet shop, grooming shop and dealership is in compliance with Article IV, Sections 205.180, 205.190, 205.200 or 205.210 herein. (Ord. No. 93-162 Art. IV §2, 10-4-93; Ord. No. 00-064 §§1–2, 5-31-00)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03. Additionally, the words "zoning ordinance" have been changed to "unified development ordinance", see notes at chs. 405 and 410 of this code.

SECTION 205.180: BOARDING AND BREEDING KENNELS, PET SHOPS, GROOMING SHOPS AND DEALERSHIPS -- INSPECTION

A. Inspection. It shall be the duty of the Division of Humane Services of St. Charles County to make or cause to be made such inspections as may be necessary to insure compliance with this Article, Sections 205.190, 205.200 or 205.210 herein. The owner or keeper of a boarding or breeding kennel, pet shop, grooming shop or dealership shall admit to the premises for the purpose of making an inspection, any officer, agent, or employee of the St. Charles County Division of Humane Services at any reasonable time that admission is requested.

B. Unlawful. It shall be unlawful to keep, use or maintain within St. Charles County any boarding or breeding kennel, pet shop, grooming shop, or dealership that is unsanitary, detrimental to public health and/or safety, or not in compliance with this Article, Sections 205.190, 205.200, 205.210 or 205.220 herein. Such unlawful conditions may be cause for revocation or denial of a kennel registration. (Ord. No. 93-162 Art. IV §3, 10-4-93; Ord. No. 00-064 §1, 5-31-00)

SECTION 205.190: CONDITIONS--GENERAL

Boarding or breeding kennels, pet shops and dealerships shall meet the following conditions:

1. Housing facilities shall be provided the animals and such shall be structurally sound and shall be maintained in good repair; shall be designed so as to protect the animals from injury; shall contain the animals; and shall restrict the entrance of other animals.

2. Suitable food and bedding shall be provided and stored in facilities adequate to provide protection against infestation or contamination by insects or rodents. Refrigeration shall be provided for the protection of perishable foods.

3. Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, and debris. Disposal facilities shall be maintained in a sanitary condition, free from the infestation or contamination of insects or rodents or disease, and from obnoxious or foul odors.

4. Water must be conveniently available for cleaning purposes.

5. Sick animals shall be separated from those appearing healthy and normal and, if for sale, shall be removed from display and sale. Sick animals shall be kept in isolation quarters with adequate ventilation to keep from contaminating well animals.

6. There shall be an employee or owner on duty at all times during hours any store is open whose responsibility shall be the care
and welfare of the animals in that shop or department held for sale or display.

7. An employee or owner shall come in to feed, water and do the necessary cleaning of animals and birds on days the store or shop is closed.

8. No person, persons, association, firm or corporation shall knowingly sell a sick or injured dog, cat or other small animal.

9. No person, persons, association, firm or corporation shall misrepresent a dog, cat or other small animal to a consumer in any way. (Ord. No. 93-162 Art. IV §4, 10-4-93)

SECTION 205.200: FACILITIES

Boarding or breeding kennels, pet shops, and dealerships shall:

1. Be constructed to provide shelter from excessive sunlight, rain, snow, wind, or other elements. In addition, such facilities shall be constructed to provide sufficient space for the proper exercise and movement of each animal contained therein.

2. Be constructed to provide drainage to prevent the accumulation of water, mud, debris, excreta, or other materials and shall be designed to facilitate the removal of animal and food wastes.

3. Be constructed with adequate walls or fences to contain the animals kept therein and to prevent entrance of other animals. (Ord. No. 93-162 Art. IV §5, 10-4-93)

SECTION 205.210: CONDITIONS--GROOMING PARLORS

Grooming parlors shall:

1. Provide such restraining straps for the dog, cat or other small animal while it is being groomed so that such animal shall neither fall nor be hanged.

2. Not leave animals unattended before a dryer.

3. Not prescribe or administer treatment or medicine that is the province of a licensed veterinarian.

4. Not put more than one (1) animal in each cage.

5. Provide for the removal and disposal of animal and food wastes, bedding, and debris. Disposal facilities shall be maintained in a sanitary condition, free from the infestation or contamination of insects or rodents or disease, and from obnoxious or foul odors. (Ord. No. 93-162 Art. IV §6, 10-4-93)

ARTICLE V. ADDITIONAL SERVICES PROVIDED BY THE DIVISION OF HUMANE SERVICES

SECTION 205.220: ADDITIONAL SERVICES PROVIDED

In addition to the services required by this Chapter, the Division of Humane Services of St. Charles County is authorized to perform the following services upon request:

1. Taking possession of animals unwanted by their owners and brought by them to the Division;

2. Putting up for adoption unwanted animals brought to the Division by residents of St. Charles County;

3. Euthanizing animals;

4. Disposing of euthanized animals;

5. Impounding, apprehending, catching, trapping, netting, tranquilizing or treating any animal not subject to this Animal Control Ordinance, during or after normal business hours of the Division of Humane Services. (Ord. No. 93-162 Art. V §1, 10-4-93; Ord. No. 00-064 §§1–2, 5-31-00)

SECTION 205.230: RECOVERY OF COSTS FOR SERVICES AUTHORIZED

The Division of Humane Services of St. Charles County is authorized to recover the costs of performing the services authorized by Section 205.220 of this Article, either by fees set by the County Council, or by itemized billing. (Ord. No. 93-162 Art. V §2, 10-4-93; Ord. No. 00-064 §1, 5-31-00)

SECTION 205.235: ANIMALS APPREHENDED RUNNING AT LARGE--MANDATORY VACCINATION

Any dog, cat or ferret which is apprehended running at large may not be released to the owner-claimant without proof that the animal has been vaccinated against rabies and proof that the animal has received an identification chip as required by Section 205.141. Any dog, cat or ferret for which such proof is lacking shall be vaccinated for rabies prior to release from impoundment, or, in the alternative, the owner-claimant may present a receipt from a duly licensed Missouri veterinarian showing payment in full for a rabies vaccination. (Ord. No. 01-161 §10, 11-28-01)
### SECTION 205.240: FEES

A. The Division of Humane Services of St. Charles County shall charge fees for services required or requested pursuant to this Chapter as follows:

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rabies vaccination registration, altered animal</td>
<td>$ 5.00</td>
</tr>
<tr>
<td>Rabies vaccination registration, unaltered animal</td>
<td>10.00</td>
</tr>
<tr>
<td>Rabies vaccination</td>
<td>5.00</td>
</tr>
<tr>
<td>Administration fee (per impound regardless of number of animals impounded)</td>
<td>15.00</td>
</tr>
<tr>
<td>Kennel boarding (daily fee)</td>
<td>10.00</td>
</tr>
<tr>
<td>Medical treatment fee</td>
<td>20.00</td>
</tr>
<tr>
<td>Grooming fee (flea or tick treatment)</td>
<td>20.00</td>
</tr>
<tr>
<td>Adoption fees:</td>
<td></td>
</tr>
<tr>
<td>Dogs</td>
<td>50.00</td>
</tr>
<tr>
<td>Puppies</td>
<td>60.00</td>
</tr>
<tr>
<td>Cats</td>
<td>30.00</td>
</tr>
<tr>
<td>Kittens</td>
<td>40.00</td>
</tr>
<tr>
<td>Pocket pets (small animals usually kept in cages, including mice, hamsters, guinea pigs, etc.)</td>
<td>5.00</td>
</tr>
<tr>
<td>Parrots</td>
<td>20.00</td>
</tr>
<tr>
<td>Rabbits altered by Division</td>
<td>30.00</td>
</tr>
<tr>
<td>Rabbits already altered</td>
<td>10.00</td>
</tr>
<tr>
<td>Rescues (animals transferred after treatment to rescue groups)</td>
<td>30.00</td>
</tr>
<tr>
<td>Kennel registration</td>
<td>50.00</td>
</tr>
<tr>
<td>Surrender fee</td>
<td>15.00</td>
</tr>
<tr>
<td>Euthanasia</td>
<td>40.00</td>
</tr>
<tr>
<td>Identification chips</td>
<td>10.00</td>
</tr>
<tr>
<td>Trap deposit:</td>
<td></td>
</tr>
<tr>
<td>Cat</td>
<td>40.00</td>
</tr>
<tr>
<td>Dog</td>
<td>100.00</td>
</tr>
<tr>
<td>Spay/neuter deposit</td>
<td>50.00</td>
</tr>
<tr>
<td>Cat carrier</td>
<td>5.00</td>
</tr>
<tr>
<td>Leash</td>
<td>1.00</td>
</tr>
<tr>
<td>No-jump harness</td>
<td>15.00</td>
</tr>
<tr>
<td>Growling dog picture signs</td>
<td>15.00</td>
</tr>
<tr>
<td>Disposal of dead on arrival animals</td>
<td>15.00</td>
</tr>
<tr>
<td>Transport of privately owned animals, dead or alive</td>
<td>35.00</td>
</tr>
<tr>
<td>Pickup of wild animals:</td>
<td></td>
</tr>
<tr>
<td>During normal business hours of the Division of Humane Services</td>
<td>35.00</td>
</tr>
<tr>
<td>After normal business hours of the Division of Humane Services</td>
<td>100.00</td>
</tr>
</tbody>
</table>

B. The St. Charles County Department of Community Health and the Environment, Division of Humane Services shall charge fees, based upon their actual expenses, not to exceed the fee schedule herein set out, required or requested pursuant to the Animal
Control Ordinance by instituting an "Impound Fee" with a fee schedule as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impound Fee For Running At Large, Vaccinated or Registered with County</td>
<td></td>
</tr>
<tr>
<td>1st offense</td>
<td>$20.00</td>
</tr>
<tr>
<td>2nd offense</td>
<td>35.00</td>
</tr>
<tr>
<td>3rd offense</td>
<td>50.00</td>
</tr>
<tr>
<td>4th offense and additional offenses (per offense)</td>
<td>100.00</td>
</tr>
<tr>
<td>Impound Fee For Running At Large, Not Vaccinated or Not Registered with County</td>
<td></td>
</tr>
<tr>
<td>1st offense</td>
<td>$25.00</td>
</tr>
<tr>
<td>2nd offense</td>
<td>50.00</td>
</tr>
<tr>
<td>3rd offense and additional offenses (per offense)</td>
<td>100.00</td>
</tr>
<tr>
<td>Impound Fee For Exotic Animals, Livestock or Poultry</td>
<td></td>
</tr>
<tr>
<td>(if the number impounded exceeds 10)</td>
<td>$50.00</td>
</tr>
<tr>
<td>Impound Fee For Other Small Animals</td>
<td>$ 5.00</td>
</tr>
</tbody>
</table>

C. In addition to the fees listed in Section 205.240, the Division of Humane Services of St. Charles County shall charge for its expenses in impounding, apprehending, catching, trapping, netting, tranquilizing or treating any animal not subject to this Chapter.

D. Abandoned Dogs, Cats Or Ferrets.

1. The Director may, after reviewing all the circumstances surrounding the apprehension of a dog, cat or ferret found running at large for the third (3rd) time or more, off the premises of the owner or custodian, determine that the animal is abandoned and declare the animal available to the public for adoption.

2. If the animal is so declared, the owner or custodian of record shall be notified by registered mail, return receipt requested or by personal delivery, and unless an appeal is filed by the owner within five (5) business days, the animal shall be made available for adoption.

3. Upon timely receipt of the written request submitted by the owner or custodian for a hearing to contest the issue of abandonment, the Director of the Department of Community Health and the Environment's office shall schedule a hearing at which all interested parties may be heard, including the owner or custodian of the animal concerning whether the animal is habitually left at large. After all parties have been heard, the Director of the Department of Community Health and the Environment shall make the final determinations as to whether a dog is abandoned. A determination that the animal is abandoned shall be made in all cases in which the animal is habitually running at large off the property of the owner or custodian. The Director of the Department of Community Health and the Environment's determination and decision is final for all purposes, and there shall be no further administrative relief available.

4. In the case of any animal declared abandoned but determined unsuitable for adoption because of aggression or illness, the animal may be humanely euthanized.

E. The Director of the Division of Humane and Environmental Services may waive a fee to facilitate adoption of an animal held by the Division where the claimant is a non-profit animal placement service or an animal rescue and placement organization or where the individual seeking the animal presents a case of financial hardship. (Ord. No. 93-178 §§1–2, 10-27-93; Ord. No. 97-104 §§1–2, 7-30-97; Ord. No. 00-064 §1, 5-31-00; Ord. No. 01-161 §6, 11-28-01; Ord. No. 01-174 §2, 12-27-01; Ord. No. 05-009 §1, 2-1-05; Ord. No. 05-174 §1, 11-29-05)

SECTION 205.250: PENALTIES

Unless otherwise set out in a Section of this Code, a violation of any provision of this Chapter is a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00), or by imprisonment in the St. Charles County Jail for a term not to exceed one (1) year, or by both fine and imprisonment. A separate offense shall be deemed committed on each day a violation occurs or continues. (Ord. No. 93-162 Art. VI §2, 10-4-93; Ord. No. 01-161 §7, 11-28-01)

SECTION 205.260: ENFORCEMENT

Enforcement of this Chapter shall be the responsibility of the County Counselor. (Ord. No. 93-162 Art. VI §3, 10-4-93)

ARTICLE VII. RESTRAINT OF DOMESTIC ANIMALS

SECTION 205.270: RESTRAINT OF DOMESTIC ANIMALS

A. St. Charles County, Missouri, hereby adopts the provisions of Chapter 270, RSMo., pertaining to the lawful restraint of domestic animals, other than those animals defined in Chapter 205 of the Ordinances of St. Charles County, Missouri, to which that Chapter shall exclusively apply.

B. Upon notice to the Division of Humane Services that any domestic animal, as defined in Chapter 270, RSMo., is running at large
off the premises of the owner or custodian of said animal, the Division shall respond with appropriate personnel to the scene, provided the animal is reported or believed to be running at large in the unincorporated area of St. Charles County. The Division is hereby authorized to respond to requests for animal control assistance from State or local law enforcement agencies on the scene of any incident involving an animal running at large on or near a highway in the County, including requests to impound any such animal when such request is made by State or local law enforcement.

C. Upon determination that there is a domestic animal at large in the unincorporated area of the County, the Division shall take custody of any such animal and impound it and, unless the Sheriff has already responded to the scene, shall immediately notify the Sheriff of St. Charles County of the incident giving rise to the impoundment.

D. In the event there are any injured or disabled animals at the scene, the Director or Animal Control Officer may assist in the determination of which animals are injured or disabled beyond recovery for any useful purpose and may advise law enforcement when the immediate humane killing of any animal is warranted or may humanely kill the animal at the scene in accordance with the provisions of Sections 578.007(7) and 578.016.1(3), RSMo. Any animal killed by a Law Enforcement Officer shall be deemed killed at the discretion of such officer and it shall be deemed his responsibility to comply with Chapter 578 and other applicable provisions of the law.

E. The Director and/or Animal Control Officer may administer fast-acting sedative agents to any animal for the purpose of gaining control and preventing injury or further injury to such animal.

F. Upon impoundment of any animal, irrespective of whether actual notice of the impoundment was had by the owner or custodian at the scene, the Director shall, within three (3) days, provide the owner of any such animal with written notice of the impoundment, including the date, time and place of confinement of any impounded animal, the telephone number of a person authorized to release the animal to the owner upon proof of ownership and payment of necessary expenses for taking up and keeping the animal and a list of the reasonable expenses for taking up the animal and the keeping and feeding of such animal per day which must be paid before release to the owner. (Ord. No. 03-206 §§1--6, 12-31-03)

CHAPTER 210: OFFENSES

ARTICLE I. GENERAL PROVISIONS

SECTION 210.010: FAILURE OR REFUSAL TO COMPLY WITH ORDER OR DIRECTION OF LAW ENFORCEMENT OFFICER

A. In addition to those instances addressed by Sections 574.060, 575.030, 575.150, and 575.160, RSMo., it shall be unlawful for any person to willfully fail or refuse to comply with any lawful order or direction of a Law Enforcement Officer in the discharge of his official duties or to hinder, obstruct, resist, or otherwise interfere with the discharge of those duties.

B. Penalties. Any person violating any regulation adopted under this Section shall be adjudged guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars ($1,000.00), or by imprisonment in the County Jail for a term not to exceed one (1) year, or by both fine and imprisonment.

C. Enforcement. Enforcement of this Section shall be the responsibility of the St. Charles County Prosecuting Attorney. (Ord. No. 95-43 §§1--3, 3-30-95)

SECTION 210.020: SMOKING REGULATIONS

A. Smoking In County Buildings. No person shall smoke or carry a lighted cigar, cigarette, pipe or any other instrument used to burn tobacco products in any building owned or operated by the St. Charles County Government, including any existing buildings, all future buildings and all buildings under construction.

B. Smoking Outside County Buildings. No person shall smoke or carry a lighted cigar, cigarette, pipe or any other instrument used to burn tobacco products on County property within twenty (20) feet in any direction of the primary public entrance to the County Administration Building at 201 North Second Street, the Executive Office Building at 100 North Third Street, the Courts Administration Building at 300 North Second Street or the Justice Center at 301 North Second Street all in St. Charles. In addition, such smoking shall be prohibited on the stairway adjacent to the County Administration Building. Such primary public entrances and the County Administration Building stairway shall have signage designating the area where smoking is prohibited.

C. Removing, Destroying Or Vandalizing "No Smoking" Signs. It shall be unlawful for any person to remove, destroy or otherwise vandalize any sign which declares an area to be a no smoking area.

D. Throwing Or Placing Lighted Objects. It shall be unlawful for any person to place lighted or extinguished cigars, cigarettes, and ashes onto any floor or any County building described in this Section. It shall be unlawful for any person to throw any lighted or extinguished cigars, cigarettes, and ashes from any window or door of any County building described in this Section.

E. Placarding. The County shall conspicuously display at least two (2) signs per floor in each building where smoking is prohibited reading "SMOKING IS PROHIBITED BY LAW" or "NO SMOKING" and containing the universally-recognized no-smoking picture: a cigarette within a red circle with a red slash mark through the middle of the circle. The letters shall be in red or black print and be at least two (2) inches in height.

F. Penalty For Violating Provisions. Any person convicted of violating any of the provisions of this Section shall be deemed guilty
of an ordinance violation and shall be punished by imprisonment for a term of not more than one (1) year, or by a fine of not less than fifty dollars ($50.00) nor more than one thousand dollars ($1,000.00), or by both such fine and imprisonment.

G. Enforcement. The enforcement of the provisions of this Section shall be the responsibility of the Sheriff and prosecution shall be through the office of the County Counselor. (Ord. No. 93-186 §§1--6, 10-4-93; Ord. No. 05-028 §1, 3-1-05)

ARTICLE II. MINORS--PRESENCE AND CONDUCT ON STREETS AND IN PUBLIC PLACES

Cross Reference--As to performing tattooing or body piercing on minors, see Ch. 645.

SECTION 210.030: TITLE

This Article shall be known and may be cited as the ”Article Regulating the Presence and Conduct of Minors on Streets and Public Places”. (Ord. No. 93-209 §1, 12-6-93)

SECTION 210.040: DEFINITIONS

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

COUNTY: The unincorporated County of St. Charles, Missouri.

CUSTODIAN: Any person over the age of eighteen (18) who is in loco parentis to a juvenile.

GUARDIAN: Any person other than a parent, who has legal guardianship of a minor.

MINOR: Any person under the age of seventeen (17).

PARENT: The natural or adoptive parent of a minor.

PUBLIC PLACE: Any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A ”public place” shall include but not be limited to any store, shop, restaurant, tavern, bowling alley, cafe, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above. (Ord. No. 93-209 §2, 12-6-93)

SECTION 210.050: UNLAWFUL FOR MINOR TO BE IN PUBLIC PLACE DURING CERTAIN TIMES

It shall be unlawful for any minor to be either on foot or in any vehicle in, about or upon any public place in the County between the hours of 11:00 P.M. and 5:00 A.M. Sunday through Thursday and between the hours of 12:00 Midnight and 5:00 A.M. Friday through Saturday unless accompanied by a parent, guardian, custodian or other adult person having custody or control of such minor or unless the minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian or other adult person having the care and custody of the minor or where the presence of such minor is connected with or required by some legitimate employment, trade, profession or occupation. (Ord. No. 93-209 §3, 12-6-93)

SECTION 210.060: RESPONSIBILITY OF PARENTS, GUARDIAN, AND OTHER ADULT PERSONS

It shall be unlawful for any parent, guardian or other adult person having custody or control of any minor under the age of seventeen (17) to allow such minor to be on the streets or sidewalks or on or in any public property or public place within the County between the hours of 11:00 P.M. and 5:00 A.M., Sunday through Thursday and the hours of 12:00 Midnight and 5:00 A.M., Friday through Saturday. However, the provisions of this Section do not apply to a minor accompanied by his parent, guardian, custodian or other adult person having the care, custody or control of the minor, or if the minor is on an emergency errand or specific business or activity directed by his parent, guardian, custodian or other adult having the care and custody of the minor or if the parent, guardian or other adult person herein has made a missing person notification to a law enforcement department having venue. (Ord. No. 93-209 §4, 12-6-93)

SECTION 210.070: NOTICE TO PARENT, GUARDIAN OR OTHER ADULT PERSONS

Any Sheriff's Deputy finding a minor violating the provisions of Section 210.050 of this Article shall serve a written notice upon the parent, guardian or adult person having custody or control of said minor, setting forth the manner in which Section 210.050 of this Article was violated and the liabilities for said parent, guardian or adult person upon subsequent violations of Section 210.050 by the minor. (Ord. No. 93-209 §5, 12-6-93)

SECTION 210.080: PENALTIES AND ENFORCEMENT

A. Any minor violating the provisions of this Article shall be dealt with in accordance with the laws and procedures applicable to minors.
B. Any parent, guardian or other adult person having the care and custody of a minor who violates this Article, after having been previously warned of said violation pursuant to Section 210.070 of this Article, shall be fined not more than three hundred dollars ($300.00). A separate offense shall be deemed committed on each day a violation occurs or continues.

C. Any parent, guardian, or other adult person having the care and custody of a minor who violates this Article after having been previously charged and found guilty of violating this Article shall, be fined not more than three hundred dollars ($300.00) or imprisoned in the St. Charles County Jail for a term not to exceed thirty (30) days, or be both fined and imprisoned. A separate offense shall be deemed committed on each day a violation occurs or continues.

D. Enforcement of this Article as such may be required against a parent, guardian or other adult person having custody or control of any minor shall be the responsibility of the County Counselor. (Ord. No. 93-209 §6, 12-6-93)

ARTICLE III. FIREWORKS

SECTION 210.090: DEFINITIONS

The following words shall have the following meanings as set out herein:

FIREWORKS: As defined in Section 320.106, RSMo., as amended.

SALE: An exchange of articles of fireworks for money, including barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as a principal proprietor, salesman, agent, association, co-partnership or one (1) or more individuals. (Ord. No. 96-168 §1, 12-30-96; Ord. No. 07-193 §1, 12-27-07)

SECTION 210.100: SALE OF FIREWORKS — ALLOWED BY PERMIT — WHEN

The sale of fireworks in St. Charles County shall be authorized only as provided in and as restricted by this Article and only under permits issued pursuant to the Unified Development Ordinance of St. Charles County, Section 405.515 of the ordinances of St. Charles County, Missouri. (Ord. No. 96-168 §2, 12-30-96; Ord. No. 01-032 §1, 3-28-01; Ord. No. 07-193 §2, 12-27-07)

SECTION 210.105: SALE OF FIREWORKS — RESTRICTIONS ON COMMERCIAL OPERATIONS

A. Days Of Operation. No sales of fireworks shall be permitted except from June twenty-fifth (25th) through July sixth (6th) of each year.

B. Hours Of Operation. No sales of fireworks shall be permitted prior to 8:00 A.M. or after 10:00 P.M. on any day on which such sales are authorized, except that on July first (1st), second (2nd) and fourth (4th), sales may continue until 11:00 P.M. and on July third (3rd), sales may continue until Midnight.

C. Employment Of Persons Under The Age Of Sixteen (16). Persons under the age of sixteen (16) shall not be employed at any location selling fireworks unless supervised at all times by at least one (1) person over the age of twenty-one (21).

D. Required Sign. A sign bearing the message "Discharge of Consumer Fireworks is Prohibited at All Times within Unincorporated St. Charles County Except Between the Hours of 10:00 A.M. and 11:00 P.M. July 2nd through July 5th and to Between the Hours of 11:30 P.M. on December 31st and 12:30 A.M. on the immediately following January 1st. Violators may be punished by a fine up to five hundred dollars ($500.00)."

E. Prohibition Of Sales. It shall be unlawful for any person to willfully sell any firecrackers, fireworks, torpedoes, bombs, pin wheels, fire balloons, Roman candles, toy cannons, toy pistols, missile or aerial fireworks containing a stick or fin, or other fireworks containing a stick or fin, or other fireworks of a like kind within unincorporated St. Charles County. (Ord. No. 07-193 §3, 12-27-07; Ord. No. 08-012 §1, 2-12-08; Ord. No. 12-001 §1, 12-19-11)

SECTION 210.110: DISCHARGE OF FIREWORKS LIMITED

A. Except as provided in Subsection (D) and Section 210.115 below, discharge of fireworks within the County shall be limited to between the hours of 10:00 A.M. and 11:00 P.M. on July second (2nd), third (3rd), fourth (4th) and fifth (5th) of any year and to between the hours of 11:30 P.M. on December thirty-first (31st) and 12:30 A.M. on the immediately following January first (1st).

B. Persons fifteen (15) years of age and younger shall not discharge fireworks except under the supervision of an adult. Supervision shall be adequate where the adult is within sight and sound of the children during the discharge of the fireworks.

C. It shall be unlawful for any parent, guardian or other adult person having custody or control of any minor fifteen (15) years of age or less to knowingly allow such minor to discharge fireworks in violation of the preceding Subsection.

D. Except as provided herein, it shall be unlawful for any person to willfully set off, use, burn, explode or fire off any firecrackers, fireworks, torpedoes, bombs, pin wheels, fire balloons, Roman candles, toy cannons, toy pistols, missile or aerial fireworks
SECTION 210.115: EVENT PERMITS FOR PUBLIC DISPLAYS OF FIREWORKS

A. Public Displays Of Consumer Fireworks. It shall be lawful to conduct public displays of consumer fireworks as defined in 11 Code of State Regulations 40.-3.010(1), as amended, in the unincorporated part of St. Charles County at any time of the year under permits authorized by this Subsection and the Fire Code of St. Charles County, as adopted by Section 500.060, OSCCMo.

1. The Department of Community Development's Division of Building Code Enforcement may issue permits for the discharge of consumer fireworks for public display, provided:

   a. Such discharges of consumer fireworks are on premises used to accommodate the public or public gatherings for the primary purpose of recreation, entertainment or assembly, including marinas, golf courses, private clubs, public facilities including parks and fairgrounds, commercial outdoor recreation, public and private schools, wineries and breweries, common ground controlled by homeowners' associations, churches, racetracks for vehicles or animals, banquet halls;
   b. Such permits are limited to a single date and specified hours;
   c. Such hours are between 10:00 A.M. and 11:00 P.M. on any particular date; and
   d. Applicants meet the requirements for fireworks displays in the Fire Code of St. Charles County, as adopted by Section 500.060, OSCCMo, and provide the information required below.

2. Applications for permits authorized by this Subsection shall be on a form provided by the Department of Community Development, and shall:

   a. Identify the date and the hours of the event during which consumer fireworks are to be discharged;
   b. Identify the premises for which the permit is sought (legal description, assessor's parcel identification number, or other reasonable means of identifying the premises);
   c. Identify the principal use to which those premises are dedicated;
   d. Identify the owner or lessee of those premises, the authorized agent of that owner or lessee, and the means of contacting that authorized agent by U.S. mail, telephone, facsimile transmission and electronic mail;
   e. Bear the signature of that owner or lessee, or the signature of that owner's or lessee's authorized agent;
   f. Identify the operator handling the fireworks display (name, business address, contact information);
   g. Be accompanied by:
      (1) A fee of twenty-five dollars ($25.00); and
      (2) Plans for the proposed displays that are required for fireworks permits by the Fire Code of St. Charles County, as adopted by Section 500.060, OSCCMo, along with an additional fee of twenty-five dollars ($25.00) for site plan review; or
      (3) A permit for the public display of consumer fireworks issued by another authority with jurisdiction (such as the State Fire Marshall or a fire district) pursuant to 11 Code of State Regulations 40.-3.010(2)(A), as amended; and
      (4) Proof or certificate of insurance of owner of site or of operator for consumer fireworks display; and
   h. Be filed no later than ten (10) calendar days prior to the event for which the permit is sought (unless this requirement is waived for good cause shown and adequate review of the application will not be impaired).

3. The Department shall notify the applicant in writing within three (3) working days of the filing of a complete application that the permit applied for is granted or denied. If permit is granted, the Department shall send it to the applicant with the notice. If the permit is denied, the Department's notice shall state the reasons for that denial. The Department shall send notices and permits to applicants or permittees by U.S. mail, unless they request delivery by facsimile transmission or electronic mail and provide contact information for such delivery.

B. Public Displays Of Display Or Proximate Fireworks. It shall be lawful to conduct public displays of display or proximate fireworks as defined in 11 Code of State Regulations 40.-3.010(1), as amended, in the unincorporated part of St. Charles County at any time of the year under permits authorized by this Subsection.

1. The Department of Community Development may issue permits for the discharge of display or proximate fireworks, provided:

   a. Such discharges of display or proximate fireworks are on premises used to accommodate the public or public gatherings for the primary purpose of recreation, entertainment or assembly, including marinas, golf courses, private clubs, public facilities including parks and fairgrounds, commercial outdoor recreation, public and private schools, wineries and breweries, common ground controlled by homeowners' associations, churches, racetracks for vehicles or animals, banquet halls, and, in the case of proximate fireworks for indoor display, entertainment venues such as theaters and dance clubs;
   b. Such permits are limited to a single date and specified hours;
c. Such hours are between 10:00 A.M. and 11:00 P.M. on any particular date; and
d. Applicants meet the requirements for fireworks displays in the Fire Code of St. Charles County, as adopted by Section 500.060, OSCCMo, and provide the information required below.

2. Applications for permits authorized by this Subsection shall be on a form provided by the Department of Community Development, and shall:
   a. Identify the date and the hours of the event during which display or proximate fireworks are to be discharged;
   b. Identify the premises for which the permit is sought (legal description, assessor's parcel identification number, or other reasonable means of identifying the premises);
   c. Identify the principal use to which those premises are dedicated;
   d. Identify the owner or lessee of those premises, the authorized agent of that owner or lessee, and the means of contacting that authorized agent by U.S. mail, telephone, facsimile transmission and electronic mail;
   e. Bear the signature of that owner or lessee, or the signature of that owner's or lessee's authorized agent;
   f. Identify the operator handling the fireworks display (name, business address, contact information);
   g. Be accompanied by:
      (1) A fee of twenty-five dollars ($25.00); and
      (2) Plans for the proposed displays that are required for fireworks permits by the Fire Code of St. Charles County, as adopted by Section 500.060, OSCCMo, along with an additional fee of seventy-five dollars ($75.00) for site plan review; or
      (3) A permit for the public display of display or proximate fireworks issued by another authority with jurisdiction (such as the State Fire Marshall or a fire district) pursuant to 11 Code of State Regulations 40-3.010(2)(A), as amended, and
      (4) A copy of the operator's State license or licenses for discharging display or proximate fireworks (as applicable) issued pursuant to 11 Code of State Regulations 40.30.010(9); and
      (5) Proof of insurance meeting the requirements of 11 Code of State Regulations 40.3.010(8), as amended; and
   h. Be filed no later than ten (10) calendar days prior to the event for which the permit is sought (unless this requirement is waived for good cause shown and adequate review of the application will not be impaired).

3. The Department shall notify the applicant in writing within three (3) working days of the filing of a complete application that the permit applied for is granted or denied. If permit is granted, the Department shall send it to the applicant with the notice. If the permit is denied, the Department's notice shall state the reasons for that denial. The Department shall send notices and permits to applicants or permittees by U.S. mail, unless they request delivery by facsimile transmission or electronic mail and provide contact information for such delivery.

C. The provisions of this Section are subject to any applicable zoning regulations in the Unified Development Ordinance of St. Charles County, Chapter 405, OSCCMo, on the discharge of consumer, display or proximate fireworks. (Ord. No. 12-001 §3, 12-19-11)

SECTION 210.120: CONFISCATION OF FIREWORKS

The Sheriff of St. Charles County is hereby authorized to confiscate fireworks from the possession of any person found to be in violation of Section 210.110 of this Article. The Sheriff is further authorized to confiscate fireworks being discharged privately in such large quantity that a nuisance is created. (Ord. No. 96-168 §4, 12-30-96; Ord. No. 07-193 §5, 12-27-07)

SECTION 210.130: NOTIFICATION UPON CONFISCATION -- REQUEST FOR REVIEW

Any person who has fireworks confiscated under this Article shall be provided written notice at the time of the confiscation that within seven (7) calendar days from the confiscation, the person may file a written request for review with the Sheriff's Department setting out the specific facts for the claim that the Article herein has not been violated. The Sheriff's office shall hear and determine the matter within ten (10) days of the written request for appeal. The decision of the Sheriff shall be final. (Ord. No. 96-168 §5, 12-30-96)

SECTION 210.140: DISPOSITION OF CONFISCATED FIREWORKS

Fireworks confiscated under this Article shall be destroyed within thirty (30) days of confiscation, or upon appeal, at the time of the final decision finding the possessor in violation of the Article. The Sheriff is authorized to make arrangements for the storage of such fireworks in or out of the County at a safe storage area. (Ord. No. 96-168 §8, 12-30-96)

SECTION 210.145: ENFORCEMENT

Enforcement of this Article shall be the responsibility of the County Counselor. (Ord. No. 07-193 §6, 12-27-07)
SECTION 210.150: PENALTY

Any person violating this Article shall be adjudged guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars ($500.00) per incident in which fireworks are confiscated. (Ord. No. 96-168 §7, 12-30-96; Ord. No. 07-193 §7, 12-27-07)

ARTICLE IV. OFFENSES CONCERNING MORALS

SECTION 210.160: PUBLIC INDECENCY

A. Definitions. The following words and/or phrases shall have the following meanings as set out herein:

NUDITY OR STATE OF NUDITY:
1. The showing of the bare human male or female genitals or pubic area with less than full opaque clothing covering; or
2. The showing of the female breast below a horizontal line across the top of the areola, or a simulation thereof, at its highest point with less than fully opaque clothing covering. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, shirt, leotard, bathing or swim suit, or other wearing apparel, provided the areola is not exposed in whole or in part; or
3. The showing of the covered male genitals in a discernably turgid state.

The mother in the act of nursing her baby shall not be included within this definition, nor shall any child under the age of seven (7).

PUBLIC PLACE: Any location frequented by the public, or where the public is present or likely to be present, or where a person may reasonably be expected to be observed by members of the public. Public places include, but are not limited to, streets, sidewalks, parks, beaches, boats, barges, business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), bottle clubs, hotels, motels, restaurants, night clubs, country clubs, cabarets and meeting facilities utilized by any religious, social, fraternal or similar organizations. Premises used solely as a private residence, whether permanent or temporary in nature, and enclosed motel and enclosed hotel rooms designed and intended for sleeping accommodations shall not be deemed to be public places except where or in a manner such that the person knows or has reason to know that his state of nudity or conduct described in this Section is observable by or in the presence of persons other than the occupants of the residence or those for whom the sleeping accommodations in the enclosed motel or hotel room are intended, nor shall the definition of "public place" include nudity in places in which nudity is necessarily and customarily expected outside the home including: enclosed single-sex public restroom enclosed single-sex functional showers, locker and/or dressing facilities, doctor's offices, portions of hospitals and similar places.

B. Whoever, in a public place, as defined in Subsection (A), knowingly or intentionally does any of the following:
1. Engages in acts of, or simulated acts of, sexual intercourse, masturbation, sodomy, bestiality, oral copulation, sadomasochism, excretory functions or other ultimate sexual acts; or
2. Appears in a state of nudity; or
3. Caresses or fondles the buttock, anus, vulva, female breasts or genitals of himself or another person; is guilty of a Class A misdemeanor.

C. Whoever, in a public place, as defined in Subsection (A), knowingly or intentionally performs any obscene, lewd, or lascivious dance shall be guilty of a Class A misdemeanor. Any person who performs any such dance in a state of nudity, as defined in Subsection (A), or who fails to conceal two-thirds (2/3) of the buttock with a fully opaque clothing covering shall be presumed to have performed such dance in violation of this Subsection, and the owner or operator of any establishment where such unlawful dance occurred shall be presumed to have permitted such violation, provided however, this presumption shall be rebuttable.

D. The provisions of this Section shall not apply to nudity as defined herein when such nudity is in a theatrical production which is not obscene as defined in Chapter 573, RSMo., which has serious artistic merit and is performed within a fine arts theatre by a professional or amateur theatrical company or musical company, provided that such production is not in violation of other criminal statutes.

E. Any person convicted of a Class A misdemeanor set out above may be sentenced to up to one (1) year in the County jail or fined up to one thousand dollars ($1,000.00), per incident, or both.

F. Enforcement of this Section shall be the responsibility of the Prosecuting Attorney. (Ord. No. 97-9 §§1--6, 1-29-97)

ARTICLE V. RESERVED

SECTION 210.170: RESERVED

Editor's Note--Ord. no. 99-149 §24, enacted December 1, 1999, repealed Section 210.170 regarding body piercing or tattooing. Former section derived from ord. no. 97-130 §§1--9, 8-27-97. Regulations regarding body piercing and tattooing are now set out in ch. 645 of this Code.

217
ARTICLE VI. POSSESSION, SALE AND USE OF LASER POINTERS BANNED--WHEN

SECTION 210.180: POSSESSION, SALE AND USE OF LASER POINTERS BANNED--WHEN

A. Defined. A "laser pointer" shall be defined as any device which emits light amplified by the stimulated emission of radiation that is visible to the human eye and designed to be used as a pointer or highlighter, to indicate, mark or identify a specific position or place, including but not limited to Class 2 lasers, Class 3a and 3b lasers, and Class 4 lasers. For purposes of this Section, any laser used for medical, educational or other legitimate commercial use is not a "laser pointer".

B. Possession By Minors Prohibited. It shall be unlawful for any person under the age of eighteen (18) to possess a laser pointer except in the residence of that person, or except when outside the person's residence the minor is under the direct supervision of adult school personnel, parent, guardian or employer. Outside the home of the minor, the adult providing direct supervision shall be physically present in the location where the minor is present. All laser pointers in the possession of a minor are deemed contraband and are subject to seizure by any duly authorized Law Enforcement Officer and shall be subject to forfeiture. No Law Enforcement Officer seizing such contraband shall be required to have a warrant or other legal process prior to effecting the seizure.

C. Illumination Of Persons Prohibited. It shall be unlawful for any person to use a laser pointer in such a manner that the laser beam illuminates on another person in the area of the head or torso in such a manner as to harass or create a reasonable fear by that person that their sight or safety may be endangered.

D. Illumination Directed Into The Eyes Of Another Person. It shall be unlawful for any person to intentionally direct the beam from a laser pointer into the eyes or eye of another person.

E. Illumination Of Vehicle Operators Prohibited. It shall be unlawful for any person to use a laser pointer in such a manner that the laser beam illuminates the driver of a motor vehicle.

F. Illumination Of Law Enforcement Officers Prohibited. It shall be unlawful for any person to use a laser pointer in such a manner that the laser beam illuminates a uniformed Law Enforcement Officer or duly identified non-uniformed Law Enforcement Officer.

G. Sale To Minors Prohibited. It shall be unlawful to sell laser pointers to persons under the age of eighteen (18).

H. The Sheriff or his/her designee shall have the power to issue initial warnings and citations for violation of this Section.

I. Any person violating this Section shall be guilty of an infraction and shall be fined no more than five hundred dollars ($500.00) per infraction.

J. Enforcement of this Section shall be the responsibility of the Sheriff's Department. Prosecution of the Section shall be the responsibility of the County Counselor's office. (Ord. No. 99-30 §§1--10, 4-1-99)

ARTICLE VII. OFFENSES CONCERNING PUBLIC SAFETY

SECTION 210.190: REGULATIONS CONCERNING ANHYDROUS AMMONIA TANKS

A. Any person, partnership, corporation or other entity having ownership of any vessel used for the storage, distribution or retention of anhydrous ammonia shall notify the County Sheriff of the location of such storage unit.

B. Tanks For Storage, Distribution Or Retention Of Anhydrous Ammonia.

1. Any person, partnership, corporation or other entity having ownership of any vessel greater than ten thousand (10,000) gallons, known as Mother Tanks, used for the storage, distribution or retention of anhydrous ammonia shall ensure that the vessel is secured in an area that is lighted by dusk-to-dawn lighting.

2. Mother Tanks shall have the valves from which anhydrous ammonia is transferred from the Mother Tank to the Nurse Tanks secured with a Rockwell 60 hardened, tamper-proof, locking device.

3. During non-use periods by consumers, the owner of any vessel of less than ten thousand (10,000) gallons (Nurse Tanks) shall employ measures to secure such vessels containing residual amounts greater than five percent (5%) of capacity. Vessels shall be secured with a Rockwell 60 hardened, tamper-proof, locking device.

C. Violation of this Section shall be a misdemeanor and shall be punishable by fines of fifty dollars ($50.00) per day per unsecured Mother Tank, and twenty-five dollars ($25.00) per day per unsecured Nurse Tank.

D. Penalty.

1. It shall be a misdemeanor to transport anhydrous ammonia in any container which does not meet the ANSI standard established by the Department of Agriculture, Division of Weights and Measures.

2. Conviction of the misdemeanor set out in Subsection (D)(1) shall be punishable by a fine of up to one thousand dollars ($1,000.00) per violation or up to one (1) year in the County Detention Center, or both.

E. Compliance with this Section shall be the responsibility of the Sheriff's Department, which shall provide copies of the notice to the Division of Building Code Enforcement and the Division of Emergency Management.
SECTION 210.195: DEPOSITING ITEMS OR MATERIAL ON COUNTY ROADS

A. No Depositing On Streets Of Soil, Etc., Due To Land-Disturbing Activity. No person shall engage in any land-disturbing activity or any other action that causes or permits any soil, earth, sand, gravel, rock, stone, concrete, building materials, trees, limbs, debris, litter or other materials or liquids to be deposited upon or to roll, flow or wash upon, in or over any public street, street improvement, road, sewer, storm drain, watercourse or right-of-way or any other public property in a manner to damage or to interfere with the use of such property, or which creates a hazardous condition detrimental to the health, safety and welfare of the public.

B. No Depositing On Streets Of Soil, Etc., Due To Hauling. No person shall when hauling soil, earth, sand, gravel, rock, stone, concrete, building materials, trees, limbs, debris, litter or other material or liquid over any public street, road, alley or public property allow such materials or liquids to blow or spill over and upon such street, road, alley or public property. The operator of the equipment engaged in hauling shall not permit soil, earth, rock, trees, limbs, debris, litter or other materials to fall from the vehicle, including wheels of said vehicle, upon such street, road, alley or public property.

C. Removal--Responsibility. If any such soil, earth, sand, gravel, rock, stone, trees, limbs, debris, litter or other material or liquid is caused to be deposited upon or to roll, flow or wash upon any public property in violation of Sections (A) and (B) above, the person responsible shall cause same to be removed from such property by the end of the same working day.

D. Failure To Remove--Notice Of Violation And Correction Order. Failure to comply with Section (C) shall result in a notice of violation and correction order issued to the person responsible by the County Engineer or his designee. Such correction order shall state a reasonable time in which to correct any violation of Sections (A) or (B) above. Failure to comply with this notice of violation and correction order shall be deemed an additional violation.

E. Immediate Removal In Case Of Danger, Responsibility. In the event of an immediate danger to the public health, safety or welfare, notice shall be given by the most expeditious means and the material or liquid shall be removed immediately. In the event it is not so removed, the County may cause such removal and the cost of such removal by the County, or anyone contracted by the County, shall be paid to the County by the person who failed to so remove the material and shall be a debt due the County and payable within thirty (30) days of said removal.

F. Penalties. A violation of any provision of this Section is a misdemeanor punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment in the St. Charles County Jail for a term not to exceed one (1) year, or by both fine and imprisonment. A separate offense shall be deemed committed on each day a violation occurs or continues.

G. Responsibility For Enforcement. The enforcement of these regulations established by this Section shall be the responsibility of the County Counselor. (Ord. No. 03-084 §§1--7, 6-25-03)

ARTICLE VIII. OFFENSES AGAINST PUBLIC PEACE

SECTION 210.200: REGULATIONS CONCERNING NOISE FROM PORTABLE OR MOTOR-VEHICLE AUDIO EQUIPMENT

A. While in park or recreational areas, residential or commercial zoning areas, or in any area where residences, schools, human service facilities or commercial establishments are in obvious proximity to the source of sound from a portable or vehicle audio device, it shall be unlawful for any person to cause, make or allow to be made from such audio equipment under such person's control or ownership the following:

1. Sound from a motor vehicle system, such as a radio, tape player, compact disc player, DVD or mini-DVD player system or digital sound device or other device capable of emitting sound in a similar fashion, which is operated at such a volume that it can be clearly heard by the human ear at a distance of seventy-five (75) feet or more from the vehicle itself; or

2. Sound from portable audio equipment, such as a radio, tape player, compact disc player, DVD or mini-DVD player system or digital sound device or other device capable of emitting sound in a similar fashion, which is operated at such a volume that it can be clearly heard by the human ear at a distance of seventy-five (75) feet or more from the source of the sound.

3. "Clearly heard by the human ear" shall not require that the individual words of a song are discernable if the music or other primary sound is discernable.

4. The following shall not be subject to the provisions of this Section:
   a. Noise emanating from parades, authorized public celebrations, authorized carnivals or similar events;
   b. Sirens, whistles and emergency warning devices used by fire, medical and law enforcement agencies, division of emergency management and other governmental emergency agencies; or
   c. Weddings, parades and other organized events which customarily use motor vehicle horns during the event.
B. Penalties And Fines.

1. Penalties for violation of this Section shall be infractions and shall result in the imposition of fines by providing the person so charged with a written notice of the violation. The written notice shall contain the ordinance number, the date, time and place of the facts leading to the conclusion that the ordinance was violated, and the amount of the fine and the place at which the fine may be paid. If the citizen chooses to appeal, such appeal shall be to the Circuit Court of St. Charles County.

2. The fines for violation of this Section shall be fifty dollars ($50.00) for the first (1st) offense and one hundred twenty-five dollars ($125.00) for the second (2nd) and all subsequent offenses, exclusive of court costs which may be imposed as provided by law.

C. Enforcement of this Section shall be enforced by the County Counselor. (Ord. No. 02-075 §§1--3, 5-29-02)

Editor's Note--Reference to "Emergency Management Agency" was changed to "Division of Emergency Management" per ord. no. 02-205, adopted 12-23-02, set out in full at §134.060 of this code.

SECTION 210.205: PROHIBITING CERTAIN LOUD NOISES EMANATING FROM PUBLIC ADDRESS SYSTEMS

A. Loud And Unnecessary Noise Prohibited.

1. It is unlawful for any person to make, continue, or allow to be made or continued, any excessive, unnecessary, unusual or loud noise by use of a public address system which creates a nuisance or injures or endangers the comfort, repose, health or safety of others, or which interferes with the use or enjoyment of property of any person of reasonable sensibilities residing in or occupying the area unless the making and continuing of such noise is necessary for the protection and preservation of property or the health and safety of some individual.

2. The following acts, which enumeration shall not be deemed to be exclusive, are hereby declared to be noise nuisances in violation of this Section and are unlawful:
   a. The playing or permitting or causing the playing of any radio, radio receiving set, television, phonograph, "boom box", loudspeaker, drum, juke box, nickelodeon, musical instrument, sound amplifier or similar device across a public address system which produces, reproduces or amplifies sound when done in such a manner or with such volume, intensity, or with continued duration so as to annoy, to distress or to disturb the quiet, comfort or repose of any person of reasonable sensibilities within the vicinity or hearing thereof. This Subsection shall not apply to the Police or public authorities who are using such a device in the performance of their duties or to those entities excepted in Section (D) below.

B. Classification And Measurement Of Noise. For the purposes of determining and classifying any noise from a fixed, stationary public address system source as loud, unusual or unnecessary as declared to be unlawful and prohibited by Subsection (A) herein, the following test measurements and requirements may be applied:

1. Noise occurring within the jurisdiction of the County shall be measured at the property line of the noise source if located within the public right-of-way, and if the noise source is located on private property or property for which there is no adjoining public right-of-way, measurement shall occur at the closest point to the property line of the noise source for which the County can obtain permission to conduct measurements.

2. a. The noise shall be measured on the "A" weighing scale on sound level meter of standard design and quality and having characteristics established by the American National Standards Institute.
   b. For purposes of this Section, measurements with sound level meters shall be made when the wind velocity at the time and place of such measurement is not more than five (5) miles per hour or twenty-five (25) miles per hour with a wind screen.
   c. In all sound level measurements consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of such sound level measurement.

C. Excessive Noise Levels.

1. Noise measured or registered as provided herein from any source not exempted by this Section at a level which is equal to or in excess of the dB(A) established for the time period and zones listed below is declared to be excessive, unusual, loud and unnecessary:

<table>
<thead>
<tr>
<th>Zone</th>
<th>8:00 A.M. to next 10:00 P.M.</th>
<th>10:00 P.M. to next 8:00 A.M.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>55 dB(A)</td>
<td>50 dB(A)</td>
</tr>
<tr>
<td>Commercial</td>
<td>60 dB(A)</td>
<td>55 dB(A)</td>
</tr>
<tr>
<td>Light industrial</td>
<td>70 dB(A)</td>
<td>65 dB(A)</td>
</tr>
<tr>
<td>Industrial</td>
<td>75 dB(A)</td>
<td>80 dB(A)</td>
</tr>
</tbody>
</table>

Background noise means noise from all sources other than that under specific consideration, including traffic operating on public thoroughfares, and is established by measuring the noise level over a fifteen (15) minute period of time.

2. For purposes of this Section, the aforementioned zones shall be defined as set forth in the Unified Development ordinance.

3. Adjacent zones. When a noise source can be measured from more than one (1) zone, the permissible sound level of the more restrictive zone shall govern.
D. **Exceptions.** The following activities, as long as they are conducted between the hours of 8:00 A.M. and 10:00 P.M. as a normal function of a permitted use and the equipment is maintained in proper working condition, are excepted from the provisions of this Chapter:

1. School stadiums or athletic fields;
2. Public outdoor swimming pools;
3. Golf courses.

E. **Enforcement.**

1. In addition to all Law Enforcement Officers, the following personnel employed by the County shall have the power to enforce the provisions of this Section:
   
   a. All neighborhood preservation officers in the Department of Community Development.

2. Prosecution shall be the responsibility of the County Counselor.

F. **Penalty.** Any person who violates any of the provisions of this Section within the unincorporated county is guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars ($1,000.00). Each day a violation is committed or permitted to continue shall constitute a separate offense. (Ord. No. 10-036 §§1--6, 5-13-10)

**SECTION 210.207: UNLAWFUL PICKETING OF A FUNERAL**

A. The County Council of St. Charles County, Missouri, finds that families have a legitimate and legally cognizable interest in organizing and attending funerals for deceased relatives and that the rights of families to peacefully and privately mourn the death of relatives are violated when funerals are targeted for picketing or protest activities. The County Council of St. Charles County, Missouri, also recognizes that individuals have a constitutional right to free speech and that in the context of funeral ceremonies, the competing interests of picketers and funeral participants must be balanced. Therefore, the County Council declares that the purposes of this Section are to protect the privacy of grieving families and to preserve the peaceful character of cemeteries, mortuaries, churches and other places of worship during a funeral while still providing picketers and protestors the opportunity to communicate their message at a time and place that minimizes the interference with the rights of families participating in funerals.

B. For purposes of this Section, the following definitions shall apply:

**FUNERAL:** The ceremonies and memorial services held in connection with the burial or cremation of the dead but does not include funeral processions on public streets or highways nor does it include the wake (sometimes referred to as a visitation or vigil).

**PICKETING OF A FUNERAL:** Protest activities engaged in by a person or persons located within three hundred (300) feet of the premises of a cemetery, mortuary, church or other place of worship or other location during, and which target, a funeral.

C. A person commits the offense of unlawful picketing of a funeral if he or she engages in picketing of a funeral during the period from one (1) hour prior to the commencement of any funeral through one (1) hour following the cessation of any funeral.

D. Any person who pickets within street or road right-of-way shall stay at least three (3) feet from the traveled portion of the street or road.

E. Any person who violates any of the provisions of this Section within the unincorporated County is guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars ($1,000.00). Each day a violation is committed or permitted to continue shall constitute a separate offense. (Ord. No. 10-105 §1, 12-1-10; Ord. No. 10-112 §1, 12-21-10)

**ARTICLE IX. WEAPONS REGULATIONS**

**SECTION 210.210: CONCEALED OR UNCONCEALED WEAPONS PROHIBITED IN ST. CHARLES COUNTY COURTS ADMINISTRATION BUILDING, JUVENILE JUSTICE CENTER OR JUSTICE CENTER**

A. No person who has been issued a conceal carry endorsement by the Missouri Director of Revenue under Sections 571.101 to 571.121, RSMo., or who has received notice from the Sheriff of his County that such endorsement has been granted, or who is in possession of a valid permit or endorsement to carry a concealed firearm by another State or its authorized political subdivision shall be allowed to carry a concealed firearm, nor may any person other than a qualified Law Enforcement Officer openly carry a firearm, in the Courts Administration Building, the Juvenile Justice Center or the Justice Center.

B. The St. Charles County Courts Administration Building, the St. Charles County Justice Center and the Juvenile Justice Facility shall be posted at each entrance with a sign at least eleven (11) inches high by fourteen (14) inches in length with lettering at least one (1) inch high stating "NO GUNS, KNIVES OR OTHER WEAPONS ALLOWED IN BUILDING UNLESS IN THE POSSESSION OF QUALIFIED LAW ENFORCEMENT OFFICER."

C. Notwithstanding any other provision of this Section, no Circuit or Associate Circuit Judge is prohibited from carrying a concealed weapon into the St. Charles County Courts Administration Building, the Justice Center or the Juvenile Justice Center pursuant to a conceal carry endorsement by the Missouri Director of Revenue under Sections 571.101--571.121, RSMo., or other authorizing Statute.
D. Any person violating this Section shall be denied entrance to the building. Persons having already entered before the violation was discovered shall be ordered to leave the premises and the Sheriff's Department shall be notified pursuant to Sections 571.101--571.121, RSMo. (Ord. No. 03-172 §§1--4, 11-12-03)

State Law Reference--The provisions of L. 2003 H.B. 349, et al, enacted section 571.094 which has been codified as §571.101 through 571.121, RSMo., as amended.

CHAPTER 215: SECURITY ALARM SYSTEMS

SECTION 215.010: DEFINITIONS

For the purpose of this Chapter the following definitions will apply:

ALARM NOTIFICATION: Any notification intended to summon the Police to the alarm site.

ALARM SITE: A single premises or location served by an alarm system or systems.

ALARM SYSTEM: Any device or system that emits, transmits or relays a signal intended to summon, or that would be expected to summon, law enforcement services of the County of St. Charles, including but not limited to local alarms. Excluded under this Chapter are:

1. Automobile alarms, unless the vehicle is permanently located at a site.
2. An internal alarm designed to alert only the inhabitants of a building.

ALARM USER: Any person, firm, partnership, corporation or other entity who (which) uses or is in control of any alarm system at its alarm site.

CANCELLATION: Alarm agency dispatch cancellation is the process by which an alarm company providing monitoring verifies with the alarm user or responsible party that a false dispatch has occurred and that there is not an existing situation at the alarm site requiring law enforcement agency response.

COUNTY: The unincorporated area of St. Charles County.

DEPARTMENT: St. Charles County Sheriff Department.

FALSE ALARM NOTIFICATION (FAN): Any alarm notification to the Department, when the officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the alarm site. For the purposes of this Chapter, the following alarms are excluded from this definition:

1. During electrical storms, tornados, blizzards and other severe weather or acts of God.
2. The intermittent disruption or total disruption of the telephone circuits beyond the control of the alarm company and/or alarm user.
3. Electrical power disruption or failure.
4. While the alarm or alarm system is being worked on and after proper prior notification to the Department.

LOCAL ALARM: Any alarm system that emits a signal at an alarm site that is audible or visible from the exterior of the structure.

PERSON: Any individual, corporation, partnership, association, organization, government body or similar entity.

SHERIFF: The St. Charles County Sheriff or his designated representative. (Ord. No. 94-51 §1, 3-31-94; Ord. No. 02-108 §1, 7-31-02; Ord. No. 12-033 §1, 5-3-12)

SECTION 215.020: RESPONSIBILITY

The person in control of an alarm system shall:

1. Maintain the premises and alarm system in a manner that will minimize or eliminate false alarm notification.
2. Provide the Department at all times the name, address and telephone number of at least two (2) persons who have the knowledge and ability to reset the alarm and secure the premises in case of an actual or false alarm.
3. Respond, or cause his representative to respond, to the alarm site within a reasonable length of time once notified by the Department; and to deactivate a malfunctioning alarm system, to provide access to the premises by Department personnel, or to provide security for the premises.
4. Not manually, or allow another person to manually, activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.
5. Ensure that an audible local alarm is adjusted so that the alarm signal will sound for no longer than ten (10) minutes after being activated.
6. Notify the Department any time that the alarm system is being altered or repaired.
St. Charles County -- QuickCode

7. Be responsible for the proper training of their personnel in the operation of the system so that all provisions of this Chapter will be complied with. (Ord. No. 94-51 §2, 3-31-94; Ord. No. 02-108 §1, 7-31-02)

SECTION 215.030: NON-LIABILITY OF DEPARTMENT

The Department shall be held harmless should a person, or his designee, responsible for an alarm system summoned to the alarm site verbally refuse to respond when notified of an alarm. In this case, Sheriff Deputies will return to service and will not respond to the location again until the site is properly secured and the alarm reset. (Ord. No. 94-51 §3, 3-31-94; Ord. No. 02-108 §1, 7-31-02; Ord. No. 12-033 §1, 5-3-12)

SECTION 215.040: RESPONSIBILITIES OF SHERIFF AND ALARM USERS

The Sheriff will be responsible for maintaining records of both alarm notifications and false alarm notifications, and will notify all alarm users of false alarms by leaving a false alarm notification flyer at the alarm site upon conclusion of the false alarm investigation. When given FANs, alarm users shall be responsible for ensuring proper operation of alarms and minimizing FANs, by conferring if necessary with their alarm companies. (Ord. No. 94-51 §4, 3-31-94; Ord. No. 02-108 §1, 7-31-02; Ord. No. 12-033 §1, 5-3-12)

SECTION 215.050: WARNINGS AND FEES--FALSE ALARM NOTIFICATIONS

A. The person in control of an alarm system shall be subject to warnings or fees depending upon the number of false alarm notifications emitted from an alarm system within the current calendar year based upon the following schedule:

<table>
<thead>
<tr>
<th>Number of F.A.N.S</th>
<th>Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>One</td>
<td>False Alarm Notification Flyer</td>
</tr>
<tr>
<td>Two</td>
<td>False Alarm Notification Flyer and Warning Letter from Sheriff</td>
</tr>
<tr>
<td>Three or more</td>
<td>False Alarm Notification Flyer and Letter from County Counselor imposing Fee of $100.00 per F.A.N.</td>
</tr>
</tbody>
</table>

B. A newly installed alarm system will be exempt from the above schedule of F.A.N. for thirty (30) days from the date of activation if notification is received by the Department stating the date of activation of the system.

C. Failure to pay one hundred dollar ($100.00) fee within thirty (30) days of demand shall constitute a violation of Chapter 215 of the Ordinances of St. Charles County, Missouri, and shall result in suspension of the Sheriff's Department response to the mechanical alarm at that address. (Ord. No. 94-51 §5, 3-31-94; Ord. No. 02-108 §1, 7-31-02; Ord. No. 12-033 §1, 5-3-12)

SECTION 215.060: ALARM NOTIFICATIONS

Alarm notifications caused by an actual criminal offense or with evidence of a criminal offense attempt shall not be counted as a F.A.N. (Ord. No. 94-51 §6, 3-31-94; Ord. No. 02-108 §1, 7-31-02)

SECTION 215.070: PRE-RECORDED MESSAGES

No automatic alarm notification systems, with pre-recorded messages, will be allowed in the County of St. Charles that directly contacts the Sheriff's Department; and the use of one of these alarm systems will be a violation of this Chapter. (Ord. No. 94-51 §7, 3-31-94; Ord. No. 02-108 §1, 7-31-02)

SECTION 215.080: DIRECT LINE ALARMS

No direct line alarms shall be installed directly into the Department. (Ord. No. 94-51 §8, 3-31-94; Ord. No. 02-108 §1, 7-31-02)

SECTION 215.090: EMERGENCY PROGRAMMING

No telephone alarm system will be programmed to notify the Department directly by use of the 9-1-1 emergency telephone line. (Ord. No. 94-51 §9, 3-31-94; Ord. No. 02-108 §1, 7-31-02)

SECTION 215.100: INTENTIONAL ACTIVATION OF AN ALARM

The intentional activation of an alarm when no crime is occurring, or to test any alarm, or to test the response of Sheriff personnel without first receiving Department permission will be a separate violation of this Chapter. (Ord. No. 94-51 §10, 3-31-94; Ord. No. 02-108 §1, 7-31-02)

SECTION 215.110: VIOLATION AND PENALTY

223
Any person found in violation of Section 215.050 of this Chapter by failing timely to pay fees imposed pursuant to that Section may be subject to a fine of up to five hundred dollars ($500.00), or to imprisonment of up to ninety (90) days, or by both such fine and imprisonment. However, no such fine or imprisonment shall be assessed in conjunction with a fee as outlined in Section 215.050. (Ord. No. 94-51 §11, 3-31-94; Ord. No. 02-108 §1, 7-31-02; Ord. No. 12-033 §1, 5-3-12)

SECTION 215.120: ENFORCEMENT

The enforcement of the regulations established by this Chapter shall be the responsibility of the County Counselor. (Ord. No. 94-51 §13, 3-31-94; Ord. No. 02-108 §1, 7-31-02)

SECTION 215.130: RESERVED

Editor's Note--Ord. no. 12-033 §1, adopted May 3, 2012, repealed section 215.130 "penalties" in its entirety. Former section 215.130 derived from ord. no. 94-51 §14, 3-31-94; ord. no. 02-108 §1, 7-31-02.

CHAPTER 220: NEWSRACKS

SECTION 220.010: PURPOSE

The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, morals and general welfare of persons in the County of St. Charles in their use of public rights-of-way through the regulation of placement, appearance, number, size, and servicing of newsracks on the public rights-of-way so as to:

1. Provide for pedestrian and driving safety and convenience;
2. Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress to, or egress from, any place of business or from the street to the sidewalk;
3. Provide reasonable access for the use and maintenance of sidewalks, poles, posts, traffic signs and signals, hydrants, mailboxes, and similar appurtenances, and access to locations used for public transportation purposes;
4. Reduce visual blight on the public rights-of-way, protect the aesthetics and value of surrounding properties, and protect the quiet of residential areas;
5. Reduce exposure of the County to personal injury or property damage claims and litigation; and
6. Protect the right to distribute information protected by the Constitutions through the use of newsracks. (Ord. No. 95-161 §1, 11-1-95)

SECTION 220.020: DEFINITIONS

For purposes of this Chapter, the following terms shall be defined as follows:

BLOCK: One (1) side of a street between two (2) consecutive interacting streets.
DISTRIBUTOR: The person responsible for placing and maintaining a newsrack in a public right-of-way.
EXPLICIT SEXUAL ACTS: Depictions or descriptions, whether being performed alone or between members of the same or opposite sex or between humans and animals, of:
1. Sexual intercourse, oral copulation, anal intercourse, oral-anal contact, bestiality, direct physical stimulation of genitals, flagellation or torture in the context of a sexual relationship, or any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprolagnia, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, saphphism, zoophagy;
2. Human genitals in a state of sexual stimulation, arousal, or tumescence;
3. Use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation;
4. Fondling or touching of human genitals, pubic region, buttock or female breast;
5. Masochism, erotic or sexually-oriented torture, beating or the infliction of pain;
6. Erotic or lewd touching, fondling or other contact with an animal by a human being;
7. Human excretion, urination, menstruation, vaginal or anal irrigation; or
8. Other acts of sexual arousal involving any physical contact with a person's genitals, pubic hair, perineum, anus or anal region.
NEWSRACK: Any self-service or coin-operated box, container, storage unit or other dispenser installed, used, or maintained for the display, distribution or sale of newspapers or other news periodicals.
OBSCENE: Material which depicts or describes sexual conduct that is objectionable or offensive to accepted standards of
decency which the average person, applying contemporary community standards would find, taken as a whole, appeals to prurient interests; or material which depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable State law, and taken as a whole, lacks serious literary, artistic, political, or scientific value.

PARKWAY: The area between the sidewalk and the curb of any street, and where there is no sidewalk, the area between the edge of the roadway and the property line adjacent thereto. Parkway shall also include any area within a roadway that is not open to vehicular travel.

PERSON: Any person or persons, or entity including, but not limited to, a corporation, partnership, unincorporated association or joint venture.

PICTORIAL MATERIAL: Any material suggesting or conveying a visual image, and includes, but is not limited to, a photograph, painting or drawing. Any pictorial material is "obscene" if all of the following apply:

1. The average person, applying contemporary community standards, would find that it appeals to prurient interests when the publication or material is considered as a whole;
2. It depicts, describes or represents in a patently offensive manner, sexual behavior as defined in this Chapter; and
3. It lacks serious literary, artistic, political or scientific value when the publication or material is considered as a whole.

RIGHT-OF-WAY: Any public street, highway, sidewalk, roadway, parkway or alley.

ROADWAY: That portion of a street improved, designed or ordinarily used for vehicular travel.

SEXUAL AROUSAL, GRATIFICATION OR AFFRONT: The purpose or effect of statements, words, pictures or illustrations depicting explicit sexual acts, as defined in this Chapter.

SEXUAL BEHAVIOR: The patently offensive representation, depiction or description of any of the following:

1. Ultimate sexual acts, actual or simulated, including vaginal intercourse between a male and a female, and anal intercourse, fellatio and cunnilingus between persons regardless of gender.
2. Masturbation, excretory functions and lewd exhibition of the genitals.
3. The actual or simulated infliction of pain by one (1) individual upon another, or by an individual upon himself, for the purpose of the sexual gratification or release of either individual, as a result of flagellation, beating, striking or touching of an erogenous zone, including without limitation the thigh, genitals, buttock, pubic region, or, if such person is a female, a breast.
4. Ultimate sexual acts, actual or simulated, between a human being and an animal.

SIDEWALK: Any surface provided for the exclusive use of pedestrians.

STREET: All the area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys and sidewalks. (Ord. No. 95-161 §1, 11-1-95)

ARTICLE II. EMERGENCY SERVICES ACCESS

SECTION 220.030: PROHIBITIONS

A. No person shall install, use or maintain any newsrack which projects onto, into, or over, or which rests, wholly or in part, upon the roadway of any public street.

B. No person shall install, use or maintain any newsrack which in whole or in part rests upon, in, or over any public sidewalk or parkway:

1. When such installation, use or maintenance endangers the safety of persons or property;
2. When such site or location is used for public utility purposes, public transportation purposes, or other governmental use;
3. When such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including parked or stopped vehicles; the ingress in or egress from any residence or place of business; the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location;
4. When such newsrack interferes with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery; or
5. In any other manner inconsistent with or in violation of the provisions of this Chapter.

C. No person shall install, use or maintain any newsrack without first obtaining a permit from St. Charles County Division of Planning and Zoning of the Department of Community Development.

D. No person shall install, use or maintain any newsrack which is chained, bolted, or otherwise attached to any stop light, stop sign or other road sign, fire hydrant, Fire or Police call box or parking meter. No person shall install, use or maintain any newsrack which is chained, bolted or otherwise attached to any other fixture not enumerated above (including but not limited to lamp posts, utility poles, buildings) located in the public right-of-way unless written permission is obtained from both the entity having control of the public right-of-way and the owner of the fixture. Newsracks may be chained or otherwise attached to other newsracks.

E. No person shall install, use or maintain any newsrack which is otherwise in violation with the location requirements, placement requirements, number limitations, or maintenance and installation standards contained within this Chapter. (Ord. No. 95-161 §1,
SECTION 220.040: PERMITS

A. Permit Required. It shall be unlawful for any person, firm or corporation to erect, place, maintain or operate on any public street or sidewalk, or in any other public way or place, in the County of St. Charles any newsrack without first having obtained a permit from the St. Charles County Division of Planning and Zoning of the Department of Community Development specifying the exact location of such newsrack. One (1) permit may be issued to include any number of newsracks, and shall be signed by the applicant.

B. Application. Application for such permit shall be made, in writing, to the St. Charles County Division of Planning and Zoning of the Department of Community Development upon such form as shall be provided by it, and shall contain the name and address of the applicant, the proposed specific location(s) of said newsrack(s), and shall be signed by the applicant. From the application information, the St. Charles County Division of Planning and Zoning of the Department of Community Development shall approve the location(s). It shall be guided therein solely by the standards and criteria set forth in this Chapter. In any case where the St. Charles County Division of Planning and Zoning of the Department of Community Development disapproves of a particular location, the applicant may designate a different location or locations.

C. Conditions. Permits shall be issued for the installation of a newsrack or newsracks conditioned upon observance of the provisions of this Chapter.

D. Issuance. Permits shall be issued within five (5) working days after the application has been filed. A permit fee of five dollars ($5.00) per location shall be required. Such permits shall be valid for two (2) years and shall be renewable pursuant to the procedure for original applications referred to in this Section and upon payment of a three dollar ($3.00) per location permit renewal fee. (Ord. No. 95-161 §1, 11-1-95)

SECTION 220.050: NEWSRACK IDENTIFICATION REQUIRED

Every person who places or maintains a newsrack on any public right-of-way in St. Charles County shall have his permit number, name, address, and telephone number affixed to the newsrack in a place where such information may be easily seen. (Ord. No. 95-161 §1, 11-1-95)

SECTION 220.060: LOCATION, PLACEMENT AND NUMBER OF NEWSRACKS

No newsrack shall be placed on any public land except in a right-of-way and shall in each instance comply with the following standards:

1. No newsrack shall be used or maintained which projects onto, into, or over any part of the roadway of any public street, or which rests, wholly or in part upon, along, or over any portion of the roadway of any public street.

2. No person shall install, use or maintain any newsrack which is chained, bolted, or otherwise attached to any stop light, stop sign or other road sign, fire hydrant, Fire or Police call box or parking meter. No person shall install, use or maintain any newsrack which is chained, bolted or otherwise attached to any other fixture not enumerated above (including but not limited to lamp posts, utility poles, buildings) located in the public right-of-way unless written permission is obtained from both the entity having control of the public right-of-way and the owner of the fixture. Newsracks may be chained or otherwise attached to other newsracks.

3. Newsracks may be placed next to each other, provided that no group of newsracks shall extend for a distance of more than eight (8) feet along a curb, and a space of not less than three (3) feet shall separate each group of newsracks.

4. No newsrack shall be placed, installed, used or maintained:
   a. Within three (3) feet of any marked crosswalk.
   b. Within three (3) feet of the curb return of any unmarked crosswalk.
   c. Within five (5) feet of any fire hydrant, Fire call box, Police call box or other emergency facility.
   d. Within three (3) feet of any driveway.
   e. Within three (3) feet ahead or twenty-five (25) feet to the rear of any sign marking a designated bus stop.
   f. Within three (3) feet of the end of any bus bench or park and plaza benches.
   g. At any location whereby the clear space for the passageway of pedestrians is reduced to less than three (3) feet.
   h. Within three (3) feet of or on any public area improved with lawn, flowers, shrubs, trees or other landscaping.
   i. Within three (3) feet of any display window of any building abutting the sidewalk or parkway or in such a manner as to impede or interfere with the reasonable use of such window for display purposes, unless the proprietor of the business
containing such display window gives written permission to place the newsrack closer to the display window.

j. Within three (3) feet of a building entrance.

k. Within one hundred (100) feet of any other newsrack on the side of the street in the same block containing the same issue or edition of the same publication.

l. On any access ramp for disabled persons.

m. Within three (3) feet of any stop sign or stop light and within two (2) feet of all other signs, parking meters, lamp posts or utility poles.

5. No more than six (6) newsracks shall be located on any public right-of-way within a space of two hundred (200) feet in any direction within the same block of the same street; provided however, that no more than twelve (12) newsracks shall be allowed on any one (1) block. In determining which newsracks shall be permitted to be located or to remain if already in place, the St. Charles County Division of Planning and Zoning of the Department of Community Development shall be guided solely by the following criteria:

a. First (1st) priority shall be given to newsracks used for the sale of publications which are newspapers of general circulation for St. Charles County.

b. Second (2nd) priority shall be given to newsracks used for the sale of daily publications (those published on five (5) or more days in a calendar week) which are not newspapers of general circulation for St. Charles County.

c. Third (3rd) priority shall be given to newsracks used for the sale of weekly publications (those published on at least one (1) but less than five (5) days in a calendar week) which are not newspapers of general circulation for St. Charles County.

d. As between newspapers included within any single category of priority above, the St. Charles County Division of Planning and Zoning of the Department of Community Development shall also be guided by the following criteria of priorities whenever more than six (6) newsracks are proposed for any one (1) location (two hundred (200) foot space) or more than twelve (12) newsracks are proposed for any one (1) block:

(1) First (1st) priority shall be daily publications (published five (5) or more days per week).

(2) Second (2nd) priority shall be publications published two (2) to four (4) days per week.

(3) Third (3rd) priority shall be publications published one (1) day per week. (Ord. No. 95-161 §1, 11-1-95)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 220.070: STANDARDS FOR MAINTENANCE AND INSTALLATION

Any newsrack which in whole or in part rests upon, in or over any public right-of-way shall comply with the following standards:

1. No newsrack shall exceed five (5) feet in height, thirty (30) inches in width, or two (2) feet in thickness.

2. Each newsrack shall be mounted so that it will remain stationary and immobile either by use of weighted objects inside the newsrack or by bolting the newsrack through all four (4) corners to a concrete pedestal base with at least a four (4) inch minimum depth.

3. No newsrack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale, or purchase of the newspaper or news periodical sold therein.

4. Each newsrack shall have affixed to it in a readily visible place so as to be seen by anyone using the newsrack, a notice setting forth the name of the distributor and the telephone number of a working telephone service to call to report a malfunction, or to secure a refund in the event of a malfunction of the coin-return mechanism, or to give the notices provided for in this Chapter.

5. Each newsrack shall be maintained in a neat and clean condition and in good repair at all times.

Specifically, but without limiting the generality of the foregoing, each newsrack shall be serviced and maintained so that:

a. It is reasonably free of dirt and grease;

b. It is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof;

c. It is reasonably free of rust and corrosion in the visible unpainted metal areas thereof;

d. The clear plastic or glass parts thereof, if any, through which the publications therein are viewed are unbroken and reasonably free of cracks, dents, blemishes and discoloration;

e. The paper or cardboard parts or inserts thereof are reasonably free of tears, peeling or fading; and

f. The structural parts thereof are not broken or unduly misshapen. (Ord. No. 95-161 §1, 11-1-95)

SECTION 220.080: DISPLAY OF CERTAIN MATTER PROHIBITED

Publications offered for sale or distribution from newsracks placed or maintained on or projecting over public rights-of-way shall not be displayed or exhibited in a manner which exposes to public view from the street or sidewalk any of the following:
1. Any publication or material which exposes to public view any pictorial material that is obscene;
2. Any statements or words describing explicit sexual acts, sexual organs, or excrement where such statements or words have as their purpose or effect sexual arousal, gratification, or affront;
3. Any picture or illustration of a person's genitals, pubic hair, perineum, anus, or anal region where such picture or illustration has as its purpose or effect sexual arousal, gratification, or affront; or
4. Any picture or illustration depicting explicit sexual acts as defined in this Chapter where such picture or illustration has as its purpose or effect sexual arousal, gratification, or affront. (Ord. No. 95-161 §1, 11-1-95)

SECTION 220.090: HOLD HARMLESS

Every owner of a newsrack who places or maintains a newsrack on a public right-of-way in St. Charles County shall file a written statement with the St. Charles County Division of Planning and Zoning of the Department of Community Development whereby such owner agrees to indemnify and hold harmless the County, its officers, and employees, from any loss, liability, or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use and/or maintenance of a newsrack within St. Charles County. (Ord. No. 95-161 §1, 11-1-95)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 220.100: ABANDONMENT

In the event that a newsrack remains empty for a period of thirty (30) continuous days, the same shall be deemed abandoned, and may be treated in the manner as provided in this Chapter for newsracks in violation of the provisions of this Chapter. (Ord. No. 95-161 §1, 11-1-95)

SECTION 220.110: VIOLATIONS

Upon determination by the St. Charles County Division of Planning and Zoning of the Department of Community Development that a newsrack has been installed, used or maintained in violation of the provisions of this Chapter, an order to correct the offending condition shall be issued to the distributor of the newsrack. Such order shall be telephoned to the distributor and confirmed by mailing a copy of the order by certified mail return receipt requested. The order shall specifically describe the offending condition and suggest actions necessary to correct the condition. Failure to properly correct the offending condition within five (5) working days after the mailing date of the order shall result in the offending newsrack being summarily removed and processed as unclaimed property. If the offending newsrack is not properly identified as to owner under the provisions of this Chapter, it shall be removed immediately and processed as unclaimed property. An impound fee, which shall be measured by the County's cost and expense of impounding, shall be assessed against each newsrack summarily removed. The St. Charles County Division of Planning and Zoning of the Department of Community Development shall cause inspection to be made of the corrected condition or of a newsrack reinstalled after removal under this Section. The distributor of said newsrack shall be charged a fifty dollar ($50.00) inspection fee for each newsrack so inspected. This charge shall be in addition to all other fees and charges required under this Chapter. (Ord. No. 95-161 §1, 11-1-95)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

CHAPTER 223: BILLBOARDS AND SIGNS -- SEXUALLY EXPLICIT MATERIAL

SECTION 223.010: GENERAL PROVISIONS

The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, morals and general welfare of persons in the County of St. Charles in their use of public rights-of-way through the prohibition of sexually explicit material on billboards so as to protect children and unconsenting adults in and on its public streets, sidewalks and other public rights-of-way and facilities from viewing public displays of offensive or obscene sexual material. (Ord. No. 98-162 §1, 8-25-98)

SECTION 223.020: DEFINITIONS

For purposes of this Chapter, the following terms shall be defined as follows:

BILLBOARD: A large panel designed to carry outdoor advertising or messages.

EXPLICIT SEXUAL ACTS: Depictions or descriptions, whether being performed alone or between members of the same or opposite sex or between humans and animals, of:

1. Sexual intercourse, oral copulation, anal intercourse, oral-anal contact, bestiality, direct physical stimulation of genitals, flagellation or torture in the context of a sexual relationship, or any of the following depicted sexually oriented acts or conduct:
St. Charles County -- QuickCode

a. Anilingus, buggery, coprolagnia, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty, zoophilia;

b. Human genitals in a state of sexual stimulation, arousal, or tumescence;

c. The use of human or animal masturbation, sodomy, oral copulation, coitus, ejaculation;

d. Fondling or touching of human genitals, pubic regions, buttock, or female breast;

e. Masochism, erotic or sexually-oriented torture, beating or the infliction of pain;

f. Erotic or lewd touching, fondling or other contact with an animal by a human being;

g. Human excretion, urination, menstruation, vaginal or anal irrigation; or

h. Other acts of sexual arousal involving any physical contact with a person's genitals, pubic hair, perineum, anus or anal region.

NUDITY OR STATE OF NUDITY: Material which depicts one of the following:

1. The showing of the bare human male or female genitals or pubic area with less than full opaque clothing covering;

2. The showing of the female breast below a horizontal line across the top of the areola, or a simulation thereof, at its highest point with less than fully opaque clothing covering; this definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, shirt, leotard, bathing or swim suit, or other wearing apparel, provided the areola is not exposed in whole or in part; or

3. The showing of the covered male genitals in a discernably turgid state.

A mother in the act of nursing her baby shall not be included within this definition, nor shall any child under the age of seven (7).

OBSCENE: Material which depicts or describes sexual conduct that is objectionable or offensive to accepted standards of decency which the average person, applying contemporary community standards would find, taken as a whole, appeals to prurient interests; or material which depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable State law, and taken as a whole, lacks serious literary, artistic, political, or scientific value.

PERSON: Any person or persons, or entity including, but not limited to, a corporation, partnership, unincorporated association or joint venture.

PICTORIAL MATERIAL: Any material suggesting or conveying a visual image, and includes, but is not limited to, a photograph, painting or drawing. Any pictorial material is "obscene" if all of the following apply:

1. The average person, applying contemporary community standards, would find that it appeals to prurient interests when the publication or material is considered as a whole;

2. It depicts, describes or represents in a patently offensive manner, sexual behavior as defined in this Chapter; and

3. It lacks serious literary, artistic, political or scientific value when the publication or material is considered as a whole.

PUBLIC PLACE: Any location not enclosed and within view of the public or any location frequented by the public, or where the public is present or likely to be present. Public places include, but are not limited to, streets, roadways, alleys, sidewalks, parks, beaches, yards, parking lots, boats, barges, business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), bottle clubs, hotels, motels, restaurants, night clubs, country clubs, cabarets and meeting facilities utilized by any religious, social, fraternal or similar organizations.

SEXUAL AROUSAL, GRATIFICATION, OR AFFRONT: The purpose or effect of statements, words, pictures or illustrations depicting explicit sexual acts, as defined in this Chapter.

SEXUAL BEHAVIOR: The patently offensive representation, depiction or description of any of the following:

1. Ultimate sexual acts, actual or simulated, including vaginal intercourse between a male and a female, and anal intercourse, fellatio and cunnilingus between persons regardless of gender.

2. Masturbation, excretory functions and lewd exhibition of the genitals.

3. The actual or simulated infliction of pain by one individual upon another, or by an individual upon himself, for the purpose of the sexual gratification or release of either individual, as a result of flagellation, beating, striking or touching of an erogenous zone, including without limitation the thigh, genitals, buttock, pubic region, or, if such person is a female, a breast.

SIGN: A panel of any size usually used to convey a message with words, numerals, figures, pictures, devices, designs, or trademarks. (Ord. No. 98-162 §2, 8-25-98)

SECTION 223.030: PROHIBITIONS

No person shall design or allow the display of the following for or on a billboard or sign in a public place:

1. Any material which exposes to public view any pictorial material that is obscene;

2. Any material showing males or females in a state of nudity where the purpose of the material is sexual arousal, gratification or
3. Any statements or words describing explicit sexual acts, sexual organs, or excrement where such statements or words have as their purpose or effect sexual arousal, gratification, or affront;

4. Any picture or illustration of a person's genitals, pubic hair, perineum, anus, or anal region where such picture or illustration has as its purpose or effect sexual arousal, gratification, or affront; or

5. Any picture or illustration depicting explicit sexual acts as defined in this Chapter where such picture or illustration has as its purpose or effect sexual arousal, gratification, or affront. (Ord. No. 98-162 §3, 8-25-98)

SECTION 223.040: VIOLATIONS

The St. Charles County Division of Planning and Zoning of the Department of Community Development shall be responsible for monitoring billboards and signs placed in public places. Upon determination that a billboard or public sign has been designed, painted or displays material in violation of this Chapter, an order to correct the offending condition shall be issued to the person responsible for the billboard or sign. Such order shall be telephoned to the person responsible and confirmed by mailing a copy of the order by certified mail return receipt requested. The Division of Planning and Zoning of the Department of Community Development shall issue the order and give notice by telephone and certified mail. The order shall state that the material displayed is in violation of this Chapter and order the display be removed within five (5) working days after the mailing date of the order. If the person responsible for an offending sign erected in a public place is unknown, the sign shall be removed immediately and destroyed by the Division of Planning and Zoning of the Department of Community Development. If the person responsible for the billboard or sign fails to remove the display within five (5) working days, he shall be subject to a fine of one thousand dollars ($1,000.00) per day that the billboard or sign displays the material in violation of this Chapter. The County Counselor's Office shall be responsible for bringing any legal action needed to enforce the provisions of this Chapter. (Ord. No. 98-162 §4, 8-25-98)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

CHAPTER 224: HEALTH AND SAFETY REQUIREMENTS OF BUSINESSES

SECTION 224.010: STORAGE REQUIREMENTS FOR OUTDOOR INVENTORY

In addition to the requirements of the Property Maintenance Code of St. Charles County, Section 500.050 OSCCMo., the following general operating requirements shall apply to all businesses not within the agricultural zoning district which store their inventory outdoors when such inventory consists of reclaimed, junked, salvaged, scrapped or otherwise previously used inventory, except business offering automobiles or other licensable vehicles, habitable mobile homes or working farm implements for sale:

1. The business, together with all things kept therein, shall at all times be maintained in a sanitary condition.

2. No water shall be allowed to stand in any place or in or on any article kept on the premises in such manner as to afford a breeding place for mosquitoes.

3. No item stored outside shall be allowed to rest upon or protrude over any public street, walkway or curb or become scattered or blown off the business premises.

4. Inventory shall be stored in piles not exceeding ten (10) feet in height and shall be arranged so as to permit easy access to all such inventory for firefighting purposes.

5. No combustible material of any kind not necessary or beneficial to the business shall be kept on the premises; nor shall the premises be allowed to become a fire hazard.

6. The area on the premises where inventory is kept (other than indoors) shall be enclosed, except for entrances and exits, with a solid brick or masonry vertical wall or a vinyl or wood fence of a minimum height of ten (10) feet, measured from the ground level. Entrances and exits shall not be wider nor more numerous than reasonably necessary for the conduct of the business; provided. Exceptions to this Subsection are as follows:

   a. Existing fences that are solid and screen material subject to Chapter 224 that is stacked no higher than the existing fence will be permitted.

   b. Any use subject to Chapter 224 that has complied with screening requirements of a conditional use permit (CUP) issued pursuant to the Unified Development Ordinance of St. Charles County may be authorized as a non-conforming use pursuant to that ordinance.

   c. Any use subject to Chapter 224 which requires a CUP shall provide a solid screen as defined in the conditions for a CUP, or if no reference is made to screening, then adherence to Chapter 224 will be required.

   d. Uses subject to Chapter 224 that are within an area designated as a floodway shall provide, in lieu of a solid fence, a landscaped screen consisting of shrubs and trees which will achieve a substantially solid eight (8) foot barrier within two (2) years from the date of planting.

7. The business shall permit inspection of the business premises by the Director of Building Code Enforcement or his representative or any Sheriff's deputy.
8. No inventory shall be allowed to become a nuisance; nor shall any business storing outdoor inventory be operated in such a manner as to become injurious or detrimental to the health, safety or welfare of the community or of any residents close by.

9. Notwithstanding anything set out above, businesses selling automobiles or other vehicles for scrap are included in this Chapter. (Ord. No. 04-177 §1, 10-27-04)

SECTION 224.020: APPEAL OF FENCE HEIGHT

A. The Board of Zoning Adjustment shall have the authority to approve an alternative to the use of a fence as required by this nuisance ordinance where the applicant to the Board can make a showing that an alternative visual screening and physical containment system can be adopted which will fulfill the purpose of the fencing, including visual screening of the area to avoid blight. However, in any event the material screening the area from view shall be at least as high as the material it screens from view.

B. The Board of Adjustment shall also have the authority to approve a reduction in the height of the fence as required by this nuisance ordinance. In cases where the applicant can make a showing that fencing is not necessary to screen the material from view and seeks a reduction in fence height, the Board of Zoning Adjustment may allow reduction of the fence height or berning plus fencing of less than ten (10) feet in height, but in no event shall the fencing be less than six (6) feet in height, nor shall such fencing be at less than the height of the material it fences and screens from view.

C. Appeals from the decision of the Board shall be in the manner provided for all other decisions of the Board of Zoning Adjustment. (Ord. No. 04-177 §1, 10-27-04)

SECTION 224.030: PENALTY

The owner or general agent of any such land, building, structure or premises where a violation of these provisions has been committed or shall exist, or the lessee or tenant of any entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which the violation has been committed or shall exist, or the owner, general agent or any other person who knowingly commits, takes part or assists in such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars ($500.00) per day or six (6) months' imprisonment, or both. Each and every day that such violation continues shall constitute a separate offense. (Ord. No. 04-177 §1, 10-27-04)

SECTION 224.040: COMPLIANCE DEADLINE

All existing businesses subject to Section 224.010 that are non-conforming to the screening requirements therein at Section 224.010(6) shall comply with those screening requirements within sixty (60) days from the effective date of this Chapter or such uses shall be discontinued except as provided in Section 224.010(6)(b). (Ord. No. 04-177 §1, 10-27-04)

CHAPTER 225: FAIR HOUSING POLICY

SECTION 225.010: POLICY

It is hereby declared to be the policy of St. Charles County, Missouri, to assure equal opportunity to all persons to live in housing facilities regardless of race, color, creed, religion, religious affiliation, ancestry, national origin, handicap, familial status, sex, or status as a recipient of public assistance, and to that end to prohibit discrimination in housing. (Ord. No. 94-49 §1, 3-31-94)

SECTION 225.020: DEFINITIONS

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

AGGRIEVED PERSON: Any person who is attempting to provide housing for himself and/or his family in St. Charles County.

DISCRIMINATE: Distinguish among natural persons according to their race, color, creed, religion, religious affiliation, ancestry, national origin, handicap, familial status, sex, or status as a recipient of public assistance.

PERSON: Any individual, firm, partnership or corporation. (Ord. No. 94-49 §2, 3-31-94)

SECTION 225.030: DISCRIMINATORY PRACTICES PROHIBITED

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

1. Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, creed, religion, religious affiliation, ancestry, national origin, handicap, familial status, sex, or status as a recipient of public assistance;

2. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, creed, religion, religious affiliation, ancestry, national
3. Make, print or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, creed, religion, religious affiliation, ancestry, national origin, handicap, familial status, sex, or status as a recipient of public assistance;

4. Represent to any person because of race, color, creed, religion, religious affiliation, ancestry, national origin, handicap, familial status, sex, or status as a recipient of public assistance, that a dwelling is not available for inspection, sale, or rental, when in fact that dwelling is so available;

5. Induce or attempt to induce, for profit, any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or of persons of a particular race, color, creed, religion, religious affiliation, ancestry, national origin, handicap, familial status, sex, or status as a recipient of public assistance;

6. Fail to design and build new multi-family dwellings with four (4) or more units such that they meet the adaptability and accessibility requirements of Section 213.040.2-4, RSMo., as presently enacted or as revised in the future;

7. Fail to permit handicapped persons at their own expense to make reasonable modifications in existing premises occupied or to be occupied by such persons, if such modifications may be necessary to afford such persons full enjoyment of the premises (except that in the case of a rental, the landlord may, where reasonable, condition permission for such modification upon the renter's agreement to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted);

8. Refuse to make reasonable accommodations to handicapped persons, in rules, policies, practices, or services, when such accommodations may be necessary to afford such persons equal opportunity to use and enjoy a dwelling. (Ord. No. 94-49 §3, 3-31-94)

SECTION 225.040: EXEMPTIONS

A. The provisions of Section 225.030 shall not apply to:

1. Housing accommodations for rent in a building which contains housing accommodations for not more than two (2) families living independently of each other, if the lessor or a member of the lessor's family resides in one (1) of the housing accommodations; or

2. Rooms for rent in a single-family dwelling unit, if the lessor or a member of the lessor's family resides therein.

B. The provisions of Section 225.030 prohibiting religious discrimination shall not apply to any religious organization, association, or society, or any non-profit 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 religious affiliation, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, national origin, handicap, familial status, sex or status as a recipient of public assistance.

C. The provisions of Section 225.030 prohibiting discrimination on account of familial status shall not apply to:

Housing for older persons that is:

1. Intended for, and solely occupied by, persons sixty-two (62) years of age or older;

2. Intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit; or

3. Provided under any State or Federal program that the Commission (applying standards consistent with Section 213.040.9-10, RSMo.) determines is specifically designed and operated to assist elderly persons, as defined in the State or Federal program. (Ord. No. 94-49 §4, 3-31-94)

SECTION 225.050: DISCRIMINATION IN HOME FINANCING PROHIBITED

It shall be unlawful for any bank, savings 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 purchase, construction, repair or maintenance of a dwelling, or to discriminate against any person in fixing the amount of conditions of such loan, because of race, color, creed, religion, religious affiliation, ancestry, national origin, handicap, familial status, sex or status as a recipient of public assistance. (Ord. No. 94-49 §5, 3-31-94)

SECTION 225.060: ADMINISTRATION

A. Every complaint of a violation of this Chapter shall be referred to the St. Charles County Director of the Department of Community Development. The Director 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 after investigation, the Director finds that there is no merit to the complaint, the Director shall dismiss it. But if the Director finds that there is merit in the complaint, the Director shall endeavor to eliminate the alleged discriminatory practice by conference and conciliation.

B. If the Director is unable to eliminate the alleged discriminatory practice by conference and conciliation, then the Director shall forward the complaint to the County Counselor, who shall have discretion to prosecute or not prosecute that complaint. (Ord. No. 94-49 §6, 3-31-94; Ord. No. 05-142 §1, 9-27-05)
SECTION 225.070: ENFORCEMENT

A. Any person convicted of a violation of this Chapter shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00) in the case of an individual, or five thousand dollars ($5,000.00) in the case of a firm, or by imprisonment for not more than one (1) year, or by both.

B. Instead of or in addition to an action for fines and/or imprisonment, the County Counselor may maintain an action for an injunction in the appropriate Circuit Court of the State of Missouri, in order to have the alleged discriminatory practices abated.

(Ord. No. 94-49 §7, 3-31-94)

CHAPTER 230: FOOD CODE

Editor's Note--Ord. no. 02-024 §3, adopted February 27, 2002, repealed sections 230.010--230.080 and 230.110--230.600 and enacted the new provisions set out in sections 230.010--230.020. Additionally ord. no. 02-038 §2, adopted March 28, 2002, repealed sections 230.090--230.100 and enacted the new provisions set out in section 230.030 herein. Said former sections derived from order of 12-20-88 sections 10.010--10.900; ord. no. 93-216 §1, 12-15-93. Subsequently, ord. no. 11-030, adopted May 2, 2011, amended chapter 230 "food service establishment code" and enacted new provisions set out in sections 230.010--230.030. Former ch. 230 derived from ord. no. 02-024 §1, 2-27-02; ord. no. 02-038 §1, 3-28-02; ord. no. 04-185 §§1--2, 12-1-04; ord. no. 05-174 §2, 11-29-05; ord. no. 08-067 §1, 6-6-08; ord. no. 08-117 §1, 9-30-08.

SECTION 230.010: ADOPTION OF FOOD CODE OF ST. CHARLES COUNTY

The Council hereby adopts the 2009 FDA Food Code, Chapters 1 through 8, a certified copy of which is on file in the office of the County Registrar, with the following amendments:

1. Section 1-101.10 shall be amended to read as follows:

   These provisions shall be known as the St. Charles County Food Code, hereinafter referred to as "this Code".

2. Section 1-201.10(B), sub verbo (s.v.) "Approved". Amend this Section to read as follows:

   "Approved" means acceptable to the Department of Community Health and the Environment of St. Charles County or the appropriate County agency, based on a determination of conformity with principles, practices, and generally recognized standards that protect public health.

3. Section 1-201.10(B), s.v. "Certificate of training" shall be added and read as follows:

   "Certificate of training" means the document issued by an accredited program, which certifies that the holder has successfully completed a food protection manager certification program.

4. Section 1-201.10(B), s.v. "Community Event" shall be added and read as follows:

   "Community Event" means an event that is of civic, political, public, or educational nature, including state and county fairs, city festivals, circuses, and other public gathering events APPROVED by the DEPARTMENT.

5. Section 1-201.10(B), s.v. "Commissary" shall be added and read as follows:

   "Commissary" means a FOOD ESTABLISHMENT that services TEMPORARY FOOD FACILITIES, MOBILE FOOD FACILITIES, or VENDING MACHINES where all of the following occur:

   (1) FOOD, containers, or supplies are stored;
   (2) FOOD is prepared or prepackaged for sale or service at other locations;
   (3) UTENSILS are cleaned;
   (4) Liquid and solid wastes are disposed, or POTABLE WATER is obtained; and
   (5) The location is not a private home.

6. Section 1-201.10(B), s.v. "Conditional Food Permit" shall be added and read as follows:

   "Conditional Food Permit" means a document issued by the department that authorizes a PERSON to operate a FOOD ESTABLISHMENT while completing the requirement of Sections 8-302.12, 8-302.13, and 8-302.14 and shall not be issued for greater than a three (3) month period.

7. Section 1-201.10(B), s.v. "Department" shall be added and read as follows:

   "Department" means the St. Charles County Department of Community Health and the Environment.

8. Section 1-201.10(B), s.v. "Division Director" shall be added and read as follows:

   "Division Director" means the Director of the Division of Environmental Health and Protection of the St. Charles County DEPARTMENT of Community Health and the Environment or his/her delegate.

233
9. Section 1-201.10(B), s.v. "Director" shall be added and read as follows:

"Director" means the Director of the DEPARTMENT of the St. Charles County Department of Community Health and the Environment or his/her delegate.

10. Section 1-201.10(B), s.v. "Enforcement Officer" shall be added and read as follows:

"Enforcement officer" means the DIVISION DIRECTOR of Environmental Health and Protection or his/her delegate.

11. Section 1-201.10(B), s.v. "Food Establishment" (2)(a). Amend this Section to read as follows:

An element of the operation such as a transportation vehicle, a satellite catered feeding location, a vending location, or a central preparation facility that supplies a satellite catered feeding or vending location unless the satellite catered feeding location, vending location, or central preparation facility that supplies a satellite catered feeding or vending location is operating under a permit issued by the Department; and

12. Section 1-201.10(B), s.v. "Food Establishment", Item (3)(d). Amend this Section to read as follows:

A kitchen in a private home provided the food prepared is not ultimately offered for sale of the food being prepared is not potentially hazardous, whether or not it is offered for sale, or if the food, whether potentially hazardous or not, is prepared for social or religious gatherings as described in Section 1-201.10(B) s.v. "Food Establishment" Item (3)(dd).

13. Section 1-201.10(B), s.v. "Food Establishment" Item (3)(dd) shall be added after Item (3)(d) and read as follows:

Any charitable, religious, fraternal or other not-for-profit organization, excluding social or country clubs, that regularly or occasionally provides food for members and their invitees if the consumer is informed by a clearly visible placard that the food is prepared in a kitchen that is not subject to regulation and inspection by the Department, unless the organization or its members prepare and serve food for consumption by the public;

14. Section 1-201.10(B), s.v. "Food Establishment" Item (3)(f). Amend this Section to read as follows:

A kitchen in a private home that is operating as a business, such as a small family day care provider; or a bed-and-breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed four (4), breakfast is the only meal offered, the number of guests served does not exceed twelve (12), and the consumer is informed by statements contained in published advertisements, mailed brochures, and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the Department; or

15. Section 1-201.10(B), s.v. "Food Safety School" shall be added and read as follows:

(1) Food Safety School means a program operated or approved by the DEPARTMENT that requires the certified FOOD protection manager or designated employee of a FOOD ESTABLISHMENT to engage in a two and half hour (2.5) training following the provisions of the ENFORCEMENT OFFICER's FOOD safety program.

(2) FOOD SAFETY SCHOOL does not refer to, or fulfill any part of the ACCREDITED PROGRAM as outlined in the Code.

16. Section 1-201.10(B), s.v. "OPEN-AIR BARBECUE" shall be added and read as follows:

"OPEN-AIR BARBECUE" means a piece of EQUIPMENT designed for barbecuing FOOD, where the FOOD is prepared out-of-doors by cooking directly over hot coals, heated lava, hot stones, gas flame, or other method APPROVED by the DEPARTMENT, on EQUIPMENT suitably designed and maintained for use out-of-doors, that is operated by a TEMPORARY FOOD FACILITY, or a MOBILE FOOD FACILITY that remains fixed during hours of operations at a COMMUNITY EVENT or a PERMANENT FOOD FACILITY.

17. Section 1-201.10(B), s.v. "OUTDOOR WOOD-BURNING OVEN" shall be added and read as follows:

"OUTDOOR WOOD-BURNING OVEN" means an oven located out-of-doors, that utilizes wood as the primary fuel for cooking and is operated on the same PREMISES as, and in conjunction with, a PERMANENT FOOD FACILITY.

18. Section 1-201.10(B), s.v. "PERMANENT FOOD FACILITY" shall be added and read as follows:

"PERMANENT FOOD FACILITY" means a FOOD FACILITY operating in a permanently constructed structure, including any room, building, place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, manufacturing, packaging, or otherwise handling FOOD at the RETAIL level.

19. Section 1-201.10(B), s.v. "Permit". Amend this Section to read as follows:

"Permit" means the document issued by the Department that authorizes a person to operate a food establishment.

20. Section 1-201.10(B), s.v. "Prepackaged Food" shall be added and read as follows:

"PREPACKAGED FOOD" means any properly labeled processed FOOD, prepackaged to prevent any direct human contact with the FOOD product upon distribution from the manufacturer, and prepared at an APPROVED SOURCE.

21. Section 1-201.10(B), s.v. "Regulatory Authority". Amend this Section to read as follows:

"Regulatory Authority" means the St. Charles County Department of Community Health and the Environment or its authorized representative, herein sometimes referred to as "the Department".

22. Section 1-201.10(B), s.v. "Retail" shall be added and read as follows:

"Retail" means the storing, preparing, serving, manufacturing, packaging, transporting, salvaging, or otherwise handling
St. Charles County -- QuickCode

FOOD for dispensing or sale directly to the CONSUMER or indirectly through a delivery service.

23. Section 1-201.10(B), s.v. "Revocation" shall be added and read as follows:

"Revocation" means the removal of a food establishment permit, following a hearing, for a period of time that is to be determined by the Department, not to exceed one (1) year.

24. Section 1-201.10(B), s.v. "Suspension" shall be added and read as follows:

"Suspension" means the immediate removal of a food establishment permit, without prior notice or hearing, based on the declaration of an imminent health hazard by the Department or as a result of interference with the official duties of the Department, effective until such time as the Department determines that the imminent health hazard no longer exists or that the official duties of the Department are no longer subject to interference, for a period not to exceed sixty (60) days.

25. Section 2-102.11. Amend the introductory paragraph to read as follows:

Based on the risks of foodborne illness inherent to the food operation, during inspections and upon request, the person in charge shall demonstrate to the Department or its authorized representatives knowledge of foodborne disease prevention, application of the hazard analysis critical control point principles, and the requirements of this Code. The person in charge shall demonstrate this knowledge by compliance with this Code, by being a certified food protection manager who has shown proficiency in required information through passing a test that is part of a program approved by the Department, and by responding correctly to the inspector's questions as they relate to the specific food operation. The areas of knowledge include:

26. Section 2-102.20. Amend this Section to read as follows:

Manager Certification Training. In accordance with Section 2-102.11, the person in charge must successfully complete a program that is approved by the Department for food protection manager certification and have posted in the food establishment a current certificate of training issued by the program.

(A) Failure to post a current certificate of training for the person in charge shall be an automatic five (5) point deduction from the establishment score, in accordance with Section 8.403.11(A).

(B) Temporary food establishments shall not be required to have a certified manager/person in charge.

27. Section 2-201.11 Replace "operator" with "permit holder".

28. Section 4-204.124 shall be added and read as follows:

Open-air barbecue/outdoor wood-burning oven.

Notwithstanding any of the provisions of this part, neither the DEPARTMENT nor any City, County, City and County air pollution control district, or air quality management district shall require the enclosure of an OPEN-AIR BARBECUE or OUTDOOR WOOD-BURNING OVEN if the ENFORCEMENT OFFICER determines that the barbecue or wood-burning oven meets all of the following requirements:

(A) The OPEN-AIR BARBECUE or OUTDOOR WOOD-BURNING OVEN is operated on the same PREMISES as, in reasonable proximity to, and in conjunction with, a PERMANENT FOOD FACILITY that is APPROVED for FOOD PREPARATION, or a TEMPORARY FOOD FACILITY or a MOBILE FOOD FACILITY that is operating at a COMMUNITY EVENT. The PERMIT HOLDER of the PERMANENT FOOD FACILITY, TEMPORARY FOOD FACILITY or MOBILE FOOD FACILITY shall be deemed to be the PERMIT HOLDER of the OPEN-AIR BARBECUE or OUTDOOR WOOD-BURNING OVEN, and shall be responsible for ensuring that it is operated in full compliance with this part.

(B) The OPEN-AIR BARBECUE or OUTDOOR WOOD-BURNING OVEN is not operated in, or out of, any motor vehicle, or in any area or location that may constitute a fire HAZARD, as determined by the ENFORCEMENT OFFICER.

(C) The OPEN-AIR BARBECUE or OUTDOOR WOOD-BURNING OVEN is separated from public access to prevent FOOD contamination or injury to the public by using ropes or other APPROVED methods.

(D) If the OPEN-AIR BARBECUE or OUTDOOR WOOD-BURNING OVEN is a permanent structure, it shall be equipped with an impervious and EASILY CLEANABLE floor surface that extends a minimum of five feet from the OPEN-AIR BARBECUE or OUTDOOR WOOD-BURNING OVEN facility on all open sides.

(E) Sanitary facilities, including, but not limited to, toilet facilities and handwashing facilities, shall be available for use within two hundred (200) feet in travel distance of the OPEN-AIR BARBECUE or OUTDOOR WOOD-BURNING OVEN and shall comply with all provisions of this part.

29. Section 6-202.111. Amend this Section to read as follows:

Private homes and living or sleeping quarters, use prohibition

(A) Except as specified in subdivision (B), a private home, a room used as living or sleeping quarters, or an area directly opening into a room used as living or sleeping quarters shall not be used for conducting FOOD FACILITY operations.

(B) Notwithstanding subdivision (a):

(1) Non-perishable, PREPACKAGED FOOD may be given away, sold, or handled from a private home. No FOOD that
has exceeded the labeled shelf life date recommended by the manufacturer shall be deemed to be non-perishable FOOD.
(2) For purposes of this subdivision, "non-perishable FOOD" means a FOOD that is not a POTENTIALLY HAZARDOUS FOOD, and that does not show signs of spoiling, becoming rancid, or developing objectionable odors during storage at ambient temperatures.

30. Section 8-301-11.1 shall be added and read as follows:

Conditional Food Permit.
The DEPARTMENT may issue a CONDITIONAL FOOD PERMIT to a person operating a FOOD ESTABLISHMENT without an annual PERMIT only under the following conditions.

(A) The FOOD ESTABLISHMENT:
   a. Has changed ownership within the past twelve (12) months and prior to change of ownership operated under a duly issued annual PERMIT, or
   b. Has opened within the past twelve (12) months and the DEPARTMENT has determined that its operation under a CONDITIONAL FOOD PERMIT will not compromise public health.

(B) The person operating the FOOD ESTABLISHMENT has submitted an application for an annual PERMIT, an application fee, as required by this Code.

(C) The CONDITIONAL FOOD PERMIT shall be issued for a non-renewable term not to exceed three (3) months.

(D) The person operating a FOOD ESTABLISHMENT under a CONDITIONAL FOOD PERMIT shall comply with the requirements of Section 8-304.11 of this Code.

31. Section 8-303.5 shall be added and read as follows:

Failure to Post.

(A) Failure to post a current, valid permit in accordance with Section 8-304.11 shall be considered a CORE ITEM and scored in accordance with Section 8-403.11.

(B) Failure to post current inspection form in accordance with 8-304.11 shall be considered a PRIORITY FOUNDATION ITEM and scored in accordance with Section 8-403.11.

32. Section 8-304.10. Amend this Section to read as follows:

Responsibilities of the Department.

(A) At the time a permit is first issued, the Department shall make available an electronic version of this Code in PDF format to the permit holder so that the permit holder is notified of the compliance requirements and the conditions of retention, as specified under Section 8-304.11, that are applicable to the permit. (A bound, printed copy of this Code will be made available at a reasonable fee.)

(B) Failure to provide the information specified in Subsection (A) of this Section does not prevent the Department from taking authorized action or seeking remedies if the permit holder fails to comply with this Code or an order, warning, or directive of the Department.

33. Section 8-304.11(K) shall be added and read as follows:

(K) Post most recent inspection form (first page with inspection score) in clear view of customers as they enter the FOOD ESTABLISHMENT or in a location where food orders are placed by the consumer.

34. Section 8-304.21 shall be added and read as follows:

Permit Suspension.

(A) The ENFORCEMENT OFFICER may suspend a permit for any of the following causes without prior notice or hearing:
   1. The operation of the food establishment is deemed an imminent health hazard by the Department due to certain conditions, including, but not limited to, those circumstances set forth in Section 8-404.11(A); or
   2. Interference with the Department in the performance of its duties, including denial of access, in accordance with Section 8-402.20; or
   3. In accordance with Section 8-501.20(C).

(B) When a permit is suspended, the food establishment operation shall cease immediately.

(C) A suspension shall become effective upon service of written notice to the permit holder or person in charge of the food establishment or temporary food establishment.

(D) The permit holder may make a written request for a hearing within ten (10) days after notice of suspension and the ENFORCEMENT OFFICER shall provide a hearing within ten (10) days after the request. If no request for a hearing is filed within ten (10) days, the suspension becomes final.

(E) Reserved (this letter was not used in the ordinance).

(F) The ENFORCEMENT OFFICER may end the suspension at any time if it is determined that the reason for suspension no longer exists.
35. Section 8-304.22 shall be added and read as follows:

Permit Revocation, Refusal to Renew.

(A) The ENFORCEMENT OFFICER may revoke or refuse to renew a permit for any one (1) or more of the following reasons:

(1) Repeated or continuing violations of the provisions of this Code; or
(2) Failure to pay the permit fees pursuant to Section 9-101.10; or
(3) Materially false statements made in the application for permit.

(B) Prior to revocation, the ENFORCEMENT OFFICER shall provide an opportunity for a hearing in accordance with Section 8-304.23 of this Code. The permit holder will have five (5) working days from the notice of revocation to request a hearing. If a hearing is requested, revocation of a permit is stayed until the hearing has been conducted and a final determination has been given.

(C) Whenever a revocation has become final, the person whose permit was revoked may re-apply for a permit under Section 8-303.40.1 after the expiration of the penalty period imposed by the Department in accordance with Section 8-601.12.

36. Section 8-304.23 shall be added and read as follows:

Suspension and Revocation Hearing Procedure.

(A) The Department shall have the power to suspend, revoke, or refuse to renew any permit issued pursuant to this Code in accordance with Section 8-304.21 and Section 8-304.22.

(B) Written notice of a suspension or revocation hearing shall be presented by the ENFORCEMENT OFFICER either personally, or by certified mail, to the permit holder's last known address of record and shall state the date, time, and place of hearing, as well as setting forth the charges against the food establishment. A copy of the notice shall be filed in the records of the Department.

(C) The ENFORCEMENT OFFICER shall have the power to swear witnesses. The permit holder or his legal counsel shall have the opportunity to present evidence and/or witnesses to the Department. A record of the hearing shall be made.

(D) The ENFORCEMENT OFFICER shall issue a decision, in writing, to uphold either the suspension, revocation or non-renewal of the permit; or to invoke a penalty in accordance with Section 8-601.12; or to find in favor of the permit holder within five (5) working days of the conclusion of the hearing.

(E) The decision of the ENFORCEMENT OFFICER can be appealed to the DIRECTOR if the permit holder requests an appeal meeting within five (5) working days of receiving the decision of the ENFORCEMENT OFFICER.

(F) The decision of the DIRECTOR is final.

37. Section 8-402.11. Amend this Section to read as follows:

Access Allowed at Reasonable Times after Due Notice.

After the Department presents official credentials and provides notice of the purpose of, and an intent to conduct, an inspection, the person in charge shall allow the Department to determine if the food establishment is in compliance with this Code by allowing access to the establishment, allowing inspection, the taking of photographs to document inspection findings, and providing information and records specified in this Code, and to which the Department is entitled according to law, during the food establishment's hours of operation and other reasonable times.

38. Section 8-403.11 shall be added and read as follows:

Scoring of Inspection.

(A) In accordance with Section 8-405.11, each PRIORITY ITEM OR PRIORITY FOUNDATION ITEM marked in violation on the inspection form shall be assigned a five (5) point demerit score.

(B) In accordance with Section 8-406.11, each CORE ITEM marked in violation on the inspection form shall be assigned a two (2) point demerit score.

(C) All demerit scores of PRIORITY ITEMS or PRIORITY FOUNDATION ITEMS and CORE ITEMS shall be totaled and subtracted from one hundred (100) possible points to determine the overall score of the food establishment.

39. Section 8-403.12 shall be added and read as follows:

Notice to Public of Inspections.

(A) Every food establishment shall display, without obstruction in a conspicuous place designated by the Department, notice stickers that inform the public that the establishment is subject to inspection by the Department. Such notice stickers shall be displayed at every public entrance and at every drive-up and/or walk-up window of every food establishment.

(B) Such notice to the public shall include, at a minimum, a statement that the establishment is inspected by the DEPARTMENT.

40. Section 8-404.11 (C) shall be added and read as follows:

(C) Whenever the DEPARTMENT finds that conditions exist, as specified in Subsection (A) of this Section, it may
immediately suspend the permit of the food establishment without prior notice or hearing, in accordance with Section 8-304.21.

41. Section 8-405.11 (C) shall be added and read as follows:

(C) All second and subsequent follow-up inspections during the permitted year, due to PRIORITY ITEMS or PRIORITY FOUNDATION ITEMS, shall be subject to a follow-up fee as described in Chapter 9, Section 230.030. (Ord. No. 11-030 §1, 5-2-11)

SECTION 230.020: ENFORCEMENT OF FOOD CODE

The Council hereby adopts the following Sections as part of the Food Code's Chapter 8.

1. Section 8-601.11 Operating Without A Permit.

Any person engaged in the business of operating a food establishment without a permit as required by this Code shall be subject to a fine of five hundred dollars ($500.00) for each offense. Each day a food establishment operates without a permit shall constitute a separate offense. The fine provided by this paragraph shall be in addition to any other remedy available to St. Charles County, including injunctive relief. The Department shall have the power to order the immediate closure of any food establishment operated without a permit as required by this Code. Issuance of such a closure order shall not be a prerequisite to any action in law or equity authorized by this provision.

2. Section 8-601.12 Violations By Permit Holders.

Any holder of a permit issued pursuant to this Code whose permit is suspended in accordance with Section 8-304.21 or whose permit is revoked in accordance with Section 8-304.22 and who has had the opportunity for a hearing in accordance with Section 8-304.23 shall be subject to the following penalties by the Department:

(A) Upon finding, after a hearing, a first (1st) violation of this Code, the permit shall remain suspended or shall be revoked and all business operation of the food establishment shall cease for a period of not less than five (5) days or more than fourteen (14) days.

(B) Upon finding, after a hearing, a second (2nd) violation of this Code within five (5) years by the same permit holder, the permit shall remain suspended or shall be revoked and all business operations of the food establishment shall cease for a period of not less than fifteen (15) days nor more than thirty (30) days.

(C) Upon finding, after a hearing, a third (3rd) violation of this Code within five (5) years by the same permit holder, the permit shall remain suspended or shall be revoked and all business operations of the food establishment shall cease for a period of not less than thirty (30) days nor more than ninety (90) days.

3. Section 8-601.13 Additional Penalties.

The enforcement of the regulations established by this Code shall be the responsibility of the St. Charles County Counselor who may take any action in law or equity to abate any violation of this Code. (Ord. No. 11-030 §2, 5-2-11)

SECTION 230.030: FEES FOR PERMITS AND SERVICES UNDER FOOD CODE

The Council hereby adopts Chapter 9 of the St. Charles County Food Code relating to permit and late renewal fees and exemptions with the following provisions:

Section 9-101.10 Permit Year, Fees and Exemptions.

(A) All permits except permits for temporary food establishments are issued for a permit year. The permit year is January first (1st) through December thirty-first (31st) and may be issued for any portion thereof to a new food establishment or one that is reapplying after final suspension or revocation. All existing food establishments holding permits must complete annual renewal, including payment of the yearly permit fee and any outstanding penalty fees for prior late payments of permit fees imposed pursuant to this provision, no later than December thirty-first (31st) of each current permit year. Fees and renewal requests must be postmarked no later than December thirty-first (31st) or a penalty fee of fifty dollars ($50.00) per month will be assessed, in addition to the yearly permit fee. Fees are not prorated unless otherwise stated in this Section.

(B) The fee structure for a permit is as follows:

<table>
<thead>
<tr>
<th>FOOD FACILITY TYPE</th>
<th>PERMIT FEE</th>
<th>PLAN REVIEW FEE</th>
<th>FOLLOW-UP FEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>*Food--risk-base 1 and 2</td>
<td>$250.00</td>
<td>$100.00</td>
<td>$ 35.00</td>
</tr>
<tr>
<td>*Food--risk-base 3 and 4</td>
<td>$350.00</td>
<td>$100.00</td>
<td>$ 35.00</td>
</tr>
<tr>
<td>Conditional food permit</td>
<td>$125.00</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Mobile food vehicle</td>
<td>$ 80.00</td>
<td>$ 60.00</td>
<td>$ 35.00</td>
</tr>
<tr>
<td>Temporary food (within 48 hours of application)</td>
<td>$ 50.00</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Expedited temporary food (less than 48 hours)</td>
<td>$ 60.00</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
(C) Initial fee for a new food establishment shall be:

1. Plan review fee found in appropriate food facility type found in Subsection (B) above; and

2. Permit fee found in Subsection (B) above, except that fees for new annual permits shall be prorated on a basis as follows:

   a. Initial fee for permits issued before the fifteenth (15th) of any month shall include that month and following months, pro rata;
   
   b. Initial fee for permits issued after the fifteenth (15th) of any month shall include only the following months, pro rata.

(D) Religious, educational, non-profit, fraternal or civic organizations (excluding social or country clubs) shall be exempted from the fees authorized by this Code upon submittal of documentation of tax-exempt status. However, this exemption shall not extend to:

1. Penalties for late renewals as authorized by this Section; and

2. Fees for expedited temporary food facility permits and follow-up inspections as authorized by this Section.

(E) Temporary Food Establishments shall be exempted from the fees authorized by this Code only if operated either by a Food Establishment Risk-base 1 through 4 or by a Mobile Food Vehicle which is already permitted under this Code. However this exemption shall not extend to:

1. Fees for expedited temporary food facility permits and follow-up fees as authorize by this Section.

(F) All fees under this Section shall be paid to the Department for deposit with the Department of Finance of St. Charles County.

(G) A person reapplying for a permit after a final suspension or revocation shall pay the appropriate renewal fee including penalty fees for late payment that may be imposed pursuant to this Section upon reapplication. (Ord. No. 11-030 §3, 5-2-11)

CHAPTER 233: AQUATIC AND RECREATIONAL FACILITIES CODE

ARTICLE I. GENERAL PROVISIONS

SECTION 233.005: TITLE, INTENT, SCOPE

A. These provisions shall be known as the St. Charles County Government Aquatic and Recreational Facilities Code, hereinafter referred to as "this code".

B. The purposes of this code is to safeguard public health and provide to consumers of aquatic and recreational facilities a safe environment from disease and physical dangers.

C. This code establishes definitions and contains the minimum requirements for the design and operation of aquatic centers and recreational facilities. Procedures for the approval of plans, design criteria and acceptable practices are featured. The criteria are based on current information, engineering principles and public health practices. Where adequate standards do not exist and this code does not provide sufficient guidance for consideration of innovations in design, construction and operation of proposed aquatic centers, the department will establish requirements necessary to protect the health and safety of the aquatic center patrons.

D. Where such terms as "shall" and "must" are used, they are to mean a mandatory requirement. Other terms such as "should", "recommended", "preferred" and the like indicate discretionary requirements and deviations which are subject to individual consideration. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.010: APPLICABILITY AND TERMS DEFINED

A. The following definitions apply in the interpretation and application of Chapter 233, Article I--Article XIII.

B. Terms Defined. As used in this Chapter, the following terms shall have these prescribed meanings:

AIR INDUCTION SYSTEM: A system whereby a volume of air is introduced into hollow ducting in a spa floor, bench or walls. An air induction system is activated by an air power blower and is separate from the water circulation system.

ALTERATION: A modification of a public water recreation facility. The term includes, but is not limited to, an alteration of a pool that changes the depth or volume, addition of an appurtenance to a pool, modification of the design of the recirculation system for a pool or any addition, replacement or modification that modifies the original engineered design as approved by the Department of Community Health and the Environment.

**APPROVAL:** Compliance with the ordinance and this Chapter.

**APPURTENANCE:** An accessory facility or feature at a public water recreation facility, such as a diving board, slide, plunge pool, spray pool or bathhouse.

**AQUATIC CENTER:** Swimming pools, spray pools, wading pools, whirlpools, spas and hot tubs, training-special use pools, flumes, waterslides, watercourse rides and wave pools and other non-natural water recreation areas not specifically exempted from the scope of this Chapter, together with buildings, appurtenances and equipment required or used in connection therewith.

**AQUATIC UNIT:** Those parts of an aquatic center that contain water such as, but not limited to, swimming pools, spray pools, wading pools, whirlpools, spas and hot tubs, training-special use pools, flumes, waterslides, watercourse rides and wave pools and other non-natural water recreation areas.

**ASME:** An abbreviation for American Society of Mechanical Engineers.

**BACKWASH:** The process of thoroughly cleaning a filter by reverse flow of water through the filter.

**BARRIER:** A fence, wall, building or landscaping that obstructs access to an aquatic center.

**BATHER LOAD:** The maximum number of persons that may be allowed in the pool areas at one time without creating undue health or safety hazards.

**CARTRIDGE FILTER:** A depth, pleated or surface-type filter component with fixed dimensions that is designed to remove suspended particles from water flowing through the filter.

**CLEAN:** Free from slime, scum, dirt or other debris.

**CONSTRUCTION:** The process of building or remodeling a public water recreation facility or appurtenance.

**DECK:** A hard surface immediately adjacent to or attached to an aquatic unit that is designed for sitting, standing or walking.

**DEEP AREA:** An area of a swimming pool in which the water depth exceeds five (5) feet.

**DEPARTMENT:** The St. Charles County Department of Community Health and Environment.

**DIRECTOR:** The Director of the Department of Community Health and Environment or his/her duly authorized agents.

**DISCHARGE PIPING:** The portion of the circulation system that carries water from the filter back to the swimming pool or spa.

**DIVING POOL:** A pool designed and intended for use exclusively for diving.

**DPD:** An abbreviation for Diethyl-p-Phenylene Diamine. The indicator usually is used in tablet or powder form which measures chlorine and bromine levels in pool and spa water.

**DROP SLIDE:** A slide with an exit angle exceeding eleven degrees (11°) measured downward from the horizontal.

**FILL AND DRAW POOL:** An aquatic unit where the principal means of cleaning is the complete removal of the used water and the replacement thereof with potable water.

**FILTRATION RATE:** The rate of water flowing through a filter during the filter cycle expressed in gallons per minute per square foot of effective filter area.

**FITNESS CENTER:** An operation that serves as an exercise establishment such as a gym, weight gym, aerobic center, wrestling room, martial arts or those facilities deemed by the Director falling into the definition of "FLOOR SLOPE".

**FLOOR SLOPE:** A location in a pool where there is an abrupt change in floor slope or a location on a pool floor where an area having a floor slope of no more than one (1) foot vertical in twelve (12) feet horizontal adjoins an area having a greater floor slope, with the floor slope increasing in the direction of increasing water depth.

**FLUME:** The inclined channel of a slide.

**FREEBOARD:** That section of the pool wall measured vertically between the water surface and the walkway or deck surface.

**GPM:** An abbreviation for gallons per minute.

**HOSE BIBB:** A faucet with a threaded nozzle to which a hose may be attached.

**HOT TUB:** See "WHIRLPOOL".

**HYDROTHERAPY JET:** A fitting that blends water and air and creates a high velocity turbulent stream of air-enriched water for injection into a spa.

**INCONTINENT:** Unable to restrain a bowel movement.

**INLET:** An opening or fitting through which filtered water enters the pool.

**MAIN DRAIN:** An outlet(s) in the floor of an aquatic unit.

**MAKE-UP WATER:** Fresh water used to fill or refill an aquatic unit.

**MANAGER:** See definition of "OPERATOR".

**MAXIMUM BATHING LOAD:** The design capacity or maximum number of users that an aquatic unit is designed to hold.
NATURAL AQUATIC UNIT: Unmodified natural outdoor lakes, ponds, rivers, etc.


NFHS: An abbreviation for National Federation of State High School Associations.

OPERATE: To conduct, maintain or otherwise provide facilities and appurtenances at aquatic or recreational facilities.

OPERATOR: The person or entity responsible for the actual daily operation or for the supervision of the operation of an aquatic or recreational facility.

OVERFLOW SYSTEM: Includes gutters and other rim type overflows, surface skimmers and collection systems of various designs and manufacture.

PERIMETER OVERFLOW SYSTEM: A channel normally extending completely around the pool used to skim the surface layer of water, also known as an overflow gutter.

PERMIT: A certificate issued by the department allowing the operation, construction, development or alteration of an aquatic or recreational facility.

PERMIT HOLDER: The entity that:
1. Is legally responsible for the operation of the aquatic center such as the owner, the owner's agent or other person; and
2. Possesses a valid permit to operate an aquatic or recreational facility.

PERSON: An individual, corporation, partnership, unincorporated association or other organization authorized by law.

pH: Indicates the degree of acidity or alkalinity of water. The pH scale is from zero (0) to fourteen (14) with pH seven (7.0) being the neutral point, i.e., water with pH of seven (7.0) is neither acid nor alkaline and it is neutral. Above pH seven (7.0) the water is alkaline and below pH seven (7.0) it is acidic.

PLUNGE AREA: A location in a pool or bathing beach at the exit of a slide or the area in a pool below and in front of a diving board or platform.

PLUNGE POOL: A pool designed for and used exclusively as a plunge area for one (1) or more slides.

POOL: See definition of "SWIMMING POOL".

POOL DECK: A walkway surrounding an aquatic unit, which is specifically constructed or installed for use by bathers.

POOL DEPTH: The vertical distance between the pool floor and the water level.

POTABLE WATER: Drinking water.

PPM: An abbreviation for parts per million.

PRIVATE RESIDENTIAL SWIMMING POOL: A pool operated by an individual for his own or his family's use or for guests of his household or by an owner to serve a housing group consisting of no more than three (3) living units. Private pools are exempt from these regulations.

PUBLIC AQUATIC CENTER: An aquatic center that is open to the public with or without a fee, including a center that is operated by a community, municipality, political subdivision, school district, university, college or a commercial establishment whose primary business is the operation of an aquatic center.

RECESSED TREADS: A series of vertically spaced, preformed steppoles in a swimming pool wall.

RECIRCULATION PIPING: The piping from the pool to the filters and back to the pool through which the pool water circulates.

RECREATIONAL FACILITY: Fitness center and/or a tanning center.

RESURFACING: Any alteration that is greater than ten percent (10%) of the pool interior surface. This shall include, but not be limited to, plastering, painting, tiling, application of pebble type finish, fiberglass or any other approved alternative surface.

RETURN INLET: An aperture or fitting through which filtered water returns to a swimming pool or spa.

RETURN LINE: That portion of the recirculating system piping which carries clean water from the filter back to the swimming pool.

ROPE AND FLOAT LINE: A continuous line not less than three-quarter (¾) inch in diameter that is supported by buoys and attached to opposite sides of a swimming pool to separate areas of the swimming pool.

SAFETY VACUUM RELEASE DEVICE: A device that has been designed to prevent bather entrapment on a suction fitting in a pool by immediately admitting air into the suction piping or by de-energizing the pump upon sensing an increase in vacuum in the suction pipe.

SANITARY FACILITIES: A designated area that includes a toilet and sink and may include a shower or urinal.

SCUM: A film that forms on the surface of water.

SECCHI DISK: Refers to a two hundred (200) mm circular plate which has opposite quarters painted gloss white and black.

SEMI-ARTIFICIAL AQUATIC UNIT: A natural aquatic unit that has been modified by man.
SEMI-PUBLIC AQUATIC CENTER: An aquatic center operated only for:
1. Occupants of temporary lodgings; or
2. Residents of residential communities and (if applicable) their guests; or
3. Members of clubs or organizations and (if applicable) their guests.

SERVICE ANIMAL: An animal such as a guide dog, signal dog or other animal individually trained to provide assistance to an individual with a disability.

SHALLOW AREA: An area in a pool in which the water depth does not exceed three (3) feet at any point.

SHOCK TREATMENT: Adding chlorine to water in an amount sufficient to destroy ammonia, nitrogenous and organic contaminants in the water by elevating the free chlorine residual to a level ten (10) times the combined chlorine reading in parts per million.

SKIMMER: A mechanical device connected to the recirculation piping which is used to skim the pool surface.

SLIDE: A recreational feature. Including a water slide or drop slide or drop slide with a smooth, inclined flume or channel by which a rider is conveyed downward to a plunge area.

SLIP-RESISTANT: A surface that has a static coefficient of friction (wet or dry) of at least one-half (0.50).

SPA: An artificial basin, chamber or tank of irregular or geometric shell design that is intended only for bathing or soaking and that is not drained, cleaned or refilled for each user. A spa may include features such as hydrotherapy jet circulation, hot water, cold water, mineral baths or an air induction system. Industry terminology includes "hydrotherapy pool", "whirlpool", "hot tub" and "therapy pool".

SPECIAL USE POOL: A swimming pool intended for competitive aquatic events, aquatic exercise or lap swimming. A special use pool includes a wave action pool, exit pool for a water slide, swimming pool that is part of an attraction at a water recreation park, water volleyball pool or a swimming pool with special features used for training and instruction.

SPRAY POOL: An artificially constructed area over which water is sprayed but is not allowed to pool.

SUCTION GRATE: A cover for a suction outlet that is flat, normally having a regular and uniform pattern of openings for passage of water. The term does not refer to an anti-vortex cover.

SUCTION OUTLET: The aperture or fitting through which water is withdrawn from a swimming pool or spa.

SWIMMING POOL: An artificial basin, chamber or tank constructed and used or intended to be used for swimming, diving or bathing. An aquatic unit less than two (2) acres (eighty-seven thousand one hundred twenty (87,120) square feet) shall meet the criteria for swimming pools.

TOTAL ALKALINITY: The measurements of the carbonates, bicarbonates and hydroxides in the water which, if insufficient, may cause the pH to be unstable and produce corrosive conditions. Conversely, if the total alkalinity is too high, scale could be formed.

TURNOVER RATE: The number of hours required to circulate a volume of water equal to the capacity of the swimming pool or spa.

WADING POOL: Any swimming pool used or designed to be primarily used for wading by children and having a maximum depth of eighteen (18) inches.

WATER LEVEL: The level of the overflow lip of a perimeter overflow system or the mid-level of the skimmer operating range.

WATER SLIDE: A water recreation attraction having one (1) or more flumes.

WAVE POOL: A swimming pool designed for the purpose of producing wave action in the water.

WHIRLPOOL, SPA AND HOT TUB: An artificial basin, chamber or tank of irregular or geometric shell design that is intended only for bathing or soaking and that is not drained, cleaned or refilled for each user. A spa may include features such as hydrotherapy jet circulation, hot water, cold water, mineral baths or an air induction system. Industry terminology includes "hydrotherapy pool", "whirlpool", "hot tub" and "therapy pool".

ZERO DEPTH ENTRY POOL: A swimming pool where the pool floor intersects the water surface along a portion of its perimeter. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.020: APPROVAL OF PLANS AND CONSTRUCTION REQUIRED

A. A person shall obtain design approval from the department prior to starting construction of a new aquatic center, changing in use from a public or semi-public aquatic center, changing in use from a private residential aquatic center to a public or semi-public aquatic center or beginning major modifications to an existing aquatic center. For purposes of this Subsection, major modifications include a change to:
1. The shape; or
2. The depth; or
3. The water circulation system; or
4. The enclosure; or
5. Resurfacing the pool interior or deck; or
6. Adding a water feature or planter; or
7. The disinfection system; or
8. The installation of diving equipment.

At an aquatic center an appropriately licensed contractor, architect or professional engineer shall submit plans for a major modification.

B. The owner shall complete fully an application for approval to construct any proposed aquatic center and shall be submitted to the department on forms furnished by the department. Such application for approval shall accompany the plans, when required, and specifications at the time of submission to the department for review.

C. The operator/owner of a previously approved aquatic center, as defined in these regulations, intending to change the nature of the classification from public to semi-public or from semi-public to public must demonstrate, to the satisfaction of the department, that the facility meets all requirements of these regulations as related to the desired classification. If any additional construction or modification of the facility shall be required, plans and specifications of the proposed facility shall be submitted for approval.

D. Plans and specifications shall be submitted to the department with the appropriate fees at least thirty (30) days prior to the date upon which action is desired. Plan documents submitted for approval to construct shall include a general plot plan, plans and specifications showing the pool shape, dimensions, water treatment and pumping facilities, piping arrangement and sizes, source of water supply, method of disposal of wastes and all pertinent data upon which the design is based on and shall include capacities of the various units, safety equipment, architectural drawings for fencing, water features and other information necessary to permit a clear and full understanding of the proposed project. Where required, detailed plans of bathhouses, dressing rooms, toilets, recreational and other pool appurtenances shall be included.

E. All plans and specifications submitted to the department for approval must have been prepared by, or under the supervision of, a currently registered Missouri professional engineer or architect or a swimming pool contractor with appropriate license who is licensed to practice in the State of Missouri, who shall certify that the plans comply with these regulations and criteria contained in the swimming pool design policies.

F. All work shall conform to approved plans and specifications. Should it be necessary or desirable to make any changes in the approved plans and specifications of the proposed work, revised plans and specifications, together with a written statement of the reasons for such change, shall be submitted to the department for review. The application for approval to construct must be obtained in writing before the work affected by the change is undertaken.

G. The department will, upon receipt from the applicant of reasonable advance notice of readiness to make necessary inspections to determine that the pool piping system and thereafter the complete pool circulation, purification and waste systems are in compliance with these regulations. The piping system shall be left open and exposed until the department has examined and approved the system in writing. The complete pool, including circulation, purification and waste systems, shall be deemed acceptable only after examination and issuance of written approval of construction by the department.

H. The design, operation and maintenance of aquatic centers shall be in conformance with these regulations and criteria contained in the department swimming pool design policy.

I. Before approval of construction shall be given for the operation of an aquatic center, the swimming pool contractor or a currently registered engineer or architect shall certify that the completed aquatic center is constructed in accordance with the approved plans and specifications. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.030: PERMIT REQUIRED

An aquatic center in unincorporated St. Charles County or a municipality in St. Charles County that has adopted the St. Charles County Aquatic Code and contracted with St. Charles County for enforcement shall be maintained or operated with an operating permit in force issued by the department. The permit shall be displayed in a conspicuous place on the premises where the public may readily observe it. No permit shall be issued until the applicable permit fee has been rendered. Permit fees are listed in Chapter 233, Article XV. If the operating permit for a public or semi-public swimming pool, special use pool, spa or wading pool lapses or is invalid for a period of more than one (1) year, the pool shall be in compliance with the current code requirements in order to qualify for a new operating permit. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.040: INSTRUCTIONS

All persons shall be instructed before entering an aquatic center, by means of suitable, clearly lettered signs properly located, to observe all safety regulations. The sign shall contain, at a minimum, all of the following:

1. Persons with sore or inflamed eyes, colds, nasal or ear discharges, boils or other acute or obvious skin or body infections or cuts shall be excluded from the pool.
2. No glass allowed within the pool enclosures.
3. No animals allowed except for service animals.
4. No drinks, candy, tobacco, popcorn, gum, alcohol or food of any kind shall be permitted in the pool or within the required walkways of the pool.

5. Keep gate(s) closed--do not prop open.

6. Shower before entering the pool.

7. If incontinent, wear tight-fitting rubber or plastic pants or a swim diaper.

8. Observe all safety regulations. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.050: ATTIRE AND TOWELS, ETC.

A. Bathing attire, towels, linens and similar articles shall be clean, dry and sanitary when provided to patrons.

B. The provision of towels, drinking cup, combs, hairbrushes, bar of soap and other similar items for use in common by the public is prohibited. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.060: EXCLUDED

Persons with sore or inflamed eyes, colds, nasal or ear discharges, boils or other acute or obvious skin or body infections or cuts shall be excluded from entering the water of an aquatic center. No person in or at an aquatic center shall commit or be permitted to commit any act prejudicial to the life or health of any other person using the pool. Animals shall be excluded from the aquatic center enclosure, except for service animals. All animals shall be excluded from bathing at aquatic centers. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.070: DRINKING WATER

Drinking water from an approved source and dispensed through one (1) or more drinking fountains shall be located on the deck of each aquatic center. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.080: CONCESSIONS

Drinks, candy, tobacco, popcorn, gum, alcohol or food of any kind should not be permitted in the pool or within ten (10) feet of a public aquatic center or within four (4) feet of a semi-public aquatic center.

1. No food or drink of any kind shall be allowed in the pool or within the required walkways of the aquatic center.

2. Food and drink will be allowed within the pool enclosure but outside the area provided that only paper or plastic service is used. No glass is permitted within the pool or spa enclosure.

3. All food service establishments operated in conjunction with aquatic centers and recreational facilities shall be constructed and operated in accordance with the St. Charles County Food Code (Chapter 230). (Ord. No. 07-110 §1, 8-14-07; Ord. No. 11-030, 5-12-11)

SECTION 233.090: OPERATION

A. All aquatic facilities shall at all times be operated and maintained in a clean, safe and sanitary condition. The following conditions are considered critical violations and the owner of an aquatic center shall close that facility if any of the following conditions exist:

1. Absence of an approved disinfectant;

2. Violation of the physical standards of Section 233.170;

3. Filtration system is inoperative;

4. Mechanical disinfectant feeder is missing, inoperative or malfunctioning;

5. Broken or missing main drain covers or other suction outlet covers;

6. When required, lifeguards are not present or the required number of lifeguards is not present;

7. Gates are not self-closing and self-latching or there is a breach of the pool enclosure;

8. Leaking gas chlorinator;

9. Absence of all safety equipment;

10. Electrical wires over the pool;

11. Broken glass in the pool area;

12. Any other operational condition which may cause injury or present a danger to the public health.

B. A written notice of an aquatic center closure shall be posted at the aquatic unit entrance to prohibit any person from using the facility. (Ord. No. 07-110 §1, 8-14-07)
SECTION 233.100: VIOLATIONS
Any person, firm or corporation who builds, offers for sale or operates an aquatic center contrary to these regulations shall be subject to administrative actions. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.110: RETROACTIVE PROVISIONS
A. Except as provided in this Section, construction and structural standards of this code shall not apply to permitted aquatic centers that were constructed prior to the effective date of this code. However, such aquatic centers shall meet this code's requirements for operation in Section 233.090 and this code's structural requirements in Section 233.111.

B. Alterations to existing aquatic centers shall meet the provisions of this code. Replacements or repairs to existing systems or its components shall not be required to meet the provisions unless such work will cause an existing pool to become unsafe, unsanitary, a nuisance or hazardous to public health or safety. (Ord. No. 07-110 §1, 8-14-07; Ord. No. 08-038 §1, 4-4-08)

SECTION 233.111: RETROACTIVE STRUCTURAL PROVISIONS
A. Retroactive Main Drain Requirements. All public and semi-public swimming aquatic centers on the effective date of this code and equipped with a single main drain shall:
2. Install a hydraulically balanced dual main drain at the time that the pool is resurfaced or install a Safety Vacuum Release Device (SVRD) or Safety Vacuum Release System (SVRS) that meets ANSI/ASME A112-19 Standards or equivalent by January 1, 2009.
3. Install other devices or means as approved by the department by no later than January 1, 2009.

B. Retroactive Fencing Requirements For Aquatic Centers.
1. Public swimming pools, special use pools, spas and wading pools on the effective date of this code (August 14, 2007) shall comply with fencing requirements by January 1, 2009.
2. Public swimming pools, special use pools, spas and wading pools on the effective date of this code that do not meet the requirements in Appendix C on the effective date of this code (August 14, 2007) shall comply with fencing requirements by January 1, 2009.
3. Retroactive fencing requirements for semi-public aquatic centers. Semi-public swimming pools, special use pools, spas and wading pools that were in operating status on the effective date of this code that do not meet the requirements in Appendix C on the effective date of this code (August 14, 2007) shall comply with fencing requirements by January 1, 2009.

C. Retroactive Diving Board Requirements.
All public and semi-public aquatic centers that were in operating status on the effective date of this code and having met the requirements of the code for a diving board in force at the time of construction may continue to operate a diving facility under the following conditions:
1. The pool was approved for construction prior to January 1, 2009.
2. The height of the diving board above the water surface shall be limited to a maximum of ten (10) feet (three (3) meters).
3. If the pool and diving board do not meet the dimensional requirements in Appendix A or Appendix B, diving must be under the direct supervision of a lifeguard or other responsible party and the pool owners shall provide and maintain on file with St. Charles County a current certificate of public liability insurance documenting minimum limits of seven million dollars ($7,000,000.00) combined single limit for bodily injury and property damage liability. The certificate must further clearly indicate that St. Charles County is an additional insured and that no changes or modifications shall become effective in the coverage without thirty (30) days' prior written notice submitted to the department.

D. Retroactive Vacuum Outlet Requirements. Public and semi-public aquatic centers on the effective date of this code shall comply by January 1, 2010. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.112: VARIANCE
A. Purpose. The purpose of this regulation is to allow the Director to consider granting a variance from those parts of Chapter 233.

B. Conditions For Variance. Any person may request a variance to Chapter 233 of this Code when it is claimed that:
1. The true intent of the codes or ordinances described in this code has been incorrectly interpreted by the department; or
2. A decision by the department is unreasonable or arbitrary when it is applied to alternate or new materials. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.113: INSPECTIONS
A. An inspector from the department, upon presentation of credentials, may enter into any public or semi-public aquatic centers to
determine compliance with this code. The inspector may inspect records, equipment and facilities, take photographs and take other action reasonably necessary to determine compliance with this code.

B. The owner or manager of public or semi-public aquatic centers may accompany the inspector during an inspection.

C. An inspector from the department may inspect a public or semi-public aquatic center during reasonable working or operational hours without giving prior notice of the inspection to the owner or operator of the swimming pool or spa.

D. All initial inspections shall be required to have a follow-up inspection for the following:
   1. Violations as noted in Section 233.090.
   2. An inspection that leads to closure.

E. All follow-up inspections shall be subject to a follow-up fee as described in Chapter 233, Article XV. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.120: POOL OPERATOR CERTIFICATION

A. All permitted aquatic centers shall have a minimum of one (1) nationally certified pool operator on staff. This individual shall:
   1. Be present on property thirty-three percent (33%) of operating time.
   2. Be directly responsible for maintaining the cleanliness, water quality and chemical balance of the aquatic center.

B. An individual who services an aquatic center by maintaining the cleanliness, water quality and chemical balance of public aquatic centers shall be certified. To be certified an individual must demonstrate knowledge of aquatic centers. Examples of such knowledge include: pool cleaning, general pool maintenance, make-up water supply, bacteriological, chemical and physical quality of water and water purification, testing, treatment and disinfection procedures. To ensure that the pool technicians are knowledgeable, said technician shall attend a training course of national recognition that is approved by the department of at least sixteen (16) hours in length and shall pass a test acceptable to the department. Certification is conferred upon an individual and is non-transferable. A certified pool technician may not affect the structural integrity of the pool or equipment and shall not delegate work to others, including employees, that are not themselves certified under this Section.
   1. Training shall include the following study topics:
      a. Swimming pool calculations;
      b. Filter type and filtration circulation;
      c. Water chemistry--balancing and testing;
      d. Spas and warm water pools;
      e. Pool and spa maintenance;
      f. Operational and safety requirements; and
      g. St. Charles County Government Aquatic and Recreational Facility Code--specific to aquatic centers.
   2. Course materials must be provided that cover the required topics in detail. The course approval shall be contingent upon their meeting the items listed in Subsection (B)(1) above. The test approval shall be contingent upon all of the questions being related to the subject areas listed in Section 233.120(B)(1) above.
   3. The department shall deem certified any individual who has been proven certified by a course of national recognition.
   4. Proof of certification shall be posted conspicuously in the equipment room of each pool serviced or must otherwise be available for inspection by the department.
   5. Section 233.120 should be required on the effective date of Chapter 233 and shall be required as of January 1, 2010.
   6. Internet based classes--reserved.

C. Within thirty (30) days of opening a permitted aquatic center, an individual who services an aquatic center must provide proof of attendance at a blood-borne pathogen training program (or equivalent) approved by the department. During the said thirty (30) days, said individual shall become familiar with this Chapter, undergo in-house training and familiarize themselves with the information available from the department concerning Hepatitis B and C. Subsequently, the operator must attend a blood-borne pathogen training program (or equivalent) at least once every three (3) years or that deemed required by the certifying program (if less than three (3) years). (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.122: APPLICABILITY

A. This code applies to all public and semi-public aquatic centers.

B. Chapter 233 does not apply to any of the following:
   1. A private residential swimming pool or spa;
   2. Natural and semi-artificial aquatic units;
3. An aquatic center or recreational facility used for medical treatment or physical therapy and supervised by licensed medical personnel;
4. Swimming pools and spas constructed and operated by the United States Government;
5. Swimming pools and spas constructed and operated by the State of Missouri; or
6. A spray pond that utilizes potable water and does not have a recirculation system. (Ord. No. 07-110 §1, 8-14-07)

ARTICLE II. WATER QUALITY STANDARDS

SECTION 233.130: QUALITY OF WATER

Aquatic center water shall be treated and maintained so that whenever the aquatic unit is open for use, the bacterial, chemical and physical quality of the water meets the standards set forth in this code. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.140: WATER SOURCE

An operator of a public or semi-public aquatic center shall ensure that the aquatic unit is filled only with potable water from an approved source. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.150: BACTERIAL STANDARDS

Not more than fifteen percent (15%) of the water samples collected from a pool shall:
1. Contain more than two hundred (200) bacteria per milliliter as determined by the standard (35°C [95°F]) agar plate count, or
2. Show a confirmed positive test for coliform organisms in any of the five (5) to ten (10) milliliter portions of a sample or more than one (1) coliform organism per fifty (50) milliliters when the membrane filter test is used. All samples shall be collected, dechlorinated or similarly neutralized when another disinfectant is used and examined in accordance with the procedures outlined in the latest edition of "Standard Methods for the Examination of Water and Wastewater". The department may collect or require the owner to collect and submit water samples at cost for bacteriological examination on a routine basis while it is in active use. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.160: CHEMICAL STANDARDS

Aquatic units shall be continuously disinfected by an approved means, which will maintain an adequate and readily measurable residual of disinfectant in the water.
1. Aquatic centers shall meet the following water chemistry parameters:

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Minimum</th>
<th>Ideal</th>
<th>Maximum</th>
<th>Aquatic Unit (type)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Free chlorine (ppm or mg/l)</td>
<td>1.0</td>
<td>2.0–4.0</td>
<td>5.0</td>
<td>Pools, waterparks</td>
</tr>
<tr>
<td></td>
<td>2.0</td>
<td>3.0–5.0</td>
<td>10.0</td>
<td>Spas</td>
</tr>
<tr>
<td>Combined chlorine (ppm or mg/l)</td>
<td>0</td>
<td>0</td>
<td>0.2</td>
<td>Pools, waterparks</td>
</tr>
<tr>
<td></td>
<td>0</td>
<td>0</td>
<td>0.5</td>
<td>Spas</td>
</tr>
<tr>
<td>Total bromine (ppm or mg/l)</td>
<td>2.0</td>
<td>4.0–6.0</td>
<td>10.0</td>
<td>All types</td>
</tr>
<tr>
<td>pH</td>
<td>7.2</td>
<td>7.4–7.6</td>
<td>7.8</td>
<td>All types</td>
</tr>
<tr>
<td>Total alkalinity as CaCO₃ (ppm or mg/l)</td>
<td>60</td>
<td>80–100*</td>
<td>180</td>
<td>All types</td>
</tr>
<tr>
<td></td>
<td></td>
<td>100–120**</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* For calcium hypochlorite, lithium hypochlorite or sodium hypochlorite
** For sodium dichlor, trichlor, chlorine, gas, BCDMH

2. The procedure for determination of free chlorine residual shall be by the DPD method or any of the other procedures outlined in the latest edition of "Standard Methods for Examination of Water or Wastewater". (Ord. No. 07-110 §1, 8-14-07)
SECTION 233.170: PHYSICAL STANDARDS

A. The surface of the pool water shall be kept free of scum and floating debris. The bottom and sides shall be maintained free of sediment, dirt, slime and algae. Water shall be maintained free of turbidity and shall be sufficiently clear so that the main drain outlet is clearly visible to an adult standing on the pool deck or that a Secchi Disk two hundred (200) mm in diameter when placed at the bottom of the pool at the deepest point is clearly visible to an adult standing on the pool deck.

B. The temperature of heated water coming into an aquatic center shall not exceed one hundred four degrees Fahrenheit (104°F) (forty degrees Centigrade (40°C)). (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.180: RESERVED

SECTION 233.190: TESTS

All pools and spas shall be equipped with approved test equipment to determine pH, disinfectant residual, total alkalinity and temperature. The chemical disinfection level, pH, total alkalinity and temperature of the water shall be tested at least once daily. Log shall be on the premises and an operating log that includes the results of these tests shall be maintained for twenty-four (24) months and made available to the department, any other regulatory authorities or a member of the public upon request (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.200: FECAL CONTAMINATION IN AQUATIC CENTERS

Should a fecal accident occur, the pool operator or owner shall consider the Centers for Disease Control's (CDC) "Fecal accident response recommendations for pool staff" found on the Internet web site:  http://www.cdc.gov/healthyswimming/fecalacc.htm. (Ord. No. 07-110 §1, 8-14-07)

ARTICLE III. GENERAL DESIGN STANDARDS AND SPECIFICATIONS

SECTION 233.210: MATERIALS

A. A public or semi-public swimming pool or spa shall be constructed of concrete or other structurally rigid material that is equivalent in strength and durability to concrete, except that a public or semi-public spa may be constructed of fiberglass or acrylic.

B. A surface within a public or semi-public swimming pool or spa intended to provide footing for users shall have a slip-resistant surface. The roughness or irregularity of the surface shall not cause injury or discomfort to users' feet during normal use.

C. The materials and construction of a public or semi-public swimming pool shall be sound, durable and, where required, waterproof. The pool shall be constructed of materials that are rigid, non-toxic, smooth, free from cracks, easily cleanable and finished in white, pastel or other light colors. The color, pattern or finish of the interior of a public or semi-public swimming pool or spa shall not obscure objects, surfaces within the swimming pool or spa, debris, sediment or algae. Corners shall be rounded. Pool linings, specifically plastic and similar linings, and finishes not totally bonded to the pool sides and bottom are prohibited. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.220: SHAPE

A. A public or semi-public swimming pool or spa may be any shape except that the designer shall shape a public or semi-public swimming pool or spa to minimize hazards to users and provide adequate circulation of swimming pool or spa water.

B. There shall be no protrusions, extensions and means of entanglement or other obstructions in a public or semi-public swimming pool or spa that may cause entrapment of or injury to the user. This Subsection does not prohibit water features such as water fountains, slides and water play equipment or water volleyball and basketball nets.

C. Where a racing lane terminates in an aquatic center used for competitive racing, the wall shall be plumbed to a minimum depth of five (5) feet below the waterline. Below the five (5) foot depth, the wall shall be radiused to join the floor. This Subsection does not pertain to lanes that are used for general lap swimming.

D. The minimum average width of a semi-public pool shall be fourteen (14) feet. The average width shall be calculated by dividing the surface area by the total length of the pool as noted in Appendix B.

E. Coping or cantilevered deck may project from a swimming pool or spa wall to provide a handhold for users. The coping or deck shall be rounded, have a slip-resistant surface and shall not exceed three and one-half (3½) inches in thickness. The overhang of the coping or deck shall not exceed two (2) inches or be less than one (1) inch. All corners created by coping or cantilevered deck shall be rounded in both the vertical and horizontal dimensions to eliminate sharp corners.

F. Floors.

1. The slope of the floor of a public or semi-public swimming pool, from the end wall in the shallow area towards the deep area to the point of the first (1st) slope change, shall be uniform and shall not exceed one (1) foot of fall in ten (10) feet. The floor
slope in a public or semi-public spa shall not exceed one (1) foot of fall in ten (10) feet.

2. The floor slope of a public or semi-public swimming pool, from the point of the first (1st) slope change to the deepest part of the swimming pool, shall not exceed one (1) foot of fall in three (3) feet. For public or semi-public swimming pools, the depth of the swimming pool at the point of the first (1st) slope change shall be a minimum of five (5) feet.

3. All portions of a swimming pool or spa floor shall slope towards a main drain.

4. The transitional radius where the floor of a public or semi-public swimming pool joins a wall shall comply with all the following:
   a. The center of the radius shall be no less than three (3) feet below the water line in the deep area or two (2) feet below the water line in the shallow area,
   b. The radius shall be tangent at the point where the radius meets the wall or floor, and
   c. The radius shall be equal to or greater than the depth of the swimming pool minus the vertical wall depth measured from the water line minus three (3) inches. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.230: FILL AND DRAW POOLS

The construction and operation of fill and draw pools is prohibited. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.240: WATER RECIRCULATION AND FILTERING SYSTEM

A. General. The water recirculation system, consisting primarily of piping, pumps, filters, water conditioning and disinfecting equipment, together with other standard accessory equipment, shall be adequate to clarify and disinfect the entire contents of the pool within six (6) hours or less. Water withdrawn shall not be returned to the pool unless it has been filtered and otherwise treated in an approved manner except that water may be withdrawn from a swimming pool for a water slide or a water feature without being filtered or disinfected as approved by the department.

B. The water recirculation system shall be designed to provide a minimum of four (4) turnovers of the pool volume per day. Pools that are less than one thousand (1,000) square feet at fitness centers shall be required to provide eight (8) turnovers per day.

C. The water recirculation system shall be adequate to filter and disinfect the entire contents of the pool within six (6) hours or less. Bypassing chemical feeders or other similar devices may be exempted from this requirement with the approval of the department.

D. The water recirculation system shall operate continuously. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.250: PIPING

Piping systems shall be:

1. Designed to carry the required quantity of water at a velocity of not more than ten (10) feet per second when located on the discharge side of a pump, except for copper discharge piping where the velocity shall not exceed eight (8) feet per second and not more than six (6) feet per second when located on the suction side of a pump.

2. Of sufficient strength to withstand one hundred fifty percent (150%) of normal operating pressures.


4. Reasonably resistant to corrosion under conditions of operation.

5. Installed so that pipe and fittings, which pass through the pool structure, shall not project in a manner which is hazardous to users of the facility.

6. Comply with the sizes and flow rates shown in the following table unless accompanied by an approved hydraulic design.

<table>
<thead>
<tr>
<th>Pipe Size</th>
<th>1 ¼ inches</th>
<th>1 ½ inches</th>
<th>2 inches</th>
<th>2 ½ inches</th>
<th>3 inches</th>
<th>4 inches</th>
<th>6 inches</th>
</tr>
</thead>
<tbody>
<tr>
<td>GPM pressure side</td>
<td>25</td>
<td>60</td>
<td>90</td>
<td>140</td>
<td>220</td>
<td>350</td>
<td>800</td>
</tr>
<tr>
<td>GPM pressure side, copper</td>
<td>20</td>
<td>48</td>
<td>72</td>
<td>96</td>
<td>176</td>
<td>280</td>
<td>640</td>
</tr>
<tr>
<td>GPM suction side</td>
<td>15</td>
<td>35</td>
<td>50</td>
<td>80</td>
<td>140</td>
<td>220</td>
<td>450</td>
</tr>
</tbody>
</table>


8. A licensed contractor shall conduct an induced static hydraulic pressure test of the water circulation system piping at...
SECTIONS 233.260 TO 233.300

The total dynamic head of the recirculation system shall be calculated. In lieu of calculating the total dynamic head, the department may allow the following table to be used:

<table>
<thead>
<tr>
<th>DISTANCE FROM THE MAIN DRAIN TO THE PUMP</th>
<th>TOTAL DYNAMIC HEAD (TDH)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 foot to 25 feet</td>
<td>55</td>
</tr>
<tr>
<td>26 feet to 50 feet</td>
<td>60</td>
</tr>
<tr>
<td>51 feet to 75 feet</td>
<td>65</td>
</tr>
<tr>
<td>76 feet to 100 feet</td>
<td>70</td>
</tr>
<tr>
<td>101 feet to 125 feet</td>
<td>75</td>
</tr>
<tr>
<td>126 feet to 150 feet</td>
<td>80</td>
</tr>
<tr>
<td>Beyond 150 feet</td>
<td>Calculations are required</td>
</tr>
</tbody>
</table>

(Ord. No. 07-110 §1, 8-14-07)

SECTION 233.270: RESERVED

SECTION 233.280: PUMPS AND MOTORS

A. A pump and motor shall be provided for each water circulation system. The pump shall be sized to meet but not to exceed the flow rate required for filtering against the total head developed by the complete water circulation system. The pump shall be sized to comply with the turnover rates prescribed in Chapter 233, Articles VI–IX.

B. Pumps and motors shall be readily and easily accessible for inspection, maintenance and repair. When the pump is below the water line, valves shall be installed on permanently connected suction and return lines. The valves shall be readily and easily accessible for maintenance and removal for any of the circulation components.

C. Each motor shall have an open, dripproof enclosure. Each motor shall be constructed electrically and mechanically to perform satisfactorily and safely under the conditions of load in the environment normally encountered in swimming pool or spa installations. Each motor shall be capable of operating the pump under full load with a voltage variation of plus or minus ten percent (±10%) from the nameplate rating. Each motor shall have thermal or current overload protection to provide locked rotor and running protection. Thermal or current overload protection may be built into the motor or in the line starter.

D. The pump shall be equipped with an emergency shut-off switch that is located within the swimming pool or spa enclosure to cut off power to the water circulation system if someone is entrapped on a main drain or suction outlet.

E. The emergency shut-off switch must be clearly labeled. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.290: HAIR STRAINER

Pumps that take suction prior to filtration shall include a removable strainer located upstream from the pump to prevent solids, debris, hair, lint, etc., from reaching the pump and filters. Strainers shall be of corrosion-resistant material, with openings having a total area equal to four (4) times the area of the recirculation pump suction pipe. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.300: POOL WATER CLEANING SYSTEM

A. A vacuum cleaning system shall be provided for public and semi-public aquatic units with the exception of hydrotherapy pools.

B. Vacuum outlets shall be provided with covers which automatically close and automatically latch and can only be opened with the use of a tool. The covers must be securely closed and latched when the pool is in use.

C. The cleaning system provided shall not create a hazard or interfere with the operation or use of the pool. In integral systems, connections shall be provided in sufficient numbers and located in the pool walls at least ten (10) inches below the water line. In
SECTION 233.310: INLETS
Adjustable pool wall inlets shall be provided on all pools. Inlets shall be of sufficient number, properly designed, sized and installed to produce uniform circulation throughout the pool. There shall be a minimum of six (6) inlets, spaced not more than fifteen (15) feet apart as measured along the pool periphery. At least one (1) inlet shall be located within five (5) feet of each corner and in each step alcove. Inlets shall be on a closed loop piping system. Bottom returns shall be flush with the pool bottom or of such design as to prevent injury to bathers. Bottom returns will be considered to have an area of influence described by a radius of fifteen (15) feet. Public or semi-public spas with three (3) or more return inlets shall be on a closed loop piping system. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.320: DRAINS
A. Pools shall be equipped with at least two (2) main drains located in the deepest portion that are separated by a minimum of three (3) feet and that are constructed to prevent suction entrapment under all operating conditions. Each drain shall be covered by an anti-vortex cover or an approved grate that has a minimum diagonal measurement of twenty-four (24) inches, which is not readily removable by bathers and has safe openings of at least four (4) times the area of the drain pipe.

B. Drains shall be spaced at intervals of not greater than one (1) each twenty (20) feet of pool width in the deepest portion and not more than fifteen (15) feet from each side wall.

C. A minimum of two (2) suction outlets shall be provided for each pump in a suction outlet system for a public or semi-public pool or spa. The suction outlets shall be separated by a minimum of three (3) feet or located on two (2) different planes (i.e., one (1) suction outlet on the bottom and one (1) on a vertical wall or one (1) suction outlet each on two (2) separate vertical walls) as long as the three (3) foot separation is always maintained. The suction outlets shall be plumbed to draw water through them simultaneously through common line to the pump. Suction outlets shall be plumbed to eliminate the possibility of entrapping suction and be equipped with an approved anti-vortex cover.

D. The total velocity of water through grate openings of the drain shall not exceed one and one-half (1½) feet per second.

E. No check valve may be installed between a suction outlet and a pump.

F. Main drain outlet grates shall be flat and flush with the surrounding area except that main drain grates and fittings in vinyl liner and fiberglass pools shall not extend more than three-eighths (3/8) inches above the pool floor. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.330: FLOW METER
All aquatic centers shall be equipped with a flow meter that indicates the rate of backwash through the filter. The flow meter shall be installed on a straight section of pipe in accordance with the manufacturer's specifications in a location where it can be read easily. The flow meter shall measure the rate of flow through the filter in gallons per minute and shall be accurate to within five percent (5%) under all conditions of flow. The flow meter shall have an indicator with a range of at least one hundred fifty percent (150%) of the normal flow rate. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.340: SIGHT GLASS
Pressure filter systems shall be equipped with a sight glass installed on the waste discharge pipe. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.350: AIR RELIEF VALUES
Pressure-type filters shall be equipped with a means to release internal pressure. Each pressure filter shall be equipped with an air relief piping system connected at an accessible point near the crown. Automatic air relief systems may be used instead of manual systems. The design of a filter with an automatic air relief system as its principal means of air release shall include lids that provide a slow and safe release of pressure. The design of a separation tank used in conjunction with any filter tank shall include a manual means of air release or a lid which provides a slow and safe release of pressure as it is opened. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.360: ACCESS TO EQUIPMENT
Filters shall be designed, located and constructed to permit removal of filter manhole covers or heads for inspection purposes and replacement or repair of the filter elements or media. No filter or filtration system shall be installed beneath the surface of the ground or within any enclosure without adequate provision of access for inspection and maintenance. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.370: FILTRATION RATE -- SAND
The rate of filtration in high-rate sand filters shall not exceed an equivalent of twenty (20) gallons per minute per square foot. Sufficient surface area of filter media shall be provided to achieve this rate. (Ord. No. 07-110 §1, 8-14-07)
SECTION 233.380: FILTRATION RATE -- DIATOMACEOUS EARTH
The rate of filtration of diatomaceous earth filters shall not exceed two (2) gallons per minute per square foot of effective surface area. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.390: FILTRATION RATE -- CARTRIDGE TYPE
The rate of filtration of cartridge filters shall not exceed 0.375 gallons per minute per square foot. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.400: ACCEPTABLE FILTERS
Aquatic center filters shall comply with American National Standards Institute/NSF International Standard Number 50 "Circulation System Components and Related Materials for Swimming Pools, Spas/Hot Tubs", NSF International. Filters shall be designed, located and constructed to permit removal of filter manhole covers or heads for inspection, replacement or repair of filter elements or filter media. No filtration system shall be installed beneath the surface of the ground or within an enclosure without providing adequate access for inspection and maintenance. The maximum filtration rate shall not exceed the design flow rate prescribed by the ANSI/NSF Standard 50 for commercial filters. In no case shall the maximum filtration rate exceed the rates specified in this Section. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.410: GAUGES
Pressure gauges shall be installed on the inlet side of the pump and the inlet and outlet manifold of the filters. Such gauges shall read at one (1) pound pressure intervals or in inches of mercury/vacuum. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.420: RESERVED

SECTION 233.430: CROSS-CONNECTION CONTROL
Cross-connections between potable water piping and the recirculation system or water reservoir of any pool are prohibited. Potable water for make-up water purposes may only be introduced into the reservoir:
1. Across an air gap of at least twice the diameter of the pipe, not less than six (6) inches above the overflow level. If an over-the-rim spout is used, it shall be located so that it does not present a tripping hazard; or
2. Three (3) inches above the overflow rim of a float controlled make-up water feed tank; or
3. By a submerged inlet which is properly protected against backsiphonage by a backflow prevention device meeting University of Southern California Foundation for Cross-Connection Control and Hydraulic Research. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.432: POOL WASTEWATER DISPOSAL
A. Pool wastewater shall be discharged through an air gap; disposal shall be to sanitary sewers, storm sewers, drainfields or by other means in accordance with local municipal and building official requirements including obtaining all necessary permits. Each waste line shall have a unique air gap. Waste lines from different sources (e.g., pool, spa, overfill, sump pump) shall not be tied together, but may discharge into a common sump or receptacle after the air gap.
B. Disposal of water from pools using D.E. powder shall be accomplished through separation tanks which are equipped with air bleed valves, bottom drain lines and isolation valves or through a settling tank with final disposal being acceptable to local authorities. D.E. separator tanks shall have a capacity as rated by the manufacturer, equal to the square footage of the filter system.
C. All lines shall be sized to handle the expected flow. There shall not be a direct physical connection between any waste or drain line from a pool or recirculation system and any sewer line. Waste D.E. powder shall be collected and disposed of in a manner acceptable to local authorities and solid waste collectors. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.440: SIGNS
A. Caution Signs. A sign visible and legible from the spa shall be provided. It shall state:

CAUTION
1. Elderly persons, pregnant women, infants and those with health conditions requiring medical care should consult with a physician before entering a spa.
2. Unsupervised use by children under the age of eighteen (18) is prohibited.
3. Hot water immersion while under the influence of alcohol, narcotics, drugs or medicines may lead to serious consequences and is not recommended.
4. It is recommended that spa is not used alone.
5. Long exposure may result in nausea, dizziness or fainting.

B. Bather Load.

1. Pools. A sign with clearly legible letters not less than four (4) inches high shall be posted in a conspicuous place within the pool enclosure or near the main entrance that shall indicate the number of bathers permitted for each pool. Bathing load shall be determined according to the following equations:

   a. Shallow area bathing load. Bather load = (surface area of water) ÷ (15 ft\(^2\) per bather)
   b. Deep area bathing load. Bather load = (surface area of water) ÷ (25 ft\(^2\) per bather)

2. Spas. A sign with clearly legible letters not less than four (4) inches high shall be posted in a conspicuous place within the spa enclosure or near the main entrance that shall indicate the number of bathers permitted for each spa. Spa user capacity shall be determined according to the following equation:

   a. Spa bathing load. Bathing load = (surface area of water) ÷ (10 ft\(^2\) per bather)

C. Warning Signs. Where no lifeguard service is provided, the warning sign shall be placed in plain view and should state with clearly legible at least four (4) inches high letters

   WARNING--NO LIFEGUARD ON DUTY

   In addition, the sign shall also state:

   Children Under the Age of 18 Should Not Use Pool

   Without an Adult in Attendance

1. Where the water depth is less than five (5) feet (shallow pool), a warning sign shall be posted in plain view and state "NO DIVING ALLOWED" with clearly legible letters at least four (4) inches high.

2. A sign posted in a conspicuous place shall state "Notify the manager or operator on duty if the main drain is not visible".

3. A sign posted in a conspicuous place shall state:

   To register a complaint about the condition of this pool,
   contact St. Charles County at (636) 949-1800.

(Ord. No. 07-110 §1, 8-14-07)

SECTION 233.441: EMERGENCY TELEPHONE

Emergency Telephone And Emergency Contact List. A telephone shall be accessible during all hours of operation in the vicinity of a public water recreation facility or within a three hundred (300) foot walking distance from an entrance to swimming facility enclosure. At a multi-level facility, the emergency telephone shall be located within three (3) levels of the level on which the swimming facility is located. The telephone numbers of the local Police, Fire Department, physician, ambulance service and a hospital or "911", where applicable, shall be posted in a conspicuous place near the telephone. The name, address and telephone number of the swimming pool facility shall be listed by the telephone. The location of the emergency telephone shall be posted in the swimming pool facility unless the telephone is located in the pool area. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.442: SEASONAL OPERATION REQUIREMENTS

Seasonal closing of the pool shall be allowed when all of the following exist:

1. A sign is posted that the pool/spa is closed;
2. The gates are locked shut; and
3. The department is notified in writing of any such closure. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.450: ROOF DRAIN WATER

Rainwater draining from any structure must be diverted away from the swimming pool and pool deck to a suitable point of disposal. (Ord. No. 07-110 §1, 8-14-07)

ARTICLE IV. WATER CIRCULATION, DISINFECTION AND CHEMICAL CONDITIONING

SECTION 233.460: WATER CIRCULATION SYSTEM

A. A public or semi-public swimming pool or spa shall have a water circulation system that provides complete circulation of water through all parts of the swimming pool or spa and can maintain water chemistry and water clarity requirements.

B. The water circulation system for a public or semi-public swimming pool shall provide a minimum of four (4) turnovers of the pool

D. Water circulation system components shall be accessible for inspection, repair or replacement.

E. Water withdrawn from a public or semi-public aquatic center shall not be returned unless it has been filtered and adequately disinfected except that water may be withdrawn from a swimming pool for water slide(s), water feature(s) or a water fountain(s) without being filtered or disinfected as approved on a case-by-case basis by the department.

F. In an aquatic center with more than one (1) swimming pool or where there is a combination of swimming pools and spas, each swimming pool and spa shall have a separate water circulation system.

G. Hydrotherapy jets or other devices which create roiling water or similar effects in a spa shall not be connected to the water circulation system, but shall be operated through a separate system. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.470: DISINFECTION AGENTS

Effective water disinfection shall be provided and maintained in all aquatic centers. This shall be accomplished by chlorination or other approved methods which will effectively maintain an adequate amount of the disinfectant introduced into the water which is subject to field testing by methods that are easy to use and accurate. Timers on disinfection equipment are prohibited. The addition of dry or liquid disinfectant directly into a public or semi-public aquatic unit for routine disinfection is prohibited. This prohibition does not prohibit the use of liquid or dry disinfectants for shock treatment of a swimming pool or spa. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.480: GASEOUS DISINFECTANTS

When gaseous chlorine is used, the following additional features shall be provided:

1. The chlorinator, chlorine cylinders and associated chlorination equipment shall be located in a separate well-ventilated enclosure at or above ground level. The enclosure shall be reasonably gastight, non-combustible and corrosion-resistant. The door of the enclosure shall open to the outside and shall not open directly toward the swimming pool.

2. If chlorination equipment is placed in a room, then an exhaust fan or gravity ventilation system shall be provided. Mechanical exhausters shall take suction six (6) inches or less above the floor and discharge through corrosion-resistant louvers to a safe outside location. A gravity ventilation system shall be designed and constructed to discharge to the outside from floor level. Fresh air intakes shall be located no closer than three (3) feet above the ventilation discharge. Chlorine room exhausts shall be directed away from the swimming pool to an area which is normally unoccupied. Chlorine room fans shall be capable of completely changing the air in the room at least once per minute.

3. Electrical switches to control lighting and ventilation in the chlorine room shall be located on the outside of the enclosure and adjacent to the door.

4. Chlorine cylinders shall be kept in an upright position and securely anchored to prevent them from falling. Chlorine cylinders may be stored indoors or outside. If stored outside, chlorine cylinders shall not be stored in direct sunlight. Chlorine cylinders shall not be stored near an elevator, ventilation system or heat source.

5. A warning sign shall be placed on the outside of the door to the chlorine room, which cautions persons of the danger of chlorine gas within the enclosure. The warning shall be in letters three (3) inches high or larger. The door to the chlorine room shall be provided with a shatter-resistant inspection window.

6. Chlorinators shall be a solution-feed type, capable of delivering chlorine at its maximum rate without releasing chlorine gas to the atmosphere. Chlorinators shall be designed to prevent the backflow of water into the chlorine solution container.

7. Facilities that provide chlorine containment and chlorine scrubber units approved by the local regulatory agency are considered in compliance with Subsections (1) and (2) of Section 233.480.

8. A common chlorine gas disinfection system may be utilized in separate swimming pools if separate metering and feeding devices are provided for each swimming pool.

9. The addition of gaseous disinfectant directly into a public or semi-public swimming pool is prohibited. A chlorine gas disinfection system shall not be used for the disinfection of water in a public or semi-public spa. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.490: LIQUID DISINFECTANTS

Hypochlorite solutions shall be fed by an acceptable type of hypochlorinator. (Ord. No. 07-110 §1, 8-14-07)
SECTION 233.500: RESERVED

SECTION 233.510: DRY DISINFECTANTS
Granular, tablet, stick and other forms of dry disinfectant shall be fed by an adjustable automatic feeding device. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.515: DISINFECTION EQUIPMENT
Disinfection equipment and chemical feeders shall comply with the requirements set forth in American National Standards Institute/NSF International Standard 50 "Circulation System Components and Related Materials for Swimming Pools, Spas/Hot Tubs", NSF International. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.520: CHEMICAL FEEDERS
Chemical feeders, mixing tanks and other equipment may be required where the continuous addition of certain chemicals is deemed by the department to be necessary for the treatment and filtration process.
1. An adjustable automatic chemical feeder shall be provided to ensure the continuous disinfection of the water in a public or semi-public aquatic center. Timers on disinfection equipment are prohibited. Disinfection shall be accomplished by chlorination or by other methods that are approved by the department. The method of disinfection shall effectively maintain an adequate disinfectant residual in the water which is subject to field testing by other methods that are easy to use and accurate.
   a. Chlorine disinfection equipment for a public or semi-public swimming pool shall be designed to maintain a free chlorine residual of one (1.0) PPM to five (5.0) PPM. Chlorine disinfection equipment for a public or semi-public spa shall be designed to maintain a free chlorine residual of two (2.0) PPM to ten (10.0) PPM.
   b. Bromine disinfection equipment for a public or semi-public swimming pool shall be designed to maintain a bromine residual of two (2.0) PPM to ten (10.0) PPM. Bromine disinfection equipment for a public or semi-public spa shall be designed to maintain a bromine residual of two (2.0) PPM to ten (10.0) PPM.
2. The use of chlorinated isocyanurates or cyanuric acid stabilizer for disinfection and stabilization is permitted. If used, chlorinated isocyanurates shall be fed so as to maintain required disinfectant residual levels. Cyanuric acid levels, whether from chlorinated isocyanurates or from the separate addition of cyanuric acid stabilizer, shall not exceed one hundred (100) PPM.
3. The use of chloramines as a primary disinfectant of swimming pool or spa water is prohibited.
4. Metering and feeding devices should be provided for each swimming pool.
6. If a chemical feeder is used, it shall be installed to inject solution downstream from the filter and the heater. An erosion-type feeder may be installed to feed solution to the suction side of the pump. A chemical feeder shall be installed so it cannot operate unless the filter pump is running. (Ord. No. 07-110 §1, 8-14-07)

ARTICLE V. BATHHOUSE AND DRESSING ROOM FACILITIES

SECTION 233.525: AQUATIC CENTERS TO COMPLY WITH CERTAIN PROVISIONS
The regulations in this Article shall apply to all aquatic centers. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.530: FOR ALL AQUATIC CENTERS
A. The general layout of bathhouses shall be such that bathers leaving the dressing room pass the toilets and showers in sequence before entering the pool.
B. Separate dressing rooms shall be provided for each sex and equipped with baskets or other checking facilities adequate for the maximum number of people to be accommodated.
C. All entrances to and exits from the dressing rooms shall be effectively screened to interrupt the line of sight of persons outside the dressing rooms.
D. Walls and partitions of dressing rooms, locker rooms, toilets and showers shall be light colored, smooth, non-absorbent and easily cleanable. Concrete or pumice blocks used for interior wall construction in these locations shall be finished and sealed to provide an easily cleanable surface. Partitions shall be designed so that a waterway is provided between partitions and the floor to permit thorough cleaning of the walls and floor areas with hoses and brooms.
E. Floors shall be of non-slip construction, free of open cracks and sloped to adequate drains so that the surface will be free of standing water and puddles. Floors shall be sloped not less than one-fourth (¼) inch per one (1) foot toward the drains to ensure positive drainage. Carpeting is prohibited.

F. All furniture shall be of simple character and easily cleanable. Locker compartments, partitions, booths, furniture and other appurtenances to dressing rooms shall be so installed or raised above the floor to permit thorough cleaning and flushing down the dressing rooms and bathhouse interior.

G. An adequate number of hose bibbs shall be provided for flushing down the dressing rooms and bathhouse interior. Hose bibbs shall be provided in the bathhouse so that all parts of the floor and walls may be reached with a fifty (50) foot hose. Hose bibbs shall be protected against back siphonage with an atmospheric vacuum breaker. The department may approve quick disconnect style hose bibbs.

H. Dressing rooms, toilets and showers shall be provided with adequate lighting and ventilation. Toilet facilities shall be provided for each sex in accordance with the table below:

<table>
<thead>
<tr>
<th></th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 toilet and 1 urinal shall be provided for each 100 bathers or fraction thereof.</td>
<td>a) 1 toilet shall be provided for each 50 bathers or fraction thereof, but in no case shall be less than 2 toilets provided.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>b) Sanitary napkin dispensers and a covered waste receptacle shall be installed in toilet or shower areas designed for female users.</td>
</tr>
</tbody>
</table>

I. Shower and handwashing facilities with hot and cold water and soap shall be provided for each sex in accordance with the table below. Tempered water only shall be provided at all showerheads. The water heater and thermostatic mixing valve shall be inaccessible to bathers and shall be capable of providing two (2) gallons per minute of ninety degrees Fahrenheit (90°F) water to each showerhead. The shower and handwashing facilities shall be provided for each sex in accordance with the table below:

<table>
<thead>
<tr>
<th></th>
<th>Shower</th>
<th>Lavatory</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>a) 1 lavatory with unbreakable mirror for each 100 bathers or fraction thereof.</td>
<td>a) 1 lavatory with unbreakable mirror for each 100 bathers or fraction thereof.</td>
</tr>
<tr>
<td></td>
<td>b) A minimum of 2 showerheads shall be provided in each dressing room.</td>
<td>b) An additional 1 lavatory and unbreakable mirror shall be provided for each additional 100 users or fraction thereof.</td>
</tr>
<tr>
<td></td>
<td>c) Soap dispensers for providing either liquid or powdered soap shall be provided at each lavatory.</td>
<td>c) Soap dispensers for providing either liquid or powdered soap shall be provided at each lavatory.</td>
</tr>
<tr>
<td></td>
<td>d) Soap dispensers shall be made of metal or plastic with no glass permitted.</td>
<td>d) Soap dispensers shall be made of metal or plastic with no glass permitted.</td>
</tr>
</tbody>
</table>

J. Drinking water from an approved source and dispensed through one (1) or more drinking fountains shall be located on the deck of each public swimming pool or spa.

K. An establishment that operates a semi-public aquatic center and provides a private room with a toilet and lavatory, soap and hand-drying device for bathers shall be in compliance with the requirements of this Section. (Ord. No. 07-110 §1, 8-14-07)

ARTICLE VI. PUBLIC SWIMMING POOLS

SECTION 233.535: PUBLIC SWIMMING POOLS TO COMPLY WITH CERTAIN PROVISIONS

In addition to complying with all the regulations in Articles I, II, III, IV and V of this Chapter, public swimming pools shall comply with the following Sections. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.540: DESIGN STANDARDS AND SPECIFICATIONS

A. Public pools shall be constructed of concrete or other material impervious to water, which is equivalent in strength and durability, with a smooth, slip-resistant surface and designed and built to withstand the anticipated stresses. All corners must be rounded. A white pastel or other light colored waterproof interior finish, which will withstand repeated brushing, scrubbing and cleaning, shall completely line the pool to the coping. Pool linings not totally bonded to the pool sides and bottom, such as plastic films and similar linings and finishes, are prohibited.

B. A pool shall have no projections, protrusions, extensions, means of entanglement or other obstructions that may cause entrapment of or injury to the user from the pool wall and floor surfaces. This does not include seats, steps, which may be constructed only in the shallow end of the pool and ladders which may be constructed in the deep area(s) of the pool. The seat, bench and step edges shall be outlined with a sharply contrasting colored tile or other suitable material which is clearly visible from the edge of the pool adjacent to the steps. This Subsection does not prohibit water features such as slides, water play equipment or water volleyball and basketball nets.

256
C. An underwater seat or bench shall:
   1. Have edges that are outlined with a sharply contrasting colored tile or other material that is clearly visible from the deck adjacent to the underwater seat or bench;
   2. Have a slip-resistant surface;
   3. Be located outside of the deep area of a swimming pool;
   4. Have a maximum depth of twenty-four (24) inches below the water line and a minimum depth of twelve (12) inches below the water line; and
   5. Have a maximum width of twenty (20) inches.

D. Water Depth And Depth Markers.
   1. Water depth shall be conspicuously and permanently marked on the walls of the pool and on the top of the coping or the edge of the deck next to the swimming pool;
   2. Depth markers on a vertical wall shall be positioned to be read from the waterside;
   3. Depth markers that are located on a deck shall be made of slip-resistant materials;
   4. Depth markers for a public or semi-public swimming pool shall be installed at points of maximum and minimum water depth and at all points of slope change;
   5. Markings are required at one (1) foot depth intervals to a depth of five (5) feet, thereafter, depth markers shall be installed at two (2) foot depth intervals;
   6. Depth markers shall not be spaced at distances greater than twenty-five (25) feet;
   7. Depth markers shall be located on both sides and at both ends of a public or semi-public swimming pool; and
   8. Depth markers shall be in Arabic numerals with a four (4) inch minimum height. Arabic numerals shall be of contrasting color to the background.
   9. In pools utilized for competitive swimming and training, approach-warning markings must be installed under the water level on opposite walls at the end of each swimming lane in the pool. Warning markings must be of uniform color and size on a background of contrasting uniform color. In addition, they must be clearly visible in or out of the water at all times from a distance of not less than ten (10) feet.
   10. The shallow area of a public swimming pool shall be visually set apart from the deep area of the pool by a rope and float line.
   11. The depth in the shallow portion of a pool shall not be greater than three (3) feet. For a public swimming pool with a minimum depth less than twenty-four (24) inches:
       a. Additional circulation requirements shall be required to ensure proper water quality standards.
       b. Additional sign requirements shall be required to alert aquatic center users of the shallow depth.

E. For the purposes of Chapter 233, that portion of a swimming pool five (5) feet or less in depth shall be designated as the "non-swimmer" area. That part of the pool deeper than five (5) feet shall be designated as the "swimming" area. In designing pools and computing the maximum bathing load for a public or semi-public swimming pool, areas shall be proportioned as follows:
   1. Fifteen (15) square feet of pool surface area per bather shall be provided in the "non-swimmer" area.
   2. Twenty-five (25) square feet of pool surface area shall be provided for each swimmer in the "swimming" area.
   3. Three hundred (300) square feet of pool surface area shall be reserved around each diving board or diving platform. This reserved area shall not be included in determining the "swimming" area.

F. The maximum bathing load for a public or semi-public aquatic center shall not be exceeded.

G. The maximum bathing load for a public swimming pool shall be limited by the number of users for the toilets, showers, lavatories that are provided in the bathhouses or dressing rooms prescribed in Article V of this code.

H. The maximum bathing load for a public or semi-public spa shall not exceed the area of the spa in square feet divided by ten (10) square feet.

I. The maximum bathing load for a public or semi-public swimming pool or spa shall be posted in the pool enclosure. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.550: OVERFLOW COLLECTION SYSTEMS

An overflow collection system shall be installed in all public pools.

1. The overflow system shall be designed and constructed so that the level of the pool is maintained at the mid-point of the operating range of the skimmers.
2. Rim type overflow systems, where used, shall be installed on at least two (2) opposite sides and have a total length of at least
St. Charles County -- QuickCode

fifty percent (50%) of the perimeter of the pool. The system shall be capable of carrying fifty percent (50%) of the design capacity of the recirculating system. The surge tank shall be equipped with float controls regulating the main drain, fill line and overflow. It shall have a capacity in gallons equal to the surface area of the pool measured in square feet. The surge tank may be incorporated into the gutter.

3. Overflow gutters, where used, shall be installed continuously around pools with the lip of the gutter level throughout its perimeter. They shall be provided with sufficient opening at the top and width at the bottom to permit easy cleaning. The gutter bottom shall be pitched one-quarter (¼) inch per foot to drainage outlets located at intervals as approved by the department. Outlet piping shall be sized to circulate at least fifty percent (50%) of the capacity of the circulating system and have a properly installed approved cover. The surge tank shall be equipped with float controls regulating the main drain, fill line and overflow. It shall have a capacity in gallons equal to the surface area of the pool measured in square feet. Stainless steel gutters and other specialty gutter systems may be used if they are hydraulically equivalent to overflow gutters.

4. Skimming devices, where used, shall be recessed into the pool wall and shall be installed to achieve effective skimming action throughout the pool. Skimmers shall be provided on a basis of at least one (1) skimmer for each four hundred (400) square feet of surface area. The overflow slot shall be set level and shall not be less than eight (8) inches in width at the narrowest section. The rate of flow through the skimmers shall be a minimum of seventy-five percent (75%) of the recirculating system capacity. Skimmers shall be designed to carry at least thirty (30) GPM per linear foot of weir throat. A minimum of two (2) skimmers shall be installed in swimming pools. Where three (3) or more surface skimmers are used, they must be on a closed loop piping system. At least one (1) surface skimmer shall be located on the side or near the corner of the swimming pool that is downwind of the area's prevailing winds. Main drain piping shall be designed to carry at least fifty percent (50%) of the design flow.

5. Mixed inlet types, such as skimmers and gutters, are prohibited on the same body of water. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.560: LADDERS, STEPS AND RECESS TREADS

At least one (1) set of steps shall be provided in the shallow end of each swimming pool. Where the deep section is greater than twenty (20) feet in width, two (2) ladders, located on opposite sides of the deep section, are required. A minimum of two (2) means of egress will be required in all pools. There shall be at least one (1) ladder or stair for each seventy-five (75) feet of perimeter. Performed step holes and suitable handrails may be substituted for ladders. At least one (1) set of steps shall be provided in the shallow end of each swimming pool.

1. Steps must be permanently marked so as to be clearly visible from above or below the pool surface and shall not project into the pool in a manner which will create a hazard. Steps may be constructed only in the shallow area of a public or semi-public swimming pool. All tread surfaces on steps shall have slip-resistant surfaces. Step treads shall have a minimum unobstructed horizontal depth of ten (10) inches. Risers shall have a maximum uniform height of twelve (12) inches, with the bottom riser height allowed to vary plus or minus two (±2) inches from the uniform riser height. The location of stairs, ladders and recessed treads shall not interfere with racing lanes. A set of steps shall be provided in a public or semi-public spa. Handrails shall be provided at one (1) side or in the center of all stairways. Handrails shall be installed in such a way that they can be removed only with tools. A beach entry may be substituted for steps in the shallow end of the pool.

2. A swimming pool ladder shall be equipped with two (2) handrails. All treads on ladders shall have slip-resistant surfaces. Ladder treads shall have a minimum horizontal depth of one and one-half (1½) inches. The distance between ladder treads shall range from a minimum of seven (7) inches to a maximum of twelve (12) inches. Below the water line, there shall be a clearance of not more than six (6) inches and not less than three (3) inches between any ladders tread edge and the wall as measured from the side of the tread closest to the wall.

3. Recessed treads with handrails may be substituted for ladders. Recessed treads shall be preformed, readily cleanable and designed to drain into the swimming pool or spa to prevent the accumulation of dirt in the recessed treads. Each set of recessed treads shall be equipped with two (2) handrails. All recessed treads shall have slip-resistant surfaces. The vertical distance between the swimming pool or spa coping edge or deck and the uppermost recessed tread shall be a maximum of twelve (12) inches. Recessed treads at the centerline shall have a uniform vertical spacing of twelve (12) inches maximum and seven (7) inches minimum. Recessed treads shall be at least five (5) inches deep and twelve (12) inches wide. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.570: LIGHTING

It is the responsibility of the owner to insure that a public or semi-public aquatic center and adjacent deck areas shall be lighted by natural or artificial means when in use. A public or semi-public aquatic center that is intended to be used at night shall be equipped with artificial lighting that is designed and spaced so that all parts of the swimming pool or spa, including the bottom, may be seen without glare. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.580: HOSE BIBBS

Hose bibb(s) shall be provided along the perimeter of the deck so that all parts of the deck may be washed down. At a minimum, each hose bibb shall be protected against backspillage with an atmospheric vacuum breaker. The department may approve quick-disconnect-style hose bibb(s). (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.590: DIVING FACILITIES

258
A. The dimensions of a diving area in a public or semi-public swimming pool shall comply with minimum requirements for length, width, depth, area and other dimensions specified in Appendix A or Appendix B. The diving well profile in Appendix A does not apply to a special use pool that is intended for competitive diving and has been approved by the department pursuant to Article X of this code.

B. Diving equipment shall be permanently anchored to the swimming pool deck. Equipment shall be rigidly constructed with sufficient bracing to insure stability. Supports, platforms, steps and ladders for diving equipment shall be designed to carry anticipated loads.

C. All diving stands higher than twenty-one (21) inches, measured from the deck to the top of the board, shall be provided with stairs or a ladder.

D. Diving equipment shall have a durable finish. The surface finish shall be free of tears, splinters or cracks that may be a hazard to users.

E. Steps and ladders leading to diving boards and diving platforms shall be of corrosion-resisting materials and shall have slip-resistant tread surfaces. Step treads shall be self-draining.

F. Diving boards, diving platforms and starting blocks shall have slip-resistant tread surfaces.

G. Handrails shall be provided at all steps and ladders leading to diving boards that are one (1) meter or more above the water.

H. Diving boards and diving platforms that are one (1) meter or higher shall be protected with guardrails. Guardrails shall be at least thirty (30) inches above the diving board or diving platform and shall extend to the edge of the swimming pool wall.

I. A label shall be permanently affixed to a diving board and shall include the following:
   1. Manufacturer's name and address;
   2. Board length; and
   3. Fulcrum setting instructions.

J. The maximum diving board height over the water is three (3) meters. The maximum height of a diving platform over the water is ten (10) meters.

K. Starting blocks shall be located in the deep end of a public swimming pool or where the depth of the water is at least five (5) feet and should ideally be at eight (8) feet.

L. There shall be a completely unobstructed clear vertical distance of thirteen (13) feet above any diving board measured from the center of the front end of the board. This clear, unobstructed vertical space shall extend horizontally at least eight (8) feet behind, eight (8) feet to each side and sixteen (16) feet ahead of the front end of the board. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.600: LIFEGUARDS

A. At all public pools at least one (1) lifeguard shall be on duty for each two thousand (2,000) square feet of pool surface area or one hundred fifty (150) bathers or as approved by the department.

B. Lifeguards shall be in constant attendance during bathing hours and no bathers shall be permitted in a pool area unless lifeguards are present. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.610: LIFEGUARD CHAIRS

Each public pool shall have at least one (1) elevated lifeguard chair for each two thousand (2,000) square feet of pool surface area or one hundred fifty (150) bathers. The chairs must be located close to the deeper portion of the pool and provide a clear, unobstructed view of the pool bottom. If a public swimming pool is provided with more than one (1) lifeguard chair or the width of the public swimming pool is forty-five (45) feet or more, then lifeguard chairs shall be located on each side of the public swimming pool. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.620: LIFE SAVING AND SAFETY EQUIPMENT

When present, all lifeguards shall have the safety equipment required by the agency that issues their lifeguarding credentials. Public swimming pools shall have lifesaving and safety equipment that is conspicuously and conveniently located and maintained ready for immediate use at all times. An inventory of lifesaving and safety equipment used at a public aquatic center by lifeguards shall be filed with the department. (Ord. No. 07-110 §1, 8-14-07; Ord. No. 08-038 §2, 4-4-08)

SECTION 233.630: DRINKING WATER SUPPLY

Drinking water from an approved source and dispensed through one (1) or more approved sanitary drinking fountains shall be located on the deck of each public pool or spa. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.640: FENCING

All public pools, spas and walkways adjacent to such pools shall be enclosed by a durable fence or wall at least six (6) feet high to
provide bather control while the pool is in operation and to prohibit any person from using the pool except when a lifeguard is on duty. The height of the fence, wall or barrier shall be measured on the side of the barrier which faces away from the swimming pool or spa. Fences, walls or artificial barriers shall:

1. Be constructed so as to afford no external handholds or footholds;
2. Be of materials, which are impenetrable by small children, dogs, livestock, etc.;
3. Be a minimum of six (6) foot high above the highest practical foothold, curb or (in the case of a combination fence) the base wall;
4. Have openings or spacings of such size that a spherical object four (4) inches in diameter cannot pass through; and
5. Be equipped with a gate that opens outward from the swimming pool or spa, with a self-closing and positive self-latching closure mechanism or a locking closure located at or near the top of the gate and at least fifty-four (54) inches above the floor.

6. The distance between the horizontal components of a fence shall not be less than forty-five (45) inches apart. The horizontal members shall be located on the interior side of the fence. Spacing or openings between vertical members shall be of a size that a spherical object four (4) inches in diameter cannot pass through.

7. The maximum mesh size for a wire mesh or chain link fence shall be one and one-fourth (1.25) inches by one and one-fourth (1.25) inches (maximum opening area size equals one and fifty-six hundredths (1.56) square inches). The maximum opening formed by the composed diagonal members shall be no more than one and three-fourths (1.75) inches.

8. Masonry or stone walls shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

9. If a wall of a building serves as part of the barrier around a public or semi-public swimming pool or spa, there shall be no direct access to the swimming pool or spa through the wall except as follows:
   a. Windows leading to the swimming pool or spa area shall be equipped with a screwed-in-place wire mesh screen or a keyed lock that prevents opening the window more than four (4) inches.
   b. A hinged door leading to the swimming pool or spa area shall be self-closing and shall have a positive self-latching device. The release mechanism of the positive self-latching device shall be located at least fifty-four (54) inches above the floor.
   c. If an additional set of doors is required by the fire code allowing access to the swimming pool or spa, they shall be self-closing and self-latching, equipped with panic bars no less than fifty-four (54) inches from the floor to the bottom of the bar and designated "for emergency use only".
   d. Sliding doors leading to the swimming pool or spa area are prohibited except for sliding doors that are self-closing and self-latching.

10. If a barrier is composed of a combination concrete masonry unit and wrought iron, the wrought iron portion shall be installed flush with the outside vertical surface of the concrete masonry unit. The space between the wrought iron and the concrete masonry unit shall be one-half (½) inch or less. The vertical members of the wrought iron shall be spaced four (4) inches on center.

11. An area clear of any type of footholds which could be used to assist in scaling the barrier must be maintained for a minimum of three (3) feet outside the barrier and so that the effective height of the barrier is maintained.

12. In addition, the mechanical filtering, disinfection and recirculating equipment must be protected from tampering by a suitable enclosure or fence. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.650: LIFE LINE

A life line shall be installed across each public swimming pool at the point where the floor slope begins to exceed one (1) foot in ten (10) feet whenever the pool is open for use by the general public. The lifeline shall be three-fourths (¾) inch minimum diameter and supported by floats spaced at intervals not greater than seven (7) feet. The rope and float line shall be securely fastened to wall anchors that are made of corrosion-resistant materials. The wall anchors shall be recessed or have no projection that constitutes a hazard when the float line is removed. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.655: WASTEWATER DISPOSAL

Pool wastewater shall be discharged through an air gap; disposal shall be to sanitary sewers, storm sewers, drainfields or by other means in accordance with local municipal and building official requirements including obtaining all necessary permits. Each waste line shall have a unique air gap. Waste lines from different sources (e.g., pool, spa, overfill, sump pump) shall not be tied together, but may discharge into a common sump or receptacle after the air gap. There shall be no direct physical connection between the sewer system and any drain from the pool or recirculation system. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.658: MISCELLANEOUS

A. Walkways shall be provided adjacent to the pool and shall:
   1. Be at least ten (10) feet wide, continuous and unobstructed except that where diving boards and platforms are installed, the walkway shall extend at least five (5) feet to each side and behind the board or platform but not less than fifteen (15) feet from the pool wall;
   2. Slope away from the pool with a pitch of at least one-fourth (¼) inch per one (1) foot to properly located deck drains or other approved points of disposal;
   3. Be constructed of concrete or other inorganic material, with a slip-resistant, easily cleanable finish, free of sharp or jagged edges or surfaces;
   4. Be designed to conform to the dimensions shown in Appendix A, as applicable;
   5. Have valves that are installed, in or under any deck, to provide a minimum ten (10) inch diameter access cover and a valve pit to facilitate the repair and maintenance of the valve;
6. Have joints in decks that are provided to minimize the potential for cracks due to changes in elevations or movement of the slab. The maximum voids between adjoining concrete slabs or between concrete slabs and expansion joint material shall be three-sixteenths (3/16) inch of horizontal clearance with a maximum difference in vertical elevation of one-fourth (¼) inch. Areas where the deck joins concrete shall be protected by expansion joints to protect the swimming pool or spa from the pressures of relative movements. Construction joints where pool or spa coping meets the deck shall be watertight and shall not allow water to pass through to the underlying ground;

7. Have decks that are sloped to effectively drain either to perimeter areas or to deck drains. Drainage shall remove splash water, deck cleaning water and rainwater without leaving standing water. The minimum slope of the deck shall be one-fourth (¼) inch per one (1) foot. The maximum slope of the deck shall be one (1) inch per one (1) foot, except for ramps;

8. Provide site drainage to direct all perimeter deck drainage and general site and roof drainage away from a public or semi-public swimming pool or spa. Yard drains may be required to prevent the accumulation or puddling of water in the general area of the deck and related improvements; and

9. Have a coping or cantilevered deck that may project from a swimming pool or spa wall to provide a handhold for users. The coping or deck shall be rounded, have a slip-resistant surface finish and shall not exceed three and one-half (3½) inches in thickness. The overhang of the coping or deck shall not exceed two (2) inches or be less than one (1) inch.

B. Freeboard shall not exceed eight (8) inches. (Ord. No. 07-110 §1, 8-14-07)

ARTICLE VII. SEMI-PUBLIC SWIMMING POOLS

SECTION 233.659: SEMI-PUBLIC SWIMMING POOLS TO COMPLY WITH CERTAIN PROVISIONS

In addition to complying with all the regulations in Articles I, II, III, IV, V and VI of this Chapter, semi-public swimming pools shall comply with the following Sections. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.660: LIFE SAVING AND SAFETY EQUIPMENT -- SEMI-PUBLIC

Life saving and safety equipment consisting of at least one (1) Coast Guard approved ring buoy with fifty (50) feet of one-fourth (¼) inch rope attached and one (1) shepherd's crook mounted on a rigid sixteen (16) foot pole shall be provided at each semi-public pool. Semi-public swimming pools shall have life saving and safety equipment that is conspicuously and conveniently located and maintained ready for immediate use at each pool at all times. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.670: FENCING -- SEMI-PUBLIC

A. Semi-public aquatic centers shall be protected by a fence, wall or other approved barrier at least six (6) feet high from all parts of the premises not directly related to the swimming pool, spa or aquatic unit. The height of the fence, wall or barrier shall be measured on the side of the barrier that faces away from the swimming pool or spa. An area clear of any type of footholds, which could be used to assist in scaling the barrier, must be maintained for a minimum of three (3) feet outside the barrier so that the effective height of the barrier is maintained. Fences, walls or artificial barriers shall:

1. Be constructed so as to afford no external handholds or footholds;

2. Be of materials, which are impenetrable by small children, dogs, livestock, etc.;

3. Have openings or spacing of such size that a spherical object four (4) inches in diameter cannot pass through;

4. Be equipped with a gate that opens outward from the swimming pool or spa, with a self-closing and positive self-latching closure mechanism at least fifty-four (54) inches above the floor;

5. The distance between the horizontal components of a fence shall not be less than forty-five (45) inches apart. The horizontal members shall be located on the interior side of the fence;

6. The maximum mesh size for a wire mesh or chain link fence shall be one and one-fourth (1.25) inches by one and one-fourth (1.25) inches (maximum opening area size equals one and fifty-six hundredths (1.56) square inches). The maximum opening formed by the composed diagonal members shall be no more than one and three-fourths (1.75) inches.

7. Masonry or stone walls shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints;

8. If a wall of a building serves as part of the barrier around a semi-public swimming pool or spa, there shall be no direct access to the swimming pool or spa through the wall except as follows:

a. Windows leading to the swimming pool or spa area shall be locked, preventing opening the window more than four (4) inches;

b. A hinged door leading to the swimming pool or spa area shall open outward from the swimming pool or spa, be self-closing and shall have a positive self-latching mechanism device. The release mechanism of the self-latching device shall be located at least fifty-four (54) inches above the floor;
c. If an additional set of doors is required by the fire code allowing access to the swimming pool or spa area, they shall be self-closing and positive self-latching, equipped with panic bars no less than fifty-four (54) inches from the floor to the bottom of the bar or equipped with non-disarmable alarms if fire codes require panic bar heights lower than fifty-four (54) inches and designated “for emergency use only”;

d. Sliding doors leading to the swimming pool or spa area are prohibited except for sliding doors that are self-closing and self-latching with the release mechanism of the self-latching device located at least fifty-four (54) inches above the floor.

9. If a barrier is composed of a combination concrete masonry unit and wrought iron, the wrought iron portion shall be installed flush with the outside vertical surface of the concrete masonry unit. The space between the wrought iron and the concrete masonry unit shall be one-half (½) inch or less. The vertical members of the wrought iron shall be spaced four (4) inches on center.

B. The pool enclosure shall not serve as or function as all or part of a residential fence.

C. In addition, the mechanical filtering, disinfection and recirculation equipment must be protected from tampering by an enclosure or fence as described in Section 233.670(A). A locked closure can be provided in lieu of a self-closing and positive self-latching closure. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.680: WALKWAYS

A. Walkways shall be provided immediately adjacent to semi-public pools. Walkways shall be continuous, unobstructed and at least four (4) feet wide. Where diving boards and platforms are installed, the walkway shall extend at least four (4) feet to each side and behind the board or platform.

B. Walkways shall slope away from the pool with a pitch of at least one-fourth (¼) inch per foot to properly located deck drains or other approved points of disposal.

C. Walkways shall be constructed of concrete or other inorganic material, with a slip-resistant, easily cleanable finish, free of sharp or jagged edges or surfaces.

D. Design of walkways shall conform to the dimensions shown in Appendix A, as applicable.

E. Any valve that is installed in or under any deck shall provide a minimum ten (10) inch diameter access cover and a valve pit to facilitate the repair and maintenance of the valve.

F. Joints in decks shall be provided to minimize the potential for cracks due to changes in elevations or movement of the slab. The maximum voids between adjoining concrete slabs or between concrete slabs and expansion joint material shall be three-sixteenths (3/16) inch of horizontal clearance with a maximum difference in vertical elevation of one-fourth (¼) inch. Areas where the deck joins concrete shall be protected by expansion joints to protect the swimming pool or spa from the pressures of relative movements. Construction joints where pool or spa coping meets the deck shall be watertight and shall not allow water to pass through to the underlying ground.

G. Decks shall be sloped to effectively drain either to perimeter areas or to deck drains. Drainage shall remove splash water, deck cleaning water and rainwater without leaving standing water. The minimum slope of the deck shall be one-fourth (¼) inch per one (1) foot. The maximum slope of the deck shall be one (1) inch per one (1) foot, except for ramps.

H. Site drainage shall be provided to direct all perimeter deck drainage and general site and roof drainage away from a public or semi-public swimming pool or spa. Yard drains may be required to prevent the accumulation or puddling of water in the general area of the deck and related improvements. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.690: FLOOR SLOPE

In water less than five (5) feet in depth, the slope shall not exceed one (1) foot in ten (10) feet. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.700: BATHHOUSES AND DRESSING ROOM FACILITIES

A bathroom with a minimum of one (1) toilet shall be provided for each sex. Each bathroom shall have at least one (1) lavatory. Soap dispensers for providing either liquid or powdered soap shall be provided at each lavatory. Soap dispensers shall be made of metal or plastic with no glass permitted. Establishments operating semi-public pools that provide clean and sanitary private rooms, including toilet, body washing and drinking water for all bathers shall be deemed to have complied with Section 233.530. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.710: DEPTH

The depth in the shallow portion of a semi-public pool shall not be greater than three (3) feet. For a semi-public swimming pool with a minimum depth less than twenty-four (24) inches:

1. Additional circulation requirements shall be required to ensure proper water quality standards.

2. Additional sign requirements shall be required to alert aquatic center users of the shallow depth. (Ord. No. 07-110 §1, 8-14-07)
SECTION 233.720: FREEBOARD

Freeboard shall not exceed eight (8) inches, except freeboard may be increased in those cases where it is desired to provide walls, terraces, etc., provided that the following are complied with:

1. Guardrails or other similar devices must be provided to prevent the raised areas' use as a diving platform;
2. The vertical surface of these sections must be constructed of sound durable inorganic material, rigid, smooth and easily cleanable;
3. The horizontal surfaces must comply with the provisions for walkways;
4. The vertical surface area of these sections will be included as surface area of the pool for determining the type, size, location and numbers of equipment and piping; and
5. The length and height of the section where freeboard is increased shall be limited. The department will review each case as unique, and consideration will be given to factors of safety, exit distance, alternative exits, location and water depth. (Ord. No. 07-110 §1, 8-14-07)

ARTICLE VIII. WADING POOLS

SECTION 233.725: WADING POOLS TO COMPLY WITH CERTAIN PROVISIONS

In addition to complying with all the Sections in Articles I, II, III, IV, V, VI and VII of this Chapter, wading pools shall comply with the following Sections. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.730: PUBLIC AND SEMI-PUBLIC

A. In public and semi-public aquatic centers, wading pools shall be separated from swimming pools by a minimum three (3) foot high fence or partition with self-closing, self-latching gate to prevent the direct entrance of waders into the swimming pool area.

B. Public wading pools shall be equipped with chemical controllers capable of maintaining pH and chlorine levels within the regulated limits. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.740: SEMI-PUBLIC

Wading pools shall be separated from semi-public swimming pools by a minimum of four (4) feet of walkway. A wading pool shall not be located adjacent to the deep area of a semi-public swimming pool. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.750: DEPTH -- WADING

Wading pools shall have a maximum depth of twenty-four (24) inches, the slope of the bottom shall not exceed one (1) foot in twelve (12) feet and a non-slip surface shall be provided. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.760: CIRCULATION -- WADING

A. Wading pools shall have a maximum turnover cycle of one (1) hour.

B. All wading pools must have separate equipment from any other pool for water recirculation and disinfection and there shall be no cross-connection between a wading pool and any other pool.

C. Wading pools shall be equipped with at least two (2) main drains located in the deepest portion that are separated by a minimum of three (3) feet. Suction outlets in a wading pool shall be plumbed so as to eliminate any possibility of entrapment suction. Each drain shall be covered by an anti-vortex cover which is not readily removable by bathers and has safe openings of at least four (4) times the area of the drainpipe.

D. Skimmers shall be provided on the basis of at least one (1) skimmer for each two hundred (200) square feet of wading pool surface area. Skimmer flow rates shall be the same as required for swimming pools. Where only one (1) skimmer is provided, the main drain may be connected through the skimmer.

E. Inlets shall be provided on a basis of at least one (1) for each fifteen (15) feet of periphery. Where three (3) or more inlets are required, they shall be on a closed loop piping system. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.770: DRINKING FOUNTAINS

A sanitary drinking fountain at a height convenient to small children shall be provided at one (1) side or end of the area. Alternately, a fountain with a raised step, to enable small children to drink without assistance, may be provided. (Ord. No. 07-110 §1, 8-14-07)
SECTION 233.780: DEPTH MARKERS
A wading pool shall be equipped with depth markers complying with Section 233.540 of this code. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.790: DISINFECTION
Gaseous chlorine shall not be used for disinfection of water in wading pool. (Ord. No. 07-110 §1, 8-14-07)

ARTICLE IX. SPAS

SECTION 233.795: SPAS TO COMPLY WITH CERTAIN PROVISIONS
In addition to complying with all the Sections in Articles I, II, III, IV, V, VI, VII and VIII of this Chapter, spas shall comply with the following Sections. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.800: DEPTH -- SPAS
Spas shall have a maximum depth of forty-two (42) inches. The bottom shall have a maximum slope of one (1) foot in ten (10) feet and be finished with a non-slip surface. A set of entrance steps and handrails shall be installed. All steps, benches or other projections from the walls shall be outlined on the top surface edges by a continuous line of sharply contrasting colored tile or other suitable material that is clearly visible from the edge of the pool. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.810: CIRCULATION -- SPAS
A. Spas shall have a maximum turnover cycle of thirty (30) minutes. A separate water recirculation and disinfection system from any other pool or spa shall be installed for spas. Therapy heads or other devices, which create roiling water or other similar effects, may not be connected to the recirculation system, but must be operated through a separate system. Dual main drains shall be provided. Skimmers shall be provided at the rate of one (1) skimmer for each two hundred (200) square feet of pool surface. Skimmer flow rates shall be the same as required for swimming pools. Where only one (1) skimmer is provided, the main drains may be connected through the skimmer. Inlets shall be provided on a basis of at least one (1) for each fifteen (15) feet of pool periphery. Where three (3) or more inlets are required, they shall be on a closed loop piping system.

B. Public and semi-public spas shall be equipped with chemical controllers capable of maintaining pH and chlorine levels within the regulated limits. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.820: WALKWAYS -- SPAS
A minimum of four (4) feet of deck shall be provided on at least two (2) continuous sides of the pool and fifty percent (50%) of the periphery. When applicable, the remaining deck shall not be more than eight (8) inches in width and shall be designed to preclude its use as a walkway. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.830: DRAINS
A minimum of two (2) suction outlets shall be provided for each pump in a suction outlet system for a public or semi-public spa. The suction outlets shall be separated by a minimum of three (3) feet or located on two (2) different planes such as one (1) suction outlet on the bottom and one (1) on a vertical wall or one (1) suction outlet each on two (2) separate vertical walls provided the three (3) foot separation is always maintained. The suction outlets shall be plumbed to draw water through them simultaneously through a common line to the pump. Suction outlets shall be plumbed to eliminate the possibility of entrapping suction. All drains and outlets of spas must have plumbing provisions to eliminate any possibility of entrapping suction. The total velocity through grate openings shall not exceed one and one-half (1½) feet per one (1) second. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.835: DISINFECTION
Gaseous chlorine shall not be used for the disinfection of spas. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.840: SEPARATION WALLS
Where a spa is located contiguous with a swimming pool, the separating wall shall be designed to preclude its use as a walkway unless the minimum required walkway widths can be maintained. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.845: TEMPERATURE
The temperature of heated water coming into a public or semi-public spa shall not exceed one hundred four degrees Fahrenheit (104°F) (forty degrees Centigrade (40°C)). (Ord. No. 07-110 §1, 8-14-07)
SECTION 233.846: TIMER
The timer for a public or semi-public spa which controls the hydrotherapy jets shall be located at least five (5) feet from the spa and shall have a maximum time limit of fifteen (15) minutes. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.848: AIR BLOWER AND AIR INDUCTION SYSTEMS
An air blower system or air induction system for a public or semi-public spa shall comply with the following requirements:
1. The system shall prevent water backflow which could cause an electric shock hazard;
2. Air intake sources shall not introduce water, dirt or contaminants into the spa;
3. The system shall be properly sized for a commercial spa application;
4. If the air blower is installed within an enclosure or indoors, then adequate ventilation shall be provided; and
5. Integral air passages shall be pressure tested and shall provided structural integrity to a value of one and one-half (1½) times the intended working pressure. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.849: DEPTH MARKERS
Depth markers for a public or semi-public spa shall comply with all of the following:
1. A public or semi-public spa shall have permanent depth markers with numbers that are a minimum of four (4) inches high. Depth markers shall be plainly and conspicuously visible from all points of entry.
2. The maximum depth of a public or semi-public spa shall be clearly indicated by depth markers.
3. There shall be a minimum of two (2) depth markers at each public or semi-public spa.
4. Depth markers shall be spaced at no more than twenty-five (25) foot intervals and shall be uniformly located around the perimeter of the spa.
5. Depth markers shall be positioned on the deck within eighteen (18) inches of the spa. A depth marker shall be positioned so that a person standing on the deck facing the water can read it.
6. Depth markers that are on the deck surfaces shall be made of slip-resistant material.
7. Depth markers shall be in Arabic numerals of contrasting color to the background. (Ord. No. 07-110 §1, 8-14-07)

ARTICLE X. SPECIAL USE POOLS

SECTION 233.8491: SPECIAL USE POOLS TO COMPLY WITH CERTAIN PROVISIONS
In addition to complying with all the Sections in Articles I, II, III, IV and V of this Chapter, special use pools shall comply with the following Sections. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.850: SUPPLEMENTAL STANDARDS AND REQUIREMENTS
A. Persons intending to construct a special use pool shall notify the department and provide plans, specifications and a description of the intended use. The department will determine which of the regulations in this Chapter apply to the proposed special use pool. The department may, at its discretion, establish additional standards or requirements for special use pools, taking into consideration the intended use of the pool, the conditions under which it will be operated and any special circumstances. Where applicable, the department may consider the design requirements prescribed by an official sanctioning athletic body such as the National Collegiate Athletic Association (NCAA), National Federation of State High School Associations (NFSHSA), U.S. Swimming, U.S. Diving or the Federation Internationale de Natation Amateur (FINA) in using best professional judgment to approve a special use pool that is intended for competitive swimming and diving.
B. Special use public and semi-public aquatic units shall be equipped with chemical controllers capable of maintaining pH and chlorine levels within the regulated limits. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.852: ALTERNATE DESIGN
Where an alternate design for an aquatic center or any part thereof is proposed, which complies in principle with the provisions of this code, such design may be approved by the department. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.854: EXERCISE OR TRAINING BARS
A. A swimming pool designed with exercise or training bars in the pool shall be restricted to special use when the bars are located in
The clear opening from the inside of the bar to the side of the pool shall not be less than two (2) inches or more than two and one-fourth (2¼) inches. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.856: RAMPS

Where a ramp is to be installed in a swimming pool, the ramp shall be constructed:

1. Of non-slip material;
2. With a slope not to exceed one (1) foot in twelve (12) feet;
3. With a width of at least three (3) feet;
4. With a level platform at the top and bottom of the ramp;
5. With at least a three and one-half (3½) feet high guardrail installed on the deck from eight (8) inches beyond where the slope for the ramp terminates and extending the length of the ramp; and
6. With return(s) to be located on the pool and ramp walls along the length of the ramp. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.858: SPRAY PONDS

A. All spray ponds shall use potable water.

B. Spray ponds (semi-public and public) shall comply with code references specified in Section 233.858(A--D).
   1. Semi-public spray pond regulation stipulated specified in Articles I–V and VII of this Chapter;
   2. Public spray pond regulation stipulated under Articles I–V and VII of this Chapter.

C. Spray ponds in which water is recycled shall be regulated as a special use pool (Chapter 233, Article X).

D. Spray ponds shall:
   1. Be made of durable material that is impervious to moisture and retains a non-slip texture that causes no discomfort to bare feet;
   2. Be completely free of obstructions that may be hazardous to children;
   3. Have a floor with a maximum slope of one (1) in ten (10);
   4. Be entirely surrounded by a walkway at least four (4) feet wide, which falls away from the pool or basin edge at a uniform slope of not less than one-fourth (¼) inch per one (1) foot;
   5. Have a fence or other barrier with controlled access surrounding the spray pond and walkways to prevent the easy access of non-users and pets; and
   6. Have a turnover time of no more than one (1) hour. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.859: RESERVED

ARTICLE XI. WATER SLIDES

SECTION 233.860: ADDITIONAL STANDARDS AND REQUIREMENTS

A. The department may, at its discretion, establish additional standards or requirements for water slides and recovery pools, taking into consideration any unique features of the water slide and recovery pool and the conditions under which it will be operated. This Section does not cover drop slides, slides with a slope greater than ten percent (10%) or any slide in which the rider uses any kind of equipment during use of the slide.

B. Public and semi-public water slides shall be equipped with chemical controllers capable of maintaining pH and chlorine levels within the regulated limits. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.862: CONSTRUCTION, DESIGN AND SPECIFICATIONS

A. The slide plans and specifications shall be incorporated into swimming pool application forms, plans and specifications prepared
and submitted pursuant to Article VI of this Chapter.

B. Plan sheets and specifications addressing the structural aspects of the slide tower and the slide support structure shall carry the seal and signature of a registered civil or structural engineer licensed to practice in the State of Missouri.

C. Structural design calculations for the slide tower and the slide support structure shall be submitted and shall carry the seal and signature of a registered civil or structural engineer licensed to practice in the State of Missouri.

D. Soil studies and calculations performed in conjunction with the slide tower and support structure design shall carry the seal and signature of a registered professional engineer licensed to practice in the State of Missouri.

E. Construction of the slide and its appurtenances shall be monitored by the civil or structural engineer of record. This engineer shall certify that the slide was constructed in conformance with the approved plans or as reflected on the sealed as-built plans.

F. Splashdown area must be cordoned off with buoy lines if not a dedicated slide pool only.

G. The department may consider sufficient, sealed design documentation from credentialed water slide design authorities and/or require a slide splashdown pool to conform to the following dimensions:
   1. There shall be at least six (6) feet clearance from the side of the flume to the recovery poolside wall.
   2. There shall be at least six (6) feet clearance between the sides of two (2) adjacent slides.
   3. The slide shall terminate at or below the water line and the slide terminus shall be in at least three and one-half (3½) feet of water.
   4. The engineer or the slide manufacturer must provide calculations to justify the length of runout. In no case shall the runout be less than twenty-five (25) feet.
   5. The exit from the recovery pool area must consist of a set of stairs located at the opposite end of the recovery pool from the slide entrance.
   6. Four (4) feet of walkway shall be provided around at least three (3) sides of the recovery pool and behind the slide in semi-public pools and ten (10) feet of walkway shall be provided around at least three (3) sides of the recovery pool and behind the slide in public pools.
   7. There must be at least four and one-half (4½) feet (fifty-four (54) inches) clearance between the invert of the open flume and any object above the flume.
   8. When the slide is not in use, a suitable barrier shall be placed at the bottom of the stairs of the slide to prevent bathers from entering the slide.
   9. The area on the deck below the water slide and the stair tower must be fenced and made unavailable to pedestrian traffic.
  10. Two (2) emergency shut-off switches shall be provided for each slide circulation pump, one (1) easily accessible by the lifeguard at the top of the flume and one (1) easily accessible by the lifeguard in the pool area.
  11. A training program for the lifeguards shall also be submitted with slide pool plans for approval. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.864: LIFEGUARDS

A minimum of two (2) lifeguards shall be on duty at the slide whenever it is in use. One (1) lifeguard at the top of the tower and one (1) lifeguard at/in the splashdown area. The lifeguards shall be in visual or voice contact at all times. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.866: OPERATION, MAINTENANCE AND MANAGEMENT

An operation and maintenance manual for the slide shall be prepared and submitted for review and approval. The manual shall contain, but not necessarily be limited to, all of the following:
   1. A list of all mechanical equipment and equipment maintenance schedules,
   2. Slide tower and support structure inspection and maintenance schedule,
   3. Slide flume inspection and maintenance schedule,
   4. Slide safety and supervision provisions, and
   5. A lifeguard deployment plan. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.868: INSTRUCTION SIGNAGE

A sign shall be posted at the entrance of the slide tower informing bathers of the necessary safety procedures and informing bathers to follow the instructions of the lifeguard. The sign shall contain the following as a minimum:
   1. Follow the instructions of the lifeguard,
   2. One (1) rider at a time,
3. Feet first sliding only,
4. No horseplay,
5. Exit slide recovery area immediately,
6. No kneeling or standing on the slide,
7. Keep hands and feet inside slide,
8. Height minimum and maximum requirements determined by slide manufacturer recommendations,
9. The manufacturer's other suggested rules shall be incorporated in the sign, and
10. Persons not following the safety procedures or the instructions of the lifeguard shall be excluded from the slide.  (Ord. No. 07-110 §1, 8-14-07)

ARTICLE XII. ZERO DEPTH ENTRY POOLS

SECTION 233.869: ZERO DEPTH ENTRY POOLS TO COMPLY WITH CERTAIN PROVISIONS
In addition to complying with Articles I–V of this code, zero depth entry pools shall comply with the following Sections.  (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.870: CIRCULATION SYSTEM
A. A zero depth entry pool shall have a turnover rate for the area of the pool up to a depth of two (2) feet of at least once every hour.
B. A zero depth entry pool shall be equipped with a trench drain running the entire length of the entry.  It shall be covered with a removable grate to facilitate cleaning.  The trench drain shall be located so that the water surface of the pool falls no higher than the middle of the grate.  The grate shall be designed to eliminate the possibility of injury to bathers.
C. There shall be a minimum of four (4) floor inlets, plumbed not more than six (6) feet apart and no further than five (5) feet from the zero depth entry.  (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.872: FLOOR
A. At the entry, the deck/floor must slope toward the pool.  The slope of the deck may not exceed one (1) foot in twelve (12) feet.
B. All floor materials must be non-slip to a minimum depth of two (2) feet.  (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.874: RESERVED
Editor's Note--Ord. no. 08-038 §3, adopted April 4, 2008, repealed section 233.874 "handrails" in its entirety.  Former section 233.874 derived from ord. no. 07-110 §1, 8-14-07.  At the editor's discretion, this section has been reserved for the county's future use.

ARTICLE XIII. FITNESS CENTERS

SECTION 233.875: DEFINITIONS
For the purposes of this Article, the following terms, phrases and words shall have the meanings herein expressed:
CLEAN: The condition of being free from readily noticeable dirt, soil, stain, leftover food particles or other materials not intended to be a part of the object in question.
DEPARTMENT: The St. Charles County Department of Community Health and the Environment.
DIRECTOR: The Director the St. Charles County Department of Community Health and the Environment or his or her designated representative.
OPERATOR: Any person who leases or manages a fitness center; or any employee of a fitness center assigned as the person in charge.
SANITARY: The condition of being free from infective, physically hurtful diseased, poisonous, unwholesome or otherwise unhealthful substances and being completely free from vermin, from the traces of either and from an environment conducive to the growth of either.  (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.876: HOUSEKEEPING
Fitness center facilities shall meet the following criteria:
1. All areas shall be kept neat, clean and in good repair. All bathrooms and shower facilities shall be cleaned daily and a written log shall be kept on the premises and made available to the department, any other regulatory authorities or a member of the public upon request. This log shall include:
   a. Time and date of cleaning.
   b. Name of individual who completed cleaning.
2. An Environmental Protection Agency (EPA) registered disinfectant or germicide (iodophor, phenolic or alcohol containing germicide, or a one to one hundred (1:100) dilution of household bleach and water (two (2) tablespoons of bleach in one (1) quart of water)) shall be used after cleaning to disinfect any surface to ensure spread of disease.
3. All surfaces and equipment shall be made of smooth, non-absorbent, non-porous material that can withstand repeated use of EPA registered disinfectants.
4. The cleaning room or area shall be set up in a manner to provide distinct, separate areas for cleaning equipment and for the handling and storage of sterilized equipment. The cleaning area sink shall be reserved for cleaning only.
5. Adequate waste receptacles shall consist of a lid and be available in each workstation for the disposal of trash and debris.
6. All germicides and disinfectants must be used according to manufacturer's recommendations.
7. All chemicals shall be properly labeled and stored.
8. Pets or other animals shall not be permitted in the facility. Trained guide or assistance animals for the disabled and fish in aquariums in the waiting area are exempted. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.877: PERMITS AND SIGN REQUIREMENTS
A. Facility Permits. No person shall operate a fitness center without written approval and a corresponding valid recreational facilities permit from the department.
B. Every fitness center shall display without obstruction in a conspicuous place designated, designed and supplied by the department:
   1. Notice stickers/placards that inform the public that the establishment is subject to inspection by the department.
   2. Sign giving information on filing a complaint about the sanitation of the center with the department.
   3. Notification to the public that the most recent inspection report and current cleaning schedule records are available for public viewing. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.878: EXPOSURE CONTROL PLAN AND INSPECTIONS
A. The facility owner of every fitness center shall establish a written exposure control plan applying to all employees and customers of the facility and shall be kept on the premises and made available to the department, any other regulatory authorities or a member of the public upon request.
B. The exposure control plan shall include procedures within a facility describing how the cleaning and sanitizing of fitness equipment, fitness workout rooms and bathrooms will be implemented. The exposure control plan shall contain procedures on disease outbreak reporting.
C. The department will conduct at least one (1) yearly inspection of fitness centers to ensure compliance to Article XIII of this code.
D. Any inspection requiring a follow-up inspection may be subject to a fee as described in Article XV of this code. (Ord. No. 07-110 §1, 8-14-07)

ARTICLE XIV. TANNING CENTERS

SECTION 233.880: PURPOSE AND APPLICABILITY OF ARTICLE XIV
A. The purpose of this Article is to set forth permitting procedures and the requirements for maintenance and operation of tanning facilities in a way that will protect and promote the public health, safety and welfare and prevent the spread of disease.
B. This Article applies to individuals operating or using tanning equipment in a tanning facility. This regulation shall not apply to a physician or chiropractor licensed by the State of Missouri who uses tanning equipment in the practice of medicine or chiropractic. This regulation shall not apply to an individual who owns tanning equipment exclusively for personal non-commercial use. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.890: DEFINITIONS
For the purposes of this Article, the following terms, phrases and words shall have the meanings herein expressed:
CLEAN: The condition of being free from readily noticeable dirt, soil, stain, leftover food particles or other materials not intended to be a part of the object in question.
DEPARTMENT: The St. Charles County Department of Community Health and the Environment.

DIRECTOR: The Director of the St. Charles County Department of Community Health and the Environment or his or her designated representative.

OPERATOR: Any person who leases or manages a tanning facility or temporary tanning facility; or any employee of a tanning facility certified to operate tanning equipment.

OWNER: Any person who alone, jointly or severally with others:
1. Has legal title to any tanning facility or temporary tanning facility, with or without accompanying actual possession thereof; or
2. Has charge, care or control of any tanning facility or temporary tanning facility as legal or equitable owner, agent of the owner, lessee or is an executor, executrix administrator, administratrix, trustee or guardian of the estate of the owner.

PATRON: Any person who uses tanning equipment in a tanning facility.

PERMIT: A written form of authorization in accordance with this regulation.

PERSON: Any individual; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the State or its departments, institutions, bureaus or agencies; any municipal corporation, County, City, political subdivision or any other legal entity recognized by law.

PERSONAL SERVICE STATION: A booth, table or chair in which a personal service is provided. Examples include, but are not limited to, tanning booths or beds, massage tables and hair stylist chairs.

SANITARY: The condition of being free from infective, physically hurtful diseased, poisonous, unwholesome or otherwise unhealthful substances and being completely free from vermin, from the traces of either and from an environment conducive to the growth of either.

TANNING EQUIPMENT: Any device intended to induce skin tanning of any part of the body through ultraviolet radiation including, but not limited to, a tanning booth, tanning bed or sunlamps.

TANNING FACILITY: Any location, place, area, structure or business that, either as a sole service or in conjunction with other services, provides patrons access to tanning equipment.

TANNING INJURY: An injury or suspected injury which is reported to the tanning facility operator by the patron.

ULTRAVIOLET RADIATION: Electromagnetic radiation that has a wave length between two hundred (200) nanometers and four hundred (400) nanometers in air. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.900: PERMITS AND PLAN REVIEW

Facility Permits.
1. No person shall operate a tanning facility without written approval and a corresponding valid recreational facility permit from the department.
2. No person shall operate a temporary tanning facility without written approval and a corresponding valid temporary recreational facilities permit from the department. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.910: PERMIT APPLICATION, DURATION AND RENEWAL

A. Application for a permit required in Section 233.900 of this Chapter shall be made upon a form provided by the Director.
B. Permit application shall be made prior to commencement of operation of the tanning facility and a temporary tanning facility. Certificate application shall be made prior to operating tanning equipment. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.920: PERMIT DURATION AND RENEWAL

The tanning facility permit shall be issued annually and shall expire one (1) year from date of issuance. It is the responsibility of the owner or operator of the tanning facility and the individual tanning certificate holder to pursue their respective permit renewal through appropriate channels. The permit shall be renewable within sixty (60) calendar days prior to the expiration date. The temporary tanning facility permit shall be valid for seven (7) consecutive days beginning with the date written on the permit. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.930: CONSTRUCTION AND OPERATION OF FACILITIES

Unless otherwise ordered or approved by the Director, each facility shall be constructed, operated and maintained to meet the following minimum requirements:
1. Physical facilities.
   a. Each tanning facility and temporary tanning facility shall have a toilet and a handwashing sink with hot and cold water accessible to patrons provided with soap and single-use towels. All bathrooms shall be cleaned daily and a written log shall be kept on the premises and made available to the department, any other regulatory authorities or a member of the
SECTION 233.940: CLEANING AND MAINTENANCE

A. Every portion of the tanning facility, including equipment and apparatus, shall be kept sanitary and maintained in good repair. A written log shall be kept on the premises and made available to the department, any other regulatory authorities or a member of the public upon request. This log shall include:

1. Time and date of cleaning.
2. Name of individual who completed cleaning.

B. The operator shall clean and sanitize the tanning equipment and protective goggles after each use. At the request of the patron, sanitizer and instructions on its proper use shall be provided to allow resanitization.

C. Sanitization shall be carried out using U.S. Environmental Protection Agency (E.P.A.) registered sanitizer and used in accordance with the E.P.A. approved label.

D. Defective or burned out lamps or bulbs in tanning equipment shall be replaced with a lamp or bulb intended for use in the tanning equipment and shall be of the same spectral UV distribution found on the manufacturer's specification plate.

E. If towels or other linens are provided, they shall be cleaned and sanitized after each use. All clean towels shall be stored in a closed container.

F. Soiled towels shall be placed in closed hampers or containers. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.950: OPERATION

No tanning facility operator or owner shall allow a patron to tan unless that patron has been provided a form containing the following information:

1. A reasonably representative list of potential photosensitizing drugs and agents;
2. Information regarding potential negative health effects related to ultraviolet exposure, including:
   a. The increased risk of skin cancer later in life;
b. The increased risk of skin thinning and premature aging; and

c. The possible activation of some viral conditions.

3. Skin sensitivity; information on how different skin types respond to tanning;

4. An explanation of the need to use eyewear with both ultraviolet-A (UVA) and ultraviolet-B (UVB) systems and that closing the eyes is not sufficient to prevent possible eye damage;

5. Information that tanning may be inadvisable during pregnancy; and

6. Other relevant medical information as determined by the department.

a. After providing the required information and giving the patron the opportunity to read the information and ask questions, the operator shall request that the patron sign and date the form indicating that he or she has read and understood the information provided. The operator is required to have patrons review, sign and date a new form each year. Forms must be kept at the tanning facility and available for inspection at the Director's request.

b. The following warning sign shall be conspicuously posted in the immediate proximity of every unit of tanning equipment: "DANGER—Ultraviolet radiation. Follow instructions. Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic reactions. Repeated exposure may cause premature aging of the skin and skin cancer. FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE EYES. Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult physician before using sunlamp if you are using medications or have a history of skin problems or believe yourself especially sensitive to sunlight. If you do not tan in the sun, you are unlikely to tan from the use of this product".

c. All warning signs must be legible and clearly visible.

d. Cleaned and sanitized goggles shall be provided to each patron at the time of tanning.

e. A written report of any tanning injury shall be forwarded to the department within five (5) working days of the owner or operator becoming aware of its occurrence. The report shall include:
   (1) The name and location of the tanning facility involved;
   (2) The nature of the injury; and
   (3) Any other information considered relevant to the tanning equipment involved.

f. Before a minor uses any tanning equipment, the minor shall provide the tanning facility operator a consent form signed by a parent or guardian of the minor. A "minor" is defined as an individual seventeen (17) years of age or younger.

g. The parent or legal guardian shall sign the consent form in the presence of the owner or a certified tanning equipment operator, indicating that he or she has read and understood the warnings required under Section 233.950. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.960: INSPECTIONS AND INVESTIGATIONS
To ensure compliance, the department has the authority to perform inspections, investigations, reviews and other actions as necessary. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.970: AUTHORITY FOR DEPARTMENT TO ENTER PREMISES
A. Regulated Commercial Premises. Upon presenting proper identification, authorized representatives of the department may enter upon the premises of properties regulated by the department to perform routine inspections to ensure compliance with this Chapter.

B. Consent By License Or Permit. The department may require licensees or permittees to consent to access for inspections as part of their license or permit. Failure to allow access for inspections as set out in the license or permit may result in the suspension or revocation of the license or permit.

C. Every tanning center shall display without obstruction in a conspicuous place designated, designed and supplied by the department:
   1. Notice stickers/placards that inform the public that the establishment is subject to inspection by the department.
   2. Sign giving information on filing a complaint about the sanitation of the shop and practitioner with the department.
   3. Notification to the public that the most recent inspection report and current cleaning schedule records are available for public viewing. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.972: TANNING FACILITY FOLLOW-UP INSPECTION FEE
The department will charge a follow-up fee to a tanning facility permit holder when conditions found during an inspection require a follow-up inspection to ensure compliance. The fee for a tanning facility follow-up inspection is found in Article XV of this code. (Ord. No. 07-110 §1, 8-14-07)
SECTION 233.975: ADOPTION OF PROVISIONS RELATING TO PERMIT, REINSPECTION, LATE RENEWAL FEES AND EXEMPTIONS

The Council hereby adopts Article XV of this code relating to permit, reinspection, late renewal fees and exemptions with the following provisions. (Ord. No. 07-110 §1, 8-14-07)

SECTION 233.980: PERMIT YEAR, FEES AND EXEMPTIONS

A. The permit year is January first (1st) through December thirty-first (31st) and may be issued for any portion thereof to a new aquatic center or recreational facility or one that is reapplying after final suspension or revocation. All existing aquatic centers or recreational facilities holding permits must complete annual renewal, including payment of the yearly permit fee and any outstanding penalty fees for prior late payments of permit fees imposed pursuant to this provision, no later than December thirty-first (31st) of each current permit year. Fees and renewal requests must be postmarked no later than December thirty-first (31st) or a penalty fee of fifty dollars ($50.00) per month will be assessed, in addition to the yearly permit fee. Fees are not prorated.

B. The fee structure for a permit is as follows:
   1. Aquatic center (with only one (1) aquatic unit): one hundred fifty dollars ($150.00).
   2. Aquatic center (with multiple aquatic units): fee structure in Section 233.980(B)(1) and additional seventy-five dollars ($75.00).
   3. Reserved.
   4. Recreation facility: seventy-five dollars ($75.00).
   5. Temporary recreational facility: forty-five dollars ($45.00).
   6. Religious, educational, non-profit, fraternal or civic organizations (excluding social or country clubs): seventy-five dollars ($75.00).

C. The fee structure for plan review is as follows:
   1. Aquatic center: one hundred dollars ($100.00).
   2. Reserved.

D. All fees under this Section shall be paid to the department for deposit with the Department of Finance of St. Charles County.

E. The fee structure for a follow-up inspection is as follows:
   1. Aquatic center: thirty-five dollars ($35.00).
   2. Reserved.
   3. Recreational facility: thirty-five dollars ($35.00).

F. A person reapplying for a permit after a final suspension or revocation shall pay the appropriate renewal fee including penalty fees for late payment that may be imposed pursuant to this Section upon reapplication.

G. This section's requirements for fees for permits shall not apply to any incorporated City, Town or Village owning or operating any aquatic or recreational facility in St. Charles County. (Ord. No. 07-110 §1, 8-14-07; Ord. No. 08-038 §4, 4-4-08)

APPENDIX A. DIVING WELL DIMENSIONS

ILLUSTRATION A. DIVING WELL DIMENSIONS FOR SWIMMING POOLS
**Note:** This profile does not apply to a special use pool that is designed for competitive diving.

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Maximum length of diving board</td>
<td>10 feet</td>
</tr>
<tr>
<td>B</td>
<td>Maximum height of board above water</td>
<td>20 inches</td>
</tr>
<tr>
<td>C</td>
<td>Overhang of the board from wall</td>
<td>Minimum: 2 feet; Maximum: 3 feet</td>
</tr>
<tr>
<td>D</td>
<td>Minimum distance to an overhead structure</td>
<td>15 feet</td>
</tr>
<tr>
<td>E</td>
<td>Minimum depth of water at the plummet</td>
<td>9 feet</td>
</tr>
<tr>
<td>F</td>
<td>Distance from plummet to start of upslope</td>
<td>18 feet</td>
</tr>
<tr>
<td>G</td>
<td>Minimum depth of water at start of the upslope</td>
<td>Depth of water at plummet minus 6 inches</td>
</tr>
<tr>
<td>H</td>
<td>Depth of water at the breakpoint</td>
<td>5 feet</td>
</tr>
<tr>
<td>I</td>
<td>Maximum slope: breakpoint toward deep end</td>
<td>1 foot of fall in 3 feet</td>
</tr>
<tr>
<td>J</td>
<td>Slope of bottom in shallow area</td>
<td>1 foot of fall in 10 feet</td>
</tr>
</tbody>
</table>

Minimum width of pool in diving area | 20 feet

Minimum distance from plummet to pool wall at the side | 10 feet

(Ord. No. 07-110 §1, 8-14-07)
<table>
<thead>
<tr>
<th></th>
<th>SPRINGBOARD</th>
<th></th>
<th>PLATFORM</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 Meter</td>
<td>3 Meter</td>
<td>1 Meter</td>
</tr>
<tr>
<td>A</td>
<td>From plummet back to pool wall</td>
<td>5'</td>
<td>5'</td>
</tr>
<tr>
<td>A-A</td>
<td>Back to platform directly below</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>From plummet to pool wall at side</td>
<td>10'</td>
<td>12'</td>
</tr>
<tr>
<td>C</td>
<td>From plummet to adjacent plummet</td>
<td>6'</td>
<td>6'</td>
</tr>
<tr>
<td>D</td>
<td>From plummet to pool wall ahead</td>
<td>29'</td>
<td>34'</td>
</tr>
<tr>
<td>E</td>
<td>Plummets from board to ceiling overhead</td>
<td>16'</td>
<td>16'</td>
</tr>
<tr>
<td>F</td>
<td>Clear overhead behind and each side plummet</td>
<td>8'</td>
<td>8'</td>
</tr>
<tr>
<td>G</td>
<td>Clear overhead ahead of plummet</td>
<td>16'</td>
<td>16'</td>
</tr>
<tr>
<td>H</td>
<td>Depth of water at plummet</td>
<td>11'</td>
<td>12'</td>
</tr>
<tr>
<td>J</td>
<td>Bottom distance ahead of plummet</td>
<td>20'</td>
<td>20'</td>
</tr>
<tr>
<td>K</td>
<td>Bottom depth ahead of plummet</td>
<td>10'9&quot;</td>
<td>11'9&quot;</td>
</tr>
<tr>
<td>L</td>
<td>Bottom distance each side of plummet</td>
<td>8'</td>
<td>10'6&quot;</td>
</tr>
<tr>
<td>M</td>
<td>Bottom depth each side of plummet</td>
<td>10'9&quot;</td>
<td>11'9&quot;</td>
</tr>
<tr>
<td>N</td>
<td>Maximum slope of pool bottom</td>
<td>1:3</td>
<td>1:3</td>
</tr>
<tr>
<td>P</td>
<td>Maximum slope of ceiling</td>
<td>1:3</td>
<td>1:3</td>
</tr>
<tr>
<td>R</td>
<td>Shallow portion, 30° maximum</td>
<td>2' min</td>
<td>3' max</td>
</tr>
<tr>
<td>S</td>
<td>Depth at change of slope</td>
<td>5'</td>
<td>5'</td>
</tr>
<tr>
<td>T</td>
<td>Depth at shallow end</td>
<td>2' min</td>
<td>2' min</td>
</tr>
<tr>
<td>U</td>
<td>Slope in shallow end</td>
<td>1:10</td>
<td>1:10</td>
</tr>
</tbody>
</table>
APPENDIX B. AVERAGE WIDTH OF ALL SWIMMING POOLS

APPENDIX C. PUBLIC AND SEMI-PUBLIC POOLS FENCING REQUIREMENTS

A. Public Swimming Pools Fencing Requirements.

1. All public pools and walkways adjacent to such pools shall be enclosed by a durable fence or wall at least six (6) feet high to provide bather control while the pool is in operation, to exclude animals (except service animals) and to prohibit any person from using the pool except when a lifeguard is on duty. Fences, walls or artificial barriers shall:
   a. Be constructed so as to afford no external handholds or footholds;
   b. Be of materials which are impenetrable by small children, dogs, livestock, etc.;
   c. Be a minimum of six (6) foot high above the highest practical foothold, curb or (in the case of a combination fence) the base wall;
   d. Have openings or spacings of such size that a spherical object four (4) inches in diameter cannot pass through; and
e. Be equipped with a self-closing and positive self-latching closure mechanism or a locking closure located at or near the top of the gate.

2. Mechanical filtering, disinfection and recirculating equipment must be protected from tampering by a suitable enclosure or fence.

B. Semi-Public Swimming Pools Fencing Requirements.

1. All semi-public swimming pools shall be protected by a fence, wall or other approved barrier from all parts of the premises not directly related to the swimming pool. Fences, walls or artificial barriers shall:
   a. Be constructed so as to afford no external handholds or footholds;
   b. Be of materials that are impenetrable by small children, dogs, livestock, etc.;
   c. Be of four (4) foot minimum height;
   d. Be equipped with a self-closing and positive self-latching closure mechanism located at or near the top of the gate; and
   e. Have openings or spacings of such size that a spherical object four (4) inches in diameter cannot pass through.

2. In addition, the mechanical filtering, disinfection and recirculation equipment must be protected from tampering by a suitable enclosure or fence. (Ord. No. 07-110 §1, 8-14-07; Ord. No. 08-038 §5, 4-4-08)

CHAPTER 235: SEXUALLY TRANSMITTED DISEASE AND PREGNANCY TESTING PROGRAM

SECTION 235.001: PROGRAM AND PURPOSE

In order to confirm pregnancies and/or detect sexually transmitted diseases and prevent their transmission, the Department of Community Health and the Environment through its Division of Public Health shall perform the services of pregnancy testing, and of testing, treating, follow-up re-testing, counseling, preventive measures, and epidemiological investigation for sexually transmitted diseases, for persons seeking such services and for such persons' contacts. Medical procedures shall be performed only under standing orders of a physician duly licensed by the State of Missouri. (Ord. No. 12-058 §1, 8-3-12)

SECTION 235.010: FEE SCHEDULE

Fees shall be charged to persons seeking the services identified in Section 235.001 as provided in this Section. The Director is authorized to establish fees not to exceed the Department's costs in providing services and items under this Program. In the interest of public health, such fees may be less than the Department's costs, but shall be re-calculated and posted on the Department's premises and on its website during the first five (5) days of January in every calendar year. The Department may also recommend that such persons make donations to St. Charles County and accept such donations for St. Charles County and remit them to the Department of Finance. (Ord. No. 96-56 §1, 5-29-96; Ord. No. 97-188 §1, 11-26-97; Ord. No. 02-167 §1, 10-30-02; Ord. No. 12-058 §1, 8-3-12)

SECTION 235.020: EXCEPTION

In the interest of public and health and safety, the Director is further authorized to waive the fees authorized by Section 235.010, above, for persons who are inmates in the custody of the Department of Corrections of St. Charles County, inpatients in the care of providers of residential drug-treatment programs, or individuals who affirm that they are without incomes of their own from full-time or part-time employment enabling them to pay those fees. (Ord. No. 96-56 §2, 5-29-96; Ord. No. 12-058 §1, 8-3-12)

SECTION 235.030: POLICY ON TREATMENT AND COUNSELING FOR PREGNANCY AND FOR SEXUALLY TRANSMITTED DISEASES

A. The St. Charles County Division of Public Health in the Department of Community Health and the Environment shall offer non-judgmental/non-directive information regarding care options in its pregnancy testing and sexually transmitted diseases program.

B. The St. Charles County Division of Public Health shall not provide abortion counseling or referrals nor shall it provide the post-conception pharmaceutical RU-486 or other generic pharmaceuticals with the same properties as RU-486.

C. The St. Charles County Division of Public Health shall counsel and encourage all unemancipated minors receiving services from the St. Charles County Division of Public Health to involve their parents in health related decisions, including pregnancy testing or testing or treatment for sexually transmitted diseases. The refusal of a minor to involve their parents shall not be grounds to refuse any information regarding health care or testing or treatment for sexually transmitted diseases.

D. All patients who are receiving medication or prescriptions for medication, or who are undergoing intrusive procedures through the St. Charles County Division of Public Health are required to provide a valid informed consent before the medication, prescription or intrusive procedure shall be administered. Refusal or inability to provide such informed consent shall be cause to refuse the medication, prescription or procedure and to refer the patient to another provider of health care services. Persons eligible to
provide consent:
1. Any adult eighteen (18) years of age or older;
2. Any minor emancipated by reason of marriage or as a result of becoming a parent or guardian for themselves or for their minor child or minor ward;
3. Any parent for their minor child;
4. Any guardian for their ward;
5. Any minor for testing or treatment for sexually transmitted diseases, for a test for pregnancy, or for alcohol or drug abuse treatment. (Ord. No. 97-123 §§1–4, 8-27-97; Ord. No. 12-058 §1, 8-3-12)

CHAPTER 236: IMMUNIZATION PROGRAM

SECTION 236.001: PROGRAM AND PURPOSE
In order to protect the community and its inhabitants from contagious diseases including, but not limited to, tuberculosis, hepatitis, varicella, measles, mumps, rubella, polio, shingles, tetanus, diphtheria, pertussis and influenza, the Department of Community Health and the Environment through its Division of Public Health shall perform the services of testing individuals for such diseases or immunizing individuals against them or counseling individuals on immunizations required for travelers. Such services shall be conducted only under the guidelines of the Center for Disease Control's Advisory Committee on Immunization Practices and the standing orders of a physician duly licensed by the State of Missouri, as appropriate. (Ord. No. 12-058 §2, 8-3-12)

SECTION 236.010: FEES
A. The Department is authorized to establish fees to recover the costs of tests or immunizations authorized by Section 236.001 as provided in this Section.
   1. Fees shall be no more than the sum of:
      a. An administrative fee of twenty dollars ($20.00) to cover the cost of administering a vaccination; and
      b. A fee for cost of the vaccine administered.
   2. The Department shall review and recalculate the above fees periodically and repost them promptly at the Department's premises and on its website, as follows:
      a. The Department shall recalculate the administrative fee during the first five (5) days in January of each year, to ensure that it is based solely on recovering the Department's costs; and
      b. The Department shall review and recalculate its various vaccine fees during the first five (5) days of January and during the first five (5) days of July of each year, to ensure that such fees are based on the average cost of a dose of a given vaccine based on the costs of that vaccine currently in the Department's inventory.

B. The Department is authorized to charge the following fee for travel immunization counseling: Twenty-five dollars ($25.00). (Ord. No. 12-058 §2, 8-3-12)

CHAPTER 239: TRAINING PROGRAMS

SECTION 239.001: PROGRAM AND PURPOSE
In order to promote public health and safety, the Department of Community Health and the Environment through its Divisions of Public Health and of Environmental Health may from time to time offer programs to train and certify individuals who seek to acquire certain skills or professional capabilities. These programs may include, but are not limited to, training in: cardio-pulmonary resuscitation or "CPR"; the use of automatic external defibrillators or "AEDs"; the administration of first aid; training in basic food sanitation; training in safe food handling such as ServSafe, and training in managing risks posed by bloodborne pathogens. Training programs leading to certifications shall be offered in accordance with certification requirements of the appropriate certifying body or organization, such as the American Red Cross or the American Lung Association. (Ord. No. 12-058 §3, 8-3-12)

SECTION 239.010: FEES
The Department is authorized to establish fees to recover the costs of training programs for skills or certifications authorized by Section 239.001 as provided in this Section.
   1. Fees shall be no more than the sum of:
      a. The actual costs of the course materials and test materials required for the training program offered; and
b. The costs of conducting that training program, namely:
   (1) The costs of staff time in conducting that program; and
   (2) The costs of any certifications required to be issued to trainees who successfully complete the training program.

2. In January of each year, the Department shall calculate or re-calculate:
   a. The costs of staff time for conducting each training program; and
   b. The portion of fees charged to trainees for recovering those costs, based on anticipated or average enrollments in training programs, or on another reasonable basis.

3. Because the costs of course and test materials and of certifications may vary with each training course offered, the Department shall provide written notice on enrollment fees to all parties seeking to enroll in its training programs before they enroll. (Ord. No. 12-058 §3, 8-3-12)
COMPOSTING FACILITY: A non-residential premises which collects and/or accepts organic constituents from off-site for the purpose of biological decomposition and shall be defined as a waste processing facility.

DEMOLITION AND CONSTRUCTION WASTE: Waste materials generated from the demolition and construction of residential, industrial or commercial structures.

DEMOLITION LANDFILL: A disposal area used for the disposal of demolition and construction waste, untreated wood wastes, soil, rock, asphaltic concrete, and other non-decomposable inert solids insoluble in water.

DEPARTMENT: The St. Charles County Department of Community Health and the Environment.

DIVISION DIRECTOR: The Division Director of the Division of Environmental Services of the St. Charles County Department of Community Health and the Environment, and the deputies, assistants and employees of that Division designated to perform functions on his behalf.

DIRECTOR: The Director of the St. Charles County Department of Community Health and the Environment, and the deputies, assistants and employees of that Department designated to perform functions on his behalf.

DIVISION: The Division of Environmental Services of the St. Charles County Department of Community Health and the Environment.

ENGAGE IN THE BUSINESS OF HAULING WASTE: To either:

1. Use a vehicle designed for the collection of waste from storage at residential or non-residential premises to haul such waste, regardless of the number of times the vehicle is so used, including such use by municipalities; or

2. Use a vehicle to haul waste in the unincorporated part of St. Charles County more than five (5) times during any waste hauling vehicle licensing year. The expression includes municipalities which own or operate vehicles to provide waste hauling services within the unincorporated part of St. Charles County and who enter into intergovernmental cooperative agreements pursuant to Article XIX, Section 240.1930, but shall exempt residential property owners hauling their own waste.

FACILITY: With no modifying words appearing before it, used only in Sections where a landfill, waste processing facility or transfer station is being discussed, means any landfill, waste processing facility or transfer station which is the subject of such Section.

FACILITY EXPANSION: An increase or intended increase of the operation or use laterally, beyond the licensed perimeter previously licensed by the Division Director.

FACILITY MODIFICATION: A change in design, facility plan or operation within the ground of previously licensed perimeter or conditional use permit area. Modification would include an increase or change of final elevation or overall depth of landfills or extension into areas previously permitted by the Division Director, but not yet engineered.

FINAL COVER: The cover material placed over waste in a landfill which is more substantial than a daily cover.

FLOOD PLAIN: The area designated as the 100-year special flood hazard and floodway on the Flood Boundary and Floodway Maps and Flood Insurance Rate Maps approved by the Federal Emergency Management Agency.

FREE LIQUID: Liquid that will drain freely by gravity from solid materials.

HAZARDOUS WASTE: Any waste, or combination of wastes, as determined to be hazardous by Sections 260.350 to 260.430, RSMo., as amended, and the corresponding rules promulgated by the Missouri Department of Natural Resources (MDNR).

HUMAN TISSUE: Any part or component of human body origin generated by hospital or medical clinic surgical or routine activities that is discarded as waste in the course of operating practices including limbs or portions thereof, organs or culture stock.

INDUSTRIAL/COMMERCIAL SPECIAL WASTE: Special wastes generated as a result of commercial/industrial processes or activities.

INFECTIONOUS WASTE OR BIOHAZARD WASTE shall include the following:

Isolation wastes: Wastes generated by patients who have communicable diseases which are capable of being transmitted to others via those wastes.

Cultures and stocks of etiologic agents: Included in this category are all cultures and stocks of infectious organisms as well as culture dishes and devices used to transfer, inoculate and mix cultures.

Blood and blood products: All discarded blood and blood products generated by a medical facility including serum, plasma and other components.

Pathological wastes: These wastes include tissues, organs, body parts and body fluids that are removed during surgery and autopsy. All such wastes shall be considered infectious waste. Also included are animal carcasses, body parts and bedding from animals contaminated with infectious agents capable of being transmitted to a human host.

Sharps: This includes all sharps, including hypodermic needles, syringes and scalpel blades. Sharps also include broken glass or other sharp items that have come in contact with material considered infectious by definition.

Surgery and autopsy wastes: Wastes contaminated with bodily fluids, tissue, or pathogens which are generated by surgery, dialysis and laboratory departments.

Contaminated laboratory wastes: All medical laboratory wastes which have been contaminated with bodily fluids, tissues, or
pathogens.

In addition, the term "Infectious Waste" means waste in quantities and with characteristics as established by rule by the Division Director pursuant to the rule-making power granted in Section 240.1710.

**LANDFILL:** An engineered waste disposal site in which waste is deposited and managed in a manner protective of the environment.

**LEACHATE:** Liquid that has percolated through waste and contains extracted, dissolved, or suspended materials from it.

**MATERIALS FACILITY PLAN:** The plan for construction, operation and closure (as the case may be) of a yard waste composting facility.

**MEDICAL FACILITY:** An individual office, facility or institution which generates infectious waste in the course of conducting its primary business or whose act or process first causes an infectious waste.

**MEDICAL SPECIAL WASTE:** Infectious waste that has been rendered innocuous via a physical treatment process established by the Missouri Department of Health, the Missouri Department of Natural Resources and the St. Charles County Department of Community Health and the Environment.

**MOBILE/ROLL-OFF WASTE CONTAINER:** A container which has a capacity of at least ten (10) cubic yards and which is used for storing solid waste collected in the unincorporated areas of St. Charles County and transporting that waste to the disposal or transfer/processing point over public roadways.

**NON-RESIDENTIAL:** Commercial, industrial, agricultural, institutional and recreational.

**ON SITE:** The same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access by crossing, as opposed to going along the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which he/she controls and to which the public does not have access is also considered on-site property. Situations which do not meet this definition shall be deemed "off-site".

**PERSON:** Individual, partnership, corporation, association, institution, or municipality.

**PUNCTURE RESISTANT CONTAINER:** A container that resists piercing by a sharp object such as a hypodermic needle. Notwithstanding the foregoing, a container made of glass does not satisfy this definition.

**RECOVERED MATERIALS:** Those materials which have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not they require subsequent separation and processing.

**RECYCLABLES:** Materials removed from the general waste stream for the purpose of resource recovery and includes at a minimum, glass bottles and jars, aluminum beverage cans, newspaper, corrugated containers (cardboard), office paper, miscellaneous paper fiber grades, plastics 1 (PETE, soda bottles) and 2 (HDPE, milk jugs, detergent), and steel cans, and may also include other materials for which resource recovery systems or end-use markets have been identified.

**RECYCLE:** The separation and reuse of source-separated materials which otherwise might be disposed of as waste.

**RECYCLING CENTER:** Any collection (not manufacturing) facility or system that accepts source-separated materials for resale to markets for resource recovery for example, aluminum cans and scraps, tin, copper, glass, paper products, tires, plastics, bi-metal and steel containers, ferrous and non-ferrous metals and from which offal from the material does not exceed ten percent (10%) by volume.

**RESOURCE RECOVERY FACILITY:** Any facility where recovery of materials, which might otherwise be disposed of as solid waste and which have not been separated at the point of generation, takes place.

**SANITARY LANDFILL:** A solid waste disposal area which accepts residential and non-residential waste for permanent management using detailed engineered controls.

**SLUDGE:** The accumulated semi-solid suspension of settled solids deposited from wastewaters or other fluids in tanks or basins.

**SOIL:** Unconsolidated geologic material above the bedrock.

**SOLID WASTE:** All waste in a solid or semi-solid state generated by residential, commercial, institutional and industrial sources, but does not include hazardous waste or special waste.

**SOURCE-SEPARATED MATERIAL:** That recovered material which has been diverted or removed from the solid waste stream at the point the recovered materials and the solid waste are generated. The term does not require that various types of recovered materials be separated from each other.

**SPECIAL WASTE:** Waste that is declared by the Division Director, pursuant to his rule-making authority, or by the Missouri Department of Natural Resources to be non-hazardous but requiring handling other than normally used for municipal wastes, examples being sludges (bio-solids from water and wastewater treatment processes), ash, contaminated soils (generated from site remediation), and process residues.

**SPECIAL WASTE LANDFILL:** A solid waste disposal area licensed for the disposal of one (1) or more special wastes.

**TRANSFER STATION:** A site or facility which accepts solid waste for temporary storage, or consolidation and further transfer to a waste disposal, processing or storage facility. Transfer station includes, but is not limited to, a site or facility where waste is transferred from: a rail carrier, motor vehicle or water carrier to another carrier, if the waste is removed from the container or vessel. A licensed residential waste hauling operation which exclusively involves the transportation, storage, and disposal of
non-putrescible banned landfill items (i.e., white goods, tires, etc.) as the service it provides to its customers shall be exempt from transfer station status provided the storage of all collected material does not exceed thirty (30) days and does not create a public health or aesthetic nuisance. In addition, the transfer of waste directly from one waste hauling vehicle/container to another waste hauling vehicle/container, in the regular operation of providing waste collection service, shall be exempt from transfer station status; providing, however, that all such vehicles and containers are permitted by St. Charles County under the same company name or its subsidiary.

**VECTOR:** An organism that is capable of transmitting a pathogen from one organism to another.

**WASTE:** Garbage, rubbish, refuse and other discarded materials, including liquid, gaseous, solid, and semi-solid materials resulting from industrial, commercial, institutional, agricultural, residential, and other domestic activities, but does not include recovered materials that are managed in such a manner so as to prevent a public health nuisance. For the purpose of all provisions of this Code imposing duties with respect to the generation, storage, collection or transportation of waste, the term “waste” includes hazardous waste, infectious waste, and special waste, unless the context clearly requires a contrary instruction.

**WASTE FACILITY PLAN:** The plan for construction, operation and closure of a sanitary landfill, demolition landfill, waste processing facility or transfer station, as the case may be, as more fully described in Sections 240.620, 240.630 and 240.640 and other provisions of this Chapter.

**WASTE PROCESSING FACILITY:** An incinerator, compost plant, transfer station or any facility where solid wastes (excluding hazardous wastes) received from off-site are salvaged, processed or treated, using methods other than landfilling.

**WASTE TRANSPORTATION VEHICLE:** A vehicle used to collect solid waste in the unincorporated areas of St. Charles County and to transport that solid waste on any highway, road or street, all as provided by Article IV of this Solid Waste Management Code of St. Charles County.

**WHITE GOODS:** Household appliances such as refrigerators, stoves, dishwashers, hot water heaters and other similar household devices not capable of being directly disposed of in a sanitary landfill.

**WORKING FACE:** That portion of the sanitary landfill where wastes are discharged and are spread and compacted prior to the placement of cover material.

**YARD WASTE:** Source-separated leaves, grass clippings, yard and garden vegetation generated by residential activities and Christmas trees. The term does not include waste generated in the production of decorative or ceremonial items, stumps, roots or shrubs with intact root balls, railroad ties, or tree limbs greater than six (6) inches in diameter.

**YARD WASTE COMPOSTING FACILITY:** A non-residential premises which collects and/or accepts recovered yard by-product (and brush/tree waste if incorporated into an approved facility plan) generated off-site for the purpose of controlled biological decomposition. (Ord. No. 01-061 §§1--8, 5-30-01)

**ARTICLE III. STORAGE AND COLLECTION OF WASTE ON PREMISES WHERE GENERATED**

**SECTION 240.301: PERSONS RESPONSIBLE FOR STORAGE AND COLLECTION OF SOLID WASTES ON PREMISES WHERE GENERATED**

The persons described in this Section shall be responsible for complying with the provisions of this Article.

1. All residents seventeen (17) years old or older shall be responsible for complying with the provisions of this Article with respect to the storage and collection of residential waste on the premises at which they reside.
2. All persons in possession of common areas of multi-family residential premises or responsible for providing or contracting for waste collection services for such premises and for the benefit of their residents shall be responsible for complying with the provisions of this Article with respect to the storage and collection of solid waste generated on such premises, and this duty shall extend to each manager, agent or employee of such persons.
3. All persons in possession of non-residential premises shall be responsible for complying with the provisions of this Article with respect to the storage and collection of non-residential waste on the premises they possess, and this duty shall extend to each manager, agent or employee of such persons.
4. On all premises, it shall be a violation of this Article to perform any act which would make the premises fail to comply with the requirements of this Article, whether or not the person charged resides on the premises or is in possession of the premises or is the agent or employee of a person in possession of the premises. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.310: SOLID WASTE CONTAINERS REQUIRED ON ALL PREMISES**

There shall be provided on each premises where waste is generated, whether such premises are residential or non-residential, containers for the storage of all waste except the following: bulky waste, demolition and construction waste, yard waste, and infectious, hazardous and special wastes. The containers shall be leakproof, waterproof, and fly-tight and shall be properly covered at all times except when waste is being deposited in the containers or is being removed from them. The containers must be sufficient in quantity and size to hold all the aforementioned waste. (Ord. No. 01-061 §§1--8, 5-30-01)

**SECTION 240.315: REQUIREMENTS FOR SEPARATE CONTAINERS FOR RECYCLABLES FOR EACH RESIDENCE ON SINGLE, TWO- AND THREE-FAMILY RESIDENTIAL PREMISES**

284
Where owners or occupants of single-, two- or three-family residential premises separate recyclables for collection, those owners or occupants shall use for that purpose separate containers or sacks approved by the Division Director and provided by or meeting the requirements of the trash hauler holding an annual solid waste collection and transportation permit from St. Charles County and serving the premises. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.320: REQUIREMENTS FOR SEPARATE CONTAINERS FOR RECYCLABLES ON RESIDENTIAL PREMISES HAVING FOUR OR MORE UNITS

Where persons responsible for residential premises having four (4) or more units provide for the separate collection of recyclables, those persons shall provide centrally located recycling containers meeting the requirements of the solid waste hauler holding an annual solid waste collection and transportation permit from St. Charles County and serving those premises. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.325: LOCATION OF CONTAINERS FOR SOLID WASTE AND RECYCLABLES

Solid waste containers and containers for recyclables shall be stored upon the premises where the solid wastes or recyclables are generated, unless the person responsible provides the trash hauler serving the property his or her signed written agreement with the owner of an alternative site to use that alternative site for storing containers. The site of these containers shall be maintained in a neat, clean, odor-free and sanitary condition, and in the case of non-residential premises shall be fully accessible to collection equipment. The site where containers are placed that serve commercial establishments shall meet all the aforementioned requirements as well as being accessible to all public health personnel and fire inspection personnel. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.330: SPECIFICATIONS FOR CONTAINERS FOR SOLID WASTE AND RECYCLABLES

All containers for solid waste and for recyclables must conform to the requirements of the solid waste hauler serving the premises as those requirements are stated in the hauler's annual solid waste collection and transportation permit issued by St. Charles County. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.335: CONTAINERS FOR SOLID WASTE AND RECYCLABLES FOR EXCLUSIVE USE OF RESIDENTS OR POSSESSOR OF PREMISES SERVED

No person may place solid waste or recyclables in any containers serving premises on which others reside or which others possess without their consent. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.340: STORAGE OF INFECTIOUS, HAZARDOUS AND SPECIAL WASTES

A. No person possessing or generating infectious, hazardous or special waste shall permit such infectious, hazardous or special waste to be placed in storage containers ordinarily used for waste that is not infectious, hazardous or special waste, as the case may be.

B. Any person possessing or generating infectious, hazardous or special waste shall place such waste in storage containers clearly marked "INFECTIOUS", "HAZARDOUS WASTE" or "SPECIAL WASTE", as the case may be.

C. Infectious waste shall be stored in a manner that does not pose a significant hazard or nuisance in the workplace, to the public, or to the environment. All infectious waste shall be stored in the following manner prior to pickup:
   1. All infectious waste shall be stored in sealed leakproof containers. Discarded sharps shall be placed in closed containers which are rigid and puncture resistant.
   2. All containers shall be clearly marked with the universal biohazard symbol prominently displayed and shall be labeled "Infectious Waste" or "Biohazard Waste". The symbol and label shall be clearly visible.
   3. All containers shall be closed in such a manner as to completely contain all waste and the outside of the container shall be kept free of contamination.
   4. The storage area shall be posted with the universal biohazard symbol. The symbol shall be clearly visible.
   5. The storage area shall be accessible only to authorized personnel.
   6. Exterior storage areas shall be locked or otherwise secured at all times.

D. Medical special waste shall be stored in a manner that does not pose a significant hazard or nuisance in the workplace, to the public, or to the environment. All medical special waste shall be stored in the following manner prior to pickup:
   1. All medical special waste shall be stored in sealed leakproof containers.
   2. All containers shall be labeled "Medical Special Waste" affixed to the container. All labeling shall be clearly visible and legible.
   3. The storage area shall be accessible only to authorized personnel.
   4. Exterior storage areas shall be locked or otherwise secured at all times.
E. Industrial/commercial special waste and sewage sludges shall be stored in a manner that does not pose a significant hazard or nuisance in the workplace, to the public, or the environment and as approved in the special waste application. The storage area shall be accessible only to authorized personnel, and exterior storage area shall be locked or otherwise secured at all times.

F. Hazardous wastes shall be stored in accordance with applicable State and Federal regulations. (Ord. No. 01-061 §§1–8, 5-30-01)

SECTION 240.345: DEMOLITION AND CONSTRUCTION WASTE

A. No person shall store in or place additional demolition and construction waste in a mobile/roll-off waste container which is full. A mobile/roll-off waste container is full if no more waste can be added to it without making it unsafe to transport, filled in excess of the rated capacity, or in excess of established public roadway weight limits.

B. The person who has requested that a mobile/roll-off waste container be located to receive demolition or construction waste or container be removed from a site shall require that a mobile/roll-off waste container which is full be removed and the waste deposited at an appropriate facility.

C. Demolition and construction waste shall be stored in a secure container or otherwise secured to prevent dispersal by the wind.

D. Demolition and construction waste shall not be stored in a floodplain unless it is stored in a mobile/roll-off waste container. (Ord. No. 01-061 §§1–8, 5-30-01)

SECTION 240.350: MEDICAL FACILITIES GENERATING AND/OR DISPOSING OF MEDICAL WASTES

A. At least once annually, every medical facility generating or disposing of medical wastes shall file a statement with the Division Director registering the medical facility as a medical waste generator. The statement shall contain such other information as the Division Director requests, including more particular detail concerning the amounts of medical waste disposed or expected to be disposed of during the year.

B. Waste generators disposing of treated infectious waste (medical special waste) are required to submit an application for disposal of special waste in accordance with Section 240.1610. (Ord. No. 01-061 §§1–8, 5-30-01)

SECTION 240.355: COLLECTION OF SOLID WASTE AND RECYCLABLES

For all residential or non-residential premises where solid wastes are generated, persons responsible for complying with the provisions of this Article shall contract for the collection of solid waste by a hauler serving the premises and holding an annual requirements.

1. Solid waste, including recyclables but excluding bulky waste, demolition and construction waste, yard waste, and infection, hazardous and special wastes, shall be collected not less often than once per week. In the event no waste hauler serves the area, the aforementioned wastes must be removed from the premises not less often than once per week and deposited at a licensed sanitary landfill, waste processing facility or transfer station.
   a. Solid waste containers and containers for recyclables described in Sections 240.310 through 240.330 shall be placed at the curb or mailbox for collection or shall be placed at a location pursuant to Section 240.325 no earlier than dusk on the day prior to regularly scheduled collection day. The waste containers and recycling containers shall be returned to their appropriate storage places following collection and on the same day as collection.
   b. Solid waste collectors operating under an annual solid waste collection and transportation permit issued by St. Charles County are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner.

2. Infectious waste. If the generator of infectious waste generates such waste at the rate of four and one-half (4.5) cubic feet per week or more, then such waste shall be collected at least once per week. If the generator of infectious waste generates infectious waste at the rate of less than four and one-half (4.5) cubic feet per week, then waste shall be collected within seven (7) normal working days of the time such generator collects four and one-half (4.5) cubic feet of infectious waste.

3. Medical special waste and industrial/commercial special waste and sewage sludge. Frequency of pickup shall be as specified in the approved special waste disposal application. In making the determination of the frequency of pickup, the Division Director may consider whether proper containment, storage and labeling is or has been observed by the applicant per Section 240.340, Subsections (A) through (D). (Ord. No. 01-061 §§1–8, 5-30-01)

SECTION 240.360: VIOLATIONS--NOTICES

If any person responsible for complying with the provisions of this Article violates any such provision, the Division Director shall notify that person in writing of any such violations and order that person to correct or abate them within thirty (30) days. If the violation is failure to comply with Section 240.355’s requirement to contract for the services of a hauler holding an annual solid waste collection and transportation permit from St. Charles County, the notice of the Division Director shall include the names, business addresses and telephone numbers of the permittee serving the premises and order the person responsible to contract with a licensed hauler within thirty (30) days of the mailing or posting of the notice. Notice shall be served by first-class mail, postage
SECTION 240.365: NOTICE OF PROPER DISPOSAL OF SHARPS

A. The Division Director shall develop instructional materials describing the proper disposal procedures for sharps used outside of a medical facility. These materials shall be made available to all persons who dispense sharps to individuals who are not healthcare professionals but who use sharps to administer medication to themselves.

B. Every person who dispenses sharps to individuals pursuant to Subsection (A) of this Section shall also and at the same time give those individuals a copy of the instructional materials described in Subsection (A) of this Section.

C. The Division Director shall take reasonable means to educate persons subject to the requirements of Subsection (B) of this Section of the requirements and the availability of the materials described in Subsection (A) of this Section. (Ord. No. 01-061 §§1--8, 5-30-01)

ARTICLE IV. COLLECTION AND TRANSPORTATION OF SOLID WASTE FROM PREMISES

SECTION 240.401: ANNUAL PERMIT FOR COLLECTING AND TRANSPORTING SOLID WASTE--REQUIRED

Except as provided in this Section, no person shall engage in the business of collecting solid waste in the unincorporated areas of St. Charles County and transporting that solid waste on any highway, road or street without first obtaining an annual solid waste collection and transportation permit from the County. This Section shall not apply to employees of the holder of any such permit, or to governmental bodies engaged solely in the business of collecting solid waste within incorporated areas of St. Charles County, or to persons engaged in the removal, hauling or disposal of earth and rock material from grading or excavation activities, or to vehicles that transport no solid waste except white goods and/or scrap metal. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.405: ANNUAL PERMIT--NOT TRANSFERABLE

No permit authorized by this Article shall be transferable from person to person or company to company. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.410: ANNUAL PERMIT--APPLICATION FORM

Each application for an annual solid waste collection and transportation permit shall be on a form provided by the Division Director and shall state:

1. The applicant's name, address, and telephone number;
2. The name under which the applicant will conduct the business of collecting and transporting solid waste under the permit applied for;
3. The motor vehicle license number and fleet vehicle number assigned by the applicant to each vehicle or mobile/roll-off waste container to be used by the applicant under the permit applied for;
4. The name, address, and telephone number of the owner of each vehicle or mobile/roll-off waste container to be used by the applicant under the permit applied for (if not the same as the applicant);
5. The type or types of solid waste to be collected and transported under the permit for which applied;
6. The precise location or locations of the solid waste disposal areas, processing facilities or transfer stations to which the applicant shall haul waste under the permit for which applied;
7. Subject to Subsection 240.430(3), a materials separation plan, on a form supplied by the Division Director, providing for the separate weekly collection from single- and multi-family residential premises and for the recycling of recyclables, and including specifications for recycling containers to be approved by the Division Director, provisions assigning responsibility for providing them, and the costs of implementing the plan;
8. Specifications for general solid waste containers, and provisions assigning responsibility for providing them;
9. A plan for the collection from residential premises at least once every six (6) months of bulky waste, including white goods;
10. An agreement to comply with the provisions and requirements of this Article; and
11. Such other information as may be required by the Division Director. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.415: ANNUAL PERMIT -- APPLICATION DEADLINE -- EFFECTIVE DATES -- FEES

A. A person may apply at any time for an initial annual solid waste collection and transportation permit which shall be effective from the date on which the Division Director issues it and which shall expire at the end of the immediately following December thirty-first (31st). All applications to renew such permits shall be made by December fifteenth (15th) of each year. All renewed
permits shall be effective from January first (1st) through December thirty-first (31st) of the following year.

B. Each applicant shall pay application fees and inspection fees as authorized herein at the time of making application for an annual solid waste collection and transportation permit.

1. The County of St. Charles shall charge and collect a fee of up to one hundred fifty dollars ($150.00) for a one (1) year permit from any solid waste hauler doing business in the unincorporated areas of St. Charles County. Fees for permits issued to new permittees at any time after January first (1st) shall be prorated.

2. The Division shall charge a fee for inspections of waste transportation vehicles and/or mobile/roll-off waste containers of solid waste haulers doing business in the unincorporated areas of St. Charles County as follows:
   a. Ten dollars ($10.00) per inspection of each vehicle or mobile/roll-off waste container. (Ord. No. 01-061 §§1--8, 5-30-01; Ord. No. 02-114 §1, 7-31-02; Ord. No. 03-024 §1, 2-26-03)

Editor's Note--Permit application fees and license fees authorized by Sections 240.415, 240.610, 240.840, 240.1406 and 240.1454 of this chapter 240 shall be effective upon approval of those fees by the qualified voters of St. Charles County. Until such approval, previously adopted fees remain in force, pursuant to St. Charles County Ordinance No. 01-061 §2, which provides in pertinent part: "Permit application fees presently authorized by Section 240.060 of the Ordinances of St. Charles County, Missouri, shall remain in force and shall apply to applications for permits and licenses to be issued pursuant to the new Solid Waste Management Code..., until such time as new permit application fees or license fees are approved by the qualified voters of St. Charles County..."

See Section 240.2010 for the text of former Section 240.060.

SECTION 240.420: ANNUAL PERMIT -- ISSUANCE

No annual solid waste collection and transportation permit shall be issued unless:

1. The applicant's application is complete;
2. The applicant has paid all authorized fees;
3. The Division Director determines that the applicant's materials separation plan for collecting and recycling recyclables conforms to the requirements of this Article; and
4. The applicant provides for the collection from residential premises of bulky waste, including white goods, at least once every six (6) months. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.425: DUTIES OF PERMITTEE--OFFERING COLLECTION SERVICES TO ALL RESIDENTS WITHIN AREA OF SERVICE--CERTIFYING COLLECTION CONTRACTS TO DIVISION DIRECTOR

As a condition of holding a permit issued pursuant to this Article, each permittee shall offer collection services to all residential and non-residential premises within the area or areas for which a permittee is authorized to collect and transport solid waste. Further, if St. Charles County determines that residential or non-residential premises of the unincorporated part of the County lack collection services in violation of Article III of this Chapter, the Division Director shall send the person responsible for those premises as defined by Section 240.301 written notice of that violation and send copies of that notice to the permittee or permittees serving the area within which those premises are located. That notice shall give the names, business addresses and telephones of the permittee or permittees serving the area and order the person responsible for those premises to contract with a permittee for collection services within thirty (30) days of the mailing of the notice. It shall be the permittee's duty to provide collection services if the person responsible for those premises requests them and send the Division Director written certification that the person responsible has contracted or has failed to contract for collection services as required by the notice. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.430: DUTIES OF PERMITTEE--PROVIDING RECYCLING SERVICES WITH COLLECTION SERVICES AND UPDATING MATERIALS SEPARATION PLANS

As a condition of holding a permit issued pursuant to this Article, each permittee shall:

1. Collect and dispose of all solid waste at an approved facility at least once a week and make available for an additional fee twice-a-week collection and disposal.
2. Make available for an additional fee collection of yard waste once a week between April first (1st) and November thirtieth (30th) of every year and deliver all such materials to an approved transfer station or composting facility.
3. Collect separated recyclables upon request by the customer at least once a week and deliver all such materials to approved material processing facilities and/or end-users as appropriate.
4. Provide the above services with authorization to bill all residential customers at prevailing fair market rates covering all operating costs.
5. Apply to the Division Director for approval of any amendments to the permittee's materials separation plan, which shall not be given unless the Division Director determines that the permittee's amended materials separation plan conforms to the requirements of this Article.
6. Report any changes in the information provided on the permittee's application within thirty (30) days of those changes. (Ord.
SECTION 240.432: RESERVED

Editor's Note--Ord. no. 02-079 §2, adopted May 29, 2002, repealed section 240.432, "Director to determine compulsory curbside recycling areas for residential waste hauling", in its entirety. Former section 240.432 derived from ord. no. 01-162 §2, 11-28-01 and ord. no. 02-045 §1, 5-1-02. We have left this section reserved for future use by the county.

SECTION 240.435: DUTIES OF PERMITTEE--COLLECTING BULKY WASTE FROM RESIDENTIAL PREMISES AT LEAST ONCE EVERY SIX MONTHS

As a condition of holding a permit issued pursuant to this Article, each permittee shall provide to all persons contracting for the collection of solid waste from residential premises at least one (1) collection of bulky waste, including white goods, every six (6) months. The permittee shall give such persons reasonable notice of the time of any such collection of bulky waste. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.440: DUTIES OF PERMITTEE--LABELING ALL PERMITTED WASTE TRANSPORTATION VEHICLES AND MOBILE/ROLL-OFF WASTE CONTAINERS

As a condition of holding a permit issued pursuant to this Article, each permittee shall ensure that all waste transportation vehicles and mobile/roll-off waste containers used under any permit required by this Article shall display in a prominent and visible location the label provided by the Division Director on each vehicle and container indicating that they are licensed. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.445: DUTIES OF PERMITTEE--MAINTAINING WASTE TRANSPORTATION VEHICLES AND MOBILE/ROLL-OFF WASTE CONTAINERS

As a condition of holding a permit issued pursuant to this Article, each permittee shall maintain the waste transportation vehicles and mobile/roll-off waste containers that it operated under its permit as provided herein.

1. All waste transportation vehicles and mobile/roll-off waste containers shall be maintained in a clean and sanitary condition and shall be constructed, maintained and operated to prevent spilling, blowing or leaking of solid waste or liquid therefrom.

2. All waste transportation vehicles that incorporate compactor bodies for trash storage during transportation shall be constructed with bodies that have seals located on the hopper assembly or any part of the compactor body which will create a watertight enclosure to prevent spillage or leakage of solid waste or liquid therefrom, and only the loading hopper may be exposed.

3. All mobile/roll-off waste containers that are not fully enclosed shall have fasteners designed to secure a suitable cover material to all sides of the container while in transport to prevent spillage or leakage of solid waste or liquid therefrom. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.450: DUTIES OF PERMITTEE--INSPECTION OF ALL WASTE TRANSPORTATION VEHICLES AND MOBILE/ROLL-OFF WASTE CONTAINERS USED BY PERMITTEES--VIOLATIONS--CORRECTION NOTICES--SUSPENSION OF PERMITTED VEHICLES OR CONTAINERS IN VIOLATION

A. As a condition of holding a permit issued pursuant to this Article, each permittee shall permit the Division Director to inspect each of the waste transportation vehicles and mobile/roll-off waste containers used under the permit, at any time selected by the Division Director and upon reasonable notice to the permittee, to ensure compliance with the provisions of this Article.

B. Except as provided in Subsection (C), the Division Director shall inspect all waste transportation vehicles or mobile/roll-off waste containers used by each holder of an annual solid waste collection and transportation permit to ensure compliance with this Article.

C. The Division Director may waive inspection of any waste transportation vehicle or mobile/roll-off waste container if its owner is a municipality, governmental entity, department of a governmental entity, or non-profit organization which has a quality control and inspection program that ensures compliance with the standards imposed by this Article.

D. If, upon inspection pursuant to this Section, the Division Director finds any violation of this Chapter or of the regulations adopted pursuant to it, the Division Director shall issue notice to the holder of the annual solid waste collection and transportation permit who is responsible for each such violation stating the violation or violations found, the corrective action needed to correct the violation or violations found, and the time and date by which such corrective action must be taken.

E. In all cases, if a holder of an annual solid waste transportation and collection permit fails to take the corrective action ordered by the Division Director pursuant to Subsection (D) within the time specified, the Division Director shall suspend operation of the permitted waste transportation vehicle or mobile/roll-off waste container that is in violation, however, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one (1) extension of time not to exceed the original time period may be given.
F. Any person aggrieved by any notice of violation or order issued pursuant thereto of the Division Director may, within thirty (30) days of the act for which redress is sought, appeal directly to the Director in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal. (Ord. No. 01-061 §§1–8, 5-30-01)

SECTION 240.455: DUTIES OF PERMITTEE--SEMI-ANNUAL REPORTS TO COUNTY

As a condition of holding a permit issued pursuant to this Article, each permittee shall provide to the Division Director semi-annual reports on forms to be provided by the Division Director, and including the following information:

1. Number of current customers;
2. Total tons of waste collected since last report;
3. Total tons of recyclables collected since last report;
4. Total tons of yard waste collected since last report;
5. Names and addresses of processing facilities/destinations/end-market locations accepting above-referenced items; and
6. Request for handling of de minimis (as outlined in Missouri Revised Statutes, Chapter 260, Section 260.432 amounts of household/commercial hazardous wastes. (Ord. No. 01-061 §§1–8, 5-30-01)

SECTION 240.460: DUTIES OF PERMITTEE--INSURANCE

A. No person shall engage in the business of hauling waste without maintaining public liability insurance governing all operations of the insured pertaining to the business of hauling waste and all vehicles to be operated in the conduct thereof. The insurance shall be with an insurer acceptable to the Division Director and shall include coverage in one (1) policy or multiple policies for any contractors or subcontractors engaged by the insured for such business. Evidence of such insurance shall be filed with the Division Director. The minimum limits of insurance for public liability and auto liability shall be five hundred thousand dollars ($500,000.00) for bodily injury to each person; one million dollars ($1,000,000.00) for total bodily injury for each occurrence; and one million dollars ($1,000,000.00) for property damage for each occurrence. Municipalities engaged in the business of waste hauling are exempted from procuring the minimum limits of insurance required by this Section.

B. No person shall engage in the business of hauling waste without maintaining insurance coverage with Workers' Compensation coverage, with minimum limits as set by law. Should any policy be canceled, the Division Director shall be notified of such cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of such cancellation. (Ord. No. 01-061 §§1–8, 5-30-01)

SECTION 240.465: DUTIES OF PERMITTEE--SECURING BONDS FOR HAULING SLUDGE, SEWAGE AND SPECIAL WASTES

No person shall haul sewage, sludge or special wastes without obtaining a bond in the amount of one thousand dollars ($1,000.00) for each vehicle hauling or to haul sludge, sewage or special wastes. The bond shall assure that the provisions of this Section are satisfied and that sludge, sewage and special wastes are transported in a safe and sanitary manner. Such bond shall insure to the benefit of St. Charles County and persons residing in unincorporated St. Charles County. Bonding and annual solid waste collection and transportation permits shall not be required for any sludge, sewage, or sludge/compost mixture that has been processed for agricultural land application under regulations of the United States Environmental Protection Agency at 40 Code of Federal Regulations Part 503, as adopted or amended. (Ord. No. 01-061 §§1–8, 5-30-01)

SECTION 240.470: SPECIAL REQUIREMENTS FOR TRANSPORTATION OF INFECTIOUS, HAZARDOUS AND SPECIAL WASTES

A. The Division Director shall classify certain wastes as hazardous wastes pursuant to applicable regulations of guidelines set up by the Missouri Department of Natural Resources and the U.S. Environmental Protection Agency. These wastes will require special handling and shall be reused, recycled, transported and disposed of in a manner which will meet all State and Federal regulations.

B. No person shall haul infectious, hazardous or special waste in a waste transportation vehicle or mobile/roll-off waste container used for or containing waste which is not infectious, hazardous or special waste, as the case may be, or which is not a waste hauling vehicle or mobile/roll-off waste container which can safely transport waste of such kind. No person shall collect or transport waste which has been clearly identified as infectious, hazardous or special waste, or which such person has reason to know is in fact infectious, hazardous or special waste, unless such person has the capability legally and safely to transport and dispose of the waste at an appropriate waste treatment facility. (Ord. No. 01-061 §§1–8, 5-30-01)

SECTION 240.475: AUTHORITY TO PROMULGATE REGULATIONS IMPLEMENTING THIS ARTICLE

The Division Director is authorized to make such regulations as will implement the purposes of this Article. Such regulations shall only be promulgated following notice to the public of the public hearing to be held and the subject matter of the proposed regulation. The Division Director shall hold such a public hearing. Upon issuance of such regulation, the text of such regulation shall be filed with the County Registrar. Failure to comply with provisions of such regulation shall be a violation of this Chapter and subject to the penalty provisions of this Chapter. (Ord. No. 01-061 §§1–8, 5-30-01)
SECTION 240.480: REVOCATION OF PERMITS
A. The Division Director may revoke a permit issued pursuant to this Article if the Division Director has suspended operation of any vehicle or container operated under the permit more than six (6) times within twelve (12) months, or if the permittee violates the provisions of Sections 240.415 or 240.460, and fails to cure those violations within thirty (30) days of receipt of a written notice of violation issued by the Division Director and served by certified mail upon the permittee.
B. Any person aggrieved by any notice of violation or order issued pursuant thereto of the Division Director may, within thirty (30) days of the act for which redress is sought, appeal directly to the Director in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal. (Ord. No. 01-061 §§1--8, 5-30-01)

ARTICLE V. DISPOSAL OF SOLID WASTE--LICENSE REQUIRED--EXCLUSIONS

SECTION 240.510: WASTE MUST BE DEPOSITED AT A LICENSED LANDFILL, LICENSED WASTE PROCESSING FACILITY OR LICENSED TRANSFER STATION
A. No person shall deposit waste on any real estate or permit waste to be deposited on any real estate for which there is not valid and current license and, if appropriate, renewal license for the operation of a waste processing facility or transfer station issued by the Division Director, nor shall any person deposit waste on or at any such sanitary landfill, demolition landfill, waste processing facility or transfer station in a manner which does not comply with the waste facility plan approved by the Division Director and the license issued therefor by the Division Director, nor in a manner which does not comply with the provisions of this Chapter describing the manner or operation of the sanitary landfill, demolition landfill, waste processing facility or transfer station.
B. No person shall deposit or permit the depositing of any solid waste (including yard waste) into any stream, spring, body of surface or ground water, whether natural or artificial, or along the bank of any body of water within unincorporated St. Charles County.
C. Except as otherwise provided in this Subsection, no person shall engage in or permit the burning of any solid waste in any open area or container including drums and barrels. Open burning of solid waste in residential "burn barrels" or on the ground surface at any property located in the unincorporated areas of St. Charles County is expressly prohibited. However, open burning of yard waste shall be lawful under permits issued pursuant to the applicable regulations administered by the Missouri Department of Natural Resources Air Pollution Control Program (MDNR-APCP). (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.520: PRESUMPTION REGARDING WASTE NOT DEPOSITED AT LICENSED FACILITY
In a prosecution of a defendant for violation of Section 240.510, the prosecution shall make a prima facie case upon showing that:
1. Waste has been deposited on real estate which does not have the license described in Section 240.510; and
2. The waste so deposited contains at least three (3) pieces of waste which uniquely identify the defendant. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.530: LICENSE TO OPERATE LANDFILL, WASTE PROCESSING FACILITY OR TRANSFER STATION REQUIRED
No person shall construct or operate a sanitary landfill, demolition landfill, waste processing facility or transfer station without a current and valid license issued by the Division for the construction and operation thereof. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.540: INFECTIOUS WASTE, HAZARDOUS WASTE AND SPECIAL WASTE NOT TO BE DEPOSITED AT SANITARY OR DEMOLITION LANDFILL, WASTE PROCESSING FACILITY OR TRANSFER STATION
No person shall deposit or permit or cause to be deposited any infectious waste, hazardous waste or special waste in a sanitary landfill, demolition landfill, waste processing facility or transfer station unless the facility is designed and licensed by the Division to accept such waste safely. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.550: DISPOSAL OF HUMAN TISSUE
A. Unless otherwise provided in this Chapter, no person shall dispose of human tissue except as follows:
1. By burial; or
2. By cremation; or
3. By pathological incineration.
B. Hair, teeth, fingernails and toenails are not subject to the provisions of Subsection (A).
C. Human tissue which is used for scientific or medical purposes is not subject to this Chapter until it is no longer used for such scientific or medical purposes. When such tissue is no longer used for scientific or medical purposes, such tissue must be disposed of in one (1) of the manners indicated in Subsection (A).

D. In lieu of the manners of disposal sanctioned in Subsection (A), blood, suctioned fluids, excretions, and secretions may be poured down a drain connected to a sanitary sewer, provided that conflicts with local, State and Federal wastewater laws, pretreatment requirements, do not exist. (Ord. No. 01-061 §§1--8, 5-30-01)

ARTICLE VI. SOLID WASTE DISPOSAL AREAS AND PROCESSING FACILITIES--APPLICATION FOR LICENSE/WASTE FACILITY PLAN

SECTION 240.610: LICENSE, HOW ACQUIRED--APPLICATION FEES
A. An initial license (as opposed to the annual renewal license) for the construction and operation or expansion of a sanitary landfill, demolition landfill, waste processing facility, or transfer station may be issued by the Division Director following the procedures declared in this Chapter. An applicant for a license shall file three (3) copies of an application addressed to and filed with the Division Director. The application shall consist of:
1. A request for issuance of a license, and
2. A waste facility plan as described below.
B. All applications shall be reviewed concurrently with applications for construction and operating permits filed with the Missouri Department of Natural Resources pursuant to Section 260.205, Revised Statutes of Missouri, as amended and applicable regulations.
C. The Division shall issue no license pursuant to Subsection (A) before Missouri Department of Natural Resources has issued a permit authorizing facility operation pursuant to Section 260.205, Revised Statutes of Missouri, as amended.
D. The application filed pursuant to Subsection (A) shall be accompanied by an application fee of five thousand dollars ($5,000.00).
E. The Division Director shall not process an application which is not accompanied by the application fee required by this Section. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.620: APPLICATION FOR SANITARY LANDFILL LICENSE
A. All site development/waste facility plans and compliance monitoring reporting required by these provisions must be prepared under direction of, and submitted by, a certified environmental professional. Acceptable certified environmental professional designations include CHMM, RG, REP and PE and must reference applicable license of certifications granted by the sponsoring organization of the affiliation. Detailed site plans, construction drawings/specifications and design calculations must be prepared by or under direction of a registered professional engineer.
B. An application to the Division Director for a license to construct, expand the disposal area vertically or horizontally beyond the licensed perimeter, and operate a sanitary landfill shall contain a written request for the issuance of a license for the construction and operation of a sanitary landfill and shall include a waste facility plan for the construction, operation and closure of the landfill, which waste facility plan shall be consistent with the provisions of this Chapter pertaining to construction, operation and closure of a sanitary landfill and shall address the following criteria:
1. The type of waste, if any, including chemical and biological characteristics, if other than solid waste is to be disposed of in the sanitary landfill.
2. Provide list of geosynthetic drainage layer components of liner and capping systems.
3. Provide to the Division Director proof that applications for zoning and conditional use permit(s) have been approved.
4. A metes and bounds description of the site with delineation of waste disposition footprint proposed for development of the landfill prepared or approved by a Missouri registered professional land surveyor.
5. Anticipated origins, sources and quantities of solid waste to be delivered over expected life of facility.
6. A map prepared or approved by a Missouri registered professional engineer or certified environmental professional depicting the proposed site with existing and proposed topography at contour intervals of five (5) feet or less.
7. A map prepared or approved by a Missouri registered professional engineer or certified environmental professional illustrating:
   a. Actual land use and existing zoning within one-quarter (¼) mile of the site, including location of all residences, buildings, wells, watercourses, springs, lakes, rock outcroppings, caves, sinkholes, soil, rock borings and ground water monitor/piezometer points.
   b. Easements for electric, gas, water, sewer and other utility easements or lines that are located on, under or over the disposal
c. The public roads and access roads within a one (1) mile radius to be used for delivery of waste to and within the landfill.

8. A plan prepared or approved by a Missouri registered professional engineer or certified environmental professional for the construction and operation of the landfill which includes:
   a. A description of the disposal area (footprint) where waste is intended to be placed on the site.
   b. A detailed description and characterization of the geology and hydrology of the site, including subsurface investigation, and evaluation of how the entire landfill plan for construction and operation will minimize adverse impact on surface water and ground water resources. Such evaluation shall at a minimum address the following elements:
      i. Current and projected use of water resources in the potential zone of influence of the facility.
      ii. Ground water elevation and proposed separation between the lowest point of the deepest excavated cell and the predicted maximum water table elevation.
      iii. Background and initial quality assessment of water resources in the potential zone of influence of the facility.
   c. A description of the disposal area (footprint) where waste is intended to be placed on the site.
      i. A detailed description and characterization of the geology and hydrology of the site, including subsurface investigation, and evaluation of how the entire landfill plan for construction and operation will minimize adverse impact on surface water and ground water resources. Such evaluation shall at a minimum address the following elements:
         i. Current and projected use of water resources in the potential zone of influence of the facility.
         ii. Ground water elevation and proposed separation between the lowest point of the deepest excavated cell and the predicted maximum water table elevation.
         iii. Background and initial quality assessment of water resources in the potential zone of influence of the facility.
   d. A discussion of the effects of precipitation, evapotranspirations and climatological conditions on the operation of the landfill and the affected environment.
   e. A description of characteristics of on-site soils with respect to their effect on landfill operations, such as daily cover, dusting, vehicle maneuverability, and potential mud tracking by vehicles.
   f. Assessment of the need for passive and active decomposition gas control systems, and indication of any collection wells, vents, barriers, or the active control or processing measures to be provided. Plans for the control of decomposition gases shall be for both on-site and perimeter control; and decomposition gases shall be collected and processed or vented to the atmosphere directly through the cover material, cutoff trenches, or ventilation systems in such a way that they do not accumulate in explosive or toxic concentrations, especially within structures. Systems designs shall consider economic feasibility of alternate fuel/energy recovery and odor abatement and shall include internal site and perimeter permanent monitors and testing protocol.
   g. Description of contingency programs for vector control.
   h. Plans for effectively receiving and covering waste, including:
      i. Soil material sources, quantities and classifications according to the Unified Soil Classification System of the U.S. Department of Agriculture classification system.
      ii. The capability of any proposed alternative (non-earthen) material to cover waste at least as well as soil, minimize fire hazards, infiltrations of precipitation, odors and blowing litter, control gas venting and vectors, discourage scavenging, provide a pleasing appearance, and to compact and not be blown by the wind.
      iii. Surface grades and side slopes needed to promote maximum runoff, without excessive erosion, to minimize infiltration.
      iv. Procedures to maintain cover material integrity, e.g., regrading and recovering.
      v. Procedures to promote vegetative growth as promptly as possible to combat erosion and improve appearance of idle and complete areas.
   9. A description of the equipment used to spread and compact the waste and cover material, thereby preserving land resources, and minimizing moisture infiltration and settlement.
   10. A description of the arrangements made whereby substitute equipment will be made available to provide uninterrupted service during routine maintenance periods or equipment breakdowns.
   11. The period of time the applicant is seeking to operate the landfill.
12. A description of a plan for closure, including:
   a. Conformity with applicable zoning including conditions imposed by conditional use permits.
   b. Final elevations and contours.
   c. Vegetation establishment.
   d. Erosion control.
   e. Air pollution and lateral migration control of decomposition gases including ongoing system operation and maintenance.
   f. Continued operation and maintenance of leachate control and disposition systems.
   g. Ground settlement/subsidence correction.
   h. Final cover source, depth, and compaction methods.
   i. Safety considerations.
   j. Access to the site for inspections and subsequent alternate use of the site.
   k. Surface water control.
   l. Monitor well location and installation logs.
   m. Leachate level control and monitoring, data recording and reporting criteria.
   n. Ground water and surface water sampling, data recording, monitoring assessments and reporting criteria.
   o. Decomposition gas monitoring, recording and data assessment/reporting protocol.

13. A description of the projected use of the completed landfill property, including:
   a. Maintenance programs and provisions, where necessary, for monitoring and controlling decomposition gases, leachate and water.
   b. Provisions for an additional depth of soil cover material to allow cultivation and to support vegetation in addition to that required for final cover where applicable.
   c. A description of the types of structures anticipated to be constructed on or near the completed landfill. Major structures shall not be planned for location on the completed landfill over waste footprint areas.

14. A statement that an application for zoning approval and conditional use permit has been applied for, is concurrently with the filing of this application being applied for, or will be applied for within fifteen (15) days of the filing of this application.

15. A schedule for the sequential construction and phased completion of the sanitary landfill stated with respect to the time of the issuance of a license for construction and operation of the facility.

16. Other information as required by the Division Director. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.630: APPLICATION FOR DEMOLITION LANDFILL LICENSE

An application for a demolition landfill license shall address all items indicated for a sanitary landfill license, and/or shall indicate with justification which items are not applicable to operation of the proposed demolition landfill. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.640: APPLICATION FOR WASTE PROCESSING FACILITY OR TRANSFER STATION LICENSE

An application to the Division Director for a license to construct and operate a waste processing facility or transfer station shall contain a written request for the issuance of a license for the construction and operation of a waste processing facility or transfer station and shall include a waste facility plan for the construction, operation and closure of the facility, which shall be consistent with the provisions of this Chapter pertaining to construction and operation of a waste processing facility or transfer station and shall address the following criteria:

1. A statement of the type of waste, including chemical and biological characteristics, which the facility will process.

2. A metes and bounds description of the site selected for the development of the waste processing facility or transfer station prepared or approved by a Missouri registered professional land surveyor.

3. A map prepared or approved by a Missouri registered professional engineer or certified environmental professional depicting the proposed site with existing and final topography at a contour interval of five (5) feet or less.

4. A map prepared or approved by a Missouri registered professional engineer or certified environmental professional illustrating:
   a. Actual land use and existing zoning within one-quarter (¼) mile of the site of the facility, including location of all residences, buildings, wells, watercourses, springs, lakes, rock outcroppings, caves, sinkholes, soil or rock borings and ground water piezometer/monitor points.
b. Easements for electric, gas, water, sewer and other utility easements or lines that are located on, under or over the site of the facility.

c. The public roads and access roads within a one (1) mile radius to be used for delivery of waste to the waste processing facility or transfer station.

5. A plan for the construction and operation of the waste processing facility or transfer station which includes:
   a. A description of the type of waste processing facility or transfer station that is proposed, including the technology used to process the waste.
   b. Complete engineering drawings detailing the operation of the waste processing facility or transfer station.
   c. The maximum daily quantity or gate volume of waste the facility is designed to accommodate.
   d. Anticipated sources and origins of incoming waste and outbound recovered/processed commodities.

6. The period of time the applicant is seeking to operate the waste processing facility or transfer station.

7. Closure provisions for the facility.

8. A discussion of how the proposed facility will affect air and water quality.

9. Provisions for control and disposition of wastewaters generated from routine facility maintenance including demonstration of discharge compliance with applicable publicly owned treatment works (POTW) and/or water quality standards and regulations promulgated by the Missouri Department of Natural Resources.

10. A schedule for the construction and completion of the facility stated with respect to the time of the issuance of a license for construction and operation of the facility.

11. Other information as the Division Director may require. (Ord. No. 01-061 §§1--8, 5-30-01)

ARTICLE VII. SOLID WASTE DISPOSAL AREAS AND PROCESSING FACILITIES--ISSUANCE OF LICENSE

SECTION 240.701: INITIAL DETERMINATION OF SUFFICIENCY OF APPLICATION

A. The following criteria shall be carefully considered by the Division Director based on the merit of information submitted and testimony received by the applicant and other concerned parties as the basis of approval, with or without conditions, or denied as warranted, of the waste facility plan and request for operating permit:

1. Substantial and competent information addressing all required elements outlined in this Chapter constituting a complete application for operating authorization.

2. Thorough characterization of proposed site setting including detailed delineation of hydrogeologic gradients and topographic patterns describing all ground water/surface water resource receptors and assessment of potential facility impact.

3. Detailed presentation of all proposed design and construction elements and convincing demonstration of their suitability and effectiveness to completely contain/isolate waste and decomposition residuals to prevent impact on public health and all identified environmental resource receptors.

4. Consideration of all relevant testimony and supporting evidence provided regarding suitability of proposed site and facility operation received as public input to County Planning and Zoning Conditional Use permit and Missouri Department of Natural Resources solid waste management permit application proceedings and hearings.

5. Input and recommendations of County Commission on Environmental Quality pertaining to suitability of proposed site and facility operations to protect public health and the environment.

6. Any other information or evidence deemed relevant and appropriate for consideration.

B. The Division Director shall notify an applicant who has submitted an application and application fee for a license to operate a sanitary landfill, demolition landfill, waste processing facility or transfer station in writing either that the application is certified as meeting all pertinent requirements regarding the form and contents of the application and will be scheduled for hearing by a specified date or that the application is deficient with respect to its form and/or contents and specifically in what manner the application does not comply with minimum application requirements. The Division Director shall determine whether the representation made in the waste facility plan regarding application for zoning and conditional use permit approval has been met. If the application has been determined not to comply with minimum application requirements or the representation concerning zoning approval determined to be false, the applicant so notified shall be required to submit additional information or otherwise correct any noted deficiencies within ninety (90) calendar days from receipt of the letter of the Division Director or his or her designee. If the deficiencies are not corrected within the ninety (90) day period, the Division Director shall return the application to the applicant, unless the applicant and the Division Director agree that the applicant may have longer than ninety (90) days to respond. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.705: HEARING REQUIRED

295
SECTION 240.710: HEARING DATE -- NOTICE -- POSTING OF SIGNS

Upon filing with the Division Director three (3) complete copies of an application for a license pursuant to Section 240.620, 240.630 or 240.640, a public hearing shall be set before the Division Director within ninety (90) days. The Division Director shall:

1. Cause public notice of the hearing to be given as follows: publication at least once in some daily, tri-weekly, weekly, or semi-weekly newspaper of general circulation in St. Charles County which shall have been published regularly and consecutively for a period of three (3) years. Publication shall commence not more than thirty (30) nor less than fifteen (15) days before the hearing date. Every affidavit of proof of publication shall state that said publication and the newspaper in which notice was published has met the requirements of the foregoing provisions and those of Chapter 493, RSMo., as amended, governing legal publications, notice and advertisement. Notice shall contain, in addition to the legal description of the parcel of land, the approximate street location or address, when possible; that the Division Director is being requested to issue a license for the construction and operation of a sanitary landfill, demolition landfill, waste processing facility or transfer station, as the case may be; and the name of the applicant seeking issuance of such a license.

2. Cause a sign or signs, not less than twenty (20) inches by twenty-six (26) inches, to be placed on each parcel of land for which an application for a license has been submitted to the Division Director. Said sign or signs shall be placed on such land at least fifteen (15) days prior to the public hearing to be held by the Division Director, and shall be posted in a conspicuous place upon said land at a point nearest to the right-of-way of any street or roadway abutting such land, and so as to be clearly visible to the traveled portion of such street or roadway. The Division Director shall determine the number of additional signs to be placed that may be necessary to carry out the intent of this Chapter. Any such sign shall bear thereon, in letters not less than two and one-half (2½) inches in height and not less than one (1) inch in width, the following: "PUBLIC HEARING" and in letters not less than three-fourths (⅜) inch in height, and not less than one-fifth (1/5) inch in width, the following: "ISSUANCE OF LICENSE FOR CONSTRUCTION AND OPERATION OF A WASTE PROCESSING FACILITY" or "ISSUANCE OF LICENSE FOR CONSTRUCTION AND OPERATION OF A TRANSFER STATION", or whatever the case may be, and in letters not less than one-half (½) inch in height "APPLICATION FOR ISSUANCE OF LICENSE FILED WITH THE DIVISION DIRECTOR OF THE DIVISION OF ENVIRONMENTAL SERVICES OF THE ST. CHARLES COUNTY DEPARTMENT OF COMMUNITY HEALTH AND THE ENVIRONMENT. PUBLIC HEARING WILL BE HELD ON _______________ (date and time) AT ___________________________(location)". The Division Director may provide for such additional information to be placed on any such sign which would serve to more fully inform the public as to the nature of such an application for issuance of a license pending before the Division Director.

3. Any person who shall remove, mar, scratch, obliterate or in any manner deface, hide from view or tamper with any such sign or signs shall be deemed guilty of a violation of this Chapter and upon conviction shall be punished as provided for in Section 240.1760.

4. The Division Director shall, not less than thirty (30) days before the date of hearing before the Division Director for issuance of a license, furnish a copy of the notice of the hearing described in Subsection (1) of this Section to all tri-weekly, semi-weekly, weekly or daily newspapers printed, circulated or distributed within the County Council district wherein the property proposed to be licensed is located. Not less than thirty (30) days before the date of hearing before the Division Director, the Division Director shall furnish a copy of the hearing notice to municipalities, townships, and villages within a ten (10) mile radius of where the facility is proposed to be located, the Highway Department, the Parks and Recreation Department, the Division of Planning and Zoning of the Department of Community Development, the Missouri Department of Natural Resources, the Missouri State Highway Commission, the fire district where the facility is proposed to be located, and any sanitary sewer district serving the site proposed for a sanitary or demolition landfill, waste processing facility or transfer station. The Division Director will also forward to such departments and agencies such portions of the application for issuance of a license as the Division Director determines will assist the department or agency to evaluate the application for issuance of a license from the perspective of the department or agency. A complete copy of the application for issuance of a license will be made available to the departments and agencies in the event a department or agency seeks information contained in the application for issuance of a license. Each department or agency so notified shall provide its written comments to the Division Director and the applicant or his authorized representative not less than ten (10) days prior to the public hearing. Any municipality, township or village so notified may provide its written comments to the Division Director, but such comments need not be considered unless received by the Division Director not less than ten (10) days prior to the public hearing. Any failure to comply herewith shall not deprive the Division Director of authority and jurisdiction to consider and approve, deny or modify any such application. (Ord. No. 01-061 §§1–8, 5-30-01)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 240.715: INVESTIGATION BY DIVISION DIRECTOR

The Division Director shall examine the premises of the proposed operation outlined in the application and shall perform such tests and direct the preparation of such studies as will assist him in determining:

1. Whether the facts contained in the application are accurate.

2. Whether the criteria set forth regarding the standards of issuance of a license are adequately addressed to be protective of the environment and the health and welfare of the residents of St. Charles County. (Ord. No. 01-061 §§1–8, 5-30-01)
SECTION 240.720: MODIFICATION OF WASTE FACILITY PLAN

A. Before or following, or both before and following the public hearing required by Section 240.705, the Division Director may require that the applicant modify the waste facility plan for the purposes of:

1. Bringing the application into compliance with applicable and prevailing regulations, ordinances and Statutes law, although issuance of a license, with or without modifications, is not evidence that the application complies with the requirements of any jurisdiction.

2. Ensuring that the construction and operation of the landfill, waste processing facility or transfer station is consistent with the needs and welfare of the residents of St. Charles County.

B. Following the public hearing, and prior to final approval or denial of the license, the Division Director shall notify the applicant of problems or changes which must be addressed by the applicant prior to approval of the waste facility plan. Within thirty (30) days, or such additional time as the Division Director may grant, the applicant shall submit modification to address any problems or deficiencies indicated. The Division Director may continue to require additional changes to be made by the applicant as deemed necessary. In the event the Division Director determines that there are no modifications which can be made to the application which will render it satisfactory, or that the modifications or responses made by the applicant do not substantially further the application process, the applicant shall be notified and permitted thirty (30) days for response. Thereupon, the Division Director may terminate consideration of the proposed waste facility for failure to pursue submission of an acceptable waste facility plan. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.725: STANDARDS FOR APPROVAL OF WASTE FACILITY PLAN

A. The Division Director shall approve the waste facility plan, with or without modifications, or disapprove the waste facility plan based on the following criteria:

1. Whether the public convenience and necessity require the approval of the waste facility plan for the proposed landfill, waste processing facility or transfer station. In determining the public convenience and necessity, the Division Director shall consider:
   a. The number of landfills, waste processing facilities and transfer stations necessary to ensure continued cost effective and environmentally sound solid waste management for the entire County.
   b. The locations best suited to serve the needs of the County.
   c. The length of time that a proposed location can be expected to be used as a facility to accommodate the best interests of the populace of St. Charles County.
   d. The possible environmental and other quantifiable negative effect(s) on the properties adjacent to and nearby the proposed facility.

2. Whether approval of the waste facility plan is in the best interest of the general health and welfare of the residents of the County and protective of its environmental resources.

3. Whether the approval of the waste facility plan would in any way create a hazard or menace to the public health, and whether it would create a nuisance.

4. Whether the approval of the waste facility plan significantly enhances long-term stabilization of solid waste management in St. Charles County.

5. Whether the approval of the waste facility plan would violate the provisions of this Chapter, of other ordinances or regulations of St. Charles County, or of any Statutes or regulation of the State of Missouri.

B. Any waste facility plan submitted which does not satisfy the above criteria shall not be approved by the Division Director or the County Council.

C. The Division Director shall notify the applicant and all persons who spoke at the public hearing described in Section 240.705 of his decision by certified mail, whether approving the waste facility plan or disapproving the waste facility plan. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.730: APPEAL TO COUNTY COUNCIL

An applicant whose application is denied or approved with modifications unacceptable to the applicant, or any person who believes himself to be aggrieved by the decision of the Division Director, may appeal such denial or approval to the County Council within thirty (30) days following notice of the decision of the Division Director following the hearing before the Division Director. If the applicant is appealing from a decision of the Division Director approving the plan with modifications, the appeal shall state in what manner the decision of the Division Director aggrieves him. The procedure shall be the same as described in Section 240.735 where the County Council reviews the decision of the Division Director on its own motion. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.735: REVIEW BY COUNTY COUNCIL ON MOTION OF COUNTY COUNCIL

297
A. Within thirty (30) days after receipt of the decision of the Division Director approving or denying a waste facility plan, the County Council, upon motion adopted by majority vote, may exercise the power of review of any decision of the Division Director on an application for issuance of a license for the construction and operation of a sanitary landfill, demolition landfill, waste processing facility or transfer station.

B. Upon adoption of the motion to exercise the power of review, the County Council shall refer the subject to the Division Director. The Division Director shall respond thereon to the County Council, forwarding a complete copy of his file to the County Council and with a report disclosing in what respect the application and the facts offered in support thereof require the approval or denial of the application or the modifications imposed.

C. Before acting on the application for issuance of a license, the County Council, or its designated committee, shall set the matter for hearing. The County Council shall give written notice of such hearing to the applicant and all other persons who appeared and spoke in favor or in opposition to the application at the public hearing before the Division Director. The applicant shall be heard at the hearing. In addition, any other person or persons who, in the discretion of the County Council, will be aggrieved by any decision or action with respect to the issuance of a license may also be heard at the hearing.

D. Following the hearing by the County Council, or its designated committee, on an application, the County Council may affirm, reverse or modify, in whole or in part, any determination of the Division Director.

E. No approval of a waste facility plan by the Division Director shall be considered final approval until the thirty (30) day period for acceptance for review by the County Council has passed without the Council so acting. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.740: ISSUANCE OF LICENSE BY DIVISION DIRECTOR

If a waste facility plan is finally approved, either by the Division Director or following an exercise by the Council of its power of review, a license shall be issued by the Division Director upon payment to the Division Director of the annual licensing fee described in Section 240.840 and a showing satisfactory to the Division Director that the insurance requirement of Section 240.1101 and the bonding requirements of Sections 240.1110, 240.1120 and 240.1130 have all been met. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.745: LICENSE PERSONAL TO APPLICANT--HOW TRANSFERRED

The license issued by the Division Director shall be personal to the applicant and may not be transferred. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.750: TERM OF LICENSE

The license issued by the Division Director shall be for a fixed number of years equal to the estimated operating life of the facility as contained in the approved waste facility plan. Notwithstanding the issuance of a license for a fixed number of years, the waste facility plan and the license must be reviewed annually subject to the provisions of Section 240.810 et seq., and the modifications requested by the operator in the annual application may include a request that the term of the license be changed. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.755: APPLICANT BECOMES OPERATOR UPON RECEIPT OF LICENSE

Upon receipt of a license issued by the Division Director, and upon payment to the Division Director of the annual licensing fee described in Section 240.840 and a showing satisfactory to the Division Director that the insurance requirement of Section 240.1101 and the bonding requirements of Sections 240.1110, 240.1120 and 240.1130 have all been met, the applicant becomes the operator of the facility for which the license was issued. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.760: EXISTING LANDFILLS, WASTE PROCESSING FACILITIES AND TRANSFER STATIONS

A. Landfills, waste processing facilities and transfer stations which operated or were licensed to construct or operate pursuant to ordinances and rules in effect prior to the effective date of this Chapter are exempted from the requirement of presenting an initial waste facility plan pursuant to Sections 240.620, 240.630 and 240.640. Renewal applications and licenses are required on annual basis pursuant to Section 240.830. Notwithstanding the foregoing, however, the first (1st) renewal application made by the operator of such an existing facility shall contain a plan for closure in compliance with the closure requirements of this Chapter imposed upon applications for new facilities.

B. With the exception of the matters discussed in Subsection (A) of this Section, landfills, waste processing facilities and transfer stations existing at the effective date of this Chapter (May 30, 2001) must comply with all other provisions of this Chapter. (Ord. No. 01-061 §§1--8, 5-30-01)

ARTICLE VIII. SOLID WASTE DISPOSAL AREAS AND PROCESSING FACILITIES--RENEWAL OF LICENSE

SECTION 240.810: LICENSE TO BE RENEWED ANNUALLY
Despite the approval of a waste facility plan for a sanitary landfill, demolition landfill, waste processing facility or transfer station for a fixed number of years, and the issuance of a license for the construction and operation of facility, the operator of each facility shall apply to renew such license annually for each year beginning with each anniversary date of the issuance of such initial license, whether the construction of the facility is completed or not. The renewal application as set forth in the schedule in Subsection (2) of this Section shall be addressed and delivered to the Division Director at least thirty (30) days prior to each anniversary date of the initial license and shall contain:

1. A request that a renewal license be issued for a period of one (1) year, and
2. A report containing the information required in Section 240.820. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.820: CONTENTS OF REPORT FILED WITH APPLICATION FOR ANNUAL RENEWAL LICENSE FOR A SANITARY OR DEMOLITION LANDFILL, WASTE PROCESSING FACILITY OR TRANSFER STATION

Every application for a renewal license for a sanitary or demolition landfill, waste processing facility or transfer station shall contain the following information:

1. Any changes in the waste facility plan which must be made to reflect actual usage or conditions.
2. Total incoming waste tonnage received at the facility and volumes of recovered/processed commodities if applicable during the previous year.
3. Summary of all environmental monitoring data for all media compiled during previous period with interpretation of trends using suitable modeling presentation.
4. The quantities of leachate and/or landfill gases collected, processed, treated and disposed or dissipated.
5. Equipment replaced or changed or anticipated to be replaced or changed.
6. A report describing the infrastructures which have been put in place including as-built construction plans and records.
7. If the facility is still under construction, a written report detailing conformance with the schedule contained in the waste facility plan. (Ord. No. 01-061 §§1--8, 5-30-01; Ord. No. 03-180 §1, 11-26-03)

SECTION 240.830: ISSUANCE OF RENEWAL LICENSE BY DIVISION DIRECTOR

Upon receipt of the renewal application described in Sections 240.810 and 240.820, and the payment of the basic annual licensing fee as set forth in Section 240.840(A), the Division Director shall issue a renewal license for the waste facility, but only if the surcharge on waste deposited at the facility for prior year(s), if applicable, has been paid to St. Charles County. The Division Director shall not issue the renewal license if the license to operate the facility has been revoked pursuant to this Chapter. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.840: ANNUAL LICENSING FEE

The basic annual licensing fee shall be assessed as follows:

1. Sanitary landfill. $ 6,000.00
2. Demolition landfill. $ 3,000.00
3. Waste processing facility. $ 3,000.00
4. Transfer station. $ 2,000.00

(Ord. No. 01-061 §§1--8, 5-30-01; Ord. No. 02-114 §§2--3, 7-31-02; Ord. No. 03-024 §2, 2-26-03; Ord. No. 03-180 §2, 11-26-03)

ARTICLE IX. SOLID WASTE DISPOSAL AREAS AND PROCESSING FACILITIES--SUSPENSION OR REVOCATION OF LICENSE

SECTION 240.910: LICENSE SUSPENDED OR REVOKED--WHEN--HOW

A. A license for operation of a landfill, waste processing facility or transfer station may be suspended or revoked, following hearing before the Division Director, based on any of the following criteria:

1. Failure to comply with the provisions of the waste facility plan.
2. Failure to comply with the provisions of this Chapter applicable to the facility.
3. Failure to operate the facility in a manner consistent with the public health and welfare and the health and welfare of persons operating and/or using the facility, or in a manner deemed not to be protective of the environment.

B. For a violation of any of the above, the Division Director shall suspend the license of the operator to operate the facility during the period such violation continues to exist; or, if the violation can only exist during operation, the suspension shall be until such time
as the operator establishes a procedure satisfactory to the Division Director which remedies the violation.

C. For a willful misstatement of facts contained in any application or renewal application, the Division Director may revoke the license or renewal license.

D. For a landfill, waste processing facility or transfer station which has previously been licensed initially and has accepted waste but has not received any waste for a twelve (12) month period, the Division Director may revoke the license to operate such facility. In such event, the operator shall immediately commence the closure procedure established by the waste facility plan. (Ord. No. 01-061 §§1–8, 5-30-01)

SECTION 240.920: PROCEDURE FOR SUSPENSION OR REVOCATION HEARING

The Division Director shall provide at least thirty (30) calendar days' notice to the operator of the hearing to be held to consider the suspension or revocation of the license of the operator to operate a landfill, waste processing facility or transfer station. The hearing shall be open to the public. (Ord. No. 01-061 §§1–8, 5-30-01)

ARTICLE X. SOLID WASTE DISPOSAL AREAS, PROCESSING FACILITIES, TRANSFER STATIONS--CONSTRUCTION

SECTION 240.1010: CONSTRUCTION TO CONFORM TO REQUIREMENTS OF WASTE FACILITY PLAN AND THIS CHAPTER

A. No person shall construct a solid waste disposal area waste processing facility or transfer station in a manner that does not comply with the waste facility plan approved by the Division Director or the County Council for such facility or with the requirements of this Chapter.

B. Site development plans shall address consideration for minimizing incremental disturbance of land mass by providing a logical and detailed sequence of cell excavation, soil stockpiling, closure and cut/fill activities.

C. Construction plans shall provide sufficient detail and quality assurance/quality control protocol including utilization of third (3rd) party independent consulting engineer oversight to assure integrity of major landfill infrastructure components including, but not limited to, the following:
   1. Recompacted earthen material liners/capping systems.
   2. Synthetic liners.
   3. Composite lining/capped systems.
   4. Leachate underdrain, collection end treatment systems.
   5. LFG active extraction, recovery and treatment systems.
   6. Stormwater retention and dissipation structures.

D. As-built plans and quality assurance/quality control records documenting incremental completion of construction/installation of the major infrastructure components detailed in the preceding condition shall be prepared by the registered professional engineer or certified environmental professional of record for the project and submitted to the Division of Environmental Services for approval following acceptance and sign-off by the applicant/facility operator. (Ord. No. 01-061 §§1–8, 5-30-01)

SECTION 240.1020: INSPECTIONS DURING CONSTRUCTION

During any period of construction (initial, expansion or modification) of a solid waste disposal area, waste processing facility or transfer station, the Division Director or authorized staff shall be permitted access to the facility at reasonable times for the purpose of determining whether the construction of the facility conforms to the waste facility plan. The applicant shall be notified of any deficiencies or discrepancies identified during such inspections and provided ten (10) days to respond. The Division Director shall order construction to cease and desist until such discrepancies are satisfactorily resolved upon staff reinspection. (Ord. No. 01-061 §§1–8, 5-30-01)

SECTION 240.1030: FINAL APPROVAL OF DIVISION DIRECTOR REQUIRED PRIOR TO OPERATION OF FACILITY

Notwithstanding the final approval of a waste facility plan and issuance of a license to construct and operate a solid waste disposal area, waste processing facility or transfer station, the facility shall not begin to operate and accept waste until there is final approval in writing by the Division Director indicating that a final inspection of the facility following construction has been completed and that the facts then in possession of the Division Director indicate that the facility has been constructed according to the waste facility plan. Final approval in writing by the Division Director is also required for final construction of a facility modification prior to continued operation in an area affected by the construction. (Ord. No. 01-061 §§1–8, 5-30-01)
SECTION 240.1101: OPERATORS OF SOLID WASTE DISPOSAL AREAS, WASTE PROCESSING FACILITIES AND TRANSFER STATIONS TO HAVE INSURANCE

A. No license for the construction and operation of a solid waste disposal area, waste processing facility or transfer station shall be issued nor shall such a facility be operated until and unless the applicant acquires public liability insurance approved by the Division Director governing all proposed operations of the applicant pertaining to the business of constructing and operating a solid waste disposal area, waste processing facility or transfer station, as the case may be, and covering all vehicles to be operated in the conduct thereof. The insurance shall be with an insurer acceptable to the Division Director and shall include coverage in one (1) policy or multiple policies for any contractors or subcontractors engaged by the insured for such business. Evidence of such insurance shall be filed with the Division Director. The minimum limits of insurance for public liability and auto liability shall be five hundred thousand dollars ($500,000.00) for bodily injury to each person; two million dollars ($2,000,000.00) for total bodily injury for each occurrence; and two million dollars ($2,000,000.00) for property damage for each occurrence. Total combined coverage per occurrence of two million dollars ($2,000,000.00) for bodily injury and property damage shall meet the requirement of this Chapter.

B. No license for the construction and operation of a solid waste disposal area, waste processing facility or transfer station shall be issued nor shall such a facility be operated until and unless the applicant provides insurance with Workers' Compensation insurance, with minimum limits as set by law. The insurance must be approved by the Division Director and shall be with an insurer acceptable to the Division Director and shall include coverage in one (1) policy or multiple policies for any contractors or subcontractors engaged by the insured for such business.

C. No insurance policy required by this Section shall be approved by the Division Director unless it provides that notice will be given by the insurer in the event the policy is terminated or canceled.

D. The insured shall give notice to the Division Director if any policy required by this Section is terminated or canceled. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1110: BOND FOR OPERATION OF SOLID WASTE DISPOSAL AREA, WASTE PROCESSING FACILITY OR TRANSFER STATION

No person shall construct or operate a solid waste disposal area, waste processing facility or transfer station without providing a bond for operation of the facility as provided by this Section. If the facility is a landfill, the bond must be approved by the County Counselor. The bond shall be in the amount of fifteen thousand dollars ($15,000.00) per acre of landfill estimated in the waste facility plan to contain the working face during the next year. The bond shall be as stated in the waste facility plan for a waste processing facility or transfer station. The bond may be a cash or corporate bond. If a cash bond is offered, the cash shall be deposited with the St. Charles County Finance Department, which shall give a receipt therefore. If a corporate bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the State of Missouri and filed with the St. Charles County Finance Department. The bond shall assure the following:

1. That the operator and the operator's agents and employees will comply with all terms, conditions, provisions, requirements and specifications of the approved waste facility plan and license.
2. That the operator and the operator's agents and employees will comply with all ordinances, rules regulations, Statutes, and other laws of the County and of authorities having jurisdiction over the facility.
3. That the operator will save harmless the County from any expense incurred through the failure of the operator or the operator's agents and employees to operate and maintain such facility as required by this Chapter, including any expense to which the County may be put for correcting any condition or violation of this Chapter by the County, in accordance with Section 240.1190 and any damages accruing to the County arising out of the negligence of the operator, the operator's agents or employees. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1120: CLOSURE BOND

No person shall construct or operate a solid waste disposal area, waste processing facility or transfer station without providing either a bond required for closure imposed pursuant to Section 260.226, RSMo., or a bond as provided by this Section for closure. If a bond is not provided or required by Section 260.226, RSMo., then the bond provided pursuant to this Section shall be in an amount, as set forth in the waste facility plan and modified by the renewal license process, which assures that the facility will be properly closed if events occur within the two (2) year period following the beginning of the most recent licensing or renewal period which would require that the facility be closed. The bond may be a cash or corporate bond. If a cash bond is offered, the cash shall be deposited with the St. Charles County Finance Department, which shall give a receipt therefore. If a corporate bond is offered, the interest may be used to fulfill the bond obligation if necessary; however, to the extent such interest remains unused at the expiration of the bond, it shall be returned to the person providing the bond. If a corporate bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the State of Missouri and filed with the St Charles County Finance Department. The bond must be approved by the County Counselor. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1130: BOND FOR CLOSURE AND POST-CLOSURE MAINTENANCE OF SOLID WASTE DISPOSAL AREA, WASTE PROCESSING FACILITY OR TRANSFER STATION

No person shall operate a solid waste disposal area, waste processing facility or transfer station which does not provide the bond required for post-closure maintenance as described in or as may be imposed pursuant to Section 260.227, RSMo. (Ord. No. 01-061 §§1--8, 5-30-01)
SECTION 240.1140: FACILITY'S OPERATION TO COMPLY WITH WASTE FACILITY PLAN

No person shall operate a solid waste disposal area, waste processing facility or transfer station in a manner that does not comply with the waste facility plan approved by the Division Director or County Council for such facility and which does not comply with the requirements of this Chapter pertaining to operation of such facility. Failure to comply with the waste facility plan or the requirements of this Chapter pertaining to operation of a solid waste disposal area, waste processing facility or transfer station shall be a violation by the person in whose name the license is issued, as well as every agent, employee or contractor assigned to construct or operate the facility who:

1. Performs acts precluded by the waste facility plan or this Chapter; or
2. Fails to conduct actions required by the waste facility plan or this Chapter; or
3. Fails to maintain conditions required by the waste facility plan or this Chapter; or
4. Maintains conditions prohibited by the waste facility plan or this Chapter. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1150: ADDITIONAL STANDARDS FOR OPERATION OF SANITARY LANDFILLS

Sanitary landfills shall be operated in the following manner:

1. Incoming waste shall be spread in layers not to exceed two (2) feet in thickness and compacted to reduce it to the smallest practical volume.
2. Following compaction, waste shall be confined to the smallest practical area on the working face.
3. At the conclusion of each day, the waste received and compacted that day shall be covered with a layer of daily soil cover or approved alternate material which shall not be less than six (6) inches in thickness. The material used for daily cover shall be the material specified for such purpose in the waste facility plan. Daily cover must be applied regardless of weather. The material used as a daily cover material must be available under all weather conditions and a minimum fifteen (15) day stockpile of such cover must be maintained at all times.
4. A responsible supervisor shall be present at the disposal area at all times when the area is open to receive waste and shall monitor the receipt of waste to assure that no unpermitted waste is accepted for disposal at the landfill.
5. Bulky waste, including furniture, shall be crushed on solid ground and pushed onto the working face near the bottom of the cell.
6. Demolition and construction waste, tree stumps and large timber shall be pushed onto the working face near the bottom of the cell.
7. Dead animals weighing less than forty (40) pounds shall be placed on the working face with other waste and covered immediately with waste or soil.
8. Dead animals weighing forty (40) pounds or more shall be placed in an excavated pit of waste in the cell and covered with four (4) feet of compacted soil.
9. Water treatment plant sludge containing no free liquid and digested wastewater treatment plant sludge (biosolids) containing no free liquid shall be placed on the working face along with solid wastes and covered with soil or solid waste immediately, unless operating permit conditions specify alternate handling methods including blending for cover material usage. The Division Director shall determine or modify the quantities to be accepted based on the operational conditions encountered on the working face.
10. Incinerator and air pollution control residues shall be incorporated into the working face and covered frequently enough to preclude residues from becoming airborne.
11. Surface watercourses and runoff shall be diverted from the landfill. Sanitary landfill construction and operation shall include grading to promote rapid surface water runoff without excessive erosion. The grade shall not exceed thirty-three and one-third percent (33%). Surface watercourses shall be constructed and runoff shall be controlled to handle a twenty (20) year rainfall frequency.
12. The landfill shall not be operated if the actual separation between the lowest point of the lowest cell and the actual maximum water table is less than fifteen (15) feet unless the waste facility plan as approved specifies otherwise.
13. The landfill shall not be operated if the actual bedrock or engineered protection approved in the waste facility plan is deemed not to provide water quality protection as determined by field investigations and evaluations conducted by the Division Director.
14. Leachate collection and treatment systems shall be designed, installed and operated where necessary to protect ground and surface water resources.
15. All wastewaters generated by operating and maintenance practices shall be managed in compliance with applicable water quality standards and regulations administered by the publicly owned treatment works having jurisdiction for the site and/or the Missouri Department of Natural Resources Water Pollution Control Program (MDNR-WPCP).
16. No ground or surface water shall be permitted to come in contact with waste.
17. No open burning shall occur on the facility premises without permission of the Division Director and compliance with other applicable laws, ordinances, rules and regulations.

18. A decomposition gas control plan shall be designed and implemented to control lateral migration of methane and eliminate risk of harm from explosions to occupants of adjacent property.

19. Gases shall be vented to prohibit explosive or toxic accumulations within on- and off-site adjacent structures.

20. Vector control programs shall be implemented to prevent or rectify vector problems as determined by field inspection and good operating practices.

21. Litter control devices (e.g., fences and vegetation) shall be used near the working face and elsewhere to prevent blowing and accumulation of litter. Litter shall be collected from fences and the ground surface each operating day and shall be incorporated into the daily cell at the end of each day or placed in a secure container.

22. Wastes easily moved by wind shall be covered promptly to prevent such waste from becoming airborne and scattered.

23. Vegetation and natural windbreaks shall be used to improve the appearance and operation of the landfill.

24. Any materials salvaged from the landfill shall be removed daily or stored in aesthetically acceptable containers or enclosures.

25. Adequate equipment shall be maintained on the site of the landfill, and preventative maintenance shall be performed to assure that the handling, compaction and covering required by this Chapter can be continuously performed.

26. Fire extinguishers shall be provided on all equipment and maintained in operable condition at all times.

27. Provisions shall be made for extinguishing fires in waste, equipment and structures on the landfill site.

28. Communications equipment shall always be available and operable on the landfill site in order that fire and Police services may be quickly summoned in the event of an emergency.

29. The landfill operator shall not permit persons to scavenge in the waste received at or deposited in the landfill.

30. Access to the landfill site shall be limited to designated roadways and limited to hours when operating personnel are on duty.

31. Traffic arriving to deposit waste at the landfill shall be directed to designated disposing points near the active face.

32. Dust on the landfill site shall be controlled for safety purposes and to prevent nuisances.

33. Intermediate cover must be applied to all areas idle from active waste receipts for more than sixty (60) days in a layer not less than one (1) foot after compaction.

34. Final cover shall be applied on each area immediately as designated complete per approved site plans and final grade in a layer not less than two (2) feet after compaction.

35. Vegetation shall be planted and established as soon as reasonably possible following placement of final cover to grade and shall be maintained so as to maximize surface water runoff.

36. Records shall be maintained on site covering the following matters:
   a. Major problems and complaints regarding operation of the landfill.
   b. All environmental media sampling/testing data shall be reported to the Division of Environmental Services using the same protocol and submission intervals established by the applicable Missouri Department of Natural Resources Division of Environmental Quality (MDNR-DEQ) regulatory programs including the Solid Waste Management Program (SWMP), Water Pollution Control Program (WPCP) and Air Pollution Control Program (APCP) and shall address, at a minimum, data and assessments for monitoring ground water/surface water quality, air emissions and leachate characterization.
   c. In the event of documented exceedence of applicable standards established by the Missouri Department of Natural Resources for any monitor system, the operator shall submit a corrective action plan (CAP) to the Division of Environmental Services within thirty (30) days of such an occurrence. The CAP shall outline detailed investigative procedures and schedule remedial actions to be implemented to resolve the causative source or factors and restore the facility to operating compliance with documentation of results. The Division Director shall order cessation of facility operations until verifiable resolution is achieved.
   d. Records of vector control efforts.
   e. Records of dust and litter control efforts.
   f. Records of quantity of waste handled. Such records shall be made contemporaneously with the matters recorded.

37. Upon closure, all drinking water sources located within one-quarter (¼) mile shall be sampled annually for contaminant parameters specified in the operating permits or specified by the Division Director, and sampling shall continue after closure as provided for by the approved waste facility plan for closure. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1160: ADDITIONAL STANDARDS FOR OPERATION OF DEMOLITION LANDFILLS

Demolition landfills shall be operated in the following manner.

1. Spreading and compacting techniques used in sanitary landfills shall be used as much as practicable to dispose of waste in
demolition landfills, except that daily cover is not required for such facilities. At least twelve (12) inches of compacted cover material shall be applied to the demolition landfill working face at least every seven (7) calendar days.

2. Decomposable demolition waste may be placed in the landfill above the elevation shown in the waste facility plan for the placement of such waste. Decomposable demolition waste may not be placed in the landfill below such elevation.

3. A responsible supervisor shall be present at the disposal area at all times when the area is open to receive waste and shall monitor the receipt of waste to assure that no unpermitted waste is accepted for disposal at the landfill.

4. Demolition landfills shall be constructed and operated in a manner which will divert surface watercourses and runoff from the landfill. Demolition landfill construction and operation shall include grading to promote rapid surface water runoff without excessive erosion. The grade shall not exceed thirty-three and one-third percent (33 1/3%). Surface water courses and runoff shall be constructed and runoff shall be controlled to handle a twenty (20) year rainfall frequency.

5. No open burning shall occur on the facility premises without permission of the Division Director and compliance with other applicable laws, ordinances, rules and regulations.

6. A decomposition gas control plan shall be designed and implemented to control lateral migration of methane and eliminate risk of harm from explosions to occupants of adjacent property.

7. Gases shall be vented to prohibit explosive or toxic accumulations within on- and off-site adjacent structures.

8. Vector control programs shall be implemented to prevent or rectify problems as determined by field inspection and good operating practices.

9. Litter control devices (e.g., fences and vegetation) shall be used near the working face and elsewhere to prevent blowing and accumulation of litter. Litter shall be collected from fences and the ground surface each operating day and shall be incorporated into the daily cell at the end of each day or placed in a secure container.

10. Wastes easily moved by wind shall be covered promptly to prevent such waste from becoming airborne and scattered.

11. The landfill shall not be operated if the actual separation between the lowest point of the lowest cell and the actual maximum water table is less than fifteen (15) feet unless the waste facility plan as approved specifies otherwise.

12. The landfill shall not be operated if the actual bedrock or engineered protection approved in the waste facility plan is deemed not to provide water quality protection as determined by field investigations and evaluations conducted by Division staff.

13. Leachate collection and treatment systems shall be designed, installed and operated where necessary to protect ground and surface water resources.

14. All waste waters generated by operating and maintenance practices shall be managed in compliance with applicable water quality standards and regulations administered by the publicly owned treatment works having jurisdiction for the site and/or the Missouri Department of Natural Resources Water Pollution Control Program (MDNR-WPCP).

15. Vegetation and natural windbreaks shall be used to improve the appearance and operation of the landfill.

16. Any materials salvaged from the landfill shall be removed daily or stored in aesthetically acceptable containers or enclosures.

17. Adequate equipment shall be maintained on the site of the landfill, and preventative maintenance shall be performed to assure that the handling, compaction and covering required by this Chapter can be continuously performed.

18. Fire extinguishers shall be provided on all equipment and maintained in operable condition at all times.

19. Provisions shall be made for extinguishing fires in waste, equipment and structures on the landfill site.

20. Communication equipment shall always be available and operable on the landfill site in order that fire and Police services may be quickly summoned in the event of an emergency.

21. The operator shall not permit persons to scavenge in the waste received at or deposited in the landfill.

22. Access to the landfill site shall be limited to designated roadways and limited to hours when operating personnel are on duty.

23. Traffic arriving to deposit waste at the landfill shall be directed to designated disposing points near the active face.

24. Dust on the landfill site shall be controlled for safety purposes and to prevent nuisances.

25. Final cover shall be applied on each area immediately as designated complete per approved site plans and final grade in a layer not less than two (2) feet after compaction.

26. Vegetation shall be planted and sloped as soon as reasonably possible following placing of final cover and shall be planted and sloped as to maximize surface water runoff.

27. Records shall be maintained on site covering the following matters:
   a. Major problems and complaints regarding operation of the landfill.
   b. All environmental media sampling/testing data shall be reported to the Division of Environmental Services using the same protocol and submission intervals established by the applicable Missouri Department of Natural Resources Division of Environmental Quality (MDNR-DEQ) regulatory programs including the Solid Waste Management Program (SWMP), Water Pollution Control Program (WPCP) and Air Pollution Control Program (APCP) and shall address, at a minimum, data and assessments for monitoring ground water/surface water quality, air emissions and leachate characterization.
In the event of documented exceedence of applicable standards established by the Missouri Department of Natural Resources for any monitor system, the operator shall submit a corrective action plan (CAP) to the Division of Environmental Services within thirty (30) days of such an occurrence. The CAP shall outline detailed investigative procedures and schedule of remedial actions to be implemented to resolve the causative source or factors and restore the facility to operating compliance with documentation of results. The Division Director shall order cessation of facility operations until verifiable resolution is achieved.

d. Records of vector control efforts.

e. Records of dust and litter control efforts.

28. Upon closure, all drinking water sources located within one-quarter (¼) mile shall be sampled annually for contaminant parameters specified in the operating permits or specified by the Division Director, and sampling shall continue after closure as provided for by the approved waste facility plan for closure. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1170: ADDITIONAL STANDARDS FOR OPERATION OF WASTE PROCESSING FACILITIES AND TRANSFER STATIONS

Waste processing facilities and transfer stations shall adhere to the following requirements:

1. Storage areas shall be designated for special waste, shall be clearly marked for the type of special waste to be placed in such areas, and shall be designed and constructed to safely store such waste.

2. A responsible supervisor shall be on duty at all times during operation of the waste processing facility or transfer station to assure that unacceptable waste is excluded from processing or transfer.

3. All wastewaters generated by operating and maintenance practices shall be managed in compliance with applicable water quality standards and regulations administered by the publicly owned treatment works having jurisdiction for the site and/or the Missouri Department of Natural Resources Water Pollution Control Program (MDNR-WPCP).

4. Areas for unloading or loading waste transportation vehicles or mobile/roll-off waste containers shall be cleaned as spillage occurs.

5. Areas containing putrescible waste shall be cleaned at least weekly.

6. Vector control programs shall be implemented to prevent or rectify vector problems.

7. Waste delivered to the facility which cannot be processed there shall be removed at least weekly and hauled to permitted disposal sites.

8. All putrescible waste shall be removed from transfer stations at least every twenty-four (24) hours.

9. Waste shall not be accepted if available storage capacity is exceeded.

10. Waste shall not be accepted if the facility is reasonably expected to be out of operation for more than twenty-four (24) hours.

11. Materials or commodities segregated for recycling or resource recovery shall be stored in a manner that will prevent vectors or aesthetic problems.

12. Residues and processed materials shall be placed in containers appropriate for transporting such materials and which will prevent sifting, falling, leaking or blowing from those containers.

13. The operator of the waste processing facility or transfer station shall not permit persons to scavenge in waste delivered to or deposited at the facility.

14. Access to the waste processing facility shall be limited to those times when responsible and trained personnel are on duty.

15. Fire extinguishers shall be provided on all equipment.

16. Provisions shall be made for extinguishing fires in waste, equipment and structures on the site. An isolated designated area shall be reserved at all times for the emergency dumping of "hot loads" or loads suspected of being on fire. This area shall be accessible to on-site and off-site fire-fighting equipment and shall have available on-site sand or water for fire control.

17. Communications equipment shall always be available and operable on the site in order that fire and Police services may be quickly summoned in the event of an emergency.

18. The following records shall be maintained at the waste processing facility or transfer station and shall be maintained at or near the time such items are observed:

a. Actual or estimated quantity of waste received every day.

b. All environmental media sampling/testing data shall be reported to the Division of Environmental Services using the same protocol and submission intervals established by the applicable Missouri Department of Natural Resources Division of Environmental Quality (MDNR-DEQ) regulatory programs including the Solid Waste Management Program (SWMP), Water Pollution Control Program (WPCP) and Air Pollution Control Program (APCP) and shall address, at a minimum, data and assessments for monitoring ground water/surface water quality, air emissions and leachate characterization.
c. In the event of documented exceedence of applicable standards established by the Missouri Department of Natural Resources for any monitor system, the operator shall submit a corrective action plan (CAP) to the Division of Environmental Services within thirty (30) days of such an occurrence. The CAP shall outline detailed investigative procedures and schedule of remedial actions to be implemented to resolve the causative source or factors and restore the facility to operating compliance with documentation of results. The Division Director shall order cessation of facility operations until verifiable resolution is achieved.

d. Operational problems, complaints and difficulties connected with the operation of the waste processing facility or transfer station.

e. Vector, odor, dust, aesthetic, and litter control efforts. (Ord. No. 01-061 §§1–8, 5-30-01)

SECTION 240.1180: SIGNS REQUIRED AT ENTRANCES TO LANDFILLS, WASTE PROCESSING FACILITIES AND TRANSFER STATIONS

There shall be displayed at each entrance to each landfill, waste processing facility and transfer station a sign containing the following information in letters at least two (2) inches high and one-half (½) inches wide:

1. The words "Approved [Sanitary Landfill, Demolition Landfill, Waste Processing Facility or Transfer Station, as the case may be] operated under License No.__________ issued by the Division Director of the Division of Environmental Services of the St. Charles County Department of Community Health and the Environment".

2. The words "The following types of waste will not be accepted for disposal at this facility:" followed by list of types of waste which will not be accepted for disposal at the facility. (Ord. No. 01-061 §§1–8, 5-30-01)

SECTION 240.1190: RIGHT OF ENTRY FOR INSPECTION AND TO REMEDY DANGEROUS CONDITIONS

A. Because the disposal of waste in landfills, waste processing facilities and transfer stations present unique problems of enforcement and because the consequences of improper processing of waste are so severe, the Division Director is authorized, with or without probable cause to believe that a specific violation exists, to enter and inspect landfill premises, waste processing facility premises and transfer station premises at any time to insure that the landfill, waste processing facility or transfer station is being operated consistently with the waste facility plan, this Chapter, and in the interests of the health and welfare of the residents or environmental resources of St. Charles County. Routine inspections shall be made during normal operational hours of the facility. Where there is a suspected hazard, entry may be made at any time.

B. If the Division Director is or becomes aware of a violation of the provisions of the waste facility plan pertaining to the construction or operation of a landfill, waste processing facility, or transfer station; or is or becomes aware of a violation of a provision of this Chapter pertaining to construction or operation of such facilities; or is or becomes aware of a condition which threatens the health and welfare of the residents or environmental resources of the County, he may make a reasonable attempt to notify the operator, or owner of the premises or person in possession if there is no license, and direct such person to correct the violation within twenty-four (24) hours. In the event the operator or owner or person in possession cannot be found or refuses to correct the violation within twenty-four (24) hours after notice in writing by the Division Director, the Division Director may, if he deems it necessary in the interest of public health or environmental resources, enter upon the premises of the facility and, either with the equipment and employees of the operator or owner or person in possession, or with County-owned or -leased equipment and County employees, do such work as is necessary to correct any condition so noticed.

C. Upon completion of such work, the Division Director shall cause the total cost of such work to be determined and certify the same to the Finance Director. Upon approval of such report by the Finance Director, the report, with the approval of the Finance Director endorsed thereon, shall be transmitted to the County Collector, who shall assess the same as a special tax against each lot or parcel of ground chargeable therewith in the name or names of the owner or owners thereof.

D. All such special tax bills issued for such work shall be collectible by suit brought by the County Counselor in the name of the County. Such special tax bills and any action thereon shall be prima facie evidence of the regularity of the proceedings for such special assessment, the validity of the bill, the doing of the work, and of the furnishing of the material charged for, and of the liability of the property to the charged stated in the bill, including the costs of bringing the action as a part of the cost of doing the work. Each said special tax bill shall include a charge of one hundred dollars ($100.00) for inspecting the same and giving the notice and further charge of fifty dollars ($50.00) for issuing and recording the tax bill. Such tax bills if not paid within thirty (30) days after issuance shall bear interest at the rate of eight percent (8%) per annum. (Ord. No. 01-061 §§1–8, 5-30-01)

ARTICLE XII. SOLID WASTE DISPOSAL AREAS, PROCESSING FACILITIES, TRANSFER STATIONS--CLOSURE

SECTION 240.1210: NOTIFICATION OF INTENT TO CLOSE SOLID WASTE DISPOSAL AREA, WASTE PROCESSING FACILITY OR TRANSFER STATION

The operator shall notify the Division Director three (3) months prior to permanent or planned closure of his intent to close a landfill, waste processing facility or transfer station. (Ord. No. 01-061 §§1–8, 5-30-01)

SECTION 240.1220: CLOSURE OF SOLID WASTE DISPOSAL AREAS, WASTE PROCESSING FACILITIES AND
TRANSFER STATIONS

A. In addition to the provisions of the waste facility plan covering closure of a sanitary landfill, the following criteria shall be complied with:

1. Two (2) feet of compacted final cover plus six (6) inches of top soil, mulch, compost, or other material capable of supporting vegetation is required. An additional one (1) foot of compacted final cover (for a total of three (3) feet compacted final cover) may be substituted by the operator for the six (6) inches of top soil provided that adequate vegetation cover can be established.

2. Vegetative cover shall be established as soon as possible following closure. Repeated seedings shall be undertaken if required to secure permanent vegetative cover.

3. All public and private water wells within one-quarter (¼) mile of the sanitary landfill shall be sampled for the contaminant parameters specified by the Division Director annually for twenty (20) years and as specified in the approved plan for closure.

4. On-site downstream gradient ground water monitoring wells shall be sampled quarterly for indicator contaminants and annually for all contaminants as specified by the Division Director and delineated in the waste facility plan.

5. The operator shall file with the Recorder of Deeds within two (2) months of closure a metes and bounds description or licensed surveyor's plat which includes the types of waste disposed of at the site, the location of wastes, depth of the fill, and location and description of any leachate, gas control, or other monitoring systems which are to be maintained and a designation of the party responsible for maintaining such systems.

B. Facilities other than sanitary landfills shall be closed in accordance with the methods and procedures shown in their waste facility plans. (Ord. No. 01-061 §§1--8, 5-30-01)

ARTICLE XIII. SOLID WASTE DISPOSAL AREAS, PROCESSING FACILITIES, TRANSFER STATIONS--RESTRICTIONS BEFORE AND AFTER CLOSURE

SECTION 240.1310: SCAVENGING AT FACILITIES PROHIBITED--DISTURBANCE OF WASTE FOLLOWING CLOSURE

No person shall scavenge, excavate, disrupt or remove any deposited material from any active or discontinued landfill, waste processing facility or transfer station without prior approval of the Division Director. Requests for approval shall include an operation plan stating the area involved, line and grades defining limits of excavation, estimated number of cubic yards and type of material to be excavated, location where excavated material is to be deposited, type of equipment to be used to excavate and transport material, estimated time required for excavation disposal procedures and provisions for closing the excavated or disrupted areas. (Ord. No. 01-061 §§1--8, 5-30-01)

ARTICLE XIV. COMPOSTING AND COMPOSTING FACILITIES FOR RESIDENTIAL YARD WASTE

SECTION 240.1401: COMPOSTING OF RESIDENTIAL YARD WASTE

A. Residential yard waste may be composted on residential premises under the following conditions:

1. All composting operations shall be maintained so as to prevent the harborage of rodents and pests.

2. All composting operations shall be maintained so as to inhibit the generation of odors associated with anaerobic decomposition.

3. All composting operations shall be conducted at least three (3) feet behind the front of the main residential structure.

4. Composting sites shall be located so as to prevent leachate from discharging onto adjacent property and shall not be located in natural or manmade stormwater channels.

5. Compost piles abutting adjacent property shall be made site-proof to adjacent property owners and all enclosed compost structures shall comply with local zoning regulations.

6. The following materials are prohibited from use in residential yard waste composting:

B. Composting established in accordance with this Section is for private use only. There shall be no commercial provision of material to be composted or commercial use of the product from such composting.

C. Every owner and/or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this Section. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1403: LICENSE TO OPERATE YARD WASTE COMPOSTING FACILITY

No person shall construct or operate a yard waste composting facility without a current and valid license for the construction and operation thereof. (Ord. No. 01-061 §§1--8, 5-30-01)
SECTION 240.1406: LICENSE--HOW ACQUIRED--APPLICATION FEES

An initial license (as opposed to the annual renewal license) for the construction and operation or expansion of a yard waste composting facility may be issued by the Division Director following the procedures declared in this Chapter. An applicant for a license shall file three (3) copies of an application addressed to the Division Director and filed with the Division. The application shall consist of:

1. A request for issuance of a license, and
2. A materials facility plan as described below.

The application shall be accompanied by an application fee of one thousand dollars ($1,000.00) and the Division Director shall not process an application which is not accompanied by that fee. (Ord. No. 01-061 §§1--8, 5-30-01)

Editor's Note--Permit application fees and license fees authorized by Sections 240.415, 240.610, 240.840, 240.1406, and 240.1454 of this chapter 240 shall be effective upon approval of those fees by the qualified voters of St. Charles County.

SECTION 240.1409: APPLICATION FOR YARD WASTE COMPOSTING FACILITY LICENSE

An application to the Division Director for a license to construct and operate a yard waste composting facility shall contain a written request for the issuance of a license for the construction and operation of a yard waste composting facility and shall include a plan for the construction/operation and closure of the facility, which plan shall be consistent with the provisions of this Chapter pertaining to construction and operation of a yard waste composting facility and shall include the following:

1. A legal description and outboundary survey of the property on which the facility is to be located.
2. A plan for the construction and operation of the yard waste composting facility which includes:
   a. A description of the type of materials the yard waste composting facility will accept.
   b. The maximum storage capacity of material to ensure management.
   c. The technology utilized to process and store the materials.
   d. Drawings detailing the operation of the yard waste composting facility.
   e. Location of the nearest available potable water source.
   f. A description of windrow construction and operating equipment (or other approved methodology) to achieve a marketable finished compost product.
   g. A description of construction of processing and storage bases. Bases shall be designed to shed stormwater and maintain integrity through continued use of heavy equipment.
   h. Discussion of intended product end-use markets.
   i. Description of management practices to control stormwater courses, minimize leachate operation and dispose of wastewater in compliance with applicable water quality standards and regulations administered by the publicly owned treatment works having jurisdiction and/or the Missouri Department of Natural Resources Water Pollution Control Program (MDNR-WPCP).
3. Closure plan for the facility.
4. A schedule for the commencement and completion of facility construction stated with respect to the time of the issuance of a license for construction and operation of the facility.
5. Zoning authorizations including a copy of an approved conditional use permit (if applicable).
6. Multi-locations of the same organization shall file separate information for each location. Application and annual license fees shall apply to each separate location in accordance with Sections 240.1406 and 240.1409.
7. Other information as the Division Director may require to assess suitability of the proposed yard waste composting facility. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1412: INITIAL DETERMINATION OF SUFFICIENCY OF APPLICATION

The Division Director shall notify an applicant who has submitted an application and application fee for a license to operate a yard waste composting facility in writing either that the application is certified as meeting all pertinent requirements regarding the form of the application or that the application is deficient with respect to its form and specifically in what manner the application does not comply with minimum application requirements. The Division Director shall determine whether the representation made in the materials facility plan regarding application for zoning approval has been met. If the application has been determined not to comply with minimum application requirements or the representation concerning application for zoning approval is determined to be false, the applicant so notified shall be required to submit additional information or otherwise correct any noted deficiencies within ninety (90) calendar days from receipt of the Division Director's letter. If the deficiencies are not corrected within the ninety (90) day period, the Division Director shall return the application and fee to the applicant, unless the applicant and the
SECTION 240.1415: INVESTIGATION BY DIVISION DIRECTOR

The Division Director shall examine the premises of the site described by the application and shall perform such tests and direct the preparation of such studies as will assist him in determining:

1. Whether the facts contained in the application are accurate.
2. Whether the criteria set forth below regarding the standards of issuance of a license are satisfied to the benefit of the residents of St. Charles County for protection of public health and the environment. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1418: MODIFICATION OF MATERIALS FACILITY PLAN

A. The Division Director may require that the applicant modify the materials facility plan for the purposes of:

1. Bringing the application into compliance with law, although issuance of a license, with or without modifications, is not evidence that the application complies with the requirements of any jurisdiction.
2. Ensuring that the construction and operation of the yard waste composting facility is adequate to protect the health and welfare of the residents of St. Charles County.

B. Prior to final approval or denial of the license, the Division Director shall notify the applicant of deficiencies or changes which must be addressed prior to approval of the materials facility plan. Within thirty (30) days, or such additional time as the Director may grant, the applicant shall submit modifications to address the deficiencies which the Division Director has indicated. The Division Director may continue to require reasonable additional changes to be made by applicant. In the event that the Division Director determines that there are no modifications which can be made to the application which will make it satisfactory, or the Division Director determines that the modifications or responses proposed by the applicant do not substantially further the application process, the Division Director shall notify the applicant and permit thirty (30) days for response. Thereupon, the Division Director may terminate consideration of the materials facility application for failure to pursue submission of an acceptable materials facility plan. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1421: STANDARDS FOR APPROVAL OF MATERIALS FACILITY PLAN

A. The Division Director shall approve the materials facility plan, with or without modifications, or disapprove the materials facility plan based on the following criteria:

1. Possible adverse environmental effects on properties in the vicinity of the proposed facility.
2. Whether the approval of the materials facility plan would in any way create a hazard menace or nuisance to the public health.
3. Whether the approval of the materials facility plan would violate the provisions of this Chapter, other laws, or other ordinances or regulations of St. Charles County.

B. Any materials facility plan submitted which does not satisfy the above criteria shall not be approved by the Division Director.

C. The Division Director shall notify the applicant of his decision by certified mail, whether approving or disapproving the materials facility plan. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1424: ISSUANCE OF LICENSE BY DIVISION DIRECTOR

If a materials facility plan is finally approved by the Division Director, a license shall be issued by the Division Director upon payment to the Division of the annual licensing fee described in Section 240.1454 and a showing satisfactory that the insurance requirement of Section 240.1475 and the bonding requirement of Section 240.1478 have been met. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1427: LICENSE PERSONAL TO APPLICANT--HOW TRANSFERRED

The license issued by the Division Director shall be personal to the applicant and may only be transferred by compliance with Section 240.1457. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1430: TERM OF LICENSE

The license issued by the Division Director shall be for a fixed number of years equal to the estimated life of the facility as projected in the approved materials facility plan. Notwithstanding the issuance of a license for a fixed number of years, the materials facility plan and the license must be reviewed annually subject to the provisions of Section 240.1418 et seq., and the modifications proposed by the operator in the annual application may include a request that the term of the license be amended. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1433: COOPERATION WITH OTHER COUNTY DEPARTMENTS PERMITTED
In the event that St. Charles County ordinances require the Division of Planning and Zoning of the Department of Community Development to hold a hearing regarding the issuance of a conditional use permit (CUP) or regarding a rezoning which must be approved before the materials facility plan may be lawfully implemented on a site, the Division of Environmental Services, the Division of Planning and Zoning of the Department of Community Development may develop and implement a procedure whereby the application submitted to the Division Director pursuant to Section 240.1409 and the application for a conditional use permit or for an amendment of the applicable zoning pursuant to Title IV of the Ordinances of St. Charles County, Missouri ("OSCCMo"), as the case may be, be consolidated into a single application for the convenience of the applicant, the County and the public. Despite such consolidation for convenience, such applications shall still satisfy the requirements of this Article and of Title IV, OSCCMo. (Ord. No. 01-061 §§1–8, 5-30-01)

Editor's Note—For designation of the division of planning and zoning, see ord. No. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 240.1436: COOPERATIVE AGREEMENTS AUTHORIZED
The Division Director is authorized to cooperate with the Missouri Department of Natural Resources, municipalities in St. Charles County and any other relevant jurisdiction, individually or in combination, for the purposes of:

1. Developing and implementing a procedure or procedures whereby the application submitted to the Division Director pursuant to Section 240.1409 and an application concerning the same development submitted in another jurisdiction be consolidated into a single application for the convenience of the applicant, the County and the other jurisdiction or jurisdictions. Despite such consolidation for convenience, such applications shall still satisfy the requirements of Section 240.1409.

2. Dividing responsibility for investigation and verification of the information contained in an application, and the impact of implementation of the materials facility plan on the County and the environment, shall be undertaken for the purpose of avoiding duplication of effort by various jurisdictions. (Ord. No. 01-061 §§1–8, 5-30-01)

SECTION 240.1439: APPLICANT BECOMES OPERATOR UPON RECEIPT OF LICENSE
Upon receipt of a license issued by the Division Director, and upon payment to the Division of the annual licensing fee described in Section 240.1454 and a showing satisfactory that the insurance requirement of Section 240.1475 and the bonding requirement of Section 240.1478 have been met, the applicant becomes the operator of the facility for which the license was issued. (Ord. No. 01-061 §§1–8, 5-30-01)

SECTION 240.1442: EXISTING YARD WASTE COMPOSTING FACILITIES
A. Yard waste composting facilities which operated or were licensed to construct or operate pursuant to ordinances and rules in effect prior to the effective date of this Chapter are exempted from the requirement of presenting an initial materials facility plan pursuant to Sections 240.1406 and 240.1409. Renewal applications and licenses are required on an annual basis pursuant to Section 240.1451. Notwithstanding the foregoing, however, the first (1st) renewal application made by the operator of such an existing facility shall contain a plan for closure in compliance with the closure requirements of this Chapter imposed upon applications for new facilities.

B. With the exception of the matters discussed in Subsection (A) of this Section, yard waste composting facilities existing at the effective date of this Chapter must comply with all other provisions of this Chapter. (Ord. No. 01-061 §§1–8, 5-30-01)

SECTION 240.1445: LICENSE TO BE RENEWED ANNUALLY
Despite the approval of a materials facility plan for a yard waste composting facility for a fixed number of years, and the issuance of a license for the construction and operation of the facility, the operator of each facility shall apply to renew such license annually for each operating year beginning with each anniversary date of the issuance of such initial license, whether the construction of the facility is completed or not. The renewal application as set forth in the schedule in Subsection (2) of this Section shall be addressed and delivered to the Division Director at least thirty (30) days prior to each anniversary date of the initial license and shall contain:

1. A request that a renewal license be issued for a period of one (1) year, and

2. A report containing the information required in Section 240.1448. (Ord. No. 01-061 §§1–8, 5-30-01)

SECTION 240.1448: CONTENTS OF REPORT FILED WITH APPLICATION FOR ANNUAL RENEWAL LICENSE FOR OPERATING A YARD WASTE COMPOSTING FACILITY
Every application for a renewal license for a yard waste composting facility shall contain the following information:

1. Any changes in the materials facility plan which must be made to reflect actual usage or conditions.
2. Volumes of yard waste in cubic yards received by the facility during the previous year.
3. Volume and disposition of end-use product produced.
4. A listing of operating problems encountered and solutions pursued/corrective actions. (Ord. No. 01-061 §§1–8, 5-30-01)
SECTION 240.1451: ISSUANCE OF RENEWAL LICENSE BY DIVISION DIRECTOR

Upon receipt of the renewal application described in Sections 240.1445 and 240.1448 and of the basic annual licensing fee set forth in Section 240.1454, the Division Director shall issue a renewal license for the compost facility. The Division Director shall not issue the renewal license if the license to operate the facility has been revoked pursuant to this Chapter. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1454: ANNUAL LICENSING FEE

The basic annual licensing fee shall be one thousand dollars ($1,000.00). (Ord. No. 01-061 §§1--8, 5-30-01)

Editor's Note--Permit application fees and license fees authorized by Sections 240.415, 240.610, 240.840, 240.1406 and 240.1454 of this chapter 240 shall be effective upon approval of those fees by the qualified voters of St. Charles County.

SECTION 240.1457: MODIFICATION OF MATERIALS FACILITY PLAN DURING EFFECTIVE PERIOD OF LICENSE UPON REQUEST OF OPERATOR--TRANSFER OF LICENSE TO ANOTHER

A. If the operator believes that an error has been made in the materials facility plan, such that the materials facility plan cannot be effectuated without injury to the public health or welfare, or that the materials facility plan can better be implemented by changes in provisions approved by the Division Director, the operator may submit a request to the Division Director containing the reasons for the belief and the information required in Section 240.1448 for a renewal application. The Division Director shall consider the request and may modify the materials facility plan to reflect such changes if he determines that such changes are necessary to make or continue to make the facility comply with this Chapter or other laws, rules, regulations or ordinances, or to make or continue to make such facility operate in a manner that protects the public health, welfare and the environment.

B. If the operator desires to transfer his license to operate a yard waste composting facility to another party, and that party agrees to accept the transfer of the license, the operator shall file a statement with the Division Director so stating the intent to make such transfer. The person proposing to operate the facility shall file an application containing the information required by Section 240.1448 along with a statement that such person desires to assume the rights, duties and obligations of operation of the facility. The application shall be processed as an application under Subsection (A) of this Section. Upon issuance of the license with modifications, which shall include an indication that the license is transferred to the parties desiring to assume operations of the facility, such parties shall become the operator of the facility; however, nothing herein shall relieve the prior operator of any liability connected with events occurring during the period in which the prior operator operated or was licensed to operate such facility. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1460: LICENSE SUSPENDED OR REVOKED--WHEN--HOW

A. A license for operation of a yard waste composting facility may be suspended or revoked, following hearing before the Division Director, for any one (1) or more of the following reasons:

1. Failure to comply with the provisions of the materials facility plan.
2. Failure to comply with the provisions of this Chapter applicable to the facility.
3. Failure to operate the facility in a manner consistent with the public health, welfare and the environment and health and welfare of persons operating and using the facility.

B. For a violation of any of the above, the Division Director shall suspend the license of the operator to operate the facility during the period such violation continues to exist; or, if the violation can only exist during active operations, the suspension shall be until such time as the operator establishes a procedure satisfactory to the Division Director which remedies the violation.

C. For a willful misstatement of facts contained in any application or renewal application, the Division Director may revoke the license or renewal license. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1463: PROCEDURE FOR SUSPENSION OR REVOCATION HEARING

The Division Director shall provide at least thirty (30) calendar days' notice to the operator of the hearing to be held to consider the suspension or revocation of the license of the operator to operate a yard waste composting facility. The hearing shall be open to the public. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1466: CONSTRUCTION TO CONFORM TO REQUIREMENTS OF MATERIALS FACILITY PLAN AND THIS CHAPTER

No person shall construct a yard waste composting facility in a manner that does not comply with the materials facility plan approved by the Division Director for such facility or with the requirements of this Chapter. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1469: INSPECTIONS DURING CONSTRUCTION
During any period of construction (initial, expansion or modification) of a yard waste composting facility, the Division Director shall be permitted access to the facility at reasonable times for the purpose of determining whether the construction of the facility conforms to the materials facility plan. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1472: FINAL APPROVAL OF DIVISION DIRECTOR REQUIRED PRIOR TO OPERATION OF FACILITY

Notwithstanding the final approval of a materials facility plan and issuance of a license to construct and operate a yard waste composting facility, the facility shall not begin to operate and accept material until receipt of final approval by the Division Director indicating that a final inspection of the facility following construction has been completed and that the facts then in possession indicate that the facility has been constructed according to the materials facility plan. Final approval in writing by the Division Director is also required for final construction of facility modification prior to the continued operation in an area affected by the construction. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1475: OPERATORS OF YARD WASTE COMPOSTING FACILITY TO HAVE INSURANCE

A. No license for the construction and operation of a yard waste composting facility shall be issued nor shall such a facility be operated until and unless the applicant acquires public liability insurance approved by the Division Director governing all proposed operations of the applicant pertaining to the business of constructing and operating a yard waste composting facility. The insurance shall be with an insurer acceptable to the Division Director and shall include coverage in one (1) policy or multiple policies for any contractors or subcontractors engaged by the insured for such business. Evidence of such insurance shall be filed with the Division. The minimum limits of insurance for public liability and auto liability shall be three hundred thousand dollars ($300,000.00) for bodily injury to each person; one million dollars ($1,000,000.00) for total bodily injury for each occurrence; and one million dollars ($1,000,000.00) for property damage for each occurrence. Municipalities engaged in the business of yard waste composting are exempted from procuring the minimum limits of insurance required by this Section.

B. No license for the construction and operation of yard waste composting facility shall be issued nor shall such a facility be operated until and unless the applicant provides insurance with Workers' Compensation insurance, with minimum limits as set by law. The insurance must be approved by the Division Director and shall be with an insurer acceptable to the Division Director and shall include coverage in one (1) policy or multiple policies for any contractors or subcontractors engaged by the insured for such business.

C. No insurance policy required by this Section shall be approved by the Division Director unless it provides that notice will be given by the insurer in the event the policy is terminated or canceled.

D. The insured shall give notice to the Division Director if any policy required by this Section is terminated or canceled. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1478: CLOSURE BOND

No person shall construct or operate a yard waste composting facility without providing a bond required for closure as provided by this Section for closure. The bond provided pursuant to this Section shall be in an amount, based upon the active composting area of the facility during the following twelve (12) months and modified by the renewal license process, which assures that the facility will be properly closed if events occur within the two (2) year period following the beginning of the most recent licensing or renewal period which require that the facility be closed. The bond may be a cash or corporate bond. If a cash bond is offered, the cash shall be deposited with the St. Charles County Director of Finance, who shall provide a receipt therefor. If a cash bond is offered, the interest may be used to fulfill the bond obligation if necessary; however, to the extent such interest remains unused at the expiration of the bond, it shall be returned to the person providing the bond. If a corporate bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the State of Missouri and filed with the St. Charles County Director of Finance. The bond must be approved by the County Counselor. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1481: FACILITY'S OPERATION TO COMPLY WITH MATERIALS FACILITY PLAN

No person shall operate a yard waste composting facility in a manner that does not comply with the materials facility plan approved by the Division Director for such facility and which does not comply with the requirements of this Article pertaining to operation of such facility. Failure to comply with the materials facility plan or with the requirements of this Article pertaining to operation of a yard waste composting facility shall be a violation by the person in whose name the license is issued, as well as every agent, employee or contractor assigned to construct or operate the facility who:

1. Performs acts precluded by the materials facility plan or this Article;
2. Fails to perform acts required by the materials facility plan or this Article;
3. Fails to maintain conditions required by the materials facility plan or this Article; or
4. Maintains conditions prohibited by the materials facility plan or this Article. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1484: ADDITIONAL STANDARDS FOR OPERATION OF A YARD WASTE COMPOSTING FACILITY

Yard waste composting facilities shall adhere to the following requirements:

1. A sign listing materials accepted and not accepted must be visible at the entrance of the facility.
2. A facility shall not accept material quantities beyond that which can be properly managed.

3. Materials for composting shall be stored in a manner that will minimize the generation of odor and aesthetic problems, prevent spontaneous combustion and the harborage of vectors, and does not create a public health nuisance.

4. Vector control programs shall be implemented to prevent or rectify problems.

5. Non-contact, uncontaminated surface watercourses and runoff shall be diverted to storm sewers, detention ponds or other approved collection methods and the management of such watercourses and runoff shall also comply with all applicable provisions of the Missouri Clean Water Law (Chapter 644, RSMo., as amended) and any regulations adopted pursuant to it. The Missouri Clean Water Law and the regulations adopted pursuant to it shall also govern the management of any and all contaminated runoff and leachate generated by material decomposition.

6. Contingency plan shall be implemented for collection, destruction and deposition of any leachate, by-product, effluent or emission.

7. Materials easily moved by wind shall be stored in such a manner so as to prevent such material from becoming airborne and scattered.

8. Fire extinguishers shall be provided and accessible.

9. Persons not authorized shall not be permitted to remove or scavenge in the materials deposited at the facility.

10. Facility must meet all zoning restrictions.

11. Records shall be maintained on site addressing the following matters:
   a. Major problems and complaints.
   b. Vector control efforts.
   c. Records on litter control efforts.
   d. Records on quantity (volume/tons) of materials received.
   e. Records on quantity (volume/tons) of end product distributed.

12. Compliance with handling, storage and disposal requirements for materials regulated under Federal, State and/or local jurisdictions shall be met. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1487: SIGNS REQUIRED AT ENTRANCES TO YARD WASTE COMPOSTING FACILITY

There shall be displayed at each entrance to each yard waste composting facility a sign containing the following information in letters at least two (2) inches high and one-half (½) inch wide:

1. The words "Approved Yard Waste Composting Facility operated under License No. _____ issued by the Director of the Division of Environmental Services of the St. Charles County Department of Community Health and the Environment".

2. The words "The following materials will be accepted at this facility:" followed by a list of materials which will be accepted at the facility. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1490: RIGHT OF ENTRY FOR INSPECTION AND TO REMedy DANGEROUS CONDITIONS

A. The Division Director is authorized, with or without probable cause to believe that a specific violation exists, to enter and inspect yard waste composting facilities at any time to ensure that they are operated consistently with the materials facility plan, this Chapter, and in the interests of the health and welfare of the residents of St. Charles County. Routine inspections shall be made during normal operational hours of the facility. Where there is a suspected hazard, entry may be made at any time.

B. If the Division Director is or becomes aware of a violation of the provisions of the materials facility plan pertaining to the construction or operation of a yard waste composting facility or is or becomes aware of a violation of a provision of this Chapter pertaining to construction or operation of such a facility; or is or becomes aware of a condition which threatens the health and welfare of the residents of the County or the environment, he may make a reasonable attempt to notify the operator, owner of the premises or person in possession if there is no license, and direct such person to correct the violation within twenty-four (24) hours. In the event the operator or owner or person in possession cannot be found or refuses to correct or address the violation within twenty-four (24) hours after notice in writing, the Division Director may, if deemed it necessary to protect the interest of public health, enter upon the premises of the facility and, either with the equipment and employees of the operator or owner or person in possession, or with County-owned or leased equipment and County employees, perform such work as is necessary to correct any condition so noticed.

C. Upon completion of such work, the Division Director shall cause the total cost of such work to be determined and certify the same to the St. Charles County Director of Finance, the report, with the approval of the Director of Finance endorsed thereon, shall be transmitted to the County Collector, who shall assess the same as a special tax against each lot or parcel of ground chargeable therewith, in the name or names of the owner or owners thereof.

D. All such special tax bills issued for such work shall be collectible by suit brought by the County Counselor in the name of the County. Such special tax bills and any action thereon shall be prima facie evidence on the regularity or the proceedings for such special assessment, the validity of the bill, the conductance of the work, and of the furnishing of the materials charged for, and of 313
the liability of the property to the charge stated in the bill, including the costs of bringing the action as a part of the cost performing the work. Each said special tax bill shall include a charge of fifty dollars ($50.00) for inspecting the same and providing the notice and further charge of fifty dollars ($50.00) for issuing and recording the tax bill. Such tax bills if not paid within thirty (30) days after issuance shall bear interest at the rate of eight percent (8%) per annum. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1493: CLOSURE OF YARD WASTE COMPOSTING FACILITIES

A yard waste composting facility shall be closed in accordance with the methods and procedures shown in the materials facility plan. Yard waste composting facilities which were licensed to operate prior to the effective date of this Chapter shall be closed in accordance with the methods required by that facility's original operating permit. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1496: NOTIFICATION OF INTENT TO CLOSE YARD WASTE COMPOSTING FACILITY

The operator shall notify the Division Director three (3) months prior to permanent or planned closure of his intent to close a yard waste composting facility. (Ord. No. 01-061 §§1--8, 5-30-01)

ARTICLE XV. RECYCLING CENTERS

SECTION 240.1505: CONSTRUCTION AND OPERATION OF RECYCLING CENTERS

A. All sites proposed to operate as recycling centers must submit certification of compliance with applicable zoning and conditional use permit (CUP) provisions recognized by the County Division of Planning and Zoning of the Department of Community Development. Such certification shall be sent to the Division of Environmental Services prior to or concurrent with annual registration. B. Recycling center sites shall be operated in such a manner as to not cause nuisance conditions or violations of any Code, standard or regulation administered by any applicable unit of local, County or State Government. C. Property buffer/setback distances shall conform to applicable CUP conditions and verified with operating application submittal. In all cases, however, the minimum required distance shall be not less than one thousand (1,000) feet. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1510: RECYCLING CENTERS TO REGISTER ANNUALLY

At least once per year, every recycling center shall file a statement with the Division Director. The statement shall contain the information as follows:

1. Volume/tons of recovered material by type (i.e. glass, ferrous metals, paper fiber grades, etc.) received by the facility during the previous calendar year.
2. Volume/tons of recovered material by type (i.e. glass, ferrous metals, paper fiber grades, etc.) shipped from the facility for the purpose of resource recovery during the previous calendar year. Such statement shall be filed for the previous year period by January thirty-first (31st) of the current calendar year. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1520: HAULERS OF RESIDENTIAL SOURCE-SEPARATED MATERIAL TO REGISTER ANNUALLY

At least once per year, every hauler of residential source-separated material who hauls such material from its point of origin shall file a statement with the Division Director registering the hauler to haul source-separated material. The statement shall contain such other information as the Division Director may request, including:

1. Volume/tons of source-separated material by type (i.e. glass, ferrous metal, paper fiber grades, etc.) received by the hauler during the previous calendar year.
2. Volume/tons of recovered material by type (i.e. glass, ferrous metal, paper fiber grades, etc.) deposited at a facility for the purpose of resource recovery during the previous calendar year. (Ord. No. 01-061 §§1--8, 5-30-01)

ARTICLE XVI. SPECIAL WASTES AND DEMOLITION WASTES

SECTION 240.1610: APPLICATIONS FOR PERMITS FOR DISPOSAL OF SPECIAL WASTES

A. Applications for permits for the disposal of special waste (including asbestos) shall be submitted to the Division Director by both the person generating the special waste and the facility intending to receive the waste for disposal. The authorized application fee of one hundred dollars ($100.00) shall be submitted with each application.

B. The application made by the person possessing the special waste or the person who will generate the special waste shall include a
SECTION 240.1620: APPLICATION FOR PERMITS TO GENERATE DEMOLITION WASTES
A. Application for permits to generate demolition waste (resulting from the destruction/removal of any institutional, commercial, public, industrial or residential structure or building within the unincorporated areas of the County) shall be submitted to the Division Director by the person possessing or generating the demolition waste. The authorized application fee of one hundred dollars ($100.00) shall be submitted with each application. Owner-occupied residential property owners conducting their own demolition/construction activities at their own residences shall be exempt from payment of the fee authorized by this Section.
B. The application made by the person possessing or generating the demolition waste shall include a description of the waste, estimated volume, transportation, handling, and disposal/processing/transfer station resource recovery/recycling facility location. The application shall also contain such other information as the Division Director may require, either before or after the initial submission of the application. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1630: AUTHORIZATION BY THE DIVISION DIRECTOR
Based on the merit and competence of the submittal, the Division Director shall approve or deny the applications for permits to dispose of special wastes or to generate demolition wastes and, if the applications are approved, may attach any conditions deemed necessary to protect the public health and welfare and environment. Copies of the approval document shall be sent to the Missouri Department of Natural Resources. Approval may be granted for specific disposal events identified in the application, or approval may be granted for recurring, similar disposal needs. In no event, however, shall a permit's effective period extend beyond one (1) year from the date of approval. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1640: COMPLIANCE REQUIRED WITH THE TERMS OF APPROVED PERMITS
The applicants, their agents and employees shall comply with the statements made in the application regarding anticipated means of handling and disposing of waste and shall comply with the additional terms and conditions attached by the Division Director. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1650: INSPECTIONS BY DIVISION DIRECTOR-REVOCATIONS OF PERMITS
A. The Division Director shall conduct periodic inspections as necessary to insure compliance with the terms of approved permits. Failure of the applicants, their agents or employees to cooperate with any such inspections or to comply with statements made in the application or with any additional terms and conditions imposed by the Division Director shall result in immediate revocation of the permit to dispose of special waste or to generate demolition waste.
B. The Division Director shall have the right of entry for inspection to insure compliance with the authorization granted by the Division Director and to insure the public health and welfare in the same manner as indicated in Section 240.1190. For a violation of the terms of the authorization of the Division Director or for a condition which threatens the health and welfare of the residents of the County, the Division Director may take those remedial steps indicated in Section 240.1190; and the cost incurred by the Division Director for such work shall be a special tax on the property as indicated in that Section. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1660: INFECTIOUS WASTE MAY BECOME SPECIAL WASTE
Infectious waste rendered innocuous shall be disposed of as a special waste. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1670: INFECTIOUS WASTE GENERATED BY ACTIVITY OUTSIDE OF MEDICAL FACILITIES
Unless determined otherwise by the Division Director for special cases requiring more stringent safeguards to protect public health, generators of infectious waste outside of medical facilities shall be exempt from the special waste provisions of the Chapter provided such waste is generated on-site and disposed of with the generator's ordinary solid waste. Sharps to be disposed of outside of medical facilities may be disposed of with the generator's ordinary solid waste; however, such waste shall be packaged in rigid, leakproof and puncture resistant containers which are sealed prior to disposal. (Ord. No. 01-061 §§1--8, 5-30-01)

ARTICLE XVII. ADMINISTRATION AND ENFORCEMENT

SECTION 240.1710: RULEMAKING
The Division Director is authorized to make necessary rules and regulations as will implement the purposes of this Chapter. Such rules and regulations shall only be promulgated following notice to the public of the public hearing to be held and the subject matter of the proposed rule or regulation. The Division Director shall hold this public hearing. Upon issuance of any rule or regulation, the text of same shall be filed with the County Registrar. Failure to comply with provisions of such rule or regulation
SECTION 240.1720: VARIANCE BY DIVISION DIRECTOR

The Division Director may grant a variance from the terms of this Chapter to a holder of or an applicant for a permit or license issued pursuant to this Chapter upon a showing that strict application of the provisions of this Chapter will impose practical difficulties or particular hardships upon the aforementioned applicant or holder without corresponding benefit to the public health, but only when the Division Director finds that the granting of the variance will not serve merely as a convenience to the aforementioned applicant or holder but will alleviate some demonstrable hardship or difficulty sufficient to warrant a variance. In granting any such variance, the Division Director may impose such limitations and conditions as he deems necessary to protect the public health, and any violation of or failure to adhere to such limitations or conditions shall constitute a violation of this Chapter. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1730: ADMINISTRATIVE APPEALS

A. Except as provided in Subsection (B) of this Section, any person aggrieved by a decision of the Division Director pursuant to Article IV, Articles V through XI, Articles XIV through XVI, or Section 240.1720 of this Article (variances) of this Chapter may within ten (10) days of that decision file with the Director an appeal stating why the decision is unauthorized by this Chapter. The appeal shall be filed on a form prepared by the Director, signed by the aggrieved person or that person's agent, and a copy of the appeal shall be served on the Division Director. The Director shall schedule and conduct a hearing within thirty (30) days of the filing of the appeal and may affirm, modify or reverse the decision of the Division Director. The decision of the Director shall be final. (Ord. No. 01-061 §§1--8, 5-30-01)

B. Any person aggrieved by the denial of a license by the Division Director or by the Division Director's modifications of a proposed waste facility plan pursuant to Article VII may appeal that decision to the County Council as provided in Article VII of this Chapter. The decision of the County Council shall be final. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1740: CITATION FOR VIOLATIONS OF PROVISIONS OF THIS CHAPTER--FORM OF CITATION

A. Any person designated by the Division Director to enforce provisions of this Chapter may issue a citation to any person when having probable cause to believe that such person has committed a violation of this Chapter. The citation shall require the person in whose name the citation is issued to pay a fine either by mail or in person at the offices of the Division of Environmental Services within ten (10) days after receipt of the citation.

B. The citation issued pursuant to Subsection (A) of this Section shall be in substantially the following form:

STATE OF MISSOURI )
) SS.
COUNTY OF ST. CHARLES )

ST. CHARLES COUNTY, MISSOURI, Complainant,
vs. _________________________________, Violator
Race ______ Sex _____ Date of birth ____/____/____ Height _________
Weight ___________ Hair ____________ Eyes ___________
Address ____________________________________________________________
_________________________________________________________________
Employer __________________________________________________________
Business Address _____________________________________________________

The undersigned complaints and states that the violator, did, on or about ____/____/_____ at or about _______ _______m., commit the following offense:

_________________________________________________________________

occurring at or near:

_________________________________________________________________

in violation of Section 240.______, Ordinances of St. Charles County, Missouri ("OSCCMo"), as amended.

_________________________________________________________
Signature

316
The Division Director of the Division of Environmental Services of the St. Charles County Department of Community Health and the Environment to the above-named violator: You are to appear at the Offices of the Division at 201 North Second Street, St. Charles, Missouri 63301 on or before _____/_____/_____, between the hours of 8:00 A.M. and 5:00 P.M. to either pay a fine for this violation or to state that you are not guilty. If you fail to appear, a report of this violation will be referred to the County Counselor, who will institute legal proceedings against you without further notice. Fines may be paid by mail. To inquire about this possibility, you may call between the hours of 8:00 A.M. and 5:00 P.M.

Without admitting guilt, I hereby acknowledge receipt of this notice.

______________________________  
Signature  
______________________________  
Date  

C. Nothing in this Section shall require that any prosecution for any violation of this Chapter need be preceded by a citation permitted by this Section. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1750: AUTHORIZATION FOR DIVISION DIRECTOR TO ACCEPT PAYMENT FOR PENALTIES ASSESSED HEREIN—PROSECUTION OF VIOLATIONS

A. In cases where citations have been issued pursuant to Section 240.1740, the Division Director is authorized to and shall have and perform the following duties:

1. Accept payment of fines as provided below.

2. Maintain records of all violations of the provisions of this Chapter indexed by name of the person violating any provision during the preceding twenty-four (24) months, whether such violation was established in court or by payment of a fine pursuant to this Section.

3. Refer to the County Counselor for prosecution any matter where a person charged with an offense which may be paid to the Division Director under this Section fails to appear and pay the fine within the time or in the manner prescribed herein.

B. Penalties for violations for which citations under this Section are written and which may be paid to the Division Director pursuant to this Section are as follows:

<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
<th>Penalty For First Violation</th>
<th>Penalty For Recurring Violations</th>
</tr>
</thead>
<tbody>
<tr>
<td>240.310</td>
<td>Failure to have sufficient number or size waste containers</td>
<td>$50</td>
<td>$100</td>
</tr>
<tr>
<td>240.310</td>
<td>Failure to have sufficient waste containers at single-, two- and three-family residential premises</td>
<td>$25</td>
<td>$50</td>
</tr>
<tr>
<td>240.310</td>
<td>Failure to have sufficient waste containers at multi-family residential and at non-residential premises</td>
<td>$50</td>
<td>$100</td>
</tr>
<tr>
<td>240.310</td>
<td>Failure to secure covers on waste containers at single-, two- and three-family residential premises</td>
<td>$25</td>
<td>$50</td>
</tr>
<tr>
<td>240.310</td>
<td>Failure to secure covers on waste containers at multi-family residential premises and at non-residential premises</td>
<td>$50</td>
<td>$100</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Penalty For First Violation</td>
<td>Penalty For Recurring Violations</td>
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<tr>
<td>240.325</td>
<td>Failure to keep area surrounding waste containers at single-, two- and three-family residential premises or the exterior of such containers in clean, neat, odor-free and sanitary condition</td>
<td>$25</td>
<td>$50</td>
</tr>
<tr>
<td>240.325</td>
<td>Failure to keep area surrounding waste containers at multi-family residential premises or at non-residential premises or the exterior of such containers in clean, neat, odor-free and sanitary condition</td>
<td>$50</td>
<td>$100</td>
</tr>
<tr>
<td>240.325</td>
<td>Storage of solid waste containers and containers for recyclables from one-, two- or three-family residential premises on property other than where waste and recyclables were originally generated</td>
<td>$25</td>
<td>$50</td>
</tr>
<tr>
<td>240.325</td>
<td>Storage of solid waste containers and containers for recyclables from multi-family residential premises or non-residential premises on property other than where waste and recyclables were originally generated</td>
<td>$100</td>
<td>$300</td>
</tr>
<tr>
<td>240.335</td>
<td>Deposit waste in the container of another without permission of owner of container</td>
<td>$50</td>
<td>$100</td>
</tr>
<tr>
<td>240.340</td>
<td>Failure to place infectious, hazardous or special waste in containers clearly marked &quot;Infectious Waste&quot;, &quot;Biohazard Waste&quot;, &quot;Hazardous Waste&quot;, as the case may be</td>
<td>$300</td>
<td>$500</td>
</tr>
<tr>
<td>240.340</td>
<td>Failure to store infectious waste in sealed leakproof containers</td>
<td>$300</td>
<td>$500</td>
</tr>
<tr>
<td>240.340</td>
<td>Failure to store sharps in rigid and puncture resistant containers</td>
<td>$300</td>
<td>$500</td>
</tr>
<tr>
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</tr>
<tr>
<td>240.340</td>
<td>Failure to label infectious containers and storage area with the universal biohazard symbol</td>
<td>$300</td>
<td>$500</td>
</tr>
<tr>
<td>240.340</td>
<td>Failure to contain all infectious waste and keep outside of container free of contamination</td>
<td>$300</td>
<td>$500</td>
</tr>
<tr>
<td>240.340</td>
<td>Failure to keep exterior storage areas locked or otherwise secure</td>
<td>$300</td>
<td>$500</td>
</tr>
<tr>
<td>240.340</td>
<td>Failure to label medical special waste with the words &quot;Medical Special Waste&quot; and with the special waste registration number</td>
<td>$300</td>
<td>$500</td>
</tr>
<tr>
<td>240.345</td>
<td>Failure to remove a mobile/roll-off waste container when full</td>
<td>$100</td>
<td>$300</td>
</tr>
<tr>
<td>240.345</td>
<td>Failure to secure demolition waste or construction waste in secure container to prevent dispersal by wind</td>
<td>$100</td>
<td>$300</td>
</tr>
<tr>
<td>240.345</td>
<td>Store demolition or construction waste in flood plain while not in waste container</td>
<td>$100</td>
<td>$300</td>
</tr>
<tr>
<td>240.350</td>
<td>Failure to register as a medical waste generator</td>
<td>$300</td>
<td>$500</td>
</tr>
<tr>
<td>240.355</td>
<td>Failure to have agreement for collection of waste with hauler having licensed vehicles where waste collection service is reasonably available for the premises</td>
<td>$50</td>
<td>$100</td>
</tr>
<tr>
<td>240.355</td>
<td>Failure to have infectious waste pickup weekly unless generation rate is four and one-half (4.5) cu. ft. or less per month whereas pickup frequency is quarterly</td>
<td>$300</td>
<td>$500</td>
</tr>
<tr>
<td>240.355</td>
<td>Failure to remove medical special waste at regularly scheduled intervals, as specified in special waste disposal application</td>
<td>$300</td>
<td>$500</td>
</tr>
<tr>
<td>Section</td>
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</tr>
<tr>
<td>240.355</td>
<td>Failure to remove industrial/commercial special waste and sewage sludge at regularly scheduled intervals, as specified in special waste disposal application</td>
<td>$300</td>
<td>$500</td>
</tr>
<tr>
<td>240.355.1a</td>
<td>Place solid waste containers, containers for recyclables, or bulky/non-containerized waste at point of collection designated by waste hauler before dusk prior to the regularly scheduled collection day</td>
<td>$25</td>
<td>$50</td>
</tr>
<tr>
<td>240.355.1b</td>
<td>Failure to return solid waste containers or containers for recyclables to place of storage on the same day as collection of waste</td>
<td>$25</td>
<td>$50</td>
</tr>
<tr>
<td>240.401</td>
<td>Engage in the business of hauling waste, sewage, sludge, human excrement or any other waste of any kind whatsoever on County streets without annual permit for collecting and transporting solid waste</td>
<td>$100</td>
<td>$300</td>
</tr>
<tr>
<td>240.435</td>
<td>Enter into an agreement for disposing of residential waste without providing for collection of bulky residential waste at least once every six (6) months</td>
<td>$100</td>
<td>$200</td>
</tr>
<tr>
<td>240.435</td>
<td>Failure to give persons having agreement for disposal of residential waste reasonable notice of scheduled collection of bulky residential waste</td>
<td>$100</td>
<td>$200</td>
</tr>
<tr>
<td>240.440</td>
<td>Failure to label waste transportation vehicles or mobile/roll-off waste containers permitted under annual permit for collecting and transporting solid waste</td>
<td>$100</td>
<td>$300</td>
</tr>
<tr>
<td>240.445.1</td>
<td>Failure to maintain waste hauling vehicles and mobile/roll-off waste containers in safe, clean and sanitary condition</td>
<td>$100</td>
<td>$300</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Penalty For First Violation</td>
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<tr>
<td>240.445.1</td>
<td>Failure to maintain waste hauling vehicle or mobile/roll-off waste container so as to prevent waste from spilling or leaking or blowing from vehicle or mobile/roll-off waste container</td>
<td>$100</td>
<td>$300</td>
</tr>
<tr>
<td>240.445.2</td>
<td>Transport waste in hoppers of waste transportation vehicle where such hoppers have defective hopper seals which create spillage or leakage of liquid</td>
<td>$100</td>
<td>$300</td>
</tr>
<tr>
<td>240.445.3</td>
<td>Failure to secure covers when transporting waste capable of blowing from vehicle or mobile/roll-off waste container or in fact blowing from vehicle or mobile waste container</td>
<td>$100</td>
<td>$300</td>
</tr>
<tr>
<td>240.450(A)</td>
<td>Failure of permittee to allow inspection of waste transportation vehicle or mobile/roll-off waste container</td>
<td>$100</td>
<td>$300</td>
</tr>
<tr>
<td>240.450(D)</td>
<td>Failure of permittee to comply with Division Director's order to correct violations in waste transportation vehicle or mobile/roll-off waste container by the time and date stated in order</td>
<td>$100</td>
<td>$500</td>
</tr>
<tr>
<td>240.455</td>
<td>Failure of permittee to provide semi-annual reports required by this Section</td>
<td>$100</td>
<td>$300</td>
</tr>
<tr>
<td>240.460(A)</td>
<td>Engage in business of hauling waste without required insurance</td>
<td>$1,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>240.460(B)</td>
<td>Engage in business of hauling waste without Workers' Compensation in amounts required by law</td>
<td>$1,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>240.465</td>
<td>Haul sewage, sludge, human excrement or special wastes without $1,000 bond for each vehicle hauling such waste</td>
<td>$100</td>
<td>$500</td>
</tr>
<tr>
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<tr>
<td>240.470</td>
<td>Haul infectious, hazardous or special waste in transportation vehicle or mobile/roll-off waste container used for transporting waste that is not infectious, hazardous or special, as the case may be, or which cannot safely transport such waste</td>
<td>$1,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>240.470</td>
<td>Transport waste that is clearly marked as infectious, hazardous or special waste, or which the hauler knows in fact is infectious, hazardous or special waste, unless the hauler has the capability to legally and safely transport such waste to an appropriate facility</td>
<td>$1,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>240.510</td>
<td>Deposit waste on real estate which does not have a valid and current license for a sanitary landfill, demolition landfill, waste processing facility or transfer station issued by Division Director</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td>240.510</td>
<td>Permit waste to be deposited on real estate which does not have a valid and current license for a sanitary landfill, demolition landfill, waste processing facility or transfer station issued by the Division Director</td>
<td>$2,000</td>
<td>$4,000</td>
</tr>
<tr>
<td>240.510</td>
<td>Deposit waste on or at facility in a manner which does not comply with the plan for operation pertaining to such facility or in a manner which does not comply with the provisions of this Chapter pertaining to operation of such facility</td>
<td>$2,000</td>
<td>$4,000</td>
</tr>
<tr>
<td>240.510</td>
<td>Conduct open burning of timber/vegetative waste without the appropriate permit</td>
<td>$100</td>
<td>$300</td>
</tr>
<tr>
<td>240.510</td>
<td>Conduct open or containered burning of solid waste</td>
<td>$100</td>
<td>$300</td>
</tr>
<tr>
<td>240.510</td>
<td>Deposit waste in waters of County</td>
<td>$1,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>Section</td>
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</tr>
<tr>
<td>240.540</td>
<td>Deposit or cause or permit to be deposited infectious, hazardous or special waste at a facility which is not licensed and approved to accept such waste safely</td>
<td>$1,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>240.1140</td>
<td>Failure to operate facility in a manner required by waste facility plan</td>
<td>$1,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>240.1150</td>
<td>Failure to operate sanitary landfill in accordance with standards set forth in this Section</td>
<td>$1,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>240.1150</td>
<td>Failure to submit required reports on environmental monitor data to Division of Environmental Services</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td>240.1150</td>
<td>Failure to submit CAP in response to documented monitor data excursion of regulatory limit</td>
<td>$1,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>240.1150</td>
<td>Failure to implement CAP developed in response to documented monitor data excursion of regulatory limit</td>
<td>$1,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>240.1160</td>
<td>Failure to operate demolition landfill in accordance with standards set forth in this Section</td>
<td>$1,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>240.1160</td>
<td>Failure to submit required reports on environmental monitor data to Division of Environmental Services</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td>240.1160</td>
<td>Failure to submit CAP in response to documented monitor data excursion of regulatory limit</td>
<td>$1,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>240.1160</td>
<td>Failure to implement CAP developed in response to documented monitor data excursion of regulatory limit</td>
<td>$1,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>240.1170</td>
<td>Failure to operate waste proceeding facility or transfer station in accordance with standards set forth in this Section</td>
<td>$1,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>Section</td>
<td>Description</td>
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</tr>
<tr>
<td>240.1170</td>
<td>Failure to submit required reports on environmental monitor data to Division of Environmental Services</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td>240.1170</td>
<td>Failure to submit CAP in response to documented monitor data excursion of regulatory limit</td>
<td>$1,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>240.1170</td>
<td>Failure to implement CAP developed in response to documented monitor data excursion of regulatory limit</td>
<td>$1,000</td>
<td>$2,000</td>
</tr>
<tr>
<td>240.1180</td>
<td>Failure to have sign as required by this Section at each entrance to facility</td>
<td>$100</td>
<td>$300</td>
</tr>
<tr>
<td>240.1310</td>
<td>Scavenge, excavate, disrupt or remove deposited material from facility without approval of Division Director</td>
<td>$100</td>
<td>$300</td>
</tr>
<tr>
<td>240.1401</td>
<td>Failure to operate residential yard waste composting facility according to standards of this Section</td>
<td>$25</td>
<td>$50</td>
</tr>
<tr>
<td>240.1481</td>
<td>Failure to operate yard waste composting facility in manner required by approved materials facility plan or requirements of this Section</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td>240.1510</td>
<td>Failure to register and report as a recycling center</td>
<td>$50</td>
<td>$100</td>
</tr>
<tr>
<td>240.1520</td>
<td>Failure to register and report as a hauler of recovered material</td>
<td>$50</td>
<td>$100</td>
</tr>
<tr>
<td>240.1610</td>
<td>Failure to submit application for disposal of special waste</td>
<td>$300</td>
<td>$500</td>
</tr>
<tr>
<td>240.1620</td>
<td>Failure to submit demolition waste application</td>
<td>$200</td>
<td>$400</td>
</tr>
</tbody>
</table>

(Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1760: PENALTIES AND ENFORCEMENT

A. Every person who shall be convicted of violating any of the provisions of this Chapter shall be fined not more than one thousand dollar ($1,000.00) or imprisoned in the St. Charles County Jail for not more than one (1) year, or punished by both such fine or imprisonment. Each day a violation continues after service of written notice to abate such violation shall constitute a separate
ARTICLE XVIII. POLICY ON INTER-JURISDICTIONAL COOPERATION

SECTION 240.1801: PARTICIPATION IN SOLID WASTE MANAGEMENT DISTRICTS
St. Charles County may enter into contractual agreement with any Solid Waste Management District established pursuant to Sections 260.300 et seq., RSMo., as amended, as provided by applicable law. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1805: PARTICIPATION IN OTHER INTER-JURISDICTIONAL INITIATIVES
The Division may represent St. Charles County in all matters pertaining to any Solid Waste Management District and act to protect and advance the County's interests in regional partnerships and agreements. (Ord. No. 01-061 §§1--8, 5-30-01)

ARTICLE XIX. WASTE MANAGEMENT ZONES AND AUTHORITY TO GRANT FRANCHISES IN THEM FOR THE COLLECTION AND TRANSPORTATION OF SOLID WASTE

SECTION 240.1910: AUTHORITY TO DESIGNATE SOLID WASTE MANAGEMENT ZONES
The Division Director is hereby authorized to designate geographic sections of unincorporated St. Charles County as solid waste management zones if they have sufficient population density for franchised hauling and recycling within the zone. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1920: AUTHORITY TO ESTABLISH MANAGEMENT PROCEDURES FOR SOLID WASTE MANAGEMENT ZONES
The Division Director may establish procedures to manage the following functions within the zones established pursuant to Section 240.1910: designating zonal boundaries, notifying impacted public and waste service providers, soliciting requests for proposals and competitive bids, submitting recommendations on accepting bids and awarding contracts, monitoring performance of and compliance with contracts. The Division Director shall implement zoning procedures. (Ord. No. 01-061 §§1--8, 5-30-01)

SECTION 240.1930: FRANCHISES AND INTERGOVERNMENTAL COOPERATIVE AGREEMENTS WITH OTHER MUNICIPALITIES OR GOVERNMENTAL BODIES WITHIN SOLID WASTE MANAGEMENT ZONES
Pursuant to Sections 2.521, 2.527 and 2.528 of the St. Charles County Charter (1992), the Governing Body of St. Charles County may grant franchises for waste and recyclables collection within solid waste management zones and enter into intergovernmental cooperative agreements with duly incorporated municipalities or other governmental bodies within such zones to delegate the implementation of the procedures as set out in Section 240.1920 above within the corporate limits of those municipalities or government bodies. A franchise or agreement established pursuant to this Section may if appropriate expand the boundaries of a designated solid waste management zone. Administrative protocol will be established in such cases of delegation of contract management and oversight to ensure service efficiency and eliminate duplication of effort. (Ord. No. 01-061 §§1--8, 5-30-01)

ARTICLE XX. TRANSITION PROVISIONS

SECTION 240.2010: PERMITS
If the applicant shows that the applicant will collect, transport, process or dispose of solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the State of Missouri and this Chapter, the Coordinator shall issue the permit authorized by this Chapter. The permit shall be issued for a period of one (1) year, and each applicant shall pay therefore a fee of seventy-five dollars ($75.00) for each solid waste processing or disposal facility to be operated and a fee of two and one-half dollars ($2.50) for each transportation vehicle to be used. If in the opinion of the Coordinator modifications can be made to the application regarding service, equipment, or mode of operation, so as to bring the application within the intent of this Chapter, the Coordinator shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

Editor's Note: This Section recodifies Section 240.060 in force prior to the adoption, by St. Charles County Ordinance No. 01-061, of the current Solid Waste Management Code, Chapter 240, Ordinances of St. Charles County, Missouri. Section 2 of Ordinance No. 01-061 provides in pertinent part that: "Permit application fees presently authorized by Section 240.060 of the Ordinances of St. Charles County, Missouri, shall remain in force and shall apply to applications for permits and licenses to be issued pursuant to the new Solid Waste Management Code..."
CHAPTER 243: COUNTY RECYCLING CENTER

SECTION 243.010: DEFINITIONS

As used in this Chapter, and unless the context clearly requires a different meaning, references to one gender include references to the other gender, singular references include the plural and plural references include the singular, statements including the word "shall" are mandatory and not directory. The following specific definitions apply to this Chapter.

DEPARTMENT: The St. Charles County Department of Community Health and the Environment.

HOUSEHOLD HAZARDOUS WASTE: Meeting the definition of household hazardous waste in 10 Code of State Regulations 25-3.260(3)(H)(6), as currently promulgated or as amended hereafter.

REUSE MERCANTILE: A segregated area within one (1) or both recycling centers used as a store to resell or give away items brought into the recycling centers for disposal that will be economically more feasible for resale than disposal to the operation and sustainability of the centers.

WHITE GOODS: Household appliances and devices such as, but not limited to, refrigerators, stoves, dishwashers, hot water heaters and air conditioners not capable of being directly disposed of in a sanitary landfill.  (Ord. No. 11-011 §1, 3-7-11)

SECTION 243.020: FEES FOR RECYCLING OF WHITE GOODS (HOUSEHOLD APPLIANCES), ELECTRONIC DEVICES, FLUORESCENT BULBS AND DISPOSAL OF HOUSEHOLD HAZARDOUS WASTE

The Department shall charge fees, based upon the Department's actual expenses, not to exceed the fee schedule herein set out, for recycling the white goods, electronic devices, fluorescent bulbs and household hazardous waste listed below at the Department's recycling facilities. Every six (6) months, the Department shall recalculate the fees it charges pursuant to this Section, basing those fees on the actual costs of processing and removing the collected items listed, and shall post its current fee schedule at its recycling centers.

1. White goods

   Exceptions:

   - Surcharge for appliances or devices with more than one (1) compressor $20.00
   - Special rate for microwave ovens $10.00

2. Electronic devices as follows:

   - Computer monitors/CRTs (19" or smaller) $20.00
   - Computer monitors/CRTs (20" or larger) $25.00
   - Computer printers $10.00
   - Copiers (desk-top) $10.00
   - Copiers (oversized) $1.00 per pound
   - Flat screens (any size) $15.00
   - Televisions (19" or smaller) $15.00
   - Televisions (20" through 29") $20.00
   - Televisions (30" or larger) $25.00

3. Fluorescent bulbs as follows:

   - Straight fluorescent $1.00 per foot
   - Utube/circular/compact per unit 1.00
   - HID/mercury/halide/sodium per unit $1.50
   - Shatter-shield/power groove per unit $1.50
   - Incandescent/quartz/halogen per unit $1.00
   - Ultraviolet/arc lamps per unit $3.00

   Total cost will be rounded up to the next full dollar amount.

   Fluorescent bulbs presented for recycling may be refused at the discretion of the facility.

4. Household hazardous waste as follows:

   - Small Load (<= 50 pounds) $25.00
   - Large Load (each pound > 50 pounds) additional $1.00/pound

5. Other items not listed above may be accepted at the discretion of the facility at the following rate:

6. All items disposed at the recycling centers should be charged a total fee in addition to the fees listed above for out-of-County residents: $20.00 per visit
SECTION 243.030: COUNTY REUSE MERCANTILE AND RECYCLING INCENTIVE PROGRAM

A. The Department shall divert whenever possible and when economically advantageous to the sustainability of the recycling centers those items that are dropped off at the recycling centers to a REUSE MERCANTILE set-up at one (1) or both of the recycling centers. Every six (6) months, the Department shall recalculate the price it charges for items sold or items given away at the REUSE MERCANTILE, basing those fees on the actual costs of processing and handling the collected items listed that are sold.

B. The Department may offer incentive coupons that will exempt full or partial fees found in Section 243.020 above to participants in educational programs offered by the Division of Environmental Health and Protection. The Department shall not extend fee exemptions for more than a total of six thousand dollars ($6,000.00) in calendar year. (Ord. No. 11-011 §1, 3-7-11)

CHAPTER 245: FLUORIDATION

SECTION 245.010: AUTHORIZATION OF WATER DEPARTMENT TO INTRODUCE FLUORIDE INTO PUBLIC WATER SUPPLY

The Water Department of St. Charles County is hereby authorized and directed to proceed with the introduction of fluoride into the public drinking water supply produced by the well fields owned and operated by St. Charles County Government in such quantities as are required to provide throughout the pipe distribution system a fluoride concentration of approximately one part fluoride per million parts of water. (Ord. No. 97-81 §1, 6-25-97)

SECTION 245.020: REGULATION OF FLUORIDATION

The Water Department of St. Charles County shall keep an accurate record of the amount of fluoride bearing chemical applied to the quantities of water treated, and cause such analytical tests to be made for fluoride (in terms of the element F) in the untreated and treated water as it shall be directed to do by the Missouri Department of Health. (Ord. No. 97-81 §2, 6-25-97)

CHAPTER 250: COUNTY PARK REGULATIONS

Cross Reference--As to department of parks and recreation, see ch. 133; as to parks and recreation advisory board, see §§120.680--120.720.

SECTION 250.010: PURPOSE

The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, morals and general welfare of persons in the County of St. Charles in their use of public parks. (Ord. No. 00-043 §1, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.020: DEFINITIONS

For purposes of this Chapter, the following terms shall be defined as follows:

AIRBORNE VEHICLES: Helicopters, airplanes, hot air balloons, ultralight aircraft, "kit" or "self-made" aircraft, rockets, personal rocket or jet-propelled flight apparatus, gliders, hang-gliders, kits, parasails or other similar flight vehicles. "Kit" and "self-made" aircraft shall be any motorized aircraft which is assembled and made operational by someone other than a manufacturer licensed and regulated by the FAA.

ALL-TERRAIN VEHICLE: Any motorized vehicle manufactured and used exclusively for off-highway use.

ANIMAL: Cats, dogs, horses, any fowl or birds, fish and any living creatures, except humans, within the jurisdiction of the park or recreation area.

ANIMAL, DOMESTICATED: Cats, dogs, horses, livestock, potbellied pigs, chicken or other fowl.

ANIMAL, NON-DOMESTICATED OR EXOTIC: Primates, bears, lions, cougars, wolves, hawks, falcons, peacocks, coyotes, foxes, fish, ferrets, reptiles (venomous, non-venomous and constrictor), any crossbreeds of such animals, and any other animal not included under the definition of domesticated animal. This definition does not include wildlife as it exists within County parks.

COUNTRY: St. Charles County.

CROSSING: The extension to any sidewalk space across any intersecting drive, street or highway whether marked by a pavement or otherwise.

CURB: any boundary of any street, road, avenue, boulevard or drive, regardless of whether it is marked.

DEPARTMENT: The St. Charles County Department of Parks and Recreation.
DIRECTOR: The Director of the St. Charles County Department of Parks and Recreation or his duly authorized representative.

MIGRATORY WATERFOWL: Any species of birds commonly known as swans, geese, brants, river and sea ducks, and any other waterfowl falling under the jurisdiction of the Missouri Conservation Commission or otherwise defined by the Commission as migratory waterfowl.

PARK: All recreational areas, historical sites and other such properties devoted to active or passive recreation under the jurisdiction of the Department.

PARK ATTENDANT: Any person employed by the County as a parks attendant to perform duties or tasks within the parks and recreation areas.

PARK RANGER: A person authorized and commissioned by the County as a Law Enforcement Officer to perform general law enforcement duties within the boundaries of the St. Charles County parks and recreation areas.

PEDESTRIAN: A person afoot, or with a stroller, or using a wheelchair or other motorized or non-motorized device used by the disabled.

PERMIT: Any written license issued by or under the authority of the approving governing agency permitting a special event or activity in parks or their facilities.

PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind.

PERSONAL WATERCRAFT: A class of inboard vessel, as defined by the United States Coast Guard, which uses an internal combustion engine powering a jet pump as its primary source of propulsion, and is designed to be operated by a person or persons sitting, standing or kneeling on or being towed behind the product rather than in the conventional manner of boat operation.

POACHING: The illegal pursuing, taking or killing of game or fish.

PROGRAM: An educational, hands-on experience for the public provided by staff, guest speakers and/or instructors for which the Parks Department is incurring related costs. Programs are open to everyone, however, the number of participants may be limited by the Parks Department.

ROADWAY: A continuous trafficway designed to accommodate motorized traffic.

SHERIFF: The chief Law Enforcement Officer of St. Charles County or his duly authorized representative.

SHERIFF’S DEPUTY: A person authorized and commissioned by the County as a Law Enforcement Officer.

SOLICITING: Persons selling or giving goods or services by sample or taking orders for future delivery with or without accepting advance payment of the goods and persons seeking any form of contributions.

STOPPING OR STANDING: Any cessation of movement of a vehicle occupied or not, except when necessary by regulation or to avoid conflict with pedestrians or other traffic including vehicles, either singly or together.

TRAIL OR PATH: A continuous path or trafficway which is not designed for motorized traffic (except wheelchairs or other motorized devices used by the disabled) including, but not limited to, pavement, gravel, wood chip packed dirt, and synthetic surface such as ground tires.

VEHICLE: Any wheeled or tracked conveyance device, whether motor or battery powered, animal-drawn or self-propelled. The term shall include any trailer in tow of any size, kind or description. This definition shall not apply to the following: baby carriages, wheelchairs, bicycles in designated areas, vehicles in the service of the County parks or other devices designed to increase mobility of persons with physical limitations or disabilities as authorized by the Director.

VENDING: Selling or trading any item or service.

WASTEWATER: Water containing any contaminant or other substance including, but not limited to, soap, detergents, sewage, food, drinks or any debris or trash.

WATERCRAFT: Any boat, vessel or craft of any length propelled by machinery or any boat, vessel or craft over twelve (12) feet in length which is powered by sail alone or paddled by oars, used or capable of being used as a means of transportation on water.

WATERWAY: Any body of water, lake, pond or stream owned or controlled by St. Charles County.

WILDLIFE: Any animals not considered feral, including mammals, fish, birds, reptiles and any other living creatures, except humans, within the County parks or waterways in or adjacent to County parks. (Ord. No. 00-043 §2, 4-27-00; Ord. No. 01-056 §2, 5-30-01; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.030: HOURS AND CLOSED AREAS

A. Hours. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours, subject to restrictions authorized by the Director. The designated opening and closing hours for each individual park, as well as any authorized restrictions, shall be posted therein for public information.

B. Quiet Hours. Quiet shall be maintained between the hours of 10:00 P.M. and 6:00 A.M. in all park areas, unless otherwise designated by the Director.

C. Closed Areas. Any section or part of any park or entire park may be declared closed to vehicles or the public by the County, the Sheriff, a Sheriff’s Deputy, a Park Ranger or the Director at any time and for any interval of time, either temporarily or at regular
and stated intervals, daily or otherwise, and either entirely or merely to certain uses, as may be reasonably necessitated by reason of public health, public safety, maintenance, protection of property (public or private) or for other reasons in the public interest. Such closing may be done by simply posting of signs to that effect or by other means which make it obvious that any County park or portion thereof is closed to the public entirely or closed for certain uses. The Director, Sheriff, Sheriff’s Deputy or Park Ranger may remove any person from the County park area upon its closing.

D. Entry Into Closed Areas Or During Closed Hours Prohibited. No person shall enter a County park or any waterway, facility or area posted as “Closed to the Public” or during closed hours. No person shall be in any County park, waterway, facility or area during closed periods or abet the use of any County park, waterway, facility or area in violation of posted notices, except as authorized by the Director. (Ord. No. 00-043 §3, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.040: RESERVATIONS

A. Reserving Park Facilities. Park facilities, areas or equipment used for recreational activity may be reserved for use on a “first-come, first-served” basis. Reservations shall be only by written authorization issued by the Director and shall be subject to such restrictions as set forth in the authorization. Reservation authorizations shall only apply to those activities, facilities, areas or equipment and the date and time specified on the authorization.

B. Fee Required For Validity. A reservation shall not be considered valid unless the Department has received the payment of any specified fee, if any, for the activity, area, waterway, facility or equipment and no reservation shall be considered held until such fee has been received by the Department and a written authorization issued.

C. Age Limitation. Park facilities, areas or equipment may only be reserved by persons twenty-one (21) years of age or older.

D. Twenty-Four Hours’ Notice Required. Reservations shall not be made for requests received less than twenty-four (24) hours prior to requested reservation time unless authorized by the Director.

E. Accountability. The person making the reservation shall be held accountable for the condition of the authorized facility, equipment or area at the end of the use. The person making the reservation shall also be responsible for the actions of those in their party.

F. Canceled Reservations. The Director may cancel any reservation previously made and permitted when the use of a facility, area or equipment would endanger the public safety or the property of others due to the physical condition of the facility, equipment or area or adverse weather conditions at the time of the intended use; or the facility, area or equipment reserved would be necessary for the use of persons or entities authorized by the County. Any person who has made a reservation may cancel any reservation subject to any terms imposed by the Parks and Recreation Department at the time such reservation is made, which may include imposition of a reasonable administrative fee.

G. Refunds. Any fees charged for reservations will be refunded to that person in the event the County or Director cancels such reservations for the purposes stated in this Section.

H. Use Of Reserved Areas Prohibited. No person shall occupy any area or facility, or section thereof, which may be reserved and designated by the Director for the use by certain other persons. (Ord. No. 00-043 §4, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.050: AUTHORIZATION OF DIRECTOR

A. Required. Authorization of the Director is required to participate in the following activities and others named in this Chapter:

1. Sponsorship of a public picnic, parade, celebration, event, exhibition or concert;
2. Camping;
3. Organized use either by persons, schools, companies, organizations or other entities of park facilities or areas;
4. Any activity or use of park lands or waterways and the facilities or equipment therein which is reserved for exclusive use; and
5. Any commercial endeavor regulated by this Chapter or otherwise, or solicitation of donations.

B. Application. A person seeking issuance of a written authorization shall file an application with the Director. Along with the application, the applicant shall present a driver's license or other government-issued photo identification. The application shall state:

1. The name, address and phone number of the applicant;
2. The name, address and phone number of the person, persons, corporation or association sponsoring the activity, if any;
3. A description of all activities to be conducted;
4. The day and hours for which the authorization is desired;
5. The park or portion thereof and facilities or equipment for which an authorization is desired;
6. An estimate of the anticipated attendance;
7. Any variances from the departmental rules or County ordinance; and
8. Any other information which the Director shall deem necessary to make a fair determination as to whether a written authorization should be issued.

C. Standards For Issuance Of Authorization. The Director shall use the following standards when determining whether to issue an
authorization for an activity:

1. Whether the proposed activity or use of the park will unreasonably interfere with or detract from the general public enjoyment of the park;
2. Whether the proposed activity or use will unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
3. Whether the proposed activity or use is reasonably anticipated to incite violence, crime or disorderly conduct;
4. Whether the proposed activity will entail unusual, extraordinary or burdensome expense by the Department or Police supervision by the County;
5. Whether liability insurance would be necessary for the activity and whether the applicant carries liability insurance in a sufficient amount;
6. Whether the facilities desired have been reserved for other use at the date and time requested in the application; and
7. Whether the proposed activity in conjunction with a reservation is for financial profit of a commercial business or private individual, except as provided for and regulated by the provisions of this Chapter relative to concessionaires with whom the County has a contract.

D. Decision And Appeal. Within ten (10) days after receiving a receipt of application for authorization, the Director shall provide the applicant with a written decision indicating approval or denial of the application. In event of a denial, notification shall include the reasons for the denial and shall state that the decision may be appealed within ten (10) days of the issuance of the denial to the St. Charles County Director of Administration. The Director of Administration shall consider the application under the standards set forth herein and sustain or overrule the Director's decision not later than fourteen (14) days after receipt of an appeal. The decision of the Director of Administration shall be final.

E. Effect Of Authorization. Authorization for use of specific park areas, facilities or equipment will be so marked and held until the time designated on said authorization. If the permittee does not arrive on time, the areas, facilities or equipment may be reassigned.

F. Restrictions. A permittee shall be bound by all department rules and restrictions set forth in the authorization. In addition, a permittee shall abide by all provisions of County ordinances. The permittee shall ensure that all persons involved in the authorized activity observe the terms and conditions of the written authorization, abide by all County Ordinances, and comply with requests of the Director, Park Rangers or Law Enforcement Officers concerning traffic arrangements, sound, crowd control measures and use of park facilities.

G. Liability Of Permittee. The permittee shall be liable for any loss, damage or injury to County property or operations or any loss, damage or injury that may be sustained by any person by reason of the negligence of the permittee. An applicant for a written authorization may be required to submit evidence of liability insurance covering property damage or loss or injury to the County, to participants of the authorized activity or to members of the general public arising out of the authorized activities in such amounts as may be from time to time determined by the Director prior to the commencement of any activity or issuance of any written authorization.

H. Revocation Of Authorization. The Director may revoke a written authorization upon a finding that the permittee has violated a provision of the authorization, County ordinance or State or Federal law.

I. Exhibition And Display Of Written Authorization. Every permittee shall produce and exhibit a written authorization upon the request of the Director, Park Ranger, Law Enforcement Officer or other authorized person who desires to inspect the authorization in order to enforce compliance with County ordinance or authorization restrictions. Authorizations issued for the sale or advertisement of merchandise or other goods for sale or hire in any County park, or within facilities thereon, must be conspicuously displayed at all times. (Ord. No. 00-043 §5, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.060: FEES

A. Fee Charged Certain Activities. The County may charge fees for certain activities or the use of certain park areas, facilities or equipment. The fees shall be in accordance with the fee schedule adopted by the County Governing Body. The Director shall be responsible for collecting and accounting for all fees.

B. The St. Charles County Department of Parks and Recreation shall charge reasonable fees for programs held by the St. Charles County Parks Department. Such fees shall be approved in advance by the Parks and Recreation Director. (Ord. No. 00-043 §6, 4-27-00; Ord. No. 01-056 §1, 5-30-01; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.070: PUBLIC INDECENCY

Public Indecency Prohibited. In any County park, no person shall appear in a state of nudity, engage in acts of sexual intercourse or otherwise violate the provisions of Section 210.160 of the St. Charles County Code of Ordinances. (Ord. No. 00-043 §7, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.080: BUILDINGS AND OTHER IMPROVEMENTS

A. Disfiguration And Removal Prohibited. No person shall willfully mark, deface, disfigure, inure, tamper with, or displace or remove, any building, playground, bridges, tables, benches, fireplaces, railing, paving or paving material, water lines or other...
utilities, signs, notices or placards whether temporary or permanent, monuments, stakes, posts, boundary markers, other structures, equipment, or facilities which are County property or property not belonging to that person, or any parts or appurtenances thereto whatsoever, either real or personal.

B. **Damaging Public Safety Facilities Prohibited.** No person shall willfully or intentionally break, deface, damage or otherwise interfere with any lamppost or public lamp or lamp of any kind, kept or maintained at any place within a County park for public safety or convenience or in compliance with the provision of any Section, or any telegraph pole, telephone pole, fire plug or hydrant; or, without authority, light or extinguish any such lamp or use any item herein described.

C. **Affixing Posters Or Handbills Prohibited.** No person shall paste, affix or inscribe any handbill, poster, card, device, inscription or similar thing to or upon any fence, utility pole, hydrant, equipment, existing sign, structure or the like within any County park.

D. **Erection Of Structures And Improvements Prohibited.** No person shall construct or erect any building, structure or improvement of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on written authorization as provided in this Chapter. No person shall construct or in any way attach any improvement including, but not limited to, deer stands or steps, to any tree or other object.

E. **Use Of Restrooms.** All persons shall cooperate in maintaining restrooms in a neat and sanitary condition. No person over the age of five (5) years shall use the restrooms or washrooms designated for the opposite sex unless that person requires assistance due to a disabling condition or that person is assisting a disabled person or that person is a department employee or agents performing maintenance.

F. **Climbing On Monuments, Rails Prohibited.** No person shall climb, walk, stand or sit upon monuments, vases, fountains, railing, fences or upon any other property, natural or manmade, not designated or customarily used for such purpose. (Ord. No. 00-043 §8, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

**SECTION 250.090: ARTIFACTS AND ITEMS OF ANTIQUITY**

A. **Collection Prohibited.** No person shall collect any artifact or item of antiquity except by written authorization of the Director. All items of antiquity in or on County parks are protected and owned by the County unless by law otherwise owned.

B. **Use Of Metal Detectors Or Other Means Of Archeological Excavation And Exploration.** Metal detectors, shovels and other instruments for archeological excavation and exploration are prohibited in County parks without proper authorization. Authorization for metal detection or other means of archeological excavation and exploration may be issued by the Director for certain areas and shall be subject to such regulations as are herein set forth or may be hereafter adopted by the Director. (Ord. No. 00-043 §9, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

**SECTION 250.100: NATURAL RESOURCES, TREES AND WILDLIFE**

A. **General Prohibition.** All trees, plants, vegetation, natural resources and wildlife within County park land and waterways are protected. No person shall disturb in any way the natural terrain, plants or animals in any County park except as provided in Subsection (C) herein.

B. **Injury, Damage, Removal And Transplantation Of Trees, Plants And Vegetation Prohibited.** No person shall damage, cut, carve any tree or plant, in part or whole and alive or dead, or injure the bark, or pick the flowers or seeds, of any tree or plant, except as provided in Subsection (C) herein. No person shall dig in or otherwise disturb grassy areas, or in any other way injure or impair the natural beauty or usefulness of any area. No person shall collect, transplant or remove any tree, plant or other vegetation or part thereof, alive or dead, from County park land or waterways, except as provided in Subsection (C) herein.

C. **Notwithstanding the provisions of Subsections (A) and (B) herein, persons may collect for personal consumption within the County park small quantities of wild edible fruit, berries, seeds, nuts, (excluding below-ground plant parts), and pine cones in quantities not to exceed a one (1) gallon container. Every person is permitted to collect by hand, edible mushrooms for personal consumption outside the County park site providing that the quantity collected daily does not exceed that which fills a two (2) gallon container.

D. **Attachments And Inscriptions To Trees, Plants And Vegetation Prohibited.** No person shall permanently or temporarily attach any rope, wire or other contrivance to any tree or plant. No person shall paste, affix or inscribe any handbill, poster, card, device, inscription or similar thing to or upon any tree, shrub or other natural feature within any County park.

E. **Disturbing Wildlife Prohibited.** No person shall pursue, catch, kill, molest, harm, frighten, trap, chase, tease, shoot or throw objects at, possess, illuminate, spotlight, or take or attempt to take in any manner or any quantity any wildlife, or destroy the dens or nests of any wildlife on park land except as otherwise provided for by this Chapter or by written authorization issued by the Director.

F. **Collecting Or Removing Wildlife Prohibited.** No person shall collect, remove, have in their possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift, any specimen, alive or dead, of any wildlife except as otherwise provided for in this Chapter or by the written authorization of the Director.

G. **Feeding Wildlife Prohibited.** No person shall feed or bait any migratory waterfowl or other wildlife, including all mammals, birds (excluding songbirds at feeding stations), deer, raccoons and other species of wildlife, or create any condition, or allow any condition to exist, which results in a congregation or congestion of migratory waterfowl or other wildlife which results in a threat to the health, safety or welfare of the public, the migratory waterfowl or other wildlife or which draws birds or wildlife to an area for any purpose including hunting or poaching. No person shall feed non-game fish except at designated fish feeding stations.

H. **Digging And Excavation Prohibited.** No person shall dig or remove any beach, whether submerged or not, or any soil, rock,
I. Mining Prohibited. No person shall mine or prospect for any mineral in any County park without written authorization of the Director.

J. Animal Traps Prohibited. No person shall use, carry or possess any traps or devices for trapping of any description for catching, pursuing or killing wildlife in any County park, unless authorized by a written permit issued by the Director.

K. Application Of This Section To County Employees. None of the prohibitions within this Section shall apply to County employees or agents acting within their prescribed duties and by authorization of the Director. (Ord. No. 00-043 §10, 4-27-00; Ord. No. 08-047 §1, 4-4-08; Ord. No. 09-066 §1, 7-13-09)

SECTION 250.110: RESERVED

Editor's Note--Ord. no. 08-047 §1, adopted April 4, 2008, repealed section 250.110 "animal traps" in its entirety. Former section 250.110 derived from ord. no. 00-043 §11, 4-27-00. At the editor's discretion, this section has been reserved for the city's future use.

SECTION 250.120: SANITATION, TRASH, WATER POLLUTION

A. Pollution Of Waters Prohibited. No person shall throw, discharge, or otherwise place or cause to be placed any substance, matter or thing, liquid or solid in the waters of any fountain, swimming pool, pond, lake, stream, or other body of water in or adjacent to any County park or any aquifer below the surface, or any tributary, stream, storm sewer, or drain flowing into such waters, which will or may result in the pollution of said waters or damage to equipment, individual, animal or fish. No person shall discharge or otherwise place or cause to be placed on the ground any substance, matter or thing, liquid or solid, which will or may migrate, on or below the surface, into waterways or other bodies of water in or adjacent to any County park, or any aquifer below, or any tributary, stream, storm sewer, or drain flowing into such waters which will or may result in the pollution of said waters or damage to equipment, individual, animal or fish.

B. Glass Beverage Containers Prohibited. No person shall bring glass beverage containers into any County park unless authorized by a written permit issued by the Director. No person shall dump, deposit or leave any glass beverage containers upon the grounds of any County park.

C. Disposal Of Refuse And Trash. No person shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, limbs or brush, leaves, grass clippings, or refuse or other trash on the grounds of any County park or in the water of any County waterways. All refuse and trash shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the County park by the person responsible for its presence, and properly disposed of elsewhere. All areas shall be left in a clean and orderly condition. No person shall dispose of any refuse or trash in any containers provided by the Department except refuse or trash generated from recreational activities in County parks.

D. Littering--Person Presumed Responsible. The operator of a vehicle or vessel shall be presumed to be responsible for litter which is thrown, dropped, or left from the vehicle or vessel on County property or waters. The person under written authorization shall be presumed to be responsible for litter, refuse or other trash generated from any activity so authorized. (Ord. No. 00-043 §12, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.130: FIRES

A. Certain Fires Prohibited. No person shall build, attempt to build, ignite or maintain any fire on County park grounds except as authorized by the Director or this Chapter and which are in designated ovens, stoves, fire rings or other fireplaces provided for the purpose by the County and under such regulations as may be designated by the Director. Portable "Bar-B-Q" braziers may only be used in areas posted by the Director. No person shall build, attempt to build, ignite or maintain any fire in an area within a County park that has been posted by special notice by the Director or County Executive as a no-fire zone.

B. Certain Acts Prohibited. No person shall drop, throw or otherwise dispose or scatter lighted matches, burning cigarettes or cigars or other tobacco products, tobacco paper or other inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto.

C. Authorized Fires. All authorized fires shall be continuously under the care and direction of a competent adult from the time it is kindled until it is extinguished. All fires must be extinguished after use. (Ord. No. 00-043 §13, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.140: FIREARMS AND OTHER WEAPONS

A. Weapons Prohibited--Exceptions. No person shall use, carry or possess a firearm of any description, or an air gun, spring gun, bow, arrow, sling or any other form of weapon potentially dangerous to wildlife or humans, or any instrument that can be loaded with and fire blank cartridges, except as otherwise permitted by this Chapter or by written authorization of the Director. The possession of a handgun is permitted in park areas only if possessed in compliance with Chapter 571, RSMo. (2000), as amended, and shall be subject to all applicable Federal, State and local laws and regulations.

B. Shooting Weapon Prohibited Except In Designated Areas. No person shall shoot any firearm or weapon in any park area except...
within designated shooting ranges, and no person shall shoot any firearm or weapon into any park area from beyond park boundaries.

C. **Shooting Range And River Access--Authorized Firearms.** Rifles and shotguns may be transported to and from established shooting ranges and navigable waterways designated by the Director. All weapons to be used at established shooting ranges and navigable waterways shall be carried to the designated area in an unloaded state and in carrying cases or broken down.

D. **Application Of Provisions To Law Enforcement Officers.** The prohibitions and provisions of this Section shall not apply to Law Enforcement Officers including the Sheriff, Sheriff's Deputies, Police Officers, County Park Rangers and others authorized by law while exercising their official duties. (Ord. No. 00-043 §14, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

**SECTION 250.150: FIREWORKS AND EXPLOSIVES**

A. **Fireworks Prohibited.** No person shall bring, have in his possession, set off or otherwise cause to explode, discharge or burn any firecracker, torpedo, rocket or other fireworks unless the use of fireworks has been permitted by written authorization of the Director. No person shall discharge or throw fireworks into any County park from any waterway, land or highway adjacent thereto.

B. **Explosives Prohibited.** No person shall bring, have in his possession, set off or otherwise cause to explode, discharge or burn any explosives, inflammable material of any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous or explosive. No person shall discharge or throw explosives or explosive devices into any County park from any waterway, land or highway adjacent thereto. No person shall leave at any place within a County park any explosive, incendiary bomb, lethal device of any object which purports to be of is an imitation of or resembles any such explosive or incendiary bomb or lethal device, calculated to or of a character reasonably expected to create public apprehension of danger to cause public authorities to expend time or money in investigating the character of such device for the purpose of protecting the public or any person from anticipated danger. (Ord. No. 00-043 §15, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

**SECTION 250.160: MUSICAL INSTRUMENTS AND SOUND EQUIPMENT**

**Certain Sound Sources Prohibited.** No person shall operate or play any musical instrument, radio, stereo, mechanical record or tape player, loudspeaker, public address system or sound amplifying equipment of any kind within the boundaries of any County park in such a manner as to cause the sound emanating therefrom to exceed a loudness of seventy-five (75) decibels for ten (10) minutes from a distance of fifty (50) feet from the sound source or would otherwise cause a peace disturbance without written authorization issued by the Director. (Ord. No. 00-043 §16, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

**SECTION 250.170: SOLICITATION, MERCHANDISING, ADVERTISING AND PROMOTION**

A. **Solicitation Prohibited.** No person shall solicit alms or contributions for any purpose, whether public or private, without written authorization of the Director.

B. **Merchandising, Vending And Peddling Prohibited.** The use of any County park facility, trail, road, waterway or other park property for commercial purposes is prohibited, except as provided in this Chapter. No person shall expose or offer for sale any service, article, item or thing within any County park, facilities, land or water. No person shall station or place any stand, cart of vehicle for the transport, sale or display of any article, item or thing in any County park, facilities, land or water.

C. **Advertising And Promotion Prohibited.** No person shall announce, advertise, give away or, in any way, call to the public attention any article, item or service for sale or hire. No person shall paste, glue, tack or otherwise post any sign, placard, advertisement of inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park. No person shall pass out handbills, newspapers, pamphlets, newsletters, literature or pictures, make speeches or sermons designed to promote the sale of any item or service.

D. **Application Of Prohibitions To Authorized Concessionaires.** The County may enter into contracts with concessionaires permitting them to sell products or services in County parks or on waterways within or adjacent to County parks when concession facilities are moored thereto. The foregoing prohibitions relating to solicitation, merchandising, advertising and promotion shall not apply to the operations of the Department or any authorized concessionaires or organizations acting under authorization of the County. (Ord. No. 00-043 §17, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

**SECTION 250.180: ANIMALS**

A. **General Prohibition.** No person shall bring, walk, play with, feed or be in the company of an animal in a County park, except as authorized by this Chapter, by authorization of the Director or otherwise authorized by law relating to service animals for the persons with disabilities.

B. **Non-Domestic Or Exotic Animals Prohibited.** No person shall bring or cause a non-domestic or exotic animal to enter a park area, except when acting under written authorization of the Director and in accordance with such regulations, requirements, compensation and restrictions as may be prescribed in the written authorization of the Director.

C. **Domestic Animals Prohibited in Certain Areas.** No person shall allow or cause a domestic animal to enter into an area designated as a wildlife management area, museum, stable, barn, farm, historical area, public building, beach or other aquatic facility or pool, waterway, athletic field or court, playground of restroom within a County park, unless such areas are on designated trail crossings. No person shall allow or cause a domestic animal to enter an area designated for a special event area and so posted during the period of the special event, unless such animal is used by the Sheriff's Department or the Department as a part of crowd control at
the special event.

D. *Livestock Prohibited.* No person shall allow or cause horses, cattle or other livestock to enter or graze in a park area except by written authorization of the Director; such authorization shall specify, at minimum, the specific use permitted; a commencement and expiration time and date for the specified use; the park area designated for use; and any regulations, requirements, compensation and restrictions as may be prescribed by the Director.

E. *Control Of Domestic Animals.* All animals, except permitted horses and other livestock, shall be:
   1. Fastened to a leash, cord or rope and shall be in fact controlled by the person holding the leash, cord or rope, unless a leash is not required under other provisions of this Chapter or in areas as designated by the Director; and
   2. Prevented from damaging the park or threatening, annoying or obstructing the safe passage of any other person or animal.

F. *Dog Training.* Unleashed dog training is only permitted in areas designated for that use and so posted. A dog being trained is not required to be on a leash, cord or rope if the dog is within voice or sound control of the person training the dog and the dog is sufficiently obedient to voice or sound command and the dog does not damage the park or threaten or annoy any other person or animal.

G. *Horseback Riding.* No person shall engage in the riding of horse, ponies, mules, donkeys or similar animals in County parks except where designated by the Director and so posted such as on bridle paths, polo grounds or staging areas. Where permitted, such equestrian animals shall be thoroughly broken and properly restrained and ridden with due care and shall not be allowed to graze or go unattended. No equestrian animal shall be hitched to any rock, tree or shrub.

H. *Animal Waste.* Every person shall dispose of any solid animal waste deposited by an animal in the custody or control of that person in designated receptacles. If no receptacles are provided, every person shall remove any solid animal waste from the park area. *(Ord. No. 00-043 §18, 4-27-00; Ord. No. 08-047 §1, 4-4-08)*

**SECTION 250.190: INTOXICATING BEVERAGES**

A. *General Provision.* The possession, transportation and consumption of intoxicating beverages shall be permitted in County parks subject to the restrictions provided in this Chapter or of applicable State law.

B. *Security Deposit.* Before authorizing a reservation for a picnic shelter or site of other park facility or area at which intoxicating beverages may be consumed, the Director may require a security deposit and may declare all or any part of such deposit forfeited if damage is done to park property.

C. *Drunkenness Prohibited.* No person shall be in a state of intoxication on any County park property.

D. *Individual Beverage Containers Limitation.* No person shall possess, bring or cause to be brought into any County park any beverage containing any percentage of alcohol in a container holding more than one (1) gallon unless by written authorization of the Director.

E. *Intoxicating Beverages Prohibited In Certain Areas.* No person shall possess or consume any alcoholic beverage in any area or facility posted by the Director.

F. *Concessionaires.* All concessionaires dispensing alcoholic beverages shall operate in accordance with a contract with the County and shall obtain all required licenses. The alcoholic beverages shall be served for consumption on the immediate premises of the concession and not in a manufacturer-sealed container or in bulk. Sales of alcoholic beverages shall cease one (1) hour prior to the closing time of the facility or event. *(Ord. No. 00-043 §19, 4-27-00; Ord. No. 08-047 §1, 4-4-08)*

**SECTION 250.200: USE OF PICNIC AREAS AND PARK FACILITIES**

A. *General Provisions.* The Director may designate certain areas in County parks for picnic areas. Picnic areas include the tables, grills, shelters of any structures designed for the purpose of holding picnics. The Director shall have the authority to regulate the activities in such areas.

B. *Availability.* Unless the use of a particular site is scheduled by paid reservation, the individual picnic areas are available on a "first come-first served" basis. Unless a particular picnic site has been reserved, the picnic areas shall not be used to the exclusion of others.

C. *Duty Of Users.* Users shall not leave a picnic area before any fire in a fireplace or grill is completely extinguished. All picnic areas shall be left by the users in a clean and orderly condition; the users shall deposit trash and other refuse in proper containers. Users shall only clean or wash grills, dishes, beverage containers, cooking or eating utensils and similar instruments at those facilities designated for such purpose. *(Ord. No. 00-043 §20, 4-27-00; Ord. No. 08-047 §1, 4-4-08)*

**SECTION 250.210: RESERVED**

_Editor's Note--Ord. no. 08-047 §1, adopted April 4, 2008, repealed section 250.210 "use of tennis courts" in its entirety. Former section 250.210 derived from ord. no. 00-043 §21, 4-27-00. At the editor's discretion, this section has been reserved for the city's future use._

**SECTION 250.220: USE OF PARK TRAILS**

334
St. Charles County -- QuickCode

A. General Provisions. Designated trails may be used by pedestrians, joggers, bicyclists, equestrian riders where permitted or authorized, cross-country skiers, skaters and skateboarders, unless the trail is otherwise posted by the Director. All persons using County park trails shall do so in a careful and prudent manner and shall exercise the highest degree of care. Trails shall be used at a speed that does not endanger the person or property of others. Persons using trails shall refrain from intentionally impeding the flow of trail traffic by obstructing the trail when being passed by another trail user or by obstructing trail traffic moving in the opposite direction from that person. Trail users shall remain to the right of the trail and shall pass other users only when it is safe to do so and shall pass only on the left of the person being passed.

B. Hours Of Trail Use. Park trails shall be open only during the period of time beginning one-half (½) hour before official sunrise and ending one-half (½) hour after official sunset, unless otherwise designated and posted by the Director.

C. Motorized Vehicles Prohibited. No person shall operate any motorized vehicles on trails except for emergency vehicles, law enforcement vehicles, County vehicles or motorized wheelchairs or other conveyance devices to assist the persons with disabilities. (Ord. No. 00-043 §22, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.230: BICYCLING

A. Where Allowed. A person may only ride a bicycle on the right-hand side of a vehicular road of the right-hand side of a trail or path designated and posted for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy, paved or wooded area or trail reserved and posted for pedestrian or other specified use.

B. Operation. Bicyclists shall, at all times, operate their bicycles with reasonable regard to the safety of others, signal all turns and stops and pass to the right of any vehicles they may be meeting.

C. Operation At Night. Any person riding a bicycle on any road, trail or path between thirty (30) minutes before sunset and thirty (30) minutes after sunrise shall have an attached headlight on the bicycle which is plainly visible at least five hundred (500) feet in front of the bicycle and shall have a red tail light or red reflector on the bicycle which is plainly visible from at least five hundred (500) feet from the rear of such bicycle. (Ord. No. 00-043 §23, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.240: GAMES OR ACTIVITIES WITH THROWN OR PROPELLED OBJECTS

No person shall shoot, drive, throw or otherwise propel any projectile or object in a manner that creates a risk of personal injury or property damage. (Ord. No. 00-043 §24, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.250: USE OF RADIO-CONTROLLED EQUIPMENT

A. Where Authorized. A person shall not operate a remote radio-controlled aircraft, watercraft, ground running vehicles, rockets or any other similar device except in areas designated for such operation by the Director and only after written authorization for such operation has been issued by the Director.

B. Display Of Frequency And Channel. Any person operating a radio-controlled craft within a designated area shall prominently display on the transmitter at all times frequency flags and channel numbers.

C. Liability Insurance Required. Any person operating a radio-controlled aircraft or watercraft on or above County park land or waterways shall carry liability insurance in an amount equal or above the minimum limits offered by the Academy of Model Aeronautics to its members, with regard to aircraft of the minimum limits offered by the American Power Boat Association to its members, with regard to boats. Any person holding a current Academy of Model Aeronautics membership card will be presumed to have met the above requirement with regard to aircraft. Any person holding a current American Power Boat Association membership card will be presumed to have met the above requirement with regard to boats.

D. Operation--Special Restrictions. No person shall operate any radio-controlled equipment in such a manner as to endanger any member of the public, park resource of the property of others. The Director may impose special restrictions on the operation of radio-controlled equipment as necessitated for reasons of public safety and protection of park resources or the property of others.

E. Sound Limitation. No person shall operate any radio-controlled equipment with a sound level in excess of ninety-eight (98) decibels when measured from a distance of fifty (50) or more feet. (Ord. No. 00-043 §25, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.260: CAMPING

A. Where Permitted. A person shall only engage in camping at sites designated for such activities by the Director and with appropriate written authorization and payment of associated fees.

B. Prohibitions. No person shall:

1. Use camping equipment or park any movable structure or special vehicle that could be used for camping, such as a house-trailer, camp-trailer, camp-wagon, etc., in any area not designated for such purpose by the Director;

2. Enter a campground or park area where an entrance authorization is required or place camping equipment on a campsite for the purpose of reserving a campsite for future occupancy without having first obtained appropriate written authorization and paid any associated fees;

3. Leave the campsite unattended for more than twenty-four (24) hours;
4. Dump wastewater on the ground or in any waterway;
5. Enter a campground without camping authorization during non-visiting hours;
6. Fail to observe quiet hours in the campground;
7. Use water hydrants to clean or wash clothes or utensils in areas not designated for that purpose;
8. Camp at one (1) or more campsites in a County park for a period longer than fourteen (14) consecutive days during any thirty (30) day period without written authorization of the Director.

C. Cleaning Of Campsites Required. No person shall leave any campsite or the park facilities within a campground unclean. Campsites must be cleaned daily. (Ord. No. 00-043 §26, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.270: WADING AND SWIMMING
A. Where And When Permitted. A person may only swim in the waterways in any County park where such activities are permitted and posted and between such hours of the day as shall be designated by the Director and posted. No person shall swim and/or wade in other areas or where the Director has closed the area to such activities because of dangerous conditions or where such activities would be otherwise inadvisable.

B. Prohibitions. No person shall:
1. Disregard or disobey any rules regulating the use of swimming areas as established by ordinance or by the Director and posted at the area; or
2. Dive or jump from any natural or manmade structure into any County waterway. (Ord. No. 00-043 §27, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.280: SCUBA DIVING
A. Where Permitted. A person may only scuba dive or snorkel in such waters and at such places as are provided for this purpose.

B. Authorization Required. Any person desiring to scuba dive in County waterways must contact the Director at least forty-eight (48) hours prior to the dive and make application for appropriate authorization. Said application shall include at minimum the name, social security number, phone number and address of the applicant; valid certification of the applicant's diving skill; the time, place and purpose of the activity; and a signed waiver by each applicant releasing the County and its employees from all liability which results from the diving activity. The authorization may only be issued if, in the Director's opinion, the activity will not endanger wildlife, the applicant's safety or the public's safety. Any activity or use under the granted authorization shall be conducted only as specified in said authorization. This Section shall not apply to law enforcement or other public safety officials while in the performance of their duties or involved in recovery or rescue operations or persons employed by the County in the performance of their duties.

C. Dive Flag Required. All persons engaged in scuba diving shall mark their general location within or under the water with a red flag at least twelve (12) inches by sixteen (16) inches with a two (2) inch diagonal white bar to be displayed on the water or from a boat or raft in the vicinity of the diver's location. All divers shall be within a fifty (50) yard radius of said flag. The flag shall be visible for three hundred sixty degrees (360°) and stand three (3) feet above the water. No warning flag shall be placed as to impede the normal flow of watercraft traffic.

D. Impeding Normal Waterway Activity Prohibited. No diver shall impede or interfere with the normal waterway activity unless by written authorization of the Director. (Ord. No. 00-043 §28, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.290: FISHING
A. Authorized Fishing. Where fishing is authorized, all persons shall comply with Missouri State law and such regulations of the Director in the pursuit of fish, crawfish and other waterbound wildlife in County park waterways.

B. Prohibited Fishing. No person shall fish in any waterways in County parks, whether off-shore or by boat and whether by the use of hook-and-line, net, trap or other device, in areas posted "No Fishing" by the Director.

C. Fish Stocking Prohibited. No person shall place or cause to be placed any fish or other aquatic life, unless acting under written authorization of the Director, in any waterway in or adjacent to any County park or into any stream, tributary or other waterway flowing into such waters for any purpose.

D. Creating Fish Habitat Prohibited. No person shall place or cause to be placed any brush, debris of other material or thing, unless acting under written authorization of the Director, in any waterway in a County park for the purposes of creating or enhancing the habitat for fish or other aquatic life.

E. Fish Cleaning. All persons shall clean fish only in those facilities designated for such activity and shall dispose of the remains only in designated receptacles for such purpose. When no receptacles are provided, the remains shall be carried away from the park by the person cleaning fish and properly disposed of elsewhere.

F. Commerce Prohibited. No person shall engage in commercial fishing or the buying and selling of fish, crawfish or other waterbound wildlife caught in any waterways in County parks. (Ord. No. 00-043 §29, 4-27-00; Ord. No. 08-047 §1, 4-4-08)
SECTION 250.300: BOATING -- USE OF WATERWAYS

A. Designated Areas. A person may only bring into, moor or operate a boat, canoe, raft or other watercraft, with motor-power or not, upon any waterway which has been designated for such purposes by the Director.

B. Types Of Watercraft Permitted. A person may only operate a watercraft on the waterways within a County park which is not over ten (10) feet in width or over thirty (30) feet in length or under eight (8) feet in length, except personal watercraft. A person may not launch or land any other watercraft other than those types permitted by this Section from any dock or launching area within a County park. No person shall operate any type of airboat or hovercraft on County park waterways except upon written authorization of the Director or in case of emergency. This Section shall not apply to law enforcement or other public safety officials while in the performance of their duties or involved in recovery or rescue operations or persons employed by the County in the performance of their duties.

C. Docks And Launching Areas. No person shall park or stand a vehicle on a boat ramp for more than fifteen (15) minutes. (Ord. No. 00-043 §30, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.310--250.370: RESERVED

Editor's Note--Ord. no. 08-047 §1, adopted April 4, 2008, repealed sections 250.310 "certain equipment required for boating and use of waterways", 250.320 "operation of watercraft", 250.330 "personal watercraft", 250.340 "unsafe watercraft", 250.350 "water skiing, boarding, tubing or use of similar towing devices", 250.360 "regattas or other waterway special events" and 250.370 "sailboarding and windsurfing" in their entirety. Former sections 250.310--250.370 derived from ord. no. 04-043 §§31--37, 4-27-00. At the editor's discretion, these sections have been reserved for the city's future use.

SECTION 250.380: USE OF AIRBORNE VEHICLES

Airborne Vehicles Prohibited. No person shall operate airborne vehicles of any type having the capacity to carry human beings or animals from any park land or waterways except as authorized by the Director, when an emergency landing is necessary to avoid in any other way the endangerment of human life or the property of others or when such vehicles are used by Law Enforcement Officials in the performance of their duties. (Ord. No. 00-043 §38, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.390: MISCELLANEOUS ACTIVITIES

A. Ice Skating Or Other Activities On Ice. No person shall ice skate, fish, sled, drive or walk on or in the ice of any waterway in a County park, except at areas designated by the Director and posted for that purpose provided that a safety signal is displayed.

B. Roller Skating, Skateboarding, In-Line Skating. Roller skating, skateboarding and in-line skating shall be confined to paved trails or those areas specifically designated and posted for such purposes by the Director.

C. Parasailing. No person shall launch, land or operate any parasailing equipment or similar device on or above any waterway within a County park except by written authorization of the Director.

D. Sport Leagues And Tournaments. No person shall promote, schedule, organize or engage in any league play, contest or tournament for any game, sport or any other recreational activity without written authorization issued by the Director and payment of associated fees.

E. Rock Climbing And Rapelling. No person shall engage in rock climbing or rapelling within a County park except by written authorization of the Director.

F. No person shall engage in downhill skiing in any park area. (Ord. No. 00-043 §39, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.400: TRAFFIC

A. Compliance With County Traffic Regulations And Directions Required. The County may enact specific traffic regulations in accordance with State law for roads within County parks. All persons shall comply with such regulations and shall also comply with all current State and County traffic codes while within County parks. Where no speed limit is posted, no person shall operate a vehicle at a rate of speed exceeding fifteen (15) miles an hour. All persons shall comply with traffic directions given by a Sheriff's Deputy, Park Ranger or other authorized person. In addition, park roads or driveways or any sections thereof may be declared closed to vehicles or the public by the County, Director, Sheriff, a Sheriff's Deputy of Park Ranger at any time and for any interval of time, either temporarily or at regular and stated intervals, daily or otherwise and either entirely or merely to certain uses, as may be reasonably necessitated by reason of public health, public safety, maintenance, protection of property (public or private) or for other reasons. The closing of park driveways or any section thereof shall be accomplished by the erection of a suitable barrier or other visible marker across the driveway and any closing specific to certain use shall additionally be so posted. All persons shall comply with such postings and closings.

B. Operating And Parking Vehicles Off Designated Areas Or In Closed Area Prohibited. No person shall operate or park any vehicle in any area within County parks except the designated roads or parking areas or such other areas as may on occasion be specifically designated as temporary roads or parking areas by the Director or the Sheriff or a Deputy Sheriff or a Park Ranger acting in his official capacity. No person shall operate or park a vehicle on a closed driveway, through, around or beyond a restrictive sign, recognizable barricade, fenced gate or other traffic control device. No person shall remove a barricade for the
purpose of riding or driving a vehicle onto a closed driveway or other area of a County park, unless acting under the authority of the Director or the Sheriff.

C. Certain Trucks And Buses Prohibited. Buses are prohibited in all areas except those designated by the Director. No person shall operate a truck in excess of one (1) ton gross vehicle weight upon the driveways, roads, parking lots of other areas within County parks except for delivery of operational, construction or maintenance supplies to the Department; the Department or County vehicles in the performance of their respective work; or those belonging to an entity operating an activity or function under authorization of the Director.

D. Vehicle Repair And Maintenance Prohibited. No person shall repair, service, clean or otherwise maintain a vehicle within County parks; however, this prohibition shall not apply to the emergency repair of vehicles and shall not apply to County vehicles and workshops and garages in the parks.

E. Vehicle Demonstration And Instruction Prohibited. No person shall use any area, road, parking area or driveways for the purpose of demonstrating any vehicles for the purpose of instructing another to drive or operate any vehicles, except by written authorization of the Director.

F. Prohibited Parking. No person shall park a vehicle in areas which are not designated parking areas. No person shall park on the road or driveway at any time except in areas signed for said parking. No stopping or parking is permitted, even briefly, on the left-hand shoulder of any one-way road or driveway except by direction of the Director, Sheriff, Sheriff's Deputy or Park Ranger. No person shall leave a vehicle parked in established parking areas or elsewhere in County parks during hours when the area or the park is closed to public use. No person shall leave a vehicle standing or parked at night without lights clearly visible for at least five hundred (500) feet from both front and rear on the shoulder of any driveway or road.

G. Trailer Parking. No person shall park or leave unattended a motor vehicle with attached trailer of a trailer alone, except in places clearly marked for trailer parking. No person shall park a trailer or other conveyance device designed to transport horses in a designated trail head parking area without written authorization of the Director, unless such trailer is used for participation in a reserved event, as designated by the Director. (Ord. No. 00-043 §40, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.410: ALL-TERRAIN VEHICLES

A. Where Authorized. No person shall operate an all-terrain vehicle on a paved vehicular road or parking area or on off-road areas which have not been designated by the Director and when written authorization has not been obtained. The following persons are excepted from this provision: special events participants who have written authorization from the Director, public safety officials exercising their lawful duties or involved in recovery or rescue operations and persons employed by the County or the Director performing services germane to their employment.

B. License Required. An authorized person operating an all-terrain vehicle within a County park shall have a valid operator's or chauffeur's license, but shall not be required to have passed an examination for the operation of a motorcycle.

C. Operation Of All-Terrain Vehicles. No all-terrain vehicle shall be operated at speeds in excess of the posted speed limit or fifteen (15) miles per hour, whichever is less. When operated on a paved vehicular road or parking area within a County park, an all-terrain vehicle shall have an approved bicycle safety flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be dayglow in color.

D. No person shall operate an all-terrain vehicle:
   1. In any careless way so as to endanger the person or property of another;
   2. While under the influence of alcohol or any controlled substance; or
   3. Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle.

E. Passengers Prohibited. No operator of an all-terrain vehicle shall carry a passenger except in emergency rescue operations. (Ord. No. 00-043 §41, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.420: AREAS RESERVED FOR PERSONS WITH DISABILITIES

Use Prohibited. No person shall use an area reserved for persons with disabilities unless that person is disabled as defined by Federal and State law. (Ord. No. 00-043 §42, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.430: LOITERING

Loitering Prohibited. No person shall sit or lounge on vehicles without the permission of the owners. No person shall sleep or protractedly lounge on the seats or benches of other structures or improvements. (Ord. No. 00-043 §43, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.440: DISORDERLY CONDUCT AND PEACE DISTURBANCE

Disorderly Conduct And Peace Disturbance Prohibited. No person shall engage in disorderly conduct so as to disrupt the peace of another by:
1. Unreasonably and knowingly disturbing or alarming another person or persons;
2. Creating loud noise;
3. Using offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient;
4. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out;
5. Fighting or threatening to fight with another;
6. Creating a noxious and offensive odor; or
7. Purposely causing inconvenience to another person or persons by unreasonably and physically obstructing vehicular or pedestrian traffic or the free ingress or egress to or from a public or private place. (Ord. No. 00-043 §44, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.445: LOITERING IN COUNTY PARKS PROHIBITED BY CERTAIN PERSONS
A. Any person who is required to register with the Chief Law Enforcement Official of the County in which such person resides pursuant to the provisions of Sections 589.400, et seq., RSMo., when such registration is required as a result of the person's conviction for the child sexual offenses set out in Subsection (B) shall not enter into or loiter in any County park unless the person has permission to be present for a designated function from the Director of Parks and Recreation or his designee. The Director of Parks and Recreation shall develop a system to document permission for events, as well as written warnings to provide notice of this Section and citations for violation. That system shall provide that if permission is granted, the Director shall inform the Chief Park Ranger and the Sheriff where and when the child sex offender will be present.
B. The list of offenses referenced in Subsection (A) above shall be as set forth herein:
1. Subsection (2) of Section 568.080, RSMo., use of a child in a sexual performance; or
2. Section 568.090, RSMo., promoting a sexual performance by a child; or
3. Section 573.023, RSMo., sexual exploitation of a minor; or
4. Section 573.025, RSMo., promoting child pornography in the first degree; or
5. Section 573.035, RSMo., promoting child pornography in the second degree; or
6. Section 573.037, RSMo., possession of child pornography; or
7. Section 573.040, RSMo., furnishing pornographic material to minors; or
8. Section 566.067, RSMo., child molestation in the first degree; or
9. Section 566.083, RSMo., sexual misconduct involving a child; or
10. Section 566.062, RSMo., statutory sodomy in the first degree; or
11. Section 566.032, RSMo., statutory rape in the first degree.
C. A copy of this Section shall be provided by the Sheriff without charge to all registered sex offenders who have been convicted of Statutes set forth in Subsection (B) above. (Ord. No. 08-031 §1, 3-3-08; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.450: EJECTION FROM PARK
Ejection. The Director, Park Rangers, Sheriff or Sheriff's Deputies shall each have the ability to eject any person from any County park if such official, in his judgment, determines that such person is not complying with park regulations or is otherwise creating a nuisance. Upon ejection, such person shall leave the park immediately and it shall be deemed a violation of this Chapter to re-enter the park within twenty-four (24) hours of being ejected. (Ord. No. 00-043 §45, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.460: FALSE DECLARATIONS
False Declarations Prohibited. No person shall make any false declaration with the purpose of misleading the Director, Sheriff, Sheriff's Deputy or Park Ranger in the performance of his duty. (Ord. No. 00-043 §46, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

SECTION 250.470: LOST AND ABANDONED PROPERTY
A. Lost And Abandoned Property Impounded. Any vehicle, watercraft or other property of value found abandoned, adrift or unattended in or on County park land or waterways shall be removed and impounded by the Director. Any vehicle left for more than twenty-four (24) hours without being moved and without a driver within the immediate vicinity shall be deemed to be abandoned and/or unattended.
B. Contact Of Owner. Following impoundment, the Director or the Director's designee shall make a reasonable attempt to contact the owner of the property.
C. **Impoundment Fee And Lien On Property.** The County may assess a reasonable towing, impoundment and storage fee against the owner of the property impounded. The owner shall pay such fee to the County prior to the release of the property. The County shall have a lien on the property until such time as the towing, impoundment and storage fees have been paid.

D. **Disposal Of Abandoned Property.** In the event that an owner is not located and the property owner does not claim the property within ninety (90) days, the property shall become the property of the County and shall be disposed of in the same manner as surplus County property. (Ord. No. 00-043 §47, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

**SECTION 250.480: PENALTY FOR VIOLATION**

Violation Is Class A Misdemeanor. Any person violating any provision of this Chapter is guilty of a Class A misdemeanor. Any person violating a provision of this Chapter and convicted of a Class A misdemeanor may be sentenced up to one (1) year in the County Jail or fined up to one thousand dollars ($1,000.00) per incident, or both. (Ord. No. 00-043 §48, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

**SECTION 250.490: ENFORCEMENT**

A. **Criminal Prosecution.** The St. Charles County Counselor shall be responsible for the criminal prosecution following violations of the provisions of this Chapter.

B. **Civil Remedies.** The office of the St. Charles County Counselor shall be responsible for pursuing any and all available civil remedies to ensure compliance with or enforce the provisions of this Chapter. (Ord. No. 00-043 §49, 4-27-00; Ord. No. 08-047 §1, 4-4-08)

**SECTION 250.500: POLICIES AND FEES**

A. **Shelter Descriptions.**

1. Park shelters in the parks may be equipped with suitable fixtures and equipment such as a barbecue grill, electric lights and outlets, drinking fountains, playgrounds and access to restrooms.

2. Small shelters are defined as those shelters accommodating up to fifty (50) people.

3. Large shelters are defined as those shelters accommodating up to one hundred (100) people.

B. **Fees.**

1. **Camp sites.**
   a. Fees for basic camp sites shall be ten dollars ($10.00) per night. Such fee shall allow a maximum of two (2) tents and five (5) people per site.
   b. Fees for primitive camp sites (no amenities) shall be seven dollars ($7.00) per night. Such fee shall allow a maximum of two (2) tents and five (5) people per site.

2. **Camper cabins.** Fees for camper cabins shall be sixty-five dollars ($65.00) per night. Such fee shall allow a maximum of eight (8) people per cabin.

3. **Group shelters.** Fees for group shelters shall be two hundred dollars ($200.00). The fee will include two (2) pavilions, restrooms, playground, trash disposal, two (2) bar-b-que grills, water/electric service and large hard surface plaza. Options include a portable, propane bar-b-que grill for an additional sixty dollars ($60.00) and additional tables at ten dollars ($10.00) each.

4. **Picnic shelters.**
   a. Fees for small shelters shall be thirty-five dollars ($35.00) per day or twenty dollars ($20.00) for a half-day on Monday through Thursday, except on holidays, and forty dollars ($40.00) per day on a Friday, Saturday, Sunday or holiday.
   b. Fees for large shelters shall be fifty dollars ($50.00) per day or thirty-five dollars ($35.00) for a half-day on Monday through Thursday, except on holidays, and sixty dollars ($60.00) per day on a Friday, Saturday, Sunday or holiday.
   c. Hours for daily and half-day reservations for each shelter shall be as follows: Half-day reservations shall be in six (6) hour blocks from 9:00 A.M. to 10:00 P.M. Full-day reservations shall be from 9:00 A.M. to 10:00 P.M. Half-day and full-day reservations shall be available on Monday through Thursday except on holidays. Only full-day reservations shall be available on a Friday, Saturday, Sunday or holiday.

5. **Youth activity park.**
   a. Admission to the Youth Activity Park shall, except as otherwise provided herein, require either a valid annual membership or a daily access pass. The fees for such admissions are set forth below.

   (1) **Annual memberships.**
   
<table>
<thead>
<tr>
<th>Membership Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Youth membership (under 18):</td>
<td>$100.00</td>
</tr>
<tr>
<td>Adult membership (18 and over):</td>
<td>$115.00</td>
</tr>
</tbody>
</table>

340
Family membership (for up to 5 family members): $185.00

Annual membership passes will be valid from January first (1st) through December thirty-first (31st) of each year. These passes are non-refundable and non-transferable. Passes purchased on or after August first (1st) of each year shall be half price. Current membership holders shall be entitled to purchase a renewal pass for the next calendar year at a ten percent (10%) discount, if such renewal is purchased by December thirty-first (31st).

A family membership shall consist of a maximum of two (2) adults, plus three (3) children twenty-two (22) years of age or younger living in the same household. Additional children twenty-two (22) years of age or younger living in the same household may be added to a family membership for a fee of twenty-five dollars ($25.00) per child.

(2) Daily access passes.
(a) General admission rates.
   $2.00 per weekday (Monday--Thursday)
   $4.00 per weekend day (Friday--Sunday)

   Free to children ages three (3) and under, but such patrons require close supervision by a parent or guardian while inside the park.

   This fee is good for use of the park for the entire day in which it was purchased, but the general admission fee does not include the use of activities designated by the Parks and Recreation Department as "extreme" activities which shall include, without limitation, skateboarding or other types of skating, rock wall climbing, "BMX" style biking or any future activity designated by the Director as involving close supervision.

(b) Extreme activities admission rates.
   Persons under eighteen (18) years of age:
      $5.00 per weekday (Monday--Thursday)
      $8.00 per weekend day (Friday--Sunday)

   Persons eighteen (18) years of age or older:
      $7.00 per weekday (Monday--Thursday)
      $10.00 per weekend day (Friday--Sunday)

   This fee allows participation in all extreme activities, except that rock climbing is limited to three (3) attempts at the rock wall per admission (additional climbs may be purchased at the rate of three (3) attempts for three dollars ($3.00)). Persons eligible for extreme activities shall be issued a wrist band or other indicia to wear while within the park.

b. Parents who accompany children into the Youth Activity Park solely for the purpose of observing such children, as well as children under three (3) years of age, may be admitted without charge. The Director may also authorize discounts, fee waivers for special events, or other special promotions.

c. All current access pass holders who purchased their access pass at the previous rate of five dollars ($5.00) shall, upon request, be issued a pass for a free visit for one (1) daily admission to extreme activities, or be issued three (3) general admissions passes, or be entitled to purchase a season pass at a five dollar ($5.00) discount.

d. The Youth Activity Park Party Room may be made available for rental on the terms set forth herein. Participants in such party shall not be required to purchase an access pass. The Parks and Recreation Department may establish additional restrictions applicable to such rentals. Fees for rental of the party room shall be as follows:
   (1) Fifty dollars ($50.00) for a basic party, which includes one (1) hour of use of the party room, up to twelve (12) participants, but excludes all extreme activities.
   (2) Eighty dollars ($80.00) for a skate party, which includes the basic party provisions plus use of the Skate Park during the one (1) hour period.
   (3) One hundred dollars ($100.00) for an ultimate YAP party, which includes the basic party provisions plus use of all park amenities during the one (1) hour period, plus up to two (2) hours of assistance from one (1) Youth Activity Park staff member.

   (4) Additional fees:
      (a) Five dollars ($5.00) per party participant in excess of twelve (12);
      (b) Twenty dollars ($20.00) per hour of additional party room time; and
      (c) Twenty dollars ($20.00) per hour of additional staff time.

6. Quail Ridge Lodge.

a. Fees for rental of Quail Ridge Lodge shall be as follows:
   (1) Four hundred dollars ($400.00) for a full day Monday through Thursday, except on holidays;
Two hundred fifty dollars ($250.00) for a half day Monday through Thursday, except on holidays.

Six hundred fifty dollars ($650.00) for a full day on a Friday, Saturday, Sunday or holiday.

A damage deposit of two hundred fifty dollars ($250.00) shall be collected for all rentals.

b. Hours for daily and half-day reservations for Quail Ridge Lodge shall be as follows: Half-day reservations shall be in six (6) hour blocks from 9:00 A.M. to 11:00 P.M. Full-day reservations shall be from 9:00 A.M. to 11:00 P.M. Half-day and full-day reservations shall be available on Monday through Thursday except on holidays. Only full-day reservations shall be available on a Friday, Saturday, Sunday or holiday.

   a. Fees for rental of Klondike Conference Center shall be as follows:
      (1) The rental fees for the main floor with the use of the kitchen shall be one hundred fifty dollars ($150.00) for a half day Monday through Thursday except on holidays; two hundred fifty dollars ($250.00) for a full day Monday through Thursday except on holidays; and four hundred dollars ($400.00) for a full day on a Friday, Saturday, Sunday or holiday.
      (2) The rental fees for the lower level shall be fifty dollars ($50.00) for a half day Monday through Thursday, except on holidays, and one hundred dollars ($100.00) for a full day Monday through Thursday except on holidays. Rentals of only the lower level shall not be available on a Friday, Saturday, Sunday or holiday.
      (3) The rental fees for the entire facility shall be two hundred dollars ($200.00) for a half day Monday through Thursday except on holidays; three hundred fifty dollars ($350.00) for a full day Monday through Thursday except on holidays; and five hundred dollars ($500.00) for a full day on a Friday, Saturday, Sunday or holiday.
   b. Hours for daily and half-day reservations for the conference center shall be as follows: Half-day reservations shall be in six (6) hour blocks from 9:00 A.M. to 11:00 P.M. Full-day reservations shall be from 9:00 A.M. to 11:00 P.M. Half-day and full-day reservations shall be available on Monday through Thursday except on holidays. Only full-day reservations shall be available on a Friday, Saturday, Sunday or holiday.
   c. A damage deposit of two hundred fifty dollars ($250.00) shall be collected for all rentals.

8. Indian Camp Creek Park.
   a. Lakeside Pavilion. Fees for reservation of the pavilion at Indian Camp Creek Park shall be sixty dollars ($60.00) for a two (2) hour period of time.
   b. Youth group camping area. Fees for use of the Youth Group Camping Area at Indian Camp Creek Park shall be seventy-five dollars ($75.00) per night for groups of up to one hundred (100) persons, plus one dollar ($1.00) per night for each person in excess of one hundred (100) persons. For groups in excess of one hundred (100) persons, the Director of the Department of Parks and Recreation may require the provision of additional temporary facilities or amenities, such as portable toilets, water trucks or loads of firewood, to the site to accommodate the group and protect the park. The cost of such temporary facilities or amenities shall be disclosed to a representative of the group in advance and added to the fees charged for the use of the Youth Camping Area.

C. Reservation Policies And Procedures. Subject to this and other ordinances of the County, the Director of the Department of Parks and Recreation shall develop policies and procedures for the orderly accepting and processing of reservations, the payment and refunding of fees, and the handling of cancellations. (Ord. No. 00-082 §1, 7-13-00; Ord. No. 01-052 §1, 4-25-01; Ord. No. 03-153 §1, 10-1-03; Ord. No. 05-177 §1, 11-29-05; Ord. No. 08-063 §1, 5-28-08; Ord. No. 09-067 §1, 7-13-09; Ord. No. 12-092 §1, 11-27-12)

CHAPTER 255: REGULATIONS RELATING TO SECON DHAND GOODS

SECTION 255.010: DEFINITIONS

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

APPROPRIATE LAW ENFORCEMENT OFFICER: Any commissioned Law Enforcement Officer investigating transactions involving the purchase or sale of secondhand goods by any person, company or corporation for pawn or for resale. Transactions involving the purchase of secondhand goods for personal use by the person or business making the purchase are exempted.

ARTICLE: Any item acquired for resale, which is of a class of merchandise or commodity that includes, but is not limited to, automobile and boat parts and accessories, household electronic appliances [including but not limited to: televisions, camcorders, cameras, computers, video recorders, DVD players, laserdisc players, stereo components, cell and cordless telephones, videogames and monitors], guns, jewelry, musical instruments, plumbing and construction materials and tools, scrap metal, sporting equipment and wire.

DEALER IN SECON DHAND GOODS: Any gun dealer, auction dealer, pawnbroker, antiques dealer, precious metal coin dealer, jewelry dealer or dealer of any type engaged in the resale of secondhand goods in the unincorporated area of the County.

HOLD ORDER: A written legal instrument issued to a seller of secondhand goods by an appropriate Law Enforcement Officer

342
commissioned by the law enforcement agency of the State, Municipality or County to retain physical possession of pledged goods in the possession of the dealer in secondhand goods or article of personal property purchased by and in the possession of the dealer in secondhand goods and not to return, sell or otherwise dispose of the same as it is believed to have been misappropriated goods.

**MISAPPROPRIATED:** Stolen, embezzled, converted or otherwise wrongfully appropriated or pledged against the will of the rightful owner or party holding a perfected security interest.

**MONTH:** That period of time from one (1) date in a calendar month to the corresponding date in the following month.

**OWNER OR OWNERS:** The proprietor, if a sole proprietorship; or partners (general and limited), if a partnership; or all officers, directors and persons holding ten percent (10%) or more of the outstanding shares of a corporation, when any such business is located in the unincorporated area of St. Charles County.

**PAWBROKER:** Any person in the unincorporated area of St. Charles County who is engaged in the business of lending money on the security of pledged goods or engaged in the business of acquiring tangible personal property on condition that it may be redeemed or reacquired by the original owner for a fixed price within a fixed period of time.

**PAWNSHOP:** The location in the unincorporated area of St. Charles County at which, or the premises in which pawnbroker regularly conducts business.

**PERSON:** An individual, partnership, corporation, joint venture, trust, association or any other legal entity, however organized.

**PLEDGED GOODS:** Tangible personal property other than choses in action, securities or printed evidences of indebtedness, which is deposited with or otherwise actually delivered into the possession of a pawnbroker or dealer in secondhand goods in the course of his or her business in connection with a pawn or secondhand goods transaction.

**PLEDGOR:** A person who pledges property to a pawnbroker.

**PURCHASER:** A person who purchases an article(s) of personal property from a pawnbroker.

**SECONDHAND GOODS:** Goods at wholesale or retail which have been previously purchased and used and which are now offered for resale.

**SECURED PERSONAL CREDIT LOAN:** Every loan of money made in this State, the payment of which is secured by a security interest in tangible personal property which is physically delivered into the hands of the lender at the time of the making of the loan and which is to be retained by the lender while the loan is a subsisting obligation.

**SELLER:** A person who sells articles of personal property to a pawnbroker or dealer in secondhand goods located in the unincorporated area of St. Charles County. (Ord. No. 01-003 §1, 1-8-01)

**SECTION 255.020: REPORTING REQUIREMENTS**

A. Every dealer in secondhand goods in the unincorporated area of St. Charles County acquiring any article or pledged good for trade or sale shall keep at his or her place of business a register in which shall be entered, by number, the date and time the article or pledged good was received by the dealer in secondhand goods along with an appropriate description of the article or pledged good (including any identifying numbers, or if the item is jewelry, a description that includes the nature of the article (ring, bracelet, necklace, etc.), the color of gold (yellow, white or rose), the carat weight of any stone and the type of stone and its color, and the band size of any ring or length of any necklace or bracelet, together with the name and address of the person leaving the article or pledged good, his or her description and his or her driver's license number, military identification number, identification certificate number or other official number capable of identifying the person leaving the article or pledged good, as well as the amount paid for or loaned upon the article or pledged good, the interest charges and the time when the loan, if any, falls due.

B. Register entries shall be completed within a reasonable time after the receipt or purchase of any article or pledged good, but in no event later than eight (8) hours after the same.

C. Every register entry shall be made in permanent form, by computer. Such register entry shall not be erased, obliterated or altered so as to cause the same to become illegible or unreadable.

D. A tag bearing a register entry number shall be attached to each job lot or shipment of each article or pledged good, acquired. An identifying tag must be attached to all articles or pledged goods where they shall remain until sold, redeemed or otherwise disposed of.

E. Articles or pledged goods need not be tagged if by their nature they are in such form as to make it impossible for them to be appropriately tagged. This exception does not eliminate other record keeping requirements of this Chapter.

F. Every dealer in secondhand goods shall deliver or otherwise make available a copy of the register upon the request of an appropriate Law Enforcement Officer, without prior notice or necessity of obtaining a search warrant during regular business hours and in a manner so as to minimize interference with or delay to the business operations.

G. No article or pledged good acquired by any dealer in secondhand goods shall be disposed of until after proper registration has been made by the dealer. (Ord. No. 01-003 §2, 1-8-01)

**SECTION 255.030: RECEIPT FOR PERSONAL CREDIT LOANS**

A. At the time of making any secured personal credit loan, a pawnbroker or other dealer in secondhand goods shall execute and deliver to the borrower a receipt for and describing the pledged goods subjected to the security interest to secure the payment of the loan. The receipt shall contain the following:
1. The name and address of the pawnshop or other dealer in secondhand goods;

2. The name, address and date of birth of the pledgor or seller, his or her description and his or her driver's license number, military identification number, identification certificate number or other official number capable of identifying the pledgor, and a photocopy of a current photo identification or an original instant photo;

3. The date and time of transaction;

4. An identification and description of the pledged goods, including brand name, model and serial numbers if reasonably available, or if the item is jewelry, a description that includes the nature of the article (ring, bracelet, necklace, etc.), the color of gold (yellow, white or rose), the carat weight of any stone and the type of stone and its color, and the band size of any ring or length of any necklace or bracelet;

5. The amount of cash advanced or credit extended to the lender or seller;

6. The amount of the pawn service charged;

7. The total amount which must be paid to redeem the pledged good(s) on the maturity date;

8. The maturity date of the pawn transaction; and

9. A statement to the effect that the pledgor is not obligated to redeem the pledged good(s), and that they may be forfeited to the pawnbroker or other dealer in secondhand goods sixty (60) days after the specified maturity date.

B. Receipt entries shall be made in permanent form, by computer. Such entries shall not be erased, obliterated or altered in any way so as to cause said entries to become illegible or unreadable.

C. Receipts must be maintained in a form which contains a sequential numbering or lettering system.

D. An identifying tag must be attached to all pledged goods where they shall remain until redeemed or otherwise disposed.

E. Every dealer in secondhand goods shall deliver or otherwise make available a copy of all receipts upon request of an appropriate Law Enforcement Officer, without prior notice or necessity of obtaining a search warrant during regular business hours and in a manner so as to minimize interference with or delay to the dealer in secondhand goods' business operations. (Ord. No. 01-003 §3, 1-8-01)

SECTION 255.040: REPORTS AND RECORDS

A. Every dealer in secondhand goods shall complete and deliver to the Sheriff's Department a daily report of all articles or pledged goods or other valuable items received, or purchased during the preceding business day, together with the date and time received, deposited or purchased and including identification and description of the articles or pledged goods, including brand name, model and serial numbers, if reasonably available, together with the name and address of the person who left the articles or pledged goods or from whom said articles or pledged goods were purchased, his or her description and his or her driver's license number, military identification number, identification certificate number or other official number capable of identifying such person. The report shall be made by using the Pawn Inventory for Law Enforcement Tracking (PILET) software system (or future generations of the PILET system) as directed by the appropriate Law Enforcement Officer and shall indicate the name and address of the business making the report. All records and information that relate to a pawnbroker or other dealer in secondhand goods's purchase, pawn or trade transactions and that are delivered to or otherwise obtained by an appropriate Law Enforcement Officer are confidential and may be used only by such appropriate Law Enforcement Officer and only for the following official law enforcement purposes: the investigation of a crime specifically involving the item of property delivered to the dealer in secondhand goods in a pawn, purchase or trade transaction; the investigation of a dealer in secondhand goods's possible specific violation of the record-keeping or reporting requirements but only when the appropriate Law Enforcement Officer, based on a review of the records and the information received, has probable cause to believe that such a violation has occurred; and the notification of property crime victims of where property that has been reported misappropriated can be located. Each dealer shall have six (6) months from January 8, 2001, to implement the PILET software system or a comparable software program that has been previously approved, in writing, by the Sheriff's Department.

B. No report need be made of any articles or pledged goods purchased from manufacturers or wholesale dealers having an established place of business. However, when requested by an appropriate Law Enforcement Officer, the dealer in secondhand goods shall produce a bill of sale or other evidence of purchase of such articles or pledged goods.

C. Each dealer in secondhand goods shall keep, consistent with accepted accounting practices, adequate books and records relating to the dealer in secondhand goods's transactions, which books and records shall be preserved for a period of at least two (2) years from the date of the last transaction recorded therein. (Ord. No. 01-003 §4, 1-8-01)

SECTION 255.050: TIME LIMIT FOR RETENTION

No article(s) or pledged good(s) received on deposit, taken in trade or purchased by any dealer in secondhand goods shall be sold from the place of business of such dealer in secondhand goods until the expiration of at least twenty-four (24) hours from the time the daily report was made available to the Sheriff's Department by electronic transmission, or if such daily report is submitted to the Sheriff's Department by floppy disc or CD, until the expiration of at least forty-eight (48) hours after mailing. Sundays and all legal holidays shall not be included in the computation of this length of time. Article(s) or pledged good(s) purchased from manufacturers or wholesale dealers need not be retained, unless so specifically ordered by the appropriate Law Enforcement Officer. (Ord. No. 01-003 §5, 1-8-01)
SECTION 255.060: RECEIVING PROPERTY FROM PERSONS UNDER EIGHTEEN YEARS OF AGE

No dealer in secondhand goods shall take, buy or receive any articles or value whatsoever from any persons under eighteen (18) years of age, or have in his or her possession any such articles or pledged goods so had or obtained, without the written consent of such minor person's parent(s) or guardian(s). (Ord. No. 01-003 §6, 1-8-01)

SECTION 255.070: PENALTY

Any person violating any of the provisions of this Chapter shall upon conviction thereof, be punished by a fine of not less than one hundred fifty dollars ($150.00) nor more than five hundred dollars ($500.00) for each violation. Each and every day upon which such violation continues shall be deemed a separate offense. (Ord. No. 01-003 §7, 1-8-01)

SECTION 255.080: ANNUAL REPORT

The Sheriff's Department shall compile and maintain information that will reflect the total number of records reviewed, and all misappropriated goods recovered, from all antique, auction, gun, jewelry, precious metal/coin, or secondhand dealers and dealer in secondhand goods doing business within the unincorporated area of St. Charles County. (Ord. No. 01-003 §8, 1-8-01)

SECTION 255.090: CRIMINAL INVESTIGATIONS

A. Hold Order For Criminal Investigation, Return Of Property Court Order.

1. Upon written notice from an appropriate Law Enforcement Officer indicating that articles or pledged goods in the possession of an antique, auction, gun, jewelry, precious metal/coin or secondhand dealer or a dealer in secondhand goods and subject to a hold order are needed for the purpose of furthering a criminal investigation and prosecution, such dealer or dealer in secondhand goods shall release the articles or pledged goods subject to the hold order to the custody of an appropriate Law Enforcement Officer and such officer shall provide a written acknowledgment that the articles or pledged goods have been released to him/her. The release of the articles or pledged goods to the custody of an appropriate Law Enforcement Officer shall not be considered a waiver or release of the dealer's or dealer in secondhand goods's property rights or interest in the articles or pledged goods. Upon completion of the criminal investigation, the articles or pledged goods shall be returned to the dealer or dealer in secondhand goods who consented to their release; except that if an appropriate Law Enforcement Officer has not completed the criminal investigation within one hundred twenty (120) days after its release, he/she shall immediately return the articles or pledged goods to the dealer or dealer in secondhand goods or obtain and furnish to the dealer or dealer in secondhand goods a warrant for the continued custody of the articles or pledged goods.

2. Except as provided in Subsection (A) above, the dealer or dealer in secondhand goods shall not release or dispose of the articles or pledged goods except pursuant to a court order or the expiration of the holding period of the hold order, including all extensions.

B. Inspection Without Search Warrant, Hold Order.

1. Upon request of an appropriate Law Enforcement Officer to inspect the pledged goods that are described in information furnished by an antique, auction, gun, jewelry, precious metal/coin or other dealer in secondhand goods, such officer shall be entitled to inspect the articles or pledged goods described, without prior notice or the necessity of obtaining a search warrant during regular business hours in a manner so as to minimize interference with or delay to the dealers or dealer in secondhand goods's business operation. When an appropriate Law Enforcement Officer has probable cause to believe that any articles or pledged goods in the possession of a dealer or dealer in secondhand goods are misappropriated, he/she may place a hold order on the same. The hold order shall contain the following:

   a. The name of the dealer or dealer in secondhand goods;
   b. The name and mailing address of the dealer in secondhand goods or pawnshop where the articles or pledged goods are held;
   c. The name, title and identification number of the Law Enforcement Officer placing the hold order;
   d. The name and address of the agency to which the Law Enforcement Officer is attached and the claim or case number, if any, assigned by the agency to the claim regarding the articles or pledged goods;
   e. A complete description of the articles or pledged goods to be held including model and serial numbers; and
   f. The expiration date of the holding period.

   The hold order shall be signed and dated by an appropriate Law Enforcement Officer and signed and dated by the dealer or dealer in secondhand goods or the dealer's or dealer in secondhand goods's designee as evidence of the hold order's issuance by such officer, receipt by the dealer or dealer in secondhand goods and the beginning of the initial holding period. The officer issuing the hold order shall provide an executed copy of the hold order to the dealer or dealer in secondhand goods for the dealer's or pawnbroker's record keeping purposes at no cost to the dealer or dealer in secondhand goods.

2. Upon receiving the hold order, and subject to the provisions above, the dealer or dealer in secondhand goods shall retain physical possession of the articles or pledged goods subject to the order in a secured area. The initial holding period of the hold order shall not exceed two (2) months, except that the hold order may be extended for up to two (2) successive one (1) month holding periods upon written notification prior to the expiration of the immediately preceding holding period. A hold order
order may be released prior to the expiration of any holding period or extension thereof by written release from the agency placing the initial hold order. The initial hold order shall be deemed expired upon the expiration date if the holding period is not extended pursuant to this Subsection.

3. Upon the expiration of the initial holding period or any extension thereof, the dealer or dealer in secondhand goods shall deliver written notice to the appropriate Law Enforcement Officer issuing the hold order that such order has expired and that title to the articles or pledged goods subject to the hold order will vest in the dealer in secondhand goods in ten (10) business days. (Ord. No. 01-003 §9, 1-8-01)

SECTION 255.100: ENFORCEMENT

Enforcement of the criminal penalties Section shall be the responsibility of the Prosecuting Attorney's office. (Ord. No. 01-003 §10, 1-8-01)

CHAPTER 260: REQUIREMENTS FOR HIGH PRESSURE PIPELINES

SECTION 260.010: HIGH PRESSURE PIPELINE RESTRICTIONS IN COUNTY OWNED EASEMENTS

A. The County shall not grant any easement, nor allow the use of any County owned easement or right-of-way, for the laying of a high pressure pipeline unless such easement is a minimum of fifty (50) feet in width.

B. The County shall not grant any easement, nor allow the use of any County owned easement or right-of-way, for the laying of a high pressure pipeline unless such pipeline is buried a minimum of four feet (forty-eight (48) inches) below grade. (Ord. No. 04-162 §5, 10-13-04)

SECTION 260.020: HIGH PRESSURE PIPELINES -- REPORTS REQUIRED -- ACCIDENTS

A. Beginning no later than January 1, 2005, each operator of a high pressure pipeline in St. Charles County shall submit copies of any accident reports and supplemental reports (if any) relating to high pressure pipelines located in St. Charles County to the Director of the Division of Emergency Management or such other person as shall be designated by the County Executive at the same time such reports are submitted to the United States Department of Transportation.

B. Beginning no later than January 1, 2005, each operator of a high pressure pipeline in St. Charles County shall give telephonic notice as soon as practicable to the St. Charles County Director of Emergency Management or such other person as shall be designated by the County Executive with respect to any pipeline accidents relating to high pressure pipelines within St. Charles County that must be reported to the United States Department of Transportation under Section 195.52 of the United States Code of Federal Regulations.

C. If the United States Department of Transportation investigates an accident relating to high pressure pipelines located in St. Charles County, the operator involved shall submit copies of any documents submitted to the Department relating to high pressure pipelines located in St. Charles County to the Director of the Division of Emergency Management or such other person as shall be designated by the County Executive at the same time such reports are submitted to the United States Department of Transportation. (Ord. No. 04-162 §6, 10-13-04; Ord. No. 05-027 §6, 3-1-05)

CHAPTER 265: ADOPT-A-ROAD PROGRAM

SECTION 265.010: ESTABLISHMENT

The Highway Engineer is hereby authorized to establish an Adopt-A-Road Program for litter removal and mowing on County right-of-way. The Highway Engineer shall establish procedures for an Adopt-A-Road Program for County roads as set forth in this Chapter. (Ord. No. 08-080 §1, 7-2-08)

SECTION 265.020: DEFINITIONS

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

ADOPTED SECTION: A particular section of roadway located in the unincorporated area of St. Charles County, on which the County exercises jurisdiction of the right-of-way, which the volunteer individual or group participating in the Adopt-A-Road Program has agreed to perform permitted cleanup duties.

ADOPTER: The individual or group approved by the Highway Engineer to be a participant in the Adopt-A-Road Program.

ADOPTER REPRESENTATIVE: A group member designated to represent the volunteer group and serve as its liaison with the County Highway Engineer. The adopter representative is the person who signs the agreement.

AGREEMENT: The written agreement between the volunteer individual or group adopting a section of road right-of-way and the County Highway Engineer.
**SECTION 265.030: CRITERIA FOR ELIGIBLE ADOPTERS AND APPLICATION ACCEPTANCE**

A. The adopter or adopter representative of a group who desires to participate in the program shall submit an application to the Highway Department on a form provided by that Department.

1. An application completed by an individual on behalf of a group or organization must identify the group or organization for which the application is being submitted and failure to identify the group or organization on the application will result in rejecting the application.

B. Adoption Eligibility. Civic and non-profit organizations, commercial and private enterprises and individuals may be eligible to adopt. Applicants who do not meet the eligibility requirements will be denied participation in the program, and adopters who no longer meet the applicant eligibility requirements may be removed from the program. The Highway Department reserves the right to limit the number of adoptions for a single group. The following applicants are not eligible to adopt:

1. Individuals who have been convicted of, or pled guilty or no contest to, a violent criminal activity, unless ten (10) years have passed since completion of the latest incarceration, probation or parole for violent criminal activity; or

2. Organizations and enterprises with any program participants who have been convicted of, or pled guilty or no contest to, a violent criminal activity, unless ten (10) years have passed since completion of the latest incarceration, probation or parole for violent criminal activity.

C. Acceptance Of Application. The Highway Engineer has the authority to approve applications of individuals or groups applying to participate in the program.

D. Denial Of Application. The Highway Engineer is authorized to deny requests for participation in the program.

1. A request for participation in the program may be denied if the applicant does not meet the eligibility requirements or has submitted false statement(s) of a material fact or has practiced or attempted to practice any fraud or deception in an application. "Material facts" include statements regarding convictions of violent criminal activity. (Ord. No. 08-080 §3, 7-2-08)

**SECTION 265.040: WRITTEN AGREEMENT BETWEEN THE ADOPTER AND THE HIGHWAY DEPARTMENT**

A. If an application is approved by the Highway Department, the adopter or adopter representative shall execute a written agreement with the Highway Department, and upon signing by both parties, the agreement becomes effective and provides for the individual's or group's participation in the program.

B. Responsibilities Of Adopter. The adopter shall:

1. Abide by all provisions contained in the agreement and any other terms and conditions as required by the Highway Department;

2. Provide to the Highway Department the name and complete mailing address, including street address, of the adopter representative and notify the Highway Department within thirty (30) days of any change of the adopter representative's name or address;

3. Abide by all safety requirements as listed in the department's safety brochure;

4. Have the adopter, if the adopter is one (1) individual, or the adopter representative attend a safety briefing conducted by the department and obtain safety meeting materials including, but not limited to, a safety video provided by the department before participation in the initial program activity;

5. Have all members of the group participating in the program activity attend a safety meeting conducted by the adopter representative that includes, but is not limited to, viewing the safety video provided by the department before participation in the initial program activity;

6. Properly use all safety equipment provided by the department, returning same to the department after each use, and perform the work in a safe, responsible and professional manner;
7. Provide one (1) adult supervisor for every eight (8) participants between thirteen (13) and seventeen (17) years of age and one (1) adult supervisor for every four (4) participants between ten (10) and twelve (12) years of age. No one under the age of ten (10) will be allowed to participate in the program;

8. Adopt a section of County road right-of-way for a minimum of three (3) years and submit a new application every three (3) years if the adopter wants to continue participation in the program;

9. Collect litter along the adopted section four (4) times a year or as required by the Highway Department;

10. Adopt for litter pickup a minimum of two (2) miles in rural areas and one-half (½) mile in urban areas. Shorter lengths may be permissible in special circumstances;

11. Restrict program activities to the areas of right-of-way outside the pavement and shoulder areas;

12. Perform program activity between the hours of one (1) hour after sunrise to one (1) hour before sunset and not during inclement weather;

13. Prohibit participants from possessing, consuming or being under the influence of alcohol or drugs while participating in the program activity;

14. Place litter in trash bags provided by the department and place filled trash bags at a designated location;

15. Separate tires, batteries and other trash as needed for proper disposal according to local landfill requirements;

16. Indemnify and hold harmless St. Charles County and the Highway Department and their officers, employees and agents from any claim, lawsuit or liability which may arise from adopter's participation in the program or as provided by the law;

17. Notify the Highway Department that the adopted section is ready for disposal of filled litter bags and provide that notice as soon as possible after litter pickup;

18. Submit to the Highway Department within five (5) working days of any program activity, the following information:
   a. The adopter's name;
   b. The date of the program activity;
   c. The total hours involved in the program activity;
   d. Total volunteers involved in activity; and
   e. The total number of bags of trash picked up.

   This information can be provided by calling or e-mailing the Highway Department representative identified on the agreement, or by filling out and mailing the activity report form provided by the department or posting the activity report on the website. This information will enable the department to monitor the program's success;

19. Not subcontract or assign its responsibilities under this program to any other enterprise, organization or individual unless assignee is also eligible to adopt; and

20. Not decorate or alter the signs after they have been approved and erected. (Ord. No. 08-080 §4, 7-2-08)

SECTION 265.050: RESPONSIBILITIES OF HIGHWAY DEPARTMENT

The Highway Department shall:

1. Determine the specific section of right-of-way that is to be adopted;

2. Except as approved by the County Highway Engineer, install and maintain signs, if desired by the adopter, at both ends of the adopted section;

3. Provide the adopter with trash bags;

4. Provide a safety briefing and safety materials to the adopter which includes, but is not limited to, a safety video and safety brochure;

5. Provide the adopter with a safety colored vest; and

6. Remove and dispose of filled trash bags from the adopted section as soon as practical after the litter pickup is finished. (Ord. No. 08-080 §5, 7-2-08)

SECTION 265.060: SIGNS

A. The signs shall:

1. Identify the adopter or, subject to the approval of the Highway Department, may identify an individual in whose memory the adoption is being made;

2. Be designed by the department as to size, color and text except that the County Highway Engineer may, in his/her discretion, approve color and background design proposed by the adopter; and
3. Have the actual name of the adopter, or individual in whose memory the adoption is being made, with no telephone numbers, logos, slogans, dates or addresses, including Internet addresses, with verbiage kept to a minimum.

B. The signs shall not contain wording that is obscene, profane or sexually suggestive or implies an obscenity, profanity or sexual content.

C. Signs are not intended to be an advertising medium or serve as a means of providing a public forum for the participants.

D. The signs shall not be altered or decorated by the adopter at any time after approved by the Highway Engineer.

E. The erection of a sign is not a requirement for participation in the program. If, during the length of the agreement, a standard departmental highway sign is damaged, destroyed, stolen or removed from its foundation by an act of vandalism, the department will erect a second (2nd) replacement sign at department cost. If the second (2nd) replacement sign is damaged, destroyed, stolen or removed from its foundation by an act of vandalism, the department will remove the sign from the premises if still present, and no further sign will be erected.

F. Two (2) signs will be erected for each adopter, one (1) at each end of the adopted section, at a location determined by the department. (Ord. No. 08-080 §6, 7-2-08)

SECTION 265.070: AGREEMENT

The County Highway Engineer shall not enroll an adopter into the program until the adopter has entered into an agreement setting forth the terms of the program. (Ord. No. 08-080 §7, 7-2-08)

SECTION 265.080: TERMINATION OF AGREEMENT

A. The County Highway Engineer shall reserve the right to terminate the program agreement and remove the signs when it is found that:

1. Continuing the agreement would be counterproductive to the program's purpose, or have undesirable results such as increased litter or vandalism or would jeopardize the safety of the participants, traveling public or department employees;

2. The adopter is not meeting or has not met the terms and conditions of the agreement or any of the requirements set forth this Chapter, or

3. Actions of the adopter may be contrary to any restrictions on the use of appropriated funds for political activities.

B. Upon written notice to the County an adopter may terminate the agreement to participate in the Adopt-A-Road Program. (Ord. No. 08-080 §§8--9, 7-2-08)

CHAPTER 270: BICYCLING EVENTS

ARTICLE I. ORGANIZED BICYCLE EVENTS

SECTION 270.010: PERMITS FOR ORGANIZED CYCLING EVENTS

A. Permits Required, When. No event, contest, procession, or parade containing twenty-five (25) or more cyclists on any highway, roadway or street within a two (2) hour window, or any number of riders and a chase/support vehicle, shall occupy or proceed along any highway, roadway or street in the unincorporated County except in accordance with a permit issued by the St. Charles County Registrar after review and approval by the Sheriff's Department. Cyclists riding together on a road by chance and not as part of an organized event do not require a permit.

B. Types Of Permits That May Be Issued--Single-Event Or Annual Permits. The St. Charles County Registrar shall issue single-event permits unless event organizers present a map of a route to be followed four (4) or more times in a calendar year, with a list of dates for the proposed recurring rides. In such cases, annual permits may issue. Any deviation from the identified route in an annual permit shall require a single-event permit for that ride. If a ride is cancelled due to weather, the organizers may establish an alternate date and notify the Sheriff of such date.

C. Applications For Permits, Requirements, Where Filed. The organizer of any event, contest, procession or parade for which a permit is required by Subsection (A) shall submit an application for such permit to the St. Charles County Registrar.

1. The application shall be on a form supplied by the St. Charles County Registrar.

2. The application shall be accompanied by:

   a. A map of the route of the event, contest, procession or parade for which the permit is sought;

   b. A safety plan that addresses:
(1) Expected traffic issues, including crowd control; and
(2) Provision of sufficient restrooms for the expected number of participants at the site of the initiation, termination or any
rest stop of the event, contest, procession or parade if that site is within the unincorporated area of the County; and

c. A non-refundable filing and processing fee of twenty-five dollars ($25.00).

D. Review By The Sheriff's Office Of Applications For Permits, Assessment Of Costs For Deputy Sheriff Time If Required.

1. Upon receipt of a completed application, the St. Charles County Registrar shall transmit it to the Sheriff's Office for review,
retaining a copy for the Registrar's records.
2. Where the Sheriff, after consultation with the event sponsors, determines additional crowd control measures or road closure
are necessary, then the Sheriff shall notify the event organizers that such measures must be included in the safety plan.
3. Should the event organizers propose, or the Sheriff determine it is necessary, to close any road(s) and/or take any crowd
control measures, the Sheriff's Department shall arrange for the deputies to be on site for those purposes.
4. The Sheriff shall add to the fees required for issuance of a permit under this Section the cost of Deputy Sheriff time that may
be required to close a road and/or for crowd control measures at the actual cost for a Deputy Sheriff(s).
5. If a road to be closed is a State road, however, the Sheriff shall notify the Missouri Department of Transportation and provide
for the road's closure only with the Department's concurrence provided by the Department to the Sheriff.
6. Upon completing its review of application for permit provided by the St. Charles County Registrar, the Sheriff's Office shall
return it to the Registrar with the endorsements of the Sheriff's Office stating the Office's:
   a. Approval or requirement of provisions for road closure and/or crowd control, if any; and
   b. Statement of costs to be charged for Deputy Sheriff time for those purposes, if required.

E. Final Requirements For Issuance Of Permits By The St. Charles County Registrar, Duties Of Registrar.

1. Upon receipt from the Sheriff's Office of the application for permit with the Sheriff's Office's endorsements, the Registrar shall
issue the permit provided the applicant pays the following additional costs:
   a. Costs to be charged for Deputy Sheriff time for road closure and/or crowd control, if any, as called for in the Sheriff's
      Office's endorsement on the application.
2. Upon issuing any permit required by Subsection (A) above, the Registrar shall also request the County's Office of Public
   Information to make public the name, organizer, date and hours and route of any event, contest, procession or parade for which
   such permit is issued along with the name of any road that is to be closed and the date and time of its closure, by posting that
   information on:
   a. The County's website; and
   b. The County's closed-channel television service.

F. No Issuance Of Permits Requiring Road Closure Later Than Fourteen (14) Calendar Days Before The Event. No permit shall be
granted for a road closure later than fourteen (14) calendar days before the date of the road closure, nor shall any such permit be
granted to close a State road without the concurrence of the Missouri Department of Transportation provided by the Department to
the Sheriff. (Ord. No. 10-091 §1, 10-18-10; Ord. No. 11-006 §6, 2-24-11)

SECTION 270.020: EVENTS REQUIRING ROAD CLOSURE
All events, contests, processions, and parades requiring road closure and intending to occupy or proceed along any highway,
roadway or street in the unincorporated County shall obtain a permit issued pursuant to this Article. (Ord. No. 10-091 §2,
10-18-10; Ord. No. 11-006 §7, 2-24-11)

SECTION 270.030: CLOSING ROAD WITHOUT A PERMIT
Closing a road without obtaining a permit is a violation of this Article subject to the penalties set forth in Section 270.040. (Ord.
No. 10-091 §3, 10-18-10)

SECTION 270.040: PENALTIES
A violation of any provision of this Article is a misdemeanor punishable by a fine of not more than one thousand dollars
($1,000.00). (Ord. No. 10-091 §4, 10-18-10)

SECTION 270.050: ENFORCEMENT AND PROSECUTION
Enforcement of this Article shall be the responsibility of the Sheriff's Department and prosecution may be by the Prosecuting
Attorney or the County Counselor. (Ord. No. 10-091 §5, 10-18-10)
ARTICLE II. INFORMATIONAL ROUTES AND BICYCLE SAFETY

SECTION 270.060: ESTABLISHMENT OF BICYCLE EDUCATION AND MAP PROGRAM

The County of St. Charles hereby establishes the bicycle education and map program within the County Highway Department to apprise cyclists of certain characteristics of highways and roads in the unincorporated portion of St. Charles County. The designations and educational materials resulting from this Article are in no manner a recommendation that cyclists should ride these highways and roads nor are they intended to assure any cyclist of safety in riding the highways and roads. (Ord. No. 10-103 §1, 11-2-10)

SECTION 270.070: DEFINITIONS

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

GREEN ROADS: Highways and roads where the speed limits are under fifty (50) miles an hour and heavy commercial weekday traffic, or farm implement traffic, is not expected to be present on a regular basis. Green roads may still have limited sight distance, may lack shoulders or have intermittent or gravel shoulders.

ORANGE ROADS: Highways and roads where the speed limits are fifty (50) miles an hour or more. Orange roads are expected to have heavy commercial traffic and/or regular farm implement traffic. Sight distance will be generally better than highways or roads designated as Red but may have intermittent or seasonal (e.g., crops) sight distance problems.

RED ROADS: Highways and roads where the speed limits are fifty (50) miles an hour or more. Red roads chronically have limited sight distance (hills, crops). Red roads will not have shoulders, or if there are shoulders they are gravel. Cyclists should expect that Red roads will have heavy commercial weekday traffic and/or farm implement traffic. (Ord. No. 10-103 §2, 11-2-10; Ord. No. 11-006 §8, 2-24-11)

SECTION 270.080: BICYCLE ROUTE MAPS

The Highway Department shall develop, print and distribute maps through various means, such as the County website and to various organizations such as those whose mission includes trails, parks and promotion of active living, to reflect the above bicycle route information. (Ord. No. 10-103 §3, 11-2-10; Ord. No. 11-006 §9, 2-24-11)

SECTION 270.090: REGULATIONS

All cyclists riding their bicycles on orange or red roads in the unincorporated part of St. Charles County shall:

1. Equip their bicycle with the following lights and/or reflectors as follows:
   a. Every bicycle when in use from sunset to sunrise, or when there is not sufficient light to render discernible any person on the highway or street at a distance of four hundred (400) feet ahead, shall be equipped with the following:
      (1) A lamp mounted on the front of either the bicycle or the operator that shall emit a white light visible from a distance of at least five hundred (500) feet to the front and three hundred (300) feet to the sides. A generator powered lamp, which emits light only when the bicycle is moving, may be used to meet this requirement;
      (2) A red reflector on the rear of a type that shall be visible from all distances from one hundred (100) feet to six hundred (600) feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle;
      (3) A light emitting either flashing or steady red light visible from a distance of five hundred (500) feet to the rear shall be used in addition to the reflector. If the red light performs as a reflector such that it is visible as specified in (2) above, it shall satisfy the requirement for a reflector.
   b. Additional lights and reflectors may be used in addition to those required under Subsection (a) above except that red lights and reflectors shall not be used on the front of the bicycle nor shall white or colorless lights or reflectors be used on the rear of the bicycle.

2. Be equipped with an adequate brake when used on a street or highway. (Ord. No. 10-103 §4, 11-2-10; Ord. No. 11-006 §10, 2-24-11)

SECTION 270.100: CYCLIST TO OBEY TRAFFIC REGULATIONS

Cyclists shall obey all traffic regulations unless otherwise set out in this Article or unless cycling in a permitted event as set forth in County Ordinance. Failure to obey traffic laws and equipment requirements shall be punishable in the same manner as failures of motor vehicles. (Ord. No. 10-103 §5, 11-2-10)

SECTION 270.110: PENALTIES

A violation of any provision of Sections 270.090 and 270.100 above of this Article is an infraction punishable by a fine of not more than two hundred dollars ($200.00). (Ord. No. 10-103 §6, 11-2-10)
SECTION 270.120: ENFORCEMENT AND PROSECUTION

Enforcement of this Article shall be the responsibility of the Sheriff's Department and prosecution may be by the Prosecuting Attorney or the County Counselor. (Ord. No. 10-103 §7, 11-2-10)

CHAPTER 275: REGULATING THE SALE OF EPHEDRINE AND PSEUDOEPHEDRINE RELATED PRODUCTS

SECTION 275.010: DEFINITIONS

For the purpose of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

DELIVER: The process of knowingly selling, furnishing, giving away, exchanging, transferring, surrendering, or supplying to any person, whether or not for monetary gain, ephedrine, pseudoephedrine or any other methamphetamine precursor.

EPHEDRINE: All forms of ephedrine, ephedrine hydrochloride and all combinations of these chemicals and any compound sold for medicinal purposes containing these chemicals.

METHAMPHETAMINE PRECURSOR: Any substance as described in the definitions of "ephedrine" and "pseudoephedrine" hereof, or in Section 195.246 or Section 195.248, RSMo.

PERSON: Any individual, corporation, partnership, trust, limited liability company, firm, association or other entity.

PSEUDOEPHEDRINE: All forms of pseudoephedrine, pseudoephedrine hydrochloride and all combinations of these chemicals and any other compound sold for medicinal purposes containing these chemicals. (Ord. No. 11-062 §1, 7-26-11; Ord. No. 11-079 §1, 9-28-11)

SECTION 275.020: PROHIBITION AGAINST DELIVERY OF METHAMPHETAMINE PRECURSORS

It shall be illegal for any person to deliver ephedrine, pseudoephedrine or any other methamphetamine precursor to any other person except as set forth in the specific exceptions contained in this Chapter. (Ord. No. 11-062 §1, 7-26-11; Ord. No. 11-079 §1, 9-28-11)

SECTION 275.030: EXCEPTIONS

The following are exceptions to the prohibition against delivery stated above:

1. Ephedrine, pseudoephedrine or other methamphetamine precursors may be delivered to a person by a Missouri licensed pharmacist after being authorized to do so pursuant to a prescription from a physician or other healthcare professional licensed by the State of Missouri (hereinafter "practitioner") to write prescriptions. The requirement for a prescription is satisfied by any of the following methods:
   a. By a written prescription signed by a practitioner;
   b. By a facsimile of a written, signed prescription transmitted by the practitioner or his authorized agent to the pharmacy;
   c. By an oral prescription made by an individual practitioner whether communicated by the practitioner or his authorized agent to the pharmacy;
   d. By a prescription transmitted by electronic computer transmission by the authorizing practitioner or the practitioner's agent to the pharmacy.

   All oral prescriptions and prescriptions transmitted by electronic computer transmission shall be promptly reduced to writing by the pharmacist containing all information required in Section 195.060, RSMo., except for the signature of the practitioner.

2. Ephedrine, pseudoephedrine or other methamphetamine precursors may be distributed by a licensed physician or other healthcare professional licensed by the State of Missouri to write prescriptions within a physician's office, clinic, nursing home or other licensed healthcare facility.

3. This Chapter regulating delivery of ephedrine, pseudoephedrine or other methamphetamine precursors shall not apply to the sale of animal feed containing ephedrine or dietary supplement products containing naturally occurring or herbal ephedra or extracts of herbal ephedra.

4. Any compound, mixture, or preparation containing any detectable quantity of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, except any dietary supplements, herbs, or natural products, including concentrates or extracts, that are not otherwise prohibited by law and that contain naturally occurring ephedrine alkaloids in a matrix of organic material such that the substances do not exceed fifteen percent (15%) of the total weight of the dietary supplement, herb, or natural product.

5. Any compound containing pseudoephedrine which cannot be effectively converted to methamphetamine. For purposes of this Section any product containing any compound, mixture, or preparation containing any detectable quantity of ephedrine,
phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers from
the application of all or any part of Sections 195.010 to 195.320, RSMo., is considered to be a "compound containing
pseudoephedrine". For purposes of this Section such compound "cannot be effectively converted to methamphetamine" when
the compound is proven by independent testing to not be feasible for the conversion of the active ingredient into
methamphetamine or its preparation releases less than five percent (5%) of the active ingredient into methamphetamine or its
salts or precursors. No exemption may be granted under this Section for any product containing ephedrine or pseudoephedrine
that also contains another Schedule V drug pursuant to Missouri law.

6. Upon written application to the St. Charles County Department of Health and the Environment, an exemption from the
requirements of prescription shall be granted with regard to a compound for which a manufacturer has established that the
standards set forth in Subsection (4) above and Subsection (5) above are met.

a. Such application shall set forth and attach a certified copy of the results of independent testing establishing that any
compound containing pseudoephedrine cannot be effectively converted to methamphetamine as established by the
standards set forth in Subsection (4) above and Subsection (5) above. Such application shall not allow for an exemption to
be granted for any product containing ephedrine or pseudoephedrine which is a Schedule V drug pursuant to Missouri law.

7. For so long as the written exemption authorized by Subsection (6) above is valid, any product granted such exemption
containing any compound, mixture, or preparation containing any detectable quantity of ephedrine, phenylpropanolamine, or
pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers is exempt from the application of all or any
part of Sections 195.010 through 195.320, RSMo., because the product is proven to not be feasible for the conversion of the
active ingredient into methamphetamine or its salts or precursors, and such product may be sold without a prescription and
shall not be required by St. Charles County to be retained in the pharmacy for sale.

8. Upon notification from the State Highway Patrol or the St. Charles County Sheriff's Department that there is probable cause to
believe that a product exempted under this Subdivision is feasible for the conversion of the active ingredient into
methamphetamine or its salts or precursors, the Department of Community Health and the Environment shall notify the
manufacturer that the exemption is under review and may proceed to a hearing, which shall be held on the record, and which
shall examine whether to revoke or continue the exemption for the product. The decision of the Director of Community Health
and the Environment shall be final. (Ord. No. 11-062 §1, 7-26-11; Ord. No. 11-079 §1, 9-28-11; Ord. No. 12-038 §1, 5-3-12;
Ord. No. 12-075 §1, 11-1-12; Ord. No. 12-101 §1, 12-18-12)

SECTION 275.040: PRIMA FACIE EVIDENCE

It shall be prima facie proof that a substance is regulated by this Chapter if the substance is contained in its original packaging and
is labeled as containing ephedrine, pseudoephedrine or other methamphetamine precursor. (Ord. No. 11-062 §1, 7-26-11; Ord.
No. 11-079 §1, 9-28-11)

SECTION 275.050: REPORTING THEFT OF METHAMPHETAMINE PRECURSORS

A. All thefts, shortages, disappearances, miscounts or other losses of ephedrine, pseudoephedrine or other methamphetamine
precursors shall be reported to the St. Charles County Sheriff's Department within twenty-four (24) hours of discovery.

B. Any person selling ephedrine, pseudoephedrine or other methamphetamine precursors shall report any difference between the
quantity of the aforementioned drugs shipped and the quantity received to the St. Charles County Sheriff's Department within
twenty-four (24) hours of discovery. (Ord. No. 11-062 §1, 7-26-11; Ord. No. 11-079 §1, 9-28-11)

SECTION 275.060: INJUNCTIVE RELIEF

The County Counselor may seek and obtain injunctive relief against any person who is in violation of this Chapter in the Circuit
Court of St. Charles County, Missouri. (Ord. No. 11-062 §1, 7-26-11; Ord. No. 11-079 §1, 9-28-11)

SECTION 275.070: PENALTY

Violation of this Chapter shall be punished by a fine or up to one thousand dollars ($1,000.00), imprisonment of up to one (1)
year, or both such a fine and imprisonment. Each violation of this Chapter shall be considered a separate offense. (Ord. No.
11-062 §1, 7-26-11; Ord. No. 11-079 §1, 9-28-11)
SECTION 300.001: DRIVERS TO COMPLY WITH MODEL TRAFFIC ORDINANCE, CHAPTER 300, REVISED STATUTES OF MISSOURI, AS AMENDED

A. Subject to Subsections (B), (C), (D) and (E) below, St. Charles County adopts by reference the State of Missouri's Model Traffic Ordinance, Revised Statutes of Missouri ("RSMo."), as amended ("Model Traffic Ordinance").

B. The Model Traffic Ordinance as adopted hereby shall regulate traffic throughout the unincorporated part of St. Charles County.

C. In the Model Traffic Ordinance as adopted hereby, the following words and phrases shall mean:

1. CHIEF OF POLICE: Sheriff.
2. CITY: County (except in Section 300.095, RSMo.).
3. CITY TRAFFIC ENGINEER: County Engineer.
4. MUNICIPAL: County.
5. OFFICER OF POLICE, OFFICER OF THE POLICE DEPARTMENT: Deputy Sheriff.
7. POLICE OFFICER: Deputy Sheriff.

D. The following provisions are not included in the Model Traffic Ordinance as adopted hereby:

1. Section 300.060, RSMo., as amended;
2. Section 300.065, RSMo., as amended; and
3. Section 300.070, RSMo., as amended.

E. A violation of the Model Traffic Ordinance adopted by this Section is a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment in the St. Charles County Jail for a term not to exceed one (1) year, or by both fine and imprisonment. A separate offense shall be deemed committed on each day a violation occurs or continues. Enforcement of this Section shall be the responsibility of the County Counselor. (Ord. No. 07-017 §1, 1-30-07; Ord. No. 08-030 §1, 3-3-08)

CHAPTER 301: REGISTRATION AND LICENSING OF MOTOR VEHICLES

Editor's Note--Per the County's request of June 15, 2007, previous section 310.090 was renumbered to coordinate with state statute numbering and set out in this Chapter.

SECTION 301.020: FAILURE TO REGISTER MOTOR VEHICLE

A. It shall be unlawful for the owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of St. Charles County, to fail to annually file an application for registration as required by Section 301.020, RSMo., except as otherwise provided therein.

B. A violation of this Section is a misdemeanor punishable in accordance with Section 300.001(E), OSCCMo. (Ord. No. 08-092 §2, 8-1-08)

SECTION 301.130: DRIVING VEHICLE WITHOUT VALID LICENSE PLATES FOR SUCH VEHICLE

A. As used in this Section, the term "vehicle" shall have the same meaning given it in Section 301.010, RSMo., and the term "physically disabled" shall have the same meaning given it in Section 301.142, RSMo.

B. Any person who parks in a space reserved for physically disabled persons and is not displaying distinguishing license plate or a card on which is inscribed the international symbol of accessibility and the word "disabled" issued pursuant to Section 301.014, RSMo., or a "disabled veteran" license plate issued pursuant to Section 301.071, RSMo., or a distinguishing license plate or card issued by any other State, is guilty of an infraction and upon conviction thereof shall be punished by a fine of not less than fifty dollars ($50.00) nor more than three hundred dollars ($300.00). Any vehicle which has been removed under the authority of
Section 301.143, RSMo., and which is not properly claimed within thirty (30) days thereafter shall be considered to be an abandoned vehicle.

C. Any person who, without authorization, uses a distinguishing license plate or card issued pursuant to Section 301.071 or 301.142, RSMo., to park in a park in a parking space reserved under the authority of Section 301.143, RSMo., shall be guilty of a misdemeanor punishable in accordance with Section 300.001(E), OSCCMo. (Ord. No. 08-092 §2, 8-1-08)

CHAPTER 302: DRIVERS’ AND COMMERCIAL DRIVERS’ LICENSE

Editor's Note--Per the County's request of June 15, 2007, previous sections 310.070 and 310.080 were renumbered to coordinate with state statute numbering and set out in this Chapter.

SECTION 302.020: DRIVING WITHOUT OPERATOR'S LICENSE

A. It shall be unlawful for any person to operate a motor vehicle other than a farm tractor upon any highway, roadway or alleyway unless that person maintains a valid operator's license issued pursuant to Chapter 302, RSMo. (as amended) or, if a person is a non-resident, by that person's home State, unless exempted from a licensure requirement by Section 302.080, RSMo. (as amended).

B. While operating a motor vehicle, all drivers shall carry proof of licensure. Proof of licensure shall be displayed for inspection upon demand by any Law Enforcement Officer. Failure of any driver to exhibit proof of licensure to a Law Enforcement Officer shall constitute prima facie evidence that the driver does not have a valid operator's license required by Subsection (A) above.

C. A violation of this Section is a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment in the St. Charles County Jail for a term not to exceed one (1) year, or by both fine and imprisonment. A separate offense shall be deemed committed on each day a violation occurs or continues. Enforcement of this Section shall be the responsibility of the County Counselor. (Ord. No. 07-017 §1, 1-30-07)

SECTION 302.178: INTERMEDIATE DRIVER'S LICENSE RESTRICTIONS

A. No person shall operate a motor vehicle on the highways or roadways of St. Charles County under an intermediate driver's license issued pursuant to Section 302.178, RSMo., between the hours of 1:00 A.M. and 5:00 A.M. unless accompanied by a person described in Subsection (1) of Section 302.130, RSMo.; except the licensee may operate a motor vehicle without being accompanied if the travel is to or from a school or educational program or activity, a regular place of employment or in emergency situations as defined by the Director of the Missouri Department of Revenue by regulation.

B. No person shall operate a motor vehicle on the highways and roadways of St. Charles County under an intermediate driver's license issued pursuant to Section 302.178, RSMo., unless all passengers in the vehicle wear safety belts at all times. This safety belt restriction shall not apply to a person operating a motorcycle. For the first six (6) months after issuance of the intermediate driver's license, the holder of the license shall not operate a motor vehicle with more than one (1) passenger who is under the age of nineteen (19) who is not a member of the holder's immediate family. As used in this Subsection, an intermediate driver's license holder's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the driver, including adopted or foster children residing in the same household of the intermediate driver's license holder. After the expiration of the first six (6) months, the holder of an intermediate driver's license shall not operate a motor vehicle with more than three (3) passengers who are under nineteen (19) years of age and who are not members of the holder's immediate family. The passenger restrictions of this Subsection shall not be applicable to any intermediate driver's license holder who is operating a motor vehicle being used in agricultural work-related activities.

C. Any person who violates any of the provisions of this Section is guilty of an infraction. (Ord. No. 08-030 §2, 3-3-08)

SECTION 302.200: DRIVING WHILE SUSPENDED OR REVOKED

A. It shall be unlawful for any person to operate a motor vehicle other than a farm tractor upon any highway, roadway or alleyway while that person's operator's license is suspended or revoked.

B. A violation of this Section is a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment in the St. Charles County Jail for a term not to exceed one (1) year, or by both fine and imprisonment. A separate offense shall be deemed committed on each day a violation occurs or continues. Enforcement of this Section shall be the responsibility of the County Counselor. (Ord. No. 07-017 §1, 1-30-07)

CHAPTER 303: MOTOR VEHICLE FINANCIAL RESPONSIBILITY LAW

Editor's Note--Per the County's request of June 15, 2007, previous sections 310.060 was renumbered to coordinate with state statute numbering and set out in this Chapter.

SECTION 303.025: DRIVERS TO MAINTAIN FINANCIAL RESPONSIBILITY

A. It shall be unlawful for any person to operate a motor vehicle other than a farm tractor upon any highway, roadway or alleyway
B. While operating a motor vehicle, all drivers shall carry proof of the financial responsibility required by Chapter 303, RSMo. (as amended). Proof of financial responsibility shall be displayed for inspection upon demand by any Law Enforcement Officer. Failure of any driver to exhibit proof of financial responsibility to a Law Enforcement Officer shall constitute prima facie evidence that the driver has not maintained financial responsibility and is not operating a motor vehicle as to which the owner has maintained financial responsibility.

C. A violation of this Section is a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment in the St. Charles County Jail for a term not to exceed one (1) year, or by both fine and imprisonment. A separate offense shall be deemed committed on each day a violation occurs or continues. Enforcement of this Section shall be the responsibility of the County Counselor. (Ord. No. 07-017 §1, 1-30-07)

SECTION 304.012: CAREFUL AND PRUDENT DRIVING

A. Every person operating a motor vehicle shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or body of any person, including the driver or passengers of the vehicle, and shall exercise the highest degree of care.

B. A violation of this Section is a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment in the St. Charles County Jail for a term not to exceed one (1) year, or by both fine and imprisonment. A separate offense shall be deemed committed on each day a violation occurs or continues. Enforcement of this Section shall be the responsibility of the County Counselor. (Ord. No. 07-017 §1, 1-30-07)

SECTION 304.016: PASSING REGULATIONS -- DRIVING ON LEFT SIDE -- VIOLATION, PENALTY

A. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to limitations and exceptions hereinafter stated:

1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and

2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and shall not increase the speed of such driver's vehicle until completely passed by the overtaken vehicle.

B. The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

1. When the vehicle overtaken is making or about to make a left turn;

2. Upon a one-way street; or

3. Upon any highway with unobstructed pavement of sufficient width and clearly marked for four (4) or more lanes of traffic. The driver of a motor vehicle may overtake and pass another vehicle upon the right only under the foregoing conditions when such movement may be made in safety. In no event shall such movement be made by driving off the paved or main traveled portion of the roadway.

C. Except when a roadway has been divided into three (3) traffic lanes, no vehicle shall be driven to the left side of the centerline of a highway or public road in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

D. No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade or upon a curve of the highway where the driver's view is obstructed within such a distance as to create a hazard in the event another vehicle might approach from the opposite direction;

2. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct, tunnel, or when approaching within one hundred (100) feet or at any intersection or railroad grade crossing.

E. Violation of this Section is a misdemeanor punishable in accordance with Section 300.001(E), OSCCMo. (Ord. No. 08-092 §2, 8-1-08)

SECTION 304.017: DISTANCE AT WHICH VEHICLE MUST FOLLOW -- VIOLATION, PENALTY

A. The driver of a vehicle shall not follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of such vehicle and traffic upon and the condition of the roadway. Vehicles being driven upon any roadway outside of a
B. Violation of this Section is a misdemeanor punishable in accordance with Section 300.001(E), OSCCMo. (Ord. No. 08-092 §2, 8-1-08)

SECTION 304.019: HAND AND MECHANICAL SIGNALS -- VIOLATION -- PENALTY

A. No person shall stop or suddenly decrease the speed of or turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety and then only after the giving of an appropriate signal in the manner provided herein.

1. An operator or driver when stopping, or when checking the speed of the operator's vehicle, if the movement of other vehicles may reasonably be affected by such checking of speed, shall extend such operator's arm at an angle below horizontal so that the same may be seen in the rear of the vehicle;

2. An operator or driver intending to turn the operator's vehicle to the right shall extend such operator's arm at an angle above horizontal so that the same may be seen in front of and in the rear of the vehicle and shall slow down and approach the intersecting highway as near as practicable to the right side of the highway along which such operator is proceeding before turning;

3. An operator or driver intending to turn the operator's vehicle to the left shall extend such operator's arm in a horizontal position so that the same may be seen in the rear of the vehicle and shall slow down and approach the intersecting highway so that the left side of the vehicle shall be as near as practicable to the centerline of the highway along which the operator is proceeding before turning;

4. The signals herein required shall be given either by means of the hand and arm or by a signal light device in good mechanical condition of a type approved by the State Highway Patrol; however, when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then such signals shall be given by such light or device. A vehicle shall be considered as so constructed or loaded that a hand and arm signal would not be visible both to the front and rear when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereon exceeds fourteen (14) feet, which limit of fourteen (14) feet shall apply to single vehicles or combinations of vehicles. The provisions of this Subsection shall not apply to any trailer which does not interfere with a clear view of the hand signals of the operator or of the signaling device upon the vehicle pulling such trailer; provided further that the provisions of this Section as far as mechanical devices on vehicles so constructed that a hand and arm signal would not be visible both to the front and rear of such vehicle as above provided shall only be applicable to new vehicles registered within this State after the first (1st) day of January, 1954.

B. Violation of this Section shall be punishable in accordance with Section 300.001(E), OSCCMo. (Ord. No. 08-030 §3, 3-3-08)

SECTION 304.022: REQUIREMENTS OF DRIVERS APPROACHING STATIONARY EMERGENCY VEHICLES -- VIOLATION, PENALTY

A. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, the driver of every motor vehicle shall:

1. Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a roadway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or

2. Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

B. Violation of this Section is a misdemeanor punishable in accordance with Section 300.001(E), OSCCMo. (Ord. No. 08-092 §2, 8-1-08)

SECTION 304.050: SCHOOL BUSES, DRIVERS TO STOP FOR, WHEN

A. The driver of a vehicle upon a highway, upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop, shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion or until signaled by its driver to proceed.

B. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway, or which is proceeding in the opposite direction on a highway containing four (4) or more lanes of traffic, or which is stopped in a loading zone constituting part of, or adjacent to, a limited or controlled access highway at a point where pedestrians are not permitted to cross the roadway.

C. If any vehicle is witnessed by a St. Charles County Sheriff's Deputy or the driver of a school bus to have violated the provisions of this Section and the identity of the operator is not otherwise apparent, it shall be a rebuttable presumption that the person in whose name such vehicle is registered committed the violation. In the event that charges are filed against multiple owners of a motor vehicle, only one of the owners may be convicted and court costs may be assessed against only one of the owners. If the vehicle
which is involved in the violation is registered in the name of a rental or leasing company and the vehicle is rented or leased to
another person at the time of the violation, the rental or leasing company may rebut the presumption by providing the Sheriff's
Deputy or County Counselor's office with a copy of the rental or lease agreement in effect at the time of the violation. The County
Counselor's office may not bring any legal proceedings against a rental or leasing company under this Section unless prior written
notice of the violation has been given to that rental or leasing company by registered mail at the address appearing on the
registration and the rental or leasing company has failed to provide the rental or lease agreement copy within fifteen (15) days of
receipt of such notice.

D. Violation of this Section is a misdemeanor punishable in accordance with Section 300.001(E), OSCCMo.  (Ord. No. 08-092 §2, 8-1-08)

SECTION 304.079: USE OF DESIGNATED DISABLED PARKING SPACES, WHEN

A. Designated disabled parking spaces may only be used when a disabled person, who has been issued disabled license plates or
windshield hanging placards pursuant to the provisions of Section 301.142, RSMo., or by those States with which the Missouri
Director of Revenue has entered into reciprocity agreements as provided in Section 301.142, RSMo., is then, or immediately
preceding being parked, was an occupant of the motor vehicle bearing the disabled license plate or windshield hanging placard or
in cases where the motor vehicle bearing the disabled license plate or windshield hanging placard is then being used to deliver or
collect one (1) or more of the disabled persons for whom the disabled license plate or windshield hanging placard was issued.

B. The driver, or any occupant, of a motor vehicle bearing disabled license plates or a windshield hanging placard which is parked or
has been observed to have been parking in a duly designated disabled parking space shall, upon request from any St. Charles
County Sheriff's Deputy, produce the disabled registration certificate issued to the disabled person or entity as provided for in
Section 301.142, RSMo., or such other authorization to show that the driver or any occupant of the vehicle is lawfully entitled to
use a designated disabled parking space. The driver or any occupant of the motor vehicle shall, in addition to the certificate,
produce other identification with a photograph of the disabled person for whom the disabled plates or windshield hanging placard
was issued.

C. If the driver, or an occupant, of a motor vehicle which is parked or has been observed to have parked in a designated disabled
parking space is unable to, or cannot, produce the certificate as provided for in Section 301.142, RSMo., or other proper
authorization showing that the vehicle is being used, or has been lawfully parking in a disabled parking space, the operator is
guilty of a misdemeanor punishable in accordance with Section 300.001(E), OSCCMo. However, no person shall be found guilty
of violating this Section if the operator produces such a certificate to the court that was valid at the time of the citation for a person
who was using the vehicle.

D. The windshield hanging placard shall only be used when the vehicle is parked in a disabled parking space. It shall be unlawful
for any person to operate or drive a motor vehicle with a windshield hanging placard hanging from the inside rearview mirror.  (Ord.
No. 08-092 §2, 8-1-08)

SECTION 304.151: OBSTRUCTING TRAFFIC – VIOLATION, PENALTY

A. Except in the case of an accident resulting in the injury or death of any person, the driver of a vehicle which for any reason
obstructs the regular flow of traffic on the roadway of any highway shall make every reasonable effort to move the vehicle or have
it moved so as not to block the regular flow of traffic.

B. Any person who fails to comply with the requirements of this Section is guilty of an infraction and, upon conviction thereof, shall
be punished by a fine of not less than ten dollars ($10.00) nor more than fifty dollars ($50.00).  (Ord. No. 08-092 §2, 8-1-08)

SECTION 304.341: U-TURNS AT INTERSECTIONS PROHIBITED -- WHEN, PENALTY

A. It shall be unlawful for the driver of any vehicle to turn such vehicle so as to proceed in the opposite direction at any intersection
controlled by traffic signal or Police Officer.

B. Violation of this Section is a misdemeanor punishable in accordance with Section 300.001(E), OSCCMo.  (Ord. No. 08-092 §2, 8-1-08)

SECTION 304.351: RIGHT-OF-WAY AT INTERSECTION

A. The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection
from a different highway, provided however, there is no form of traffic control at such intersection.

B. When two (2) vehicles enter an intersection from different highways at approximately the same time, the driver of the vehicle on
the left shall yield the right-of-way to the driver of the vehicle on the right. This Subsection shall not apply to vehicles
approaching each other from opposite directions when the driver of one (1) of such vehicles is attempting to or is making a left
turn.

C. The driver of a vehicle within an intersection and intending to turn to the left shall yield the right-of-way to any vehicle
approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

D. The driver of a vehicle intending to make a left turn into an alley, building or any private road or driveway shall yield
the right-of-way to any vehicle approaching from the opposite direction when the making of such left turn would create a traffic
hazard.  (Ord. No. 08-092 §2, 8-1-08)
CHAPTER 305: REQUIREMENTS FOR MOTORIZED SCOOTERS

SECTION 305.010: PURPOSE
The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health and general welfare of persons in the County of St. Charles in their use of motorized scooters. (Ord. No. 02-154 §1, 10-16-02)

SECTION 305.020: DEFINITIONS
For purposes of this Chapter, the following term shall be defined as follows:

MOTORIZED SCOOTER: Any two-wheeled device that has handlebars, is designed to be stood upon by the operator, and is powered by a motor that is capable of propelling the device with or without human propulsion at a speed of not more than twenty-five (25) miles per hour. (Ord. No. 02-154 §2, 10-16-02)

SECTION 305.030: EQUIPMENT REQUIRED
Every motorized scooter operated upon any street or alley during darkness shall be equipped with the following:

1. A lamp emitting a white light which while the motorized scooter is in motion illuminates the street or alley in front of the operator and is visible from a distance of three hundred (300) feet in front and from the sides of the motorized scooter.
2. A red reflector on the rear that is visible from a distance of five hundred (500) feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle.
3. A white or yellow reflector on each side visible from the front and rear of the motorized scooter from a distance of two hundred (200) feet. (Ord. No. 02-154 §3, 10-16-02)

SECTION 305.040: EXEMPTIONS FROM CODE PROVISIONS
A person operating a motorized scooter is not subject to the provisions of this Code relating to vehicle registration and license plate requirements, and for those purposes a motorized scooter is not a motor vehicle. (Ord. No. 02-154 §4, 10-16-02)

SECTION 305.050: OPERATIONS--MOTOR CAPABLE OF DISSERGAGEMENT
A. A motorized scooter shall comply with one (1) of the following:
   1. Operate in a manner so that the motor is disengaged or ceases to function when brakes are applied; or
   2. Operate in a manner so that the motor is engaged through a switch or mechanism that when released will cause the motor to disengage or cease to function.
B. It is unlawful for a person to operate a motorized scooter that does not meet one (1) of the requirements of Subsection (A). (Ord. No. 02-154 §5, 10-16-02)

SECTION 305.060: OPERATION -- RIGHT-HAND CURB
Any person operating a motorized scooter upon a street or alley shall ride as close as practicable to the right-hand curb or right edge of the pavement except under the following situations:

1. When preparing for a left turn, the operator shall stop and dismount as close as practicable to the right-hand curb or right edge of the pavement and complete the turn by crossing the street on foot; and
2. When reasonably necessary to avoid conditions, including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards or substandard width lanes, which make it unsafe to continue along the right-hand curb or right edge of the pavement. (Ord. No. 02-154 §6, 10-16-02)

SECTION 305.070: OPERATOR RESTRICTIONS
The operator of a motorized scooter shall not do any of the following:

1. Operate a motorized scooter unless it is equipped with a brake that will enable the operator to make a braked-wheel skid on dry, level, clean pavement;
2. Operate a motorized scooter on a roadway with a speed limit in excess of twenty-five (25) miles per hour unless it is operated in a designated bike lane;
3. Operate a motorized scooter on a sidewalk;
4. Operate a motorized scooter without wearing properly fitted and fastened helmet or other headgear that meets the standards of the Missouri Director of Revenue as provided for in Section 302.020.2, RSMo.;

5. Operate a motorized scooter with any passengers in addition to the operator;

6. Operate a motorized scooter carrying any package, bundle or article that prevents the operator from keeping at least one (1) hand upon the handlebars;

7. Operate a motorized scooter with the handlebars raised so that the operator must elevate his or her hands above the level of his or her shoulders in order to grasp the normal steering grip area;

8. Leave a motorized scooter lying on its side on any sidewalk or park a motorized scooter on a sidewalk in any other position so that there is not an adequate path for pedestrian traffic;

9. Attach the motorized scooter or himself or herself while on the street or alley, by any means, to any other vehicle on the street or alley;

10. Operate a motorized scooter at a speed in excess of fifteen (15) miles per hour. (Ord. No. 02-154 §7, 10-16-02)

SECTION 305.080: PENALTY FOR VIOLATION

Violation is a Moving Violation.

1. Any adult person violating any provision of this Chapter is guilty of a moving violation. Any adult person violating a provision of this Chapter shall be convicted of a moving violation and fined fifty dollars ($50.00) per incident.

2. For persons under the age of sixteen (16) years, a summons shall be served upon the parent, guardian or adult person having custody or control of said minor, setting forth the manner in which said minor violated this Chapter and the liabilities for said parent, guardian or adult person upon subsequent violations of this Chapter by the minor.
   a. Any parent, guardian or other adult person having the care and custody of a minor who violates this Section, after having been previously warned of said violation as set out above, shall be fined twenty-five dollars ($25.00) per incident engaged in by the minor.
   b. Any parent, guardian or other adult person having the care and custody of a minor who violates this Section after having been previously charged and found guilty of violating this Section shall be fined fifty dollars ($50.00) per incident engaged in by the minor. A separate offense shall be deemed committed on each day a violation occurs or continues. (Ord. No. 02-154 §8, 10-16-02)

SECTION 305.090: ENFORCEMENT

A. Criminal Prosecution. Violations of this Chapter may be cited by issuance of a summons which shall be payable by return mail to the County Department of Finance. Any summons not so paid shall be the responsibility of the St. Charles County Prosecuting Attorney for criminal prosecution.

B. Civil Remedies. The office of the St. Charles County Counselor shall be responsible for pursuing any and all available civil remedies to ensure compliance with or enforce the provisions of this Chapter. (Ord. No. 02-154 §9, 10-16-02)

CHAPTER 307: VEHICLE EQUIPMENT AND ADDITIONAL TRAFFIC REGULATIONS

SECTION 307.010: LOADS WHICH MIGHT BECOME DISLODGED TO BE SECURED -- FAILURE, PENALTY

A. All motor vehicles and every trailer and semitrailer operating upon the public highways of St. Charles County and carrying goods or material or farm products which may reasonably be expected to become dislodged and fall from the vehicle, trailer or semitrailer as a result of wind pressure or air pressure and/or by the movement of the vehicle, trailer or semitrailer shall have a protective cover or be sufficiently secured so that no portion of such goods or material can become dislodged and fall from the vehicle, trailer or semitrailer while being transported or carried.

B. Operation of a vehicle, trailer or semitrailer in violation of this Section is a misdemeanor punishable in accordance with Section 300.001(E), OSCCMo. (Ord. No. 08-092 §3, 8-1-08)

SECTION 307.020: DEFINITIONS

As used in Sections 307.040 to 307.090, OSCCMo., unless the context requires another or different construction:

APPROVED: Approved by the Missouri Director of Revenue and when applied to lamps and other illuminating devices means that such lamps and devices must be in good working order.

HEADLAMP: A major lighting device capable of providing general illumination ahead of a vehicle.

MULTIPLE-BEAM HEADLAMPS: Headlamps or similar devices arranged so as to permit the driver of the vehicle to use one (1) of two (2) or more distributions of light on the road.
REFLECTOR: An approved device designed and used to give an indication by reflected light.

VEHICLE: Every device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

WHEN LIGHTED LAMPS ARE REQUIRED: At any time from a half-hour after sunset to a half-hour before sunrise and at any other time when there is not sufficient light to render clearly discernable persons and vehicles on the highway at a distance of five hundred (500) feet ahead. Lighted lamps shall also be required any time the weather conditions require usage of the motor vehicle's windshield wipers to operate the vehicle in a careful and prudent manner as defined in Section 304.012, OSCCMo. The provisions of this Section shall be interpreted to require lighted lamps during periods of fog even if usage of the windshield wipers is not necessary to operate the vehicle in a careful and prudent manner. (Ord. No. 08-092 §3, 8-1-08)

SECTION 307.040: LIGHTS REQUIRED, WHEN -- VIOLATION, PENALTY

A. No person shall drive, move, park or be in custody of any vehicle or combination of vehicles on any street or highway during the times when lighted lamps are required unless such vehicle or combination of vehicles displays lighted lamps and illuminating devices as hereinafter in this Chapter required. No person shall use on any vehicle any approved electric lamp or similar device unless the light source of such lamp or device complies with the conditions of approval as to focus and rated candlepower.

B. Violation of this Section is a misdemeanor punishable in accordance with Section 300.001(E), OSCCMo., except violations for failure to use lighted lamps when required due to weather conditions or fog, which shall only be fined ten dollars ($10.00) with no court costs assessed. (Ord. No. 08-092 §3, 8-1-08)

SECTION 307.045: HEADLAMP ON MOTOR VEHICLES -- VIOLATION, PENALTY

A. Except as provided in this Chapter or in Chapter 307, RSMo., every motor vehicle other than a motor-drawn vehicle and other than a motorcycle shall be equipped with at least two (2) approved headlamps mounted at the same level with at least one (1) on each side of the front of the vehicle. Every motorcycle shall be equipped with at least one (1) and not more than two (2) approved headlamps. Every motorcycle equipped with a sidecar or other attachment shall be equipped with a lamp on the outside limit of such attachment capable of displaying a white light to the front.

B. Violation of this Section is a misdemeanor punishable in accordance with Section 300.001(E), OSCCMo. (Ord. No. 08-092 §3, 8-1-08)

SECTION 307.070: DIMMING OF LIGHTS, WHEN -- VIOLATION, PENALTY

A. Every person driving a motor vehicle equipped with multiple-beam road lighting equipment, during the times when lighted lamps are required, shall use a distribution of light or composite beam directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations: Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred (500) feet or is within three hundred (300*) feet to the rear of another vehicle traveling in the same direction, the driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the other driver, and in no case shall the high-intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five (25) feet ahead, and in no case higher than a level of forty-two (42) inches above the level upon which the vehicle stands at a distance of seventy-five (75) feet ahead.

B. Violation of this Section is a misdemeanor punishable in accordance with Section 300.001(E), OSCCMo. (Ord. No. 08-092 §3, 8-1-08)

C. *Editor's Note--Ord. no. 08-092 originally set this out as "three hundred (500)", after review by the county this was changed to read "three hundred (300)".

SECTION 307.075: TAILLAMPS, REFLECTORS

A. Every motor vehicle and every motor-drawn vehicle shall be equipped with at least two (2) rear lamps, not less than fifteen (15) inches or more than seventy-two (72) inches above the ground upon which the vehicle stands, which when lighted will exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear. Either such rear lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration marker and render it clearly legible from a distance of fifty (50) feet to the rear. When the rear registration marker is illuminated by an electric lamp other than the required rear lamps, all such lamps shall be turned on or off only by the same control switch at all times.

B. Every motorcycle registered in the State of Missouri, when operated on a highway, shall also carry at the rear, either as part of the rear lamp or separately, at least one (1) approved red reflector, which shall be of such size and characteristics and so maintained as to be visible during the times when lighted lamps are required from all distances within three hundred (300) feet to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps.

C. Every motor vehicle or motor-drawn vehicle, when operated upon a highway, shall also carry at the rear at least two (2) approved red reflectors, at least one (1) at each side, so designed, mounted on the vehicle and maintained as to be visible during the times when lighted lamps are required from all distances within five hundred (500) to fifty (50) feet from such vehicle when directly in front of a motor vehicle displaying lawful undimmed headlamps. Every such reflector shall meet the requirements of Chapter 307, RSMo., and shall be mounted upon the vehicle at a height not to exceed sixty (60) inches nor less than fifteen (15) inches

361
St. Charles County -- QuickCode

above the surface upon which the vehicle stands.

D. Any person who knowingly operates a motor vehicle without the lamps required in this Section in operable condition is guilty of an infraction. (Ord. No. 08-092 §3, 8-1-08)

SECTION 307.090: SPOTLAMPS -- VIOLATION, PENALTY
A. Any motor vehicle may be equipped with not to exceed one (1) spotlamp, but every spotlamp shall be so aimed and used so as not to be dazzling or glaring to any person.
B. Violation of this Section is a misdemeanor punishable in accordance with Section 300.001(E), OSCCMo. (Ord. No. 08-092 §3, 8-1-08)

SECTION 307.170: OTHER EQUIPMENT OF MOTOR VEHICLES
A. Signaling Devices. Every motor vehicle shall be equipped with a horn, directed forward, or whistle in good working order capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to other users of the highway and to pedestrians. Such signaling device shall be used for warning purposes only and shall not be used for making any unnecessary noise and no other sound-producing signaling device shall be used at any time.
B. Muffler Cutouts. Muffler cutouts shall not be used and no vehicle shall be driven in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device, or other parts, or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger vehicles. Any cutout or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating lever and shall be so arranged that it cannot automatically open or be opened or operated while such vehicle is in motion.
C. Brakes. All motor vehicles, except motorcycles, shall be provided at all times with two (2) sets of adequate brakes kept in good working order, and motorcycles shall be provided with one (1) set of adequate brakes kept in good working order.
D. Mirrors. All motor vehicles which are so constructed or loaded that the operator cannot see the road behind such vehicle by looking back or around the side of such vehicle shall be equipped with a mirror so adjusted as to reveal the road behind and be visible from the operator's seat.
E. Projections On Vehicles. All vehicles carrying poles or other objects, which project more than five (5) feet from the rear of such vehicle, shall, during the period when lights are required by this Chapter, carry a red light at or near the end of the pole or other object so projecting. At other times a red flag or cloth, not less than six (6) inches square, shall be displayed at the end of such projection.
F. Towlines. When one vehicle is towing another, the connecting device shall not exceed fifteen (15) feet. During the time that lights are required by Sections 307.020 to 307.090, OSCCMo., the required lights shall be displayed by both vehicles. Every towed vehicle shall be coupled to the towing vehicle by means of a safety chain, cable or equivalent device in addition to the primary coupling device, except that such secondary coupling device shall not be necessary if the connecting device is connected to the towing vehicle by a center-locking ball located over or nearly over the rear axle and not supported by the rear bumper of the towing vehicle. Such secondary safety connecting devices shall be of sufficient strength to control the towed vehicle in the event of failure of the primary coupling device. The provisions of this Subsection shall not apply to wreckers towing vehicles or to vehicles secured to the towing vehicle by a fifth-wheel type connection.
G. The provisions of Subsection (F) of this Section shall not apply to farm implements or to any vehicle which is not required to be registered.
H. Devices attached to or towed by motor vehicles for the purposes of transporting hay shall have the protruding parts raised or retracted when not in use to a position which will not cause injury or damage to persons or property in the vicinity of such device when on the highways of this County.
I. Violation of this Section is a misdemeanor punishable in accordance with Section 300.001(E), OSCCMo. (Ord. No. 08-092 §3, 8-1-08)

SECTION 307.173: VISION-REDUCING MATERIAL APPLIED TO WINDSHIELD OR WINDOWS WITHOUT PERMIT PROHIBITED -- RULES, APPROVAL, EFFECTIVE DATE -- EXEMPTION
A. Any person may operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun-screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five percent (35%) or more plus or minus three percent (3%). Except as provided in Subsection (D) of this Section, any sun-screening device applied to front sidewing vents or windows located immediately to the left and right of the driver in excess of the requirements of this Section shall be prohibited without a permit pursuant to a physician's prescription as described below. A permit to operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun-screening device, in conjunction with safety glazing material, which permits less light transmission and luminous reflectance than allowed under the requirements of this Subsection may be issued by the State Department of Public Safety to a person having a serious medical condition which requires the use of a sun-screening device if the permittee's physician prescribes its use. The permit shall allow operation of the vehicle by any titleholder or relative within the second degree by consanguinity or affinity, which shall mean a spouse, each grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child and grandchild of a
person who resides in the household. Except as provided in Subsection (B) of this Section, all sun-screening devices applied to the windshield of a motor vehicle are prohibited.

B. This Section shall not prohibit labels, stickers, decalcomania or informational signs on motor vehicles or the application of tinted or solar-screening material to recreational vehicles as defined in Section 700.010, RSMo., provided that such material does not interfere with the driver's normal view of the road. This Section shall not prohibit factory-installed tinted glass, the equivalent replacement thereof or tinting material applied to the upper portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.

C. Any person who violates the provisions of this Section shall be punishable in accordance with Section 300.001(E), OSCCMo.

D. Any vehicle licensed with a historical license plate shall be exempt from the requirements of this Section. (Ord. No. 08-030 §4, 3-3-08)

SECTION 307.175: SIRENS AND FLASHING LIGHTS, EMERGENCY USE, PERSONS AUTHORIZED -- VIOLATION, PENALTY

A. No person shall use or display a siren or blue lights on a motor vehicle, fire, ambulance or rescue equipment without a valid permit authorizing the use as provided in Section 307.175, RSMo., and such siren and blue lights shall only be used in bona fide emergencies.

B. Violation of this Section is a misdemeanor punishable in accordance with Section 300.001(E), OSCCMo. (Ord. No. 08-092 §3, 8-1-08)

SECTION 307.178: SEAT BELT REGULATIONS

A. As used in this Section of the Chapter, the term "passenger car" means every motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons; except that, the term "passenger car" shall not include motorcycles, motor tricycles, and trucks with a licensed gross weight of twelve thousand (12,000) pounds or more.

B. Each driver and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in the unincorporated area of St. Charles County, and persons less than eighteen (18) years of age operating or riding in a truck, as defined in Section 301.010, RSMo., on a street or highway of this County shall wear a properly adjusted and fastened safety belt that meets Federal National Highway, Transportation and Safety Act requirements. No person shall be stopped, inspected, or detained solely to determine compliance with this Subsection. The provisions of this Section and Section 307.179 shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about their body, nor shall the provisions of this Section be applicable to persons while operating or riding a motor vehicle being used in agricultural work-related activities, nor shall the provisions of this Section be applicable to persons employed by the United States Postal Service while performing duties for that Federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles. Non-compliance with this Subsection shall not constitute probable cause for violation of any other provision of law. The provisions of this Subsection shall not apply to the transporting of children under sixteen (16) years of age, as provided in Section 307.179, set forth below.

C. Each driver of a motor vehicle transporting a child less than sixteen (16) years of age shall secure the child in a properly adjusted and fastened restraint under Section 307.179 below.

D. Except as otherwise provided for in Section 307.179 below, each person who violates the provisions of Subsection (B) of this Section is guilty of an infraction for which a fine not to exceed ten dollars ($10.00) may be imposed. All other provisions of law and court rules to the contrary notwithstanding, no court costs shall be imposed on any person due to a violation of this Section. In no case shall points be assessed against any person for a violation of this Section. (Ord. No. 07-153 §1, 10-30-07)

STATE LAW REFERENCE--For similar provisions, §307.178, RSMo.

SECTION 307.179: CHILD RESTRAINT REGULATIONS

A. As used in this Section, the following terms shall mean:

CHILD BOOSTER SEAT: A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, that is designed to elevate a child to properly sit in a federally approved safety belt system;

CHILD PASSENGER RESTRAINT SYSTEM: A seating system which meets the Federal Motor Vehicle Safety Standards set forth in 49 C.F.R. 571.213, as amended, and which is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system;

DRIVER: A person who is in actual physical control of a motor vehicle.

B. Every driver transporting a child under the age of sixteen (16) years shall be responsible, when transporting such child in a motor vehicle operated by that driver on the streets or highways of this County, for providing for the protection of such child as follows:

1. Children less than four (4) years of age, regardless of weight, shall be secured in a child passenger restraint system appropriate for that child;

2. Children weighing less than forty (40) pounds, regardless of age, shall be secured in a child passenger restraint system appropriate for that child;
3. Children at least four (4) years of age but less than eight (8) years of age, who also weigh at least forty (40) pounds but less than eighty (80) pounds, and who are also less than four (4) feet, nine (9) inches tall, shall be secured in a child passenger restraint system or booster seat appropriate for that child;

4. Children at least eighty (80) pounds or children more than four (4) feet, nine (9) inches in height shall be secured by a vehicle safety belt or booster seat appropriate for that child.

5. A child who otherwise would be required to be secured in a booster seat may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation.

6. When transporting children in the immediate family when there are more children than there are seating positions in the enclosed area of a motor vehicle, the children who are not able to be restrained by a child safety restraint device appropriate for the child shall sit in the area behind the front seat of the motor vehicle unless the motor vehicle is designed only for a front seat area. The driver transporting children referred to in this subsection is not in violation of this Section.

This Subsection shall only apply to the use of a child passenger restraint system or vehicle safety belt for children less than sixteen (16) years of age being transported in a motor vehicle.

C. Any driver who violates Subdivision (1), (2) or (3) of Subsection (B) of this Section is guilty of an infraction and, upon conviction, may be punished by a fine of not more than fifty dollars ($50.00) and court costs. Any driver who violates Subdivision (4) of Subsection (B) of this Section shall be subject to the penalty in Subsection (D) of Section 307.178. If a driver receives a citation for violating Subdivisions (1), (2) or (3) of Subsection (B) of this Section, the charges shall be dismissed or withdrawn if the driver prior to or at his or her hearing provides evidence of acquisition of a child passenger restraint system or child booster seat which is satisfactory to the court or the party responsible for prosecuting the driver's citation.

D. The provisions of this Section shall not apply to any public carrier for hire. The provisions of this Section shall not apply to students four (4) years of age or older who are passengers on a school bus designed for carrying eleven (11) passengers or more and which is manufactured or equipped pursuant to Missouri Minimum Standards for School Buses as school buses are defined in Section 301.010, RSMo. (Ord. No. 07-153 §2, 10-30-07; Ord. No. 08-030 §5, 3-3-08)

State Law Reference--For similar provisions, §307.179, RSMo.

SECTION 307.180: LEAVING THE SCENE OF AN ACCIDENT

A. No person operating or driving a vehicle on any highway, street or alley or parts thereof, knowing that an injury has been caused to a person, or damage has been caused to property or that an accident has occurred due to culpability of such operator or driver, shall leave the place of such injury, damage or accident without stopping and giving his name, residence, including City and street number, motor vehicle number and chauffeur's or registered operator's number, if any, to the injured party or to a Police Officer, or, if no Police Officer is in the vicinity, then to the nearest Police station or Judicial Officer.

B. Any driver who violates this Section is guilty of a misdemeanor and, upon conviction, may be punished by a fine of not more than five hundred dollars ($500.00) and/or one hundred eighty (180) days in jail and court costs. (Ord. No. 07-153 §3, 10-30-07)

SECTION 307.181: FUNERAL PROCESSIONS

A. Any person who is not an operator of a vehicle in an organized funeral procession shall not:

1. Drive between the vehicles comprising an organized funeral procession while such vehicles are in motion and have the flashing emergency lights lighted pursuant to law, except when required to do so by a Law Enforcement Officer or when such person is operating an emergency vehicle giving an audible or visual signal;

2. Join a funeral procession for the purpose of securing the right-of-way granted by law;

3. Attempt to pass any vehicle in an organized funeral procession, except where a passing lane has been specifically provided.

B. When an organized funeral procession is proceeding through a red signal light as permitted by law, a vehicle not in the organized funeral procession shall not enter the intersection unless such vehicle may do so without crossing the path of the funeral procession.

C. Any person violating the provisions of this Section is guilty of an infraction which shall be punishable by a fine not to exceed one hundred dollars ($100.00). (Ord. No. 07-153 §4, 10-30-07)

SECTION 307.350: FAILURE TO DISPLAY CERTIFICATE OF VEHICLE INSPECTION OR APPROVAL, PENALTY

A. The owner of every motor vehicle or trailer operated within St. Charles County shall display thereon the certificate of inspection and approval as required by Section 307.350, RSMo.

B. Violation of this Section is a misdemeanor punishable in accordance with Section 300.001(E), OSCCMo. (Ord. No. 08-092 §3, 8-1-08)
SECTION 309.010: DRIVING OR PARKING OF VEHICLES ON COUNTY HIGHWAYS UNDER CONSTRUCTION OR REPAIR OR IN THE PROCESS OF BEING STRIPED OR PAINTED PROHIBITED, WHEN

A. No person shall drive or park a vehicle on County highways, streets, roads, sidewalks or bridges (hereinafter "highways") under construction or repair or in the process of being striped or painted, when:
   1. Those highways are marked by flags, traffic cones or barricades placed by the St. Charles County Highway Department or its agents or employees; or
   2. Such person shall have received notice, as an owner of abutting property, of the dates and times during which such person may not use driveways or drive on freshly poured slabs.

B. No person shall remove flags, traffic cones or barricades placed by the St. Charles County Highway Department on County highways under construction or repair or in the process of being striped or painted.

C. Any person violating any regulation adopted under this Section shall be adjudged guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars ($1,000.00), or by imprisonment in the County Jail for a term not to exceed one (1) year, or by both fine and imprisonment.

D. The County Engineer or his designee shall have the power to issue initial warnings and citations for violations of this Section.

E. Enforcement of this Section shall be the responsibility of the Sheriff's Department and of the Highway Department. Prosecution of this Section shall be the responsibility of the County Counselor's office which, in addition to actions for fines may proceed at law or in equity to enjoin violations of this Section or to recover damages due to violations of this Section. (Ord. No. 99-61 §§1--5, 5-26-99; Ord. No. 00-137 §1, 11-29-00)

CHAPTER 310: PROCEDURES FOR TRAFFIC REGULATIONS

SECTION 310.010: PROCEDURES FOR TRAFFIC REGULATIONS AND ESTABLISHING EMERGENCY ROAD REGULATION POWERS

A. Except as set forth in Subsection (C) of this Section relating to initial traffic regulations in newly constructed areas, prior to the adoption of traffic regulations, including, but not limited to, stop signs, speed limits and electronic signals, the County Council shall hold at least two (2) public hearings thereon, fifteen (15) days' notice of the time and place of which shall be published in at least two (2) newspapers having a general circulation within the County and notice of such hearing shall also be posted at least fifteen (15) days in advance thereof in four (4) conspicuous places in the County.

B. The County Engineer shall have the authority, subject to approval by the County Executive, to authorize stop signs, speed limits and other traffic signals for a period not to exceed one hundred twenty (120) days on established roadways of the County.

C. The County Engineer shall have the authority, subject to approval by the County Executive, to authorize stop signs, speed limits and other traffic signals on newly constructed roadways as deemed appropriate prior to opening of the roadway to the public.

D. Changes to these stop signs, speed limits and other traffic signals shall be made by petition to the County Highway Department and in accordance with Subsection (A) of this Section.

E. A violation of any temporary traffic regulation posted subject to the authority granted in Subsection (B) of this Section shall be a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment in the St. Charles County Jail for a term not to exceed one (1) year, or by both fine and imprisonment.

F. Enforcement of traffic regulations issued pursuant to this Section shall be the responsibility of the County Counselor. (Ord. No. 03-183 §§1--4, 11-26-03; Ord. No. 05-013 §1, 2-1-05; Ord. No. 07-017 §1, 1-30-07)

SECTION 310.020: PENALTIES FOR VIOLATIONS OF DULY ADOPTED TRAFFIC REGULATIONS

A. All permanent traffic regulations duly adopted by St. Charles County either pursuant to Section 310.010(A) of this Title or pursuant to other legal authority are set out in the traffic schedules within this Title.

B. A violation of any permanent traffic regulation in this Title's traffic schedules, or of any permanent traffic regulation not included in those schedules but applicable to a public road in the unincorporated part of St. Charles County and duly adopted and posted by the State of Missouri, is a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment in the St. Charles County Jail for a term not to exceed one (1) year, or by both fine and imprisonment. A separate offense shall be deemed committed on each day a violation occurs or continues.

C. Enforcement of all permanent traffic regulations under this Title's traffic schedules shall be the responsibility of the County Counselor. (Ord. No. 05-004 §1, 2-1-05; Ord. No. 07-017 §1, 1-30-07)

SECTION 310.030: DRIVING UNDER THE INFLUENCE -- ENFORCEMENT
A. No person shall operate a motor vehicle while:
   1. Under the influence of alcohol; or
   2. Under the influence of any controlled substance as defined by Chapter 195, RSMo., as amended; or
   3. Under the influence of model glue or any substance containing toluene; or
   4. Under the influence of any combination of alcohol and controlled substances to such extent as to impair the person of full possession of normal faculties.

B. A violation of this Section is a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment in the St. Charles County Jail for a term not to exceed one (1) year, or by both fine and imprisonment. A separate offense shall be deemed committed on each day a violation occurs or continues. Enforcement of this Section shall be the responsibility of the County Counselor. (Ord. No. 07-017 §1, 1-30-07)

SECTION 310.040: DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT -- ENFORCEMENT

A. No person shall operate a motor vehicle upon the highways and roadways of St. Charles County with a blood alcohol content of eight one-hundredths of one percent (0.08%) or more by weight of alcohol in his or her blood.

B. No person shall operate a commercial vehicle while having an alcohol concentration in his or her blood, breath, urine or saliva of four one-hundreds of one percent (0.04%) or more.

C. As used in this Section, the term "commercial motor vehicle" shall mean any motor vehicle designed or used to transport passengers or property if:
   1. The vehicle has a gross combination weight rating of twenty-six thousand one (26,001) or more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand (10,000) pounds; or
   2. The vehicle has a gross vehicle weight rating of twenty-six thousand one (26,001) or more pounds; or
   3. The vehicle is designed to transport more than fifteen (15) passengers, including the driver; or
   4. The vehicle is transporting hazardous materials as defined in Section 302.700, RSMo.

D. As used in this Section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this Section, the test shall be conducted in accordance with provisions of Sections 577.020 to 577.041, RSMo.

E. A violation of this Section is a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment in the St. Charles County Jail for a term not to exceed one (1) year, or by both fine and imprisonment. A separate offense shall be deemed committed on each day a violation occurs or continues. Enforcement of this Section shall be the responsibility of the County Counselor. (Ord. No. 07-017 §1, 1-30-07)

SECTION 310.042: SUSPENDED IMPOSITION OF SENTENCE

No person convicted of or pleading guilty to the offense of driving with excessive blood alcohol content pursuant to Section 310.040, OSCCMo., shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two (2) years. (Ord. No. 07-153 §6, 10-30-07)

State Law Reference--For similar provisions, §577.010, RSMo.

SECTION 310.050: ENDANGERING THE WELFARE OF A CHILD IN THE SECOND DEGREE

A. A person commits the crime of endangering the welfare of a child in the second degree if he or she operates a vehicle in violation of Section 310.030, OSCCMo., or Section 310.040, OSCCMo., while a child less than seventeen (17) years old is present in the vehicle.

B. Violation of this Section is a misdemeanor punishable in accordance with Section 375.1000, OSCCMo. (Ord. No. 08-092 §4, 8-1-08)

Editor's Note--Per the County's request of June 15, 2007, section 310.050 "careless and imprudent driving" has been moved to a new chapter 304: traffic regulations and renumbered as section 304.012 "careless and prudent driving". Subsequently, ord. no. 08-092 §4 has been placed herein.

SECTION 310.060: CONSUMPTION OF ALCOHOLIC BEVERAGES IN MOVING MOTOR VEHICLE

A. No person shall consume any alcoholic beverage while operating a moving motor vehicle upon any highway, street or alley.

B. Any person found guilty of violating the provisions of this Section is guilty of an infraction. (Ord. No. 08-092 §4, 8-1-08)

Editor's Note--Per the County's request of June 15, 2007, section 310.060 "drivers to maintain financial responsibility" has been moved to a new chapter 303: motor vehicle financial responsibility law and renumbered as section...
SECTION 310.070: ALL-TERRAIN VEHICLES PROHIBITED ON HIGHWAYS, RIVERS OR STREAMS OF THE COUNTY

A. No person shall operate an all-terrain vehicle, as defined in Section 301.010, RSMo., upon the highways of this County, except as follows:

1. All-terrain vehicles owned and operated by a governmental entity for official use;
2. All-terrain vehicles operated for agricultural purposes or industrial on-premises purposes between the official sunrise and sunset on the day of operation;
3. All-terrain vehicles operated by handicapped persons for short distances occasionally only on the County's secondary roads when operated between the hours of sunrise and sunset;
4. The County may issue special permits to licensed drivers for special uses of all-terrain vehicles on County roads within the County. Fees of fifteen dollars ($15.00) may be collected and retained by the County for such permits. Such permits shall not be available for purchase unless and until the County Executive assigns the function of issuing such permit to a department of the County.

B. No person shall operate an off-road vehicle within any stream or river in this State, except that off-road vehicles may be operated within waterways which flow within the boundaries of land which an off-road vehicle operator owns, or for agricultural purposes within the boundaries of land which an off-road vehicle operator owns or has permission to be upon, or for the purpose of fording such stream or river of this State at such road crossings as are customary or part of the highway system.

C. A person operating an all-terrain vehicle on a highway pursuant to an exception covered in this Section shall have a valid operator's or chauffeur's license, except that a handicapped person operating such vehicle pursuant to Subdivision (3) of Subsection (A) of this Section, shall not be required to have passed an examination for the operation of a motorcycle, and the vehicle shall be operated at speeds of less than thirty (30) miles per hour. When operated on a highway, an all-terrain vehicle shall have a bicycle safety flag, which extends not less than seven (7) feet above the ground, attached to the rear of the vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be day-glow in color.

D. No persons shall operate an all-terrain vehicle:

1. In any careless way so as to endanger the person or property of another;
2. While under the influence of alcohol or any controlled substance;
3. Without a securely fastened safety helmet on the head of an individual who operates an all-terrain vehicle or who is being towed or otherwise propelled by an all-terrain vehicle, unless the individual is at least eighteen (18) years of age.

E. No operator of an all-terrain vehicle shall carry a passenger, except for agricultural purposes. The provisions of this Subsection shall not apply to any all-terrain vehicle in which the seat of such vehicle is designed to carry more than one (1) person. (Ord. No. 07-153 §6, 10-30-07)

State Law Reference--For similar provisions, §304.013, RSMo.

SECTION 310.080: RESERVED

Editor's Note--Per the County's request of June 15, 2007, sections 310.070 "driving without operator license" and 310.080 "driving while suspended or revoked" have been moved to a new chapter 302: driver's and commercial drivers' license and renumbered as sections 302.020 "driving without operator's license" and 302.200 "driving while suspended or revoked". Subsequently, ord. no. 07-153 enacted the new provisions set out in section 310.070 above.

SECTION 310.090: RESERVED

Editor's note--Per the County's request of June 15, 2007, section 310.090 "driving vehicle without valid license plates for such vehicle" has been moved to a new chapter 301: registration and licensing of motor and renumbered as section 301.130 "driving vehicle without valid license plates for such vehicle".

SECTION 310.100: RESERVED

Editor's note--Per the County's request of June 15, 2007, section 310.100 "drivers to comply with model traffic ordinance, chapter 300, revised statutes of missouri, as amended" has been moved to a new chapter 306: model traffic ordinance and renumbered as section 300.001 "drivers to comply with model traffic ordinance, chapter 300, revised statutes of missouri, as amended".

CHAPTER 375: OFFENSES CODE
SECTION 375.090: HARASSMENT
A. A person commits the crime of harassment if for the purpose of frightening or disturbing another person, he:
   1. Communicates in writing or by telephone a threat to commit any felony; or
   2. Makes a telephone call or communicates in writing and uses coarse language offensive to one of average sensibility; or
   3. Makes a telephone call anonymously; or
B. Harassment is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §565.090, RSMo.

SECTION 375.095: INTERNET HARASSMENT
A person commits the crime of Internet harassment if, for the purpose of frightening or disturbing another person, he:
1. Knowingly makes or causes to be made an e-mail contact, text communication by cell phone or similar device, web contact or other contact using an Internet, including placement of a communication or message upon an Internet or e-mail site an intended victim is known or likely to visit; or knowingly permits an e-mail, text communication by cell phone or similar device, or web contact to be made from an e-mail account, cell phone or similar device, web site or other Internet system under the person's control to another, if the person does any of the following:
   a. Fails to identify the e-mailer, texter or web site participant to the recipient of the e-mail or web contact and makes the e-mail, text message or web contact with purpose to harass or abuse any person who is the recipient of, or at the premises to which the communication is made, whether or not actual communication takes place between the e-mailer or web site participant and a recipient;
   b. Describes, suggests, requests or proposes that the e-mailer, text messenger, web site participant, the recipient of the e-mail or web contact, or any other person engage in sexual activity, and the recipient or another person at the premises to which the e-mail, text message or web contact is made has requested in a previous e-mail, text message or web contact or in the immediate e-mail, text message or web contact that the caller, text messenger, e-mailer or web participant not make an e-mail, text message or web contact to the recipient or to the premises, e-mail address, text address or web site to which the telecommunication, text message, e-mail or web contact is made;
   c. Uses the e-mail, text message(s), or web site to recklessly disseminate information which directs others to engage in activity intended to cause physical harm or property damage to a third (3rd) party named or otherwise identified in the e-mail, text message or web site contact;
   d. Knowingly states to the recipient of the e-mail, text message or web contact that the e-mailer, text messenger or web participant intends to cause damage to or destroy public or private property, and the recipient, any member of the recipient's family, or any other person who resides at the premises to which the e-mail, text message or web contact is made owns, leases, resides, or works in, will at the time of the destruction or damaging be near or in, has the responsibility of protecting, or insures the property that will be destroyed or damaged;
   e. Knowingly makes the e-mail, text message or web contact to the recipient of the e-mail, text message or web contact, to another person at the premises to which the e-mail, text message or web contact is made, or to those premises, and the recipient or another person at those premises previously has told the e-mailer, text messenger or web participant not to make an e-mail, text message or web contact to those e-mail account(s), text address(es) or web site(s).
2. No person shall make or cause to be made an e-mail, text message or web contact or permit an e-mail, text message or web contact to be made from an e-mail account, text message/cell account or Internet site under the person's control with purpose to abuse, threaten or harass another person.
3. Whoever violates this Section is guilty of the misdemeanor of Internet harassment.
4. As used in this Section:
   "E-mailer", "text messenger" or "web site participant" means the person who makes or causes to be made an e-mail, text message or web site contact, or who permits an e-mail, text message or web site contact to be made from an e-mail device, cell device or computer link to an Internet site while the device is under that person's control.
5. The act of Internet harassment shall be deemed committed at either the site the communication is sent or the site where it is received, but it shall not be deemed committed at both sites.

SECTION 375.100: THIRD DEGREE ASSAULT
A. A person commits the crime of assault in the third degree if:
1. The person attempts to cause or recklessly causes physical injury to another person; or
2. With criminal negligence the person causes physical injury to another person by means of a deadly weapon; or
3. The person purposely places another person in apprehension of immediate physical injury; or
4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or
5. The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative; or
6. The person knowingly causes physical contact with an incapacitated person, as defined in Section 475.010, RSMo., which a reasonable person, who is not incapacitated, would consider offensive or provocative.

B. Except as provided in Subsections (C) and (D) of this Section, assault in the third degree is a misdemeanor.
C. A person who violates the provisions of Subdivision (3) or (5) of Subsection (A) of this Section is guilty of a misdemeanor.
D. A person who has pled guilty to or been found guilty of the crime of assault in the third degree more than two (2) times against any family or household member as defined in Section 455.010, RSMo., is guilty of a Class D felony for the third (3rd) or any subsequent commission of the crime of assault in the third degree when a misdemeanor, and such offense shall be prosecuted in the Circuit Court by the Prosecuting Attorney of this County pursuant to State Statute. The offenses described in this Subsection may be against the same family or household member or against different family or household members. (Ord. No. 07-153 §5, 10-30-07)

SECTION 375.120: ASSAULT OF A LAW ENFORCEMENT OFFICER IN THE THIRD DEGREE
A. A person commits the crime of assault of a Law Enforcement Officer, emergency personnel or Probation and Parole Officer in the third degree if:
   1. Such person recklessly causes physical injury to a Law Enforcement Officer, emergency personnel or Probation and Parole Officer;
   2. Such person purposely places a Law Enforcement Officer, emergency personnel, or Probation and Parole Officer in apprehension of immediate physical injury;
   3. Such person knowingly causes or attempts to cause physical contact with a Law Enforcement Officer, emergency personnel or Probation and Parole Officer without the consent of the Law Enforcement Officer or emergency personnel.
B. As used in this Section, "emergency personnel" means any paid or volunteer firefighter, emergency room or trauma center personnel or emergency medical technician as defined in Subdivisions (15), (16) and (17) of Section 190.100, RSMo.
C. Assault of a Law Enforcement Officer, emergency personnel, or Probation and Parole Officer in the third degree is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §565.083, RSMo.

SECTION 375.160: ANIMAL NEGLECT OR ABANDONMENT
A. A person is guilty of animal neglect when he has custody or ownership or both of an animal and fails to provide adequate care or adequate control, which results in substantial harm to the animal.
B. A person is guilty of abandonment when he has knowingly abandoned an animal in any place without making provisions for its adequate care.
C. Animal neglect and abandonment is a misdemeanor upon first (1st) conviction and for each offense, punishable by imprisonment or a fine not to exceed five hundred dollars ($500.00), or both, and a misdemeanor punishable by imprisonment or a fine not to exceed one thousand dollars ($1,000.00), or both upon the second (2nd) and all subsequent convictions. All fines and penalties for a first (1st) conviction of animal neglect or abandonment may be waived by the court provided that the person found guilty of animal neglect or abandonment shows that adequate, permanent remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care and maintenance of neglected or abandoned animals may not be waived.
D. In addition to any other penalty imposed by this Section, the court may order a person found guilty of animal neglect or abandonment to pay all reasonable costs and expenses necessary for:
   1. The care and maintenance of neglected or abandoned animals within the person's custody or ownership;
   2. The disposal of any dead or diseased animals within the person's custody or ownership;
   3. The reduction of resulting organic debris affecting the immediate area of the neglect or abandonment; and
   4. The avoidance or minimization of any public health risks created by the neglect or abandonment of the animals. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §578.009, RSMo.

SECTION 375.165: ANIMAL ABUSE
A. A person is guilty of animal abuse when a person:

1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of Sections 578.005 to 578.023 and 273.030, RSMo.;
2. Purposely or intentionally causes injury or suffering to an animal; or
3. Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control.

B. Animal abuse is a misdemeanor, unless the defendant has previously plead guilty to or has been found guilty of animal abuse or the suffering involved in Subdivision (2) of Subsection (A) of this Section is the result of torture or mutilation, or both, consciously inflicted while the animal was alive, in which case it is a Class D felony and such felony offense shall be prosecuted in the Circuit Court by the Prosecuting Attorney of this County pursuant to State Statute. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §578.012, RSMo.

SECTION 375.185: INDECENT EXPOSURE

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

B. Indecent exposure is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §566.130, RSMo.

SECTION 375.200: POSSESSION OF MARIJUANA AND HASHISH

It shall be unlawful for any person to possess or have under his control in the County thirty-five (35) grams or less of marijuana or five (5) grams or less of hashish, except as authorized in Sections 195.010 or 195.320, RSMo., as amended. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §195.200, RSMo.

SECTION 375.220: RESERVED

Editor's Note--Ord. no. 11-026 §5, adopted May 2, 2011, repealed section 375.220 "possession of an intoxicating liquor by a minor" in its entirety. Former section 375.220 derived from ord. no. 07-153 §5, 10-30-07.

SECTION 375.225: SALE TO MINOR -- CERTAIN OTHER PERSONS, MISDEMEANOR -- EXCEPTIONS -- ALLOWING PERSON UNDER TWENTY-ONE YEARS OF AGE TO DRINK OR POSSESS INTOXICATING LIQUOR

A. Any licensee under Chapter 311, RSMo., or his employee, who shall sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except his parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard shall be deemed guilty of a misdemeanor, except that this Section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only or to the administering of such intoxicating liquor to any person by a duly licensed physician.

B. Any owner, occupant or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one (21) to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one (21) from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one (21) to drink or possess intoxicating liquor is his or her parent or guardian, is guilty of a misdemeanor punishable in accordance with Section 375.1000, OSCCMo.

C. It shall be a defense to prosecution under this Section if:

1. The defendant is a licensed retailer, club, drinking establishment or caterer or holds a temporary permit or an employee thereof;
2. The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one (21) years of age; and
3. To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri non-driver's identification card, or other official or apparently official document containing a photograph of the minor and purporting to establish that such minor was twenty-one (21) years of age and of the legal age for consumption of intoxicating liquor. (Ord. No. 08-092 §5, 8-1-08)

SECTION 375.230: REPRODUCED, MODIFIED OR ALTERED IDENTIFICATION CARD, PENALTY

Any person who has in his possession a reproduced, modified or altered motor vehicle driver's license, non-driver's license issued
by any uniformed service of the United States or identification card established in Section 302.181, RSMo., or any other such identification card which indicates that the person represented on the card is over the age of twenty-one (21) years of age is guilty of a misdemeanor punishable in accordance with Section 375.1000, OSCCMo. (Ord. No. 08-092 §5, 8-1-08)

SECTION 375.235: UNLAWFUL TO SELL OR DISTRIBUTE TOBACCO PRODUCTS TO MINORS, PENALTIES -- WHAT PERSONS ARE LIABLE, WHEN

A. It shall be unlawful for any person to sell, provide or distribute tobacco products to persons under eighteen (18) years of age.

B. No person or entity shall sell, provide or distribute any tobacco product or rolling papers to any minor or sell any individual cigarettes to any person in this State. This Subsection shall not apply to the distribution by family members on property that is not open to the public.

C. Any person including, but not limited to, a sales clerk, owner or operator who violates Subsections (A) or (B) of this Section shall be penalized as follows:
   1. For the first (1st) offense, twenty-five dollars ($25.00);
   2. For the second (2nd) offense, one hundred dollars ($100.00);
   3. For the third (3rd) and subsequent offense, two hundred fifty dollars ($250.00). (Ord. No. 08-092 §5, 8-1-08)

SECTION 375.240: PURCHASE OR POSSESSION OF CIGARETTES OR TOBACCO PRODUCTS BY PERSONS UNDER EIGHTEEN -- EXCEPTION, VIOLATION

A. No person less than eighteen (18) years of age shall purchase, attempt to purchase or possess cigarettes or other tobacco products unless such person is an employee of a seller of cigarettes or tobacco products and is in such possession to effect a sale in the course of employment, or an employee of the Division of Liquor Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.

B. Any person less than eighteen (18) years of age shall not misrepresent his or her age to purchase cigarettes or tobacco products.

C. Any person who violates the provisions of this Section is guilty of an infraction and shall have any cigarettes or tobacco products confiscated. (Ord. No. 08-092 §5, 8-1-08)

SECTION 375.260: DRUG PARAPHERNALIA

Definitions. As used in this Section, the following terms shall have these prescribed meanings:

CONTROLLED SUBSTANCE: A drug, substance or immediate precursor in Schedules I through V, listed or enumerated in Section 195.017, RSMo., or adopted by the State Division of Health pursuant thereto, or any subsequent amendments or revisions thereof.

DRUG PARAPHERNALIA: Includes all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this Section. 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.
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.
4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances.
5. Scales and balances used, intended for use, or designed for use in weighing or measuring 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.
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.
9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances.
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. Cgukkyns.
   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.
3. The proximity of the object, in time and space, to a direct violation of this Section.
4. The proximity of the object to controlled substances.
5. The existence of any residue of 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 whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this Section; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this Section 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 and 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 objects to the total sales of the business enterprise.
13. The existence and scope of legitimate uses for the object in the community.

MARIJUANA: All parts of the plant genus Cannabis in any species or form thereof, including, but not limited to Cannabis Sativa L., Cannabis Indica, Cannabis Americana, Cannabis Ruderalis and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. (Ord. No. 07-153 §5, 10-30-07; Ord. No. 08-030 §6, 3-3-08)

SECTION 375.270: POSSESSION OR CONTROL OF A CONTROLLED SUBSTANCE
A. 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.
B. Any person who violates this Section with respect to not more than thirty-five (35) grams of marijuana is guilty of a misdemeanor.
SECTION 375.275: UNLAWFUL USE OR POSSESSION OF DRUG PARAPHERNALIA

A. No person shall use, or 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. No person shall deliver, possess 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. No person shall place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

B. A person who violates this Section is guilty of a misdemeanor, unless the person uses, or possesses with intent to use, the paraphernalia in combination with each other to manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues in which case the violation of this Section is a Class D felony and such felony offense shall be prosecuted in the Circuit Court by the Prosecuting Attorney of this County pursuant to State Statute. (Ord. No. 07-153 §5, 10-30-07; Ord. No. 08-030 §6, 3-3-08)

State Law Reference—For similar provisions, §195.202, RSMo.

SECTION 375.280: REGULATION OF THE POSSESSION, SALE OR OFFERING FOR SALE PRODUCTS CONTAINING SYNTHETIC CANNABINOIDs

A. Definitions. As used in this Section, the following terms shall have these prescribed meanings:

**ILLEGAL SMOKING PRODUCT:** Any substance, whether described as tobacco, herbs, incense, spice or any blend thereof, regardless of whether the substance is marketed for the purpose of being smoked, which includes any one (1) or more of the following chemicals or those chemicals listed in the definition of synthetic cannabinoid or synthetic stimulant:

1. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-y1)phenol (also known as CP47,497) and homologues;
2. (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10atetrahydrobenzo[c]chromen-1-01) (also known as HU-211 or Dexamabinol);
3. 1-Penty1-3-(1-naphthoyl)indole (also known as JWH-018); or
4. Butyl-3-(1-naphthoyl)indole (also known as JWH-073).

**PERSON:** An individual, corporation, partnership, wholesaler, retailer or any license or unlicensed business.

**SYNTHETIC CANNABINOID OR SYNTHETIC STIMULANT:** Any substance, regardless of whether the substance is marketed for human consumption, which includes any one (1) or more of the following chemicals:

1. Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl) methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkyl ethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent, whether or not substituted in the naphthyl ring to any extent. Including, but not limited to:
   a. JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;
   b. JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl) indole;
   c. JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;
   d. JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;
   e. JWH-073, or 1-hexyl-3-(1-naphthoyl)indole;
   f. JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;
   g. JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;
   h. JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
   i. JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;
   j. JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl) indole;
   k. JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;
   l. JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;
2. Any compound structurally derived from 3-(1-naphthoyl) pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the naphthyl ring to any extent, whether or not substituted in the naphthyl ring to any extent.
3. Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent, whether or not substituted in the naphthyl ring to any extent;

4. Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent, whether or not substituted in the phenyl ring to any extent. Including, but not limited to:
   a. JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;
   b. JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;
   c. JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;
   d. JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;
   e. RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;

5. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent. Including, but not limited to:
   a. CP 47, 497 and homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl) phenol, where side chain n=5, and homologues where side chain n=4, 6, or 7;

6. Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent. Including, but not limited to:
   a. AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;
   b. RCS-4, or 1-pentyl-3-((4-methoxybenzoyl)indole;

7. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

8. HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

9. HU-211, or Dexamabinol, or (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

10. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

11. Dimethylheptylpyran, or DMHP;

12. Any material, compound, mixture or preparation containing any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers and salts of isomers:
   a. 3-Fluoromethcathinone;
   b. 4-Fluoromethcathinone;
   c. Mephedrone, or 4-Methylmethcathinone;
   d. 4-Methylcathinone;
   e. 4-Methoxymethcathinone;
   f. Methylenedioxypprovvaleron, or MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone;
   g. Methyline, or 3,4-Methylenedioxymethcathinone;
   h. 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP;
   i. 3,4-DMMC, or 3,4-dimethylmethcathinone;
   j. Naphyrone, or naphthylpyrovaleron;

k. Any analogue or homologue of any of the above materials, compounds or substances.

B. Unlawful To Sell, Offer, Gift Or Display. It shall be unlawful for any person to sell, offer to sell, gift, or publicly display for sale any illegal smoking product or synthetic cannabinoid or synthetic stimulant.

C. Possession Unlawful. It is unlawful for any person to knowingly possess any illegal smoking product or synthetic cannabinoid or synthetic stimulant.
D. Injunction. The Sheriff and the Department of Community Health and Environment shall cooperate to notify any business offering the substances herein set forth for sale of the unlawfulness of such illegal smoking product or synthetic cannabinoid or synthetic stimulant, and shall report any continued sale to the office of the County Counselor so that the County Counselor may seek any necessary injunctive relief to remove such product from sale, offer for sale, gift or public display.

E. Penalty. Any person violating Subsection (B) or (C) of this Section shall be guilty of a misdemeanor and upon a plea of guilty or a finding of guilt shall be subject to a fine of not more than one thousand dollars ($1,000.00) or by detention in the jail of the St. Charles County Department of Corrections for a term not to exceed one (1) year, or by both fine and imprisonment. A separate offense shall be deemed committed for each sale, offer to sell, gift, or public display for sale. Any person violating Subsection (B) or (C) a second (2nd) or subsequent time shall be guilty of a misdemeanor offense and upon a plea of guilty or a finding of guilt shall be subject to a sentence of no less than a fine of five hundred dollars ($500.00). (Ord. No. 10-015 §1, 3-8-10; Ord. No. 11-022 §1, 4-12-11)

SECTION 375.290: INHALATION OR INDUCING OTHERS TO INHALE SOLVENT FUMES TO CAUSE CERTAIN REACTIONS
A. No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, or induce any other person to do so, for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes; except that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

B. Violation of this Section is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

SECTION 375.295: INDUCING, OR POSSESSION WITH INTENT TO INDUCE, SYMPTOMS BY USE OF SOLVENTS
A. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use of any solvent, particularly toluol.

B. No person shall intentionally possess any solvent, particularly toluol, for the purpose of using it in the manner prohibited by Section 578.250, RSMo., and this Section.

C. Violation of this Section is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

SECTION 375.297: POSSESSION OR PURCHASE OF SOLVENTS TO AID OTHERS IN VIOLATIONS
A. No person shall intentionally possess or buy any solvent, particularly toluol, for the purpose of inducing or aiding any other person to violate the provisions of Sections 375.290 and 375.295.

B. Violation of this Section shall be a misdemeanor. (Ord. No. 07-153 §§5, 10-30-07)

State Law Reference—For similar provisions, §§578.250—578.265, RSMo.

SECTION 375.298: POSSESSION OF AN IMITATION CONTROLLED SUBSTANCE
A. It is unlawful for any person to possess an imitation controlled substance in violation of this Chapter.

B. A person who violates this Section is guilty of a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

SECTION 375.400: RECKLESS BURNING OR EXPLODING
A. A person commits the crime of reckless burning or exploding when he knowingly starts a fire or causes an explosion and thereby recklessly damages or destroys a building or an inhabitable structure of another.

B. Reckless burning or exploding is a misdemeanor. (Ord. No. 07-153 §§5, 10-30-07)

State Law Reference—For similar provisions, §569.060, RSMo.

SECTION 375.410: NEGLIGENT BURNING OR EXPLODING
A. A person commits the crime of negligent burning or exploding when he with criminal negligence causes damage to property of another by fire or explosion.

B. Negligent burning or exploding is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference—For similar provisions, §569.065, RSMo.

SECTION 375.420: NEGLIGENTLY SETTING FIRE
A. A person commits the crime of negligently setting fire to a woodland, cropland, grassland, prairie or marsh when he with criminal
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.

C. Negligently setting fire to a woodland, cropland, grassland, prairie or marsh or negligently allowing a fire to escape is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §569.060, RSMo.

SECTION 375.500: PROPERTY DAMAGE
A. 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.

B. Property damage is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07; Ord. No. 08-030 §7, 3-3-08)

State Law Reference--For similar provisions, §569.120, RSMo.

SECTION 375.520: TRESPASS
A. A person commits the crime of trespass if he knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.

B. A person does not commit the crime of trespass by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:
   1. Actual communication to the actor; or
   2. Posting in a manner reasonably likely to come to the attention of intruders.

C. Trespass is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §569.140, RSMo.

SECTION 375.525: TRESPASSING IN THE SECOND DEGREE
A. 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.

B. Trespass in the second degree is an infraction. (Ord. No. 08-092 §5, 8-1-08)

SECTION 375.550: INSTITUTIONAL VANDALISM
A. A person commits the crime of institutional vandalism by knowingly vandalizing, defacing or otherwise damaging:
   1. Any church, synagogue or other building, structure or place used for religious worship or other religious purpose;
   2. Any cemetery, mortuary, military monument or other facility used for the purpose of burial or memorializing the dead;
   3. Any school, educational facility, community center, hospital or medical clinic owned and operated by a religious or sectarian group;
   4. The grounds adjacent to, and owned or rented by, any institution, facility, building, structure or place described in Subdivision (1), (2) or (3) of this Subsection;
   5. Any personal property contained in any institution, facility, building, structure or place described in Subdivision (1), (2) or (3) of this Subsection; or
   6. Any motor vehicle which is owned, operated, leased or under contract by a school district or a private school for the transportation of school children.

B. Institutional vandalism is punishable as follows:
   1. Institutional vandalism where the value is less than one thousand dollars ($1,000.00) is a misdemeanor.

C. In determining the amount of damage to property or loss of property, for purposes of this Section, damage includes the cost of repair or, where necessary, replacement of the property that was damaged or lost. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §574.085, RSMo.

SECTION 375.600: STEALING
A. A person commits the crime of stealing if he or she appropriates property or services, having a value of less than five hundred
B. Evidence of the following is admissible in any criminal prosecution pursuant to this Section on the issue of the requisite knowledge or belief of the alleged stealer:

1. That he or she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;
2. That he or she 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. That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;
4. That he or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn or boardinghouse;
5. That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits, or reproduces a retail sales receipt, price tag, or universal price code label, or possesses with intent to cheat or defraud, the device that manufactures fraudulent receipts or universal price code labels.

C. Any violation of this Section for which no other penalty is specified in Section 570.030, RSMo., is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §570.030, RSMo.

SECTION 375.605: TAMPERING IN THE SECOND DEGREE

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

1. Tamps with property of another for the purpose of causing substantial inconvenience to that person or to another; or
2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or
3. Tamps or makes connection with property of a utility; or
4. Tamps with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:
   a. To prevent the proper measuring of electric, gas, steam or water service; or
   b. To permit the diversion of any electric, gas, steam or water service.

B. In any prosecution under Subdivision (4) of Subsection (A), proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service, with one (1) or more of the effects described in Subdivision (4) of Subsection (A), shall be sufficient to support an inference that there has been a violation of such Subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

C. Tampering in the second degree is a misdemeanor punishable in accordance with Section 375.1000, OSCCMo. (Ord. No. 08-092 §5, 8-1-08)

SECTION 375.610: RECEIVING STOLEN PROPERTY

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

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

1. That he or she was found in possession or control of other property stolen on separate occasions from two (2) or more persons;
2. That he or she received other stolen property in another transaction within the year preceding the transaction charged;
3. That he or she acquired the stolen property for a consideration which he or she knew was far below its reasonable value;
4. That he or she obtained control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce a person to believe the property was stolen.

C. Receiving stolen property is a misdemeanor if the property involved has a value of less than five hundred dollars ($500.00), or the person receiving the property is not a dealer in goods of the type in question. (Ord. No. 07-153 §§5, 10-30-07)

State Law Reference--For similar provisions, §570.080, RSMo.

SECTION 375.630: FAILURE TO RETURN RENTED PERSONAL PROPERTY

A. A person commits the crime of failing to return leased or rented property if, with the intent to deprive the owner thereof, he purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property. In addition, any person who has leased or rented personal property of another who conceals the property from the owner, or who otherwise sells, pawns, loans, abandons or gives away the leased or
rented property is guilty of the crime of failing to return leased or rented property. The provisions of this Section shall apply to all forms of leasing and rental agreements, including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.

B. It shall be prima facie evidence of the crime of failing to return leased or rented property when a person who has leased or rented personal property of another willfully fails to return or make arrangements acceptable with the lessor to return the personal property to its owner at the owner's place of business within ten (10) days after proper notice following the expiration of the lease or rental agreement, except that if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the crime of failing to return leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local Law Enforcement Agency of the failure of the lessee to return such motor vehicle, and the local Law Enforcement Agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer who stops such a motor vehicle may seize the motor vehicle and notify the lessor that he may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the ten (10)-day period prescribed in this Subsection, the owner of the property shall report the failure to return the property to the local Law Enforcement Agency, and such Law Enforcement Agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.

C. This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable, if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement, or within ten (10) days after proper notice.

D. Proper notice by the lessor shall consist of a written demand addressed and mailed by certified or registered mail to the lessee at the address given at the time of making the lease or rental agreement. The notice shall contain a statement that the failure to return the property may subject the lessee to criminal prosecution.

E. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner shall be guilty of property damage pursuant to Section 569.100 or 569.120, RSMo., in addition to being in violation of this Section.

F. Venue shall lie in the County where the personal property was originally rented or leased.

G. Failure to return leased or rented property is a misdemeanor if the property involved has a value of less than five hundred dollars ($500.00). (Ord. No. 07-153 §5, 10-30-07)

STATE LAW REFERENCE--FOR SIMILAR PROVISIONS, §578.150, RSMO.

SECTION 375.640: POSESSSION, MANUFACTURE, TRANSPORT, REPAIR OR SALE OF CERTAIN WEAPONS

A. A person commits a crime if such person knowingly possesses, manufactures, transports, repairs, or sells:

1. A switchblade knife;
2. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or

B. A person does not commit a crime pursuant to this Section if his conduct:

1. Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental Law Enforcement Agency, or a penal institution; or
2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in Subdivision (1) of this Section; or
3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or
4. Was incident to displaying the weapon in a public museum or exhibition; or
5. Was incident to dealing with the weapon solely as a curio, ornament, or keepsake, or to using it in a manner reasonably related to a lawful dramatic performance. No short barreled rifle, short barreled shotgun, or machine gun may be possessed, manufactured, transported, repaired or sold as a curio, ornament, or keepsake, unless such person is an importer, manufacturer, dealer, or collector licensed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968, U.S.C., Title 18, or unless such firearm is an "antique firearm" as defined in Subsection (3) of Section 571.080, RSMo., or unless such firearm has been designated a "collectors item" by the Secretary of the Treasury pursuant to the U.S.C., Title 26, Section 5845 (a).

C. A crime pursuant to Subdivision (1), (2) or (3) of Subsection (A) of this Section is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

SECTION 375.700: PEACE DISTURBANCE

378
A. 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 language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient; or
   c. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out; or
   d. Fighting; or
   e. Creating a noxious and offensive odor.

2. He is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:
   a. Vehicular or pedestrian traffic; or
   b. The free ingress or egress to or from a public or private place.

B. Peace disturbance is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §574.010, RSMo.

SECTION 375.710: PROHIBITING SPECTATORS FROM ENTERING PLAYING FIELD OR STAGE AT THE FAMILY ARENA

A. No person who is attending an event or exhibition at the Family Arena shall be allowed to cross over the dasher boards or go onto any playing or performing surface, stage, playing field, playing court, ice surface, track, boxing or wrestling ring or any other event or exhibition area, or any other restricted area immediately adjacent thereto, designated as restricted by the Family Arena or the promoter of the event or exhibition without first obtaining permission of the Family Arena or the promoter thereof.

B. Any person violating this Section shall be ordered to leave the premises.

C. Any person violating this Section shall be guilty of a misdemeanor and upon a plea of guilty or a finding of guilt shall be subject to a fine of not more than one thousand dollars ($1,000.00) or by detention in the jail of the St. Charles County Department of Corrections for a term not to exceed one (1) year, or by both fine and imprisonment.

D. Enforcement of this Section shall be the responsibility of the County Counselor's Office. (Ord. No. 11-019 §§1--4, 4-1-11)

SECTION 375.720: UNLAWFUL ASSEMBLY

A. A person commits the crime of unlawful assembly if he knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this County, State or of the United States with force or violence.

B. Unlawful assembly is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §574.040, RSMo.

SECTION 375.730: RIOTING

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

B. Rioting is a misdemeanor. (Ord. No. 07-153 §10-30-07)

State Law Reference--For similar provisions, §574.050, RSMo.

SECTION 375.735: REFUSAL TO DISPERSE

A. A person commits the crime of refusal to disperse if, being present at the scene of an unlawful assembly, or at the scene of a riot, he knowingly fails or refuses to obey the lawful command of a Law Enforcement Officer to depart from the scene of such unlawful assembly or riot.

B. Refusal to disperse is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §574.060, RSMo.

SECTION 375.800: FALSE AFFIDAVIT

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

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

C. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement by affidavit or testimony but this defense shall not apply if the retraction was made after:
   1. The falsity of the statement was exposed; or
   2. Any person took substantial action in reliance on the statement.

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

E. Making a false affidavit is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §575.050, RSMo.

SECTION 375.820: FALSE REPORTS

A. A person commits the crime of making a false report if he knowingly:
   1. Gives false information to any person for the purpose of implicating another person in a crime; or
   2. Makes a false report to a Law Enforcement Officer that a crime has occurred or is about to occur; or
   3. Makes a false report or causes a false report to be made to a Law Enforcement Officer, security officer, Fire Department or other organization, official or volunteer, which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur.

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.

D. Making a false report is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §575.080, RSMo.

SECTION 375.850: RESISTING OR INTERFERING WITH ARREST

A. A person commits the crime of resisting or interfering with arrest, detention, or stop if, knowing that a Law Enforcement Officer is making an arrest, or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle, for the
St. Charles County -- QuickCode

purpose of preventing the officer from effecting the arrest, stop or detention, the person:

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

B. This Section applies to arrests, stops or detentions with or without warrants and to arrests, stops or detentions for any crime, infraction or ordinance violation.

C. A person is presumed to be fleeing a vehicle stop if that person continues to operate a motor vehicle after that person has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing that person.

D. It is no defense to a prosecution pursuant to Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest.

E. Resisting or interfering with an arrest is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §575.150, RSMo.

SECTION 375.860: INTERFERENCE WITH LEGAL PROCESS

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

B. “Process” includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.

C. Interference with legal process is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §575.160, RSMo.

SECTION 375.865: REFUSING TO MAKE AN EMPLOYEE AVAILABLE FOR SERVICE OF PROCESS

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

B. Refusing to make an employee available for service of process is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §575.170, RSMo.

SECTION 375.870: DISTURBING A JUDICIAL PROCEEDING

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

B. Disturbing a judicial proceeding is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §575.250, RSMo.

SECTION 375.875: TAMPERING WITH A WITNESS OR VICTIM

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

1. Threatens or causes harm to any person or property; or
2. Uses force, threats or deception; or
3. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or
4. Conveys any of the foregoing to another in furtherance of a conspiracy.

B. A person commits the crime of “victim tampering” if, with purpose to do so, he prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from:

1. Making any report of such victimization to any Peace Officer, or State, local or Federal Law Enforcement Officer or prosecuting agency or to any judge;
2. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof;
3. Arresting or causing or seeking the arrest of any person in connection with such victimization.
C. Tampering with a witness or victim is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §575.270, RSMo.

SECTION 375.890: PROSTITUTION
A. A person commits the crime of prostitution if the person performs an act of prostitution.
B. Prostitution is a misdemeanor.
C. The judge may order a drug and alcohol abuse treatment program for any person found guilty of prostitution, either after trial or upon a plea of guilty, before sentencing. Upon the successful completion of such program by the defendant, the court may at its discretion allow the defendant to withdraw the plea of guilty or reverse the verdict and enter a judgment of not guilty. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §567.020, RSMo.

SECTION 375.892: PATRONIZING PROSTITUTION
A. A person commits the crime of patronizing prostitution if he patronizes prostitution.
B. It shall not be an affirmative defense that the defendant believed that the person he or she patronized for prostitution was eighteen (18) years of age or older.
C. Patronizing prostitution is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §567.030, RSMo.

SECTION 375.900: LITTERING
A. A person commits the crime of littering if he throws or places, or causes to be thrown or placed, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature or description on the right-of-way of any public road or State highway or on or in any of the waters in this State or on the banks of any stream, or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his consent.
B. Littering is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §577.070, RSMo.

SECTION 375.920: ABANDONING MOTOR VEHICLE
A. A person commits the crime of abandoning a motor vehicle or trailer if he abandons any motor vehicle or trailer on the right-of-way of any public road or highway or on or in any of the waters in this State or on the banks of any stream or on any land or water owned, operated or leased by the County or on any private real property within the unincorporated area of the County owned by another without his consent.
B. For purposes of this Section, the last owner of record of a motor vehicle or trailer found abandoned and not shown to be transferred pursuant to Sections 301.196 and 301.197, RSMo., shall be deemed prima facie to have been the owner of such motor vehicle or trailer at the time it was abandoned and to have been the person who abandoned the motor vehicle or trailer or caused or procured its abandonment. The registered owner of the abandoned motor vehicle or trailer shall not be subject to the penalties provided by this Section if the motor vehicle or trailer was in the care, custody, or control of another person at the time of the violation. In such instance, the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address, and other pertinent information of the person who leased, rented, or otherwise had care, custody, or control of the motor vehicle or trailer at the time of the alleged violation. The affidavit submitted pursuant to this Subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the motor vehicle or trailer. In such case, the court has the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator. If the motor vehicle or trailer is alleged to have been stolen, the owner of the motor vehicle or trailer shall submit proof that a Police report was filed in a timely manner indicating that the vehicle was stolen at the time of the alleged violation.
C. Abandoning a motor vehicle or trailer is a misdemeanor.
D. Any person convicted pursuant to this Section shall be civilly liable for all reasonable towing, storage, and administrative costs associated with the abandonment of the motor vehicle or trailer. Any reasonable towing, storage, and administrative costs in excess of the value of the abandoned motor vehicle or trailer that exist at the time the motor vehicle is transferred pursuant to Section 304.156, RSMo., shall remain the liability of the person convicted pursuant to this Section so long as the towing company, as defined in Chapter 304, RSMo., provided the title owner and lienholders, as ascertained by the Department of Revenue records, notice within the time frame and in the form as described in Subsection (1) of Section 304.156, RSMo. (Ord. No. 07-153 §5, 10-30-07)
SECTION 375.925: ABANDONMENT OF AIRTIGHT OR SEMI-AIRTIGHT CONTAINERS

A. A person commits the crime of abandonment of 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 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. Subsection (A) of 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.

D. Abandonment of an airtight icebox is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §577.080, RSMo.

SECTION 375.950: SUSPENSION OR REVOCATION OF DRIVING PRIVILEGES, PERSONS UNDER TWENTY-ONE YEARS OF AGE

A. The County Municipal Court shall, upon a plea of guilty, conviction or finding of guilt, enter an order suspending or revoking the driving privileges of any person determined to have committed one (1) of the following offenses and who, at the time said offense was committed, was under twenty-one (21) years of age:
   1. Any alcohol-related traffic offense in violation of County ordinance, where the defendant was represented by or waived the right to an attorney in writing;
   2. Any offense in violation of County ordinance, where the defendant was represented by or waived the right to an attorney in writing, involving the possession or use of alcohol, committed while operating a motor vehicle;
   3. Any offense involving the possession or use of a controlled substance as defined in Chapter 195, RSMo., in violation of County ordinance, where the defendant was represented by or waived the right to an attorney in writing;
   4. Any offense involving the alteration, modification or misrepresentation of a license to operate a motor vehicle in violation of Section 311.328, RSMo.;
   5. Any offense in violation of County ordinance, where the defendant was represented by or waived the right to an attorney in writing, involving the possession or use of alcohol for a second (2nd) time; except that a determination of guilt or its equivalent shall have been made for the first (1st) offense and both offenses shall have been committed by the person when the person was under eighteen (18) years of age.

B. The County Municipal Court shall, upon a plea of guilty or nolo contendere, conviction or finding of guilt, enter an order suspending or revoking the driving privileges of any person determined to have committed a crime or violation of Section 375.952, and who, at the time said crime or violation was committed, was more than fifteen (15) years of age and under twenty-one (21) years of age.

C. The court shall require the surrender to it of any license to operate a motor vehicle, temporary instruction permit, intermediate driver's license or any other driving privilege then held by any person against whom a court has entered an order suspending or revoking driving privileges under Subsections (A) and (B) of this Section.

D. The court, if other than a juvenile court, shall forward to the Director of Revenue the order of suspension or revocation of driving privileges and any licenses, temporary instruction permits, intermediate driver's licenses, or any other driving privilege acquired under Subsection (C) of this Section.

E. The period of suspension for a first (1st) offense under Subsection (A) of this Section shall be ninety (90) days. Any second (2nd) or subsequent offense under Subsection (A) of this Section shall result in revocation of the offender's driving privileges for one (1) year. The period of suspension for a first (1st) offense under Subsection (B) of this Section shall be thirty (30) days. The period of suspension for a second (2nd) offense under Subsection (B) of this Section shall be ninety (90) days. Any third (3rd) or subsequent offense under Subsection (B) of this Section shall result in revocation of the offender's driving privileges for one (1) year. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §577.500, RSMo.

SECTION 375.952: PURCHASE OR POSSESSION BY A MINOR

A. Any person under the age of twenty-one (21) years, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor as defined in Section 311.020, RSMo., or who is visibly intoxicated as defined in Section 577.001, RSMo., or has a detectable blood alcohol content of more than two-hundredths of one percent (0.02%) or more by weight of alcohol in such person's blood is guilty of a misdemeanor. For purposes of prosecution under this Section, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but
the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there
is intoxicating liquor therein contains intoxicating liquor.

B. The provisions of this Section shall not apply to a student who:

1. Is eighteen (18) years of age or older;
2. Is enrolled in an accredited college or university and is a student in a culinary course;
3. Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other similar malt or fermented beverage as part
of the required curriculum; and
4. Tastes a beverage under Subdivision (3) of this Section only for instructional purposes during classes that are part of the
curriculum of the accredited college or university.

The beverage must at all times remain in the possession and control of an authorized instructor of the college or university, who
must be twenty-one (21) years of age or older. Nothing in this Subsection may be construed to allow a student under the age of
twenty-one (21) to receive any beer, ale, porter, wine, or other similar malt or fermented beverage unless the beverage is delivered
as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted as
part of the curriculum. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §311.325, RSMo.

SECTION 375.975: DESECRATION OF FLAGS -- PENALTY

A. Any person who purposefully and publicly mutilates, defaces, defiles, tramples upon or otherwise desecrates the national flag of
the United States or the State flag of the State of Missouri is guilty of the crime of flag desecration.

B. National flag desecration is a misdemeanor. (Ord. No. 07-153 §5, 10-30-07)

State Law Reference--For similar provisions, §578.095, RSMo.


SECTION 375.1000: PENALTY

A violation of any misdemeanor provision of this Chapter 375 is a misdemeanor punishable by a fine of not more than one
thousand dollars ($1,000.00) or by imprisonment in the St. Charles County Jail for a term not to exceed one (1) year, or by both
fine and imprisonment. A separate offense shall be deemed committed on each day a violation occurs or continues. Enforcement
of this Section shall be the responsibility of the County Counselor. (Ord. No. 07-153 §8, 10-30-07; Ord. No. 08-030 §8, 3-3-08)

SCHEDULE I. SPEED LIMITS

<table>
<thead>
<tr>
<th>Location</th>
<th>Speed Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 and Willie Harris School (school zone)</td>
<td>15 MPH</td>
</tr>
<tr>
<td>Airport Road</td>
<td>45 MPH</td>
</tr>
<tr>
<td>All collector and thoroughfare streets in unincorporated St. Charles County, unless otherwise established and posted. (A list of County roads is on file in the Clerk's office.)</td>
<td>35 MPH</td>
</tr>
<tr>
<td>All local residential, cul-de-sac streets</td>
<td>25 MPH</td>
</tr>
<tr>
<td>All roads in St. Charles County, within 300 feet of schools</td>
<td>20 MPH</td>
</tr>
<tr>
<td>Alta Villa Road from first corner north of Highway 94 to end of road.</td>
<td>25 MPH</td>
</tr>
<tr>
<td>Arena Parkway, pending the completion of the Arena Parkway through to the Page Avenue Extension, and upon completion of Arena Parkway, from 40 to 45 MPH</td>
<td>40 MPH</td>
</tr>
<tr>
<td>Birdie Hill Road</td>
<td>35 MPH</td>
</tr>
<tr>
<td>Black Walnut</td>
<td>45 MPH</td>
</tr>
<tr>
<td>Blase Station Road</td>
<td>45 MPH</td>
</tr>
<tr>
<td>Bryan Road</td>
<td>35 MPH</td>
</tr>
</tbody>
</table>
St. Charles County -- QuickCode

**Callaway Fork Road**
25 MPH

**Caulk’s Hill Road**
35 MPH

**Church Road**
45 MPH

**Commonfield Street, through Town of Portage Des Sioux**
25 MPH

**Cool Springs Road in St. Charles County**
30 MPH

**Cora Island Road**
45 MPH

**Country Hill Estates Subdivision**
25 MPH

**Dingledine Road**
35 MPH

**Dwiggins Road**
45 MPH

**Ehmanns Road, between Zumbehl Road and the Bridge over Sandfort Creek**
30 MPH

**Ell Road**
45 MPH

**Elm Point Road**
35 MPH

**Feise Road**
35 MPH

**Fox Hill Road, westbound 100 feet west of North Drive**
35 MPH

**Friedens Road**
35 MPH

**Grafton Ferry Road**
45 MPH

**Greens Bottom Road;**
- from Jungs Station Road to Amrein Road
  45 MPH
- from Amrein Road to Pitman Hill Road
  40 MPH

**Greens Bottom Road**
35 MPH

**Grote Road**
25 MPH

**Gutermuth**
35 MPH

**Hackman Road**
35 MPH

**Hackman Road at school (school zone)**
15 MPH

**Harvester Road, Old Highway 94, at Zion Lutheran Church (school zone)**
20 MPH

**Harvester Road**
35 MPH

**Hemsath Road**
35 MPH

**Highway 94, from one-tenth of a mile east of Route D to eight-tenths of a mile west of Route D**
45 MPH

**Highway 94, from Highway 40 south a distance of 3 miles**
50 MPH

**Highway P, from 0.19 miles west of St. Paul/Hoff Road to 0.52 miles east of St. Paul/Hoff Road**
50 MPH

**Huster Road**
45 MPH

**I-70 North Outer Road, in unincorporated areas between May Road and Pitman Drive**
45 MPH

**Independence Road**
35 MPH

**Jungs Station Road**
35 MPH

**Kersting Road**
25 MPH

**Knaust Road**
35 MPH

**Laura Hill Road**
35 MPH

**Machens Road**
45 MPH

**Marias Beckett**
45 MPH

**McClay Road**
35 MPH

**Melody Lane, 100 feet south of North River Road**
25 MPH
St. Charles County -- QuickCode

Mertz Road 45 MPH
Mid Rivers Mall Drive 45 MPH
Miller School Road 25 MPH
Moll Road 25 MPH
Motherhead Road 35 MPH
Muegge Road 35 MPH
Music Ferry Road 45 MPH
New Friedens Road, from South River Road to Highway 94 40 MPH
New Town Boulevard, from New Town Drive to the City limits 35 MPH of St. Charles located approximately 250 feet south of Seeburger Road
North River Road, from St. Charles City to Hawning Road 25 MPH
Oak Bend Subdivision 25 MPH
O'Fallon Road 35 MPH
Orchard Farm Road 45 MPH
Park Charles Boulevard, in front of Park Charles Bath and Tennis Club 25 MPH
Park Charles Boulevard, south from St. Peters Road northeastwardly to where it becomes Park Charles Boulevard North, thence traversing the perimeter of the Park Charles Development, to its connection with Park Charles South Boulevard. 30 MPH
Park Charles North 35 MPH
Park Charles South 35 MPH
Parkwood Drive, from St. Peters Road to Snow Hill Drive 25 MPH
Payne Road 45 MPH
Pitman Hill Road 35 MPH
Pleasant Union Road 45 MPH
Portage Road 45 MPH
Pralie Lane 35 MPH
Red School House Road 35 MPH
Reece Road 45 MPH
Rosewood Drive, 100 feet south of Hawning Road 25 MPH
Route 61, on the unincorporated sections 60 MPH
Route 79 60 MPH
Route 94, at Orchard Farm from .65 miles north of Church Road to .25 miles south of Route V 50 MPH
Route 94, from 400 feet west of Darst Bottom Road to 300 feet east of Howell Road 30 MPH
Route 94, from approximately 500 feet north of Route D to approximately 500 feet south of the signalized school entrance 45 MPH from 6:30 A.M. to 8:00 A.M. and from 2:00 P.M. to 4:00 P.M. Monday through Friday
Route 94, in community of Defiance 45 MPH
Route 94, within the Orchard Farm City limits for approximately 0.75 mile 45 MPH
Route N, in unincorporated areas between U.S. 40 and Route Z 50 MPH

386
Route N, the unincorporated portions between Weiss Road and Highway 40 45 MPH
Route Z, the unincorporated portions between Route N and Interstate 70 50 MPH
Summelman Road 25 MPH
Seeberger Road 45 MPH
Sherman Drive 25 MPH
Sherwood Harbor Drive (at end of Grafton Ferry Road) 25 MPH
Snow Hill Drive, from Park Charles Boulevard north to Parkwood Drive 25 MPH
South Fifth Street, between City limits and Fairgrounds Drive 30 MPH
South Fifth Street, extension in County maintained areas 35 MPH
Spring Drive 25 MPH
St. Peters-Howell Road 35 MPH
State Route 94, from Route 67, a distance of 1 mile west 30 MPH
Terry Road 25 MPH
Thoele Road 25 MPH
Between McClay Road and Ashbrook Drive 35 MPH
Toedebusch Road 25 MPH
Tower Line Road 45 MPH
Towers Road 35 MPH
Towers Road, from Caulks Hill Road to 500 feet south of Summerview Drive 25 MPH
Treetop, southbound 50 feet south of Country Club 25 MPH
Upper Bottom Road 35 MPH
Washeon Road 45 MPH
Weber Lake Road 45 MPH
Weise Road 35 MPH
Weldon Springs 35 MPH
Whispering Wind Drive, 100 feet south of North River Road 25 MPH
Whitehurst Manor Drive 25 MPH
Wiedey Road 45 MPH
Wise Road 45 MPH
Wolfrum Road 35 MPH

(St. Charles County Commission (Court) Orders of 8-3-78; 9-12-78; 12-28-78; 3-15-79; 5-13-80; 7-6-82; 6-14-83; 5-24-85; 6-9-88; 6-26-89; 1-18-90; 1-17-91; 11-15-91; 6-25-92; Ord. No. 93-144 §§3,6, 8-31-93; Ord. No. 94-11 §1, 1-27-94; Ord. No. 94-104 §2, 6-29-94; Ord. No. 96-45 §§4, 5,1-96; Ord. No. 97-21 §3, 2-26-97; Ord. No. 98-89 §3, 5-27-98; Ord. No. 00-014 §2, 2-29-00; Ord. No. 03-006 §3, 1-29-03; Ord. No. 04-039 §2, 3-31-04; Ord. No. 05-062 §2, 6-1-05; Ord. No. 07-100 §2, 8-2-07; Ord. No. 08-021 §2, 3-3-08; Ord. No. 08-149 §2, 12-17-08; Ord. No. 09-139 §2, 12-23-09; Ord. No. 12-005 §2, 2-6-12; Ord. No. 12-078 §3, 11-5-12)

**SCHEDULE II. STOP SIGNS**

A. The following stop signs are to be established:

**Location**

*Abby,* at Golfway.

*Abby Michelle Court,* at St. Peters-Howell Road.

*Addyston Place Subdivision:* *
Lankin Court, at Mason Grove Drive.
Lankin Grove Court, at Lankin Court.
Mason Grove Court, at Mason Grove Drive.
Mason Grove Drive, at Caulks Hill Road.
Morrow Glen Court, at Mason Grove Drive.
Pearson Court, at Mason Grove Drive.
Amarillo Drive, at Feise Road.
Amblewood Drive, at Merribrook Drive.
Annopolis Way, at Upper Bottom Road.
Apple Drive, at Quince Drive.
Apricot Drive, at Mamelle Drive in Mamelle Hills Subdivision. (4-way stop)
Arrow Rock, at Brightwood Drive.
Artist Grove Subdivision:
   Briargate Drive, at Kisker Road.
Ashbrook, at Park Charles South. (3-way stop)
   Ashbrook, at Theole Road.
Ashley Court, at Tara Drive.
Auburn Hills Drive, at Gutermuth Road.
Austin Ridge Drive and Austin Drive, at Austin Manor Drive.
   Austin Ridge Drive, at Austin Pass Drive/Court. Autumn Hill Drive, at Millpond Drive. (4-way stop)
   Autumn Hill Drive, at Millpond Drive. (4-way stop)
   Avon Drive, at Jungs Station Road.
   Bal Harbor Court, at Kisker Road.
   Becky Thatcher Drive, at Tom Sawyer Drive. (3-way stop)
   Belleau Lake Court, at Belleau Lake Drive.
   Benne Road and Wilson Road. (4-way stop)
   Beverly Drive, at Barbara Drive and Christine Drive.
   Big Bluff Court, at Caulks Hill Road.
   Big Sky Drive, at Central School Road.
   Birdie Hill, at Mexico Road. (3-way stop)
   Birdie Hills Road and Ohmes and Oak Ridge West. (4-way stop)
   Black Oak Drive, at Glen Allen Drive.
   Black Willow Court, at Kunze Drive.
   Blase Station Road and Church Road. (4-way stop)
   Bluebird Drive, at N. River Road.
   Blueblossom Court, at Sundowner Drive.
   Bluff Cliff Drive, at Bluff View Drive.
   Bluff Cliff Drive, at Meadowglen Court and Bluff View Drive. (4-way stop)
   Bluff Valley, at Bluff View Drive.
   Bluff View, at Bluff Valley Court. (3-way stop)
   Bluff Wood Drive, at Ehlmann Road.
   Bluffs Drive, at Caulks Hill Road.
   Bolton Drive, at Fleet Drive, west intersection.
   Boone Hills Subdivision:
Lincoln Drive, (3-way stop)
Boschert Drive, at Melody Lane.
Boschert Drive, at N. River Road.
Boschert Drive, at Rosewood Lane.
Boschert Drive, at Westwood Drive.
Boschert Drive, at Whispering Wind Drive.
Brandonhurst Drive, at Wilmes.
Brands Hatch, at Aintree Drive.
Breezy Point Drive, at Merribrook Drive (both sides).
Brentmoor Court, at Brentmoor Drive.
Brentmoor Drive, eastbound and westbound, at Country Knoll Drive.
Briarcroft, at Hesters Court.
Bridal Oak Lane, at Oak Tree Lane.
Bridgehampton, at Bridgeport.
Bridgehampton, at Riverside.
Bridgeport Drive, at Bridgehampton.
Bridgewater Court, at Woodstream Drive.
Brookford Drive, at Country Knoll Drive (northern intersection).
Brookford Drive, at Country Knoll Drive (southern intersection).
Brookhurst Court, at Feise Road.
Bugle Point Drive, at Fox Ridge Drive.
Bunker Hill, at Rock Road.
Burnside Court, at Hudson Landing.
Burnside Lane, at Hudson Landing.
Cambridge Crossing Drive, at Bristol Bay Drive, at the existing school crossing. (3-way stop)
Cambridge Crossing Drive, at Lands End Drive. (4-way stop)
Cambridge Crossing Drive, at Towers Road.
Cambrook Drive, at Kisker Road.
Camden Crossing Drive, at Lexington Landing Drive.
Canyon Drive, at Upper Bottom Road.
Cappeln Osage Road, at Femme Osage Creek Road. (4-way stop)
Caribou Run, at Belleau Creek Road.
Carriage Cove Court, at Cambridge Crossing Drive.
Castillo Drive, at Dingledine Road.
Catalpa Drive, at Apricot Drive.
Catalpa Drive, at Clarence Drive.
Caulks Hill Road, and Greens Bottom Road. (3-way stop)
Caulks Hill Road, at Towers Road and Double Tree Lane. (4-way stop)
Cedar Glen Drive, at Cedar Glen Court. (3-way stop)
Cedar Grove Drive, at Cedar Grove Court. (3-way stop)
Cedar Grove Drive, at Old Highway 94.
Cedar Lane, at O'Fallon Drive to establish right-of-way.
Pawnee Court, at Jungs Station Road.
Cental School Road, at New Kisker Road. (3-way stop)
St. Charles County -- QuickCode

Central School Road, at St. Peters Road. (drive from Mr. Mokes into intersection)

Central School Road, at Highfield Drive. (3-way stop)

Chatam Place, at Dingledine Road.

Charity Drive, at Duello Road.

Chastity Court, at Charity Drive.

Chelsea Drive, at Providence Drive. (4-way stop)

Chervil Drive, at Cinnamon Hills Drive.

Chesapeake Court, at Congress Way.

Chippewa Way, at Shoshone Trail.

Christine Drive, both ways, at Beverly Drive.

Church Road and Washeon Road. (4-way stop)

Cinnamon Hills Drive, at Westport Drive. (3-way stop)

Cinnamon Hills Drive, at Summit Drive.

Cinnamon Hills Subdivision:

Nutmeg Lane, at Westport Drive. (4-way stop)

Circle Drive, at Maple Drive, and Pecan Drive. (4-way stop)

Clark Street, at Commonfield Street.

Clarkton Park Drive, at Pond Hollow Drive.

Claybrook Drive, at Kisker Road.

Claycrest Drive, on either side of Claybrook Drive/Court to establish right-of-way.

Clearview Drive, at Beverly Drive.

Clemens Drive, at Sawyer Boulevard.

Clover Valley Lane, at Towers Road.

Cloverbrook Drive, at Shoshone Trail.

Cloverdale Drive, at Central School Road.

Clydesdale Drive, at Gutermuth Road.

Commonfield Street, at Highway J. (3-way stop)

Connecticut Drive, at Sawyer Boulevard.

Connecticut Drive, at St. Andrews Lane.

Copperwood Trail, at Silverlake Drive. (both sides of intersection)

Cornell Drive, at O'Fallon Drive to establish right-of-way.

Cottonwood Drive, at Mango Drive.

Counsel Circle/Counsel Court, at Honor Lane.

Country Brook Lane, at Brentmoor Drive.

Country Club Road, at Treetop Drive. (3-way stop)

Country Knoll Drive and Brentmoor Drive near 3105 Country Knoll Drive (westernmost intersection). (3-way stop)

Country Knoll Drive, at Jungs Station Road.

Country Life Lane, at Wilson Road.

Country Mill Drive, at Jungs Station Road.

Country Park Circle, at Stonecroft Drive.

Country Park Court, at Country Park Circle.

Countryside Drive, at Old 94 (Greenwood Acres).

Crestview Drive, at O'Fallon Drive to establish right-of-way.

Crooked Creek Drive, at Gutermuth Road. (3-way stop)
Crooked Creek Drive, at Gutermuth Road.
Crown Passage Drive, at Upper Bottom Road.
Current Drive, at Woodstream Drive.
Cypress Ridge, at Upper Bottom Road.

Dalbow Road, at the BNSF railroad crossing. This crossing has been identified by the Division of Motor Safety as having a higher than standard accident rate. This STOP condition is the first step towards the installation of crossing gates by MoDOT.

Dawnbreak Court, at Greenleaf Drive.
Daybreak Lane, at Eagle Hill Ridge.
Delaware Drive, on either side of Upper Bottom Road.
Destin Court and Squirrels Nest Court, at Somerset Hills Drive.
Diamond Lane, at Ruby Lane.
Diamone Lane, at Daybreak Lane.
Diane Drive, south, at west Sunnyside Drive (both sides).
Didion, at access to Iffrig Road.
Dietrich Road and Schultz Road. (4-way stop)
Dietrich Road, at the entrance to Incline Village.
Dingledine Manor Court, at Dingledine Road.
Dingledine Road, at the entrance to Castilo School. (3-way stop)
Double Tree Lane, at Caulks Hill Road.
Drexel Lane, at Carriage Run and Arlington.
Duenke Road, at Scotti Road. (3-way stop)
Dumond Street, at Commonfield Street.
Dunham Court, at Whitehurst Manor.
Durham Court, at Whitehurst Manor Drive.
Eagle Drive, at Birdie Hills Road.
Eagle Lake Drive, at Lake Charles Drive.
Eagle Ridge Drive, at Birdie Hills Road.
Eagle Ridge Subdivision: Eagles Hill Ridge Drive, at Overlook Drive. (4-way stop)
Eagles Drive, north and south, at Barley Ridge Court intersection. (4-way stop)
Eagles Hill Ridge, at Caulks Hill Road.
Eagles Ridge Drive, at Oak Valley Drive.
East Cheshire Drive, at Muegge Road.
Ehlmel Road, at St. Babette Drive. (3-way stop)
Elkhart Lake Road, at Woodstream Drive in McClay Trails Subdivision. (3-way stop)
Elm and Maple, at St. Luke Street. (4-way stop)
Emerald Place Drive, at Westwood Drive.
Emerald Ridge Drive, at Arbor Green Drive.
Everwood Run, at Country Knoll Drive.
Fairfield Place Subdivision:
   Fairfield Court, at Thoele Road.
Fairgrounds Road/Wedgewood Drive/South Fifth Street. (4-way stop)
Fairway Circle, at Country Club Road, south end.
Faith Drive (eastbound), at Faith Drive (north/southbound).
Faith Drive, at Spirit Drive.
Faredale, at Jacob's Station Road.

Farm Apartments, at Kisker Road, both entrances.

Farnham Street, at Commonfield Street.

Fawn Creek Lane, at Deer Creek Drive.

Fern Drive, at Keeney Drive.

Field View Court, at Kellykris Drive.

Fieldhurst Court, at Kellykris Drive.

Fleet Drive, at Bolton Drive, east intersection.

Fleet Lane and St. Alban Drive (2 locations), at Ipswich Lane to establish right-of-way.

Forest Acres Road, at Hickory Hill Drive.

Forest Lane, at O'Fallon Drive to establish right-of-way.

Fort Saratoga, at Heritage Station.

Fort Saratoga, at Lexington Landing Drive.

Fort Sumter Way, north end, at Gettysburg Landing.

Four Winds Drive, at North Winds Drive. (3-way stop)

Four Winds Drive, at Salt Lick Road.

Four Winds Drive, at South Winds Drive.

Fox Meadows Court, at Upper Bottom Road.

Fox Ridge Drive, at Bugle Point Drive. (3-way stop)

Fox Ridge Drive, at Lafayette Landing Drive.

Fox Ridge Drive, at Upper Bottom Road.

Foxtail Drive, at Fox Ridge Drive. (4-way stop)

French Oak Court/Lane, at Napa Lane.

Freymuth Road, at Eisenbath Road. (3-way stop)

Friedens Road, at South River Road. (3-way stop)

Galio, at Napa Lane in The Vineyards.

Gary Glen, at Sunnyside Drive.

Gerald Drive, at Towers Road.

Gettysburg Landing, at Congress Way. (3-way stop)

Gettysburg Landing, at Hudson Landing. (3-way stop)

Gettysburg Landing, at Natchez Drive and south end of Fort Sumter Way. (4-way stop)

Gibraltar Point Drive, at Tower Park Drive (south intersection).

Glen Summit, at Jacobs Landing (2 locations) to establish right-of-way.

Glenallen Drive, at Knaust Road.

Gold Mine Drive, at Discovery Drive.

Golden Wheat Drive, at Dingedine Road, both sides.

Golf Way, at Denton in St. Charles Hills Subdivision. (4-way stop)

Gran-Lin Drive, at Oetting Drive.

Gran-Lin Drive, at Jungs Station Road.

Grant Drive, at Lincoln Drive.

Great Lakes Drive, at Lake Meramec Drive, both intersections.

Green Valley Drive, at St. Peters Howell Road.

Greenleaf Drive, at Sundowner Drive, both sides.

Greenleaf Drive, both sides, at Treetop Drive.
Greensboro Drive, at Dingledine Road.
Gutermuth Road, at Motherhead Road.  (3-way stop)
Hackman Road, at Timberidge Drive.  (3-way stop)
Hampton Crossing, at the Thyme Drive/Cinnamon Hills Drive intersection.  (4-way stop)
Hampton Meadows Drive, at Bates Road.
Hancock Court, at Annapolis Way.
Hancock Road and Guthrie Road.  (3-way stop)
Hannibal Drive, at Sawyer Boulevard.
Harvest Drive, at Fern Drive.
Haversham Drive, at Dingledine Road.
Haversham Drive, at Greensboro Drive, both sides.
Haversham Place, at Towers Road.
Heritage Landing, at Heritage Landing.  (3-way stop)
Heritage Landing, at Horseshoe Ridge Drive (west intersection).  (4-way stop)
Heritage Landing, at Plantation Point/Heritage Station.  (4-way stop)
Heritage Subdivision:
Bunker Hill, at Trenton Station in Heritage Subdivision.
Confederate Way, at Trenton Station in Heritage Subdivision.
Dixie Way, at Horseshoe Ridge in Heritage Subdivision.
Fort Sumter Court, at Fort Sumter Way in Heritage Subdivision.
Fort Sumter Way, at Gettysburg Landing in Heritage Subdivision.
Homestead Court, at Hudson Landing in Heritage Subdivision.
Horseshoe Ridge, at Hudson Landing in Heritage Subdivision.
Hudson Landing, at Gettysburg Landing in Heritage Subdivision.
Independence, at Gettysburg Landing in Heritage Subdivision.
Liberty Lane, at Hudson Landing in Heritage Subdivision.
Union Way, at Horseshoe Ridge in Heritage Subdivision.
Valley Forge, at Gettysburg Landing in Heritage Subdivision.
Victory Court, at Hudson Landing in Heritage Subdivision.
Victory Lane, at Hudson Landing in Heritage Subdivision.
Victory Lane, at Liberty Lane in Heritage Subdivision.
Hesters Court, at Hesters Way.
Hesters Way, at Millers Ridge Drive.
Hesters Way, at Stonecroft Drive.
Highfield Drive, at Central School Road.
Highfield Drive, at Hunters Point.  (4-way stop)
Hillcrest Estates Lane, at Laura Hill Road.
Hollow Creek Drive, at Birdie Hill Road.
Honor Lane, at Spirit Drive
Horace Bixby Court, at Yankee Drive.
Horseshoe Creek Drive, at Dingledine Road.
Horseshoe Ridge, at Hudson Landing.  (3-way stop)
Huck Finn Drive, at Becky Thatcher Drive.  (4-way stop)
Huck Finn Drive, at Country Club Road.
Huck Finn Drive, at Tom Sawyer Drive.  (3-way stop)
Hunters Pointe Drive, at Highfield Drive.  (4-way stop)
Hunting Creek Road, at Knaust Road.
Hunting Creek Road, at Laura Hill Road.
Huntleigh Meadows Subdivision:
  Amhurst Place, at Jungs Station Road in Huntleigh Meadows Subdivision.
  Huntleigh Manor Drive, at Jungs Station Road in Huntleigh Meadows Subdivision.
Imperial Drive, at Jungs Station Road.
Indiana, at Eagles Hill Ridge Drive.
Jacob's Crossing Drive, at Towers Road.
Jacob's Landing, at Jacob's Station Road.
Jill Marie Court, at Birdie Hills Road.
Josephville Road, northbound, at Mexico Road.
Joyce Drive, at Twillman Drive.
Jumping Frog Court, at Huck Finn Drive.
Justin Way, at Upper Bottom Road.
Keeny Drive, at McClay Road.
Kellykris Court, at Kyle.  (3-way stop)
Kellykris Drive, at Kisker Road.
Kellykris Drive, at Meadow Dale Court.  (3-way stop)
Kellykris Drive, at Timothyridge Drive.  (3-way stop)
Kelsey, at Essex-Embleton. (both sides)
Kenton Drive, at McClay Road.
Kern Drive, on either side of O'Fallon Drive to establish right-of-way.
Kim Kelly Drive, at Jacob's Station Road.
Kindness Court, at Charity Drive.
Kingstowne Place, at Millers Ridge Drive.
Kingstowne Place, at Stonecroft Drive.
Kisker Road, at Towers Road.  (3-way stop)
Knaust Road, at Oak Valley Drive.  (3-way stop)(This is a school pedestrian crossing.)
Knowledge Drive/Knowledge Court, at Honor Lane.
Kunze Drive, at Hensath Road.  (3-way stop)
Kyle, at Haynes.
LaBaron Drive, at Grand Prix Drive.
Lake Point Drive, at Oak Ridge West.
Lake Point Drive, at Steiert Drive.
Lake Charles Drive, at Park Charles Boulevard north.
Lake Charles Drive, at Whispering Ridge Lane.  (3-way stop)
Lake Hill Drive, at Lake Meramec Drive.
Lake Hill Drive, at Park Charles North.  (4-way stop)
Lake Hill Drive, at Thoele Road.
Lake Park Court, at Park Charles Boulevard north.
Lake View Drive, at Caulks Hill Road.
Lake Village Road, at Washeon Road.
Lakeport Court, at Lake Meramec Drive.
Lakeside Court, at Lake Meramec Drive.
Lands End Drive, on either side of Cambridge Crossing Drive.
Lansdowne Court, at Delaware Drive.
Laredo Drive, at Woodcrest.
Latour Street, at Commonsfield Street.
Laura Hill Drive, at Laura Hill Road.
LeBaron Drive, at Grand Prix Drive.
LeClaire Street, at Commonsfield Street.
LeSier Street, at Commonsfield Street.
Lillian Drive, at Hickory Dale Drive.
Lime Rock Drive, at Bridgehampton.
Line Street, at Circle Drive.
Line Street, both sides, at Cherry. (2-way stop)
Lone Eagle Trail, at River Trail.
Lone Eagle Trail, at Upper Bottom Road.
Lori-Lynn, at Jacobs Crossing.
Lori-Lynn and Woodmanor, at Kim-Kelly.
Loyd Lane, at Towers Road.
Lupine Court, at Belleau Creek Road.
Main Street, at St. Charles Street. (3-way stop)
Majestic Court, at Eagles Hill Ridge.
Maldon Lane, at Penbrook Lane.
Maldon Lane, at St. Babette Lane.
Mallory Drive, at Aintree Drive.
Mallory Drive, at Brooklands Drive.
Manor Cove Drive, at Stonecroft Drive (2 locations).
Mar-Pat Acres, at Point Prairie Road.
Mason Ridge Drive, at Summer Ridge Drive/Copperwood Trail Drive. (4-way stop)
Maudie Lane, at Precious Stone to establish right-of-way.
Maudie Lane and Arbor Green Drive, at Emerald Place Drive to establish right-of-way.
McCauley Way, at Camden Crossing Drive.
McCauley Way, at Fox Ridge Drive.
McClay Road, at entrance to St. Joachim & Ann School. (school stop)
McClay Road, at Tulip Tree. (3-way stop)
McClay Road, at Horstmeier Road. (3-way stop)
McClay Trails Subdivision:
   Elkhart Lake Road, at Woodstream Drive in McClay Trails Subdivision. (3-way stop)
   Oregon Trail, at Chisholm Trail in McClay Trails Subdivision. (4-way stop)
McKinley Drive, at Feise Road.
Meadow Drive, at O'Fallon Drive to establish right-of-way.
Meadow Glen Drive, at Bluff View Drive.
Meadow Wood Drive, at Brentmoor Drive.
Meadow Wood Drive, at Jungs Station Road.
Meadowridge Subdivision:

Claycrest Circle, at Gregory Gerard Drive in Meadowridge Subdivision.

Claycrest Drive, at Gregory Gerard Drive in Meadowridge Subdivision.

Dugan Court, at Gregory Gerard in Meadowridge Subdivision.

Franjoe Court, at Gregory Gerard Drive in Meadowridge Subdivision.

Gregory Gerard Drive, at Kisker Road in Meadowridge Subdivision.

Gregory Gerard Drive, at Robertridge Drive in Meadowridge Subdivision. (4-way stop)

Haynes Drive, at Robertridge Drive in Meadowridge Subdivision. (both sides)

Haynes Drive, at Stephenridge Drive in Meadowridge Subdivision.

Kellykris Court, at Robertridge Drive in Meadowridge Subdivision.

Kellykris Drive, at Robertridge Drive in Meadowridge Subdivision.

Kyle Drive, at Kellykris Court in Meadowridge Subdivision.

Peggyann Drive, at Robertridge Drive in Meadowridge Subdivision.

Robertridge Drive, at Highway 94 in Meadowridge Subdivision.

Stephenridge Drive, at Gregory Gerard Drive in Meadowridge Subdivision. (both sides)

Timothyridge Drive, at Gregory Gerard Drive in Meadowridge Subdivision. (both sides)

Mechlin Drive, at Jarvis Road.

Melanie Court, at Tara Lane.

Melody Lane, at Bluebird Drive.

Melody Lane, at North River Road.

Meramec Way, at Gettysburg Landing.

Mexico Road, at Edinger. (2-way stop)

Mexico Road, at Guthrie Road. (3-way stop)

Milkyway, at Jacobs Station Road.

Millcroft Drive, at Millers Ridge Drive.

Mohican Trail, at Shoshone Trail.

Monitor Way, at Gettysburg Landing.

Monticello Court, at Annapolis Way.

Mossport Drive, at Bridgehampton.

Mount Vernon Drive, at Congress Way. (all three locations)

Mr. Mokes, at Central School Road and St. Peters Road.

Muegge Road, at Timberidge. (3-way stop)

Muirfield Court, north and south, at Muirfield Drive.

Muirfield Drive, at Cross Timbers Court. (4-way stop)

Muirfield Drive, at Pitman Hill Road, both intersections.

Muirfield Hill Court, at Muirfield Drive.

Muirfield Woods Court, at Muirfield Drive.

Nantwich Lane, at Penbrook Lane.

Nantwich Lane, at St. Babette Lane.

Napa Lane, at Ingelnook/Madeira. (4-way stop)

New Elm Point Road, at Elm Street intersection. (4-way stop)

Nooney Street, at Commonfield Street.

North and South Brampton Drive, at Cambridge Crossing.

North Carolina and South Carolina, at Eagles Hill Ridge.
North and South Weston Court, at Eagles Hill Ridge.
North Lang Drive and South Lang Drive, at O'Fallon Drive.
North Point Prairie Road, at Mar Pat Drive. (3-way stop)
North River Road, at Hawning Road (on Hawning entering North River Road).
North Winds Drive, at Four Winds Drive.
North Winds Drive, at West Winds Drive.
Northbound Kisker Road, at Old Farm House Road.
Northwood, at Feise Road.
Oak Bend, at Laura Hill Road.
Oak Circle, at O'Fallon Drive to establish right-of-way.
Oak Forest Drive, at Bluffview Drive. (4-way stop)
Oak Forest Drive, at Caulks Hill Road.
Oak Forest Drive, at Laura Hill Road.
Oak Knoll Drive, at Jacobs Station Road.
Oak Knoll Drive, at Laura Hill Road.
Oak Leaf Bluff Drive, at Cambridge Crossing.
Oak Park Drive, at Park View.
Oak Ridge Drive, at Mexico Road.
Oak Valley Drive, at Birdie Hills Road.
Oak Valley, at Eagles Ridge and church entrance. (4-way stop)
Oakborough Drive, at Oakridge/Ridgeway Avenue.
Oakridge West Drive/Lake Point Drive/Oak Point Drive. (4-way stop)
Oetting Drive, at Gettysburg Landing.
Oetting Drive, at Jungs Station Road.
Oetting Drive, at Gran Lin Drive. (3-way stop)
O'Fallon Drive, at Gutermuth. (3-way stop)
Old Dominion Street, at Keystone Crossing Drive.
Ohmes Road, at Birdie Hills Road.
Old Farm House Road, at New Kisker.
Old Flatwoods, at Flatwoods Road.
Old Highway 94, at Dingedline Road and entrance to strip mall. (4-way stop)
Old Horstmeier Road, at McClay Road.
Old Log Cabin Trail, at Cappeln-Osage Road.
Old Missouri Route 94, at Caulks Hill Road. (3-way stop)
Old South River Road, at South Main.
Old South River Road, at South Main Street.
Olendorf Avenue, at Knaust Road (All Saints).
Oregon Trail, at Chisolm Trail in McClay Trails Subdivision. (4-way stop)
Oregon Trail, at McClay Road.
Oregon Trail, at Woodstream Drive.
Orf Road, at Duello Road.
Orton Street, at Penbrook Lane.
Ozark Way, at O'Fallon Road.
Palm Drive, at Mamelles Drive.
Palm Drive, at Persimmon Drive.

Park Charles Boulevard North, at Valley View Road. (3-way stop)

Park Charles North, at Park Charles South.

Park Charles South, at St. Peters Howell Road.

Park Charles South Subdivision:
   Armitage Drive, at Atwater Drive in Park Charles South Subdivision.
   Armitage Drive, at Park Charles Boulevard South in Park Charles South Subdivision.
   Atwater Drive, at Atwater Drive in Park Charles South Subdivision. (to intersection one-stop)
   Atwater Drive, at Park Charles Boulevard South in Park Charles South Subdivision.
   Lake Meramec Drive, at Park Charles Boulevard North in Park Charles South Subdivision.
   Lake Meramec Drive, at Park Charles Boulevard South in Park Charles South Subdivision. (3-way stop)
   Niblic Drive, at Bridgeport in Park Charles South Subdivision.
   Oak Park, at Park Charles Boulevard North in Park Charles South Subdivision.
   Park Charles Boulevard North, at Parkview Drive in Park Charles South Subdivision.
   Park Charles Boulevard North, at Snow Hill Drive, east intersection in Park Charles South Subdivision. (4-way stop)
   Snow Hill Drive, at Park Charles Boulevard North, west intersection in Park Charles South Subdivision.
   Weatherby Drive, at Park Charles Boulevard South in Park Charles South Subdivision. (3-way stop)

Park Place, at St. Peter's Road.

Parktown Drive, at Harvestowne Industrial Drive, both sides.

Parkwood Drive, at St. Peters Howell Road.

Parkwood Drive, at Snow Hills Drive. (4-way stop)

Patriots Landing/Bonhomme Richard Court, at Fox Ridge Drive.

Peach Drive, at West Drive and Cap-Au-Gris Drive. (4-way stop)

Peach Street, at Line Street. (4-way stop)

Pebble Brook Drive, at Millpond Drive.

Pecan Hill Drive, at Cambridge Crossing Drive.

Pegasus Trail, at St. Peters Road, west intersection.

Penbrooke, at Essex Street. (4-way stop)

Perry Drive, at O'Fallon Drive to establish right-of-way.

Pershing Lake Drive, at Weatherly Drive (both intersections).

Persimmon Drive, at Clarence Drive.

Piety Court/Piety Drive, at Honor Lane.

Pine Circle, at O'Fallon Drive to establish right-of-way.

Pine Woods Subdivision:
   Watkins Glen Drive, at Elkhart Lake Drive in Pine Woods Subdivision.

Pine Drive, at St. Peters Howell Road.

Pinnacle Point Subdivision:
   Mt. Helena Lane, at Feise Road in Pinnacle Point Subdivision.

Pitman Hill Road, at Kisker Road and new subdivision street. (4-way stop)

Portsmouth Drive, at Delaware Drive.

Portsmouth Drive, at Trenton Station.

Potomac Court, at Oetting Drive.

Pralle Lane/Pralle Court, at its intersection. (3-way stop)

Precious Stone Drive, at Motherhead Road.
Prince Andrew Court, at Cambridge Crossing Drive.
Prospect Lakes Drive, at Prospect Road.
Prospect Lakes Drive, at Prospector Trail Drive. (4-way stop)
Prospector Drive, both directions, at Discovery Drive.
Prospector Trail, at Prospect Lakes Drive. (4-way stop)
Providence Drive, at South Hampton Drive.
Quiet Drive, at Woodsway Drive.
Quince Drive, at Mamelles Drive.
Quince Drive, at Persimmon Drive.
Ramona Drive, at Horstmeier and Old Highway 94. (4-way stop)
Ramona Lane, at Dingledine Road.
Ramona Lane, at Southgate Drive. (3-way stop)
Ramona Lane, westbound, at Tara Lane.
Red Bud Drive, at Bluebird Drive.
Red Bud Drive, at North River Road.
Reece Drive, at Bryan Road.
Rembrandt Drive, at Feise Road.
Reno Court, at Sundance Drive.
Rhine Court, at Napa Lane in The Vineyards.
River Bend Estates Drive, at Upper Bottom Road.
River Trail, at Upper Bottom Road.
River Trail/Rockwood Trail intersection. (3-way stop)
Riverbend Estates Drive, at Paddlewheel Court. (3-way stop)
Riverwood Drive, at Upper Bottom Road.
Robert-Ridge, at Haynes. (4-way stop)
Rockford Way, at Jungs Station Road.
Roland Drive, at Birdie Hills Road.
Rolling Hills Drive, at Central School Road.
Rose Marie Court, at St. Peters Road.
Roseberry Topping Court, at Pitman Hill Road.
Rosewood Drive, at Hawning.
Route A, at Josephville Road.
Ruby Lane and Daybreak Lane. (3-way stop)
Ruby Lane, at Summit Drive.
Rustic Hills Court, at Oak Valley Drive.
Ruth Drive, at Blase Station Road.
SSM, entrance from SSM at Kisker Road.
San Camille, at San Carlos.
San Camille Court, at San Carlos.
San Carlos, at Rio Vista.
Saratoga Heights Drive, at Towers Road.
Saucier Street, at Commonfield Street.
Savannah Ridge Drive, at Annapolis Way.
Savannah Ridge, at Trenton Station. (4-way stop)
Sawyer Boulevard, at Bolton Street.
Scarlet Court, at Tara Drive.
Scherer Parkway, at Friedens Road.
Schultz Road, both sides, at Dietrich Road.
Senate Court, at Congress Way. (3-way stop)
Seven Hills Lane, at Gallo Drive.
Seven Hills Lane, at Towers Road.
Seven Hills Lane, at Vineyards Lane/Sirah Court. (4-way stop)
Seven Hills Road, at Towers Road.
Sherborn Lane, at Penbrook Lane.
Sherbrooke Road, at Fairgrounds Road.
Sherman Park Drive, at Sherman Drive.
Sherman, at Lincoln Drive and Boone Drive.
Silas Court, at Chippewa Way.
Silverstone Drive, at Aintree Drive.
Silverstone Drive, at Brooklands Drive.
Snow Hill Drive, at Parkwood Drive.
Snow Hill, at Weatherby.
Somerset Hills Drive, at Caulks Hill Road.
South Dianne Drive, at West Sunnyside Drive, both sides.
South Drive, at Beverly Drive.
South River Road, at Upper Bottom Road and Hemsath Road. (3-way stop)
Southgate Drive, at Dingledine Road.
Spirit Drive, at Duello Road.
Spring Hill Drive, at Millpond Drive.
Spring Valley Wood Subdivision:
    Providence, at Woodstream in Spring Valley Wood Subdivision.
    Wood Stream Drive, at Attleboro Court in Spring Valley Wood Subdivision.
Spruce, at Circle. (3-way stop)
St. Babette Lane, at Lyme Street.
St. Charles Street, at each side of the pedestrian crossing (formerly Katy Railroad, currently Katy Trail).
St. Charles Subdivision:
    Golf Way, at Denton in St. Charles Subdivision. (4-way stop)
St. Henry Lane, (also known as Gatty Road), at St. Lawrence Drive.
St. Joan Drive, at Connecticut Drive to establish right-of-way.
St. Joan Drive, at Sawyer Boulevard.
St. Jovite, at Bridgehampton.
St. Jude's Subdivision:
    St. Ann's, at Birdie Hills Road in St. Jude's Subdivision.
    St. Mary's, at Birdie Hills Road in St. Jude's Subdivision.
St. Lawrence Drive, westbound, at St. Catherine Drive.
St. Paul Road, at Church Road.
St. Peters-Cottleville Road, at Mid-Rivers Drive.
St. Theodore Court, at Mexico Road.
St. Violet Drive, at St. Catherine Drive.
St. Violet Drive, at St. Paul Drive.
St. Xavier Drive, at St. Catherine Drive.
St. Xavier Drive, at St. Paul Drive.
Stafford Place Court, at Dingledine Road.
Stafford Wood Court, at Dingledine Road.
Steeplechase Drive, at Church Street (St. Peters).
Steiert Drive, at Mexico Road.
Stonecroft Court, at Stonecroft Drive.
Stonecroft Drive, Chippewa Way and Briarcroft Drive (4-way stop).
Stonecroft Drive, at Dingledine Road.
Stonecroft Drive, at Kisker Road.
Stonecroft Drive and Millcroft Drive (3-way stop).
Stonecroft Drive and Millers Ridge Drive (3-way stop).
Stonecroft Drive, at Westhampton Place Circle and Westhampton Place Court. (4-way stop)
Stonehenge Drive, at Woodcliffe Manor (both sides).
Stonewall Station, at Heritage Landing.
Stoneybrook Drive, both ends, at Feise Road.
Stratford Drive, at Jungs Station Road.
Sugar Maple Lane, at Pralle Lane.
Summer Gate Parkway, at Old Highway 94.
Summerfield Parkway, at Cambridge Crossing Drive.
Summerfield Parkway, at Caulks Hill Road.
Summerfield Parkway, at Kickshaw Drive. (4-way stop)
Summerfield Parkway, at Summerview Drive. (4-way stop)
Summerset Drive, at O’Fallon Road, the entrance to The Lakes Subdivision.
Summerview Drive, at Towers Road.
Sundowner Drive, at Country Club Road.
Sundowner Drive, at Greenleaf Drive.
Sunny Days Court, at Country Club Road.
Sunnydale Drive, at Zumbehl Road.
Sunswept Drive, at Greenleaf Drive, both sides.
Surry Hill Drive, at Hackman Road.
Susan Avenue, at Blase Station Road.
Swaying Oaks Lane, at Swaying Oaks Road.
Sweetwater Court, at Sundowner Drive.
Sycamore Drive, at Harvester Road. (Old 94)
Tealwood, at Gutermuth Road.
Terry Drive, at Sharon Drive.
Thoele Road, at Lakehill Drive. (3-way stop)
Thoele Road, at McClay Road. (3-way stop)
Timberidge Drive, at Hackman Road.
Timberwood Trails Subdivision:
  Copperwood Trail, at Mason Ridge Drive in Timberwood Trails Subdivision.
Silver Lake Drive, at Country Ridge Drive in Timberwood Trails Subdivision.

Timothy Ridge Drive, at Gregory Gerard Drive. (4-way stop)
Tom Sawyer Drive, at Becky Thatcher Drive.
Tom Sawyer Drive, at Huck Finn Drive.
Toussaint Drive, at Stump Road.
Tower Park Drive and Aldershot Court. (4-way stop)
Tower Park Drive (both sides), at Gibraltar Point Drive. (north intersection)
Tower Park Drive, at Towers Road.
Towers Creek Place, at Towers Road (Muirfield Subdivision Plat 5).
Towers Road, at Kischer Road.

Town Court, at Harvestowne Industrial Drive.
Trade Winds Drive, at Four Winds Drive.
Trade Winds Drive, at West Winds Drive.
Trappers Way/Lone Eagle Trail intersection. (3-way stop)
Trappers Way/River Trail intersection. (3-way stop)

Tree Top Drive, at Country Club Road.
Treeshade Drive, at Birdie Hill Road.
Treeshadow Drive, at Birdie Hill Road.
Trenton Station, at Heritage Landing. (3-way stop)
Tulip Tree Lane, at McClay Road. (3-way stop)
Tumbleweed Trail, at Harvestowne Industrial Drive.
Upper Bottom Loop, at both intersections with Upper Bottom Road.
Upper Muirfield Court, at Muirfield Drive.

Valley Forge Drive, west leg, at Gettysburg Landing.
Vineyards Lane and Sonoma Court, at Napa Lane.

Vineyards Subdivision:

Napa Lane, at Towers Road.
Walnut Creek Boulevard, at Gutermuth Road.
Walnut Point Lane, at Gutermuth Road.
Washington Street, at Commonfield Street (both sides).
Watkins Glen Drive, at McClay Road.
Weatherstone Drive, at O'Fallon Drive.
Weatherton Place, at Woodstream Drive.
Weeping Willow Drive, at Willow Wood Court.
Wellington Farm Drive, at Gutermuth Road.
Wellington Farm Drive, at O'Fallon Road.

West Randolph, northwest bound, at Boschertown Road, Mueller Road and Elm Point Road. (multi-way stop)
West Cheshire Drive, at Muegge Road.

West Sunnyside Drive, at Birdie Hills Road.
Westbend Drive, at Weldon Spring Road.
Westbridge, on either side of Graybridge.
Westfield Farm Drive, at Henning Road.
Whispering Pines Drive, at Stump Road.
Whispering Wind Drive, at Bluebird Drive.
Whispering Wind, at North River Road.
White Oak Drive, at Mexico Road.
White Oaks Drive, at St. Peters Howell Road.
White Pine Drive, at Mason Ridge Road. (4-way stop)
White Pine Drive, at Motherhead Road.
White Rose Lane, at Caulks Hill Road.
Whitehurst Manor Drive, at McClay Road.
Whitehurst Manor Drive, at South Hampton Drive.
Whitewater Drive, at Woodstream Drive.
Wild Deer Lane, at Laura Hill Road.
Wilkesboro Drive, at Henning Road.
Wilkesboro Drive, at Weldon Spring Road.
Williamsburg, at Country Club Road.
Willis Drive, at Theele Road.
Willow Bend Drive, at Eagles Hill Ridge Drive and Moss Point Drive.
Willow Bend Drive, at Jungs Station Road.
Willow Bend Drive, at Pond Hollow Drive. (3-way stop)
Willow Bend Drive, at Willow Wood Court. (4-way stop)
Willow Wood Drive, at Jungs Station Road.
Windcastle Drive, at Pitman Hill Road.
Windcastle Place, at Windcastle Drive (3 locations).
Winding River Drive, at River Bend/Congress Way. (4-way stop)
Windswept Drive, at Jungs Station Road.
Windswept Drive, at Willow Wood Court.
Winfield Street, at Commonfield Street (both sides).
Winter Hill Drive, at Millpond Drive.
Wolfrum Road, at Independence Road and Rosemount Drive. (4-way stop)
Wood Briar Lane, at Hackman Road.
Wood Briar Lane, at McClay Road.
Wood Cliff Manor, at Upper Bottom Road.
Wood Crest Subdivision:
   Brookfield Drive, at Wood Crest Boulevard in Wood Crest Subdivision. (3-way stop)
   Wild Winds Drive, at Fire Tree Drive and Wild Winds Drive in Wood Crest Subdivision. (T-intersection, one-stop)
Woodcrest, at Amarillo Drive.
Woodcrest Boulevard, at Lowell Lane. (4-way stop)
Woodland Ridge Drive, at Arnold Avenue.
Woodland Trails Drive, at Weise Road.
Woodmere Drive, at Bluffview Drive.
Woods Trail Court, at Rockwood Trail.
Woodstone Drive, at Harvester Road.
Woodstream Drive, at Bridgewater Court. (3-way stop)
Woodstream Drive, at McClay Road. (4-way stop)
Woodstream Drive, at Oregon Trail Court/Oregon Trail Drive. (4-way stop)
Woodsway Drive, at Beaver Lake Drive.
The presence or absence of stop signs at the following intersections will remain unchanged:

**Location**

The presence of the three-way stop at Gutermuth Road and Motherhead Road.

The presence of a stop sign on Eisenbath Road at Freymuth Road.

The absence of a stop sign at Bluffview Drive and Bluffview Court.

The presence of a stop sign on Roepner Drive at Maple Street.

The absence of a stop sign at Lakehill Drive and the rear entrance to Fairmount School.

(St. Charles County Ordinances; Ord. No. 93-144 §§4-5, 8-31-93; Ord. No. 94-104 §3, 6-29-94; Ord. No. 94-130 §1, 8-15-94; Ord. No. 95-90 §2, 6-28-95; Ord. No. 96-45 §1, 5-1-96; Ord. No. 97-21 §1, 2-26-97; Ord. No. 98-89 §1, 5-27-98; Ord. No. 99-35 §1, 4-28-99; Ord. No. 00-014 §1, 2-29-00; Ord. No. 01-012 §1, 2-28-01; Ord. No. 01-124 §1, 9-28-01; Ord. No. 02-062 §1, 5-29-02; Ord. No. 02-186 §1, 12-23-02; Ord. No. 03-006 §1, 1-29-03; Ord. No. 03-148 §1, 10-1-03; Ord. No. 04-039 §1, 3-31-04; Ord. No. 04-178 §1, 10-27-04; Ord. No. 05-062 §1, 6-1-05; Ord. No. 06-001 §1, 3, 1-3-06; Ord. No. 06-101 §1, 8-1-06; Ord. No. 07-011 §1, 1-30-07; Ord. No. 07-100 §1, 8-2-07; Ord. No. 08-021 §1, 3-3-08; Ord. No. 08-149 §1, 12-17-08; Ord. No. 09-059 §1, 7-13-09; Ord. No. 09-139 §1, 12-23-09; Ord. No. 10-055 §1, 8-4-10; Ord. No. 10-100 §1, 11-2-10; Ord. No. 11-084 §1, 9-30-11; Ord. No. 12-078 §1, 11-5-12)

(Authorizations of the County Engineer pursuant to Section 310.010(C) of this Title: 8-16-05)

### SCHEDULE III. PARKING REGULATIONS

**Table III-A. No Parking Zones**

No Parking Zones are hereby established for the following streets:

**Location**

*Alta Villa Road*, from a point 1,000 feet from first 90 degree turn to the left from Highway 94 for a distance of 1200 feet. (both sides of the road)

*Arena Parkway*, both sides, between Friedens Road and the South River Road.

*Arnold Drive*, to 100 feet from Pralle Lane. (both sides of the road)

*Augusta Bottom Road*, from the Augusta City limits to Schell Road.

*Berlekamp Drive*, from Country Club Road to Norwood.

*Cedar Grove Court*, between 12:00 P.M. and 6:00 A.M.

*Cedar Grove Drive*, both sides, from Old Highway 94 to Dingleline Road.

*Country Club*, both sides, from Fairway Circle to Muegge Road.

*Country Club Road*, east side to the City limits line, approximately 150 feet north of Elks Trail Drive.

*Country Knoll Drive*, from Jungs Station Road to end of median.

*Crown Passage Drive*, from Upper Bottom Road to the western property line of Lot 195 (#565 Crown Passage Drive) and from the western property line of Lot 152 (#515) to the eastern property line of Lot #152, both on the inbound side of the roadway.

*Crown Passage Drive*, from the eastern property line of Lot 125 (#538) to the western property line of Lot 125 and from Bridlesmith Court to the western property line of Lot 111 (#568), both on the outbound side of the roadway.
Darst Bottom Road, both north and south sections of road, for 1,000 feet on the east side of Katy Trail and to Highway 94 on the west side of the Katy Trail (no parking to be on the north side of the road).

Defiance Road, both sides, from its intersection at Highway 94, west 600 feet.

Elm Drive, both sides of the street, from St. Luke, 75 feet southward.

Fairview Drive, on the south side between Clearview Drive and Spring.

Fiese Road, 150 feet each side of Northwood Drive and Amarillo Drive.

Fischer Lane, between the hours of 8:00 A.M. to 10:00 A.M., Monday through Friday.

Four Winds Subdivision, both sides of street at entrance from Salt Lick Road to South Winds Drive.

Gettysburg Landing, where street has a landscaped median.

Glenallen Drive, east side from Knaust Road, south 60 feet.

Grafton Ferry Road, both sides, on the last 500 feet (northern end).

Greenleaf Drive, west side, from Tree Top Drive north to the end of County maintenance.

Greens Bottom/Jungs Station Road, at eastern Katy Trail crossing on the northwest side of Greens Bottom/Jungs Station Road.

Harbor Point Road, from Highway 94 east to end.

Harvestowne Industrial Drive, on both sides, south of Tumblewood Trail to cul-de-sac.

Hawning Road, from Highway 94 to Rosewood Drive.

Hemmingway Lane, adjacent to recreational area. (one side of street only)

Heritage Landing, in the Heritage Subdivision, from Route 94 to Vicksburg Station.

Heritage Landing, where street has a landscaped median.

Hickory Dale Drive, on the south side from Caulks Hill Road to Victoria Place Court.

Hickory Dale Drive, on the north side from the eastern property line of 111 Hickory Dale Drive to the western property line of 111 Hickory Dale Drive.

Highway H, 250 feet each direction from Suntan Beach crossing.

Highway 94, 250 feet each direction from box culvert between Rees Road and Highway H.

Hudson Landing, where street has a landscaped median.

Huntsman Trail, west side for a distance of 75 feet north of Antelope Drive to corner of Huntsman Trail and Antelope.

Jungs Station Road, west side, from Country Knoll Drive to Meadow Wood Drive.

Jungs Station Road/Greens Bottom Road, from Amhurst Place to Amerein Road.

Lake Drive/Seib Drive, no parking on the inside corner for one hundred (100) feet in either direction from the intersection of the centerline of each street. No Parking on the outside of corner between the two (2) adjacent driveways.

Lake Point Drive, on both sides between Oakridge West and Steiert Drive, from 7:00 A.M. to 9:00 A.M., Monday through Friday.

Lake Point Drive, west of Oakridge West and on Oak Point Court from 7:00 A.M. to 9:00 A.M., Monday through Friday.

Lone Eagle Trail, south side.

Maple Street, both sides of the street, from Elm Drive, 75 feet westward.

Martin Lane, no parking on both sides for a distance of seventy-five (75) feet from Mexico Road.

McClay Road, south side from St. Peters Road to Harvest Drive.

Mexico Road, from Highway A north plus 500 feet.

Milky Way Drive and Big Dipper, 50 feet either direction from the centerline of each street.

Monaco Drive, from 150 feet north of Imperial Drive to end of street.

Motherhead Road, both sides, from Gutermuth Road to Highway N.

Mount Vernon Drive, on the west side.

Napa Lane, on the residential property from Sonoma Court to the end of the recreational area.

Napa Lane and Vineyard Lane, along the recreational center property one side of the street only.

North Service Road, both sides, from 100 feet west of bridge over Peruque Creek to 1,000 feet east of bridge.

Oak Valley Drive, south side, from Knaust Road to Oak Point Drive.
Oakrail Drive, from Oakridge West Drive to Lake Point Drive from 6:00 A.M. to 9:00 A.M., Monday through Friday.

Oakridge West, east side, from Mexico Road to Oakrail Drive, no parking 6:00 AM to 4:00 PM Monday through Friday.

Oakridge West, west side, from Mexico Road to Lake Point Court, no parking 6:00 AM to 4:00 PM Monday through Friday.

O'Fallon Road, along the acceleration, deceleration lanes at the entrance to Wellington Farm Subdivision.

Old U.S. 40 by-pass, south side, along VFW property which would be approximately 1,618 feet east of the centerline of Missouri Route K to their east property line approximately 2,461 feet east of the centerline of Missouri Route K.

Park Charles Boulevard South, 425 feet east of Weatherby Drive to 706 feet west of Lake Meramec Drive.

Parktown Drive, on the north side.

Post Road and Hanley Road, 300 feet each side of the intersection with Highway N.

Pralle Lane, from the intersection of South River Road west approximately 100 feet on both sides of the street.

Ramona Drive, in median on Ramona Drive in St. Charles Village Subdivision.

Ramona Drive, on both sides of the street from Old Highway 94 to end of center median.

River Trail, west side.

Rockwood Trail, around the cul-de-sac and on north side, west of River Trail.

Rockwood Trail, south side, east of River Trail.

Rosebud Way, on the northeast side.

Route 67, along two lane portion south of Clark Bridge.

Route 94, on the north side between Third Street and Second Street in the Town of Defiance.

Sherman Drive, both sides of the street, from Highway 94 to Lincoln Drive.

Sherwood Harbor Drive, on both sides from Grafton Ferry Road to the end.

Sherwood Harbor Road, from end of road 40 feet northeasterly.

South Outer Road, at I-70, south side, for a distance of 500 feet either side of O'Fallon Drive, the entrance to O'Fallon Hills Subdivision.

Spring Drive, east side from the south line of Imprint Systems, Inc., property to the South Service Road and on the west side of Spring for entire length of road.

St. Andrews Drive, west side, from St. Andrews Golf Course southwardly for 60 feet.

St. Andrews Golf Course, south side of the entrance road to the maintenance shed.

St. Lukes, both sides of the street, from Elm Drive, 102 feet eastward.

St. Peters Road, south side, 300 feet west from school along ball field.

Steiert Drive, from Mexico Road to Lake Point Drive.

Steiert Drive, from Mexico Road to Gene Way, during school hours.

Summergate Parkway, east side, for 500 feet from Harvester Road to entrance of condominium property.

Summergate Parkway, west side, from City limits of St. Peters to condominium property.

Surrey Hill Drive, between the hours of 8:00 A.M. and 10:00 A.M., Monday through Friday.

Sycamore Drive, east side, from driveway at 966 Sycamore north to Old Highway 94 plus 250 feet.

Trappers Way, north/east side.

Twillman Drive, north side, from Route 94 to Royal Domain Drive.

Twillman Drive, south side, from Route 94 to 100 feet west.

Vineyard Lane, residential side from Napa Lane to Vineyards Court.

Vineyard Lane, recreation area side from Vineyards Court to end of recreation area.

Vineyards Lane, no parking on the north side from Napa Lane to Lot 195.

Waterford Crossing Drive, no parking on the north side between Highway K and Jay-Dee Court.

Wellington Farm Drive, from O'Fallon Road to Sugar Mill Court along common ground, south side.

West Clay Street (N. Service Road), north side, from Zumbehl Road to Campus Drive.

West Terra (Old Highway 40), from Lake St. Louis overpass to O'Fallon City limits.


Wood Crest Boulevard, on the south side from Highway K to Brookfield Drive.

Woods Trail Court, east side.

Wright Road, on both sides from Highway 94 to Marine Drive.

### Table III-B. Restricted Parking

The following streets or roadways shall have the parking limitations listed below when so signposted:

<table>
<thead>
<tr>
<th>Location</th>
<th>Restriction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fox Trotter Drive, from Highway 40-61 to entrance of Rolling Meadows Park and Pin Oak Park Subdivision</td>
<td>Limited to 4 hours</td>
</tr>
<tr>
<td>(St. Charles County Commission (Court) Orders of 5-13-80; 7-6-82; 6-14-83; 6-19-84; 5-24-85; 3-29-88; 6-9-88; 6-26-89; 1-18-91; 11-15-91; 6-25-92; Ord. No. 93-144 §1; 8-31-93; Ord. No. 94-104 §1; 6-29-94; Ord. No. 94-130 §2; 8-15-94; Ord. No. 95-90 §1; 6-28-95; Ord. No. 96-45 §2; 5-1-96; Ord. No. 97-21 §2; 2-26-97; Ord. No. 98-89 §2; 4-21-98; Ord. No. 00-001 §2; 1-3-06; Ord. No. 07-011 §2; 1-3-06; Ord. No. 08-149 §3; 12-17-08; Ord. No. 11-084 §2; 9-30-11; Ord. No. 12-005 §1; 2-6-12; Ord. No. 12-078 §2, 11-5-12)</td>
<td></td>
</tr>
</tbody>
</table>

### SCHEDULE IV. YIELD SIGNS

The following yield signs are to be established:

<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Armitage</td>
<td>at Park Charles North.</td>
</tr>
<tr>
<td>Armitage</td>
<td>at Park Charles South.</td>
</tr>
<tr>
<td>Asherton Drive</td>
<td>at Park Charles Boulevard North, both intersections.</td>
</tr>
<tr>
<td>Atwater</td>
<td>at Park Charles South.</td>
</tr>
<tr>
<td>Barwise Road and private drive</td>
<td>at Island Road and Powers Road.</td>
</tr>
<tr>
<td>Duke Road</td>
<td>at Terry Road.</td>
</tr>
<tr>
<td>Lake Charles</td>
<td>at Park Charles North.</td>
</tr>
<tr>
<td>Lake Meremac</td>
<td>at Park Charles North.</td>
</tr>
<tr>
<td>Lake Meremac</td>
<td>at Park Charles South.</td>
</tr>
<tr>
<td>Lakepark Court</td>
<td>at Park Charles North.</td>
</tr>
<tr>
<td>Newberry Drive</td>
<td>at Park Charles North. (two locations)</td>
</tr>
<tr>
<td>Oak Forest Drive</td>
<td>at Bluff View Drive in the Bluff’s Subdivision.</td>
</tr>
<tr>
<td>Parkview Drive</td>
<td>at Park Charles North.</td>
</tr>
<tr>
<td>Riverside</td>
<td>at Elkhart Lake.</td>
</tr>
<tr>
<td>Snow Hill Drive</td>
<td>at Park Charles North. (three locations)</td>
</tr>
<tr>
<td>Weatherby</td>
<td>at Park Charles South.</td>
</tr>
<tr>
<td>(St. Charles County Commission (Court) Orders of 7-6-82; 6-14-83; 3-29-88; Ord. No. 96-45 §3, 5-1-96)</td>
<td></td>
</tr>
</tbody>
</table>

### SCHEDULE V. TURN RESTRICTIONS

#### TABLE V-A. U-TURNS

On the following streets or locations, U-turns are prohibited:

<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Route 94</td>
<td>from I-64 south for 8,500 feet.</td>
</tr>
<tr>
<td>(St. Charles County Commission (Court) Order of 3-29-88)</td>
<td></td>
</tr>
</tbody>
</table>


**TABLE V-B. LEFT TURNS**

On the following streets or locations, left turns are prohibited:

**Location**

Highway N at the Deer Creek Crossing Development (into and out of the secondary entrance from Highway N).  (Ord. No. 01-012 §5, 2-28-01)

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**SCHEDULE VI. PEDESTRIAN SIGNALS**

At the following locations, pedestrian signals shall be located:

**Location**

Country Club Road, 150 feet east of Sundowner Drive.

(St. Charles County Commission (Court) Order of 5-24-85)

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**SCHEDULE VII. WEIGHT RESTRICTIONS**

On the following streets, roadways or locations in the County of St. Charles, the weight restrictions listed below shall apply:

<table>
<thead>
<tr>
<th>Location</th>
<th>Restriction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Schluerburg Bridge</td>
<td>8 ton load limit</td>
</tr>
</tbody>
</table>

---

**SCHEDULE VIII. STREETS OR PORTIONS OF STREETS WHICH HAVE BEEN RENAMED**

<table>
<thead>
<tr>
<th>Ord. No./Renaming Renumbering by Department of Dispatch And Alarm*</th>
<th>Street Or Portion Of Street Renamed</th>
</tr>
</thead>
<tbody>
<tr>
<td>94-21 (2-9-94)</td>
<td>Renames the street of Weldon Drive from Highway 94 to Research Park Drive.</td>
</tr>
<tr>
<td>99-12 (1-26-99)</td>
<td>Renames portion of Upper Bottom Road to Upper Bottom Court.</td>
</tr>
<tr>
<td>99-122 (9-1-99)</td>
<td>Names Arena Parkway and renames a portion of the former South River Road.</td>
</tr>
<tr>
<td>00-126 (10-31-00)</td>
<td>Renames a portion of Thyme Drive to Hampton Crossing.</td>
</tr>
<tr>
<td>01-044 (4-25-01)</td>
<td>Renames Austin Ridge Court to Austin Ridge Drive.</td>
</tr>
<tr>
<td>02-031 (3-28-02)</td>
<td>Renames a portion of Dwyer Road to Dwyer Lane.</td>
</tr>
<tr>
<td>02-140 (9-25-02)</td>
<td>Renames portions of Upper Bottom Road resulting from Upper Bottom Road Reconstruction Project.</td>
</tr>
<tr>
<td>02-180 (11-27-02)</td>
<td>Renames Falcon Field Court to Falcon Woods Court.</td>
</tr>
<tr>
<td>03-091 (7-30-03)</td>
<td>Renames Regent Drive by establishing the new name as Sawyer Boulevard.</td>
</tr>
<tr>
<td>04-001 (3-10-04)</td>
<td>Renames portion of Elm Street and Airport Road within unincorporated St. Charles County to New Town Boulevard.</td>
</tr>
<tr>
<td>04-007 (1-28-04)</td>
<td>Renames a portion of Old Highway Z within unincorporated St. Charles County to Peruque Ridge Drive.</td>
</tr>
<tr>
<td>04-035 (3-31-04)</td>
<td>Renames a portion of Old Dingledine Road to Willow Creek Court.</td>
</tr>
<tr>
<td>Authorized by Section 202.030 of this Code (3-26-12)</td>
<td>Renaming/renumbering a portion of Gutermuth Road to Old Gutermuth Road under Section 202.030 (report from Department of Dispatch and Alarm received by the Council at its meeting March 26).</td>
</tr>
</tbody>
</table>

*Editor's Note—Section 202.030 adopted by ord. no. 08-100, 8-1-08 authorizes the Department of Dispatch and Alarm

408
to establish and/or amend street names when there is a street name or address number so substantially similar as to pose a hazard to efficient emergency service response. In this Schedule "per 202.030" shall reflect said naming/renaming by authority created therein without another specific ordinance reference.

TITLE IV. LAND USE

Cross References--As to zoning, see ch. 405; as to subdivision regulations, see ch. 410.

CHAPTER 400: BOARDS AND COMMISSIONS

Cross References--As to Master Plan 2010 committee, see §120.240 et seq.; as to Board of Zoning Adjustment, see §405.390 et seq.

ARTICLE I. COUNTY PLANNING AND ZONING COMMISSION

SECTION 400.010: ESTABLISHMENT

A ten (10) member County Planning and Zoning Commission is hereby established pursuant to Article II, Section 2.529 of the St. Charles County Charter. The Commission shall consist of one (1) resident from each Council District in the County and two (2) "at large" residents and all nine (9) resident members shall be registered voters who shall have resided in St. Charles County for a period of not less than one (1) year prior to their appointment. No less than five (5) members shall be from the unincorporated area. In addition to the nine (9) residents, a designated representative from the membership of the County Council shall serve.  
(Ord. No. 95-41 §1, 3-29-95; Ord. No. 96-125 §1, 10-29-96; Ord. No. 98-217 §1, 11-25-98; Ord. No. 02-012 §1, 1-30-02; Ord. No. 07-167 §1, 11-26-07)

SECTION 400.020: APPOINTMENTS

Each member of the Planning and Zoning Commission shall be appointed by the County Executive with approval of the Council pursuant to St. Charles County Charter, Article V., Section 5.104.  
(Ord. No. 95-41 §2, 3-29-95)

SECTION 400.030: TERMS

Except for the Council representative who has no term, the nine (9) members shall serve three (3) year terms with three (3) positions expiring each August thirty-first (31st).  
(Ord. No. 95-41 §3, 3-29-95; Ord. No. 02-012 §1, 1-30-02)

SECTION 400.040: REMOVAL

Removal of a member for good cause, such as conviction of a crime, misappropriation of public funds, and malfeasance in office, during the term may be made by ordinance.  
(Ord. No. 95-41 §4, 3-29-95)

SECTION 400.050: OATH

Each member shall take an oath, to be administered by the County Registrar, to insure that the spirit and intent of the County Master Plan and Unified Development Ordinance shall be observed, the welfare of the public upheld, and substantial justice is done.  
(Ord. No. 95-41 §5, 3-29-95)

Editor's Note--Reference to county clerk was changed to county registrar in accordance with ord. no. 01-121, adopted 9-26-01, set out in §129.010 of this code. Additionally, the words "zoning ordinance" have been changed to "unified development ordinance", see notes at chs. 405 and 410 of this code.

SECTION 400.060: COMPENSATION

Any compensation shall be fixed by the County Executive as part of the annual budget, subject to approval by the County Council.  
(Ord. No. 95-41 §6, 3-29-95)

SECTION 400.070: VACANCIES

Vacancies or absences on the Planning and Zoning Commission caused by death, incapacity to perform duties, failure to attend three (3) consecutive regular meetings, or resignation shall be filled forthwith by appointment pursuant to St. Charles County Charter, Article V., Section 5.104(1992) and Section 400.020 of this Chapter.  
(Ord. No. 95-41 §7, 3-29-95)
SECTION 400.080: MEETINGS
The County Planning and Zoning Commission shall meet regularly at least once a month for the purpose of the transaction of its business and meet specially as needed. It shall keep a public record of its resolutions, transactions, findings, and recommendations.

1. **Place.** The Commission may meet at any public place within St. Charles County, but will normally meet in one (1) of the County owned facilities.

2. **Time.** The Commission shall hold meetings at such times as it deems necessary in order to exercise its powers and duties.  
   (Ord. No. 95-41 §8, 3-29-95; Ord. No. 01-054 §1, 4-25-01)

SECTION 400.090: PROCEDURAL REQUIREMENTS AT HEARINGS
The Planning and Zoning Commission shall observe all the following procedural requirements while taking evidence at hearings or meetings.

1. Any interested person may introduce evidence so long as it complies with these rules and the fundamental rules of evidence.

2. Oral evidence shall only be taken in compliance with this Section.

3. All proceedings shall be suitably recorded and preserved. A copy of the transcript of such proceeding shall be made available to any interested person upon the payment of a fee which shall in no case exceed the reasonable cost of preparation and supply.

4. Records and documents of the Commission may be introduced so as to be a part of the record, but the records and documents may be considered as a party record by reference thereto when so offered.

5. The Commission shall take official notice of the St. Charles County Charter and ordinances and all matters of which the courts take judicial notice. They may also take official notice of technical or scientific facts, not judicially cognizable, within their competence, if they notify the parties, either before the hearing or during the hearing of the facts of which they propose to take such notice and give the parties reasonable opportunity to contest such facts or otherwise show that it would not be proper for the Commission to take such notice of them.

6. Copies of writings, documents and records shall be admissible without proof that the originals thereof cannot be produced, if it shall appear by testimony or affidavit or certification by the custodian of the writings, documents or records that the copy offered is a true copy of the original.

7. Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of an act, transaction, occurrence of event, shall be admissible as evidence of the act, transaction, occurrence or event, if it shall appear that it was made in the regular course of any business, and that it was the regular course of such business to make such memorandum or record at the time of such act, transaction, occurrence, or event or within a reasonable time thereafter. All other circumstances of the making of such writing or record, including lack of personal knowledge by the entrant or maker, may be shown to affect the weight of such evidence, but such showing shall not affect its admissibility. The term "business" shall include business, profession, occupation and calling of every kind.

8. The results of statistical examinations or studies, or of audits, compilation of figures, or surveys, including interviews with many persons or examination of many records, or of long or complicated accounts, or of a large number of figures, or involving the ascertainment of many related facts, shall be admissible as evidence of such results, if it shall appear that such examination, study, audit, compilation of figures, or survey was made by or under the supervision of a witness, who is present at the hearing, who testifies to the accuracy of such results, and who is subject to cross-examination by the Commission, and if it shall further appear by evidence adduced that the witness making or under whose supervision such examination, study, audit, compilation of figures, or survey was made was basically qualified to make it. All the circumstances relating to the making of such an examination, study, audit, compilation of figures or survey, including the nature and extent of the qualifications of the maker, may be shown to affect the weight of such evidence, but such showing shall not affect its admissibility. The term "business" shall include business, profession, occupation and calling of every kind.

9. Any party or the Commission desiring to introduce an affidavit in evidence at a hearing must file the affidavit with the Commission not later than seven (7) days prior to the hearing.  
   (Ord. No. 95-41 §9, 3-29-95)

SECTION 400.100: DUTIES--POWERS
The following shall be the duties and powers of the Planning and Zoning Commission:

1. The Commission shall have the power to make, amend and publish for later adoption by ordinance an official Master Plan of the County to assure the coordinated development of the County in accordance with present and future needs. This Plan shall set forth policy regarding the social, governmental, economic and physical development of the County so as to promote the general welfare and prosperity of its people.

2. The Commission shall have the power to prepare and adopt sets of regulations governing the subdivision of land in unincorporated areas, which regulations may provide for the proper location and width of streets, building lines, open spaces, minimum width and area of lots, street grading and paving, sewers, water and other utilities, which are necessary to protect the public health, safety or the general welfare.

3. The Commission shall prepare for later adoption by ordinance a comprehensive zoning plan which shall give reasonable consideration, among other things, to the character of each district, its suitability for particular uses, conserving the value of
4. The Commission shall make recommendations for building setback lines on major highways.

5. The Commission may adopt rules of procedure consistent with the provisions of Federal and State law and the St. Charles County Charter and Ordinances.
   a. The rules adopted by the Commission must be deemed necessary to conduct its business;
   b. The rules shall be adopted by a majority of the entire Commission;
   c. A copy of the rules adopted by the Commission shall be filed with the County Registrar;
   d. The Commission may amend such rules of procedure by following the same requirements for the adoption of such rules;
   e. In the event that the Commission has not adopted Rules of Procedure or where the Commission's own Rules of Procedure are lacking, the Commission shall follow Robert's Rules of Order;
   f. The rules adopted must provide for the keeping of appropriate records which are approved by the Commission and signed by the Chair of the Commission; and
   g. The rules adopted by the Commission must provide that within thirty (30) days following each meeting, the Commission shall file with the County Registrar a record of its proceedings.

6. The Commission shall have all powers given to County Planning and Zoning Commissions under Missouri law. (Ord. No. 95-41 §10, 3-29-95)

Editor's Note--Reference to county clerk was changed to county registrar in accordance with ord. no. 01-121, adopted 9-26-01, set out in §129.010 of this code.

SECTION 400.110: MAJORITY
A majority of the Commission shall constitute a quorum, and a majority of the members present shall determine all matters of appeal or revision. (Ord. No. 95-41 §11, 3-29-95)

SECTION 400.115: CONFLICTS WITH STATE STATUTE
Where the provisions of this Article conflict with the provisions of any planning and zoning enabling legislation enacted by the State of Missouri, the provisions of this Article shall vary or modify the provisions of the Statute. (Ord. No. 98-217 §2, 11-25-98)

ARTICLE II. FLOOD PLAIN VISION BOARD

SECTION 400.120: ESTABLISHMENT
A Flood Plain Vision Board is hereby established consisting of seven (7) taxpaying citizens who shall be registered voters and residents of St. Charles County for a period of not less than one (1) year. (Ord. No. 95-133 §1, 8-30-95)

SECTION 400.130: MEMBERS
At least five (5) of the seven (7) members shall be residents of the 100-year flood plain. All members must possess the expertise and the knowledge of the flood plain situation as well as the ability to help facilitate the implementation of the Flood Plain Vision Plan. (Ord. No. 95-133 §2, 8-30-95)

SECTION 400.140: TERMS
Initially, three (3) members will have a one (1) year term; two (2) members will have a two (2) year term; and two (2) members will have a three (3) year term. Thereafter, each member shall serve a three (3) year term with three (3) members being appointed in one (1) year; two (2) members appointed the following year; and two (2) members appointed the next year. Members shall continue to serve until a duly qualified successor has been appointed. A member may be removed in accordance with Section 120.030 of this Code, "Terms". (Ord. No. 95-133 §3, 8-30-95)

SECTION 400.150: APPOINTMENTS
Each member of the Flood Plain Vision Board shall be appointed by the County Executive with approval of the Council pursuant to St. Charles County Charter Article V, Section 5.104 (1992). (Ord. No. 95-133 §4, 8-30-95)

SECTION 400.160: OATH
Each member shall take the oath set forth in Section 120.050 of this Code, "Oath". (Ord. No. 95-133 §5, 8-30-95)
SECTION 400.170: COMPENSATION

Members of this Board shall serve without compensation. (Ord. No. 95-133 §6, 8-30-95)

SECTION 400.180: VACANCIES

Vacancies or absences on the Flood Plain Vision Board caused by death, incapacity to perform duties, failure to attend three (3) consecutive meetings, or resignation shall be filled forthwith by appointment pursuant to St. Charles County Charter Article V, Section 5.104 (1992), and Section 400.150 of this Article. (Ord. No. 95-133 §7, 8-30-95)

SECTION 400.190: DUTIES/POWERS

The following shall be the duties and powers of the Flood Plain Vision Board:

The Flood Plain Vision Board will work to ensure that the proposals outlined in the vision for the flood plain report are implemented. Working with the Directors of the Divisions of Planning and Zoning, Emergency Management and Building Code Enforcement and an appointed liaison from the County Executive's staff, the Board will also make recommendations to the County Executive regarding the development of policy which speaks to the management of the flood plain and will make regular reports to the County Council concerning the progress towards the goals of the Flood Plain Vision Plan. (Ord. No. 95-133 §8, 8-30-95)

Editor's Note--Reference to planning, emergency management and building departments were changed to divisions of planning, emergency management and building code enforcement in accordance with ord. no. 02-204, adopted 12-23-02, set out in ch. 132 of this code. For designation of division of planning and zoning, see ord. no. 03-195 adopted 12-31-03.

SECTION 400.200: MEETINGS

The Flood Plain Vision Board shall meet in accordance with the provisions of Section 120.090 of this Code, "Meetings". (Ord. No. 95-133 §9, 8-30-95)

SECTION 400.210: RULES OF PROCEDURE

The Flood Plain Vision Board is an advisory board and, therefore, shall operate pursuant to the provisions of Chapter 120, Article I of this Code, "Advisory Boards and Commissions--Generally". (Ord. No. 95-133 §10, 8-30-95)

SECTION 400.220: APPLICATION OF CHAPTER 120, ARTICLE I

The Flood Plain Vision Board is an advisory board. Except where otherwise stated in this Chapter, the Flood Plain Vision Board shall abide by all provisions of Chapter 120, Article I of this Code, "Advisory Boards and Commissions--Generally". (Ord. No. 95-133 §11, 8-30-95)

CHAPTER 405: UNIFIED DEVELOPMENT ORDINANCE OF ST. CHARLES COUNTY, MISSOURI "ZONING REGULATIONS"

Editor's Note--In 1959, St. Charles County, Missouri, first adopted a Zoning Order including Rules for Land Subdivision. (Order of the St. Charles County Court, Nov. 2, 1959.)

In 1972, St. Charles County adopted the Revised Zoning Order for St. Charles County, Missouri [first edition]. (Order of the St. Charles County Court, Dec. 14, 1972.)

In 1975, St. Charles County adopted the Revised Rules for Land Subdivision of St. Charles County. (Order of the St. Charles County Court, July 29, 1975.)

In 1976, St. Charles County adopted the Revised Zoning Order for St. Charles County, Missouri, Second Edition. (Order of the St. Charles County Court, Sept. 14, 1976.)


In 1990, St. Charles County supplemented the Revised Rules for Land Subdivision of St. Charles County, by adopting: Appendix D--The Model Sediment and Erosion Control Regulations. (Order of the St. Charles County Commission, Jan. 18, 1990.)

In 1993, upon the effective date of the St. Charles County Charter (1992), St. Charles County continued in force all existing legislation of St. Charles County, including the Revised Zoning Order for St. Charles County, Missouri, Second Edition, and the Revised Rules for Land Subdivision of St. Charles County, as amended to date. (St. Charles County Charter Art. XI, Section 11.1000 (1992); St. Charles County Ordinance No. 93-1, section 2 (Section 100.140.B of the Ordinances of St. Charles County, Missouri).)


In 1999, St. Charles County adopted the Unified Development Ordinance for St. Charles County, Missouri, by ordinance number 99-99 enacted July 12, 1999, replacing Chapters 405 and 410 as then in place and effective August 23, 1999.

Cross Reference--As to subdivision regulations, see ch. 410; as to sediment and erosion control regulations, see ch. 412; as to floodplain regulations, see §405.245 et seq.

PART 1. GENERAL PROVISIONS

SECTION 405.010: TITLE

The regulations of Chapters 405, 410 and 412 shall be known and may be cited as the Unified Development Ordinance of St. Charles County, Missouri, effective August 23, 1999. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 05-148 §1, 10-25-05)

SECTION 405.015: PURPOSE

A. The purposes of this Chapter 405 are to regulate and restrict the use of land and the location of improvements thereon; the height, number of stories, and size of buildings; the percentage of lot that may be occupied; the size of yards and other open spaces; the density of dwelling units; the location and use of buildings, structures, and land for commerce, industry, residence, or other purposes, including areas for agriculture, forestry, and recreation; to divide into districts the unincorporated territory of the County for the aforesaid purposes; to arrange according to this Chapter of the Unified Development Ordinance and reference to maps showing the same, and to regulate and restrict within such districts the erection, construction, reconstruction, alteration, repair, relocation, maintenance, or use of buildings, structures, lots, or land; to provide for off-street parking and loading areas, and solid waste disposal; to provide for rezonings, amendments, permits, enforcement, and penalties, and a Board of Zoning Adjustment, defining its powers and duties.

B. The purposes of Chapters 405 and 410 are to provide adequate services and utilities, safe and convenient access, a desirable and attractive living environment through proper subdivision design, and for the purpose of utilizing development standards directed toward reasonable costs for initial development and continuing maintenance, including the following:

1. The proper location and width of streets, building setback lines, open spaces, recreational areas, and public lands;
2. The avoidance of overcrowding of population and congestion of vehicular traffic;
3. The manner in which streets are to be graded and improved, and the extent to which water, sewer, stormwater, and other utility services are to be provided; and
4. The provision of adequate space for traffic for utility facilities; access of emergency apparatus; control of the number, spacing, type, and design of access points to existing or future streets; minimum width, depth, and area of lots; light and air; and proper distribution of population.
5. The preservation of the natural terrain and waterways.
6. The control of stormwater that could impact downstream flooding by flowing into stormwater drainage facilities or natural watercourses not capable of receiving the additional stormwater from a development.

C. The purposes of Chapter 412 are to control soil erosion on land that is undergoing development for non-agricultural uses and to preserve the natural terrain and waterways of land. The provisions in Chapter 412 are intended to regulate the design, construction, use and maintenance of any development or other land disturbance activity. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 04-075 §1, 5-27-04; Ord. No. 05-148 §2, 10-25-05)

Editor's Note--The words "zoning ordinance" have been changed to "chapter of the unified development ordinance". See notes at chs. 405 and 410 of this code.

SECTION 405.020: FINDINGS

The County Council finds the passage, adoption, and enforcement of the provisions hereafter contained necessary for the purpose of promoting the health, safety, comfort, and general welfare of the unincorporated portion of St. Charles County; to secure the most appropriate use of land; and to facilitate adequate provision of public improvements throughout the County: BE IT
SECTION 405.025: AUTHORITY

A. St. Charles County enacts this Unified Development Ordinance pursuant to St. Charles County Charter Article II, Section 2.529 (1992) grants to the County Council legislative power pertaining to planning and zoning in the part of the County outside incorporated cities, towns and villages, and also pursuant to the State of Missouri's planning and zoning enabling legislation for First-Class Charter Counties (Sections 64.010 to 64.160, RSMo., as presently enacted or as amended hereafter.)

B. Where the provisions of any planning and zoning enabling legislation enacted by the State of Missouri conflict with this Unified Development Ordinance, or with any amendment to it, or with any other ordinance pertaining to planning and zoning that St. Charles County has enacted or may enact hereafter, the provisions of St. Charles County's ordinances shall vary or modify the provisions of such planning and zoning legislation. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.030: APPLICABILITY

This Unified Development Ordinance applies to all land, property, and development in the parts of St. Charles County outside incorporated cities, towns, and villages. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.035: RESERVED

Editor's Note--Ord. no. 05-148 §3, adopted October 25, 2005, moved section 405.035 "consistency with comprehensive plan" to new section 405.077. At the editor's discretion, this section has been reserved for the county's future use.

SECTION 405.040: INTERPRETATION

In interpreting and applying the provisions of this Unified Development Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, comfort, or general welfare. It is not intended by the ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, or any Statute, local ordinance, or regulation, except that if this Unified Development Ordinance imposes a greater restriction or higher standard, then this Unified Development Ordinance shall control. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 05-148 §4, 10-25-05)

SECTION 405.045: SEVERABILITY

All of the Sections of this Unified Development Ordinance shall be severable. In the event that any Section of this Unified Development Ordinance is found by a court of competent jurisdiction to be unconstitutional or unlawful, the remaining Sections of this Unified Development Ordinance are valid, unless the court finds the valid Sections of this Unified Development Ordinance are so essentially and inseparably connected with and so dependent upon the void Section that it cannot be presumed that the County Council could have enacted the valid Sections without the void Sections; or unless the court finds that the valid Sections standing alone are incompetent and incapable of being executed in accordance with legislative intent. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 05-148 §§5, 10-25-05)

SECTION 405.050: REPEAL

All ordinances or regulations or parts thereof in conflict with any of the provisions of this Unified Development Ordinance are hereby repealed insofar as the same are in conflict with the provisions hereof. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.055: RESERVED

Editor's Note--Ord. no. 05-148 §6, adopted October 25, 2005, moved section 405.055 "compliance with the regulations" to new section 405.078. At the editor's discretion, this section has been reserved for the county's future use.

SECTION 405.060: DEFINITIONS

For the purpose of Chapter 405, Chapter 410 and Chapter 412, the following words and terms used herein are defined to mean the following:

Words used in present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure"; the word "shall" or the word "must" is mandatory and not directory; the term "used for" includes the meaning "designed for" or "intended for."

ACCESSORY BUILDING: A subordinate building having a use customarily incidental to and located on the lot occupied by the main building.

ACCESSORY STRUCTURE: See APPURTEANANT STRUCTURE.

ACCESSORY USE: A use customarily incidental to the main use of the property.

ADULT ARCADE: Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

ADULT BOOKSTORE--ADULT NOVELTY STORE--ADULT VIDEO STORE: A commercial establishment that has as a substantial or significant portion of its stock-in-trade and offers for sale, for any form of consideration, any one (1) or more of the following:
1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes or disks, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or
2. Instruments, devices, or paraphernalia that are designed or marketed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as "adult bookstore", "adult novelty store" or "adult video store". Such other business purposes will not serve to exempt such commercial establishments from being categorized as an "adult bookstore", "adult novelty store" or "adult video store" so long as one (1) of its principal business purposes is the offering for sale or rental for consideration the specified materials which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT CABARET: A nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes or disks, slides, or other photographic reproductions in which a substantial or significant portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

ADULT DAY CARE: A group program designed to provide care and supervision to meet the needs of five (5) or more functionally impaired adults (age eighteen (18) or older) for periods of less than twenty-four (24) hours but more than two (2) hours per day in a place other than the adult's own home.

ADULT MOTEL: A hotel, motel or similar commercial establishment which:
1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes or disks, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. Allows a tenant or occupant of the sleeping room to subrent the room for a period of time that is less than ten (10) hours.

Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel.

ADULT MOTION PICTURE THEATER: An establishment where, for any form of consideration, films, motion pictures, video cassettes or disks, slides, or similar photographic reproductions are shown, and in which a substantial or significant portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

ADULT THEATER: A theater, concert hall, auditorium, or similar establishment in which a substantial or significant portion of the presentation time is devoted to the exposure of specified anatomical areas or to specified sexual activities.

AGRICULTURAL AND FARM BUILDINGS: Any building which is necessary or incidental to the normal conduct of a farm as defined herein (see FARM), including, but not limited to, residence of the operator, residence of full-time farm employees; barns, buildings and sheds for housing livestock, poultry and farm machinery; buildings for the storage or shelter of grain, hay and other crops; silos, windmills and water storage tanks.

AGRICULTURAL COMMODITIES: Agricultural products and livestock.

AGRICULTURAL STRUCTURE: Any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

AGRICULTURE OR FARMING: The planting, cultivating, harvesting, and storage of grains, hay, or plants, vineyards, or trees commonly grown in St. Charles County. The raising and feeding of livestock and poultry shall be considered an agricultural venture if the area in which the livestock or poultry is kept contains ten (10) acres or more in area, and if such raising of livestock and poultry is incidental or supplemental to the raising of crops.

AIRPORT: A facility for servicing take-off/landing aircraft having a runway or runways and open to public use, but not necessarily to all types of aircraft.

ALLEY: A right-of-way which affords a secondary means of access to abutting property.
ALTERATION: As applied to a building or a structure, a change or rearrangement in the structural parts; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

AMUSEMENT GAME MACHINE: A coin or token-operated machine or device which, whether mechanical, electrical, or electronic, shall be ready for play by the insertion of a coin or token, and may be operated by the public for use as a game, entertainment, or amusement, the object of which is to achieve either a high or low score, which, by comparison to the score of other players, whether playing concurrently or not, demonstrates relative skill or competence, or indicates in any other way competitive advantage of one (1) player or team over another, regardless of skill or competence. It shall include devices such as pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities.

AMUSEMENT GAME MACHINE COMPLEX: A group of more than three (3) amusement games or other amusement machines, in the same place, location, or premises.

ANIMAL, EXOTIC OR WILD: An animal which is not of a species customarily used as a household pet, but one which would ordinarily be confined to a zoo, or one which would ordinarily be found in the wilderness of this or any other country, or one which otherwise causes a reasonable person to be fearful of bodily harm or property damage.

ANIMAL FEEDLOT: A lot or building, or combination of contiguous lots and buildings, intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy facilities, swine facilities, beef lots and barns, horse stalls, mink ranches and domesticated animal zoos, shall be considered to be animal feedlots. Pastures shall not be considered animal feedlots under these parts.

ANIMAL, PET: See PETS.

ANIMAL, PET, DOMESTIC OTHER: See PETS, DOMESTIC OTHER.

ANIMAL UNIT: Unit of measure used by the Environmental Protection Agency and the State of Missouri in the regulation of animal feedlots. The average weight of animal divided by one thousand (1000) pounds equals animal units. The following animals are rated in terms of animal units and adopted by the State of Missouri and St. Charles County.

<table>
<thead>
<tr>
<th>Animal</th>
<th>Head per Animal Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>broiler</td>
<td>100.0</td>
</tr>
<tr>
<td>horse</td>
<td>.5</td>
</tr>
<tr>
<td>laying hen</td>
<td>30.0</td>
</tr>
<tr>
<td>dairy cow</td>
<td>.7</td>
</tr>
<tr>
<td>sheep</td>
<td>10.0</td>
</tr>
<tr>
<td>slaughter steer or heifer</td>
<td>1.0</td>
</tr>
<tr>
<td>swine over 55 lbs.</td>
<td>2.5</td>
</tr>
<tr>
<td>swine under 55 lbs.</td>
<td>15.0</td>
</tr>
<tr>
<td>turkey</td>
<td>55.0</td>
</tr>
</tbody>
</table>

ANTENNAS: Any device used to collect or radiate electromagnetic waves for the provision of cellular, paging, personal communications services (PSC) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes and omnidirectional antennas, such as whips.

APARTMENT: A room or a suite of rooms within a building, provided with separate cooking facilities and intended as a single dwelling unit.

APPEAL: A request for a review of the Director of the Division of Planning and Zoning's interpretation of any provision of this Chapter or Chapter 410 or a request for a variance.

AREA, GROSS: The entire area within the boundary lines of the territory proposed for the subdivision, including the area to be dedicated for street and alley right-of-way and public use.

AREA, NET: The entire area within the boundary lines of the territory proposed for the subdivision, less the area to be dedicated for street and alley right-of-way and public use.

AREA OF LOT: The extent of space within a lot, not including right-of-ways of streets and alleys.

AREA OF SPECIAL FLOOD HAZARD: Land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

ARTERIAL: A highway or street designated as a major thoroughfare in the current Master Plan as approved by the Governing Body for St. Charles County, Missouri.

BAR OR TAVERN: An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for the consumption on the premises.

BASE AREA OF MAIN STRUCTURE: The square feet of floor space within the outside line of walls and includes the total of all
finished space on the main floor of a building. It does not include porches, garages or rooms without heating and/or air-conditioning.

**BASE FLOOD:** A flood having a one percent (1%) chance of being equalled or exceeded in any given year.

**BASEMENT:** Any area of the building having its floor subgrade (below ground level) on all sides.

**BED AND BREAKFAST INN:** A facility for overnight lodging where five (5) or more bedrooms are available to the transient public for overnight stay; where there is one (1) off-street parking space for each guest room and for the host; also where breakfast is served. Typically, the host personally interacts with guests in order to better acquaint the guests with the community, and provides hospitality such as that being afforded any house guest.

**BED AND BREAKFAST RESIDENCE:** A single-family residence where the host must live in the residence; where there are between one (1) and five (5) guest rooms to house transient guests for overnight stay; where there is one (1) off-street parking space for each guest room and two (2) off-street parking spaces for the residence; also where breakfast is served. Typically the host personally interacts with guests in order to better acquaint the guests with the community, and provides hospitality such as that being afforded any house guest.

**BENCHMARK:** An identifiable definite point of known elevation and location and of more or less permanent character on M.S.G.S. Datum.

**BILLBOARD:** Any structure, or portion thereof, not exceeding six hundred seventy two (672) square feet upon which an advertisement is placed, painted, or printed, advertising a person, thing, product, or service not located or sold on the property on which the sign is located, but not including official governmental notices.

**BLACKSMITH SHOP:** A workshop with a furnace where metal is heated and wrought, where wrought iron is produced, where iron is made malleable, and/or where metal is formed by heating and hammering.

**BLOCK:** A piece or parcel of land entirely surrounded by public or private highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Director of the Division of Planning and Zoning shall determine the outline of the block.

**BOARDING HOUSE OR LODGING HOUSE:** A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for three (3) or more persons for compensation, pursuant to previous arrangements, but not for the traveling public or transients.

**BOARD OF ZONING ADJUSTMENT (BZA):** A body of persons which may determine and vary the regulations contained within the ordinance in accordance with the provisions within Part 7, Sections 405.590 et seq.

**BOAT:** A water vessel propelled by oars, paddles, sail or power.

**BOAT BROKERAGE:** An agent who negotiates contracts of purchase and sale of boats.

**BODY PIERCING:** Any method of piercing the skin or mucosa in order to place any object including, but not limited to, rings, studs, bars or other forms of jewelry through the skin or mucosa. Chapter 645 expressly excludes ear piercing, as defined in Section 645.080(B), as a body piercing procedure.

**BREWERY:** A facility that generally consists of an equipment building and a guyed or self-support tower, typically constructed of lattice or tubular steel that supports AM/FM radio and/or VHF or UHF television antennas. The antenna weight ranges from three thousand (3,000) to ten thousand (10,000) pounds. With the exception of AM, these towers are usually located on high ground, as the technology requires "line of sight" between the transmitter and the signal receivers. The facility transmits power levels, measured at the antenna as effective radiated power (ERP), that typically exceed fifty thousand (50,000) watts and may reach five million (5,000,000) watts.

**BUILDING:** An enclosed structure, anchored to permanent foundation, having exterior or party walls and a roof, designed for the shelter of persons, animals, or property.

**BUILDING LINE, FRONT:** A line which establishes the required front yard and is generally parallel with the front property line.

**CABIN:** A building used primarily as weekend or short-term living quarters by persons partaking of recreational activities in the general vicinity. The same regulations shall apply to cabins as apply to dwellings, except when specifically excluded.

**CALIPER:** The diameter of a trunk six (6) inches above grade.

**CAMPGROUNDS:** Land used or intended to be used, let, or rented for temporary occupancy for recreational purposes by one (1) or more persons for camping.

**CANOPY:** A roof-like cover having no supporting walls, but supported otherwise from the ground, deck, floor, or walls of the building.

**CENTRALIZED YARD WASTE COMPOSTING FACILITY:** A commercial facility where yard waste is accepted from the public for composting. Composting is an aerobic (oxygen-dependent) degradation process by which organic wastes decompose under controlled conditions. Yard waste shall be defined as leaves, grass clippings, yard and garden vegetation, Christmas trees, shrubs, vegetable and flower garden waste, and brush, produced as a result of lawn and garden care and maintenance.

**CHANNEL:** A natural or artificial watercourse of perceptible extent, with definite beds and banks to confine and conduct continuously or periodically flowing water. Channel flow, thus, is that water which flows within the limits of a defined channel.
CHURCH: A building principally used for religious purposes, which shall include, but not be limited to, rectories, parish houses, convents, monasteries, temples, and synagogues.

CLEAN FILL: Uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinder blocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule or policy of the Missouri Department of Natural Resources for fill, reclamation, or other beneficial use. This definition does not include the use of clean fill for raising any residentially zoned property above the existing grade unless the purpose of the clean fill is to raise the first (1st) floor of a structure one (1) foot above the 100-year floodplain. The exclusion of clean fill in residentially zoned subdivisions above the existing grade would only be applicable after the completion of an interim grading and sediment and erosion control plan by the developer.

CLEARING: Any activity that removes, cuts down or covers up vegetative cover of land.

CLINIC: An establishment where patients are not lodged overnight, but are admitted for examination and treatment.

CLUB (private): A building or portion of a building intended to be used as a center of informal association for a selective membership not open to the general public. The building could be used by persons for recreational and eating purposes, but not for dwelling purposes other than managerial or transient lodging.

CLUSTER DEVELOPMENT: A residential use that divides land into not more than the number of lots permissible in a conventional subdivision of the same property in the same zoning district, but where the lot areas are reduced in order to gain common open space and reductions in other lot requirements may be considered. Residential units may be single-family or attached single-family, however, units platted through this procedure must all have ground floor living space and not stacked vertically on top of another unit.

COLLECTOR: See STREET, COLLECTOR.

COMMERCIAL VEHICLE: A vehicle, truck or bus designed to carry passengers, freight and/or merchandise with one (1) or more of these characteristics:
1. Licensed by a State as a commercial vehicle;
2. Exceeds twenty-four (24) feet in length;
3. Conveys a commercial message; or
4. Has materials stored on the vehicle's exterior such as ladder, tools, etc.

COMMISSION: The Planning and Zoning Commission of St. Charles County.

COMMON GROUND: That land set aside for open space or recreational use for the owners of the residential lots in a subdivision, which land is conveyed by the developer to trustees whose trust indenture shall provide that said common ground be used for the sole benefit, use, and enjoyment of the lot owners present and future. No lot owner shall have the right to convey interest in the common ground, except as an incident of the ownership of a regularly platted lot.

COMMUNITY: Any State or area, or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

COMPOSTING FACILITY: See CENTRALIZED YARD WASTE COMPOSTING FACILITY.

CONDITIONAL USE: A use allowed in a zoning district after a permit is granted, in accordance with the provisions within Part 4 of Chapter 405, Sections 405.510, et seq.

CONDOinium: A form of ownership in which the interior space of a living unit is held by an individual owner, with all individual owners sharing in the ownership of common areas.

CONFERENCE/EVENTS/LODGING CENTER: A facility with meeting rooms and places for conferences, meetings, weddings and other public assemblies, which may include a hotel or motel to accommodate either persons attending such public assemblies or travelers.

CONIFEROUS TREES: Trees at least ten (10) feet tall at maturity, which usually have green foliage throughout all seasons of the year in Missouri.

CONSTRUCTION, EXISTING (for the purpose of determining rates): Structures for which the "start of construction" commenced before September 15, 1978. "Existing construction" may also be referred to as "existing structures." This term applies to the "FW", "FF", and "DF" Overlay Districts.

CONSTRUCTION, NEW: New construction means those structures where new construction or substantial improvement which commenced after September 15, 1978, the effective date of the Flood Insurance Rate Map. This term applies to the FW, FF, and DF Overlay Districts.

CONSTRUCTION PLANS: Complete construction drawings of a facility or improvement, including, but not limited to, road plans and profiles, drainage plans, and utility plans (see IMPROVEMENT PLANS).

CONSTRUCTION, START OF: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first (1st) placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured or mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways;
nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first (1st) alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. This term applies to the "FW" and "FF" Overlay Districts.

COUNTY: St. Charles County, Missouri.

COUNTY COUNCIL: The body established by Article II of the St. Charles County Charter (1992) as the legislative branch of the government of St. Charles County.

COUNTY ENGINEER: A registered professional engineer in the State of Missouri designated by the County Council to perform professional engineering services for the County.

COUNTY EXECUTIVE: The office established by Article III of the St. Charles County Charter (1992) to hold executive power of St. Charles County.

CO-USE: The location of two (2) or more telecommunication antenna or devices (providers) on a single telecommunication tower.

DAYCARE CENTER: A building used for the supervision and care of more than four (4) preschool children, other than those of the operator.

DEBRIS OR SEDIMENT BASIN: A barrier or dam built across a waterway or at other suitable locations to retain rock, sand, gravel, silt, or other materials.

DENSITY: The number of dwelling units developed on one (1) acre of land.

DENSITY FLOODWAY: The adjacent portion of the floodway of the Missouri and Mississippi Rivers, as depicted on the Flood Insurance Rate Map, which permits island development on eighteen percent (18%) of a lot/parcel in the floodplain without cumulatively increasing the water surface elevation by more than one (1) foot.

DETENTION BASIN: A man-made or natural water collector facility designed to collect surface and subsurface water in order to impede its flow and to release the same gradually at a rate not greater than that prior to the development of the property, into natural or man-made outlets.

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

DEVELOPMENT SITE: A site in which one (1) or more lots, tracts or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units or structures included on a single site plan, conceptual site plan or preliminary plat.

DIRECTOR OF COMMUNITY DEVELOPMENT: The County officer responsible for the administration of the Department of Community Development pursuant to Chapter 132, Ordinances of St. Charles County, Missouri, who shall possess all other powers previously vested by order or ordinance in the former, and now abolished, Departments of Planning and Building and in the Plan Review and Neighborhood Improvement District functions of the County Highway Department.

DIRECTOR OF THE DIVISION OF BUILDING CODE ENFORCEMENT: The County officer appointed pursuant to Chapter 132 to direct the work of the Division of Building Code Enforcement of the Department of Community Development and to enforce the provisions of this Chapter and Chapter 410.

DIRECTOR OF THE DIVISION OF DEVELOPMENT REVIEW: The County officer appointed pursuant to Chapter 132 to direct the work of the Division of Development Review of the Department of Community Development and to perform the functions assigned to the Division's Director by Chapter 132, this Chapter and Chapters 410 and 412.

DIRECTOR OF THE DIVISION OF PLANNING AND ZONING: The County officer appointed pursuant to Chapter 132 to direct the work of Division of Planning and Zoning of the Department of Community Development and to enforce the provisions of this Chapter and Chapter 410.

DISTRICT: A part of the unincorporated portion of the County wherein regulations of this Chapter or Chapter 410 are uniform.

DIVERSION: A channel with or without a supporting ridge on the lower side constructed across or at the bottom of a slope.

DRIP LINE: The outermost perimeter of the crown of a plant as projected vertically to the ground.

DRY-FLOODPROOF: To protect against flood-damage as provided in 44 C.F.R. Sections 60.3(c) and 78.12(e).

DUPLEX: See DWELLING, TWO-FAMILY.

DWELLING: A building, or portion thereof, designed and used exclusively for residential occupancy.

DWELLING, MULTIPLE: A building, or portion thereof, arranged, intended or designed for occupancy by three (3) or more families, including apartment houses, row houses, tenements, and apartment hotels.

DWELLING, ONE-FAMILY: A detached building arranged, intended, or designed for occupancy by one (1) family.

DWELLING, TWO-FAMILY: A building designed exclusively for occupancy by two (2) families living independently of each other, including a duplex (one (1) dwelling unit above the other), or a semi-detached dwelling (one (1) dwelling unit beside the other).
EASEMENT: The right to use another person's property, but only for a limited and specifically named purpose.

EASEMENT OF ACCESS: A grant by a property owner to the public, a corporation, or a person for ingress and egress purposes only.

ENGINEER: A registered professional engineer licensed by the State of Missouri.

EROSION: The wearing away of the land surface by the action of wind, water, or gravity.

ESCORT: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person or who agrees to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY: A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one (1) of its primary business purposes for a fee, tip or other consideration.

ESTABLISHMENT (SEXUALLY ORIENTED): Any of the following:
1. The opening or commencement of any sexually oriented business as a new business;
2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
3. The additions of any sexually oriented business to any other existing sexually oriented business; or
4. The relocation of any sexually oriented business.

EXCAVATION OR CUT: The removal, stripping, or disturbance of soil, earth, sand, rock, gravel, or other similar substances from the ground.

EXEMPTED QUANTITY: For each hazardous substance, a weight less than the Final Reportable Quantity listed on the U.S. Environmental Protection Agency's List of Hazardous Substances, 40 CFR 302.4. For each extremely hazardous substance, a weight less than the Reportable Quantity listed on the U.S. Environmental Protection Agency's List of Extremely Hazardous Substances, 40 CFR 355, Appendix A. For any liquid petroleum product not listed as a hazardous or extremely hazardous substance, a quantity of sixty (60) gallons or less. Where regulated substances are dissolved in or mixed with other non-regulated substances, only the actual quantity of the regulated substance present shall be used to determine compliance with the provisions of this Chapter. The exempted quantity shall be measured as the total quantity of that substance per facility at any one time.

EXISTING CONSTRUCTION: See CONSTRUCTION, EXISTING.

EXISTING GRADE: The vertical location of the existing ground surface prior to excavation or filling.

EXTREMELY HAZARDOUS SUBSTANCE: See "REGULATED SUBSTANCE".

FAMILY: One (1) or more persons who are related by blood, marriage or adoption, living together and occupying a single housekeeping unit.

FARM: A parcel of land used for growing or raising agricultural products, including related structures thereon.

FARM STAND: A temporary structure and/or land area not to exceed a gross floor and/or ground area of five hundred (500) square feet from which agricultural products produced on the premises are sold to the general public.

FARM STAND, COMMERCIAL: A structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the premises and may be augmented by imported products of the same type. The accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods and homemade handicrafts may also be considered. The floor area devoted to the sales of these accessory items shall not exceed fifty percent (50%) of the total sales area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold at a commercial farm stand.


FENCES: An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees or other natural growth.

FILL OR FILLING: The placing of any soil, earth, sand, rock, gravel, or other substance on the ground.

FINAL PLAT: See PLAT, FINAL.

FINISHED GRADE: The final grade or elevation of the ground surface conforming to the proposed design.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:
1. The overflow of inland and/or;
2. The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM): An official map of a community on which the Administrator has delineated both special flood hazard areas and the designated regulatory floodway.

FLOOD ELEVATION DETERMINATIONS: A determination by the Federal Insurance Administrator of the water surface elevations of the base flood: that is, the flood level that has a one percent (1%) or greater chance of occurrence in any given year.

FLOOD ELEVATION STUDY: An examination, evaluation, and determination of flood hazards.
FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS): An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOOD PROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOOD PROTECTION SYSTEM: Those physical structural works for which funds have been authorized, appropriated, and expended, and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depth of associated flooding. Such a system typically includes dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPLAIN MANAGEMENT: The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plan, flood control works, and floodplain management regulations.

FLOODPLAIN OR FLOOD PRONE AREA: Any land area susceptible to being inundated by water from any source (see FLOOD OR FLOODING).

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

FLOODWAY FRINGE: That area of the floodplain, outside of the floodway, that has a one percent (1%) chance of a flood of a 100-year magnitude in any one (1) year.

FLOOR AREA: The square feet of floor space within the outside line of walls and includes the total of all finished space on all floors of a building. It does not include porches, garages, or unfinished space in a basement.

FLOOR AREA RATIO: The ratio between the total square feet of floor area in a structure and the total square feet of land in the lot or tract on which the structure is located.

FREEBOARD: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

FRONTAGE: All property on one (1) side of a street or highway, measured along the right-of-way line of the street.

GARAGE, COMMUNITY: A building, or portion thereof, providing private parking of motor vehicles for persons residing on the premises.

GARAGE, PRIVATE: An accessory building for storage of private motor vehicles located on the same property as the residence.

GARDEN CENTER: A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoses, rakes, shovels and other lawn and garden variety tools, lawn and garden supplies, water gardens, outdoor furniture, irrigation equipment, mulch and yard ornaments.

GENERAL SERVICE OR REPAIR ESTABLISHMENT: Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops or repair of musical instruments but excludes those classified more specifically by definition.

GOVERNING BODY: The executive and/or legislative branches of St. Charles County government as defined and empowered by the County Charter.

GRADE: The slope of a surface measured by the change in vertical distance versus the change in horizontal distance and specified in percent, as a ratio, or in feet per feet, and shown on a surface profile plan as required herein.

GRADE LEVEL, FINISHED: The final elevation of the ground surface after development.

GRADE LEVEL, NATURAL: The elevation of the ground surface in its natural state, before man-made alterations.

GRADING: Any excavation or filling or land disturbance, or combination thereof.

GREENBELT: A visual barrier composed of evergreen plants, trees and grass arranged to form both a low-level and a high-level screen.

GREENHOUSES: A structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants. The term includes cold frame structures which are temporary in nature including inflatable structures.

GROUP HOME FACILITY: A non-medical facility providing shelter, counseling and, where necessary, other rehabilitative services, supervision or assistance to no more than eight (8) unrelated persons who, due to mental or physical disability, pregnancy or status as a minor who is unable to live with parents or guardians, reside together in a family-type environment as a single, housekeeping unit. Such a group home facility shall have the appearance of a conventional single-family residence with a single
kitchen facility. Homes recognized as Oxford Homes shall be considered group homes. Excluded from the definition of group home facility are homes established for or occupied by residents who are permitted to live in “halfway houses” including residences in which the residents are criminal offenders in work-release sentence or on parole or probation, or persons who use or are addicted to a controlled substance. A group home facility shall be a permitted use only if it has received administrative approval from the Director of the Division of Planning and Zoning as set out in Section 405.078(8)* and is operated in conformance with conditions and standards specified in that Subsection and all other applicable governmental regulations and requirements.

*Editor's note--The reference herein to §405.078(8) was changed due to the moving of previously referenced §405.055 by ord. no. 05-148, adopted October 25, 2005.

GUYED TOWER: A structure composed of three (3) or four (4) support legs, that is, “guyed” by wires to anchors in the ground placed at radial distances from the tower, and is used to support telecommunications equipment and antennas. Generally, heights range from sixty (60) feet to five hundred (500) feet. Guyed towers are less bulky than self-support towers at the same height, location and loads.

HALFWAY HOUSE: A facility in which persons reside together by reason of probation or parole from incarceration or by reason of the terms of a criminal conviction.

HANDICAPPED PARKING SPACE: A reserved surface area not less than thirteen (13) feet wide and identified by an above-grade sign designating the space for parking by the physically disabled.

HAZARDOUS SUBSTANCE: See "REGULATED SUBSTANCE".

HEIGHT OF BUILDINGS: The vertical distance from the average grade of the front yard to the highest roof surface.

HIGH PRESSURE PIPELINE: A pipeline for the transmission of any substance, including, but not limited to, crude oil, highly volatile liquids (including anhydrous ammonia), petroleum products, carbon dioxide, jet fuel, natural gas or any other derivative product thereof, any of which products are under pressure of more than three hundred fifty (350) pounds per square inch and regulated by the United States Department of Transportation.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HIGHWAY: See ARTERIAL.

HISTORIC SITE: A structure or place of historical significance; may be designated as such by local, State or Federal Government.

HISTORIC STRUCTURE: Any structure that is (a) listed individually in the National Register of Historic Places (a) listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a State Inventory of Historic Places in States with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a Local Inventory of Historic Places in communities with historic preservation programs that have been certified either (1) by an approved State program as determined by the Secretary of the Interior, or (2) directly by the Secretary of the Interior in States without approved programs.

HOME OCCUPATION: An occupation or profession carried on by one (1) or more members of the household, residing on the premises, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and which conforms to the standards and provisions contained within Part 3, Article IV, Section 405.495 of this Chapter.

HOSPITAL: A building used for the diagnosis, treatment, or other care of human ailments and having room facilities for overnight medical or psychiatric patients, a staff of physicians and nurses, and other related services.

HOTEL: A building occupied or used as a more or less temporary abiding place of individuals or groups of individuals who are lodged, with or without meals, including related customary services and in which there are no provisions for cooking in individual rooms.

HOUSEHOLD: Any of the following groups of individuals provided the number of individuals in a home is further regulated by Title V Building and Construction of St. Charles County, Missouri:

1. Any number of persons related by blood, marriage or adoption, plus:
   a. A domestic employee serving residents on the premises;
   b. Children under the age of eighteen (18) who may not be related to any or all of the other residents but who are under the guardianship or in foster care of an adult resident;

2. A group including not more than two (2) adults together with any number of children related by blood or legal adoption to at least one (1) of the adults; or

3. A group of not more than three (3) adults whether or not related to one another living together as a single housekeeping unit.

IMPROVEMENT PLANS: The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed both in or in conjunction with the proposed subdivision.

IMPROVEMENTS (LAND): Refers to site grading, street pavement, monuments, sidewalks, water mains, sanitary sewers, storm sewers, street signs, and special structures, to be installed or agreed to be installed by the subdivider on land to be used for public
streets.

IMPROVEMENTS (STRUCTURAL): See ALTERATION.

INSTITUTION: A non-profit or quasi-public use, such as a church, library, public or private school, hospital, or municipally owned or operated building, structure, or land used for public purpose.

JUNK YARD: See SALVAGE YARD.

KENNEL: An establishment where dogs, cats, or other small animals are boarded for compensation, bred, or raised on a commercial scale.

LAND DISTURBANCE: Clearing or grading or any other action which results in removal, covering up or cutting down of the natural site vegetation and/or destruction of the root zone or otherwise results in leaving the ground surface exposed to soil erosion through the action of wind or water.

LAND SURVEYOR: A land surveyor registered in the State of Missouri.

LANDING FIELD: A facility for take-off and landing of aircraft, with or without services available for aircraft, which is operated for private use.

LANDSCAPE CONTRACTOR: A business principally engaged in the decorative and functional alteration, planting and maintenance of grounds. Such a business may engage in the installation and construction of underground improvements but only to the extent that such improvements (e.g., drainage systems) are accessory to the principal business and are necessary to support or sustain the landscaped surface of the ground. Vehicles, equipment and materials used in the business may be stored on-site including rock, mulch, soil and some plant material which is not grown on the site. Retail and wholesale sales of products and services are not accomplished from the site.

LANDSCAPING: The development and decorative planting of gardens, grounds, or other natural landscapes.

LARGE TREES: Deciduous shade trees with a mature height of thirty (30) feet or greater and a mature spread of thirty (30) feet or greater.

LAWN CARE SERVICE: A business devoted to cutting grass on private or public property. Such service shall not include materials or equipment used for landscaping.

LIQUID PETROLEUM PRODUCT: See "REGULATED SUBSTANCE".

LIVESTOCK: Animals kept or raised for use, pleasure, or profit; typically farm animals. Shall include, but not be limited to: cattle, horses, poultry, sheep, and swine.

LOADING SPACE: A space within the main building or on the same lot for standing, loading, or unloading trucks.

LOT: A parcel of land occupied or to be occupied by one (1) main building or unit group of buildings and the accessory buildings or uses customarily incidental thereto, including such open spaces as are required under this Chapter or Chapter 410, and having its principal frontage upon a public or private street.

LOT AREA: The total horizontal area within the boundaries of a lot, exclusive of any land designated for street or alley purposes.

LOT, CORNER: A lot abutting upon two (2) or more streets at their intersection. A corner lot shall be deemed to have a front yard setback for each street.

LOT, FLAG: A lot with access provided to the bulk of the lot by means of a narrow corridor. The bulk of the lot with the exception of the access area must meet the minimum lot width and area requirements for the district in which the lot is located.

LOT LINE, FRONT: The boundary line between a lot and the street right-of-way on which it borders.

LOT LINE, REAR: The boundary line which is opposite and most distant from the front street line, except that, in the case of uncertainty, the Director of the Division of Planning and Zoning shall determine the rear line.

LOT LINE, SIDE: Any lot boundary line not a front or rear line thereof.

LOT LINES: The lines bounding a lot as defined herein.

LOT OF RECORD: A lot or parcel of land, the plat or deed of which has been recorded in the office of the Recorder of Deeds of St. Charles County, Missouri, prior to the adoption of this ordinance.

LOT, THROUGH: An interior lot having frontage on two (2) streets. A through lot shall be deemed to have a front yard setback for each street.

LOT WIDTH: The horizontal distance between side lines, measured at the front building line.

LOWEST FLOOR: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this Chapter or Chapter 410.

MANUFACTURED HOME: A residential dwelling built after June 15, 1976, in accordance with the Federal Manufactured Home Construction and Safety Standards, which standards apply to homes to be constructed on a non-removable steel chassis.

MANUFACTURED/MOBILE HOME PARK SUBDIVISION, EXISTING: Any area, tract, or site of land zoned "RM", Mobile Home District, whereupon manufactured or mobile homes, as defined within the ordinance, are placed or located on individual
lots, and intended to be used, let, leased, or rented, for dwelling purposes.

**MANUFACTURED HOME SUBDIVISIONS:** A subdivision designed and/or intended for the sale of all lots for siting manufactured and/or modular structures.

**MARINA:** A dock or basin providing secure moorings for motorboats and yachts and often offering supply, repair and other facilities.

**MARKET VALUE OR FAIR MARKET VALUE:** An estimate of what is fair, economic, just, and equitable value under normal local market conditions.

**MASSAGE PARLOR:** A commercial establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional person licensed by the State. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

**MASTER PLAN:** The long-range plan for the County intended to guide the future growth and development of the area. Includes analysis, recommendations, and goals and objectives for the community's population, economy, housing, transportation, community facilities, and land use.

**MEAN SEA LEVEL:** For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

**MICROBREWERY:** A restaurant that prepares handcrafted natural beer as an accessory use for consumption on the premises. Such accessory use may occupy up to thirty percent (30%) of the gross floor area of the restaurant.

**MINING:** The extraction of minerals including: solids such as coals and ores, liquids, such as crude petroleum, and gases, such as natural gases. The term also includes quarrying, milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the mine site or as a part of mining activity.

**MOBILE HOME:** A residential dwelling unit that was fabricated in an off-site manufacturing facility, designed to be a permanent residence, built prior to enactment of the Federal Manufactured Home Construction and Safety Standards. Such structure has a chassis, axles and a hitch which are part of the structure and which may reasonably be equipped with wheels for transporting the structure from place to place. (Does not include recreational vehicles or travel trailers.)

**MODULAR STRUCTURE:** A factory fabricated building unit, exclusive of manufactured homes and mobile homes, designed to be incorporated with one (1) or more similar units at a building site into a modular structure to be used for residential purposes. Such a modular unit is delivered with a seal issued by the Missouri Public Service Commission certifying the unit as a modular structure and also with a purchaser's certificate of compliance certifying that the unit as a modular structure has been constructed to applicable standards by the Missouri Public Service Commission for modular units.

**MONOPOLE:** A structure composed of a single spire used to support telecommunications equipment and antennas. Generally, constructed of steel and at heights typically ranging from twenty (25) to one hundred twenty-five (125) feet. The structure is usually circular in sections, with base diameters increasing with height and loads from about twenty-four (24) to about forty-eight (48) inches.

**MOTEL:** Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot, and designed, used, or intended wholly or in part for the accommodation of automobile transients.

**NATIVE VEGETATION:** Plant life or total plant cover indigenous to the surrounding area.

**NATURAL WATERCOURSE:** A channel formed in the existing surface topography of the earth prior to changes made by unnatural conditions.

**NEW CONSTRUCTION:** See CONSTRUCTION, NEW.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION:** See MANUFACTURED HOME SUBDIVISIONS.

**NIGHTCLUB:** A commercial establishment dispensing alcoholic beverages for consumption on the premises and where a dance floor or entertainment is provided.

**NON-CONFORMING USE:** The lawful use of land or a building, or a portion thereof, which use does not conform with the use regulations of the district in which it is located and which use existed at the time of the adoption of this ordinance.

**NURSERY:** An enterprise that conducts the retail and/or wholesale sales of trees, shrubs, flowers and grasses grown on or off the premises for transplanting as well as accessory items. Accessory products for sale may include, but are not limited to, fertilizers, mulch, edging material, top soil. Services associated with the nursery include landscape design and installation of materials sold from the nursery.

**NURSERY, DAY:** See DAYCARE CENTER.

**NURSERY SCHOOL:** See PRESCHOOL.

**NURSING HOME (CONVALESCENT CARE FACILITY):** Any premises which provides twenty-four (24) hour accommodation, board, personal care, and nursing care or skilled nursing care services under the daily supervision of a licensed nurse or registered
OFF-PREMISE SIGN: See BILLBOARD.

ON-PREMISE SIGN: See SIGN (ON-PREMISE).

100-YEAR FLOOD: The base flood having a one percent (1%) chance of annual occurrence.

OPEN CHANNEL: A constructed ditch or channel designed for water flow.

OPEN SPACE: Area within a development which can be graded, landscaped or left in its natural state and is intended to be maintained for active or passive recreational use. Such areas shall be grassed and landscaped or covered only for a recreational purpose. Roofs, driveways, parking areas, required landscaped areas and required setbacks shall not constitute open space.

OPEN STORAGE: Storage of material or goods on the ground outside a building.

OVERLAY DISTRICT: A district which acts in conjunction with the underlying zoning district or districts. The original underlying zoning district designation does not change.

PARCEL OF LAND: A separately designated area of land delineated by identifiable legally recorded boundary lines.

PARKING SPACE: A surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile, and not less than nine (9) feet wide and nineteen (19) feet long, together with a parking aisle or driveway connecting the parking space with a street, road, or alley, and permitting ingress and egress for automobiles.

PASSENGER CAR: A motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons; except that, the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles, ATV's, recreational vehicles and trucks that meet the definition of a commercial vehicle.

PERFORMANCE GUARANTEE: Escrow agreement or lender's agreement or (for an amount of five thousand dollars ($5,000.00) or less) certified check or standby letter of credit as required by Chapters 405, 410 or 412 and authorized by ordinance to secure installation of improvements or erosion and sediment controls.

PERMEABILITY TEST: A test designed to determine the ability of ground to absorb water, and used to determine the suitability of a soil for drainage or for the use of a septic system.

PERSON: An individual, proprietorship, partnership, corporation, association, or other legal entity.

PERSONAL SERVICE ESTABLISHMENT: An establishment which offers specialized goods or services purchased frequently by the consumer. Included are barbershops, beauty shops, massage facilities, chiropractic clinics, garment repair, laundry cleaning, pressing, dyeing, tailoring, shoe repair, and other similar establishments.

PET: A domesticated animal kept for pleasure rather than utility. Small animals including fish or fowl permitted in the house or yard and are customarily kept for personal use or enjoyment within the home. Shall include but not be limited to: dogs, cats, rabbits, small mammals, common aquarium animals, fish, domestic tropical birds (i.e. canaries, parrots, parakeets), rodents and animals which may be classified as "domestic other" (not defined as exotic or wild animals). The number of particular type of pet may be further regulated under Exhibit 1, Permitted Animal Regulations.

PET, DOMESTIC OTHER: An animal that may be considered appropriate as a pet which is not classified as an exotic or wild animal. The animal is kept for personal use and is customarily kept within the home. This classification may include such animals as pot bellied pigs, ferrets, or other animals that may be allowed as pets by the County Community Health and the Environment Director.

PLANNED DEVELOPMENT DISTRICT: A planned development district is a comprehensively planned development containing residential, commercial, industrial, and/or other land uses on an area of land in single, partnership, or corporate ownership, and under unified control.

PLANNED UNIT DEVELOPMENT (PUD): A single parcel or contiguous parcels of land intended to be developed in accordance with an overall design plan (preliminary development plat), which may or may not have a mixture of land uses.

PLANNING AND ZONING COMMISSION: St. Charles County Planning and Zoning Commission.

PLAT: A map, plan, or layout of a subdivision indicating to scale the location and boundaries of individual properties.

PLAT, BOUNDARY ADJUSTMENT: A plat which depicts a change in a recorded subdivision that affects any lot line, provided that no new lot or illegal zoning lot is created.

PLAT, FINAL: A map of land subdivision prepared in form suitable for filing of record with necessary affidavits, dedications, and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets and alleys, public areas, and other dimensions of land.

PLAT, PRELIMINARY: Preliminary engineering maps, drawings, or charts, and supportive material indicating the proposed layout of the subdivision.

PLAT, RESUBDIVISION: A final plat which depicts a change in a recorded final subdivision plat that affects any street layout, easement of access, right-of-way, design concept, or creates a new lot, provided that no illegal zoning is created.

POLITICAL SIGN: A sign identifying and urging voter support for a particular election issue, political party or candidate for public office.
PRESCHOOL: A pre-kindergarten school for children, primarily between the ages of three (3) and five (5).

PUBLIC HEARING: A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

QUARRY: A place where rock, ore, stone, and similar materials are excavated for sale or off-tract use.

RECREATION, COMMERCIAL OUTDOOR: Predominantly participant recreational uses conducted in the open or partially enclosed facilities. Typical uses include swimming pools, tennis courts, racquetball courts, athletic fields, archery ranges and shooting ranges. Enclosed facilities providing accessory functions including concessions, locker rooms, restrooms and indoor space for those activities that are provided outdoors shall be permitted. The total area of the enclosed structures shall not exceed three percent (3%) of the total site area.

RECREATION, COMMERCIAL INDOOR: A commercial recreational use conducted entirely within a building, including arcade, arena, athletic clubs, fitness and health clubs, auditorium, bowling alley, gymnasium, billiard hall, skating rink, swimming pool, basketball, soccer, volleyball, handball, tennis court.

RECREATIONAL EQUIPMENT: Boats, boat trailers, travel trailers, motor homes and recreational vehicles.

RECREATIONAL USES: Uses for the conduct of sports, leisure-time activities, and other customary and usual recreational activities.

RECREATIONAL VEHICLE: A vehicle which is:
1. Built on a single chassis;
2. Four hundred (400) square feet or less, when measured at the largest horizontal projection;
3. Designed to be self-propelled or towable by a vehicle; and
4. Designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use, but not for use as a permanent dwelling.

RECYCLING CENTER: A facility at which recyclable and recoverable material already separated from the waste stream is deposited, collected, and prepared for shipment elsewhere. Treatment of the collected material is limited to that which is necessary to prepare it for shipment, such as dismantling, crushing, shredding, and compacting. No manufacturing or conversion of the material into another product is allowed at a recycling center.

RECYCLING COLLECTION FACILITY: A collection or drop-off facility designed to allow turn-in of recyclable or reusable materials. Such a facility may utilize outdoor collection receptacles, such as bins, boxes, cans, kiosks, and igloos, as well as collection vans and trailers. A recycling collection facility must be maintained free of litter, and all collected material must be secure from unauthorized removal. A recycling collection facility may not process or treat the collected material other than ordinary sorting, baling, and similar preparation for shipment elsewhere. The total area utilized by a recycling collection facility shall not exceed five hundred (500) square feet.

REGULATED SUBSTANCE: Any hazardous substances, extremely hazardous substances, or liquid petroleum products which are more particularly defined as follows:
1. Extremely hazardous substance. Any substance so designated by the U.S. Environmental Protection Agency on their official "List of Extremely Hazardous Substances", 40 CFR 355 Appendix A, as last amended, and which is either a solid (including granular and gel) or liquid at room temperature.
2. Hazardous substance. Any substance so designated by the U.S. Environmental Protection Agency on their official "List of Hazardous Substances", 40 CFR 302.4, as last amended, and which is either a solid (including granular and gel) or liquid at room temperature.
3. Liquid petroleum product. Any flammable liquid hydrocarbon product refined from bituminous materials, including but not limited to gasoline, diesel fuel, benzene, toluene, lubricants for internal combustion engines, home heating oil, kerosene, creosote, coal oil, and naphtha.

REGULATORY FLOOD ELEVATION: Elevation indicated on the Flood Insurance Rate Map as the elevation of the 100-year flood.

REGULATORY FLOOD PROTECTION ELEVATION: An elevation one (1) foot above the regulatory flood elevation.

RESIDENCE: Any single or multi-family living space containing kitchen and bathroom facilities and which is used, or intended by design to be used, by one (1) or more persons as a place of occupancy.

RESIDENTIAL STRUCTURE, PRIMARY: The main residential structure on the property which has kitchen and bedroom facilities, not including any detached buildings.

RESOURCE RECOVERY FACILITY: A facility at which recyclable and recoverable material is separated and removed from the waste stream for reuse or remanufacture. Once removed from the waste stream, the material is processed for shipment elsewhere. Said processing may include shredding, crushing, baling, grinding, and compacting, as well as manufacturing or converting the material into another product.

RESTAURANT: An establishment where food and drink are prepared, served, and consumed by persons seated within the building (this includes cafes, cafeterias, ice cream parlors, and tea rooms).
RESTAURANT, FAST-FOOD: Restaurants where customers order and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises, or able to be taken to a table or counter to be consumed.

RETENTION BASIN: A pond, lake or basin used for the permanent storage of water runoff without release except by means of evaporation, infiltration or emergency by-pass.

RIGHT-OF-WAY: A dedication of land to be used generally for streets, alleys, or other public uses, wherein the owner gives up owner's rights to the property as long as it is being used for the dedicated purpose. Right-of-way is also a land measurement term meaning the distance between lot property lines which generally contains not only the street pavement, but also the sidewalks, grass area, underground utilities, and sometimes above ground utilities.

RIVERBOAT GAMBLING VESSEL: A boat or ferry, whether floating or permanently docked, licensed by the Missouri Gaming Commission, on which gambling activities are allowed.

ROAD BED: The entire improved portion of the street, including shoulders, parking lanes, travel ways, curbs, and gutters which lie between the right-of-way lines.

RURAL RECREATIONAL ACTIVITY: A permanent or seasonal commercial activity drawing clients or customers to a rural property either for such recreational purposes as picking produce for purchase (pick-your-own apple orchards or pumpkin farms, for example), visiting pumpkin patches or corn mazes or petting farms, or taking sleigh or hay-wagon rides.

SALVAGE YARD: A parcel of land on which waste material, dismantled or inoperative vehicles, equipment, and other machinery is collected, stored, salvaged, or sold.

SANITARY LANDFILL: Land used or intended to be used, let, leased, rented, or sold for occupancy by the establishment of a landfilling method of disposing of garbage, rubbish, and ashes on land without nuisance, fire, or public health hazard.

SEDIMENT: Solid material, mineral or organic, that has been moved by erosion and deposited in a location other than the point of origin.

SEMI-PUBLIC: A private non-profit organization open to some persons outside the regular constituency (i.e., American Legion and VFW).

SETBACK, FRONT: The distance between the street right-of-way line and the front line of a building or any projection thereof, excluding uncovered steps.

SETBACK LINE: The line parallel to the front, side, or rear lot line establishing the minimum space to be provided as the front, street, or shoreline of a lake or a river.

SETBACK, SIDE/REAR: The distance between the property line and the building or any projection thereof.

SEXUAL ENCOUNTER ESTABLISHMENT: A commercial establishment other than a hotel, motel, or similar establishment offering public accommodations which, for any form of consideration, provides a place where two (2) or more persons may congregate, associate, or consort in connection with specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in sexual therapy.

SEXUALLY ORIENTED BUSINESS: An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, massage parlor or sexual encounter establishment.

SHRUBS: A low, woody plant, either evergreen or deciduous, with a mature height usually less than ten (10) feet, having several stems but no trunk.

SIGHT TRIANGLE: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

SIGN (OFF-PREMISE): See BILLBOARD.

SIGN (ON-PREMISE): Any words, numerals, figures, devices, designs, or trademarks by which information is made known concerning the existence of a commercial enterprise, service, or other activity conducted, sold, or offered on the premises on which the sign is erected.

SITE: A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

SITE DEVELOPMENT: Altering terrain and/or vegetation and constructing improvements.

SITE PLAN: A drawing or plan illustrating a proposed development and prepared in accordance with the regulations outlined in the various Sections of the ordinance, with special reference to Part 4, Section 405.525, Site Plan Review.

SKEET/TRAP SHOOTING CLUB: A facility for the shooting of clay pigeons. The clay targets are sprung from a trap away from the shooter, or are thrown in such a way as to simulate the angles of the flight of birds.

SMALL TREES/LARGE SHRUBS: Deciduous trees or shrubs with a mature height of ten (10) to thirty (30) feet.

SPECIFIED ANATOMICAL AREAS: Any of the following:

1. Bare human male or female genitals, buttocks, anus or pubic area with less than full opaque clothing covering;
2. The female breast below a horizontal line across the top of the areola, or a simulation thereof, at its highest point with less than
3. The covered male genitals in a discernibly turgid state.

**SPECIFIED SEXUAL ACTIVITIES:** Any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
3. Excretory functions as part of or in connection with any the activities set forth in (1) through (2) above.

**STABLE, BOARDING:** A structure designed for the feeding, housing and exercising of horses not owned by the owner of the premises where the owners of the horses on the property train the horses and the horses are not utilized for remuneration or hire.

**STABLE, PRIVATE:** An accessory building for the keeping of horses, ponies, or mules owned by occupants of the premises, and not kept for remuneration, hire, or sale.

**STABLE, RIDING:** A facility used principally for pleasure riding, polo or driving of horses and ponies which may also include uses such as shows in riding arenas and the training, hire or sale of horses or ponies as additional uses to the principal use of the facility.

**START OF CONSTRUCTION:** See CONSTRUCTION, START OF.

**STEALTH TELECOMMUNICATION TOWER:** Any telecommunication tower that is integrated as an architectural feature of a structure so that the purpose of supporting antennas is not readily apparent to a casual observer.

**STREAM BANK, TOP OF EXISTING:** The top of the natural incline bordering a natural watercourse.

**STREET:** A thoroughfare which affords principal means of access to property abutting thereon, and including all State and County highways.

**STREET, COLLECTOR:** Collector streets interconnect the major arterial system with local streets; provide internal circulation within residential, commercial, and industrial areas; provide access to abutting properties; and have a moderate volume and design capacity and travel speeds.

**STREET, CUL-DE-SAC:** A short, minor, local street, having only one (1) end for vehicular traffic, and the other permanently terminated by a turnaround for vehicles.

**STREET, MINOR:** Minor streets provide access to abutting properties, have relatively short travel distance, and have a low-volume design capacity and travel speeds.

**STREET RIGHT-OF-WAY LINE:** The line separating a lot, tract, or parcel of land from the contiguous right-of-way of a street.

**STRUCTURAL ALTERATIONS:** Any change which would prolong the life of the supporting member of a building or structure, such as bearing walls, columns, beams, or girder, not including openings in bearing walls permitted by other ordinances.

**STRUCTURE:** Anything erected, reconstructed, altered, repaired, relocated, or portable, the use of which requires a location on a parcel of land. It includes a movable structure: it is located on land which can be used for housing, business, commercial, industrial, agricultural, or office purposes, either temporarily or permanently.

**SUBDIVIDER:** Any person, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as defined herein.

**SUBDIVISION:** Shall, for the purpose of these regulations, be the division of a tract of land:

1. Into three (3) or more lots, tracts, sites or parcels, where each of which are less than ten (10) acres in area, providing that no illegal zoning lot is created; or
2. The division of a tract of land into any number of lots, tracts, sites or parcels of any size in which a public street is to be dedicated, reserved, platted, opened, or constructed, or the dedication or platting, or recording of any streets; or
3. The division of a tract of land into three (3) or more lots, tracts, sites or parcels which front on and utilize an easement of access.

**SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**SUBSTANTIAL ENLARGEMENT OF SEXUALLY ORIENTED BUSINESS:** An increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date this Article takes effect.

**SUBSTANTIAL IMPROVEMENT:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications that have been identified by the local Code Enforcement Official and which are the minimum necessary to
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure", or
3. An improvement that does not require a building permit under applicable codes enacted in Title V, Ordinances of St. Charles County, Missouri.

TATTOOING: Any method of placing ink or other pigment into or under the skin or mucosa by the use of needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.

TATTOOING AND BODY PIERCING: The practice of physical body adornment by any method including, but not limited to, the following: body piercing, tattooing, cosmetic tattooing, branding and scarification. This definition does not include practices that are considered medical procedures by a State Medical Board, such as implants under the skin. This definition also does not include ear piercing as fully defined in Section 645.080(B).

TATTOOING AND BODY PIERCING ESTABLISHMENT: Any place of business which performs tattooing and body piercing.

TELECOMMUNICATION FACILITY: An unmanned facility consisting of equipment buildings, shelters or cabinets, accessory equipment, and an existing or new structure or tower to support antennas used for the reception, switching, and/or transmission of wireless communications, including, but not limited to, paging, enhanced specialized mobile radio (ESMR), Personal Communications Services (PCS), domestic public cellular radio telecommunications service (Traditional Cellular), and similar technologies.

TELECOMMUNICATION TOWER: A lattice-type, guyed or monopole structure that supports one (1) or more antennas.

TELECOMMUNICATION TOWER FARM: The placement of more than one (1) telecommunication tower on a lot.

TOWNHOUSE: A one (1) family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common fire-resistant walls.

TRAILERS: A vehicle standing on wheels, towed or hauled by another vehicle and used for carrying materials, goods or objects.

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS: Any of the following:
1. The sale, lease, or sublease of the business;
2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
3. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

TRASH TRANSFER STATION: A facility at which municipal solid waste is unloaded from small collection vehicles and loaded onto a larger means of transport for hauling. A trash transfer station may or may not be operated in conjunction with a resource recovery facility.

TRAVEL TRAILERS: A vehicular portable structure designed as a temporary dwelling for travel, recreational, and vacation uses.

TRAVEL TRAILER PARK: A parcel of land under a single ownership that has been planned and improved for the placement of travel trailers and recreational vehicles.

TREE CANOPY: The area in square feet of a tree's spread. Existing tree canopy is determined by measuring the ground's surface area that is covered by the branch spread of a single tree. Ultimate tree canopy is determined by assigning the following values for planted trees: one thousand (1,000) square feet for a large deciduous tree, seven hundred (700) square feet for each medium deciduous tree or conifer and three hundred (300) square feet for each small flowering tree.

TREE PROTECTION AREA: All land within the canopy drip line of a tree.

TWINHOME: See DWELLING, TWO-FAMILY.

VARIANCE: Relief from or variation of the provisions of these regulations, other than use regulations, and as applied to a specific piece of property, as distinct from rezoning, as further set out hereinafter within Part 7 of this Chapter 405, Sections 405.590 et seq. Also, a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

VEGETATED BUFFER: Area of plant life or total plant cover established adjacent to and in order to protect a natural watercourse.

VEHICLE IMPOUND FACILITY: A parcel of land or a building that is used for the temporary storage of wrecked motor vehicles or vehicles towed due to a law enforcement directive. Vehicles stored at the facility are to be claimed by title holders or their agent. No vehicle shall remain on the property for a period to exceed ninety (90) days.

VILLA: Typically an attached row of houses. Two (2) or more single-family dwellings sharing common wall areas, each on its own individual lot with a front and rear yard.

VIOLATION: The failure of a structure or other development to be fully complaint with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of
St. Charles County -- QuickCode

compliance required by this Chapter or Chapter 410 is presumed to be in violation until such time as that documentation is provided.

WAREHOUSE: A structure for use as a storage place for goods, materials, or merchandise.

WAREHOUSE, MINI: A building containing individual storage areas which may be rented or leased for a period of time.

WIND TURBINE: Any mechanism or device designed for the purpose of converting wind energy into electrical or mechanical power.

WIND TURBINE FARM: The use of more than one (1) wind turbine on a parcel that converts wind energy into electrical power for the primary purpose of resale.

WAREHOUSE: A structure for use as a storage place for goods, materials, or merchandise.

WAREHOUSE, MINI: A building containing individual storage areas which may be rented or leased for a period of time.

WIND TURBINE: Any mechanism or device designed for the purpose of converting wind energy into electrical or mechanical power.

WIND TURBINE FARM: The use of more than one (1) wind turbine on a parcel that converts wind energy into electrical power for the primary purpose of resale.

WINERY: One (1) or more buildings (including outdoor terraces or decks appurtenant to them) for the processing of wine and juice making material, sale of wine and related products, sale and service of food, and related areas for offices, laboratories, and related wine producing activities. All wine offered for sale at the winery must be produced under a State of Missouri domestics license. Retail activities are limited to the sale of grapes, juice, wine, food and gift items. In addition, a winery must be at least three hundred (300) feet from any church, grapes must be grown on at least five (5) acres of the site, and seventy-five percent (75%) of the wine for sale on site must be produced from grapes either grown on the premises, or grown on an area of not less than five (5) acres in size within St. Charles County. In any wine-making year, the quantity of wine consumed by or delivered to customers in the winery shall not exceed two (2) times the quantity of wine currently under production in the winery.

WINERY FARMERS’ MARKET: A facility accessory to and on the same tract of land as a duly permitted and functioning winery that is for the weekly sale by multiple vendors of produce and that may also be for the weekly sale by multiple vendors of other food and craft products for instruction or demonstration of cooking or farming skills.

WINERY LODGING: A hotel or motel that is accessory to and on the same tract of land as a duly permitted and functioning winery, that has no more than three (3) sleeping rooms for each five (5) acres of that tract of land, and that does not include a food establishment as defined and regulated by the St. Charles County Food Code, Chapter 230, Ordinances of St. Charles County, Missouri.

WOODLAND: Any tree canopy over five thousand (5,000) square feet having at least thirty percent (30%) of the trees with a caliper of at least two and one-half (2½) inches.

WOODLAND CANOPY: Ultimate woodland tree canopy is determined by assigning two hundred (200) square feet for each tree within a designated woodland.

YARD: An open space, other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Chapter or Chapter 410.

YARD, FRONT: A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

YARD, REAR: A yard between the rear lot line and the rear line of the main building and the side lot lines.

YARD, REQUIRED FRONT: A yard across the full width of the lot extending from the minimum front yard setback distance to the front line of the lot.

YARD, SIDE: A yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.

ZONING DISTRICT MAP: A series of maps of unincorporated St. Charles County with all notations, dimensions, references, and symbols shown thereon depicting the individual zoning districts in accordance with Section 405.065. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 99-148 §1, 12-1-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 01-112 §1, 9-26-01; Ord. No. 02-004 §2, 1-30-02; Ord. No. 03-142 §1(1--14), 10-1-03; Ord. No. 04-053 §1, 4-13-04; Ord. No. 04-158 §1, 9-29-04; Ord. No. 04-162 §1, 10-13-04; Ord. No. 05-029 §1, 3-29-05; Ord. No. 05-148 §7, 10-25-05; Ord. No. 06-004 §1, 1-31-06; Ord. No. 06-041 §2, 3-28-06; Ord. No. 07-040 §1, 3-13-07; Ord. No. 08-146 §1, 12-17-08; Ord. No. 09-137 §1, 12-9-09; Ord. No. 10-041 §1, 6-2-10; Ord. No. 11-008 §2, 3-7-11; Ord. No. 12-090 §1, 11-27-12)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

PART 2. DISTRICT REGULATIONS

ARTICLE 1. ESTABLISHMENT OF ZONING DISTRICTS AND MAPS

SECTION 405.065: ESTABLISHMENT OF DISTRICTS

For the purpose of regulating and restricting the use of land and the erection, construction, alteration, moving, or use of buildings or structures, all land which rests within St. Charles County and not within the corporate limits of cities, towns, or villages is hereby divided into twenty (20) zoning districts and five (5) overlay zoning districts as follows:

1. Zoning Districts.
   a. "A" Agricultural District - 5 acres
b. "AT" Agricultural Tourism District - 40 acres
c. "RR" Single-Family Residential District - 3 acres
d. "R1A" Single-Family Residential District - 1 acre
e. "R1B" Single-Family Residential District - 20,000 square feet
f. "R1C" Single-Family Residential District - 15,000 square feet
g. "R1D" Single-Family Residential District - 10,000 square feet
h. "R1E" Single-Family Residential District - 7,000 square feet
i. "R2" Two-Family Residential District
j. "R3A" Medium Density Residential District
k. "R3B" Multi-Family Residential District
l. "RM" Manufactured Home/Mobile Home Residential District
m. "PR" Park Recreational District
n. "RF" Riverfront District
o. "CO" Office District
p. "C1" Neighborhood Commercial District
q. "C2" General Commercial District
r. "HTCD" High Technology Corridor District
s. "I1" Light Industrial District
t. "I2" Heavy Industrial District
u. "SWD" Solid Waste Disposal District

2. Overlay Districts.
   a. "PUD" Planned Unit Development Overlay District
   b. "FF" Floodway Fringe Overlay District
   c. "FW" Floodway Overlay District
   d. "DF" Density Floodway Overlay District
   e. "WH" Wellhead Protection Overlay District.

(Ord. No. 99-99 §1, 7-12-99; Ord. No. 02-122 §1, 7-30-02; Ord. No. 06-002 §1, 1-10-06; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §2, 6-2-10; Ord. No. 11-008 §3, 3-7-11; Ord. No. 12-090 §2, 11-27-12)

SECTION 405.070: USES NOT PERMITTED IN ANY DISTRICT

Any use not listed herein shall be placed in a suitable district. Classification shall be made by the Director of the Division of Planning and Zoning, and consultation will be sought from the County Counselor, if needed. (Ord. No. 99-99 §1, 7-12-99)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 405.075: BOUNDARIES OF DISTRICTS

A. Zoning District Maps. Boundaries of the districts, hereby established as shown on maps prepared for that purpose, are hereby designated as the Zoning District Maps; and said maps and all the notations, references, and information shown thereon are hereby made as much a part of this Chapter as if the same were set forth in full herein. The Division of Planning and Zoning shall keep on file an authentic copy of said maps and all changes, amendments, or additions thereto.

B. Distances Not Shown On Zoning District Map. When definite distances in feet are not shown on the Zoning District Map, the district boundaries are intended to be along existing streets, platted lot lines, survey or land lines, or extensions of the same; and, if the exact location of such lines is not clear, it shall be determined by the Director of the Division of Planning and Zoning, due consideration being given to location as indicated by the scale of the Zoning District Map.

C. Discrepancies Between Zoning District Map And Existing Streets, Railroad Right-of-Ways And/Or Other Physical Features. When streets, railroad right-of-ways, and/or other physical features on the ground differ from those shown on the Zoning District Map, the Director of the Division of Planning and Zoning shall apply the district designations on the map to the streets, railroad right-of-ways, and/or other physical features on the ground in such a manner as to conform to the intent and purpose of this Chapter and Chapter 410.
D. Vacation Of Boundary Streets. When a street is vacated, the particular district in which the adjacent property lies shall automatically be extended to the centerline of any such street. (Ord. No. 99-99 §1, 7-12-99)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 405.077: CONSISTENCY WITH COMPREHENSIVE PLAN

The Zoning District Maps adopted or amended, or to be adopted or amended, as parts of this Unified Development Ordinance, shall be in accordance with the Master Plan for St. Charles County adopted by the County Council. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 05-148 §3, 10-25-05)

SECTION 405.078: COMPLIANCE WITH THE REGULATIONS

Except as hereinafter provided:

1. No building or structure shall be erected, constructed, reconstructed, moved or altered; nor shall any building, structure or land be used for any purpose other than is permitted within the zoning district in which such building, structure or land is situated.

2. No building or structure shall be erected, constructed, reconstructed, moved or altered to violate any requirement or regulation herein established for the zoning district in which such building or structure is located.

3. No lot or parcel shall be reduced or diminished below the minimum requirements of the zoning district in which it is located.

4. The number of dwelling units shall not exceed the density of dwelling units permitted in the zoning district in which it is located.

5. Every building or structure hereafter erected, constructed, reconstructed, moved or altered shall be located on a lot or parcel of land as herein defined. In no case shall there be more than one (1) building on the lot, except as provided herein.

6. No building shall be erected, converted from one use to another or structurally altered to the extent specifically provided hereinafter, except in conformity with the off-street parking and loading regulations of this Chapter.

7. Group home facilities shall be treated as a form of single-family/single-household dwelling and shall be subject to maximum occupancy restrictions defined in the Building Code. The definition of group homes shall not include halfway houses.

8. Group home facilities shall be a permissive use in "R" residential districts when the following conditions are met:

   a. Standards for group home facilities qualifying as a permissive use. A group home facility shall be approved by the Planning and Zoning Director as a permissive use if he finds all of the following standards are met:

      (1) The number of residents complies with requirements of this Zoning Ordinance.

      (2) The parking requirements as set by this Zoning Ordinance have been met.

      (3) The proposed group home facility is not within six hundred (600) feet of another existing group home which requires administrative approval, or one which has obtained a conditional use permit in lieu of a use with administrative approval. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the property line of the proposed use to the property line of the existing use.

      (4) In order to ensure that the structure and rooms therein are used as originally designed and intended, the proposed use will not require or include structural alterations except any structural alteration required to directly accommodate the disability of the residents with a disability recognized by the Americans with Disabilities Act.

      (5) The structure meets the requirements of the County's housing, building and fire codes as set forth in the County Code or the codes adopted by reference therein.

      (6) Users and/or service providers shall have received any and all required approvals from other governmental bodies which permit use of the premises in conformance with the approval for which they have applied. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 04-158 §2, 9-29-04; Ord. No. 05-148 §6, 10-25-05; Ord. No. 10-041 §3, 6-2-10)

ARTICLE II. "A" AGRICULTURAL DISTRICT

SECTION 405.080: "A" AGRICULTURAL DISTRICT

A. Statement Of Intent. The intent of this district is to provide for agricultural, recreational, wildlife, open space, farming, river oriented uses and related uses and to discourage premature and disassociated urban development. The minimum lot size of five (5) acres is designed to support agricultural uses and home sites which require proper siting in a rural area.

B. Permissive Uses.

1. Except in platted subdivisions, agriculture, farming, dairy farming, livestock and poultry raising, forestry, farm stands and other uses commonly classified as agricultural with no restrictions to operation of such vehicles and machinery that are customarily incidental to such agricultural uses, provided that no feedlot, feeding floor, or structure for housing of livestock or poultry shall be permitted within one hundred fifty (150) feet of any property line. The platted subdivision exception as
indicated above does not apply to any of the other permissive or conditional uses of the "A" Agricultural District.

2. Apiaries, aviaries, fish hatcheries, and fur farming or the raising of fur-bearing animals.

3. Cemetery. Cemeteries with a crematory as an accessory use shall be on a site of not less than twenty (20) acres.


5. Exotic or wild animal on a site of not less than ten (10) acres, provided feeding areas are located one hundred fifty (150) feet from all property lines.

6. Ferry landings, boat docks and marinas.

7. Forest or wildlife reservations or small conservation uses.

8. Golf course and clubhouse, with a driving range (unlighted) as an accessory use.

9. Home occupations, as regulated in Part 3, Article IV, Section 405.495 of this Chapter.


11. Manufactured/mobile homes, modular structures.

12. Public building or facility erected by a governmental agency.

13. Public parks or playgrounds.

14. Public school (elementary, middle, and high), or private school having a curriculum equivalent to a public elementary, middle, or high school.

15. Railroad right-of-way.

16. Sewage treatment plants and related facilities, including lift stations, water supply plants, pumps, reservoirs, wells, and elevated storage tanks with screening as approved on the site plan, for the purpose of providing services to the public.

17. Single-family/single household dwellings and modular homes.

18. Sod farms.

19. Stable, boarding and/or private, provided said stables are fifty (50) feet from all property lines (one (1) horse or pony per one (1) acre).

20. Utility substation or pumping station for electrical, gas or telephone utilities on a site of not less than ten thousand (10,000) square feet in size.

21. Accessory uses and buildings incidental to the above uses when located on the same lot; examples of which are vegetable and flower gardens, swimming pools, tennis courts, utility sheds, personal greenhouses and garden houses (non-commercial), unattached carports, unattached garages, and satellite dishes. If the satellite dishes are eighteen (18) inches or less in diameter and attached to a house, the dishes are allowed without setbacks.

C. Conditional Uses.

1. Adult day care.

2. Airport or landing field.

3. Animal feedlot in excess of one thousand (1,000) animal units.


5. Blacksmith operated only by a resident of the property.

6. Boat brokerage in conjunction with a marina.—On June 9, 2000, pursuant to §405.070, the Director of Planning added the following use to Subsection 405.080(C)'s list of conditional uses in "A", Agricultural District: Boat brokerage.

7. Boats; the rental, sale, storage, and repair of boats, and boating supplies, including marine gas in conjunction with a marina.

8. Broadcast facility, provided that the distance from the center of the base of the tower to the nearest property line shall not be less than the height of the tower.


11. Extraction, quarrying, or mining of sand, gravel, top soil, or other material.

12. Farm stands, commercial.

13. General contracting services relating to building, electrical, heating and cooling, painting and plumbing, provided that materials, vehicles and trailers used in connection with such services shall be stored within an enclosed building, and provided that any site occupied by services permitted under this provision shall be a compact site having at least one hundred fifty (150) feet of frontage on a public road and an area no greater than two (2) acres.
14. Historic sites.

15. Houseboats used as a residence. On August 23, 2004, pursuant to Section 405.070, the Director of the Division of Planning and Zoning added the following use to Subsection 405.080(C)'s list of conditional uses in "A" Agricultural District: Houseboats.

16. Institution (hospital, nursing, rest, or convalescent home, and educational or religious), provided that not more than fifty percent (50%) of the site area may be occupied by buildings, and provided further that the building shall be set back from all required yard lines a minimum of fifty (50) feet. Hospitals may include a helicopter landing pad area as an accessory use.

17. Kennels, provided that the buildings and pens are one hundred fifty (150) feet from all property lines.

18. Lawn care service and all lawn care materials; any related equipment or vehicles are required to be stored within an accessory structure.

19. Logging operations, sawmills, and mill storage of lumber, not including any fabrication of timber structures.


21. Reserved.

22. Preschool, daycare, special, or other private school.

23. Private clubs, provided said private club is a minimum of one hundred (100) feet from all property lines.

24. Recreation, commercial outdoor.

25. Reserved.

26. Single-family/single household dwellings and manufactured/modular homes utilized as a second (2nd) dwelling on a temporary basis not to exceed five (5) years.

27. Stable, riding.

28. Taxidermy. On April 16, 2010, pursuant to Section 405.070, the Director of the Division of Planning and Zoning added the following use to Subsection 405.080(C)'s list of conditional uses in "A" Agricultural District: Taxidermy.

29. Telecommunication tower as regulated in Part 3, Article VIII, Section 405.505.

30. Veterinary clinic.

31. Wind turbines and wind turbine farm.

32. Winery, subject to development standards set forth in Part 4, Section 405.520(F)(2--4).

D. Height, Area And Lot Requirements.

1. Maximum height. Forty (40) feet (except as regulated in Part 3, Article I, Section 405.405 et seq.).

2. Minimum front yard. Fifty (50) feet.

3. Minimum side yard. Forty (40) feet.

4. Minimum rear yard. Fifty (50) feet.

5. Minimum lot width. One hundred fifty (150) feet.

6. Minimum lot area. Five (5) acres unless otherwise specified in this Section.

a. Parcels or lots duly recorded in the County Recorder's office, as of, and unaltered since the date of adoption of this ordinance and those lots within subdivisions which have received preliminary plat approval prior to the date of adoption of this ordinance may be developed with any Agricultural District permitted use provided that all other requirements of the Unified Development Ordinance are met.

b. The owner of a lot improved by a residential structure existing prior to February 13, 2006, may record in the County Recorder's office a deed or deeds establishing a three (3) acre tract as the site of that residential structure while leaving the remainder as a separate tract, provided however that such division of land meets all other applicable requirements of this Unified Development Ordinance, except that if the lot to be divided is within a plat recorded on or before November 2, 1959, a re-subdivision plat is not required for such divisions.

7. Minimum dwelling size (living space). Eight hundred (800) square feet for single-family.

8. Minimum front yard for lots of record less than one (1) acre in size. Twenty-five (25) feet.

9. Minimum side yard for lots of record less than one (1) acre in size. Seven (7) feet.

10. Minimum rear yard for lots of record less than one (1) acre in size. Twenty-five (25) feet.

E. Accessory Structure.

1. Maximum total size of an accessory structure or of more than one (1) accessory structures on any given parcel may not exceed the following limits.

434
a. For parcels less than one (1) acre in size: Fifty percent (50%) of the base area of the main structure.

b. For parcels at least one (1) but less than three (3) acres in size: One thousand five hundred (1,500) square feet.

c. For parcels at least three (3) but less than four (4) acres in size: Two thousand four hundred (2,400) square feet.

d. For parcels at least four (4) but less than five (5) acres in size: Three thousand (3,000) square feet.

e. For parcels at least five (5) but less than six (6) acres in size: Three thousand six hundred (3,600) square feet.

f. For parcels at least six (6) but less than seven (7) acres in size: Four thousand two hundred (4,200) square feet.

g. For parcels at least seven (7) but less than ten (10) acres in size: Four thousand eight hundred (4,800) square feet.

h. For parcels at least ten (10) acres in size or more: None.

i. For any agricultural use structure: None.

2. Minimum front yard of accessory structure. Fifty (50) feet.

3. Minimum side yard of accessory structure. Seven (7) feet.

4. Minimum rear yard of accessory structure. Seven (7) feet.

5. Minimum distance from main structure to accessory structure. Ten (10) feet (except swimming pools). Accessory structures that will be less than ten (10) feet from the main structure must meet the same setbacks as the main structure and meet applicable building code requirements. A detached garage may be located in the front yard, however, no part of the structure may be located directly in front of the main structure.

6. Minimum setbacks for boarding and/or private stables. Fifty (50) feet from all property lines.

F. Additional Requirements. See Part 3, Article I, Section 405.405 et seq.

G. Parking, Loading And Sign Regulations. See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

H. Solid Waste Disposal Screening Regulations. Other than for agricultural uses and residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 02-158 §1, 10-30-02; Ord. No. 03-142 §1(15–16), 10-1-03; Ord. No. 04-053 §1, 4-13-04; Ord. No. 05-029 §1, 3-29-05; Ord. No. 06-002 §1, 1-10-06; Ord. No. 06-004 §2, 1-31-06; Ord. No. 07-040 §1, 3-13-07; Ord. No. 09-015 §1, 2-25-09; Ord. No. 10-041 §4, 6-2-10; Ord. No. 11-026 §6, 5-2-11; Ord. No. 12-026 §1, 3-30-12; Ord. No. 12-090 §3, 11-27-12)

SECTION 405.085: "AT" AGRICULTURAL TOURISM DISTRICT

A. Statement Of Intent. The intent of this district is to provide for agricultural, recreational, wildlife, open space, and farming uses, as well as agriculture- or winery-related tourism uses and economic development in a way that protects and preserves agricultural land and open space, and discourages premature and disassociated urban development. Specifically, the intent is to authorize agriculture- and winery-related tourism as conditional uses in rural areas subject to a minimum lot size of forty (40) acres and special development standards to ensure low concentrations of such uses within the district and adjoining areas so that their rural agricultural character is maintained while allowing these more intensive uses within the district. Such uses are declared to be agriculture-related because sited on large tracts mostly dedicated to agricultural and open-space uses. The following are declared to be agriculture- or winery-related tourism uses: conference/events/lodging center, dinner theater, farm stands (commercial), gallery or museum, golf course clubhouse, microbrewery, outdoor theater, restaurant, rural recreational activity, winery, winery farmers' market, and winery lodging.

B. Permissive Uses.

1. Agriculture, farming, dairy farming, livestock and poultry raising, forestry, farm stands (but not commercial farm stands as defined in Section 405.050, OSCCMo) and other uses commonly classified as agricultural with no restrictions to operation of such vehicles and machinery that are customarily incidental to such agricultural uses, provided that no feedlot, feeding floor, or structure for housing of livestock or poultry shall be permitted within one hundred fifty (150) feet of any property line.

2. Apiaries, aviaries.

3. Forest or wildlife reservations or small conservation uses.

4. Golf course with an outdoor driving range (unlighted) as an accessory use.

5. Historic sites.


7. Open space, park land or playgrounds.

8. sod farms.

9. Stable, riding, boarding and/or private, provided said stables are fifty (50) feet from all property lines (one (1) horse or pony per one (1) acre).
10. Accessory uses and buildings incidental to the above uses when located on the same lot.

C. Agriculture- Or Winery-Related Tourism Conditional Uses.
   1. Conference/event/lodging center, subject to development standards set forth in Part 4, Section 405.520(F).
   2. Dinner theater, subject to development standards set forth in Part 4, Section 405.520(F).
   3. Farm stands, commercial, subject to development standards set forth in Part 4, Section 405.520(F).
   4. Gallery or museum, subject to development standards set forth in Part 4, Section 405.520(F).
   5. Golf course clubhouse, in connection with a golf course on the same tract of land, subject to development standards set forth in Part 4, Section 405.520(F).
   6. Microbrewery, subject to development standards set forth in Part 4, Section 405.520(F).
   7. Outdoor theater (excluding movie or drive-in movie theater), subject to development standards set forth in Part 4, Section 405.520(F).
   8. Restaurant, subject to development standards set forth in Part 4, Section 405.520(F).
   9. Rural recreational activity, subject to development standards set forth in Part 4, Section 405.520(F).
   10. Winery, subject to development standards set forth in Part 4, Section 405.520(F).
   11. Winery farmers' market, subject to development standards set forth in Part 4, Section 405.520(F).
   12. Winery lodging, subject to development standards set forth in Part 4, Section 405.520(F).

D. Height, Area And Lot Requirements, except as provided in Part 3, Article I, Section 405.405 et seq., and in Part 4, Section 405.520(F), if and as applicable.
   1. Maximum height. Forty (40) feet.
   2. Minimum front yard. Fifty (50) feet.
   3. Minimum side yard. Forty (40) feet.
   4. Minimum rear yard. Fifty (50) feet.
   5. Minimum lot width. One hundred fifty (150) feet.

E. Accessory Structures, except as provided in Part 3, Article I, Section 405.405 et seq., and in Part 4, Section 405.520(F), if and as applicable.
   1. Maximum total size of an accessory structure or of more than one (1) accessory structure on any given parcel may not exceed the following limits.
      a. For any agricultural use structure: No size restriction.
   2. Minimum setbacks for riding, boarding and/or private stables. Fifty (50) feet from all property lines.

F. Additional Requirements. See Part 3, Article I, Section 405.405 et seq., if and as applicable.

G. Parking, Loading And Sign Regulations. See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

H. Solid Waste Disposal Screening Regulations. Other than for agricultural uses and residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material. (Ord. No. 12-090 §4, 11-27-12)

ARTICLE III. RESIDENTIAL DISTRICTS

SECTION 405.090: "RR", "R1A", "R1B", "R1C", "R1D" AND "R1E" SINGLE-FAMILY RESIDENTIAL DISTRICTS

A. Statement Of Intent. Except as provided in Subsection (C), paragraph (13) below, the intent of these districts is to provide for detached single-family residential development on minimum lot sizes varying from three (3) acres to seven thousand (7,000) square feet. Lots less than three (3) acres in size shall be served by sanitary sewers and a public water supply. These districts and their related minimum lot sizes are as follows:
   1. "RR" - three (3) acres;
   2. "R1A" - one (1) acre;
   3. "R1B" - twenty thousand (20,000) square feet;
4. "R1C" - fifteen thousand (15,000) square feet;
5. "R1D" - ten thousand (10,000) square feet; and
6. "R1E" - seven thousand (7,000) square feet.
These districts also allow for land uses which are incidental or accessory thereto.

B. Permissive Uses.
1. Cemetery on a site of not less than five (5) acres. Cemeteries with a crematory as an accessory use on a site of not less than twenty (20) acres.
2. Churches.
3. Cluster developments in accordance with Subsection 405.090(I).
4. Golf course and clubhouse, driving range (unlighted) as an accessory use; no miniature golf course operated for commercial purposes.
5. Home occupations, as regulated in Part 3, Article IV, Section 405.495 of this Chapter.
6. Horses and private stables as an accessory building on three (3) acres or more, provided said stables are fifty (50) feet from all property lines.
7. Parks or playgrounds.
8. Public building or facility erected by a governmental agency.
9. Public school (elementary, middle, or high), or a private school having a curriculum equivalent to public elementary, middle, or high school.
10. Railroad right-of-ways, not including railroad yards.
11. Recreational areas for subdivision developments within common ground areas.
12. Sewage treatment plants and related facilities, including lift stations, water supply plants, pumps, reservoirs, wells, and elevated storage tanks, for the purpose of providing services to the public.
13. Single-family/single household dwellings, including modular structures to be used as dwellings, provided:
   a. That persons applying for land use permits for such modular structures voluntarily apply also for building permits for those structures,
   b. That such modular structures meet the requirements of Title V of the Ordinances of St. Charles County, Missouri, and
   c. That if a court of competent jurisdiction finds that either of the preceding provisos is unconstitutional or unlawful, that proviso shall not be severed from any other language herein beginning with "including modular structures to be used as dwellings" but all of that language shall likewise be deemed unconstitutional or unlawful.
14. Two-family/two household dwellings designated at the time of platting in the "R1C", "R1D" and "R1E" districts.
15. Accessory uses and buildings incidental to the above uses, when located on the same lot; examples of which are vegetable and flower gardens, the raising and keeping of pets on a non-commercial basis, swimming pools, tennis courts, utility sheds, personal greenhouses and garden houses (non-commercial), unattached carports, unattached garages, and satellite dishes. If the satellite dishes are eighteen (18) inches or less in diameter and attached to a house, the dishes are allowed without setbacks.

C. Conditional Uses.
1. Adult day care.
2. Bed and breakfast residence.
3. Group home facility which is the same as that defined in Section 405.060 except that it may house nine (9) to fifteen (15) persons, or a group home which meets the definition of 405.060 but does not meet all of the standards as a permissive use as required by Section 405.078.
4. Historic sites.
5. Houseboats—On August 23, 2004, pursuant to Section 405.070, the Director of the Division of Planning and Zoning added the following use to Subsection 405.090(C)’s list of conditional uses in "R1A", "R1B", "R1C", "R1D", and "R1E" Single-Family Residential District: Houseboats.
6. Housing unit or units in the "R1E" district with a minimum dwelling size (living space) of eight hundred (800) square feet, a minimum lot area of six thousand (6,000) square feet, and on lots sixty (60) feet wide and with side yards six (6) feet in width.
7. Institution (hospital, nursing, rest, or convalescent home, and educational or religious) on a site of not less than five (5) acres, provided that not more than fifty percent (50%) of the site area may be occupied by buildings, and further provided that the buildings shall be set back from all required yard lines a minimum of fifty (50) feet. Hospitals may include a helicopter landing pad area as an accessory use.
8. Kennels, on a site of not less than three (3) acres, provided all pens are one hundred fifty (150) feet from all property lines.
9. Lawn care service, on a site of not less than one (1) acre, and all lawn care materials; any related equipment or vehicles are required to be stored within an accessory structure.

10. Manufactured and modular structure(s) not utilized as a dwelling.

11. Manufactured home subdivisions, manufactured homes and modular structures not meeting the provisions within Section 405.090(B)(13), with conditions regulated in Part 4, Section 405.520, Development Standards for Certain Conditional Uses.

   Editor's Note--In the original text of ord. no. 10-041, the reference "405.090(B)(13)" read "405.090(B)(12)". This was a typographical error and corrected at the direction of the County Counselor's office.

12. Preschool, daycare, special, or other private school.

13. Private clubs on a site of not less than two (2) acres.

14. Private or commercial recreational facility, including a lake, swimming pool, tennis court, boarding stable, riding stable, or golf course on a site of not less than five (5) acres.

15. Top soil removal operation.

16. Utility substation for electric, gas or telephone utilities on a site of not less than ten thousand (10,000) square feet in size in the "RR", "R1A", "R1B" and "R1C" Districts and not less than six thousand (6,000) square feet in the "R1D" and "R1E" Districts.

17. Wind turbines.

D. Height, Area And Lot Requirements, Except As Otherwise Provided For Cluster Developments Pursuant To Subsection 405.090(I).

1. Maximum height. Forty (40) feet (except as regulated in Part 3, Article I, Section 405.405 et seq.).

2. Minimum front yard.
   a. Fifty (50) feet in "RR".
   b. Thirty-five (35) feet in "R1A".
   c. Twenty-five (25) feet in "R1B" and "R1C".
   d. Twenty (20) feet in "R1D" and "R1E".

   a. Forty (40) feet in "RR".
   b. Twenty (20) feet in "R1A".
   c. Ten (10) feet in "R1B" and "R1C".
   d. Seven (7) feet in "R1D" and "R1E".

4. Minimum rear yard.
   a. Fifty (50) feet in "RR".
   b. Thirty-five (35) feet in "R1A".
   c. Twenty-five (25) feet in "R1B", "R1C", "R1D" and "R1E".

5. Minimum lot width.
   a. One hundred fifty (150) feet in "RR".
   b. One hundred twenty-five (125) feet in "R1A".
   c. One hundred (100) feet in "R1B".
   d. Eighty (80) feet in "R1C" and "R1D".
   e. Seventy (70) feet in "R1E".

6. Minimum lot area.
   a. One hundred thirty thousand six hundred eighty (130,680) square feet in "RR".
   b. Forty-three thousand five hundred sixty (43,560) square feet in "R1A".
   c. Twenty thousand (20,000) square feet in "R1B".
   d. Fifteen thousand (15,000) square feet in "R1C".
   e. Ten thousand (10,000) square feet in "R1D".
   f. Seven thousand (7,000) square feet in "R1E".

7. Minimum dwelling size (living space). One thousand (1,000) square feet for single-family.
8. **Lots to be used for two-family/two household development.** The developer of a proposed subdivision may work with the Director of the Division of Planning and Zoning or his/her assigns in locating lots with "R1C", "R1D" and "R1E" residential districts that are to be used for two-family/two household dwellings. These lots, if any are approved, shall be stated as such on both the preliminary and final plats and their number will not exceed ten percent (10%) of the total number of lots within each respective subdivision plat having ten (10) or more lots. Any fraction thereof will be considered the next lowest number. For subdivision plats having five (5) to nine (9) lots, one (1) two-family/two household lot may be granted. For subdivision plats having fewer than five (5) lots, no two-family/two household lots are permitted.

**E. Accessory Structure.**

1. **Maximum total size of all accessory structures (except stables).** For parcels less than one (1) acre, up to fifty percent (50%) of base area of main structure. For parcels one (1) to three (3) acres, up to one thousand five hundred (1,500) square feet. For parcels three (3) acres to ten (10) acres, two thousand four hundred (2,400) square feet.

2. **Maximum size of private stable.** Three thousand (3,000) square feet for stables in "R1A" through "R1E" zoning districts. Such stables must be fifty (50) feet from all property lines.

3. **Minimum front yard of accessory structure.** Fifty (50) feet.

4. **Minimum side yard of accessory structure.** Seven (7) feet.

5. **Minimum rear yard of accessory structure.** Seven (7) feet.

6. **Minimum distance from main structure to accessory structure.** Ten (10) feet (except swimming pools). Accessory structures that will be less than ten (10) feet from the main structure must meet the same setbacks as the main structure and meet applicable building code requirements. A detached garage may be located in the front yard, however, no part of the structure may be located directly in front of the main structure.

7. **Design requirements.** All accessory, non-residential buildings over two hundred (200) square feet, except accessory structures and stables in the "RR" District, must be constructed of building materials and designed architecturally to be in substantial compliance with the primary structure. The use of metal siding, including, but not limited to, aluminum and steel, in the construction of an accessory structure is prohibited.

**F. Additional Requirements.** See Part 3, Article I, Section 405.405 et seq.

**G. Parking, Loading And Sign Regulations.** See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

**H. Solid Waste Disposal Screening Regulations.** Other than for residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material.

**I. Cluster Development.** Cluster development shall be subject to the following regulations, but shall remain subject to all other applicable provisions of this Unified Development Ordinance not modified by the following regulations.

1. **Statement of intent.** The intent of the following regulations is:
   
a. To provide permissive, voluntary and alternate procedures within the "RR", "R1A", "R1B", "R1C", "R1D" and "R1E" Single-Family Residence Districts by permitting flexibility in lot requirements and dwelling unit types while maintaining the maximum dwelling unit density limitations of the particular parcel's zoning district.

b. To encourage creative and flexible site design that is sensitive to the land's natural features and adapts to the natural topography.

c. To protect environmentally sensitive areas of a development site and preserve on a permanent basis open space, natural features and agricultural lands.

d. To promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the length of streets.

e. To protect the public health, safety and general welfare by avoiding surface and ground water pollution, contaminated run-off, air quality contamination and urban heat islands that result from pavement and the clearing of natural vegetation.

2. **Standards for cluster development.**

a. **Minimum size of tract and number of lots or units.** Cluster development is permitted on tracts containing five (5) or more acres and five (5) or more lots or units.

b. **Residential uses only.** Cluster development may be utilized for developments of single-family attached or detached dwellings. Development plans and plats required by and submitted pursuant to these regulations shall note which types of units are utilized in the subdivision.

c. **Maximum lot sizes.** Maximum lot sizes in a cluster development shall be as follows:

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Lot Area in Cluster Development</th>
<th>Permitted Density of the Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;RR&quot;</td>
<td>1 acre</td>
<td>1 unit per 3 acres</td>
</tr>
<tr>
<td>&quot;R1A&quot;, &quot;R1B&quot;, &quot;R1C&quot;, &quot;R1D&quot;, &quot;R1E&quot;</td>
<td>up to 50% of base area of main structure</td>
<td>up to 1,500 square feet</td>
</tr>
</tbody>
</table>
St. Charles County -- QuickCode

<table>
<thead>
<tr>
<th>Zoning District</th>
<th>Maximum Lot Area in Cluster Development</th>
<th>Permitted Density of the Zoning District</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;R1B&quot;</td>
<td>9,000 square feet</td>
<td>2.1 units per 1 acre</td>
</tr>
<tr>
<td>&quot;R1C&quot;</td>
<td>6,700 square feet</td>
<td>2.9 units per 1 acre</td>
</tr>
<tr>
<td>&quot;R1D&quot;</td>
<td>5,500 square feet</td>
<td>4.3 units per 1 acre</td>
</tr>
<tr>
<td>&quot;R1E&quot;</td>
<td>4,200 square feet</td>
<td>6.2 units per 1 acre</td>
</tr>
</tbody>
</table>

**d. Density calculations.** The maximum number of lots or units allowable shall be calculated by dividing the net area of the development by the minimum lot area requirements of the residential district or districts in which the subdivision is located. The net area is the gross area of the development minus the following:

1. Land within the floodway as depicted on the Flood Insurance Rate Map (FIRM);
2. Land which is utilized for roadway right-of-way purposes.

**e. Planning and platting or dedication of open space.** Open space areas are the parks, natural features and passive open space that distinguish this use pattern from other types of development. Open space areas shall be designated on the development plan and on any preliminary or final plat and shall be subject to the following minimum requirements.

1. The minimum land area that shall be devoted to open space shall consist of an area equal to the net area of the development minus the maximum number of lots having the maximum lot size. Open space in excess of the minimum may also be included in open space.
2. Open space shall not be further subdivided.
3. Open space shall not be developed except as provided below.
4. Open space may be included in the net acreage of the development for density calculations only if it is used as:
   (a) Conservation of open space in its natural state.
   (b) Recreation including, but not limited to, trails, picnic areas, community gardens, playing fields, playgrounds and courts, lakes and ponds.
   (c) Water supply and sewage disposal systems for the development.
   (d) Pasture and stables for recreational horses on ten (10) acres or more of open space (if horses are pastured, the number of horses shall not exceed one (1) horse per acre of pasture).
   (e) Easements for drainage, access, sewer or water lines or other public purposes.
   (f) Stormwater management facilities.
   (g) Parking areas to serve recreational areas.
   (h) Agricultural area to be used for crops and the grazing of animals.
5. Open space areas shall to the extent possible abut existing conservation areas, parks, open space or farmland on adjacent parcels.
6. Open space may be designated for dedication for public use, and in such cases be considered part of the gross acreage of the development in computing the maximum number of lots that may be created or dwelling units that may be authorized, only if:
   (a) The area of the proposed cluster development is at least thirty (30) acres;
   (b) The proposed public use site is dedicated to the public in a manner approved by the County Counselor or legal counsel of the public agency prior to recording of the subdivision plat and the use on the site shall be in conformance with Section 405.090(1)(2)(e)(3) above;
   (c) Prior to the recording of the subdivision plat, a written agreement between the petitioner and the public agency shall be submitted to the Director of the Planning and Zoning Division for review and approval. This agreement shall indicate who is responsible for the installation of required improvements and indicate when the improvements will be installed;
   (d) The subdivision plat for record identifies the boundaries of the dedicated tract within the cluster development;
   (e) The deed of dedication for public use shall provide that in the event the property shall no longer be used for that purpose, it will revert to the trustees of the subdivision in which it is located as common land. The trust indenture required herein shall provide for the manner in which the common land shall be treated.
7. Open space not dedicated to the public shall be titled to subdivision trustees, as provided herein.
   (a) In developments where common ground which may include open spaces, recreational areas or other common ground are provided and the acreage of which is included in the gross acreage for density calculation purposes, a trust indenture shall be recorded simultaneously with the final plat. The indenture shall provide for the proper and
continuous maintenance and supervision of said common land by trustees to be selected and to act in accordance with the terms of such indenture, and the common land shall be deeded to the trustees.

(b) In addition, the trust indenture shall contain the following provisions:

(i) That the common ground, including open spaces, recreational areas or other common ground, shall be for the sole benefit, use and enjoyment of the lot or unit owners, present and future, of the entire cluster development or that the common ground may also be used by residents outside the cluster development.

(ii) If residents outside the cluster development are permitted to use the common ground, the indenture shall contain provisions which shall provide, in essence, the following:

i) No resident of the cluster development shall be denied the use of the open space, recreational facilities or other common ground for any reason related to the extension of such privilege to non-residents of the cluster development;

ii) All rules and regulations promulgated pursuant to the indenture with respect to residents of the cluster development shall be applied equally to the residents;

iii) All rules and regulations promulgated pursuant to the indenture with respect to non-residents of the cluster development shall be applied equally to the non-residents;

iv) At any time after the recording of the indenture, a majority of the residents of the cluster development, by election duly called, may elect to allow or disallow usage of the open space, recreational facilities or other common grounds by non-residents of the cluster development.

(8) Trust indentures for cluster development shall also include:

(a) Provisions for the maintenance of all common ground and facilities and the means of collecting assessments necessary for the maintenance; and

(b) Provisions for maintenance of common walls in cluster developments containing attached single-family units.

3. Application for approval of cluster development--preliminary review by Division of Planning and Zoning.

a. Applications for a cluster development shall be filed with the Division of Planning and Zoning on a form supplied by the Division. The application shall include a statement regarding the proposed development's compliance with the intent of this Subsection and a development plan depicting the arrangement of buildings on the site, building elevations depicting the architectural character and design of the proposed buildings, proposed landscaping and open space design. The development plan may be combined with a preliminary plat submitted pursuant to Chapter 410 of this Unified Development Ordinance.

b. Upon verification by the Division's staff that an application for a cluster development is complete, the application (along with the preliminary plat, if combined with the development plan) shall be submitted to the Planning and Zoning Commission for review and approval.

4. Approval of cluster development by Planning and Zoning Commission--criteria. The Planning and Zoning Commission may approve an application for a cluster development if the Commission finds that it meets the following criteria for approval.

a. In preparing a development plan the applicant must:

(1) Investigate and address the impacts of the proposed development on the site to be developed, on adjacent tracts and on public infrastructure, and

(2) Identify and plan for the density, intensity, land uses, pedestrian and bicycle ways, trails, parks, open space, lot configuration, street and drainage patterns established for a site in the platting process.

b. Further, the Planning and Zoning Commission shall not approve a subdivision plat and development plan for a cluster development unless all of the following findings with respect to the proposed development are made:

(1) The proposed land use is in accord with the adopted Master Plan and the official Zoning Map, or that the means for reconciling any differences have been addressed. A preliminary plat may be processed concurrently with a rezoning request.

(2) The proposed cluster subdivision conforms to all relevant requirements of the County. The plat and plan shall:

(a) Meet all requirements with respect to lot size, density and area as provided in this Subsection;

(b) Meet all development standards of this Unified Development Ordinance not modified by this Subsection;

(c) In no way creates a violation of any applicable current ordinances, Statutes or regulations.

(3) The proposed development, including its lot sizes, density, design, access and circulation, is compatible with the existing and/or permissible future use of adjacent property.

(4) The proposed public facilities are adequate to serve the normal and emergency demands of the proposed development and to provide for the efficient and timely extension to serve future development.

(5) Rights-of-way and easements of adequate size and dimension are provided for the purpose of constructing the street, utility and drainage facilities needed to serve the development.
(6) The proposed cluster subdivision provides the appropriate land and improvements necessary to satisfy the requirements of the open space standards provided in this Chapter.

(7) The proposed subdivision provides adequate pedestrian access to parks and open space.

(8) The soils, topography and water tables have been adequately studied to ensure that all lots are developable for their designated purposes.

(9) Any land located within Zone A, as shown on the currently adopted Flood Insurance Rate Maps, is determined to be suitable for its intended use and the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential or any other floodplain-related risks to the health, safety or welfare of the future residents of the proposed subdivision in a manner consistent with the provisions of this Unified Development Ordinance not modified by this Subsection.

c. Approval of a development plan for a cluster development shall constitute acceptance of the land use, building and architectural character, development intensity, general street patterns, drainage patterns, lot patterns, parks and open space lands and the general layout of pedestrian and bicycle trails, provided that these may be modified by the Planning and Zoning Commission in conjunction with subsequent approvals if additional information reveals development constraints that are not evident during preliminary plat review.

5. Denial of approval by Planning and Zoning Commission--approval by County Council by ordinance. If the Planning and Zoning Commission withholds approval of a cluster development, the application shall be forwarded to the County Council and such application must then be approved by an ordinance with approval of five (5) member of the County Council, and the reasons for approval or failure to approve such application shall be spread upon the records of the Governing Body and certified to the Planning and Zoning Commission.

6. The Planning and Zoning Commission shall approve preliminary and final plats for cluster developments as provided in the regulations for the subdivision of land in Chapter 410 of this Unified Development Ordinance. However, no such plat may be approved unless it is in substantial conformity with an approved development plan for the cluster development and with these regulations. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(17), 10-1-03; Ord. No. 04-053 §1, 4-13-04; Ord. No. 04-158 §3, 9-29-04; Ord. No. 05-029 §1, 3-29-05; Ord. No. 06-002 §1, 1-10-06; Ord. No. 07-040 §1, 3-13-07; Ord. No. 08-146 §§2-4, 12-17-08; Ord. No. 10-041 §5, 6-2-10)

SECTION 405.095: "R2" TWO-FAMILY RESIDENTIAL DISTRICT
A. Statement Of Intent. The intent of this district is to provide for medium density residential development of an urban character for one- and two-family homes on a minimum lot size area of seven thousand (7,000) square feet served by sanitary sewers and a public water supply. The district also allows for land uses which are incidental or accessory thereto.

B. Permissive Uses.
1. Cemetery on a site of not less than five (5) acres. Cemeteries with a crematory as an accessory use on a site of not less than twenty (20) acres.
2. Churches.
3. Golf course and clubhouse, driving range (unlighted) as an accessory use; no miniature golf course operated for commercial purposes.
4. Home occupations, as regulated in Part 3, Article IV, Section 405.495 of this Chapter.
5. Public building or facility erected by a governmental agency.
6. Public parks or playgrounds.
7. Public school (elementary, middle, and high), or private school having curriculum equivalent to a public elementary, middle, or high school.
8. Railroad right-of-ways, not including railroad yards.
9. Sewage treatment plants and related facilities including lift stations, water supply plants, pumps, reservoirs, wells, and elevated storage tanks, for the purpose of providing services to the public.
11. Two-family/two household dwelling, including duplexes and twin homes.
12. Accessory uses and buildings incidental to the above uses, when located on the same lot; examples of which are vegetable and flower gardens, the raising and keeping of pets on a non-commercial basis, swimming pools, tennis courts, utility sheds, personal greenhouses and garden houses (non-commercial), community carports, community garages, unattached carports, unattached garages, and satellite dishes. If the satellite dishes are eighteen (18) inches or less in diameter and attached to a house, the dishes are allowed without setbacks.

C. Conditional Uses.
1. Adult day care.
2. Historic sites.
3. Institutional (hospital, nursing, rest, or convalescent home, and educational or religious) on site of not less than five (5) acres, provide that not more than fifty percent (50%) of the site area may be occupied by buildings, and further provided that the building shall be set back from all required yard lines a minimum of fifty (50) feet. Hospitals may include helicopter landing pad area as an accessory use.

4. Preschool, daycare, special, or other private school.

5. Private clubs on a site of not less than two (2) acres.

6. Utility substation for electric, gas, or telephone utilities.

7. Wind turbines.

D. Height, Area And Lot Requirements.

1. Maximum height. Forty (40) feet (except as regulated in Part 3, Article I, Section 405.405 et seq.).


3. Minimum side yard. Seven (7) feet (zero lot line will be allowed as a common party wall between units).


5. Minimum lot width.
   a. Seventy (70) feet for single-family.
   b. Thirty-five (35) feet for each residential unit (two-family).
   c. Minimum lot area. Seven thousand (7,000) square feet for single-family.
   d. Minimum lot area per family. Three thousand five hundred (3,500) square feet.
   e. Minimum dwelling size (living space).
      (1) One thousand (1,000) square feet for single-family.
      (2) Seven hundred (700) square feet per family for two-family.

E. Accessory Structure.

1. Maximum size of accessory structure. Two hundred fifty (250) square feet per residential unit.

2. Minimum front yard of accessory structure. Twenty-five (25) feet. Storage sheds less than two hundred (200) total square feet shall have a front yard of fifty (50) feet.

3. Minimum side yard of accessory structure. Seven (7) feet except that where zero lot lines are allowed as a common party wall for the main structure, that setback shall apply for the accessory structure along the same property line as the common party wall.

4. Minimum rear yard of accessory structure. Seven (7) feet.

5. Minimum distance from main structure to accessory structure. Ten (10) feet. Accessory structures less than ten (10) feet from the main structure must meet the same setbacks as the main structure and meet current building code requirements.

6. Design requirements. All accessory, non-residential buildings over two hundred (200) square feet must be constructed of building materials and designed architecturally to be in substantial compliance with the primary structure. The use of metal siding, including, but not limited to, aluminum and steel, in the construction of an accessory structure is prohibited.

F. Additional Requirements. See Part 3, Article I, Section 405.405 et seq.

G. Parking, Loading And Sign Regulations. See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

H. Solid Waste Disposal Screening Regulations. Other than for residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(18-19), 10-1-03; Ord. No. 05-029 §1, 3-29-05; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §6, 6-2-10)

SECTION 405.100: "R3A" MEDIUM DENSITY RESIDENTIAL DISTRICT

A. Statement Of Intent. The intent of this district is to provide for medium density residential development in environments which will be compatible with surrounding land uses. Types of development permitted include apartments, townhouses, villas, condominiums, and cluster homes. Such developments must be served by sanitary sewers and a public water supply, and shall not exceed a housing unit density of ten (10) units per acre. The district also allows for land uses which are incidental or accessory thereto.

B. Permissive Uses.
   1. Adult day care.
2. Golf course and clubhouse, driving range (unlighted) as an accessory use; no miniature golf course operated for commercial purposes.

3. Home occupations, as regulated in Part 3, Article IV, Section 405.495 of this Chapter.

4. Multi-family/multiple household dwellings, including apartments, cluster homes, condominiums, townhouses, and villas.

5. Preschool, daycare, special, or other private school.

6. Public building or facility erected by a governmental agency.

7. Public parks or playgrounds.

8. Public school (elementary, middle, or high), or private school having a curriculum equivalent to a public elementary, middle, or high school.

9. Railroad right-of-ways, not including railroad yards.

10. Sewage treatment plants and related facilities, including lift stations, water supply plants, pumps, reservoirs, wells, and elevated storage tanks, for the purpose of providing services to the public.


12. Two-family/two household dwellings.

13. Accessory uses and buildings incidental to the above uses, when located on the same lot; examples of which are vegetable and flower gardens, the raising and keeping of pets on a non-commercial basis, swimming pools, tennis courts, utility sheds, personal greenhouses and garden houses (non-commercial), community carports, community garages, unattached carports, unattached garages, and satellite dishes. If the satellite dishes are eighteen (18) inches or less in diameter and attached to a house, the dishes are allowed without setbacks.

14. A group home facility which is the same as that defined in Section 405.060 except that the group home facility may house up to fifteen (15) persons.

C. Conditional Uses.

1. Historic sites.

2. Private clubs on a site not less than two (2) acres.

3. Utility substation for electric, gas, or telephone utilities.

4. Wind turbines.

D. Height, Area And Lot Requirements.

1. **Maximum height.** Forty-five (45) feet.

2. **Minimum front yard.** Twenty (20) feet from the external limits of the development site.

3. **Minimum side yard.** Ten (10) feet from the external limits of the development site.

4. **Minimum rear yard.** Twenty-five (25) feet from the external limits of the development site.

5. Minimum yards within a development site shall be as shown on the preliminary plat or site plan.

6. **Minimum lot area.** Four thousand (4,000) square feet for detached single-family residences.

7. **Minimum dwelling size (living space).**
   a. One thousand (1,000) square feet for single-family.
   b. Seven (700) square feet (per family) for two-family.
   c. Five hundred (500) square feet (two (2) or more bedrooms) for multi-family.
   d. Four hundred (400) square feet (one (1) bedroom) for multi-family.
   e. Three hundred (300) square feet (efficiency unit combination bedroom/living room) for multi-family.

E. Accessory Structure.

1. **Maximum size of accessory structure.** Two hundred fifty (250) square feet per residential unit.

2. **Minimum front yard of accessory structure.** Twenty-five (25) feet.

3. **Minimum side yard of accessory structure.** Seven (7) feet except that where zero lot lines are allowed as a common party wall for the main structure, that setback shall apply for the accessory structure along the same property line as the common party wall.

4. **Minimum rear yard of accessory structure.** Seven (7) feet.

5. **Minimum distance from main structure to accessory structure.** Ten (10) feet. Accessory structures less than ten (10) feet from the main structure must meet the same setbacks as the main structure and meet applicable building code requirements.
6. **Design requirements.** All accessory, non-residential buildings over two hundred (200) square feet must be constructed of building materials and designed architecturally to be in substantial compliance with the primary structure. The use of metal siding, including, but not limited to, aluminum and steel, in the construction of an accessory structure is prohibited.

F. **Maximum Number Of Living Units.** The maximum number of living units in the R3A District shall not exceed ten (10) living units per acre.

G. **Additional Requirements.** See Part 3, Article I, Section 405.405 et seq.

H. **Parking, Loading And Sign Regulations.** See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

I. **Solid Waste Disposal Screening Regulations.** Other than for single-family and two-family residential uses, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(20--22), 10-1-03; Ord. No. 04-053 §1, 4-13-04; Ord. No. 04-158 §4, 9-29-04; Ord. No. 05-029 §1, 3-29-05; Ord. No. 10-041 §7, 6-2-10)

SECTION 405.105: "R3B" MULTI-FAMILY RESIDENTIAL DISTRICT

A. **Statement Of Intent.** The intent of this district is to provide for medium and high density residential development; density of such development is not to exceed twenty (20) units per acre in environments which will be compatible with surrounding land uses. Such development must be served by sanitary sewers and a public water supply. The district also allows for land uses which are incidental or accessory thereto.

B. **Permissive Uses.**

1. Adult day care.
2. Boarding houses.
3. Cemetery on a site not less than five (5) acres. Cemeteries with a crematory as an accessory use on a site of not less than twenty (20) acres.
5. Golf course and clubhouse, driving range (unlighted) as an accessory use; no miniature golf course operated for commercial purposes.
6. Home occupations, as regulated in Part 3, Article IV, Section 405.495 of this Chapter.
7. Institution (hospital, nursing, rest, or convalescent home, and educational or religious) on a site not less than five (5) acres, provided that not more than fifty percent (50%) of the site area may be occupied by buildings, and further provided that the building shall be set back from all required yard lines a minimum of fifty (50) feet. Hospitals may include a helicopter landing pad area as an accessory use.
8. Multi-family/multiple household dwellings, including apartments, cluster homes, condominiums, townhouses, and villas.
9. Preschool, daycare, special, or other private school.
10. Private clubs or fraternal orders, except those whose chief activity is carried on as a business.
11. Public building or facility erected by a governmental agency.
12. Public parks or playgrounds.
13. Public school (elementary, middle, and high), or private school having a curriculum equivalent to a public elementary, middle, or high school.
14. Railroad right-of-ways, not including railroad yards.
15. Sewage treatment plants and related facilities, including water supply plants, pumps, reservoirs, wells, and elevated storage tanks, for the purpose of providing services to the public, including substations or pumping stations.
17. Two-family/two household dwellings.
18. Accessory uses and buildings incidental to the above uses, when located on the same lot; examples of which are vegetable and flower gardens, the raising and keeping of pets on a non-commercial basis, swimming pools, tennis courts, utility sheds, personal greenhouses and garden houses (non-commercial), community carports, community garages, unattached carports, unattached garages, and satellite dishes. If the satellite dishes are eighteen (18) inches or less in diameter and attached to a house, the dishes are allowed without setbacks.

C. **Conditional Uses.**

1. Historic sites.
2. Private clubs on a site not less than two (2) acres.
3. Utility substation for electric, gas, or telephone utilities.

4. Wind turbines.

D. Height, Area And Lot Requirements.

1. **Maximum height.** Forty-five (45) feet.
2. **Minimum front yard.** Twenty (20) feet from the external limits of the development site.
3. **Minimum side yard.** Ten (10) feet from the external limits of the development site.
4. **Minimum rear yard.** Twenty-five (25) feet from the external limits of the development site.
5. **Minimum yards within a development site shall be as shown on the preliminary plat or site plan.**
6. **Minimum lot area.** Four thousand (4,000) square feet for detached single-family residences.

7. **Minimum dwelling size (living space).**
   a. One thousand (1,000) square feet for single-family.
   b. Seven hundred (700) square feet (per family) for two-family.
   c. Five hundred (500) square feet (two (2) or more bedrooms) for multi-family.
   d. Four hundred (400) square feet (one (1) bedroom) for multi-family.
   e. Three hundred (300) square feet (efficiency unit combination bedroom/living room) for multi-family.

E. Accessory Structure.

1. **Maximum size of accessory structure.** Two hundred fifty (250) square feet per residential unit.
2. **Minimum front yard of accessory structure.** Twenty-five (25) feet.
3. **Minimum side yard of accessory structure.** Seven (7) feet except that where zero lot lines are allowed as a common party wall for the main structure, that setback shall apply for the accessory structure along the same property line as the common party wall.
4. **Minimum rear yard of accessory structure.** Seven (7) feet.
5. **Minimum distance from main structure to accessory structure.** Ten (10) feet. Accessory structures less than ten (10) feet from the main structure must meet the same setbacks as the main structure and meet applicable building code requirements.
6. **Design requirements.** All accessory, non-residential buildings over two hundred (200) square feet must be constructed of building materials and designed architecturally to be in substantial compliance with the primary structure. The use of metal siding, including, but not limited to, aluminum and steel, in the construction of an accessory structure is prohibited.

F. Maximum Number Of Living Units. The maximum number of living units in the R3B District shall not exceed twenty (20) living units per acre.

G. Additional Requirements. See Part 3, Article I, Section 405.405 et seq.

H. Parking, Loading And Sign Regulations. See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

I. Solid Waste Disposal Screening Regulations. Other than for two-family residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(23–28), 10-1-03; Ord. No. 04-053 §1, 4-13-04; Ord. No. 05-029 §1, 3-29-05; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §§, 6-2-10)

SECTION 405.110: "RM" MANUFACTURED/MOBILE HOME RESIDENTIAL DISTRICT

A. Statement Of Intent.

1. The purpose of the "RM" District is to provide for well-designed mobile home and manufactured home parks and subdivisions which are adequately served by public utilities. An "RM" District may be established, provided both a preliminary and a final development plat has been prepared, submitted, and approved in accordance with the regulations of this Chapter and those embodied in the Land Subdivision Regulations, as found in Chapter 410 of this Code. The preliminary development plat shall be submitted in conjunction with the application for rezoning to an "RM" District.
2. The total area of land to be included in an "RM" District and so designated shall be at least five (5) acres in size.
3. The location of any "RM" District shall be on property which has an acceptable relationship to major thoroughfares, and the Planning and Zoning Commission must satisfy itself to the adequacy of the thoroughfare to carry the additional traffic generated by the development.
4. The plat for the proposed development must present a unified and organized arrangement of sites and service facilities which shall have a fundamental relationship to the properties comprising the planned development.
5. Uses Subsections (B)(2) through (8) (below) must be shown on the approved development plat, have site plan approval, and not be utilized for residential purposes.

B. Permissive Uses. In an "RM" District, no building, structure, land, or premise shall be used, and no building shall be erected, constructed, reconstructed, or altered, except for one (1) or more of the following uses:

1. Adult day care.
2. Home occupations, as regulated in Part 3, Article IV, Section 405.495.
3. Laundry facilities.
4. Lift or pumping station for electric, gas, or telephone utilities.
5. Manufactured/mobile homes.
6. Off-street parking and storage areas.
7. Preschool, daycare, special, or other private school.
8. Recreational facilities and open space.
9. Sewage treatment plants and related facilities, including lift stations, water supply plants, pumps, reservoirs, wells, and elevated storage tanks, for the purpose of providing services to the public.
10. Accessory uses and buildings incidental to the above uses, when located on the same lot; examples of which are vegetable and flower gardens, the raising and keeping of pets on a non-commercial basis, swimming pools, tennis courts, utility sheds, personal greenhouses and garden houses (non-commercial), unattached carports, unattached garages, and satellite dishes. If the satellite dishes are eighteen (18) inches or less in diameter and attached to a house, the dishes are allowed without setbacks.

C. Height, Area And Lot Requirements.

1. No more than one (1) manufactured/mobile home shall be placed on any one (1) lot.
2. Each manufactured/mobile home lot shall have a minimum width of sixty (60) feet.
3. No manufactured/mobile home shall be placed, located, or permitted upon any lot less than six thousand (6,000) square feet.
4. All manufactured/mobile homes shall be located or placed at a minimum of twenty (20) feet from any street right-of-way.
5. No manufactured/mobile home nor extensions or additions thereto shall be placed upon any lot within a manufactured/mobile home park closer than ten (10) feet to the side and rear property lines of said lot. Any awnings, decks, or unenclosed porches may extend five (5) feet into the required side yard. The maximum height for any structure in this district shall be thirty-five (35) feet.
6. No attached additions, detached carports, or any structure shall be allowed closer than twenty-five (25) feet from any street right-of-way.

D. Additional Requirements.

1. Each manufactured/mobile home park shall include a buffer strip, exclusive of lot area, around the outer boundary, except where the park is adjacent to an existing mobile home park, which shall be one (1) of the following types as determined after review of the park plan, streets, topography, and surrounding land use:
   a. A heavily landscaped buffer zone strip which shall be no less than fifty (50) feet in width, or a heavily landscaped buffer zone strip at least twenty-five (25) feet in width, with a fence or heavily landscaped berm of such a height as to screen the manufactured/mobile home park from adjoining properties. In no case shall a manufactured/mobile home be closer than seventy (70) feet to an existing dwelling.
2. At least five hundred (500) square feet of recreational area shall be provided for each manufactured/mobile home lot contained within a manufactured/mobile home park. The improvements and equipment must be depicted on the preliminary plat.
3. Two (2) paved parking spaces off the street right-of-way shall be provided for each manufactured/mobile home lot. If additional parking spaces are needed for residents or visitors, such spaces shall be located in off-street parking bays.
4. Every manufactured/mobile home space shall be provided with devices for anchoring the unit, as required in the current Building Code of St. Charles County, Missouri.
5. The minimum size of the manufactured/mobile home unit shall be six hundred (600) square feet.
6. Accessory structures are permitted subject to Subsection (E).

E. Accessory Structures.

1. Maximum total size of any or all accessory structures on each manufactured/mobile home lot. Up to fifty percent (50%) of base area of main structure.
F. Parking, Loading And Sign Regulations. See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

G. Solid Waste Disposal Screening Regulations. Other than for residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(29), 10-1-03; Ord. No. 05-029 §1, 3-29-05; Ord. No. 12-016 §§1--3, 3-2-12)

ARTICLE IV. RECREATIONAL DISTRICT

SECTION 405.115: "PR" PARK RECREATIONAL DISTRICT

A. Statement Of Intent. The intent of this district is to provide for outdoor recreational uses in a natural setting. The district also allows for land uses, which are incidental or accessory thereto.

B. Permissive Uses.

2. Boat docks, marinas, ferry landings, wharves, piers, and ramps for the use of leisure craft only.
3. Campgrounds, travel trailers, and recreational vehicle parks, in accordance with the requirements for site plans in Part 4, Section 405.525, Site Plan Review.
4. Commercial fishing lakes or sites on rivers.
5. Forest and wildlife reservations.
6. Golf course, miniature golf course, and driving range, provided that all buildings are two hundred (200) feet from any residential zoned subdivision.
7. Public building or facility erected by a governmental agency.
8. Public parks or playgrounds.
9. Railroad rights-of-ways, not including railroad yards.
10. Rental, repair, and storage of boats and bicycles, boating, bicycling, and fishing supplies, and the sale of boating, bicycling, fishing, camping, picnicking, and pre-packaged food supplies.
11. Restaurant, or the sale of food items prepared on the premises.
12. Riding stables, tracks, and roping arenas (commercial), provided that no building or structure shall be located closer than fifty (50) feet from property lines.
14. Sewage treatment plants and related facilities, including lift stations, water supply plants, pumps, reservoirs, wells, and elevated storage tanks, for the purpose of providing services to the public.

C. Conditional Uses.

1. Commercial recreational uses, such as skeet shooting, swimming pools, baseball/softball diamonds with lights, soccer fields with lights, and related uses.
2. Historic sites.
3. Houseboats.
   * Note: On August 23, 2004, pursuant to Section 405.070, the Director of the Division of Planning and Zoning added the following use to Subsection 405.115(C)'s list of conditional uses in "PR" Park Recreational District: Houseboats.
4. Private boat, yacht, fishing, gun, skeet, duck, or social club.
5. Sale of boats.
6. Topsoil removal operation.
7. Utility substation for electric, gas, or telephone utilities.

D. Height, Area And Lot Requirements.

1. Maximum height. Forty-five (45) feet (except as regulated in Part 3, Article I, Section 405.405 et seq.).
5. Minimum lot width. None.
6. Minimum lot area. One (1) acre.

E. Additional Requirements. See Part 3, Article I, Section 405.405 et seq.

F. Parking, Loading And Sign Regulations. See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

G. Solid Waste Disposal Screening Regulations. All exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01)

ARTICLE V. RIVERFRONT DISTRICT

SECTION 405.120: "RF" RIVERFRONT DISTRICT

A. Statement Of Intent. The intent of this district is to provide for various entertainment, recreational, residential and commercial activities along the Missouri and Mississippi Rivers (major rivers). All development may also be subject to the requirements of the "FF", "FP" and "DF" overlay districts.

B. Permissive Uses.
   1. Boat club.
   4. Boat storage, indoor and outdoor associated with a marina.
   5. Camping and recreational vehicle parks, in accordance with the requirements for site plans in Part 4, Section 405.525, Site Plan Review.
   6. Dock houses and houseboats, non-motorized.
   7. Excursion boats.
   8. Ferry boats and landings.
   9. Food and retail sales accessory to a marina.
   10. Marine sales, service and repair.
   12. Outdoor recreation and entertainment, e.g. golf courses, tennis courts, swimming pools.
   13. Park and recreation facilities.
   14. Residential unit in conjunction with a marina for a required night watchman or harbor master.
   15. Restaurant accessory to a marina with over forty (40) slips.

C. Conditional Uses.
   1. Commercial lodging in conjunction with a marina.
   2. Riverboat gambling vessels including associated boat support facilities, docking facilities, employee support facilities, ground transportation support facilities, passenger ticketing facilities, parking facilities and security facilities.
   3. Drinking establishments, nightclubs and floating operations of such uses which have at least six (6) transient boat docking facilities.
   4. Restaurants which have at least six (6) boat docking facilities for transient use.

D. Height And Area Regulations.
   1. No minimum site area for all uses except for riverboat gambling vessels. The minimum site area for riverboat gambling vessels shall be no less than twenty-five (25) acres.
   2. The minimum frontage along a major river shall be three hundred (300) feet.
   3. The maximum height for permitted uses in this district shall be fifty (50) feet.
   4. The maximum height that may be considered for conditional uses shall be seventy-five (75) feet.
   5. The minimum building line setbacks, unless specified otherwise in this Section, shall be thirty (30) feet from all property lines, except for frontage along the river.
   6. The minimum building line setbacks from the waterfront for commercial lodging in conjunction with a marina shall be no less
7. The minimum lot width shall be two hundred (200) feet at the front building line.

E. Specific Provisions For Riverfront Development Plans. All development requiring a conditional use permit within an "RF" District shall conform to the approved riverfront development plan. Any riverfront development plan submitted for approval pursuant to this Section shall include, but not be limited to:

1. Site layout plan showing:
   a. The location of buildings, parking facilities, loading docks, boats, barges, vessels, piers, slips, etc.;
   b. On site circulation;
   c. Existing vegetation and vegetation to be removed;
   d. Landscaping and screening;
   e. The location of outdoor lighting on the property. All outdoor lighting shall have an arrangement and a level of intensity which will not interfere with adjacent streets or properties. No lighting shall be flashing or intermittent;
   f. Signage;
   g. Building orientation, height and setbacks;
   h. All identified wetland areas must be depicted in the development plan. Wetland determinations must be made for the site by the U.S. Army Corps of Engineers;
   i. Open space and amenities;
   j. Other elements as specified by the Planning and Zoning Director.

2. Architecture and design plan:
   a. An architecture and design plan shall be submitted that depicts the architectural character and general composition of the exterior of a structure, including but not limited to, the kind, color, treatment and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements, and the scale, height, mass, proportion, form, style, detail, construction material and roof design of a project or building.
   b. Accompanying the development plan will be photographs, artists' renderings or other visual presentations that will assist the County in evaluating the plan.
   c. The architecture and design plan shall be reviewed for its conformity with certain minimum design standards of appearance and for its harmony with surrounding structures and land uses. The purpose of such review is to ensure that unsightly, grotesque and unsuitable structures detrimental to the stability of property values, to the welfare of surrounding property, residents and occupants, and to the general welfare and happiness of the community, be avoided, and that appropriate standards of beauty and appearance be fostered and encouraged.

3. Other plan submittal requirements:
   a. The prospective developer will supply information relative to expected infrastructure improvements, such as water service, sanitary sewer service, natural gas, electricity and roadways.
   b. All applicable structures and facilities must comply with the requirements of the "FF", "FW" and "DF" overlay districts.
   c. Implementation strategy and schedule.
   d. Other information that may be required includes:
      (1) Information relating to the number of employees and visitors to be accommodated, with expected daily, monthly and yearly operations.
      (2) A detailed plan covering the requirements for on-site security, fire protection and emergency services.
      (3) A traffic impact analysis may also be required. Such an analysis must include expected access routes, expected traffic volume, peak hours of operation, projected road improvements, and traffic controls necessary to accommodate the proposed uses and volumes. The developer also must provide written evidence that the concepts and/or designs have been approved by the Missouri Department of Transportation and/or a municipal government if such signalization or improvements are within their jurisdiction.

F. Parking And Loading Regulations.

1. Parking for the riverboat gambling vessel operation shall be one (1) parking space for every two (2) customers, based upon maximum occupancy, plus one (1) space per employee on the maximum shift. All other uses shall provide parking as specified in Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements.

2. There shall be a minimum of two (2) loading spaces provided for the riverboat gambling vessel. All other uses shall provide loading spaces as specified in Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements.

3. There shall be a minimum of four (4) full-size bus parking spaces provided near the riverboat gambling vessel.

G. Sign Regulations. All other signage on the site shall be regulated by the requirements in Part 3, Article III, Section 405.470, et
H. Solid Waste Disposal Screening Regulations. All exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 06-003 §1, 1-10-06)

ARTICLE VI. OFFICE AND COMMERCIAL DISTRICTS

SECTION 405.125: "CO" OFFICE DISTRICT

A. Statement Of Intent. The intent of this district is to provide attractive office facilities for low-intensity businesses and professional offices. The district also may serve as a transitional area between higher commercial uses and residential areas. Uses within this district shall generate a light vehicular and pedestrian traffic flow. No use shall be permitted which involves retailing, wholesaling, or manufacturing activities.

B. Permissive Uses.

1. Abstracting services.
2. Advertising services.
3. Architectural, engineering, urban planning, and related professional services.
4. Artists, painters, sculptors, composers, and authors.
5. Auditing, accounting, and bookkeeping services.
6. Broadcast facility sixty (60) feet or less in height, provided that the distance from the center of the tower base to the nearest property line shall not be less than the height of the tower.
7. Business and management consulting services.
9. Charitable and welfare services.
10. Chiropractors, optometrists, and other similar health services.
11. Commodity and security broker dealers.
12. Computer and data processing services.
13. Credit and collection services.
14. Dental and laboratory services.
15. Detective and protective services.
16. Holding and investment services.
17. Insurance agents' and brokers' services.
18. Legal services and offices for attorneys and paralegals.
19. Medical services; physicians' offices and clinics.
20. Office building or complex.
22. Psychiatric and/or psychological services.
23. Public building or facility erected by a governmental agency.
24. Real estate agents', brokers', and management services.
25. Residential uses when located within a commercial structure and located above or behind the commercial use.
26. Sewage treatment plants and related facilities, including lift stations, water supply plants, pumps, reservoirs, wells and elevated storage tanks, for the purpose of providing services to the public.
27. Telecommunication facility as regulated in Part 3, Article VIII, Section 405.505.
28. Travel agencies.

C. Conditional Uses.

1. Broadcast facility in excess of sixty (60) feet in height, provided that the distance from the center of the tower base to the nearest property line shall not be less than the height of the tower.
2. Manufactured structures not utilized as a dwelling.
3. Restaurant, cafeteria, or deli within an office building or office complex.
4. Single-family/single household dwellings and manufactured/modular homes and modular structures utilized as a dwelling, with the conditions regulated in Part 4, Section 405.520, Development Standards for Certain Conditional Uses.
5. Telecommunication tower as regulated in Part 3, Article VIII, Section 405.505.

D. **Height, Area And Lot Requirements.**
1. **Maximum height.** Thirty-five (35) feet (except as regulated in Part 3, Article I, Section 405.405 et seq).
2. **Minimum front yard.** Twenty-five (25) feet.
3. **Minimum side yard.** Zero (0) feet or ten (10) feet where a side yard adjoins a property within an "A" Agricultural District or "R" Residential District property.
4. **Minimum rear yard.** Fifteen (15) feet.
5. **Minimum lot width.** None.
6. **Minimum lot area.** None (except seven thousand (7,000) square feet for a dwelling).
7. **Minimum dwelling size (living space).**
   a. Eight hundred (800) square feet for single-family.
   b. Seven hundred (700) square feet (per family) for two-family.
   c. Five hundred (500) square feet (two (2) or more bedrooms) for multi-family.
   d. Four hundred (400) square feet (one (1) bedroom) for multi-family.
   e. Three hundred (300) square feet (efficiency unit combination bedroom/living room) for multi-family.

E. **Additional Requirements.** See Part 3, Article I, Section 405.405 et seq.

F. **Parking, Loading And Sign Regulations.** See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

G. **Solid Waste Disposal Screening Regulations.** Other than for residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 04-053 §1, 4-13-04; Ord. No. 05-029 §1, 3-29-05; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §9, 6-2-10)

**SECTION 405.130: "C1" NEIGHBORHOOD COMMERCIAL DISTRICT**

A. **Statement Of Intent.** The intent of this district is to provide commercial areas for retail and service establishments which primarily serve local surrounding residential areas. The convenient shopping facilities typically occupy small sites and are located at the intersections of or along major transportation arteries.

B. **Permissive Uses.**
1. Any permissive use or a conditional use of the "CO" Office District, except single-family/single household dwellings, manufactured/modular structures, or broadcast facilities and telecommunication facilities.
2. Adult day care.
3. Bank or financial institution.
4. Broadcast facility one hundred (100) feet or less in height, provided that the distance from the center of the tower base to the nearest "A" (Agricultural) or "R" (Residential) District property line shall not be less than the height of the tower.
5. Cemetery on a site of not less than five (5) acres. Cemeteries with a crematory as an accessory use on a site of not less than twenty (20) acres.
6. Churches.
7. Dressmaking, tailoring and alterations, shoe repair, repair of household appliances, jewelry, clocks, watches, bicycles, catering and bakery with sales of bakery products on premises, interior decoration, locksmith service, and other uses of similar character.
8. Duplicating, mailing, stenographic service, and private postal service.
10. Group home facility.
11. Historic sites.
12. Home occupations, as regulated in Part 3, Article IV, Section 405.495.
13. Horses and private stable as an accessory building on three (3) acres or more, provided that said stable is fifty (50) feet from
all property lines.

14. Institution (hospital, nursing, rest, or convalescent home, and educational or religious) on a site of not less than five (5) acres, provided that not more than fifty percent (50%) of the site area may be occupied by buildings, and further provided that the buildings shall be set back from all required yard lines a minimum of fifty (50) feet. Hospitals may include a helicopter landing pad area as an accessory use.

15. Kennels, on a site of not less than three (3) acres, provided all pens are one hundred fifty (150) feet from all property lines.

16. Lawn care service, on a site of not less than one (1) acre, and all lawn care materials and any related equipment or vehicles, are required to be stored within an accessory structure.

17. Mortuary.

18. Park or playground.

19. Personal service use, including art studio, barbershop, beauty shop, laundry or dry cleaning, pet grooming, launderette or self-service laundry, and other uses of similar character.

20. Preschool, daycare, special, or other private school.

21. Private clubs on a site of not less than two (2) acres.

22. Private or commercial recreational facility, including a lake, swimming pool, tennis court, boarding stable, riding stable, or golf course on a site of not less than five (5) acres.

23. Private school, including art, dancing, martial arts, and music.

24. Public school (elementary, middle, or high), or a private school having a curriculum equivalent to public elementary, middle, or high school.

25. Railroad right-of-ways, not including railroad yards.

26. Retail store, including antiques, art and hobby supplies, books and magazines, candy, nut and confectionery, camera and photographic supplies, cigarettes and cigars, clothing, drug and pharmaceutical, dry goods, gift, glass and china, hardware, jewelry, leather, luggage, metalware, music, notions, novelty, pastry, pet, pottery, radio, shoes, sporting goods, stationery, and toy shops, in connection with which there shall be no slaughtering of animals or poultry, nor commercial fish cleaning or processing on the premises.

27. Telecommunication facility as regulated in Part 3, Article VIII, Section 405.505.

28. Utility substation for electric, gas, or telephone utilities.

29. Accessory uses customarily incidental to any of the above.

C. Conditional Uses.

1. Automobile fuel sales, not including service and repair.

2. Bed and breakfast residence.

3. Broadcast facility in excess of one hundred (100) feet in height, provided that the distance from the center of the tower base to the nearest "A" (Agricultural) or "R" (Residential) District property line shall not be less than the height of the tower.

4. Convenience store, which may include the sale of gasoline and an automobile car wash (store limitation of five thousand (5,000) gross square feet).

5. Houseboats.—On August 23, 2004, pursuant to Section 405.070, the Director of the Division of Planning and Zoning added the following use to Subsection 405.130(C)’s list of conditional uses in "C1" Neighborhood Commercial District: Houseboats.


7. Manufactured structures not utilized as a dwelling.


9. Restaurant, fast-food restaurant, cafeteria, ice cream parlor, tea room, bar, and tavern.

10. Single-family/single household dwellings and manufactured homes and modular structures utilized as a dwelling, with the conditions regulated in Part 4, Section 405.520, Development Standards for Certain Conditional Uses.

11. Telecommunication tower as regulated in Part 3, Article VIII, Section 405.505.

12. Temporary fireworks stand.

13. Temporary recreation and entertainment.

D. Height, Area And Lot Requirements.

1. Maximum height. Forty-five (45) feet (except as regulated in Part 3, Article I, Section 405.405 et seq.).

3. **Minimum side yard.** Ten (10) feet.

4. **Minimum rear yard.** Fifteen (15) feet.

5. **Minimum lot width.** None.

6. **Minimum lot area.** None (except seven thousand (7,000) square feet for residential).

7. **Minimum dwelling size (living space).**
   a. Eight hundred (800) square feet for single-family.
   b. Seven hundred (700) square feet (per family) for two-family.
   c. Five hundred (500) square feet (two (2) or more bedrooms) for multi-family.
   d. Four hundred (400) square feet (one (1) bedroom) for multi-family.
   e. Three hundred (300) square feet (efficiency unit combination bedroom/living room) for multi-family.

E. **Additional Requirements.** See Part 3, Article I, Section 405.405 et seq.

F. **Parking, Loading And Sign Regulations.** See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements.
See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

G. **Solid Waste Disposal Screening Regulations.** Other than for residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 00-124 §1, 10-31-00; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(30), 10-1-03; Ord. No. 04-053 §1, 4-13-04; Ord. No. 05-029 §1, 3-29-05; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §10, 6-2-10)

**SECTION 405.135: "C2" GENERAL COMMERCIAL DISTRICT**

A. **Statement Of Intent.** The intent of this district is to provide locations for a wide range of commercial, retail, and service activities serving a large community trade area. The regulations embodied in this district facilitate the establishment of conditions suitable for operations of businesses catering to the general public.

B. **Permissive Uses.**
   1. Any permissive use or conditional use of the Park Recreational "PR" and Neighborhood Commercial "C1" Districts, except single-family/single household dwellings, houseboats, temporary fireworks stands, bed and breakfast residences or broadcast facilities and telecommunication facilities.
   2. Art gallery and museum.
   3. Automobile car wash.
   4. Automobile service station and automobile repair, including auto body shop, provided that wrecked or dismantled vehicles or parts are stored in a building or enclosed within an eight (8) foot sight-proof fence.
   5. Bed and breakfast inn.
   7. Broadcast facility of one hundred (100) feet or less in height, provided that the distance from the center of the tower base to the nearest "A" (Agricultural) or "R" (Residential) District property line shall not be less than the height of the tower.
   8. Business or commercial school or academy.
   9. Carpentry and woodworking related to furniture and small wood products employing not more than four (4) individuals, and provided there is no open storage of materials or products.
   10. Dyeing, cleaning, printing, tinsmithing, tire sales and service, upholstering, and other general service and repair establishment of similar character. Not more than ten percent (10%) of the lot or tract occupied by such an establishment shall be used for the outside storage of materials or equipment within an eight (8) foot sight-proof fence.
   11. Department and discount store.
   12. Display and sales room.
   13. Farm machinery and equipment, sales, and repair.
   14. Farm or feed store, including accessory storage of liquid or solid fertilizer.
   15. Frozen food lockers and cold-storage facility.
   16. Furniture, home furnishing, and floor covering, retail.
   17. General contracting services relating to building, electrical, heating and cooling, painting, and plumbing with no outside storage except for trucks and dump trucks which may be stored outside.
18. Halfway house. - On September 7, 2005, pursuant to Section 405.070, the Director of the Division of Planning and Zoning added the following use to Subsection 405.135(B)'s list of permissive uses in "C2" General Commercial District: Halfway house.

19. Health and exercise club, reducing salon, and athletic club.

20. Laboratory--research, experimental, or testing.

21. Landscaping contracting services.

22. Mail order facilities, including direct mail and similar facilities.

23. Microbrewery.

24. Motel or hotel.


27. Radio or television broadcasting station or studio and telegraph offices.

28. Recreation, commercial indoor.

29. Rental agency.

30. Supermarket.

31. Tattooing/body piercing establishment, established pursuant to Chapter 645, Ordinances of St. Charles County, Missouri, provided that the premises occupied be at least one thousand (1,000) feet from the site of any public or private school.

32. Taxidermy. - On April 16, 2010, pursuant to Section 405.070, the Director of the Division of Planning and Zoning added the following use to Subsection 405.135(B)'s list of permissive uses in "C2" General Commercial District: Taxidermy.

33. Telecommunication tower as regulated in Part 3, Article VIII, Section 405.505.

34. Theater, stage, or motion picture, indoor.

35. Veterinarian, animal hospital or kennel, if within an enclosed building.

36. Accessory use customarily incidental to any of the above including a crematory as an accessory use to a mortuary.

C. **Conditional Uses.**

1. Airport or landing field.

2. Amphitheater, aquarium, arena and fieldhouse, auditorium, convention center, planetarium, stadium, and zoo.

3. Amusement game machine complex.

4. Amusement park or any outdoor amusement area.

5. Automobile, boat, truck, mobile home, manufactured home, modular home, recreational vehicle sales, rental and leasing (new and used).

6. Automobile, boat, truck, mobile home, manufactured home, modular home and recreational vehicle storage.


8. Broadcast facility in excess of one hundred (100) feet in height, provided that the distance from the center of the tower base to the nearest "A" (Agricultural) or "R" (Residential) District property line shall not be less than the height of the tower.


10. Firewood—cutting, sales and storage.

11. Helicopter landing pad area.

12. Houseboats. - On August 23, 2004, pursuant to Section 405.070, the Director of the Division of Planning and Zoning added the following use to Subsection 405.135(C)'s list of conditional uses in "C2" General Commercial District: Houseboats.

13. Lumberyard and building materials.

14. Regional shopping center.

15. Self-storage or mini warehouses.


17. Telecommunication tower as regulated in Part 3, Article VIII, Section 405.505.

18. Temporary fireworks stands.
19. Truck or bus terminal.
20. Truck stop, with or without restaurant and motel facilities.
22. Warehouse or wholesale establishment.

D. Height, Area And Lot Requirements For All Structures.
1. Maximum height. Sixty (60) feet (except as regulated in Part 3, Article I, Section 405.405 et seq.).
3. Minimum side yard. Zero (0) feet or ten (10) feet where a side yard adjoins a property within an "A" Agricultural District or "R" Residential District property.
5. Minimum lot width. None.
6. Minimum lot area. None (except seven thousand (7,000) square feet for residential).
7. Minimum dwelling size (living space).
   a. Eight hundred (800) square feet for single-family.
   b. Seven hundred (700) square feet (per family) for two-family.
   c. Five hundred (500) square feet (two (2) or more bedrooms) for multi-family.
   d. Four hundred (400) square feet (one (1) bedroom) for multi-family.
   e. Three hundred (300) square feet (efficiency unit combination bedroom/living room) for multi-family.

E. Additional Requirements. See Part 3, Article I, Section 405.405 et seq.

F. Parking, Loading And Sign Regulations. See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

G. Solid Waste Disposal Screening Regulations. Other than for residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 00-124 §1, 10-31-00; Ord. No. 01-054 §1, 4-25-01; Ord. No. 04-053 §1, 4-13-04; Ord. No. 05-029 §1, 3-29-05; Ord. No. 05-061 §1, 6-1-05; Ord. No. 06-004 §3, 1-31-06; Ord. No. 07-040 §1, 3-13-07; Ord. No. 07-113 §1, 8-28-07; Ord. No. 10-041 §11, 6-2-10)

SECTION 405.140: RESERVED

Editor's Note--Ord. no. 10-041 §12, adopted June 2, 2010, repealed section 405.140 "C3" highway and major commercial district in its entirety. Former section 405.140 derived from ord. no. 99-99 §1, 7-12-99; ord. no. 01-054 §1, 4-25-01; ord. no. 04-053 §1, 4-13-04; ord. no. 05-029 §1, 3-29-05; and ord. no. 07-113 §1, 8-28-07.

ARTICLE VII. "HTCD" HIGH TECHNOLOGY CORRIDOR DISTRICT

SECTION 405.145: STATEMENT OF INTENT

The purpose and intent of the High Technology Corridor District (HTCD) is to provide a controlled and protected environment for the orderly growth and development of high technology businesses and industries within a park-like setting. This district also may allow, as conditional uses, other selected activities and facilities which provide services to or complement the permitted uses. All uses within the "HTCD" must conform to the Regulations and Performance Standards described within this district. The "HTCD" regulations apply to both individual lots and larger developments with multiple lots. However, whenever possible, the development of "HTCD" parks is encouraged for those that offer the opportunity to provide a planned office/research/technology environment with common amenities, infrastructure, and management. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.150: PERMISSIVE USES

The following activities are permitted, subject to the regulations and standards set forth herein:
1. Administrative, headquarter, or processing offices for any of the following permissive uses.
2. Computer programming and other software services.
3. Educational facilities.
4. Engineering, architectural, urban planning, and design services.
5. Federal, State, County, City, or public utility owned and operated buildings and uses.
6. Manufacture of scientific, precision, and research instruments.

7. Offices for medical and telecommunications organizations.

8. Offices serving educational, governmental, scientific, research and development, manufacturing, assembly, and professional organizations.

9. Research and testing laboratories.

10. Any proposed use not listed above shall be reviewed by the Planning and Zoning Commission for determination as to compatibility with other uses in the district, and the Commission shall forward a recommendation to the Governing Body for a final determination and approval. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.155: CONDITIONAL USES

The following activities which support, or are an adjunct to, the permitted uses may, at the discretion of the Planning and Zoning Commission, be allowed, subject to the regulations and standards set forth herein and any other conditions deemed necessary to ensure compatibility with adjacent and surrounding uses. Some of the conditional uses listed in this section may be appropriate within the context of an "HTCD" park:

1. Banks, savings and loans, and credit unions.
2. Child care facilities.
3. Conference and training facilities.
4. Hotels, motels, and extended-stay rental lodging facilities.
5. Light manufacturing and assembly facilities.
6. Recreational facilities such as golf courses, tennis courts, fitness centers, and indoor facilities.
7. Restaurants.
8. Retail and personal service establishments. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.160: ACCESSORY USES

Accessory uses shall be complementary and subordinate to a principal use which is permitted within the zoning district. Permitted accessory uses in this zoning district shall include the following uses and structures:

1. Buildings for storage of documents, records, testing and research equipment, experimental models, and other personal property related to the principal use.
2. Bus shelters.
3. Clinics, cafeterias, lounges, and recreational areas for employees.
4. Conference or training facilities accessory to any permitted use.
5. Receiving and transmitting antennas and communication towers that are accessory to a principal use.
6. Sign structures which are used to advertise, promote, or identify commercial activity that is on the same premises as the sign. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.165: REGULATIONS AND STANDARDS

The following regulations shall apply in all High Technology Corridor Districts (HTCD):

1. Administrative requirements.
   a. The applicant requesting "HTCD" zoning, or development within an existing "HTCD", must submit to the Planning and Zoning Commission prior to any development taking place on the site a preliminary, site development plan and color rendering of building elevations. The plan shall depict: proposed uses for all lots; access and traffic circulation; parking and loading areas; a landscape plan indicating the selection of tree and shrub species for the park and/or individual lots as they are developed; the design of common open space areas; location and design of signs; typical building elevations; and additional items set forth herein.
   b. The applicant must, simultaneously, file a preliminary subdivision plat for the tract and follow the entire platting process as indicated in Chapter 410 (the preliminary plat can be reviewed concurrently with the rezoning if the site is not already zoned "HTCD").
   c. The applicant shall include with the plat application covenants and restrictions for the development, if applicable.
   d. The applicant shall describe within the covenants and restrictions the organization and operation of the governing board that is set up to enforce said covenants. The covenants shall also address the integration of individual site developments with the overall site plan.

457
2. Design requirements.
   a. Design unity. Development within an "HTCD" should demonstrate a logical layout and pattern of streets and open space, a well-conceived landscape plan, and design unity of street furniture and signage.
   b. The development should integrate a common open space system and stormwater drainage system: the common open space system shall include recreational areas; environmental reserves protected from development or retained for their scenic beauty; a storm drainage system; and open space around any centralized management, service, or administrative center. The storm drainage system includes conduits, swales, streams, wetlands, detention basins, and surcharge retention ponds sufficient to contain storm drainage on the tract and to avoid localized flooding on individual lots or other abutting and nearby parcels outside the tract.
   c. The development should demonstrate a site layout and design that integrates individual lots within the overall development context.
3. Site area. There is no minimum lot area for "HTCD" developments. All developments are subject to site development and subdivision plat review and must demonstrate the development site is sufficient to meet all development standards of the "HTCD" District.
4. Lot width. The minimum lot width shall be one hundred (100) feet at the front of the building line, except that lots of five (5) acres or greater shall have a minimum width of two hundred (200) feet at the front of the building line.
5. Lot coverage. The maximum lot coverage shall not exceed seventy percent (70%). This represents that portion of the site which is covered by impermeable surfaces, such as buildings or paving for access, circulation, loading, and parking.
   a. Front yard. All buildings must be set back a minimum of thirty (30) feet from any public right-of-way. All required front yards must be kept clear of parking, loading areas, accessory uses, and buildings.
   b. Side yard. All buildings must be at least twenty (20) feet from the side property line of any adjacent lot, except in the case of a corner lot, where the side yard shall be thirty (30) feet.
   c. Rear yard. All buildings must be at least thirty (30) feet from the rear property line.
7. Height requirements. Except as otherwise provided in this Chapter, no building or structure shall exceed sixty (60) feet.
8. Landscaping and screening.
   a. All side and rear yards shall maintain a minimum of a fifteen (15) foot landscape strip adjacent to the property line. A minimum of a one and one-half (1½) inch caliper tree per thirty (30) feet linear distance for each boundary line shall be provided.
   b. When adjacent to a residential use or residentially zoned property, the landscape buffer shall not be less than thirty (30) feet in width.
   c. All front yards under this Article shall be landscaped and maintained.
   d. A fence, wall, hedge, landscaping, earth berm, natural buffer, or any combination thereof, shall be provided to screen uses or portions of uses which represent a potential negative impact on adjacent properties.
   The following specific uses or features shall be screened from adjacent properties and from the view of any existing or proposed public street:
   (1) Dumpster and trash hauling areas.
   (2) Service entrances and utility facilities.
   (3) Loading docks or spaces.
   (4) Outdoor storage or material stocks, or equipment, including, but not limited to: motor vehicles, farm or construction equipment, or other similar items.
   (5) Screening standards. In addition to the standards set forth elsewhere in this Article, the following standards apply to all screening:
   (a) Minimum height of any screening shall be that which is sufficient to visually separate uses within the subject property from adjoining properties and streets.
   (b) Height of any screening materials on a corner is controlled by vehicular sight distances.
   (c) Shrubs used as screening materials shall be of the evergreen variety.
   a. Any area zoned High Technology Corridor District shall be served by approved public water and sewer facilities or PSC-approved private utilities.
   b. All utility distribution lines and conduits must be placed underground. In the instance of external equipment, such as transformers, screening will be required.
   a. Off-street parking shall be provided for all uses consistent with the provisions of Part 3, Article II, Section 405.440, et seq.
   b. Loading areas shall not be located within any front yard and shall be properly screened so as to be not visible from any existing or proposed street. Screening may consist of earth berms or landscaping.
   c. All off-street parking areas, which shall include drives within the parking areas greater than twenty (20) automobiles shall have at least five percent (5%) of the interior of parking area landscaped in planting islands or peninsulas. Width of the planting area or peninsula shall be seven (7) feet between the backs of the curbs and at least one (1) tree, one and one-half (1½) inch caliper, per twenty (20) parking spaces, shall be planted within the planting islands or peninsulas.
   d. Design of parking lots should encourage the use of mass transit and ridesharing.

   a. All operations must take place within a fully enclosed building.
   b. All storage of materials and equipment shall be within a fully enclosed building or a screened rear yard not visible to any adjacent property. Screening shall be defined as berms, dense vegetation, or wood or brick fences.
   c. Access points shall minimize traffic congestion. Whenever possible, access to a roadway shall be made to service more than one (1) lot.

12. Signs.
   a. Master sign plan. For developments containing three (3) or more structures, a master sign plan shall be required. This plan shall include information as to the type of sign allowed within the development, colors, lettering styles, and locations.
   b. The only signs permitted within the "HTCD" will be for identification purposes and shall be located on-premise. No off-premise outdoor advertising signage billboards shall be allowed.
   c. Park directory signs and/or map locator signs will be allowed at the entrance to an "HTCD" park. Such signs shall not be over twelve (12) feet in height and will have a face no greater than thirty-two (32) square feet.
   d. Standards. Only two (2) types of signs will be permitted per lot in the "HTCD" – monument and attached. The following standards shall apply, in addition to those set forth in Part 3, Article III, Section 405.470, et seq.:
      (1) Monument signs.
         (a) Maximum area of face. One hundred (100) square feet.
         (b) Setback. Ten (10) feet from the right-of-way.
      (2) Attached signs.
         (a) Maximum area of face. Ten percent (10%) of the wall area which faces a street.
   e. Design. All signs shall reflect the architectural design scheme of the project and must be submitted as part of the site plan.

   a. Structures must be architecturally finished on all sides.
   b. Metal-clad buildings are prohibited.
   c. Acceptable exterior surface finish materials for buildings shall include masonry, brick, glass, stucco, or selected forms of aggregate.
   d. All rooftop equipment shall be screened from view on all four (4) sides.
   e. Pre-engineered and pre-fabricated structures are prohibited. However, this prohibition shall not extend to components or accessory functions of a building. (Ord. No. 99-99 §1, 7-12-99)

ARTICLE VIII. INDUSTRIAL DISTRICTS

SECTION 405.170: "I1" LIGHT INDUSTRIAL DISTRICT

A. Statement Of Intent. The intent of this district is to provide for locations with a variety of less-intense industrial, warehouse, and wholesale operations. Such an establishment in this district is relatively free of objectionable influence in its operation and appearance. Industrial work, in which the finished product is generally produced from semi-finished material, applies to this district.

B. Permissive Uses.
   1. Any permissive use or conditional use of the "C2" General Commercial District, except automobile, boat, truck, mobile home, manufactured home, modular home, recreational vehicle sales, rental and leasing (new and used); dwellings, unless to be for and occupied by: a watchperson, attendant, guard or other personnel who customarily resides on the premises; temporary fireworks stands; or broadcast facilities and telecommunication facilities.
2. Broadcast facility of one hundred fifty (150) feet or less in height, provided that the distance from the center of the tower base to the nearest "A" (Agricultural) or "R" (Residential) District property line shall not be less than the height of the tower.
3. Baking plant, with baked goods not sold on premise.
4. Bottling works and food packaging.
5. Brewery.
6. Cabinet, carpentry, pattern shop, planing mill, and woodworking plant.
7. Chemical laboratory not producing noxious fumes or odor.
8. Commercial and industrial machinery, equipment, and supplies, sales, and service.
9. Distillery (facility that produces alcoholic drinks for human consumption).—On April 16, 2010, pursuant to Section 405.070, the Director of the Division of Planning and Zoning added the following use to Subsection 405.170(B)'s list of permissive uses in "I1" Light Industrial District: Distillery.
10. Docks, piers, and wharves, and equipment and structure incidental to river barge traffic.
11. Grain elevator and flour mill.
12. Laundry or dry cleaning plant.
13. Machine shop, electroplating, photoengraving, plumbing and sheet metal shop, and other similar uses.
14. Manufacturing or processing of articles, materials, and products, except those uses permitted in Section 405.175.
15. Masonry and stonework operation.
16. Monument and marble work.
17. New and used construction equipment and heavy machinery, sales, lease, rental, repair and storage.
18. Pet crematories.
19. Railroad switching yard, railroad terminal, freight yard, and facility.
20. Reserved.
21. Redi-mix concrete operation and batch plant, if product is to be used off-site.
22. Sales area and bulk storage yard or warehouse for such material as: asphalt, brick, building material, cement, coal, cotton, feed, fertilizer, fuel, grain, gravel, grease, hay, ice, lead, lime, lumber, metal, oil, plaster, roofing, rope, sand, stone, tar, tarred or creosoted product, terracotta, timber, tobacco leaf and tobacco product, wood, and wool.
23. School for industrial training, trade or business.
24. Sewage treatment plants and water supply plants.
26. Storage area and storage yard for cable television operation, well-drilling contractors' supplies, asphalt and concrete paving firm, and contractors' heavy construction equipment, including excavating and grading equipment.
27. Telecommunication tower as regulated in Part 3, Article VIII, Section 405.505.
28. Vehicle impound facility, provided that vehicles are stored in a building or enclosed within an eight (8) foot sightproof fence.
29. Accessory uses customarily incidental to any of the above.

C. Conditional Uses.
1. Automobile, boat, truck, mobile home, manufactured home, modular home, recreational vehicle sales, rental and leasing (new and used).
2. Broadcast facility in excess of one hundred fifty (150) feet in height, provided that the distance from the center of the tower base to the nearest "A" (Agricultural) or "R" (Residential) District property line shall not be less than the height of the tower.
4. Houseboats.—On August 23, 2004, pursuant to Section 405.070, the Director of the Division of Planning and Zoning added the following use to Subsection 405.170(C)'s list of conditional uses in "I1" Light Industrial District: Houseboats.
5. Race track for vehicles or animals, including go-cart race track.
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8. Single-family/single household dwellings and manufactured homes and modular structures utilized as a dwelling, with conditions regulated in Part 4, Section 405.520, Development Standards for Certain Conditional Uses.

9. Telecommunication tower and telecommunication farm as regulated in Part 3, Article VIII, Section 405.505.

10. Temporary fireworks stand.

11. Trash transfer station, with conditions regulated in Part 4, Section 405.520, Development Standards for Certain Conditional Uses.

D. Height, Area And Lot Requirements.
   1. Maximum height. Sixty (60) feet.
   2. Minimum front yard. Thirty-five (35) feet.
   5. Minimum lot width. None.
   6. Minimum lot area. None (except seven thousand (7,000) square feet for residential).
   7. Minimum dwelling size (living space). One thousand (1,000) square feet.

E. Additional Requirements. See Part 3, Article I, Section 405.405 et seq.

F. Parking, Loading And Sign Regulations. See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

G. Solid Waste Disposal Screening Regulations. Other than for residential use, all exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(31), 10-1-03; Ord. No. 05-029 §1, 3-29-05; Ord. No. 05-061 §2, 6-1-05; Ord. No. 07-113 §1, 8-28-07; Ord. No. 10-041 §13, 6-2-10)

SECTION 405.175: "I2" HEAVY INDUSTRIAL DISTRICT

A. Statement Of Intent. The intent of this district is to provide for locations with basic heavy manufacturing and primary industrial facilities and related industrial activities. Many of these industries characteristically store bulk quantities of raw or scrap materials for processing to semi-finished or finished products.

B. Permissive Uses.
   1. Any permissive use of the "I1" Light Industrial District.
   2. Acid manufacture.
   3. Aircraft and space vehicle manufacturing.
   4. Automobile, truck, motorcycle, and other motor vehicle and related equipment, manufacturing.
   5. Biological product manufacturing.
   8. Chemical manufacturing.
   10. Coal mining.
   11. Construction, mining, and material handling machinery and equipment, manufacturing.
   13. Extraction, quarrying or mining of sand, gravel, top soil, or other material.
   14. Farm machinery and equipment manufacturing.
   15. Gun, howitzer, and related equipment, not including ammunition manufacturing.
   16. Hot mix asphalt facility.
   17. Industrial machinery and equipment manufacturing.
   19. Manufactured home, modular home, and recreational vehicle manufacturing.
22. Paint, varnish, lacquer, enamel, and allied product manufacturing.
24. Steel wire drawing, steel nail and spike, manufacturing.
26. Tank (military) and tank component, manufacturing.

C. Conditional Uses.
1. Agricultural chemical and fertilizer manufacturing.
2. Ammunition manufacturing and complete assembly of guided missiles.
3. Automobile wrecking, car and part storage, and sales.
5. Asphalt felt and coating manufacturing.
7. Broadcast facility in excess of one hundred fifty (150) feet in height, provided that the distance from the center of the tower base to the nearest "A" (Agricultural) or "R" (Residential) District property line shall not be less than the height of the tower.
8. Cement, lime, gypsum, or plaster of Paris manufacturing.
10. Distillation, manufacture, or refining of bone, coal, or tar asphalt.
12. Electric generating plant.
13. Explosive devices or materials, manufacture or storage or year-round distribution or sale, at retail or wholesale.
14. Fat, grease, lard, or tallow rendering or refining.
15. Foundry, non-ferrous metal manufacturing.
16. Gas production plants and storage.
17. Gelatin and glue manufacturing.
18. Grease and lubricating oil manufacturing.
19. Houseboats.—On August 23, 2004, pursuant to Section 405.070, the Director of the Division of Planning and Zoning added the following use to Subsection 405.175(C)'s list of conditional uses in "I2" Heavy Industrial District: Houseboats.
21. Petroleum refining and petroleum products terminal.
22. Prison and correctional institution, privately operated.
23. Reclamation of rubber.
26. Salvage yard.
27. Smelting plant.
28. Telecommunication tower and telecommunication farm as regulated in Part 3, Article VIII, Section 405.505.
29. Temporary fireworks stands.

D. Height, Area And Lot Requirements.
1. Maximum height. Sixty (60) feet.
2. Minimum front yard. Thirty-five (35) feet.
4. **Minimum rear yard.** Fifteen (15) feet.

5. **Minimum lot width.** None.

6. **Minimum lot area.** None.

E. **Additional Requirements.** See Part 3, Article I, Section 405.405 et seq.

F. **Parking, Loading And Sign Regulations.** See Part 3, Article II, Section 405.440 et seq. for Parking and Loading Requirements. See Part 3, Article III, Section 405.470 et seq. for Sign Regulations.

G. **Solid Waste Disposal And Screening Regulations.** All exterior solid waste containers and container racks and stands shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate constructed of cedar, redwood, masonry or other compatible building material. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(32), 10-1-03; Ord. No. 05-029 §1, 3-29-05; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §14, 6-2-10)

**ARTICLE IX. SOLID WASTE DISPOSAL DISTRICT**

**SECTION 405.180: "SWD" SOLID WASTE DISPOSAL DISTRICT**

A. **Statement Of Intent.** The intent of this district is to provide and regulate the use of land for the sanitary disposal of solid waste, as defined in the St. Charles County Solid Waste Management Code. This does not include the disposal of special wastes that require special handling (e.g., hazardous waste, medical waste, derelict automobiles, and dead animals). This district allows, with a conditional use permit, the establishment of sanitary landfills, demolition landfills, solid waste incineration facilities, trash transfer stations, material recovery facilities (MRF), and other facilities relating to regulated and safe disposal of solid waste.

1. Sanitary landfill areas and solid waste incineration facilities shall, for the purpose of these regulations, be the use of land for the sanitary disposal of solid waste, as defined in the St. Charles County Solid Waste Management Code. This does not include the disposal of special wastes that require special handling (e.g., hazardous waste, radioactive waste, medical waste, derelict automobiles, and dead animals). Sanitary landfills, demolition landfills, solid waste incineration facilities, trash transfer stations, and materials recovery facilities (MRF) must meet the following minimum conditions:
   a. The facility must be operated within an enclosed building, except for sanitary and demolition landfills.
   b. The facility must be fenced to prevent the escape of materials from the waste stream and/or recyclable materials. A vector control plan must be in place, and regularly documented inspections must be made after the start of operations.
   c. The facility shall not accept hazardous waste of any type. For purposes of this regulation, "hazardous waste" shall be defined as any waste or combination of wastes, as determined by the Hazardous Waste Management Commission of the State of Missouri, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating irreversible, illness, or pose a present or potential threat to the health of humans or the environment.
   d. Recyclable material or recovered commodities stored outside the enclosed building must be contained or stored inside covered storage to prevent nuisance, hazard, or unsightly appearance.
e. In the case of recycling centers and resource recovery facilities, the owner/operator of the facility will be required to submit to the County a monthly report summarizing the quantity and categories of recyclable material removed from the waste stream at the facility during the preceding month. The report must also identify the end-use markets and final destinations/disposition of all recovered commodities. Each monthly report will be due by the fifteenth (15th) of the following calendar month.

f. A site development plan for the facility must be submitted and approved prior to the operation of the facility.

2. The owner, lessee, tenant, or authorized representative of a tract of land subject to a rezoning map, designated as an SWD, shall submit with any application for rezoning a site development plan prepared by a registered engineer licensed by the State of Missouri. Such a site development plan shall include, but not be limited to, the following information:

   a. The existing and proposed final topography of the site at contour levels of two (2) feet or less.
   b. All land uses and zoning designations within a one-quarter (¼) mile of the site, including the location of all residences, buildings, individual waste treatment systems, wells, watercourses, springs, rock outcroppings, caves, sinkholes, and soil and rock borings.
   c. All electric, fiber optic cable, gas, water, sanitary sewer, storm sewer, and other utility easements or lines that are located on, over, or under the proposed disposal site as depicted in the site development plan.
   d. The internal system of all-weather roadways for accessibility of waste collection vehicles transporting solid waste to the landfill working face. The site must be served by a road system design capable of handling traffic to the site, including gross weight of the largest delivery vehicle. Both internal and external roads serving the landfill facility must be designed and constructed to withstand maximum weight bearing loads.
   e. Areas of anticipated earth materials excavation should be detailed on the site development plan.
   f. Provisions for controlling decomposition gases and mitigating migration hazards must be included with any structural plans.
   g. Trenches, conduits, and other stormwater improvements which will direct surface water and drainage runoff away from the working face of the sanitary landfill. On-site drainage structures and open channels should be designed for a minimum 20-year rainfall event.
   h. The geology and hydrology of the site shall be evaluated and characterized to enable effective monitoring and minimize operational impact on surface water and ground water resources.
   i. Characteristics of on-site soil conditions shall be evaluated with respect to intended operations. Profiles must be delineated sufficiently to define ground water aquifer impact zones and protective mechanism.
   j. Location and design details for leachate collection and treatment systems.
   k. The location of fencing and other devices to control blowing litter.
   l. The location of trees and shrubbery for windbreaking and related greenbelts to improve site aesthetics.
   m. The ground water elevation and the proposed separation between the lowest point of the lowest cell and the predicted maximum water table elevation.
   n. Location and design details of monitor wells and sampling stations.
   o. Intended sources of cover material(s) for daily, intermediate, and final covering operations.
   p. Design of landfill gas (LFG) control and disposition infrastructure and equipment.
   q. Indicate on the plan the owner(s) of the property, and the name of the operator of the proposed landfill. Documentation of property ownership, including legal title, chain record, and operator of record (including corporative structures).
   r. Site location map, with plan scale.
   s. Clearly defined property boundary limits and waste boundary delineation.
   t. Specifications on pavement radii and facility ingress/egress.
   u. Depiction of right-of-way for all roads accessing the site.
   v. Description of vehicle mud control provisions, including shaker bar or truck washing devices.
   w. Any additional information required by local, State, or Federal Statutes, regulations, operating permit conditions, or other relevant regulatory agency standards.

3. The County Planning and Zoning Commission shall approve or deny the application(s) and the site development plan by majority vote and report such action to the Governing Body. The Governing Body shall then approve or disapprove the application for rezoning, the conditional use permit, and the site development plan. In the case of an adverse report by the Planning and Zoning Commission, such change may not be passed, except by the favorable vote of five (5) of the seven (7) members of the County Council.

4. After a property has been rezoned to a Solid Waste Disposal District by the Governing Body, the owner, lessee, tenant, or their authorized representative(s) shall obtain a permit from the Missouri Department of Natural Resources to operate a solid waste processing facility or solid waste disposal area, in accordance with provisions of Sections 260.200 to 260.300, RSMo.
5. The use of land as a sanitary landfill in a Solid Waste Disposal District shall not be subject to an amendment to the Zoning District Map for a stabilization period of fifteen (15) years after the sanitary landfill has been completed or commencing at the termination of the license to operate a refuse disposal area. After a ten (10) year period, the owner, lessee, tenant, or their authorized representative(s) of a tract of land in a Solid Waste Disposal District shall engage a registered professional engineer licensed by the State of Missouri to inspect the site and conduct suitable testing site to determine stabilization and level of compliance with applicable closure/post-closure provisions. The results of such examination shall be submitted for review by the Missouri Department of Natural Resources, the Division of Planning and Zoning, and the Community Health and the Environment Department. Upon receipt of site approval, the owner, lessee, tenant, or their authorized representative(s) of the tract of land in the Solid Waste Disposal District may request a waiver of the fifteen (15) year stabilization period by application to the Planning and Zoning Commission. In all Solid Waste Disposal Districts, the minimum closed site stabilization period shall be ten (10) years for a permitted sanitary landfill.

6. The Governing Body shall require a bond or other surety to ensure a continued maintenance program during the stabilization period. The maintenance program shall include ongoing collection and treatment of leachate and landfill gas (LFG) control, as well as inspection for and continuing control of rodents, vegetation control of filled areas, and other obligations to prevent possible nuisances, public health hazards, or environmental impacts. The amount and type of the bond or surety shall be determined by the Governing Body after consultation with the County Counselor and other County Officials.

7. Up to a three hundred (300) foot buffer strip may be required on any side of the proposed landfill site at the discretion of the Planning and Zoning Commission and the Governing Body. Visual screening within the buffer by fencing, trees, shrubbery, or other appropriate aesthetic control features may also be required.

8. All solid waste incineration facilities must be bound by a minimum thirty (30) foot landscaped buffer and an eight (8) foot sight-proof fenced buffer. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 02-004 §3, 1-30-02)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

ARTICLE X. "PUD" PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

SECTION 405.185: STATEMENT OF INTENT

The general purpose of this Article of the Unified Development Ordinance is to permit greater flexibility and more creative and imaginative design for the development of mixed land uses that is generally possible under conventional zoning regulations. This district is intended to promote a more economical and efficient use of land, to provide a harmonious variety of housing choices, to provide greater flexibility in the placement of buildings, to preserve the natural scenic qualities of open space, and to utilize the best potentials for site development relating to such features as topography, geography, and the size and shape of properties. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.190: STATEMENT OF OBJECTIVES

A. Improve Development Design.
   1. By providing a planned mixture of land uses while maintaining adequate open space, common facilities, and buffers between uses.
   2. By permitting land use designs that incorporate natural terrain features, to preserve natural open spaces and encourage the philosophy of design with nature.

B. Address And Accommodate Housing Needs.
   1. By providing a mixture of housing types while maintaining density standards to protect residents from overdevelopment.
   2. By allowing zero (0) lot line development to reduce housing costs.

C. Establish, Maintain And Strengthen The Neighborhood Concept In The Community Setting.
   1. By allowing non-residential uses within the planned unit development, thereby discouraging strip commercial development.
   2. By encouraging pedestrian and non-motorized vehicle paths and ways utilizing natural terrain features rather than traditional design. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 07-040 §1, 3-13-07)

SECTION 405.195: PERMITTED USES

All permitted uses, accessory uses, conditional uses, and on-premises signs of the following districts are permitted in accordance with their respective district requirements and subject to the provision for the review standards of development and approval by the Planning and Zoning Commission and County Council:

<table>
<thead>
<tr>
<th>&quot;PUD&quot; Overlay District Designated in District</th>
<th>Uses Permitted by the Following Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;RR&quot;, &quot;R1A&quot;, &quot;R1B&quot;, &quot;R1C&quot;, &quot;R1D&quot;, &quot;R1E&quot;, &quot;A&quot; only those approved prior to the</td>
<td>&quot;RR&quot;, &quot;R1A&quot;, &quot;R1B&quot;, &quot;R1C&quot;, &quot;R1D&quot;, &quot;R1E&quot;, &quot;R2&quot;, &quot;R3A&quot;, &quot;R3B&quot;, &quot;CO&quot;, &quot;C1&quot;</td>
</tr>
</tbody>
</table>

465
enactment of this UDO
(August 23, 1999)

"R2"  "R1A", "R1B", "R1C", "R1D", "R1E", "R2", "R3A", "R3B", "C0", "C1"

"R3A", "R3B"  "R1A", "R1B", "R1C", "R1D", "R1E", "R2", "R3A", "R3B", "C0", "C1"

"CO", "C1"  "CO", "C1", "C2", [C3]

"C2", [C3]  "CO", "C1", "C2", [C3], "I1"

"I1"  "R3A", "R3B", "C0", "C1", "C2", [C3], "I1"  "I2"

"I2"  "CO", "C1", "C2", [C3], "I1", "I2"

All uses permitted, as listed above, shall comply with the procedures and standards of each respective district, and of this Article of the Unified Development Ordinance. Any conflicts between the respective zoning district regulations and the regulations of this Article, and the regulations, standards, and procedures of the Planned Unit Development "PUD" Overlay District Article, shall prevail. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 03-142 §1(33), 10-1-03; Ord. No. 05-015 §1, 2-1-05; Ord. No. 06-002 §1, 1-10-06)

Editor's Note--In ord. no. 10-041 §2, District "C3" was repealed, the above references to said district were editorially removed after conferring with the county.

SECTION 405.200: DESIGN STANDARDS

A. For all zoning districts, the minimum area required will be ten (10) acres for establishing a "PUD" Overlay District in each of the respective zoning designations.

B. In calculating the minimum area for a "PUD" Overlay District, the measurements shall not include any existing dedicated streets, roads, or detention basins.

C. A minimum of fifteen percent (15%) of the total project area must be dedicated as open space. All areas within the floodway must be platted as common ground. Pre-developed slopes of twenty percent (20%) or more shall remain undisturbed and platted as common ground. The Director of the Division of Planning and Zoning may waive the common ground requirement for slopes between twenty percent (20%) and thirty percent (30%) if a geotechnical report conforming to the requirements of Section 40.60 of the St. Charles County Highway Department Design Criteria for the Preparation of Improvement Plans as issued in February, 2002, or as amended thereafter, is submitted and approved prior to the approval of the PUD. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 03-142 §1(33), 10-1-03; Ord. No. 05-015 §1, 2-1-05; Ord. No. 06-002 §1, 1-10-06)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 03-195 adopted 12-31-03.

SECTION 405.205: PROJECT AREA DENSITIES

A. For purposes of this Subsection (or other designation), "projected area" means the total area of the "PUD" Overlay District, less the area to be dedicated, for street right-of-way and detention basins.

B. To enhance the attractiveness of developing under PUD regulations, the applicant may be eligible for a maximum increase of twenty-five percent (25%) in the total number of dwelling units to be developed under a rezoning to a "PUD" Overlay District. Percentage increases in the number of dwelling units are to be applied individually and treated as additive, and not compounded. Such percentage increases in density may be recommended by the Planning and Zoning Commission and approved by the Governing Body, according to the following:

<table>
<thead>
<tr>
<th>Maximum Percentage Increase</th>
<th>Design Element</th>
</tr>
</thead>
<tbody>
<tr>
<td>2% Provision of pedestrian ways and bicycle paths beyond conventional sidewalk requirements, as required in Chapter 410 of this Title.</td>
<td></td>
</tr>
<tr>
<td>2% Provision of tree and shrub planting, including peripheral and interior screening, fences, the landscaping of parking lots, and the use of existing trees in the plan.</td>
<td></td>
</tr>
<tr>
<td>2% Building site designs and placements which advance the conservation of natural terrain, and minimize future water runoff and erosion problems.</td>
<td></td>
</tr>
<tr>
<td>3% Recreational facilities, not to exceed one percent (1%) for each: swimming pool,</td>
<td></td>
</tr>
</tbody>
</table>
At least twenty-five percent (25%) of the projected area is to be devoted to improved usable open space.

The dedication of a minimum of five percent (5%) of the net development area to be utilized as a school site, a park, or a site for public building.

Provision of mixed income housing, upon a showing by the applicant and a finding by the Governing Body that the proposed planned unit development serves the public interest in the provision of mixed income housing.

The net development area (dwelling units) which may be constructed within a "PUD" Overlay District shall be determined by dividing the project area by the required lot area by dwelling unit, which is required by the zoning district in which the PUD is located, or as modified in the Project Area Densities Subsection. Notwithstanding any other provision of the UDO to the contrary, property zoned or used commercially shall not be used to calculate allowable density in residential areas of the PUD. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 04-053 §1, 4-13-04; Ord. No. 05-015 §1, 2-1-05; Ord. No. 10-041 §16, 6-2-10)

SECTION 405.210: MAINTENANCE, MANAGEMENT AND THE USE OF OPEN SPACE IN A "PUD"

All plats shall include the following information:

A. Accurate boundary survey to State of Missouri minimum surveying standards with bearings and distances tied to surveyed identification points (established section lines, fractional section lines, and/or U.S. survey lines).

B. Location of lots, streets (including pavement and right-of-way widths), public highways, parks, sidewalks as required, and other features as required, with accurate dimensions to decimals of feet, length, and radii of all curves.

C. Notation on cul-de-sac islands and raised medians, if any. All plats shall include a note stating:

"Construction, renovation, alteration or maintenance of any vegetation, landscaping and/or subdivision monuments on any cul-de-sac islands and raised medians in right-of-way dedicated or that may be dedicated to the public for streets maintained by the St. Charles County Highway Department shall be the responsibility of the subdivision homeowners association under special use permits issued by the St. Charles County Highway Department."

D. Acreage and ownership of all common ground.

E. Location of detention areas for stormwater runoff in common ground with feasible vehicular access, fifteen (15) foot width minimum. The plat shall also dedicate to St. Charles County or its successors in interest an easement of access to and in the common ground occupied by any detention areas for the purpose of inspection and enforcement of all applicable regulations of such detention areas.
St. Charles County -- QuickCode

F. Watercourses left in their natural state must be shown within common ground, with lot lines set back from the top of the existing bank of the watercourse or the 10-year, 24 hour or 15-year, 20 minute water surface elevation, where no established top-of-bank can be determined, for all subdivisions except those with lots three (3) acres or larger in size, as provided by Part 3, Article VI of Chapter 405 of this Unified Development Ordinance. All plats shall clearly show the boundaries of any setback from natural watercourses on the subject property which are left in their natural state and provide a note to reference that setback area stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Section 405.5026 of the Unified Development Ordinance of St. Charles County, Missouri".

G. Setback lines on front and side streets; location and dimension of utility easements. Areas designated as common ground shall not be dedicated as one (1) blanket utility easement unless approved by the Director of the Division of Planning and Zoning.

H. Designate pipeline and/or overhead electric easements, and with respect to pipeline easements designate all setbacks and restrictions imposed by Section 405.503, Regulations Concerning High Pressure Pipelines.

I. Names of streets and lots numbered in logical order. Streets and names of adjacent subdivision and/or adjacent property owners within one hundred (100) feet in dashed lines.

J. Provide for a fifty-five (55) foot wide pavement radius and sixty-three (63) foot right-of-way radius turnaround where needed.

K. Depict floodway fringe, density floodway, and floodway boundaries, and provide base flood elevations as shown on Flood Insurance Rate Maps (FIRMS) issued by the Federal Emergency Management Agency (FEMA) and the maps presently filed in the office of the Division of Planning and Zoning. Any floodway areas or wetlands must be designated as common ground on the final plat.

L. Indicate the future street number on each lot.

M. All areas designated as areas for common use and enjoyment by subdivision lot owners shall be shown on the plat as common ground.

N. Depict any existing easements across the property. No final plat shall be approved showing additional existing easements recorded after submittal of the preliminary plat to St. Charles County, unless the Director of the Division of Planning and Zoning determines that those additional existing easements do not encumber land to be dedicated by plat as right-of-way. Depict any existing easements on adjacent properties within one hundred (100) feet of the site that are utilized for the development of the site.

O. Depict all monuments on plat.

P. Notation for dedication of right-of-way to the public. All plats with such dedications shall include the following language:

"The undersigned owners hereby designate the streets and roadways shown hereon as public streets and roadways and dedicate them in trust to St. Charles County, Missouri, for use as right-of-way."

Q. Notation for dedication of utility easements to the public. All plats with such dedications shall include the following language:
"The undersigned owners hereby dedicate in trust all easements identified hereon as utility easements to St. Charles County, Missouri, as utility easements for St. Charles County's use for storm water drainage facilities and for the location, construction, operation and maintenance by utilities and services of their facilities for water, gas, electricity, sewage and telecommunications (including cable television), which facilities may include but are not limited to underground pipes and conduits, pad mounted transformers, service pedestals, any or all of them upon, over, under and along such utility easements with the right of temporary use of adjacent ground not occupied by improvements for the excavation and storage of materials during installation, repair or replacement of said utilities, sewers and drainage facilities." (Ord. No. 99-99 §1, 7-12-99; Ord. No. 02-004 §10, 1-30-02; Ord. No. 02-098 §8, 6-26-02; Ord. No. 03-142 §(114–116), 10-1-03; Ord. No. 04-053 §1, 4-13-04; Ord. No. 04-162 §4, 10-13-04; Ord. No. 05-029 §1, 3-29-05; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §60, 6-2-10)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 405.215: REVIEW STANDARDS FOR DEVELOPMENT

A. The County Planning and Zoning Commission shall review the proposed PUD for conformity with the adopted Master Plan for unincorporated St. Charles County, and recognized principles for architecture, design, and site planning. The Planning and Zoning Commission may vary the height, area and lot requirements of the zoning district in which the development is located. However, no deck or enclosed room addition may extend closer than fifteen (15) feet to the rear property line within a "PUD" Overlay District. It will be the responsibility of the Planning and Zoning Commission to ensure an appropriate relationship between the uses of high intensity and height within the "PUD" Overlay District and the uses of low intensity or height, existing or future, outside the proposed "PUD" Overlay District. The Planning and Zoning Commission may also require compliance with the respective district regulations for minimum lot sizes, yard setbacks, and maximum heights inside of and near the boundaries of the "PUD" Overlay District.

B. The planning staff of the County Division of Planning and Zoning shall present a written report to the Planning and Zoning Commission and the Governing Body on the proposed "PUD", and the report shall comment specifically on the following:

1. General compliance with the Master Plan for unincorporated St. Charles County.

2. Compliance with the Intent and Objectives of a Planned Unit Development as set forth in Sections 405.185 and 405.190 of Article X.

3. The adequacy of proposed facilities serving the development, including sanitary sewers, water supply and distribution, and recreational areas.

4. The general layout of the internal street system serving the proposed development and its relationship to the existing transportation system.

5. The relationship of land uses within the PUD to each other, and the relationship of the land uses within the PUD with surrounding external land uses, both present and future.

6. Compliance with the requirements of this Article of the Unified Development Ordinance regarding the concept plan, and relating to land uses and housing density, including reasons for increased density if such a recommendation is made. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 03-142 §(35), 10-1-03; Ord. No. 05-029 §1, 3-29-05; Ord. No. 07-040 §1, 3-13-07)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 405.220: PROCEDURE FOR REVIEW OF PLANNED UNIT DEVELOPMENTS – INITIAL APPROVAL

Applications for any Planned Unit Development (PUD) Overlay District shall be made to the Planning and Zoning Commission for the rezoning of the property.

1. The applicant for a "PUD" Overlay District shall first meet with the planning staff of the Division of Planning and Zoning and other County departments invited by the planning staff for a preliminary review of the proposed development, and to become familiar with all the requirements of this Article of the Unified Development Ordinance, Chapter 410, and the district applied for.

2. The applicant for a "PUD" Overlay District shall then prepare and submit to the Division of Planning and Zoning for its inspection and review a rezoning application for the entire area to be rezoned which shall include twenty-five (25) folded copies of a concept plan showing the proposed land use of all areas in the tract, the type and number of structures in each land use area, residential densities, general routes for circulation and other appropriate information required by the Division of Planning and Zoning.

3. A development schedule shall be indicated on the concept plan submitted to the Planning and Zoning Commission indicating the approximate stages in which the development project will be built.

4. The application for rezoning to a "PUD" Overlay District shall be set for hearing before the Planning and Zoning Commission not later than sixty (60) days from the date of filing the same. Procedures for the public hearing shall conform to those set out in Part 5, Section 405.535. After the final hearing of the application for rezoning, the County Planning and Zoning Commission shall approve or deny the same by majority vote and report such action, together with a recommendation for final approval or denial, to the Governing Body. The Governing Body shall then approve or disapprove the application for rezoning for the "PUD" Overlay District. In the case of an adverse report by the County Planning and Zoning Commission,
such change may not be passed, except by the favorable vote of five (5) of the seven (7) members of the County Council. Approval under this Section shall authorize the applicant to seek further and final approvals of "PUD" rezoning as provided below in Sections 405.223 and 405.225 of this Article. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 05-015 §1, 2-1-05; Ord. No. 07-040 §1, 3-13-07)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

*Note--The words "shall be made" were contained in the original ordinance and editorially removed due to duplicative language after conferring with the county.

SECTION 405.223: PROCEDURE FOR REVIEW OF PLANNED UNIT DEVELOPMENTS -- PRELIMINARY PLAT AND FINAL DEVELOPMENT PLAN

A. The developer of a "PUD" Overlay District shall prepare and submit twenty-five (25) folded copies of a preliminary plat and final development plan, for the entire area of the "PUD" Overlay District, to the Division of Planning and Zoning no later than one (1) year after zoning approval by the Governing Body. The preliminary plat and final development plan may be provided in one (1) document. The review fee for the preliminary plat and final development plan may be provided in one (1) document. The review fee for the preliminary plat and final development plan shall be the same as for preliminary plats, as indicated in Chapter 410.

Information on the preliminary plat and final development plan shall include, but not be limited to, the following:

1. Proposed name of the development.
2. Name(s) of the owner(s) of the property and the developer and the name of the professional engineer or surveyor responsible for the plat.
3. North point, a scale of one (1) inch equal two hundred (200) feet or larger and the date of survey.
4. Exact acreage of tract.
5. A statement to the effect that "this plat is not for record" shall be stamped or printed on all copies of the preliminary development plat.
6. Location of boundary lines and their relation to established section lines, fractional section lines or survey lines.
7. Physical features of the property, including bodies of water, watercourses, ravines, floodplain areas, floodways, culverts, bridges, present structures and other features important to lot and street layout.
8. Topography of tract with contours at two (2) feet or at five (5) feet intervals.
9. Existing easements: location, width and purpose.
10. Names of any adjacent subdivisions and/or property lines around the perimeter within one hundred (100) feet showing any existing streets, roads, highways, structures, etc.
11. Location and width of existing and proposed streets, roads, lots (approximate dimensions), building lines, easements, common ground and open space, structures and other features of the proposed development.
12. Approximate gradients of streets.
13. Designation of type of land use: single-family residential, multi-family residential, commercial, industrial or public.
14. Zoning on and adjacent to the development tract.
15. Designation of utilities to serve the proposed development, water service, sanitary sewers, electric, gas, telephone, etc.
16. Location, existing or proposed, of fire hydrants.
17. Off-street parking areas, parking drives and aisles, if applicable.
18. All other information or data as may be required by the Land Subdivision Regulations, Division of Planning and Zoning or the County Planning and Zoning Commission.

B. Notification. After receiving a preliminary plat and final development plan, the Division of Planning and Zoning will give notice by U.S. mail to the adjacent property owners. Notice shall be given to the adjacent property owners at least fifteen (15) days prior to the Planning and Zoning Commission meeting that the preliminary plat and final plan will be presented.

C. Approval By The Planning And Zoning Commission And County Council. No preliminary plat and final development plan shall be deemed approved unless and until it is voted on by the Planning and Zoning Commission. If, however, such preliminary plat and final development plan is rejected by the Planning and Zoning Commission, or if the Council or Board of Trustees of any municipality files with the St. Charles County Registrar a certified copy of a resolution of such Council or Board protesting against the action of the Planning and Zoning Commission approving any such preliminary plat and final development plan of any land lying within one and one-half (1½) miles of the limits of the incorporated area of such municipality, or as prescribed by the State Statutes, such approval shall be deemed overruled, and such plat and plan must then be approved by an ordinance with approval of five (5) members of the County Council, and the reasons for the approval or failure to approve such preliminary plat and final development plan shall be spread upon the records of the Governing Body and certified to the Planning and Zoning Commission. (Ord. No. 05-015 §1, 2-1-05; Ord. No. 07-040 §1, 3-13-07)
SECTION 405.225: PROCEDURE FOR REVIEW OF PLANNED UNIT DEVELOPMENTS -- FINAL PLAT

A. Within two (2) years of the approval of the preliminary plat, the applicant will then submit fifteen (15) folded copies of a final plat for the "PUD" to the Planning and Zoning Division for their review and approval. The procedures, policies and requirements that must be followed for final plat approval are those embodied in the Land Subdivision Regulations for St. Charles County, Missouri. No subdivision plat shall be filed for record or recorded in the office of the Recorder of Deeds for St. Charles County, Missouri, unless and until the approval of the Secretary or Chairperson of the Planning and Zoning Commission and the County Executive or Director of the Division of Planning and Zoning are endorsed thereon, and until a performance guarantee has been posted or the public improvements have been constructed to County standards.

B. No lot shall be sold for such subdivision plat until it has been reviewed and approved, as provided above, and filed for record in the office of the Recorder of Deeds of St. Charles County, Missouri. No building permit, including for display purposes, will be issued until the preliminary plat and sediment and erosion control plans are approved. Further, no dwelling unit may be occupied until the public or private improvements are complete, unless a performance guarantee has been posted for the completion of said improvements. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 05-015 §1, 2-1-05; Ord. No. 07-040 §1, 3-13-07)

SECTION 405.230: ADJUSTMENTS AND CHANGES

A. After the final development plan and final plat of the PUD have been approved, and when, in the course of carrying out this plan and plat, major adjustments or rearrangements of streets, buildings, setback lines, parking areas, entries, heights, common ground, etc., are requested by the applicant (and such requests generally conform to both the preliminary plat and final development plan), such major adjustments may be approved by the Governing Body after receiving recommendations from the Planning and Zoning Commission. Minor changes may be made upon approval in writing by the Director of Community Development or his/her designee.

B. After the plan and plat have been carried out such that improvements have been built and approved, and such that lots have been sold or are being sold, minor changes may be approved by the Director of Community Development or his/her designee, as provided in this Subsection.

1. For the purposes of this Subsection, minor changes include modifications of side and rear setbacks, parking, landscaping and other minor improvements designated on final development plans or final plats.

2. Applications for minor changes shall be made by letter to the Director of Community Development or his/her designee with a site sketch where appropriate.

3. Applications for minor changes may be made only by owners of the property to be affected by the proposed change.

4. The applicant shall submit to the Director of Community Development proof of notice of the application to all owners within two hundred (200) feet of the subject property and the homeowner's association in existence. Notice shall include a copy of the application and a request for submission of written comments within thirty (30) days of the date of the notice to the Director of Community Development.

5. Upon receipt of written comments the Director of Community Development or his/her designee may approve the application upon finding that it generally conforms to the preliminary plat and final development plan/plat. Such approvals shall be in writing with a copy sent to applicant and all recipients of notification as set out in Subsection (B)(4) above. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 03-142 §1(36), 10-1-03; Ord. No. 05-015 §1, 2-1-05; Ord. No. 07-040 §1, 3-13-07)

SECTION 405.235: IMPROVEMENT PLANS AND INSTALLATIONS

Before the actual recording of a final plat for a "PUD", the applicant must have submitted and obtained approval of improvement plans for the "PUD". The applicant will also have to have installed said improvements in accordance with approved improvement plans, preliminary plat and final development plan, or in lieu of installation of said improvements, a County approved performance guarantee required by Chapter 410 must be submitted. Installation of said improvements is also subject to the requirements of Chapter 412, as applicable. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 03-142 §1(37), 10-1-03; Ord. No. 05-148 §8, 10-25-05; Ord. No. 06-041 §2, 3-28-06; Ord. No. 10-041 §17, 6-2-10)

SECTION 405.240: REVIEW OF ABANDONED PROJECTS

The preliminary plat and final development plan must be submitted within one (1) year of zoning approval by the Governing Body and the final plat must be submitted within the time frames established in Section 410.140 paragraph 1. An extension of time may be requested in writing by the developer for approval by the Director of Community Development. The Governing Body may remove the PUD Overlay classification without further hearing if the preliminary plat or final development plan expire. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 05-015 §1, 2-1-05; Ord. No. 07-040 §1, 3-13-07)

ARTICLE XI. "FW", "FF" AND "DF", FLOODWAY, FLOODWAY FRINGE AND DENSITY FLOODWAY OVERLAY DISTRICTS

471
SECTION 405.245: STATEMENT OF INTENT

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

1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of the initial construction.
3. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard. (Ord. No. 99-99 §1, §1, 7-12-99; Ord. No. 10-041 §18, 6-2-10)

SECTION 405.250: FLOOD LOSSES RESULTING FROM PERIODIC INUNDATION

The special flood hazard areas of St. Charles County, Missouri, are subject to inundation, which results in the loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect public health, safety, and general welfare. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 10-041 §19, 6-2-10)

SECTION 405.255: GENERAL CAUSES OF THE FLOOD LOSSES

Flood losses are caused by:

1. The cumulative effect of obstructions in floodways causing increases in flood heights and velocities; and
2. The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.260: METHODS USED TO ANALYZE FLOOD HAZARDS

This Article of the Unified Development Ordinance uses a reasonable method of analyzing flood hazards, which consist of a series of interrelated steps.

1. Selection of regulatory flood which is based upon engineering calculations that permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The regulatory flood selected for this Article of the Unified Development Ordinance is representative of large floods which are reasonably characteristic of what can be expected to occur on the streams subject to these regulations. It is in the general order of a flood which can be expected to have a one percent (1%) chance of occurrence in any one (1) year, as delineated on the Federal Emergency Management Agency's Flood Insurance Study, Flood Insurance Rate Maps, and illustrative materials dated March 17, 2003, as amended hereafter.
2. Calculation of water surface profile based on a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
3. Computation of the floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
4. Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
5. Delineation of floodway fringe (i.e., that are outside the floodway encroachment lines), but which still is subject to inundation by the regulatory flood.
6. Delineation of density floodway (i.e., the area outside the floodway encroachment lines which is not included in the Floodway Fringe Overlay District, but which still is subject to inundation by the regulatory flood). (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(38), 10-1-03; Ord. No. 10-041 §20, 6-2-10)

SECTION 405.265: STATEMENT OF PURPOSE

It is the purpose of this Unified Development Ordinance Article to promote public health, safety, and general welfare, and to minimize those losses described in Part 1, Sections 405.025 through 405.030, Chapter 405 and Part 1, Sections 405.010, 405.015 and 405.077, Chapter 405 by applying the provisions of this Unified Development Ordinance Article to:

1. Restrict or prohibit uses which are dangerous to public health, safety, or property in times of flooding, or cause undue increases in flood heights or velocities.
2. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
3. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

4. Ensure that eligibility is maintained for property owners in the County to purchase flood insurance in the National Flood Insurance Program. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 10-041 §21, 6-2-10)

SECTION 405.270: ADOPTION OF THE FLOOD INSURANCE RATE MAPS, THE FLOODWAY MAPS AND THE DENSITY FLOODWAY MAPS

St. Charles County has adopted the Flood Insurance Rate Map, the Floodway, the Density Floodway Map, and the Flood Insurance Study dated March 17, 2003, as amended hereafter, provided by the Federal Emergency Management Agency. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(39), 10-1-03; Ord. No. 10-041 §22, 6-2-10)

SECTION 405.275: LANDS TO WHICH THIS ARTICLE OF THE UNIFIED DEVELOPMENT ORDINANCE APPLIES

The "FW", "FF", and "DF" Districts apply to all lands within the jurisdiction of unincorporated St. Charles County identified on the Flood Insurance Rate Map (FIRM), dated December 6, 1999, as amended hereafter, as numbered and unnumbered A Zones (including AE Zones) and within the Zoning Districts "FW", "FF", and "DF", established in Establishment of Zoning Districts of this Unified Development Ordinance Article. In all areas covered by these overlay zoning districts, no development shall be permitted, except upon a floodplain development permit issued by the Division of Planning and Zoning under such safeguards and restrictions as St. Charles County may reasonably impose for the promotion and maintenance of the general welfare, safety, and health of the inhabitants of unincorporated St. Charles County. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §140), 10-1-03)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 405.280: ENFORCEMENT OFFICER

The Director of the Division of Planning and Zoning of the County is hereby designated as the Governing Body's duly designated Enforcement Officer under this Unified Development Ordinance Article. (Ord. No. 99-99 §1, 7-12-99)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 405.285: LAND USES PERMITTED

Any uses permitted by the underlying zoning districts shall be permitted in the "FW", "FF", and "DF" Districts upon meeting all of the conditions, regulations, and requirements prescribed in this Article of the Unified Development Ordinance. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.290: RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

The boundaries of the Floodway, Floodway Fringe, and Density Floodway Overlay Districts shall be determined by scaling distances on the official County zoning map, parcel maps provided by the County Assessor's office, or other in-house map products. Where interpretation is needed as to the exact location of the boundaries of the districts, as shown on the official zoning maps of the Floodway and Floodway Fringe Overlay Districts (where there appears to be a conflict between a mapped boundary and actual field conditions), the Division of Planning and Zoning shall make the necessary interpretation based upon all available technical evidence. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 10-041 §23, 6-2-10)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 405.295: COMPLIANCE

No development located within known flood hazard areas of unincorporated St. Charles County shall be located, extended, converted, or structurally altered without full compliance with the terms of this Article of the Unified Development Ordinance and all other applicable regulations. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.300: ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Unified Development Ordinance Article to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Unified Development Ordinance Article imposes greater restrictions, the provision of this Unified Development Ordinance Article shall prevail. All other Unified Development Ordinance Sections inconsistent with this Unified Development Ordinance Article are hereby repealed to the extent of the inconsistency only. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.305: WARNING AND DISCLAIMER OF LIABILITY

473
The degree of flood protection required by this Article of the Unified Development Ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This Article of the Unified Development Ordinance does not imply that areas outside of floodway, floodway fringe, and density floodway overlay district boundaries or land uses permitted within such districts will be free from flooding or flood damages. This Article of the Unified Development Ordinance will not create liability on the part of St. Charles County or any officer or employee thereof for any flood damages that may result from the reliance on this Article of the Unified Development Ordinance of any administrative decision lawfully made thereof. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.310: SEVERABILITY
If any Section, clause, provision, or portion of this Unified Development Ordinance Article is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Unified Development Ordinance Article shall not be affected thereby. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.315: APPEAL
When a request for a floodplain development permit to develop in a flood hazard area is denied by the Division of Planning and Zoning, the applicant may apply for a variance from the regulations and requirements of this Article directly to the Board of Zoning Adjustment. The Board of Zoning Adjustment shall grant or deny such request for variance within forty-five (45) days of the public hearing. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 10-041 §24, 6-2-10)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02

SECTION 405.320: ADMINISTRATION
A. The Director of the Division of Planning and Zoning shall be the official appointed to administer and implement the provisions relating to Floodway, Floodway Fringe, and Density Floodway Overlay Districts.

B. The duties of the Director of the Division of Planning and Zoning under this Article of the Unified Development Ordinance shall include, but not be limited to:

1. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If the proposed building site is in a flood-prone area, all new construction and substantial improvements shall:
   a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
   b. Be constructed of materials resistant to flood damage;
   c. Be constructed by methods and practices that minimize flood damage; and
   d. Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities permanently elevated to a minimum of one (1) foot above base flood elevation.

2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which prior approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

3. Notify, in riverine situations, adjacent communities and the State Emergency Management Agency and require the submittal of a map revision to the Federal Emergency Management Agency (FEMA) prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.

4. Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained by method of hydrologic analysis.

5. Obtain and maintain a record of the elevation (in relation to mean sea level) of the lowest floor, including crawl spaces and enclosed areas below the first finished floor, and lowest floor of all new and substantially improved structures.

6. Obtain, if a non-residential structure has been dry-floodproofed in accordance with attendant utility and sanitary facilities, and maintain a design such that below one (1) foot above the base flood level the structure is watertight, with the walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, the elevation (in relation to mean sea level) to which the structure was floodproofed.

7. When dry-floodproofing is utilized for a non-residential structure, the Director of the Division of Planning and Zoning shall be presented certification from a registered professional engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable Sections of this Chapter or Chapter 410. A record of such certificates, which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed, shall be maintained by the Director of the Division of Planning and Zoning.

8. Review and approve requests for administrative variance for accessory and agricultural structures. All requests for administrative variances must meet the standards set forth within Section 405.375 (E) and (F) of this Article, and may be subject to review by the Board of Zoning Adjustment as defined within Section 405.375. (Ord. No. 99-99 §1, 7-12-99; Ord. 474
SECTION 405.325: FLOODPLAIN DEVELOPMENT PERMIT

No person, firm or corporation shall initiate any development not exempt under Section 412.050(A)(8), substantial improvement, or regrading of a property used for non-agricultural purposes, without first obtaining a separate floodplain development permit for each improvement on the property. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 07-040 §1, 3-13-07; Ord. No. 08-133 §1, 11-25-08)

SECTION 405.330: APPLICATION FOR A FLOODPLAIN DEVELOPMENT PERMIT

To obtain a floodplain development permit, the applicant must apply for such a floodplain development permit with the County Division of Planning and Zoning. A floodplain development permit must be signed by the applicant on the form furnished. For the purpose of investigating an application for a floodplain development permit and monitoring compliance with it, an applicant authorizes the Community Development Department's staff, or staff of other agencies at the Department's direction, to enter and inspect the subject property while work authorized by that permit is in progress. This authority shall cease upon completion of that work and closure of the permit. Every such floodplain development permit shall:

1. Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work.
2. Identify and describe the work to be covered by the floodplain development permit.
3. Indicate the use or occupancy for which the proposed work is intended.
4. Specify whether development is located in designated flood fringe or floodway.
5. Identify the existing base flood elevation and the elevation of the proposed development, including without limitation, the crawl space or basement, heating, cooling or other mechanical components, and garage, of all structures or areas to be filled on the property.
6. Give such other information as reasonably may be required by the Director of the Division of Planning and Zoning.
7. Be accompanied by plans and specifications for proposed construction, fill area, or grading.
8. Be signed by the property owner or his/her authorized agent who may be required to submit evidence to indicate such authority.
9. Be issued by the Director of the Division of Planning and Zoning or his or her designee.
10. Be valid for the same period as the Building Permit. In the event there is no Building Permit, the Floodplain Development Permit will be in effect for two (2) years from the date of issuance. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 01-111 §1, 9-26-01; Ord. No. 05-029 §1, 3-29-05; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §26, 6-2-10)

SECTION 405.335: SUBSTANTIAL DAMAGE/IMPROVEMENT

A. The following items shall be included in the determination of substantial damage/improvement except as provided in Subsection (C) below: spread or continuous foundation footing and pilings; monolithic or other types of concrete slabs; bearing walls, tie beams and trusses; wood or reinforced concrete deck or roofing; floors and ceilings; attached decks and porches; interior partition walls; exterior wall finishes (e.g., brick, stucco, or siding), including painting and decorative moldings; windows and doors; resin or rettiling a roof; hardware; tiling, linoleum, stone, or carpet over subflooring; bathroom tiling and fixtures; wall finishes (e.g., drywall, painting, stucco, plaster, paneling, marble, or other decorative finishes); kitchen, utility, and bathroom cabinets; built-in bookcases, cabinets, and furniture; RGB equipment; repair or reconstruction of plumbing and electrical services; light fixtures and ceiling fans; security systems; built-in kitchen appliances; central vacuum systems; water filtration, conditioners, or recirculation systems; and overhead and profit.

B. The following items shall be excluded in the determination of substantial damage/improvement: plans and specifications; survey costs; permit fees; debris removal (e.g., removal of debris from building or lot dumpster rental, transport fees to landfill, and landfill tipping fees) and cleanup (e.g., dirt and mud removal, building dry-out, etc.); items not considered real property, such as: throw rugs (carpeting over finished floors), furniture, refrigerators, freestanding stoves, etc.; landscaping, sidewalks; fences; yard lights; swimming pools; screened pool enclosures; sheds; gazebos; detached structures (including garages); and landscape irrigation systems.

475
C. Determinations of substantial improvement under this Section shall be made only for improvements for which applicable codes enacted in Title V, Ordinances of St. Charles County, Missouri, require building permits.

D. All applications for floodplain development permits for improvements to existing structures shall require a substantial damage/improvement review. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 10-041 §27, 6-2-10)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 99-99 adopted 12-23-99 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 405.340: CUMULATIVE IMPROVEMENT/SUBSTANTIAL DAMAGE

A. A structure may be improved (remodeled, repaired or enlarged) without conforming to current requirements for elevation, as long as the cumulative value of all work done within a consecutive five (5) year period does not exceed fifty percent (50%) of the structure's current assessor's market value. Permits for incremental improvements, additions and repairs shall be tracked by the Division of Planning and Zoning beginning January 1, 2005.

B. If the cumulative value of the improvements exceeds fifty percent (50%) of the structure's current market value, the structure must be brought into compliance with Subsection (C) of Section 405.350 of this Article, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District, and the Density Floodway Overlay District, which requires elevation of residential structures to one (1) foot above the base flood elevation or the elevation/dry-floodproofing of non-residential structures to or above the base flood elevation.

C. In any case, however, the structure's owner may apply to the Director of Planning and Zoning for a determination that the structure is a "repetitive loss structure" as defined at Section III-D-3-a-(1) of the National Flood Insurance program's authorized forms for flood insurance, 44 C.F.R. Part 61, Appendices A(1), (2) and (3). The structure's owner shall make that application on a form provided by the Director and the Director shall make that determination in writing, based on information supplied by the structure's owner as well as information and records relating to the structure retained by the Division of Planning and Zoning, and shall serve that determination upon the structure's owner. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §28, 6-2-10)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 99-99 adopted 12-23-99 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 405.345: ESTABLISHMENT OF THE FLOODWAY, FLOODWAY FRINGE AND DENSITY FLOODWAY OVERLAY DISTRICTS

A. The mapped floodplain areas within the jurisdiction of this Article of the Unified Development Ordinance are hereby divided into the three (3) following districts:

1. A Floodway Overlay District (FW),
2. A Floodway Fringe Overlay District (FF), and
3. A Density Floodway Overlay District (DF) identified in the Flood Insurance Study (Flood Insurance Rate Maps (FIRM)).

B. Within these districts, all uses not meeting the standards of this Article of the Unified Development Ordinance and those standards of the underlying zoning district are prohibited. These zones shall be consistent with the A Zones (including AE Zone), as identified on the official FIRM and identified in the Flood Insurance Study provided by the Federal Emergency Management Agency. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 07-040 §1, 3-13-07)

SECTION 405.350: STANDARDS FOR THE FLOODWAY OVERLAY DISTRICT, THE FLOODWAY FRINGE OVERLAY DISTRICT AND THE DENSITY FLOODWAY OVERLAY DISTRICT

A. No floodplain development permit shall be granted for new construction, substantial improvement, and other improvements including the placement of manufactured homes, modular homes, and mobile homes within all A Zones (including AE Zone), unless the conditions of this Article are satisfied.

B. No new construction, substantial improvements or other development, including structural and non-structural development, shall be permitted within A Zones on the FIRM unless the base flood elevation and floodway delineation data are provided by the applicant. The County shall utilize any base flood or floodway delineation data currently available from Federal, State or other sources. If data is not available, the Director of Planning and Zoning shall require the applicant to provide technical modeling analysis establishing the BFE and floodway delineation.

C. New construction, subdivision plats, substantial improvements, prefabricated buildings, placement of manufactured homes, mobile homes, or modular homes, and other developments, shall require:

1. Design for adequate anchorage to prevent flotation, collapse, or lateral movement due to flooding of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. New and replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters, and on-site waste disposal systems be located so as to avoid impairment or contamination from them during flooding.
3. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damage, and with
electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are dry-floodproofed or permanently located so as to prevent water from entering, damaging, or accumulating within the components during conditions of flooding.

4. All new and replacement utility and sanitary facilities be elevated or dry-floodproofed up to the regulatory flood protection elevation of one (1) foot above base flood elevation. Single electric service for recreational uses must be elevated a minimum of ten (10) feet above existing average grade.

5. That, until a floodway has been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A and AE on the County's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood elevation more than one (1) foot at any point within the County.

6. Storage of material and equipment.
   a. The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited unless the storage of such materials is in an approved floodproofed and/or tethered containment.
   b. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.
   c. All company owned L.P. gas tanks, one hundred twenty-five (125) gallons and larger, that are threatened by high water conditions are to be tethered with a suitable material (please see suggested L.P. Gas Tank Tie Down method), or elevated on reinforced concrete piers in a manner that will prevent uncontrolled movement and/or flotation of the tank.

   Note: In that all tanks may not be affected by floodwater on an annual basis, a permanent tether may not be required. The tether, itself, could be a threat to personal safety and property damage, although it shall remain the responsibility of the tank's owner to adequately tether the tank before flotation occurs. In areas where there is a flash flood potential, permanent tethers must be utilized.
   d. All company owned L.P. gas tanks are to be identified with the name and a telephone number of the distributor or local office responsible for servicing the tank. This information shall be placed on a clearly visible surface of the tank.
   e. All L.P. gas jobbers doing business in St. Charles County must register with the proper authority, Emergency Management Agency, providing the name of the company, the location of the local branch or office, an emergency telephone number, and the name of a contact person(s). Such reports shall be kept current at all times. The Division of Emergency Management shall provide such information to appropriate fire protection districts.

7. Review subdivision proposals and other proposed new developments, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:
   a. All such proposals are consistent with the need to minimize flood damage within the flood-prone area.
   b. All public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to eliminate flood damage.
   c. Adequate drainage is provided to reduce exposure to flood hazards.
   d. Subdivision proposals for developments (including proposals for manufactured home parks and subdivisions) greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall be included within such base flood elevation data.
   e. Subdivision plats on filled areas in floodplain overlay districts must apply for a letter of map revision from FEMA prior to construction of any residences.

8. Structures (agricultural) used solely for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock, may be constructed at-grade and wet-floodproofed, provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; there is no permanent retail, wholesale, or manufacturing use included in the structure; a variance has been granted from the floodplain management requirements of this Chapter; and a floodplain development permit has been issued.

9. Structures (accessory) used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than four hundred (400) square feet, may be constructed at-grade and wet-floodproofed, provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this Chapter; and a floodplain development permit has been issued. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §29, 6-2-10)

Editor's Note--Reference to "Emergency Management Agency" was changed to "Division of Emergency Management" per ord. no. 02-205, adopted 12-23-02, set out in full at §134.060 of this code.

SECTION 405.355: FLOODWAY FRINGE OVERLAY DISTRICT

A. Permitted Uses. Any use permitted in Section 405.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District, and the Density Floodway Overlay District Floodway Overlay District, Subsection (C)(7) of this Article, shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the Section 405.350, Standards
for the Floodway Overlay District, the Floodway Fringe Overlay District, and the Density Floodway Overlay District Floodway Overlay District are met.

B. Standards For The Floodway Fringe Overlay District.

1. Require that all new construction and substantial improvements of residential structures, including manufactured homes within Zone A and Zone AE on the County's FIRM, have the lowest floor (including basement) elevated one (1) foot above the base flood elevation.

2. Require that all new construction and substantial improvements of non-residential structures within Zone A and Zone AE on the County's FIRM have the lowest floor (including basement) elevated one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that below one (1) foot above the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the official as set forth in Section 405.320 (B)(7) of this Article.

3. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access, or storage in an area other than a basement, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer, or meet or exceed the following minimum criteria: A minimum of two (2) openings in no less than two (2) walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade; openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Windows and doors will not be used to calculate permanent openings. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 03-142 §1(42–43), 10-1-03; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §30, 6-2-10)

SECTION 405.360: MANUFACTURED/MOBILE HOMES

A. All manufactured/mobile homes shall be elevated and anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local Building Codes or FEMA guidelines in addition to applicable State and local anchoring requirements for resisting wind forces. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

1. Over-the-top ties be provided at each of the four (4) corners of the manufactured/mobile home, with two (2) additional ties per side at intermediate locations; manufactured/mobile homes less than fifty (50) feet in length require one (1) additional tie per side.

2. Frame ties shall be provided at each corner of the manufactured/mobile home, with five (5) additional ties per side at intermediate points, with manufactured/mobile homes less than fifty (50) feet in length requiring four (4) additional ties per side.

3. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds, or as determined by the current local applicable Building Code.

4. Any additions to manufactured/mobile homes shall be similarly anchored.

B. Require that manufactured/mobile homes which are placed on sites or substantially improved within the A and AE Zones on the County's FIRM be:

1. Outside a manufactured/mobile home park or subdivision;

2. In a new manufactured/mobile home park or subdivision;

3. In an expansion to an existing manufactured/mobile home park or subdivision;

4. In an existing manufactured/mobile home park or subdivision on which a mobile or manufactured home has incurred "substantial damage" as the result of a flood; or

5. Elevated on a permanent foundation such that the lowest floor of the manufactured/mobile home is elevated one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement.

C. Require that parcel owners or their designee obtain an annual floodplain development permit for no more than one (1) recreational vehicle to be actively used while located on a parcel. The permit shall state that the recreational vehicle may not be located on the parcel for more than one hundred eighty (180) days in a calendar year. Recreational vehicles located within approved campgrounds or travel trailer parks are not required to obtain an annual floodplain development permit. The recreational vehicle must be currently licensed and ready for highway use within the A and AE Zones on the County's FIRM.

A recreational vehicle is ready for highway use if it is on its wheel or jacking system, is attached to the site only by quick disconnect-type utilities and security devices, and has no permanently attached additions other than those specified by the manufacturer. In the Floodway Overlay District, the RV must be equipped with a self-contained water and sewage disposal system. All electrical utilities for recreational use shall be elevated ten (10) feet above the established grade or one (1) foot above the 100-year flood elevation if less than ten (10) feet. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §31, 6-2-10)
SECTION 405.365: FLOODWAY OVERLAY DISTRICT

A. Permitted Uses. Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other Section of the Unified Development Ordinance. All encroachments, including fill, new construction, substantial improvements and other developments are prohibited unless certification by a registered professional engineer is provided, demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge. No use shall increase flood levels of the regulatory flood elevation. These uses are subject to the standards of the Floodway, Floodway Fringe, and Density Floodway Overlay Districts. The following are recommended uses for the Floodway District:

1. Agricultural uses, such as general farming, pasture, nurseries, and forestry.
2. Residential accessory uses, such as lawns, gardens, and parking and play areas.
3. Non-residential uses, such as loading areas, parking, and airport landing strips.
4. Public and private recreational uses, such as golf courses, archery ranges, picnic grounds, parks, wildlife, and nature preserves.

5. In Zone A, obtain, review, and reasonably utilize any floodway data available through Federal, State, or other sources or Section 405.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density Floodway Overlay District, Subsection (C)(7) of this Article in meeting the standards of this Article. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 03-142 §1(44), 10-1-03; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §32, 6-2-10)

SECTION 405.370: DENSITY FLOODWAY OVERLAY DISTRICT

A. Purpose. The purpose of the density floodway is to address a variety of issues related to the planning, development, and management of the floodplain and to do so by permitting development to occur in a fashion that disperses and spreads it throughout the density floodway. The following criteria must be considered in minimizing the negative impacts of encroachments on flood flows across the density floodway: the density floodway regulations apply to the development that occurs coincidentally behind a uniform 20-year levee at the L15 location; the configuration or orientation of development within each lot/parcel will be such as to minimize the loss of effective conveyance for the entire density floodway; the development of each lot/parcel shall be located on one (1) of the higher areas of the lot/parcel and oriented in such a way that its location and orientation provide the greatest overall floodplain conveyance.

B. Permitted Uses. Any use permitted in Section 405.365, Floodway Overlay District of this Article shall be permitted in the Density Floodway Overlay District to the extent that they are not prohibited by any other Unified Development Ordinance Section. These uses are subject to Section 405.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density Floodway Overlay District, of this Article.

C. Standards For The Density Floodway Overlay District.

1. With a "No-Rise Certification", any development on a lot/parcel which creates fill or blockage in the density floodway shall be permitted. A no-rise certification shall be provided by a registered professional engineer demonstrating that the development shall not result in any increase in the base flood elevation. The analysis for the no-rise certification must be calculated and evaluated on a lot/parcel basis only; it is not to be calculated for the entire density floodway. Such development can be caused by activities including fill (which shall include continuous fill, with the exception of a uniform 20-year levee at the L15 location), new construction, substantial improvements, and minor improvements.

2. Lacking a "No-Rise Certification", the maximum surface area of each lot/parcel that can be developed is limited to not more than eighteen percent (18%). Any such fill or development must not be continuous (with the exception of a uniform 20-year levee at the L15 location) or contiguous with other developments so as to restrict the flow of floodwater, in keeping with the purpose statement (Section 405.015) of this Chapter. In the event that continuous or contiguous fill or development is deemed necessary, the provisions of Subsection (C)(1) of this Section must be met. Percent development is equal to the surface area of a lot/parcel within the density floodway as recorded in the St. Charles County Recorder of Deeds office on or before December 15, 1992 divided by the total surface area of the lot/parcel expressed as a percentage. Structures which are constructed to replace structures existing before December 15, 1992, but which are demolished after December 15, 1992, will not be counted toward the eighteen percent (18%) limitation on development.

3. Once the eighteen percent (18%) limitation on development on a lot/parcel has been attained, no future development shall be allowed, unless allowed pursuant to a "No-Rise Certification", as stated in Section 405.370, Density Floodway Overlay District, Subsection (C)(1) of this Article.

4. The future sale of a portion of a lot/parcel in the density floodway shall result in the remaining developed area being apportioned between the lots/parcels, unless it is set out differently in the deeds as recorded in the St. Charles County Recorder of Deeds office on or before December 15, 1992.

5. St. Charles County intends to maintain the eighteen percent (18%) of developable area for each lot/parcel and the total area of the density floodway, as depicted on the Flood Insurance Rate Map (FIRM), dated March 17, 2003, as amended hereafter.

D. Application Procedure For Floodplain Development Permits In The Density Floodway.

1. When an individual requests a floodplain development permit in the density floodway, the following materials will be provided to the applicant upon the submittal of the deed to the property recorded on or before December 15, 1992:
   a. The brochure All About Building in the Floodplain.
b. A copy of the Flood Insurance Rate Map for the area which is proposed to be developed.

c. A statement indicating the maximum amount of allowable encroachment area in square feet and/or acres.

d. A copy of the density floodway regulations.

e. Instructions that the applicant must provide two (2) copies of the development plans showing the location and nature of the development along with an elevation certificate indicating the existing grade elevation (an elevation certificate is not required for routine maintenance or minor improvements).

2. Upon receipt of the plans, as stipulated in Section 405.370, Density Floodway Overlay District, Subsection (D)(1)(e), the Director of the Division of Planning and Zoning or his or her designee shall:

a. Review submittal to determine compliance.

b. Release a floodplain development permit (in most applications to allow construction of foundation only).

c. Upon submittal of a second (2nd) elevation (certificate), release approved floodplain development permit, if elevation meets or exceeds requirement of one (1) foot above the 100-year floodplain.

d. Record the actual loss of area for the lot/parcel on the Assessor's tax parcel map(s). (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(45), 10-1-03; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §33, 6-2-10)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 405.375: VARIANCE

A. The Board of Zoning Adjustment, as established by St. Charles County, shall hear and decide appeals and requests for variances from this Article of the Unified Development Ordinance.

B. Agricultural and accessory structures, as defined in Section 405.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density Floodway Overlay District of this Article, may be eligible for administrative review for variance approval by the Director of Community Development or his/her designee. All requests for administrative variances must meet the conditions of this Chapter or Chapter 410. All approved administrative variances may be subject to review by the Board of Zoning Adjustment.

C. The Board of Zoning Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Director of the Division of Planning and Zoning in the enforcement and administration of this Article of the Unified Development Ordinance.

D. In passing upon such applications for variances, the Board of Zoning Adjustment shall consider all technical evaluation, all relevant factors, standards, and requirements specified in other Sections of the Unified Development Ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The compatibility of the proposed use to the Master Plan and floodplain management program for that area;
8. The relationship of the proposed use to the Master Plan and the floodplain management program for that area;
9. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, and the effects of wave action, if applicable, expected at the site; and
10. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

E. Conditions For Variances.

1. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section provided the proposed activity will not preclude the structures continued historic designation.

2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. Variances shall only be issued upon:
a. A showing of good and sufficient cause;
b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
c. A determination that the granting of a variance will not result in increased flood heights, extraordinary public expense, additional threats to public safety, creating nuisances, case fraud on or victimization of the public, or conflict with existing local laws and regulations.

5. St. Charles County shall notify the applicant in writing over the signature of the Director of the Division of Planning and Zoning that:

a. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage; and
b. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter or Chapter 410.
c. All utilities and facilities such as sewer, gas, electrical, and water systems are located one (1) foot above base flood elevation or dry-floodproofed to eliminate flood damages.

F. Agricultural Structure Variance. Any variance granted for an agricultural structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions, as well as those criteria and conditions set forth within Section 405.375, Variance, Subsection (D) and (E) of this Article.

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

1. All agricultural structures considered for a variance from the floodplain management regulations of this Chapter or Chapter 410 shall demonstrate that the varied structure is located in wide, expansive floodplain areas, and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures, such as farmhouses, cannot be considered agricultural structures.

2. Use of the varied structures must be limited to agricultural purposes in Zone A or AE only, as identified on the community's Flood Insurance Rate Map (FIRM).

3. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior surfaces, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance within Section 405.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density Floodway Overlay District, Subsection (C)(3) of this Article.

4. The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance within Section 405.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density Floodway Overlay District, Subsection (C)(1) of this Article. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

5. Any mechanical, electrical, or other utility equipment must be located one (1) foot above the base flood elevation or dry-floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance within Section 405.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density Floodway Overlay District, Subsection (C)(3) of this Article.

6. The agricultural structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain permanent openings that will permit the automatic entry and exit of floodwaters in accordance within Section 405.355, Floodway Fringe Overlay District, Subsection (B)(3) of this Article.

7. The agricultural structures must comply with the floodplain management floodway encroachment provision within Section 405.365, Floodway Overlay District of this Article. No variances may be issued for agricultural structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.

8. Major equipment, machinery, or other contents must be protected from any flood damage.

9. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the agricultural structures.

10. St. Charles County shall notify the applicant in writing over the signature of a community official that:

a. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage; and
b. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter or Chapter 410.

11. Wet-floodproofing construction techniques must be reviewed and approved by the Division of Building Code Enforcement prior to the issuance of any floodplain development permit for construction.

G. Accessory Structure Variance. Any variance granted for an accessory structure shall be decided individually based on a case-by-case analysis of the building's unique circumstances. Variances granted shall meet the following conditions, as well as
St. Charles County -- QuickCode

those criteria and conditions set forth within Section 405.375, Variance, Subsections (D) and (E). In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed:

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

2. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials, in accordance within Section 405.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density Floodway Overlay District, Subsection (C)(3) of this Article.

3. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure, in accordance within Section 405.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density Floodway Overlay District, Subsection (C)(1) of this Article. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

4. Any mechanical, electrical, or other utility equipment must be located one (1) foot above the base flood elevation or dry-floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions, in accordance within Section 405.350, Standards for the Floodway Overlay District, the Floodway Fringe Overlay District and the Density Floodway Overlay District, Subsection (C)(3) of this Article.

5. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain permanent openings on a minimum of two (2) walls that will permit the automatic entry and exit of floodwaters, in accordance within Section 405.355, Floodway Fringe Overlay District, Subsection (B)(3) of this Article. Windows and doors will not be considered as required openings.

6. The accessory structures must comply with the floodplain management floodway encroachment provisions within Section 405.365, Floodway Overlay District, of this Article. No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.

7. Equipment, machinery, or other contents must be protected from any flood damage.

8. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.

9. St. Charles County shall notify the applicant in writing over the signature of a community official that:
   a. The issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage; and
   b. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Chapter or Chapter 410.

10. Wet-floodproofing construction techniques must be reviewed and approved by the Division of Building Code Enforcement prior to the issuance of any floodplain development permit for construction. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(46–48), 10-1-03; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §34, 6-2-10)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 405.380: NON-CONFORMING USE

A. A structure, or the use of a structure, on premises which was lawful before the adoption of this Article of the Unified Development Ordinance, but which is not in conformity with the provisions of this Article of the Unified Development Ordinance, may be continued subject to the following conditions:

1. No such use or substantial improvement of that use shall be expanded, changed, enlarged, or altered in a way which increases its non-conformity.

2. If such use is discontinued for one hundred eighty (180) consecutive days, any future use of the building premises shall conform to this Article of the Unified Development Ordinance.

B. If any non-conforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the current market value, as provided by the St. Charles County Assessor, of the structure before the damage occurred, except that it is reconstructed in conformity with the provisions of this Article of the Unified Development Ordinance. This limitation does not include the cost of any alteration of a structure listed on the National Register of Historical Places or a State Inventory of Historical Places. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 10-041 §35, 6-2-10)

SECTION 405.385: PENALTIES FOR VIOLATION

A. Violation of the provisions of this Article of the Unified Development Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this Article of the Unified Development Ordinance or who fails to comply with any of its requirements shall, upon conviction, be punished by a fine not to exceed five hundred dollars ($500.00) per day or
St. Charles County -- QuickCode

six (6) months' imprisonment, or both. Each and every day that such violation continues shall constitute a separate offense.

B. Any person who constructs, alters, repairs or commences the construction or alteration of a building or structure or regrades a property without a Floodplain Development Permit or is served with a stop work order for any work in the "FF", "FW" or "DF" Overlay Districts shall pay an administrative penalty of two hundred fifty dollars ($250.00) when a floodplain development permit is issued.

C. Nothing herein contained shall prevent St. Charles County or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 07-040 §1, 3-13-07)

SECTION 405.390: AMENDMENTS

The regulations, restrictions, and boundaries set forth in this Unified Development Ordinance Article may, from time to time, be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in St. Charles County. A copy of such amendments will be provided to the Federal Emergency Management Agency. The regulations of this Article of the Unified Development Ordinance are in compliance with the National Flood Insurance Program Regulations, as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.400: RESERVED

Editor's Note--Ord. no. 07-040 §1, adopted March 13, 2007, repealed section 405.400 "floodplain verification letters" in its entirety. Former section 405.400 derived from ord. no. 99-99 §1, 7-12-99; ord. no. 01-054 §1, 4-25-01; ord. no. 01-111 §2, 9-26-01; ord. no. 03-142 §1(49), 10-1-03. At the editor's discretion, this section has been reserved for the city's future use.

ARTICLE XII. WELLHEAD PROTECTION OVERLAY DISTRICT

Editor's Note--The Peruque Creek Watershed above (upstream of) Lake St. Louis was established as a Watershed Protection Overlay District by St. Charles County Ordinance 02-123. A map showing the district as established by this ordinance is available from the County Information Systems Department or the County Registrar.

Editor's Note--Ord. no. 06-157 §2, adopted November 14, 2006, repealed sections 405.4021--405.4023 dealing with "watershed protection "wp" overlay district" in their entirety. Former sections 405.4021--405.4023 derived from ord. no. 02-122 §1, 7-30-02.

Editor's Note--Subsequently, ord. no. 11-008 §1, adopted March 7, 2011, enacted the new provisions set out herein.

SECTION 405.402: STATEMENT OF INTENT

The intent of the following provisions is to protect the quality of groundwater serving public alluvial wells by regulating and restricting land uses within boundary perimeters surrounding wellheads of such wells. (Ord. No. 11-008 §1, 3-7-11)

SECTION 405.403: ESTABLISHMENT AND MODIFICATION

A. Establishment Of Wellhead Protection Overlay Districts.

1. Applications to the Planning and Zoning Commission to establish Wellhead Protection Overlay Districts may be initiated only as follows:
   a. By resolution of the County Council;
   b. By resolution of the Planning and Zoning Commission; or
   c. By request of the Division of Planning and Zoning.

2. All such rezoning applications shall include a legal description of the circular boundary perimeter of the proposed Wellhead Protection Overlay District meeting the requirements of Section 405.404(A) below.

3. All notices and hearings relating to such rezoning applications shall be as provided by this Unified Development Ordinance, except as provided otherwise in Section 405.403(B) below.

B. Modification Of Circular Boundary Perimeters Of Proposed Or Established Wellhead Protection Overlay Districts.

1. Modification of circular boundary perimeters of a proposed or existing Wellhead Protection Overlay District may be sought only by application by owners of land, or by a water district, municipality or other unit of government having a well within such circular boundary perimeters.

2. If such an application is made during proceedings to establish a Wellhead Protection Overlay District pursuant to Section 405.403(A) above, the following procedural regulations shall govern the application.
   a. Notice of intent required. The applicant must give notice of intent to file such an application by submitting to the Division
St. Charles County -- QuickCode

of Planning and Zoning, on a form provided by the Division, an affidavit of intent to modify the circular boundary perimeter of a proposed Wellhead Protection Overlay District, along with the deposit required in Section 405.403(B)(4) below.

b. Time of notice of intent. Such notice of intent must be filed no later than the date of the Planning and Zoning Commission's initially scheduled public hearing to form a new district.

c. Effect of notice timely filed. Provided such notice is filed on time, it will postpone for one hundred eighty (180) days the Commission's scheduled hearing on the proposed district.

d. Completion of application. An applicant must complete an application to modify within ninety (90) days of the date of the filing of the notice of intent by filing the remaining required submittals enumerated in Section 405.403(B)(4). If an applicant fails to do so, the Division shall treat the application as withdrawn and refund the applicant's deposit, but the applicant is not barred from proceeding under Section 405.403(B)(3) to modify an existing Wellhead Protection Overlay District's boundary after the district's establishment.

3. If an application to modify the circular boundary perimeter of a Wellhead Protection Overlay District is filed after its establishment, the following procedural regulations shall govern the application.

a. Rezoning application. Such an application shall be treated as a separate rezoning application governed by this Unified Development Ordinance.

b. Completeness of application. Such an application shall be accompanied by required submittals enumerated in Section 405.403(B)(4) below.

4. All applications to modify the circular boundary perimeter of a proposed or existing Wellhead Protection Overlay District shall be accompanied by the following submittals.

a. A legal description of the proposed amendment to the circular boundary perimeter of a proposed and established Wellhead Protection Overlay District;

b. A sealed engineer's report on ground water and subsoil conditions affecting the wellhead protected or to be protected by the Wellhead Protection Overlay District, and justifying the proposed amended boundary; and

c. A deposit may be required to defray the costs of an engineering consultant engaged by the County to review that sealed engineer's report (deposit subject to refund to the extent it exceeds actual costs and to supplementation to the extent that it is insufficient to defray them).

5. All applications to modify the circular boundary perimeter of a proposed or existing Wellhead Protection Overlay District shall be subject to review and hearing as follows.

a. Upon receipt of a complete application to modify the circular boundary perimeter of a proposed or existing Wellhead Protection Overlay District, the Planning and Zoning Division and the County's engineering consultant shall have ninety (90) days in which to review that application.

b. Based on that review the Division may also propose a modification of a circular boundary perimeter either to reduce or enlarge it.

c. Upon completion of that review and issuance of all notices that may be required by this Unified Development Ordinance, the Planning and Zoning Commission shall conduct a hearing on that application to modify the circular boundary perimeter of a proposed or existing Wellhead Protection Overlay District and any related application by the Planning and Zoning Division. In no case may that hearing be scheduled at a meeting of the Planning and Zoning Commission within ninety (90) days or later than one hundred fifty (150) days from the receipt of the applicant's complete application to modify. However, a hearing may be continued as provided in Section 405.535(B)(1)(d) of this Unified Development Ordinance. (Ord. No. 11-008 §1, 3-7-11)

SECTION 405.404: DISTRICT REGULATIONS

A. Boundary. Any Wellhead Protection Overlay District shall be enclosed by circular boundary perimeter defined by a radius of one thousand (1,000) feet surrounding any wellhead of a public alluvial well, unless that circular boundary perimeter is modified as provided in Section 405.403(B) above.

B. Permitted And Conditionally Permitted Uses. Except as provided in Section 405.404(C) or (D) below, within any Wellhead Protection Overlay District, the district regulations for the underlying zoning district shall authorize permitted and conditional uses.

C. Prohibited Uses. Notwithstanding any applicable district regulations in this Unified Development Ordinance, within any Wellhead Protection Overlay District, the following uses are prohibited:

1. The production, use, handling, or storage of any extremely hazardous substance, greater than the exempted quantity.

2. Landfills, including but not limited to industrial and municipal landfills; open dumps; or any other waste disposal facility.

3. Waste transfer stations and incinerators.


5. Sewage lagoons.
6. Wastewater treatment plants and/or wastewater pump stations.
7. Cemeteries and graveyards for humans or domesticated animals.
8. Scrap and junk yards.
9. Uncovered salt, de-icer or chemical storage.
10. Private potable water wells into known and potential sources of contamination.
11. Ponds/lakes constructed deeper than fifteen (15) feet, in order to prohibit excavation below the upper cohesive solids into the underlying sand and gravel aquifer except at properties where site specific drilling data indicates deeper excavation, will not contact the sand and gravel aquifer to a maximum allowable excavation depth of five (5) feet above the base of the upper cohesive soils.

D. Conditionally Permitted Uses. If permitted under applicable district regulations in this Unified Development Ordinance, the following uses are permitted within any Wellhead Protection Overlay District only as conditional uses that must be subject at a minimum to the conditions set out below:

1. Uses permitted only conditionally:
   a. The production, use, handling, or storage of any hazardous substance or liquid petroleum product.
   b. Fleet storage, maintenance, repair and service facilities, including but not limited to mechanical services, transmission repair services and oil changing services in conjunction with and supplementary to a permitted business operation.
   c. Construction of new underground storage tanks, including new underground storage tanks that replace existing underground storage tanks, and associated pipes in compliance with applicable local, State and Federal laws and in conjunction with and supplementary to a permitted business operation.
   d. Dry cleaning business.
   e. Furniture stripping.
   f. Wastewater pretreatment facilities or other impoundments of waste material.
   g. Vehicle service stations and convenience stores which sell motor fuel.
   h. Electrical power generator and substations.
   i. Manufacturing of communications equipment.
   j. Manufacturing of electric and electronic equipment, including circuit boards.
   k. Manufacturing of fabricated metal products.
   l. Manufacturing of machinery.
   m. Manufacturing of plastic materials and synthetics.
   n. Primary metal industries, such as blast furnaces, steelworks and rolling mills.
   o. Trucking terminals.

2. Required conditions of the foregoing conditionally permitted uses.
   a. Provide for the installation and maintenance of devices for secondary containment in case of inadvertent discharge from primary containers, ensure the proper storage of regulated substances, and ensure the integrity of impervious floor surfaces in storage areas.
   b. Submission of an emergency contingency plan for each facility to respond to unauthorized discharges.
   c. Posting of a bond or carrying of insurance which would pay for the cost of cleanup incurred as the result of inadvertent discharge, as required by applicable environmental laws and regulations.
   d. The three (3) previous requirements must be approved in writing by both the Community Development Director and the St. Charles County Local Emergency Planning Committee or their designees.

E. Exemptions. The following substances are not subject to the provisions of this Section, so long as they are used, handled or stored in a manner that does not result in contamination of groundwater.

1. Use of any regulated substance in an amount less than the exempted quantity for that substance.
2. Any substance to the extent it is used for personal, family or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public. However, regulated substances used in the operation of a home business shall not be exempt from the provisions of these requirements.
3. Any substance to the extent it is used in routine agricultural operations and not permanently stored out-of-doors.
4. Any substance to the extent it is used in a research laboratory, hospital or other medical facility, and is under the direct supervision of a technically qualified individual.
5. Regulated substances contained in properly operating sealed units (transformers, refrigeration units, etc.) which are not
6. Motor fuels, lubricants, and coolants which are in use within operable internal combustion engines and attached fuel tanks.

7. Radioactive materials that are regulated by the United States Nuclear Regulatory Commission.

8. Regulated substances in continuous transit through a Wellhead Protection Overlay District. (Ord. No. 11-008 §1, 3-7-11)

PART 3. SUPPLEMENTARY REGULATIONS

ARTICLE I. ADDITIONAL REQUIREMENTS

SECTION 405.405: ADDITIONAL DWELLING REQUIREMENTS

A. There shall be no more than one (1) single-family/single household dwelling unit on one (1) lot or parcel of land, except as provided herein.

B. Townhouses, apartments, condominiums, cluster homes, villas, and all other forms of property ownership do not affect the provisions of these regulations. All requirements shall be observed as though the property were under single ownership.

C. At-grade additions to single-family residences shall be attached to the existing residence with a dimension no less than fifty percent (50%) of the length of the longest linear wall of the addition and shall have an interior access to the existing structure. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 10-041 §36, 6-2-10)

SECTION 405.410: ADDITIONAL HEIGHT REQUIREMENTS

A. The height limits established in Part 2, District Regulations, may be exceeded only by variance granted by the St. Charles County Board of Zoning Adjustment; agricultural structures and stealth communication facilities/telecommunication devices added to existing structures are exempt from this requirement.

B. Spires, steeples, monuments and belfries on buildings used for religious worship may be erected to a height not exceeding one hundred (100) feet.

C. The height limits for wind turbines and wind turbine farms shall be as established by the Governing Body in approval of the conditional use permit. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(50--51), 10-1-03; Ord. No. 10-041 §37, 6-2-10)

SECTION 405.415: ADDITIONAL YARD REQUIREMENTS

A. On lots fronting on one (1) or more streets, a front building line setback must be provided on all streets.

B. Where a frontage is divided among zoning districts with different front yard requirements, the more restrictive yard requirements shall apply.

C. Required building line setbacks must be adhered to around a group of buildings on one (1) lot in the "R3A", "R3B", "PR", "C", and "I" Districts, and related multi-family, hotel, motel, or institutional buildings.

D. Those parts of existing non-conforming buildings that violate yard regulations may be repaired and remodeled, but not reconstructed or structurally altered above fifty percent (50%) of their current fair market value. Any additions shall observe the required yard regulations of the district in which they are located.

E. Front yard setbacks will be used as indicated on recorded subdivision plats, in all other cases, existing zoning district setbacks apply.

F. Required front yards in all districts shall be devoted to landscaping, ingress and egress driveways, fences, sidewalks and exceptions as further provided here in Section 405.415.

1. Fences in residential districts or subdivisions in agricultural districts. A fence may be erected or constructed in compliance with all County ordinances as well as the following general conditions:
   a. A fence may be located on a side or rear lot line, but no such fence shall protrude in full or part on adjacent property or right-of-way.
   b. Fence height shall be measured from an established grade to the top most section of the fence. Where the grade forms a contour, the fence shall be required to maintain the same contour.
   c. All portions of any fence must be constructed of the same or harmonious material. Fences consisting of solid metal panels are prohibited. All vertical and/or horizontal supports and cross members must face the interior of the lot.
   d. Fences shall be maintained by the property owner according to all other codes of St. Charles County.
   e. Fences on corner lots must observe the sight triangle requirement as defined in Section 405.415(K).

2. Fences in residential districts and subdivisions in the agricultural district. A fence may be erected or constructed subsequent to compliance with all County ordinances as well as the following criteria:
a. **Interior and corner lots.**

(1) **Front yards.** Fences in required front yards are prohibited [on]. However, fences on corner lots shall be permitted to the side of the principal structure subject to the following provisions:

Editor's Note--In the original text of ord. no. 10-041, the word [on] was contained and has been editorially removed after conferring with the county.

(a) Fences as erected prior to January 1, 2010 with a setback of no less than one (1) foot from the street right-of-way line. The maximum height is six (6) feet.

(b) A fence with a setback of one (1) foot from the street right-of-way line provided that there are no principal structure facing such street within the same block. The maximum height is six (6) feet.

(2) **Side yards.** All fences shall not exceed six (6) feet in height. There is no openness requirement.

(3) **Rear yards.** All fences shall not exceed six (6) feet in height. There is no openness requirement.

(4) Notwithstanding the above height restrictions, masonry pillars, including decorations and appurtenances thereon, in conjunction with ornamental iron fences cannot be more than twenty-five percent (25%) higher than the attached fence and not be wider than twenty-four (24) inches.

b. **Through lots.** Fences on through lots shall comply with the foregoing regulations; however, if all principal structures in the same block face the same street or direction and there is no vehicular access to the street in the same block which the principal structure does not face, a fence may be constructed with a setback of one (1) foot from the street right-of-way line on such yard that has no principal structures facing such street and vehicular access to such street within the same block.

3. **Driveways within the required front yard.** The principal residence does not face, provided there are no principal structures within the same block that face that street or direction and the pool and attached decking are set back ten (10) feet from the street right-of-way line that the principal residence does not face. In the A, Agricultural District and RR, Residential District where lots or parcels of ground are three (3) acres in size or larger, a pool and attached decking shall be set back a distance of not less than ten (10) feet from the side and the rear property lines.

G. Barbed wire and above ground electrical fences will not be allowed in yards in "R" Districts.

H. The minimum width of side yards for public/private schools, libraries and churches in residential districts shall be twenty-five (25) feet.

I. Parking spaces and drive aisles shall be permitted in the rear and side yards of all zoning districts provided all screening requirements and other provisions of these regulations are met.

J. Private swimming pools, including hot tubs, spas and incidental installations such as pumps and filters, may not be located in the required front yard of any parcel or lot. A pool and attached decking shall be set back a distance of not less than five (5) feet from the side and ten (10) feet from the rear property lines. On any lot with two (2) or more frontages, private swimming pools, attached decking, and any fencing as required by Chapter 500, Ordinances of St. Charles County, Missouri, are permitted within the front yard that the principal residence does not face, provided there are no principal structures within the same block that face that street or direction and the pool and attached decking are set back ten (10) feet from the street right-of-way line that the principal residence does not face. In the A, Agricultural District and RR, Residential District where lots or parcels of ground are three (3) acres in size or larger, a pool and attached decking shall be set back a distance of not less than ten (10) feet from the side and the rear property lines.

K. No structure, planting, or other object that is an obstruction to vision shall be placed or be permitted in areas of corner lots as described except as approved by the County Engineer or the Director of Development Review. No structure, planting, or other object greater than three (3) feet in height above street grade is allowed within the sight triangle described below. However, vegetation (i.e., tree limbs) may overhang such an area, provided that it does not extend lower than seven (7) feet from the ground. The areas of corner lots to which this restriction applies are:

1. The triangular area formed by intersecting property lines (or their extension, in the case of rounded corners) and a line connecting those intersecting lines at points thirty (30) feet from their intersection; and

2. The triangular area formed by intersecting edges of street pavement and of a driveway or alley pavement and a line connecting those intersecting edges at points ten (10) feet from their intersection.

L. Projections such as sills, belt courses, chimneys, cornices, cantilevers, window air conditioning units, and ornamental features may project into a required yard a distance not to exceed thirty (30) inches.

M. Filling station pumps and pump islands may occupy required yards, provided that they are not less than twenty-five (25) feet from all property lines. The overhang of canopy shelters for filling station pump islands must be a minimum of fifteen (15) feet from all property lines.

N. Open porches (not glassed or screened-in) and decks may extend not more than five (5) feet into the required front yard setback and not more than ten (10) feet into the required rear yard setback.

O. Clean fill shall be an acceptable material for any fill or filling or grading as permitted by local regulations. But no waste material may be used for fill or filling or grading if the disposal of that waste material is regulated by the Solid Waste Management Code of St. Charles County, Missouri, Sections 240.101 et seq., Ordinances of St. Charles County, Missouri, as amended, or by Sections 260.200--260.345, RSMo., as amended, or by regulations adopted pursuant to Sections 260.200--260.345, RSMo., as amended.

P. All structures except signs adjacent to arterials as indicated on the thoroughfare plan of the current Master Plan for St. Charles
SECTION 405.417: ADDITIONAL INSTITUTIONAL, COMMERCIAL AND INDUSTRIAL STRUCTURE REQUIREMENTS

Roof-mounted mechanical equipment installed on newly constructed buildings shall be screened from public view. This requirement shall be satisfied when all parts of the roof-mounted equipment are not visible from ground level observation, or at any point on the property, adjacent property, or from adjacent streets. Such screening shall comply with the following:

1. The screening shall be attached to the building and shall be capable of withstanding all load requirements embodied in the adopted building code.

2. The screening shall be constructed with non-reflective materials that are architecturally compatible with the building. The use of wood in whole or part as a screening material shall not be considered as being architecturally compatible unless the building is constructed with a wood exterior.

3. A parapet wall of sufficient height and as an integral part of the building shall be considered as approved screening.

4. All roof-top screening shall be kept in repair or proper state of preservation. (Ord. No. 04-053 §1, 4-13-04)

SECTION 405.420: ADDITIONAL VEHICLE REQUIREMENTS

A. Recreational Equipment Or Trailers.

1. Not more than one (1) piece of recreational equipment or one (1) trailer as defined in this Chapter shall be allowed on any residential lot. For purposes of this provision a piece of recreational equipment means a boat, a boat trailer, a boat on a boat trailer, a travel trailer, a motor home, or a recreational vehicle. Such pieces of recreational equipment or such trailer shall not exceed twenty-four (24) feet in length or eight and one-half (8.5) feet in width. Recreational equipment or trailers parked or stored shall not have fixed connections to electricity, water, gas or sanitary sewer facilities and at no time shall such recreational equipment be used for living or housekeeping purposes except as permitted in Section 405.420(B).

2. In residential districts and recorded subdivisions in agricultural districts recreational equipment or trailers shall be parked within a structure or on a paved or graveled all-weather surface either in the side or rear yard a minimum of seven (7) feet from all property boundaries, or beneath a structure that is elevated pursuant to this ordinance's zoning regulations on flood-hazard districts in Sections 405.245 et seq. Notwithstanding the above, recreational equipment or trailers parked in the side or rear yard on a paved or graveled all-weather surface legally established prior to May 2, 2005 that does not observe the minimum of a seven (7) foot setback from side and rear property boundaries may be permitted under the following conditions:

a. No later than December 31, 2010, the property owner may make application for a recreational equipment or trailer side yard permit pursuant to Section 405.570 to continue to park such recreational equipment or trailers in such locations. The property owner shall present proof that the owner owned or leased a recreational vehicle or trailer prior to May 2, 2005. The permit shall expire upon the sale of the property or the occupancy of the property by other than the applicant to whom the certificate was issued. Any property for which an application has not been received by the close of business December 31, 2010 shall be ineligible for a permit and shall be required to meet the standards specified in this Section requiring recreational equipment or trailers be parked in the side or rear yard, on a paved or graveled all-weather surface, a minimum of seven (7) feet from all property boundaries as set forth above.

3. Any graveled parking surface must be graveled to a uniform depth of six (6) inches and must be maintained free of weeds and vegetation.

4. No recreational equipment or trailers shall be parked on any driveway, street or adjacent right-of-way except those temporarily parked while actively loading or unloading for a period of time not to exceed forty-eight (48) consecutive hours in any one (1) week period.

5. The owner of recreational equipment or trailers parked on a lot within a residential district in accordance with the provisions of this Section shall also be the owner or the renter of such residential lot.

B. Recreational vehicles providing temporary shelter for recreational use may only be placed on a parcel or in a subdivision platted before January 1, 1973, in the "PR" and "A" zoning districts, or within a campground with the following restrictions:

1. The recreational vehicle may be placed on the parcel for not more than one hundred eighty (180) days per calendar year. A temporary permit will be issued by the Division of Planning and Zoning specifying the one hundred eighty (180) day period.

2. No more than one (1) recreational vehicle may be placed on the parcel, unless it is an approved campground or travel trailer park.

3. The recreational vehicle must be currently licensed and ready for highway use.

4. The recreational vehicle must either have a self-contained water and sewage disposal system or be connected to an external water and sanitary sewage system approved by the St. Charles County Division of Building Code Enforcement.

5. The recreational vehicle must either have its own power source or be connected to an external power source approved by the St. Charles County Division of Building Code Enforcement.

488
C. Commercial Vehicles. The following shall only apply in "R" and "A" Districts:

1. Any commercial vehicle shall be parked and/or stored in a private garage or completely covered by a carport, unless it is a vehicle:
   a. Temporarily parked while providing a service or delivery to a residential dwelling.
   b. Licensed as a commercial vehicle at twelve thousand (12,000) pounds or less, even if it conveys a commercial message or has materials stored on the vehicle's exterior such as ladder, tools, etc., but not if it exceeds twenty-four (24) feet in length.
2. No buses shall be parked on a lot occupied by a residential unit, except as permitted in Section 405.420(C)(3).
3. Licensed vanpools or other motor vehicles seating not more than fifteen (15) passengers are allowed in residentially zoned areas so long as no commercial message is conveyed on the vehicle and all other provisions of this Section are met.
4. The owner of a commercial vehicle parked on a lot or parcel within a residential or agricultural district in accordance with the provisions of this Section shall also be the owner or the renter of such lot or parcel or that owner or renter's employer.
5. Commercial vehicles shall not be parked on a public street except when temporarily parked while providing a service or delivery to a residential dwelling.

D. Additional Vehicles.

1. In the "A" Agricultural Zoning District, any lot or parcel containing a residence may also contain, in addition to the one (1) piece of recreational equipment or the one (1) trailer allowed under Subsection (A) above, a maximum of two (2) additional vehicles which may be trailers, boats, boat trailers, boats on boat trailers or unlicensed vehicles, provided such additional vehicles are kept for personal use and are parked as required by Subsection (A)(2) above. No such additional vehicles may be kept on lots or parcels in the "A" District that do not contain a residence.
2. Where a recreational vehicle is permitted on an unimproved parcel for one hundred eighty (180) calendar days under Subsection (B) above, a maximum of two (2) additional vehicles which may be trailers, boats, boat trailers, or boats on boat trailers, provided such vehicles are kept for personal use and are parked on a paved or graveled all-weather surface either beside or behind the recreational vehicle a minimum of seven (7) feet from all property boundaries.

E. Any vehicle or mode of transportation that is not recreational equipment or trailer, a recreational vehicle, commercial vehicle or a passenger car must be parked within a garage or fully enclosed accessory structure.

F. After issuance of a notice of violation of any provision of this Section, such violation may be deemed a continuing violation upon recurrence of that same violation. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(56--58), 10-1-03; Ord. No. 05-029 §1, 3-29-05; Ord. No. 07-148 §1, 10-30-07; Ord. No. 08-003 §2, 1-14-08; Ord. No. 09-137 §2, 12-9-09; Ord. No. 10-041 §39, 6-2-10; Ord. No. 12-086 §1, 11-19-12)

SECTION 405.421: EXTERIOR LIGHTING STANDARDS

A. Purpose. The purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.

B. Applicability. The requirements of this Section apply to all private exterior lighting in conjunction with any institutional development, commercial development, industrial development or a residential development with a parking area for five (5) or more vehicles.

C. Depiction On Required Site Plan. Any and all exterior lighting shall be depicted as to its location, orientation, intensity of illumination and configuration on the site plan required for the development of the subject property.

D. Requirements.

1. Orientation of fixture. In no instance shall an exterior lighting fixture be rented so that the lighting element (or a transparent shield) is directed to an adjacent property located within a residential zoning district. The use of shielded luminaries and careful fixture placement is encouraged so as to facilitate compliance with this requirement.
2. Intensity of illumination. In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 foot-candles.
3. Location. Light fixtures shall not be located within required buffer areas as defined in Section 405.435.
4. Flashing, flickering and other distracting lighting. Flashing, flickering and/or other lighting which may distract motorists is prohibited.
5. Height of fixtures. Lights on poles shall not be taller than the building whose area they illuminate nor taller than twenty (20) feet, whichever is shorter.
6. Non-conforming lighting. All lighting fixtures legally existing prior to the adoption date of this Section, shall be considered as legal non-conforming uses. (Ord. No. 10-041 §40, 6-2-10)
SECTION 405.422: TEMPORARY CONSTRUCTION TRAILERS

Temporary structures for uses incidental to construction work shall be on the site or an adjoining site of said construction work and shall be removed upon issuance of an occupancy permit. (Ord. No. 07-040 §1, 3-13-07)

SECTION 405.425: PERSONAL PROPERTY SALES

A. No more than four (4) sales may be held at any one (1) residence during any calendar year. Each sale shall be limited to no more than the daylight hours of two (2) days within the same week.

B. Signage. See Article III of Part 3 of these regulations, Sections 405.470, et seq. (Signs Not Requiring Permits, Temporary, see Section 405.480).

C. The provisions of this Section shall not apply to or affect the following:
   1. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
   2. Persons acting in accordance with their powers or duties as public officials.
   3. Any sale conducted by any merchant or mercantile or other business establishment from or at a place of business wherein such sale would be permitted by the zoning regulations of St. Charles County, or under the protection of the non-conforming use Section, or any other sale conducted by a manufacturer, dealer, or vendor wherein such sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.
   4. Any legitimate charitable, eleemosynary, educational, cultural, or governmental institution or organization when the proceeds for the sale are used directly for the institution or organization's charitable purpose, and the goods or articles are not sold on a consignment basis. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.427: TEMPORARY OUTDOOR SALES OF GOODS OR MERCHANDISE

Temporary outdoor holiday sales, temporary outdoor fund-raising sales by non-profit organizations and temporary outdoor sales by licensed businesses shall only be permitted within the "C1", "C2", "I1" and "I2" zoning districts. Temporary outdoor fund-raising sales conducted by non-profit organizations shall be permitted in all zoning districts. All of these temporary outdoor sales shall be subject to the following provisions as applicable.

A. Temporary outdoor holiday sales such as Christmas tree sales and pumpkin sales shall not exceed a period of forty-five (45) days and shall require a temporary sales permit from the Department of Community Development.

B. Temporary outdoor fund-raising sales conducted by non-profit organizations as recognized by the State of Missouri shall not require a temporary sales permit from the Department of Community Development so long as and only if the following two (2) conditions are met:
   1. The organization conducting the fund-raising sale conducts no more than six (6) such events per calendar year, and
   2. The fund-raising sale does not exceed a period of three (3) consecutive days.

C. Temporary outdoor sales by licensed businesses shall be:
   1. Limited to items customarily sold by such businesses at their permanent business sites, and conducted on the premises occupied by those sites, or
   2. Limited to food items sold by single vendors from stands occupying a site no greater in size than one hundred twenty (120) square feet and located on premises only with the written permission of their record owners, and for no more than one hundred twenty (120) days nor less than thirty (30) consecutive days, during any twelve (12) month period under any single zoning confirmation. For purposes of this provision only, the terms "site" and "stand" are defined as follows.
      a. SITE: The total area occupied by a vendor, including the stand and auxiliary tables, the place where the employees stand and the place where goods and equipment are stored or displayed.
      b. STAND: Any table, showcase, bench, rack, pushcart, wagon or any other wheeled vehicle or device which may be moved without the assistance of a motor and which is not required to be licensed and registered with the Department of Revenue of the State of Missouri or any other State.

D. All temporary outdoor sales of goods or merchandise permitted in this Section shall comply with the following conditions:
   1. Shall not be located within any required buffer yards.
   2. Shall not be located within the sight triangles for any intersections, public or private.
   3. Shall not reduce the available parking spaces below what is required for a site as provided in Article II Parking and Loading Requirements.
   4. Are subject to any applicable building codes, health regulations, fire district codes and any other applicable regulations.
   5. Signage shall be limited to two (2) signs or banners of not more than thirty-two (32) square feet. Advertising may appear on both sides of the signs or banners. The signs or banners shall be on-premises grounds signs and meet all applicable
setbacks.
6. May be subject to additional conditions as deemed necessary by the Director of the Division of Planning and Zoning to protect the public health, safety and welfare. (Ord. No. 03-143 §1, 10-1-03; Ord. No. 03-195, 12-31-03; Ord. No. 04-104 §1, 6-29-04 (vetoed and overridden 7-12-04); Ord. No. 04-132 §1, 9-1-04; Ord. No. 10-041 §41, 6-2-10)

SECTION 405.430: ADDITIONAL ANIMAL REQUIREMENTS
A. Any feed lot, feeding floor, or structure for housing of animals shall be maintained in a sanitary condition.
B. The boarding of certain types of exotic or wildlife animals are regulated by the Missouri State Department of Conservation, according to the current Wildlife Code adopted by the Conservation Commission of Missouri, and may require additional permits.
C. Exhibit 1, Permitted Animal Regulations (see page 593) indicates the types of animals permitted in certain zoning districts, and the regulations which apply to those animals. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.431: GRADING
No grading for non-agricultural purposes may be conducted without a land use permit issued pursuant to Section 405.530 or a land disturbance permit if required by Section 412.040. (Ord. No. 06-041 §2, 3-28-06)
Editor's Note--Ord. no. 05-148 §9, adopted October 25, 2005, repealed section 405.431 "grading" in its entirety. Former section 405.431 derived from ord. no. 03-142 §1(59), 10-1-03. Subsequently ord. no. 06-041 §2, adopted March 28, 2006, enacted the new provisions hereinafore.

SECTION 405.435: LANDSCAPING REGULATIONS FOR ST. CHARLES COUNTY
A. Intent/Purpose. The purpose of this Section is to provide landscaping regulations that will enhance the environment and the visual character as development occurs within the unincorporated areas of St. Charles County. The preservation of existing trees and vegetation and the planting of new trees and vegetation will protect both private and public investment and promote high quality development. Areas of buffering will be created between land uses, in order to minimize adverse visual impacts, noise, light, and air pollution. Such buffering will also promote energy conservation through the creation of shade, reducing heat gain in or on buildings and paved areas. Landscaping also enhances erosion and sediment control practices through the creative use of plant materials and ground cover.
B. Applicability. These requirements shall apply to the following:
1. New commercial, industrial or public facility development.
2. Development authorized by ordinances approving conditional use permits conditioned upon submission of an approved site plan.
3. Expansion and/or conversion of an existing use that may require landscaping as determined by the Director of the Division of Planning and Zoning.
C. Waiver Or Modification.
1. In the case of undue hardship, landscaping requirements may be modified upon review by the Director of the Division of Planning and Zoning.
2. In locations where the planting of landscaping is not viable, acceptable architectural screening materials may be utilized with the authorization of the Director of the Division of Planning and Zoning. These materials include wood or vinyl fences, decorative masonry walls, brick walls, earth berms and other like materials approved by the Director of the Division of Planning and Zoning.
D. Exemptions. These regulations shall not apply to the following:
1. Developments within the "A" (except required by conditional use permits), "RM", "PR", "HTCD" and "SWD" zoning districts.
E. Plan Requirements. All site plans shall depict the following information on said plan or a separate landscape plan:
1. Property boundary, including north arrow and scale.
2. Topographical information, detailing the final grading of the site and all drainage for the landscaped areas.
3. All structures, parking and loading areas, islands, sidewalks, entrances and exits, drives, utilities and right-of-ways (if applicable).
4. The location and identification of all existing trees, shrubbery and other vegetation.
5. The locations, varieties (botanical and common names), the number and mature size of all plant materials to be planted within the buffer areas and front yard setbacks.
6. Any sight-proof fencing, solid screening and/or earth berming to be utilized on the site.
F. Buffer Requirements. The buffer requirements as required for various developments are based upon the proposed land use and the land use of adjacent properties. The intent of the buffer is to provide space to separate different land uses. The buffer width is the
specified area devoted to plant materials. The buffer width is based upon the intensity of the proposed use. Below are Table 1 and Exhibits A and B providing specific buffer requirements.

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<thead>
<tr>
<th>Adjacent existing development</th>
<th>Single-family or two-family use</th>
<th>Multi-family or institutional use</th>
<th>Commercial use</th>
<th>Industrial use</th>
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G. Minimum Front Yard Setback Planting Requirements. All front yards shall be landscaped. The amount of required landscaping shall be calculated by utilizing the point system described herein or through the alternative compliance provisions. Examples of reasons to seek alternative compliance could include an exceptionally narrow front yard, wooded streams, ravines or areas with extensive natural vegetation.

1. Formula for landscaping in front yards.
   
   Overall Length of Frontage (in feet, rounded to the nearest whole number)
   
   Divided by Two (2) = Landscaping Required (in points)
   
   Example: 220 feet of frontage/2 = 110 points

<table>
<thead>
<tr>
<th>Tree Classification</th>
<th>Base Value</th>
<th>Shrub Classification</th>
<th>Base Value</th>
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<td>Deciduous shrubs</td>
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<tr>
<td>Evergreen trees</td>
<td>15 points</td>
<td>Evergreen shrubs</td>
<td>3 points</td>
</tr>
</tbody>
</table>

   Note: Trees shall meet plant materials requirements. Both trees and shrubs shall meet all other requirements outlined in this landscaping regulations Section. For a sample intermediate tree and shrub list, consult Exhibit B.

   a. Approximately one-half (½) of the points for parking front yard landscaping must be achieved by utilizing plants from the tree classification and the remaining one-half (½) must be from the shrub classification.

   b. All points must be used by adding additional shrubs if the trees do not use their entire designated point value. If one-half (½) or greater of a listed base value is left, the plant requirement shall be rounded up to the next available base value or any combination of base values. For example, a value of one and one-half (1.5) or greater will require one (1) additional shrub or one (1) tree. A value of seven and one-half (7.5) shall require at least one (1) additional tree or two (2) deciduous shrubs or three (3) evergreen shrubs.

   c. A minimum of four (4) varieties of plant materials shall be utilized for visual aesthetics.

2. Planting arrangements in front yards.

   a. Plantings may be interspersed or grouped along the roadway frontage as approved on the site plan. Areas within the rights-of-way and sight triangles shall be left unobstructed.

   b. Planting in straight lines should be avoided.

   c. A minimum of four (4) varieties of plant materials shall be utilized for visual aesthetics.

3. Alternative compliance provisions. A developer may choose to follow the point system described above or to submit a landscape plan to the Director of the Planning and Zoning Division under this alternative compliance provisions Section. This provision is intended to give the developer flexibility needed to respond to unique site issues and client needs and still meet the intent of this Article. All landscape plans submitted in lieu of the point system must meet the stated intentions of the landscaping requirement.

H. Plant Materials. There are two (2) basic trees utilized in the wider buffer areas. These are native deciduous trees and coniferous (evergreen) trees. These are to be installed within the fifteen (15) foot and twenty (20) foot wide buffer areas. Within the six (6) feet wide buffer areas plant materials to be installed are listed in Exhibit B by both common and botanical names. These plant materials will grow within a narrow space. Within front yard areas, intermediate trees and coniferous (evergreen) trees are to be utilized.

1. Deciduous trees. Large flowering, shade trees with a mature height of thirty (30) feet or greater and a mature spread of thirty (30) feet or greater. All deciduous trees planted must have a minimum caliper of two and one-half (2½) inches and a minimum height of six (6) feet at the time of installation.

2. Coniferous (evergreen) trees. Trees with a mature height of at least ten (10) feet which usually have green foliage throughout all seasons. All coniferous trees shall be a minimum height of six (6) feet at the time of installation.
3. **Intermediate trees.** Deciduous plants characterized by a height and/or spread that is generally smaller than that of a shade tree under natural growing conditions. Such plants will shed their leaves and are dormant during winter. Intermediate trees may have either a single trunk or multiple trunks.

4. The types, sizes and varieties of plant materials within the six (6) foot wide buffer area may be determined by the developer of the site by utilizing Exhibit B.

I. **Sight Triangles.** Sight triangles must be reserved to preserve the visibility of motorists and pedestrians as required in Part 3, Article I, Section 405.415(K).

J. **Berms.** Berming, which is an earthen mound that is designed to protect visual interests and screen undesirable views, may be utilized in conjunction with the required landscaping regulations. The guidelines for this type of supplement screening are as follows:

1. Berms shall not be located in any right-of-way.
2. Berming generally varies in height, width and length to create a free-form naturalistic effect.
3. The slope of a berm may not exceed a thirty-three and thirty-three hundredths percent (33.33%) slope.
4. The design of berms shall include provisions for drainage that is tied into the entire site drainage system, is necessary or applicable.

K. **Installation And Maintenance.** All landscaping materials must meet the following requirements:

1. All trees must be in place and healthy prior to the issuance of any occupancy permit. Upon approval by the Director of the Division of Planning and Zoning, a temporary certificate may be issued without the installation, provided written assurances are given that the planting will take place when the proper season arrives.
2. New landscaping shall not be planted within any right-of-way or sight triangle.
3. Newly planted trees shall be supported (staked and tied) through the first (1st) growing season to insure proper growth.
4. The landscaping must be maintained in a healthy growing condition as is appropriate for the season of the year. Plant materials, which exhibit damage, must be restored to healthy condition or replaced within the next growing season.

L. **Enforcement And Penalties.** The Director of the Division of Planning and Zoning is hereby charged with the responsibility of administering and enforcing these landscaping regulations, by enforcing provisions in approved site plans made pursuant to these regulations. All violations are subject to penalties set forth in Sections 405.640 to 405.655. If plantings required by an approved site plan fail, or die for any reason, the owner shall replace them prior to the next growing season. (Ord. No. 04-053 §1, 4-13-04; Ord. No. 10-041 §42, 6-2-10)

**Editor's Note--The definitions that were previously located in this section as subsection (L) are now located in section 405.060 of this chapter.**

**Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.**

**EXHIBIT A**

**Buffer Strip Requirements**

Examples are not to scale. Planting per one hundred (100) feet.

1. **6' width**

   Within the six (6) foot buffer strip area a minimum of twenty (20) shrubs shall be utilized within one hundred (100) feet. Plantings shall be interspersed throughout the entire length of the buffer strip. Planting in straight lines should be avoided. A minimum of two (2) varieties of plant materials shall be utilized for visual aesthetics.

2. **15' width**

3. **20' width**
### INTERMEDIATE TREES

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Botanical Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Hornbeam</td>
<td>Carpinus Caroliniana</td>
</tr>
<tr>
<td>Amur Maple</td>
<td>Acer Ginnala</td>
</tr>
<tr>
<td>Flowering Crab</td>
<td>Malus Species</td>
</tr>
<tr>
<td>Fragrant Sumac</td>
<td>Rhus aromatica</td>
</tr>
<tr>
<td>Japanese Tree Lilac</td>
<td>Syringa Reticulata</td>
</tr>
<tr>
<td>Paperbark Maple</td>
<td>Acer Griseum</td>
</tr>
<tr>
<td>Red Bud</td>
<td>Cercis Canadensis</td>
</tr>
</tbody>
</table>

### SHRUBS

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Botanical Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Hazelnut</td>
<td>Corylus Americana</td>
</tr>
<tr>
<td>Arrowwood Viburnum</td>
<td>Viburnum dentatum</td>
</tr>
<tr>
<td>Beauty Berry</td>
<td>Callicarpa Americana</td>
</tr>
<tr>
<td>Beautybush</td>
<td>Kolkwitzia amabilis</td>
</tr>
<tr>
<td>Border Forsythia</td>
<td>Forsythia x intermedia</td>
</tr>
<tr>
<td>Bridalwreath Spirea</td>
<td>Spirea prunifolia</td>
</tr>
<tr>
<td>Common Lilac</td>
<td>Syringa vulgaris</td>
</tr>
<tr>
<td>Cutleaf stephanandra</td>
<td>Stephanandra incisa</td>
</tr>
<tr>
<td>Eskimo Viburnum</td>
<td>Viburnum utile &quot;Eskimo&quot;</td>
</tr>
<tr>
<td>Gray Dogwood</td>
<td>Cornus racemosa</td>
</tr>
<tr>
<td>Highbush Blueberry</td>
<td>Vaccinium corybosum</td>
</tr>
<tr>
<td>Japanese Euonymus</td>
<td>Euonymus japonicus</td>
</tr>
<tr>
<td>Korean Spice Viburnum</td>
<td>Viburnum carlesi</td>
</tr>
<tr>
<td>Large Fothergilla</td>
<td>Fothergilla major</td>
</tr>
<tr>
<td>Meyer Lilac</td>
<td>Syringa meyeri</td>
</tr>
<tr>
<td>Nine Bark</td>
<td>Physocarpus opulifolius</td>
</tr>
<tr>
<td>Ozark Witchhazel</td>
<td>Hamamelis vernalis</td>
</tr>
<tr>
<td>Redosier Dogwood</td>
<td>Cornus sericea</td>
</tr>
<tr>
<td>Rose of Sharon</td>
<td>Hibiscus syriacus</td>
</tr>
</tbody>
</table>
St. Charles County -- QuickCode

Scarlet Firethorn  Pyracantha coccinea
Spicebush  Lindera benzoin
Summer Sweet Clethra  Clethra alunifolia
Tea Viburnum  Viburnum setigerum
Virginia Sweetspire  Itea virginica
Weigela  Weigelia florida
Wild Azalea  Rhododendron roseum
Wild Hydrangea  Hydrangea arborescens
Winged Euonymus  Euonymus alatus

The plant material listed here is by no means a definitive list.

Most of the species listed here are native plant material to Missouri.

(Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-112 §1, 9-26-01; Ord. No. 03-142 §1(14, 60--63), 10-1-03; Ord. No. 04-053 §1, 4-13-04; Ord. No. 10-041 §42, 6-2-10)

**EXHIBIT 1. PERMITTED ANIMAL REGULATIONS**

<table>
<thead>
<tr>
<th>ZONING DISTRICT</th>
<th>PERMITTED USES</th>
<th>CONDITIONAL USES</th>
<th>SETBACK REQUIREMENTS/CONFINED FEEDING AREAS</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>A DISTRICT</td>
<td>Exotic or Wild Animal</td>
<td></td>
<td>300 feet</td>
<td>Minimum 10 acres / MINIMUM CONFINEMENT REQUIREMENTS according to the current State Conservation Commission Wildlife Code</td>
</tr>
<tr>
<td></td>
<td>Horses and Private Stables</td>
<td></td>
<td>50 feet</td>
<td>1 horse per acre</td>
</tr>
<tr>
<td></td>
<td>Livestock raising (except in platted subdivisions)</td>
<td>If greater than 1,000 animal units</td>
<td>150 feet</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Pets</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Ketnel</td>
<td>150 feet</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Riding/Boarding stable</td>
<td></td>
</tr>
<tr>
<td>R1A, R1B, R1C, R1D, and R1E DISTRICTS</td>
<td>Horses and Private Stables</td>
<td></td>
<td>50 feet</td>
<td>Minimum 3 acres / 1 horse per acre</td>
</tr>
<tr>
<td></td>
<td>Pets</td>
<td></td>
<td></td>
<td>The maximum number of dogs, cats, or domestic is allowed is four (4). This includes any combination of cats, or domestic others over the age of six months, 1 cat, and 1 domestic other.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Kennels</td>
<td>150 feet</td>
</tr>
<tr>
<td>R2, R3A, R3B, and RM DISTRICTS</td>
<td>Pets</td>
<td></td>
<td></td>
<td>The maximum number of dogs, cats, or domestic is allowed is four (4). This includes any combination of cats, or domestic others over the age of six months, 1 cat, and 1 domestic other.</td>
</tr>
<tr>
<td>CO DISTRICT</td>
<td>Pets</td>
<td></td>
<td></td>
<td>The maximum number of dogs, cats, or domestic is allowed is four (4). This includes any combination of cats, or domestic others over the age of six months, 1 cat, and 1 domestic other.</td>
</tr>
<tr>
<td>C1, C2, [C3], I1, and I2 DISTRICTS</td>
<td>Horses and Private Stables</td>
<td></td>
<td>50 feet</td>
<td>Minimum 3 acres/1 horse per acre</td>
</tr>
<tr>
<td></td>
<td>Kennels</td>
<td></td>
<td>150 feet</td>
<td>Minimum 3 acres</td>
</tr>
<tr>
<td></td>
<td>Pets</td>
<td></td>
<td></td>
<td>The maximum number of dogs, cats, or domestic is allowed is four (4). This includes any combination of cats, or domestic others over the age of six months, 1 cat, and 1 domestic other.</td>
</tr>
</tbody>
</table>
ARTICLE II. PARKING AND LOADING REQUIREMENTS

SECTION 405.440: DESIGN STANDARDS FOR OFF-STREET PARKING AND LOADING AREAS

A. Minimum Area Parking Space. An off-street parking space shall have a length of not less than nineteen (19) feet and a width of not less than nine (9) feet. Said parking space shall not be located within a public right-of-way of a street, or an aisle, alley, drive, or driveway entrance to the parking area. Such parking space shall be permanently reserved for the temporary storage of one (1) vehicle and be connected to a parking aisle, drive lane, street or alley which affords ingress and egress for a vehicle without requiring another vehicle to be moved. In no case shall a parking space be located directly behind another parking space where a vehicle has to be moved for another vehicle to exit the parking area.

B. Minimum Area Loading Space. For the purpose of these regulations, a loading space is a space located within the main building or on the same lot, providing for the standing, loading, and unloading of trucks, having a minimum area of six hundred (600) square feet, a minimum width of twelve (12) feet, and a minimum depth of fifty (50) feet, and a vertical clearance of fourteen (14) feet.

C. Drainage And Maintenance. Off-street parking and loading facilities shall be drained to eliminate standing water and to prevent damage to abutting property and/or public streets and alleys and surfaced with erosion-resistant material in accordance with applicable County specifications. Off-street parking areas shall be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee and not used for the sale, repair, or servicing of any vehicles, equipment, materials or supplies.

D. Parking Stall And Access Aisle Requirements. Stalls for off-street parking spaces shall be designed in accordance with the following criteria:

<table>
<thead>
<tr>
<th>Par Angle</th>
<th>Stall Width</th>
<th>Stall Depth</th>
<th>Aisle Width</th>
<th>Traffic Patterns</th>
</tr>
</thead>
<tbody>
<tr>
<td>45°</td>
<td>9’</td>
<td>20’ 8”</td>
<td>15’</td>
<td>One-way</td>
</tr>
<tr>
<td>60°</td>
<td>9’</td>
<td>21’</td>
<td>18’</td>
<td>One-way</td>
</tr>
<tr>
<td>75°</td>
<td>9’</td>
<td>19’ 6”</td>
<td>23’</td>
<td>One-way</td>
</tr>
<tr>
<td>90°</td>
<td>9’</td>
<td>19’</td>
<td>24’</td>
<td>Two-way</td>
</tr>
</tbody>
</table>

Parking spaces which are parallel shall be a minimum of twenty-four (24) feet in length. The Director of the Division of Planning and Zoning shall approve specifications for other configurations.

E. Location And Access. The location and design of entrances and exits shall be in accordance with the current applicable regulations of the St. Charles County Highway Department and/or Missouri Department of Transportation.

F. Paving.

   1. All parking areas, including driveways and aisles, shall be paved and striped. Such paving shall consist of Portland concrete, an asphaltic overlay or permeable pavement alternative. An alternative dust-free surface six (6) inches in depth may be approved by the Director of the Division of Planning and Zoning provided that surface is maintained free of weeds and vegetation.

   2. In the A and R districts, where the required number of parking spaces for the use is two (2) spaces or less and where a lot or parcel is one (1) acre or greater in size, the parking area and drive shall be an all-weather surface of a uniform depth of six (6) inches at a minimum. This surface must be maintained free of weeds and vegetation.

G. Screening. When off-street parking areas for five (5) or more automobiles or loading areas are located closer than fifty (50) feet to a lot or parcel in a residential district, or to any lot upon which there is a dwelling as a permitted use under these regulations, and where such parking areas are not entirely screened visually from such lot by an intervening building or structure, a continuous, visual screen with a minimum height of six (6) feet shall be provided between the parking area and the said lot in a residential district, or upon which there is a dwelling. Such screen may consist of a compact evergreen hedge, foliage screening, berm, or a solid or louvered or sight-proof fence or wall.

H. Landscaping In Parking Areas.

   1. Any parking lot with at least fifty (50) parking spaces must have at least one (1) landscaped island or peninsula containing at least two hundred (200) square feet for every fifty (50) parking spaces.

   2. The dimensions of any planting area shall be sufficient to support the landscaping materials planted therein and to insure...
proper growth.

3. The primary landscaping materials used in parking lots shall be trees, which provide shade or are capable of providing shade at maturity. Shrubs, hedges and other materials may be used to complement the trees. All islands or peninsulas must contain at least one (1) large deciduous tree.

I. **Outdoor Lighting.** Outdoor lighting, when provided, shall meet safety standards for the general public and have an arrangement and a level of intensity which will not interfere with adjacent streets or properties, and shall not be flashing or intermittent.

J. **Special Uses And Conditions.** For uses other than specified in this Chapter and Chapter 410, parking and loading spaces adequate in number and size to serve such use, and the elimination or reduction of the full provision of parking and loading facilities where application of said provision is either impractical under certain conditions or unnecessary due to the nature of such uses, shall be determined by the Director of the Division of Planning and Zoning upon recommendation by the Director of the Division of Development Review.

K. **Front Yard Setback Requirement.** No parking spaces or aisles shall be located within front yard setback area. The area within the required front yard setback shall remain an open space, unoccupied and unobstructed from the ground upward, except for permitted signs, landscaping and driveways providing ingress and egress to the site that result in the smallest area of encroachment of such yard. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(64--67), 10-1-03; Ord. No. 04-053 §1, 4-13-04; Ord. No. 05-029 §1, 3-29-05; Ord. No. 07-040 §1, 3-31-07; Ord. No. 10-041 §43, 6-2-10)

**SECTION 405.445: OFF-STREET PARKING REQUIREMENTS**

Except as otherwise provided in this Unified Development Ordinance, when any building or structure is hereafter erected or structurally altered, or any building or structure which is existing is converted to another use, accessory off-street parking spaces shall be provided as follows (all square footages are based upon the gross floor area of the structure):

<table>
<thead>
<tr>
<th>Residential Type Use</th>
<th>Off-street Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>One- or two-family dwelling</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>Multi-family dwelling</td>
<td>2 per dwelling unit</td>
</tr>
<tr>
<td>Housing specifically designed for the elderly and/or disabled</td>
<td>1 per dwelling unit</td>
</tr>
<tr>
<td>Group home facility</td>
<td>2 per group home</td>
</tr>
<tr>
<td>Room, boarding, or lodging house (Bed and breakfast)</td>
<td>1 per each sleeping room, plus a minimum of 2 required for permanent residents</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Health Care Related Uses</th>
<th>Off-street Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hospital</td>
<td>2 per patient bed, plus 1 per employee on the maximum shift</td>
</tr>
<tr>
<td>Medical office or clinic</td>
<td>1 per 200 square feet</td>
</tr>
<tr>
<td>Nursing home, sanitarium, rest home, convalescent care center, home for the aged, or similar institution</td>
<td>1 per 2 patient beds</td>
</tr>
<tr>
<td>Health club</td>
<td>1 per 75 square feet</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Educational Uses</th>
<th>Off-street Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary or junior high school</td>
<td>3 per classroom</td>
</tr>
<tr>
<td>Preschool, daycare, special, or other private school</td>
<td>1 per 8 children plus 1 per employee on the maximum work shift</td>
</tr>
<tr>
<td>High school</td>
<td>1 per 4 students, plus 1 per each faculty member and employee</td>
</tr>
<tr>
<td>College, university, trade, or vocational school, business school</td>
<td>8 per classroom, plus 1 per each faculty member and employee</td>
</tr>
<tr>
<td>Public library, art museum, or art gallery</td>
<td>5 per 1,000 square feet of gross floor area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Institutional, Public, or Semi-Public Uses</th>
<th>Off-street Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Place of Assembly for Worship</td>
<td>Off-street Parking Spaces Required</td>
</tr>
<tr>
<td>------------------------------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td><strong>Church, temple, synagogue, or place of assembly for worship</strong></td>
<td>1 per 3 seats in main assembly area</td>
</tr>
<tr>
<td><strong>Fire station</strong></td>
<td>1 per employee on maximum work shift, plus 1 guest space</td>
</tr>
<tr>
<td><strong>Foster home</strong></td>
<td>1 per 5 beds, plus 1 per each employee on the maximum work shift</td>
</tr>
<tr>
<td><strong>Group living facility</strong></td>
<td>1 per 5 beds, plus 1 per each employee on the maximum work shift</td>
</tr>
<tr>
<td><strong>Postal station</strong></td>
<td>4 per customer service station, and 1 per employee on the maximum work shift, plus 1 per every postal vehicle stored on the property</td>
</tr>
</tbody>
</table>

**Recreational, Cultural, or Entertainment Uses**

<table>
<thead>
<tr>
<th>Use</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Amusement park, amusement place</strong></td>
<td>1 per 100 square feet of activity area, or 100 square feet of gross floor area, whichever applies</td>
</tr>
<tr>
<td><strong>Athletic field</strong></td>
<td>30 spaces for every diamond or athletic field</td>
</tr>
<tr>
<td><strong>Auditorium, theater, gymnasium, stadium, arena, meeting rooms and places, convention hall, or center</strong></td>
<td>1 per 3 seats, 1 per 100 square feet of gross floor area without fixed seating</td>
</tr>
<tr>
<td><strong>Boat dock, harbor, marina</strong></td>
<td>1 per every 2 berths or moorings, plus 1 per employee on the maximum shift</td>
</tr>
<tr>
<td><strong>Bowling alley</strong></td>
<td>5 per alley, plus 1 per employee on the maximum shift</td>
</tr>
<tr>
<td><strong>Campground</strong></td>
<td>1 per camp site</td>
</tr>
<tr>
<td><strong>Private clubs, fraternities, sororities, and lodges with sleeping rooms</strong></td>
<td>2 per sleeping rooms or suites</td>
</tr>
<tr>
<td><strong>Private clubs, fraternities, sororities, and lodges with no sleeping rooms</strong></td>
<td>1 per 4 members</td>
</tr>
<tr>
<td><strong>Community center</strong></td>
<td>1 per 300 square feet of gross floor area</td>
</tr>
<tr>
<td><strong>Drive-in theatre</strong></td>
<td>1 per employee on the maximum work shift, in addition to spaces for movie patrons' parking</td>
</tr>
<tr>
<td><strong>Fairground</strong></td>
<td>Sufficient open-land convertible to parking area such that no vehicle will be parked on any street</td>
</tr>
<tr>
<td><strong>Golf course or country club</strong></td>
<td>1 per 5 members, or 6 per hole if open to the public</td>
</tr>
<tr>
<td><strong>Golf driving range</strong></td>
<td>1 per tee, plus 1 per employee</td>
</tr>
<tr>
<td><strong>Handball, racquetball courts</strong></td>
<td>3 per court</td>
</tr>
<tr>
<td><strong>Ice and roller hockey rink or indoor soccer facility</strong></td>
<td>60 per playing field or surface</td>
</tr>
<tr>
<td><strong>Ice and roller rink</strong></td>
<td>1 per 100 square foot of skating or playing area</td>
</tr>
<tr>
<td><strong>Miniature golf course</strong></td>
<td>2 per hole</td>
</tr>
<tr>
<td><strong>Racetrack</strong></td>
<td>1 per 4 seats</td>
</tr>
<tr>
<td>Recreation center</td>
<td>1 per 300 square feet of gross floor area</td>
</tr>
<tr>
<td>Stable, Riding</td>
<td>1 per 2 stalls, plus 1 per every 4 seats of spectator seating</td>
</tr>
<tr>
<td>Swimming pool</td>
<td>1 per 100 square feet of water area</td>
</tr>
<tr>
<td>Tennis court</td>
<td>2 per court</td>
</tr>
</tbody>
</table>

**Commercial Uses**

<p>| Animal hospital/clinic | 3 per 1,000 square feet of gross floor area |
| Automobile repair and service | 4 per 1,000 square feet of gross floor area |
| Auto, truck, boat sales, and service | 1 per employee plus a minimum of 2 parking spaces for customer parking or 2 per 1,000 square feet of interior showroom, whichever is greater; plus 3 per service bay in service area |
| Banking and financial facilities | 1 per 300 square feet of gross floor area |
| Barber and beauty shops | 3 per chair, except those operated as a home occupation |
| Car wash, not self-service | Service line-up equal to 5 cars, and 1 per employee |
| Car wash, self-service | Service line-up for each wash stall equal to 2 cars, plus 1 drying space for each stall |
| Department and discount stores | 3 per 1,000 square feet of gross floor area |
| Equipment sales and service, rent and repair | 3 per 1,000 square feet of gross floor area |
| Food markets (over 5,000 square feet) | 3 per 1,000 square feet of gross floor area |
| Food storage locker | 1 per 200 square feet of customer service area |
| Furniture, appliance, and hardware stores | 1 per 400 square feet of gross floor area |
| General service or repair establishment, printing, plumbing, heating | 1 per 400 square feet of sales and office area, plus 1 per vehicle utilized in the operation of the business |
| Hotel and motel | 1 per sleeping room or suite, plus 1 per employee on the maximum work shift |
| Mobile homes, manufactured homes, modular homes, or travel trailers sales | 1 per 300 square feet of gross sales office area |
| Mortuary or funeral home | At least 1 parking space for each 4 seats, based upon the designated maximum capacity of the parlor(s), plus at least 1 parking space for each employee and 1 parking space for each vehicle maintained on the premises |
| Office or office building | 1 per 300 square feet of gross floor area |
| Restaurant (sit-down), bar, cocktail lounge, microbrewery, | 12 per 1,000 square feet of gross floor area |</p>
<table>
<thead>
<tr>
<th>Use</th>
<th>Off-street Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurant, fast food</td>
<td>15 per 1,000 square feet of gross floor area</td>
</tr>
<tr>
<td>Retail store, food markets (5,000 square feet or less), or personal services establishment</td>
<td>1 per 300 square feet of gross floor area</td>
</tr>
<tr>
<td>Service station</td>
<td>1 per employee on the maximum work shift, plus 1 for each service bay</td>
</tr>
<tr>
<td>Shopping center</td>
<td>4 per 1,000 square feet of gross floor area</td>
</tr>
<tr>
<td>Winery</td>
<td>1 per 200 square feet in the tasting room plus 1 per table for seating in both an indoor and outdoor arrangement</td>
</tr>
<tr>
<td><strong>Industrial Uses</strong></td>
<td></td>
</tr>
<tr>
<td>Brewery, bottling plant, creamery, or dairy</td>
<td>1 per employee on the maximum work shift, plus 1 per each vehicle utilized in the operation of the business and 1 guest space</td>
</tr>
<tr>
<td>Extraction of raw materials</td>
<td>1 per employee on the maximum work shift, plus 1 per each vehicle utilized in the operation of the business</td>
</tr>
<tr>
<td>Research and testing laboratory</td>
<td>1 per employee on the maximum work shift, plus 1 guest space</td>
</tr>
<tr>
<td>Manufacturing, fabrication, or industrial establishment</td>
<td>1 per employee on the maximum work shift plus, 1 per each vehicle utilized in the operation of the business, and 1 guest space</td>
</tr>
<tr>
<td>Storage yard for bulk materials</td>
<td>1 per employee on the maximum work shift, plus 1 per each vehicle utilized in the operation of the business</td>
</tr>
<tr>
<td>Service yard for contractors' equipment</td>
<td>1 per employee on the maximum work shift, plus 1 per each vehicle or equipment stored on the property</td>
</tr>
<tr>
<td>Vehicle impound facility</td>
<td>1 per employee, plus 1 per vehicle utilized in the operation and stored on the property, plus 1 for customer parking</td>
</tr>
<tr>
<td>Warehouse, distribution center, wholesale establishment, or similar operation</td>
<td>1 per employee on the maximum work shift, plus 1 per each vehicle utilized in the operation and stored on the property, and 1 guest space</td>
</tr>
</tbody>
</table>

(Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(68--70), 10-1-03; Ord. No. 05-029 §1, 3-29-05; Ord. No. 07-040 §1, 3-13-07)

Editor's Note--The words "zoning ordinance" have been changed to "unified development ordinance". See notes at chs. 405 and 410 of this code.

**SECTION 405.450: INTERPRETATION OF REQUIREMENTS**

A. The parking requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation at the determination of the Director of the Division of Planning and Zoning.

B. The parking requirements in this Article do not limit special requirements which may be imposed with planned unit developments, conditional use permits, or developments which are unique relating to traffic and parking generation data.

C. When the determination of the number of off-street parking spaces required in this Article results in a requirement of a fractional space less than one-half (½), the extra space can be disregarded. If the fractional space is one-half (½) or more, a parking space must be added.
D. The total number of employees in relation to determining the number of parking spaces required shall be compiled on the basis of the total number of persons on the maximum work shift. Seasonal variation in employment may be recognized in determining the total number of parking spaces required.

E. The parking requirements are in addition to space for storage of trucks and other vehicles in connection with any use.

F. In the case of mixed uses, uses with different parking requirements utilizing the same building or premises, or in the case of joint use of a building or premises by more than one (1) use having the same parking requirements, the total number of parking spaces required shall equal the sum of the requirements of the various uses.

G. When a building use is changed or converted to a new use, or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise, to create a need under the requirements of this Article for an increase in parking spaces of ten percent (10%) or more, such additional parking spaces shall be provided on the basis of the change or enlargement. (Ord. No. 99-99 §1, 7-12-99)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 405.455: JOINT USE AND OFF-SITE FACILITIES

All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located and maintained not to exceed three hundred (300) feet from an institutional building or other non-residential building served. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 05-029 §1, 3-29-05)

SECTION 405.460: PARKING FOR THE DISABLED

A. A parking lot serving any commercial or industrial use, public facility, or multi-family development shall have a number of level parking spaces, as set forth in the following table, reserved for physically disabled persons. Each reserved parking space shall be not less than thirteen (13) feet wide (eight (8) foot stall with an adjacent five (5) foot access aisle) and identified by an above-grade sign designating the parking space for the physically disabled. Two (2) handicapped parking spaces may share an adjacent five (5) foot access aisle. The following parking standards are consistent with the requirements of the Americans with Disabilities Act and regulations adopted under the Act's authority.

<table>
<thead>
<tr>
<th>Total Parking in Lot</th>
<th>Required Number of Accessible Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>01 to 05</td>
<td>1*</td>
</tr>
<tr>
<td>06 to 25</td>
<td>1</td>
</tr>
<tr>
<td>26 to 50</td>
<td>2</td>
</tr>
<tr>
<td>51 to 75</td>
<td>3</td>
</tr>
<tr>
<td>76 to 100</td>
<td>4</td>
</tr>
<tr>
<td>101 to 150</td>
<td>5</td>
</tr>
<tr>
<td>151 to 200</td>
<td>6</td>
</tr>
<tr>
<td>201 to 300</td>
<td>7</td>
</tr>
<tr>
<td>301 to 400</td>
<td>8</td>
</tr>
<tr>
<td>401 to 500</td>
<td>9</td>
</tr>
<tr>
<td>501 to 1,000</td>
<td>2% of total</td>
</tr>
<tr>
<td>over 1,000</td>
<td>20 plus 1 for each</td>
</tr>
<tr>
<td></td>
<td>100 over 1,000</td>
</tr>
</tbody>
</table>

*Accessible space shall be provided, but is not required to be designated by appropriate signage.

B. For every eight (8) or fraction of eight (8) accessible parking spaces, at least one (1) shall be a van-accessible parking space, which shall be provided as described in Subsection (D).

C. Parking spaces reserved for the physically disabled shall be adjacent to curb ramps, elevators, walkways, and entrances so that disabled persons can avoid passing behind parked cars. Reserved parking spaces for the disabled shall be as close to building entrances as possible.

D. In the development of large shopping areas, medical centers, hospitals, and housing for the elderly and/or handicapped, an area for van parking serving the disabled shall be reserved. Each reserved parking space for vans transporting the elderly and disabled shall have a minimum width of sixteen (16) feet (eight (8) foot stall with an adjoining eight (8) foot access aisle) to accommodate a wheel chair lift. Each reserved parking space for van parking shall be level and identified by an above-grade sign designating the van space for the physically disabled. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.465: OFF-STREET LOADING REQUIREMENTS

Off-street loading spaces shall be provided in all districts as follows:

501
ARTICLE III. SIGN REGULATIONS

SECTION 405.470: SIGN PERMIT APPLICATIONS

A. No sign shall be erected in unincorporated St. Charles County without having obtained a sign permit from the County Division of Planning and Zoning, unless otherwise provided in this Article or in the St. Charles County Directional and Way-Finding Signage Program.

B. Applications for the alteration or erection of on-premise and off-premise signs are provided by the St. Charles County Division of Building Code Enforcement. An application for a sign permit must be executed and approved by the St. Charles County Divisions of Planning and Zoning and Building Code Enforcement prior to the erection of any sign requiring a sign permit. Failure to do so may result in denial of the permit, an established fine, or both.

C. Incomplete applications for a sign permit will not be accepted.

D. If work authorized under a sign permit is not completed within one hundred eighty (180) days of the date of issuance of the permit, the sign permit shall become null and void. Upon a written request, one (1) sixty (60) day extension of time for any sign permit may be authorized by the Director of the Division of Planning and Zoning.

E. Sign permits must be signed by the owner of the property or an agent for the owner, or by someone who has an interest in the property. Any agent for the owner must show proof of agency and proof of interest in the property. All others must show proof of interest in the property at the time of signing.

F. An application fee as set by ordinance shall accompany an application for the alteration or erection of an on-premise or off-premise sign.

G. Sign permits for temporary introductory off-premise, entrance monuments, and "PUD" Overlay Districts may be applied for after approval of the preliminary plat by the Planning and Zoning Commission.

H. Any applicant for a sign permit who has been cited for a violation of these regulations, and who has failed to correct said violation, will not be issued any additional permits until the violation is corrected.

I. Application for any sign permit must be accompanied by a site plan drawn to scale containing the following information:

1. A representation of the proposed sign, to scale, including the height of the sign, width, and length of sign faces and wording.

2. The proposed location of the sign on the property or on the building.

3. For off-premise, informational, and subdivision signs not on the development site, the following information is also required:

   a. The distance from the proposed sign location to any structure upon the property and adjoining street right-of-way lines, property lines, and driveway entrances.

   b. The distance from the proposed sign location to the nearest off-premise sign.

   c. The distance from the proposed sign location to the nearest street intersection in either direction.

J. All independently supported (not face-mounted on a building wall, for example) signs that are larger than sixty-four (64) square feet or more than ten (10) feet high from final grade to top of sign require that the construction plans be sealed by a Missouri professional registered engineer and that sealed structural load calculations also accompany them when submitted for a building permit. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-111 §3, 9-26-01; Ord. No. 07-040 §1, 3-13-07; Ord. No. 07-051 §1, 3-27-07)

Cross Reference--As to specific fees, see ch. 425 of this code

Editor's Note--Reference to planning and building departments were changed to divisions of planning and building code enforcement in accordance with ord. no. 02-204, adopted 12-23-02, set out in ch. 132 of this code. For designation of the division of planning and zoning, see ord. no. 03-195 adopted 12-31-03.

SECTION 405.475: SIGNS REQUIRING PERMITS
All pole and monument signs including their supports shall be set back from any property line as shown on the approved site plan or revision thereof.

A. On-premise signs are permitted as provided herein:

   a. In all agricultural and residential districts, all signs shall not exceed the maximum height of twelve (12) feet from the highest point of the sign to the natural grade, which is the grade unaffected by construction techniques such as fill, landscaping, or berming.
   b. Signs advertising the sale of agricultural produce on the property where it is grown are permitted as follows: one (1) non-illuminated sign for each street or road facing, not to exceed thirty-two (32) square feet in area, to be placed on the ground.
   c. Signs advertising golf courses and clubhouses, ferry landings and boat docks, sod farms, commercial greenhouses, nurseries, truck gardens, and public and semi-public uses are permitted as follows: one (1) sign for each street or road facing, not to exceed thirty-two (32) square feet in area, to be placed on the ground or upon a structure.
   d. Signs advertising conditionally permitted uses on the property where the signs are to be located are permitted as follows: one (1) sign for each street or road facing, not to exceed thirty-two (32) square feet in area, to be placed on the ground or upon a structure.
   e. Church, public, charitable, institutional, or semi-public bulletin boards or signs are permitted as follows: one (1) sign for each street or road facing, not exceeding sixty-four (64) square feet in area and located on the premises of said institution.
   f. Temporary signs advertising the sale or lease of the property where the signs are to be located are permitted as follows: one (1) non-illuminated sign, not to exceed sixty-four (64) square feet in area.

   a. In all commercial and industrial Districts, all signs shall not exceed the maximum height of forty-five (45) feet from the highest point of the sign to the natural grade, which is the grade unaffected by construction techniques such as fill, landscaping, or berming.
   b. Any sign permitted in the "A" and "R" Districts is permitted under commercial and industrial districts.
   c. There shall not be more than one (1) wall or projecting sign for any permitted business per street facing. The total area of each sign shall not exceed five percent (5%) of the building facade area facing the street. If a business has facades facing on two (2) or more streets, a sign will be allowed for each street facing.
   d. One (1) ground sign shall be permitted for a structure occupied by a single business per street facing. The total area of a ground sign for a structure occupied by a single business shall not exceed one hundred fifty (150) square feet. Where a group of structures or a single building containing more than one (1) business exists on a property, ground signs shall be grouped and placed on the same set of sign supports. Ground signs advertising more than one (1) business shall not exceed three hundred (300) square feet. Changeable copy types and electronic display signs are allowed only if they are permanently mounted to the same set of sign supports. The bottom of pole signs shall be no less than ten (10) feet above grade.
   e. A sign permit is required for on-premise signs placed on buildings as individual, separate letters. For purposes of calculating the total square footage of such signs, only the space occupied by each letter will be counted, not the space between letters. All decorative elements, including neon trim, placed within five (5) feet of any sign letters shall be considered part of the sign, and will cause the entire area within the neon trim to be calculated. A new permit is not required to change the letters on such a sign, provided a permit was issued for the original letters and the square footage of the new letters does not exceed the maximum allowed for on-premise signs.
   f. Directional signs at entrances and exits not exceeding two (2) square feet in size and three (3) feet in height from grade are permitted. Such signs must be located a minimum of five (5) feet from the edge of the curb or street pavement.
   g. Electronic display on-premise signs. Electronic display techniques are permitted as on-premise signs when meeting criteria found herein and include any portion of said sign which contains alphanumeric characters, graphics or symbols defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area, including computer programmable, microprocessor controlled electronic displays and projected images or messages with these characteristics onto the sign face. Any on-premise sign constructed meeting these criteria shall meet the following operational standards:
      (1) Duration. The full on-premise sign image or any portion thereof must have a minimum duration of ten (10) seconds and must be a static display. No portion of the image may flash, scroll, twirl, change color or in any manner imitate movement.
      (2) Video display. No portion of any sign may change its message or background in a manner or by a method of display characterized by motion or pictorial imagery or depict action or a special effect to imitate movement or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes.
      (3) Transition. Where the full sign image or any portion thereof changes, the change sequence must be accomplished.
by means of instantaneous re-pixelization.

(4) **Brightness.** The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk and dawn as measured from the sign's face at maximum brightness.

(5) **Fluctuating or flashing illumination.** No portion of any sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or that in any manner creates the illusion of movement.

(6) **Dimmer control.** Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between dusk and dawn.

(7) **Audio.** Audio speakers are prohibited in association with a sign.

h. **Temporary signs are permitted.** (The sign can either be an on-premise ground sign or attached to a structure.)

(1) On-premise window, sidewalk, and business sale signs or banners not exceeding thirty-two (32) square feet. Maximum usage--two (2) per calendar year for no more than fifteen (15) days per time. Such signs or banners must be removed after the close of the business day in which the sales event ended.

(2) On-premise cold-air inflatable aids not exceeding thirty-two (32) feet in height. A permit shall be issued for fifteen (15) days, and no more than two (2) permits shall be issued for a calendar year. All air inflatable aids are required to adhere to all building line setbacks and height restrictions of the applicable zoning district. All air inflatable aids are only permitted upon review and approval of the Division of Planning and Zoning. All inflatable aids are prohibited from being installed on the roof of a structure.

3. Entrance monuments are permitted as provided herein (all districts).

a. Subdivision monuments at the entrance of a subdivision shall be installed on common ground or an easement on private property. Subdivision monuments may be installed on public right-of-way, with County Highway Department approval, only if common ground or a private easement is not available. Entrance monuments approved on public right-of-way shall meet the requirements of Section 40.50 of St. Charles County's "Design Criteria for the Preparation of Improvement Plans," as issued by the St. Charles County Highway Department in February, 2002 or as amended thereafter, and shall require the issuance of a special-use permit from the Highway Department. The County Highway Department assumes no responsibility towards the cost of maintenance, removal or relocation of monuments placed within County right-of-way due to vandalism, damage or future roadway widening. Such signs shall contain only the name and related information to the development and no other advertising (a fence or wall would be considered a monument).

b. The total area, height, and location for each monument shall be reviewed by the staffs of the Division of Planning and Zoning and the County Highway Department.

c. A maximum of two (2) monuments may be installed at every entrance to the subdivision.

d. Exterior lighting of the monuments shall be arranged to ensure that no light interferes with a motor vehicle operator's view.

4. **Planned Unit Development (PUD) Overlay Districts.** All signs erected in a "PUD" Overlay District shall conform to the land use as depicted on the preliminary plat.

B. **Off-premise signs are permitted as provided herein (Commercial and Industrial Districts "C2", "C3", "I1", and "I2" Districts).**

**Editor's Note--**In ord. no. 10-041 §2, District "C3" was repealed, the above reference to said district was editorially removed after conferring with the county.

1. Outdoor advertising sign structures, off-premise, information by direction signs, and signs advertising subdivisions are permitted and regulated as follows:

2. Construction of the sign and materials shall comply with Section 903 of the Missouri Standard Specification for Highway Construction, as applicable, and must meet the current adopted Building Code of St. Charles County, Missouri.

3. All off-premise signs must be erected within the first (1st) one hundred (100) feet of depth from the adjoining street frontage of the property upon which the sign is to be located.

4. All off-premise signs shall not exceed the maximum height of forty-five (45) feet from the highest point of the sign to the natural grade, which is the grade unaffected by construction techniques such as fill, landscaping, or berming.

a. The maximum area for an off-premise sign shall not exceed six hundred seventy-two (672) square feet in size per facing, with a maximum width of twenty (20) feet and a maximum length of fifty (50) feet, inclusive of border and trim, but excluding the base, apron, supports, and other structural members.

b. Signs may be placed back-to-back, double faced, or in V-type construction, with not more than two (2) sides of facings and two (2) side-by-side displays to each facing, but such sign structures shall be considered as one (1) sign.

c. No such signs shall be erected within two thousand (2,000) feet of an existing off-premise sign or one thousand (1,000) feet of any information by direction or subdivision sign.

d. No such sign shall be erected within five hundred (500) feet of a residence and fifty (50) feet of a non-residential structure, regardless of the zoning district.
e. No such signs shall be erected within two thousand (2,000) feet of an existing off-premise sign. Off-premise signs shall be erected only along the following rights-of-way in unincorporated St. Charles County: Interstate Highways 64 and 70, U.S. Route 40-61, Missouri Route 94 from Missouri Route B to U.S. Route 40-61, Missouri Route 79, Missouri Route 364 (Page Avenue Extension), and Missouri Route 370. Off-premise signs not exceeding sixty-four (64) square feet in size shall be allowed along all State routes designated by letters and Missouri Route 94, with a two thousand (2,000) foot spacing requirement.

f. Electronic display off-premise signs. Electronic display techniques are permitted as off-premise signs when meeting criteria found herein and include any portion of said sign which contains alphanumeric characters, graphics or symbols defined by a small number of matrix elements using different combinations of light emitting diodes (LED’s), fiber optics, light bulbs or other illumination devices within the display area, including computer programmable, microprocessor controlled electronic displays and projected images or messages with these characteristics onto the sign face. Any off-premise sign constructed meeting these criteria shall meet the following operational standards:

(1) Duration. The full off-premise sign image or any portion thereof must have a minimum duration of ten (10) seconds and must be a static display. No portion of the image may flash, scroll, twirl, change color or in any manner imitate movement.

(2) Video display. No portion of any billboard may change its message or background in a manner or by a method of display characterized by motion or pictorial imagery or depicts action or a special effect to imitate movement or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes.

(3) Transition. Where the full billboard image or any portion thereof changes, the change sequence must be accomplished by means of instantaneous re-pixelization.

(4) Brightness. The sign must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk and dawn as measured from the sign's face at maximum brightness.

(5) Fluctuating or flashing illumination. No portion of any billboard may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or that in any manner creates the illusion of movement.

(6) Dimmer control. Electronic graphic display signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between dusk and dawn.

(7) Audio. Audio speakers are prohibited in association with a billboard.

C. Temporary off-premises subdivision signs are permitted as provided herein:

1. Temporary off-premises subdivision signs are defined as directional signs displaying the name or logo of a subdivision, directing the general public to that subdivision and advertising the development or sale of lots or parcels within that subdivision for residential, commercial, or industrial purposes.

2. An application for a permit for a temporary off-premises subdivision sign shall be a form provided by the Division of Building Code Enforcement and shall be accompanied by: two (2) sets of construction plans, including a site location map, drawn to scale, addressing all requirements of this Section; and a letter from the owner(s) of the site at which the temporary off-premises sign is to be erected permitting the sign's erection at that site.

3. An application for a permit for a temporary off-premises subdivision sign shall be approved if the proposed sign conforms to the requirements of this Article (Section 405.470, Sign Permit Applications) and to the following standards for the location, the quantity and duration for the area, and for the height and illumination of temporary off-premises subdivision signs.

a. Temporary off-premises subdivision signs may be erected at intersections of public or private rights-of-way (excluding rights-of-way enumerated in this Section 405.475, Subsection (B)(4)(e), subject to the following restrictions:

Editor's Note—In ord. no. 10-041 §44, "405.475(2)(d)(5)" was changed to "405.475(5)(d)(5)". the above reference was editorially corrected.

(1) Such signs must be within one (1) mile of the subdivision development advertised.

(2) Such signs must be located on vacant properties.

(3) No such sign shall be erected within the public right-of-way or sight of a triangle area of a street - intersections as defined in Part 3, Article I, Section 405.415 (Additional Yard Requirements (K)).

(4) All such signs must be erected within the triangle defined by the right-of-way lines of intersecting streets and a line connecting those right-of-way lines at points three hundred (300) feet from their intersection.

(5) No such sign and its support shall be located within any public or private rights-of-way.

(6) No such sign and its support shall be located in such a manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.

b. Quantity and duration.
(1) No more than two (2) temporary off-premises subdivision signs shall be allowed for any subdivision development.

(2) Temporary off-premises subdivision signs shall be removed thirty (30) days following the sale or development of eighty percent (80%) of the property or two (2) years after the date of permit approval, whichever is earlier.

c. Area.

(1) A temporary, off-premises subdivision sign shall not exceed thirty-two (32) square feet in area for each subdivision. This maximum area shall apply to each side of a sign structure.

(2) If an applicant proposes to advertise more than one (1) subdivision development at an intersection, those signs shall be grouped and placed on the same set of sign supports. Ground signs advertising more than one (1) subdivision under development shall not exceed one hundred sixty (160) square feet in area. This maximum area shall apply to each side of a sign structure.

d. Height and illumination.

(1) The maximum height of a temporary off-premises subdivision sign shall not exceed ten (10) feet from the highest point of the sign to the natural grade, which is the grade unaffected by construction techniques such as fill, landscaping, or berming.

(2) No temporary off-premises subdivision sign may be illuminated.

(Ord. No. 99-99 §1; 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(71), 10-1-03; Ord. No. 03-195, 12-31-03; Ord. No. 04-053 §1, 4-13-04; Ord. No. 07-040 §1, 5-13-07; Ord. No. 10-041 §44, 6-2-10; Ord. No. 12-090 §5, 11-27-12)

Editor's Note--Reference to planning and building departments were changed to divisions of planning and building code enforcement in accordance with ord. no. 02-204, adopted 12-23-02, set out in ch. 132 of this code. For designation of the division of planning and zoning, see ord. no. 03-195 adopted 12-31-03.

SECTION 405.480: SIGNS NOT REQUIRING PERMITS

A. Permanent (the sign must be attached to a structure).

1. A nameplate not exceeding two (2) square feet in an area lighted with only non-intermittent light identifying a private residence.

2. Non-illuminated signs for home occupations indicating only the name of the persons and their occupation or their business name, not to exceed two (2) square feet.

3. Signs indicating privacy, including "No Trespassing" signs, not exceeding two (2) square feet.

B. Permanent (Detached Signs).

1. On-premise directional signs not exceeding four (4) square feet for uses other than single-family residential.

2. On-premise non-illuminated signs for home occupations indicating only the name of the persons and their occupation or their business name, if:
   a. Custom made and constructed of wood,
   b. No more than twelve (12) square feet in area,
   c. No more than six (6) feet in height,
   d. Not within any right-of-way or sight-distance easement,
   e. Not in violation of any sight-distance regulation in the Unified Development Ordinance of St. Charles County,
   f. At least ten (10) feet from any right-of-way line, and
   g. On a tract of land that is at least five (5) acres in area and that is located within an "A" agricultural zoning district but outside any subdivision platted for residential purposes.

C. Temporary signs are permitted (the sign can be either an on-premise ground sign or attached to a structure).

1. Signs advertising the sale, rent or lease of real estate. The maximum area shall not exceed four (4) square feet in single-family residential districts and thirty-two (32) square feet in districts other than single-family residential. Such signs shall be removed ten (10) days following the sale, rent or lease of the entire property.

2. One (1) on-premise, new-project construction sign shall be permitted not exceeding the following, provided such sign shall be removed ten (10) days after completion of the project:
   a. Four (4) square feet on a lot or parcel within single-family residential districts.
   b. Thirty-two (32) square feet for subdivisions or non-residential uses permitted within single-family residential districts.
   c. Thirty-two (32) square feet in districts other than single-family residential.

3. On-premise signs advertising general sales of personal property operated by private individuals:
a. No sign shall be exhibited for more than one (1) day prior to the day such sale is to commence. Signs must be removed within twenty-four (24) hours of the close of such sale. The person(s) responsible for conducting such sale shall be responsible for removing such signs.

b. One (1) sign not more than four (4) square feet shall be permitted to be displayed on the property of the residence where the sale is being conducted.

4. On-premise fireworks signs and banners, not exceeding four hundred (400) square feet. Approval for the fireworks sign or banner shall accompany the issuance of the fireworks conditional use permit before the sign or banner is erected. Such signs or banners must be removed within twenty-four (24) hours of the last day of sales.

5. On-premise church, school, charitable, institutional public or semi-public, signs, banners, changeable copy signs, or bulletin boards indicating upcoming or on-going special events not exceeding thirty-two (32) square feet. Such signs and banners shall be removed, or changeable copy and bulletin boards shall be cleared of notices, within twenty-four (24) hours after the last date of a temporary special event.

6. Political signs not to exceed four (4) square feet per sign and a total sign area of sixteen (16) square feet in single-family residential districts and thirty-two (32) square feet in districts other than single-family residential.

7. Public signs and notices posted by or at the direction of a unit of government.

8. Agricultural seed number signs posted during the growing season in fields under cultivation and identifying the crops under cultivation. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 07-040 §1, 3-13-07; Ord. No. 09-081 §1, 8-11-09)

SECTION 405.485: NON-CONFORMING SIGNS

Any existing sign which was deemed a legal non-conforming use under a previous Zoning Order and any sign made non-conforming by the adoption of this Unified Development Ordinance, will retain its non-conforming status under the adoption of these regulations. Such a non-conforming sign, if removed, will lose its non-conformity status, and any replacement sign shall be erected in conformity with all sign requirements. Any non-conforming sign shall be brought into compliance when structural alterations, damage repairs, or routine maintenance exceed fifty percent (50%) of the current fair market value of the sign or when the sign is to be relocated on or off the premises. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.490: PROHIBITED SIGNS

A. Signs or devices which, by color, location, or design, resemble or conflict with traffic control signs. Determination of the possible conflict is at the discretion of the Director of the Division of Planning and Zoning.

B. No sign shall contain flashing lights, intermittent lights, inverse flashing lights, x-ray modes, animators, or mechanical movements of any kind, except clocks.

C. Reserved.

D. Exterior lighting of signs shall be arranged to ensure that no light is cast upon any adjacent zoned property.

E. Signs of any type placed on poles erected and maintained by any utility or public entity, except those signs placed by the utility or public entity.

F. No sign shall be located in such a manner as to obstruct or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging, or intersecting traffic.

G. No sign or parts of signs thereof may extend, either in whole or in part, over any structure, property line, right-of-way line, or attached to roofs.

H. Signs not rigidly fixed.

I. Wheeled and/or "flashing arrow" signs.

J. Paper posters and signs painted directly on exterior walls of any structure.

K. Signs painted directly on or affixed to vehicles and/or trailers, other than those signs incidental to the primary use of the vehicle and/or trailer.

L. All obsolete signs shall be removed from public view no later than thirty (30) days after the termination of an existing business or product.

M. Portables, pennants, and stringers. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 10-041 §45, 6-2-10)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

ARTICLE IV. HOME OCCUPATIONS

SECTION 405.495: HOME OCCUPATION REGULATIONS
A. **Standards For The Operation Of A Home Occupation.**

1. Only one (1) occupation or profession shall be permitted per resident residing at the premises.
2. No more than two (2) customers or clients may be served in a residence at one (1) time, except in the case of photography studios, where the number of customers shall not exceed ten (10).
3. The occupational use may occupy not more than twenty-five percent (25%) of the total floor area of the primary residential structure, and in no case more than five hundred (500) square feet of total floor area combined in all structures on the property.
4. Signage for home occupations shall be in conformance with Section 405.480.
5. The occupation must be carried on only by the members of the household residing on the premises.
6. No offensive noise, vibration, smoke, dust, odors, heat, or glare shall be produced by the home occupation.
7. No exterior storage of materials or outdoor display shall be allowed.
8. No additional or separate exterior entrance, except as required by the State of Missouri for beauty salons, from outside the principal building to the home occupation, except that which serves the residential portion.
9. No structural additions, enlargements, or exterior alterations are permitted that would change the residential character of the principal building.
10. The goods and services shall be provided principally on a custom, individual appointment or to-order basis, rather than a continuing and regular businesses enterprise.
11. Only normal domestic or household equipment shall be used to accommodate the home occupation. This prohibits the use of gases, chemicals, commercial or industrial mechanical and electrical equipment.

B. **Specific "Examples Of Home Occupations Permitted".** These may include, but are not limited to, the following:

1. A professional such as an engineer, planner, architect, attorney, or accountant.
2. Dressmakers, seamstresses, or tailors.
3. Music, dancing, and other teachers or tutors.
4. Beauty, barber, or manicure services having not more than two (2) operators who are principal occupants of the premises.
5. Real estate or insurance services.
6. Photography studio devoted to the photography of individuals or small groups.
7. Artists, composers, and authors.
8. Taxidermists.

C. **Specific "Examples Of Home Occupations Prohibited".** Home occupations shall not, in any event, be deemed to include, but not be limited to, the following:

1. Automobile, truck, or vehicle repair.
2. Rental business.
3. Stables or kennels.
4. Eating or drinking establishments.
5. Veterinarian services and animal hospitals.
6. Mortuaries and embalming establishments.
7. Private clubs, including fraternity and sorority houses.
8. Storage of construction materials or contractors' equipment.
9. Retail sales.
10. Wholesale or retail distribution of firearms. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 05-029 §1, 3-29-05; Ord. No. 10-041 §46, 6-2-10; Ord. No. 10-090 §1, 10-18-10)

**ARTICLE V. WASTEWATER DISPOSAL**

**SECTION 405.500: WASTEWATER DISPOSAL REGULATIONS**

A. **Purpose.** The purpose of the wastewater disposal regulations shall be to provide minimum standards for the design, construction and operation and maintenance of wastewater treatment facilities to protect surface water and ground water from contamination by human sewage and waterborne household, commercial and industrial wastes; to protect public health and safety and to eliminate or prevent the development of public nuisances.
B. **Treatment System Requirements.** All residential structures, commercial and industrial buildings, public and semi-public facilities, and other uses of land having occupants in the unincorporated areas of St. Charles County shall hereafter be equipped with an adequate, safe and sanitary disposal system for all human, domestic, and industrial wastes. For purposes of this Chapter or Chapter 410, treatment of wastewater shall be by one (1) of the following methods:

1. An existing wastewater treatment facility approved by the Missouri Department of Natural Resources and owned and operated by an appropriate local wastewater regulatory authority as referenced below in Section 405.500(B)(2)(a–b).

2. A newly constructed wastewater treatment facility regulated by the Missouri Department of Natural Resources and approved and operated as provided herein.
   a. All newly constructed wastewater treatment facilities must meet the following requirements:
      1. Such facilities must meet not only the applicable effluent limitations imposed by the Missouri Department of Natural Resources, but also the following effluent limitations:
         a. Ten (10) milligrams or less per liter for biochemical oxygen demand ("BOD"); and
         b. Ten (10) milligrams or less per liter for total suspended solids (non-filterable residue); and
         c. Removal of ammonia nitrogen to two and one-half (2.5) milligrams per liter or less for September through March and to less than one (1) milligram per liter for April through August; and
         d. Removal of eighty percent (80%) of total phosphorus or removal of phosphorus to two (2) milligrams per liter, whichever is less; and
         e. Disinfection to achieve effluent fecal coliform counts of less than two hundred (200) counts or colonies per one hundred (100) milliliters.
      2. Such newly constructed wastewater treatment facilities must be Membrane Bioreactor (MBR) Technology Treatment Systems or equivalent, cost-effective technology approved by the Director of Community Development. In each instance where a facility other than a MBR Technology Treatment System is proposed, that facility must be proven by actual (not bench scale) plant data to meet performance standards, reliability, and fail-safe design as determined and certified by a licensed professional engineer acceptable to the County. The licensed professional engineer acceptable to the County must also certify that in the event of system failure or malfunction, the facility will still perform such that untreated effluent will not be released into the adjacent watershed. Upon receipt of these certifications, the Director of Community Development shall make a determination as to whether or not the proposed facility is equivalent technology that will be acceptable to the County. Such systems must be owned, operated and maintained by one (1) of the following continuing authorities:
         a. A municipality or public sewer district which has been designated as the area-wide management authority under Section 208(c)(1) of the Federal Clean Water Act; or
         b. A municipality, public sewer district or sewer company regulated by the Public Service Commission (PSC) which currently provides sewage collection and/or treatment services on a regional or watershed basis as outlined in 10 CSR 20-6.010(3)(C) and approved by the Clean Water Commission; or
         c. A municipality, public sewer district or sewer company regulated by the PSC other than one which qualifies under Sections 405.500(B)(2)(a)(2)(a) and (b) above or a public water supply district.
   b. Design accommodations for such newly constructed wastewater treatment facilities shall include, but not be limited to, the following:
      1. The wastewater treatment facility shall be located in common ground, within an easement granted or reserved for the purpose of constructing and operating such a facility, or on land owned by a continuing authority.
      2. The wastewater treatment facility shall be located at least one hundred fifty (150) feet from any dwelling.

3. A no-discharge facility approved by the Missouri Department of Natural Resources and St. Charles County Division of Building Code Enforcement.

4. Private sewage disposal systems regulated by the St. Charles County Division of Building Code Enforcement requiring a permit and all necessary inspections where there is no possibility for connection to a sanitary sewer according to the local wastewater regulatory authority. Such systems may be permitted as follows:
   a. **New private sewage disposal systems.** Parcels upon which a new private sewage disposal system is to be installed shall contain a total of not less than three (3) acres per dwelling unit unless Division of Building Code Enforcement approval is given for existing parcels less than three (3) acres on a case-by-case basis. The minimum area needed for a private sewage disposal system could be reduced to one (1) acre, with Division of Building Code Enforcement approval, provided that all other requirements of this Chapter and Chapter 410 are met.
   b. **Repair or replacement of existing private sewage disposal systems.** Existing private sewage disposal systems that serve existing residential structures may be repaired or replaced, provided those systems and structures are on parcels that contain a total of not less than three (3) acres per dwelling unless Division of Building Code Enforcement approval is given for existing parcels less than three (3) acres on a case-by-case basis, and provided further:
      1. That the Division of Building Code Enforcement determines that a functional private sewage disposal system can be installed on the parcel in question, and
St. Charles County -- QuickCode

(2) That all other requirements of this Chapter and Chapter 410 are met.

(3) That any appeal from an adverse determination by the Division of Building Code Enforcement shall be to the Building Commission of St. Charles County, as provided by the Private Sewage Disposal Code of St. Charles County, Section 500.080, OSCCMo, notwithstanding any provision to the contrary of this Unified Development Ordinance of St. Charles County, Missouri.

If possible, public water supply should be available to these lots. The owner of the property will be required to connect to sanitary sewers, if available, within the distance set by the applicable Building Code and the local wastewater regulatory authority.

C. All newly constructed residentially zoned subdivisions, and all new subdivisions of land or any division of land into parcels or tracts, having lots, tracts or sites of an area less than three (3) acres in size, must be served by a wastewater treatment facility meeting the requirements imposed by Section 405.500(B)(1) or (2) above, as applicable.

D. All campground and travel trailer parks shall have one (1) of the following methods of sewage disposal:
   1. Sanitary sewers connected to a regional wastewater treatment facility.
   2. A wastewater treatment facility meeting the requirements imposed by Section 405.500(B)(2) above and approved by the Missouri Department of Natural Resources and by the St. Charles County Division of Building Code Enforcement.
   3. RVs equipped with self-contained waste storage compartments.

E. For floodplain areas, see Floodway, Floodway Fringe and Density Floodway Overlay Districts.

F. Permits.
   1. Building permit. A building permit for a wastewater treatment facility shall not be issued by the Division of Building Code Enforcement until a copy of an approved engineering report and an approved construction permit issued by the Missouri Department of Natural Resources is received for the construction of the facility and the Division of Building Code Enforcement has determined that the requirements of Section 405.500(B)(2) are met or shall be met by the time the plant is operational and eligible for an operating permit from MDNR and for a certificate of occupancy from the Division of Building Code Enforcement. Whenever the Division must determine whether those requirements shall be met in the future, the Division may do so upon an applicant's submission of evidence including documentation that a continuing authority meeting the requirements of Section 405.500(B)(2) or an entity seeking certification by the PSC as such an authority has agreed to own, operate and maintain the permitted wastewater treatment system. Under such circumstances, any land use and building permit issued for such a wastewater treatment plant shall provide that no certificate of occupancy may be issued for it until it is owned, operated and maintained by such a continuing authority.
   2. Notice. The following notice shall appear on all plats served by new wastewater treatment systems and be supplied by developer or seller to all buyers of lots within those plats: "Property within this plat is to be served by a new wastewater treatment plant that will not operate until the St. Charles County Division of Building Code Enforcement issues a certificate of occupancy after confirming that it is owned, operated and maintained by an operating authority specified in Section 405.500 of the United Development Ordinance of St. Charles County, Missouri". (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 02-122 §1, 7-30-02; Ord. No. 02-176 §1, 11-27-02; Ord. No. 06-002 §1, 1-10-06; Ord. No. 06-157 §1, 11-14-06; Ord. No. 07-001 §1, 1-3-07; Ord. No. 07-147 §1, 10-30-07; Ord. No. 09-070 §3, 6-29-09; Ord. No. 10-041 §47, 6-2-10)

   Editor's Note--Reference to planning and building departments were changed to divisions of planning and building code enforcement in accordance with ord. no. 02-204, adopted 12-23-02, set out in ch. 132 of this code. For designation of the division of planning and zoning, see ord. no. 03-195 adopted 12-31-03.

ARTICLE VI. REGULATIONS FOR THE PROTECTION OF NATURAL WATERCOURSES

SECTION 405.5021: FINDINGS AND POLICY

A. Vegetated buffers adjacent to natural watercourses provide numerous environmental protection and resource management benefits that can include the following:
   1. Reducing flood impacts by absorbing peak flows and slowing the velocity of floodwaters;
   2. Benefitting the community economically by minimizing encroachment on natural watercourses and the need for costly engineering solutions; by reducing property damage and threats to safety of watershed residents; by contributing to the scenic beauty and environment of the community, and thereby preserving the character of the community, improving the quality of life of its residents, and increasing the value of their property;
   3. Providing infiltration of stormwater and runoff, and reducing impervious surfaces;
   4. Stabilizing banks of natural watercourses;
   5. Reducing sediment and erosion along natural watercourses;
   6. Removing pollutants from stormwater;
   7. Restoring and maintaining the chemical, physical and biological integrity of the water resources;
8. Maintaining base flows of natural watercourses;
9. Contributing organic matter that is a source of food and energy for the aquatic ecosystem;
10. Providing tree canopy to shade natural watercourses;
11. Providing habitat to a wide array of wildlife by maintaining diverse interconnected riparian vegetation;
12. Furnishing recreational opportunities; and
13. Allowing areas for natural watercourses to meander naturally reducing infrastructure and property damage.

B. It is the policy of St. Charles County to protect and maintain the native vegetation adjacent to natural watercourses by implementing specifications for the establishment, protection and maintenance of a vegetated buffer along all natural watercourses under St. Charles County's jurisdiction which are left in their natural state.  (Ord. No. 02-004 §1, 1-30-02; Ord. No. 02-088 §1, 6-26-02)

SECTION 405.5022: PURPOSE

The purpose of this Article is to establish minimal acceptable requirements for the design of vegetated buffers to protect the natural watercourses of all watersheds within unincorporated St. Charles County which are left in their natural state; to protect the water quality of watercourses, reservoirs, lakes and other significant water resources within these watersheds; to protect riparian and aquatic ecosystems within these watersheds; to provide for the environmentally sound use of land and aquatic resources within these watersheds.  (Ord. No. 02-004 §1, 1-30-02; Ord. No. 02-088 §2, 6-26-02)

SECTION 405.5023: SCOPE OF APPLICATION AND REQUIREMENTS

A. Application.
1. This Article shall apply to all proposed development except for that development which meets waiver criteria as provided in this Article.
2. This Article shall apply to surface mining operations except that this Article's standards in Section 405.5025 shall not apply to active surface mining operations that are operating in compliance with Missouri Department of Natural Resources surface mining permit.
3. Except as provided in Section 405.5026(A) and Section 405.5026(B)(5), this Article shall not apply to land used primarily for agricultural or farming purposes.

B. Requirements.
1. All natural watercourses depicted on the most current United States Geological Survey (U.S.G.S) 7.5 Minute Series (Topographic) Maps for St. Charles County, Missouri, shall be left in their natural state.
2. All natural watercourses left in their natural state shall be flanked with vegetated buffers meeting the requirements of this Article.
3. Within such vegetated buffers, there shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Section 405.5026 of this Article.
4. Development along natural watercourses that are left in their natural state shall have residential, commercial or industrial improvements, parking areas, driveways and in all subdivisions, except those with lots three (3) acres or larger in size, lot lines set back from the top of the existing stream bank or the 10-year, twenty-four (24) hour or 15-year, twenty (20) minute water surface elevation where no established top-of-bank can be determined, all as provided by this Article.  In the case of subdivision plats, except those with lots three (3) acres or larger in size, the watercourse and the above-mentioned setback area shall be preserved and made the responsibility of the subdivision trustees.  In the case of a subdivision with lots three (3) acres or larger in size, site plan, commercial, industrial or private site, the watercourse and the above-mentioned setback area shall be preserved and made the responsibility of the property owner(s). Permanent vegetation and existing ground elevation and grades within the above-mentioned setback area shall be left intact and undisturbed, except as permitted by this Article.  (Ord. No. 02-004 §1, 1-30-02; Ord. No. 02-088 §3, 6-26-02; Ord. No. 03-142 §1(72--73), 10-1-03; Ord. No. 07-040 §1, 3-13-07)

SECTION 405.5024: PLAN REQUIREMENTS

A. A vegetated buffer plan shall be submitted in conjunction with or as part of any grading plan or site plan for any development (if such grading plan or site plan is required by this Unified Development Ordinance), and the vegetated buffer shall be clearly delineated on any grading plan or site plan.

B. The vegetated buffer plan shall contain the following information:
1. A location or vicinity map;
2. Field-surveyed natural watercourses which are left in their natural state;
3. Field-surveyed vegetated buffers adjacent to natural watercourses which are left in their natural state;
4. Proposed clearing or grading limits;
St. Charles County -- QuickCode

5. Limits of the 100-year flood plain and floodway as identified on the official FIRM.

C. Boundary markers locating the boundaries of vegetated buffers and the clearing/grading limits shall be installed prior to final approval of the required clearing and grading plan. (Ord. No. 02-004 §1, 1-30-02; Ord. No. 02-088 §4, 6-26-02; Ord. No. 03-142 §1(74--76), 10-1-03)

SECTION 405.5025: MINIMUM STANDARDS FOR VEGETATED BUFFERS

A. A vegetated buffer for a natural watercourse which is left in its natural state shall consist of a vegetated strip of land extending along both sides of a natural watercourse.

B. The vegetated buffer shall begin at the edge of the bank of the natural watercourse.

C. For those sites where vegetation does not exist, developers or owners shall allow the vegetated buffer to succeed naturally.

D. The minimum width of the vegetated buffer shall be:
   1. Fifty (50) feet along the main branch of the Dardenne Creek, the Peruque Creek, the Femme Osage Creek, the Big Creek, and the McCoy Creek;
   2. Twenty-five (25) feet along all other natural watercourses left in their natural state.

E. The following land uses and/or activities are designated as potential water pollution hazards and must be set back from any natural watercourse left in its natural state by the distance indicated below:
   1. Drain fields from on-site sewage disposal and treatment systems (i.e., septic systems)--one hundred (100) feet;
   2. Raised septic systems--two hundred fifty (250) feet. (Ord. No. 02-004 §1, 1-30-02; Ord. No. 02-088 §5, 6-26-02)

SECTION 405.5026: MANAGEMENT AND MAINTENANCE OF VEGETATED BUFFER

A. Installation or removal of berms or dams across natural watercourses that are depicted on the most current United States Geological Survey 7.5 Minute Series (Topographic) Maps for St. Charles County, Missouri, that cause or caused the impoundment of stormwater are permitted only with the approval of the Governing Body.

B. The vegetated buffer shall be managed to enhance and maximize its value and effectiveness. Management includes specific limitations on altering the natural conditions of the buffer. The following practices and activities are permitted only with the express written approval of the Director of Community Development:
   1. Clearing of existing vegetation;
   2. Soil disturbance by grading, stripping, or other practices;
   3. Filling or dumping;
   4. Drainage by ditching;
   5. Installation or removal of berms or dams across natural watercourses that are not depicted on the most current United States Geological Survey 7.5 Minute Series (Topographic) Maps for St. Charles County, Missouri, that cause the impoundment of stormwater.

C. The following structures, practices and activities are permitted in the vegetated buffer, with specific design or maintenance features, subject to the review by the Director of the Division of Planning and Zoning and Director of the Division of Development Review:
   1. Roads, bridges and utilities (including sanitary and storm sewers). The right-of-way shall be the minimum width needed to allow for maintenance access and installation. The angle of the right-of-way or utility crossing shall be perpendicular to the natural watercourse or vegetated buffer in order to minimize clearing requirements. Plats and site plans shall include only the minimum number possible of such crossings.
   2. Paths, including hard-surfaced trails.

D. Buffer restoration projects approved by the Director of the Division of Planning and Zoning are permitted within the vegetated buffer.

E. Water quality monitoring and stream gauging are permitted within the vegetated buffer.

F. Trash and debris and individual trees within the vegetated buffer that are in danger of falling, causing damage to dwellings or other structures, or causing blockage of the natural watercourse may be removed.

G. Material dredged or removed during development authorized under this Section shall be stored outside the vegetated buffer.

H. All plats and all improvement plans shall clearly:
   1. Show the boundaries of any vegetated buffer on the subject property;
   2. Provide a note to reference any vegetated buffer stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Section 405.5026 of the Unified Development Ordinance of St. Charles County, Missouri". (Ord. No. 02-004 §1, 1-30-02; Ord. No. 03-142 §1(77--79), 10-1-03; Ord. No. 07-040 §1, 3-13-07)
SECTION 405.5027: WAIVER

The Director of Community Development or his/her designee may grant a waiver allowing the vegetated buffer to be disturbed only in cases of public purpose and necessity or only upon the Director's approval of designed streambank or site-development erosion control measures. (Ord. No. 02-004 §1, 1-30-02; Ord. No. 03-142 §1(80), 10-1-03)

SECTION 405.5028: VIOLATIONS AND ENFORCEMENT

A. The Director of the Division of Planning and Zoning shall enforce the provisions of the foregoing Sections of this Article as provided in Sections 405.640 through 405.655 of this Unified Development Ordinance.

B. Anyone who knowingly makes any false statements in any application, record or plan required by this Article shall upon conviction be punished by a fine of not more than one thousand dollars ($1,000.00) for each violation, imprisonment for not more than thirty (30) days, or both. (Ord. No. 02-004 §1, 1-30-02)

ARTICLE VII. REGULATIONS CONCERNING HIGH PRESSURE PIPELINES

SECTION 405.503: REGULATIONS CONCERNING HIGH PRESSURE PIPELINES

A. All setback distance shall be measured from the nearest edge of the pipeline.

B. In all zoning districts, buildings shall be set back a minimum of twenty-five (25) feet from any high pressure pipeline.

C. In all zoning districts, all principal buildings, whether public or private, used for community or neighborhood recreation services, private or public education, spectator entertainment or sports, exhibition and convention facilities, major health services, religious assemblies or facilities used for public gatherings shall be set back a minimum of one hundred (100) feet from any high pressure pipeline.

D. If any building is erected at a distance of twenty-five (25) to fifty (50) feet from such pipeline, the owner of the building site and that owner's agents and contractors shall ensure that the cover over such pipeline meets the United States Department of Transportation regulations and requirements for additional cover as specified for all high pressure pipelines located within fifty (50) feet of a structure.

E. Easements shall be kept clear of all trees, bushes and structures.

F. No building, whether residential, commercial or industrial, nor any accessory structure may be built within the easement of a high pressure pipeline, however this shall not prevent street improvements or utilities from crossing the easement with the consent of the pipeline company.

G. Where a developer seeking approval for a proposed subdivision of land places the pipeline and pipeline setback in common ground pursuant to the requirements of Sections 410.110(C)(2)(q) and 410.210(M) of this Unified Development Ordinance, the area within the common ground encompassed by the pipeline and pipeline setback area may be applied to reduce the size of lots in the subdivision, on the following conditions:

1. The lot size reductions shall not exceed the area encompassed within such common ground area;

2. No lot may be reduced to a size smaller than that permitted under the next highest level of density allowed in the residential zoning hierarchy established in the Unified Development Ordinance; and

3. Those lots that are reduced in size shall also be entitled and have applied to them the yard, area, lot widths and setbacks under the next highest level of density allowed in the residential zoning hierarchy established in the Unified Development Ordinance.

H. The Board of Zoning Adjustment shall have the authority to approve a reduced setback where the applicant to the Board can prove that there is a unique hardship to the property that prevents the reasonable and practicable development of the property. In such cases, the Board of Zoning Adjustment shall give notice by U.S. mail as provided in Section 405.590(B) of the Unified Development Ordinance not only to the property owners or agents described therein but also to the owners of the pipeline from which the setback in question is measured. Further, in such cases, the Board of Zoning Adjustment may require berms, containment systems or other requirements to mitigate the potential for injury to persons or damage to buildings by a high pressure pipeline leak or explosion. Appeals from the decision of the Board shall be in the manner provided for all other decision of the Board of Zoning Adjustment. (Ord. No. 04-162 §2, 10-13-04; Ord. No. 05-027 §1, 3-1-05)

ARTICLE VIII. REGULATIONS RELATING TO TELECOMMUNICATION FACILITIES

Editor's Note--Ord. no. 04-162 §2, adopted October 13, 2004, amended the unified development ordinance by adding a new art. VII "Regulations Concerning High Pressure Pipelines" and renumbering this article as art. VIII.
SECTION 405.505: REGULATIONS RELATING TO TELECOMMUNICATION FACILITIES

A. Telecommunication facilities are regulated in the following zoning districts:

1. "A" Agricultural District. Telecommunication facilities are allowed in the Agricultural District only with the issuance of a conditional use permit, provided that the distance from the center of the base of the tower to the nearest property line shall not be less than the height of the tower. The height of the proposed telecommunication facility shall be stated in the conditional use permit. The minimum distance between telecommunication towers shall be one (1) mile with the issuance of the conditional use permit.

2. "CO" Office District and "C1" Neighborhood Commercial District permit telecommunication facilities to a height of sixty (60) feet for one (1) user and to a height of eighty-five (85) feet for two (2) or more users, provided that the distance from the center of the tower base to the nearest "A" (Agricultural) or "R" (Residential) District property line shall not be less than the height of the tower. Any telecommunication facility in excess of eighty-five (85) feet in height requires the approval of a conditional use permit. The minimum distance between telecommunication towers shall be one (1) mile with the issuance of the conditional use permit.

3. "C2" General Commercial District permits telecommunication facilities to a height of one hundred (100) feet for one (1) user and to a height of one hundred twenty-five (125) feet for two (2) or more users, provided that the distance from the center of the tower base to the nearest "A" (Agricultural) or "R" (Residential) District property line shall not be less than the height of the tower. Any telecommunication facility in excess of one hundred twenty-five (125) feet in height requires the approval of a conditional use permit. The minimum distance between telecommunication towers shall be one (1) mile.

4. "I1" Light Industrial District and "I2" Heavy Industrial District permit telecommunication facilities to a height of one hundred fifty (150) feet for one (1) or two (2) users and to a height of one hundred seventy-five (175) feet for three (3) or more users, provided that the distance from the center of the tower base to the nearest "A" (Agricultural) or "R" (Residential) District property line shall not be less than the height of the tower. Any telecommunication facility in excess of one hundred seventy-five (175) feet in height requires the approval of a conditional use permit. The minimum distance between telecommunication towers shall be one (1) mile except where telecommunication tower farms are permitted.

5. Existing structures. Telecommunication antennas may be added to specific existing structures in any zoning district, provided the device does not extend greater than five (5) feet above the existing structure. Examples of these types of structures include water towers, broadcast towers, fire stations, church steeples, billboards, etc. Such telecommunication antennas shall be painted and/or textured to match the existing structure on which it is installed. A telecommunication antenna shall not be added or attached to a residence or a residential structure other than exemptions in this Section.

B. General Regulations Relating To Telecommunication Facilities.

1. Except as permitted by a conditional use permit in the "I1", Light Industrial District or "I2", Heavy Industrial District, only one (1) telecommunication tower shall be allowed on an individual property.

2. All towers shall be secured with fencing or anti-climbing devices.

3. Stealth telecommunications facilities (concealed towers) may be located in attics, steeples, towers, behind and below parapets or totally concealed within a new architectural addition to a building or a structure. On existing structures the antennas for telecommunication facilities with stealth design shall not extend more than five (5) feet beyond the edge of the attached structure and shall be painted and/or textured to match the existing structure on which it is installed.

4. No sign shall be allowed on the antennas, telecommunication facility, or equipment enclosures other than the telecommunication company's identification sign or warning signs not to exceed two (2) square feet in area.

5. The regulations concerning telecommunication towers shall prevail when there are conflicts between the height limits and the building setback standards of the respective zoning districts and these regulations.

6. Telecommunication towers, guy wires, shelter structures and other equipment, except for properties zoned "A" or "I", shall provide a minimum setback of twenty-five (25) feet in all directions from the property limits. Those properties zoned "I" must meet all setback requirements of the zoning district. In the "A" Agricultural District the minimum front, side and rear setbacks for the tower shall be equal to the height of the telecommunication facility. All other structures associated with the telecommunication facility in the "A", Agricultural District shall meet the minimum principal structure setbacks.

7. The design of the telecommunication facility shall maximize the use of building materials, colors, textures, screening and landscaping that effectively blend the facilities with the surrounding natural setting and environment.

8. No telecommunication tower shall be used for any other use other than as an antenna support structure, except when such other use is part of the applicant's efforts to camouflage the facility or have a stealth design.

9. All new telecommunication towers equal to or greater than one hundred fifty (150) feet in height shall be constructed of sufficient design load to accommodate the co-use of at least three (3) providers, and telecommunication towers of a height greater than one hundred (100) feet and less than one hundred fifty (150) feet shall be constructed of sufficient design load to accommodate the co-use of at least two (2) providers.

*Note--The word "facility" was not contained in the original ordinance and has been editorially added after conferring with the county.

**Note--The word "of" was not contained in the original ordinance and has been editorially added after conferring with the county.
10. The Planning and Zoning Division shall be notified within thirty (30) days when a telecommunication facility is no longer in use for communication purposes under County ordinance. All abandoned or unused telecommunication facilities shall be removed from the property within one hundred eighty (180) days of the ceasing of operations.

11. An existing telecommunication facility may be replaced with a new facility including for co-use, provided the existing facility is removed from the property. The new telecommunication facility shall not exceed the height of the facility being replaced.

12. Telecommunication farms shall have all towers of similar design and height. Said farm shall not contain more than three (3) towers per acre.

13. Exemptions: The following are considered exempt telecommunication facilities, and are not governed by this Section when erected as an accessory structure:

a. A single telecommunication antenna for the sole use of the tenant or owner occupying a residential parcel and used as accessory to the permitted use of such property. Such antenna shall conform to the height and setback requirements of the district they are located in.

b. A single telecommunication facility, which is accessory to the principal* non-residential use of the property. Such facilities shall conform to the height and setback requirements of the district they are located in.

*Note--The word "principal" was changed from the word principle which was contained in the original ordinance editorially after conferring with the county.

C. Permitting Requirements.

1. Applicants for telecommunication towers shall provide the Planning and Zoning Division with a site plan for review and approval, except those towers of stealth design. The maximum utilization of existing telecommunication towers relating to possible co-locations shall be reviewed and considered before the final approval for new telecommunication towers. Any applicant shall demonstrate why existing telecommunication towers within the general area of the proposed site of the new towers are not conducive for co-location.

2. The Director of the Planning and Zoning Division will provide copies of site plans for telecommunication towers to public agencies. Public safety co-use shall be at no cost on the facility or on the ground.

3. All applicants for telecommunication towers shall be required to negotiate in good faith to allow co-use of the facility by at least three (3) additional providers who may desire to use the facility. The applicant shall convey to the Director of the Planning and Zoning Division all written invitations relating to co-use of the tower and all written responses from the telecommunication firms solicited. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 03-142 §1(81), 10-1-03; Ord. No. 05-029 §1, 3-29-05; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §48, 6-2-10)

*Note--The word "facility" was not contained in the original ordinance and has been editorially added after conferring with the county.

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ARTICLE IX. REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES

SECTION 405.5061: RESERVED

Editor's Note--Ordinance no. 01-054 has moved definitions previously contained in section 405.5061 to section 405.060. Former section 405.5061 derived from ord. no. 99-148 §1, 12-1-99, which has been noted in cross reference of section 405.060.

SECTION 405.5062: LOCATION OF SEXUALLY ORIENTED BUSINESSES

A person may operate or cause to be operated a sexually oriented business in accordance with the following regulations:

1. A sexually oriented business may only be operated in "I1" Light Industrial and "I2" Heavy Industrial zoning districts as those districts are defined and described in the Unified Development Ordinance.

2. A sexually oriented business shall not be operated within five hundred (500) feet of the following:

   a. A church, synagogue, mosque, temple or building which is used for religious worship and related religious activities;

   b. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds;

   c. A boundary of a residential zoning district as defined in the Unified Development Ordinance;

   d. A public park or recreational area which has been designated for park or recreational activities including but not limited to
3. A sexually oriented business shall not be operated, established, substantially enlarged or undergo transfer of ownership or control within five hundred (500) feet of another sexually oriented business. For purposes of this provision, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

4. A person shall not cause or permit the operation, establishment or maintenance of more than one (1) sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.

5. Any sexually oriented business lawfully operating on the effective date of this Article that is in violation of Section 405.5063 of this Article shall be deemed a non-conforming use. The non-conforming use will be permitted to continue for a period not to exceed one (1) year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such non-conforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within five hundred (500) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later-established business(es) is/are non-conforming. (Ord. No. 99-148 §2, 12-1-99)

SECTION 405.5063: HOURS OF OPERATION

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of 11:00 P.M. and 9:00 A.M. (Ord. No. 99-148 §3, 12-1-99)

SECTION 405.5064: EXTERIOR PORTIONS OF SEXUALLY ORIENTED BUSINESSES

A. Merchandise or activities of the sexually oriented business shall not be visible from any point outside such business.

B. The exterior portions of a sexually oriented business shall not have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by the provisions of this Article.

C. The exterior portions of a sexually oriented business shall be painted a single achromatic color; however, this provision shall not apply to the business if the following conditions are met:

1. The business is part of a commercial multi-unit center; and

2. The exterior portions of each individual unit in the commercial multi-unit center, including the exterior portions of the business, are painted the same color as one another or are painted in such a way so as to be a component of the overall architectural style or pattern of the commercial multi-unit center.

D. Nothing in this Section shall be construed to require the painting of an otherwise unpainted exterior portion of an enterprise. (Ord. No. 99-148 §4, 12-1-99)

SECTION 405.5065: SIGNAGE

A. Any person operating a sexually oriented business shall comply with the signage requirements set forth in the Unified Development Ordinance at Sections 405.470 through 405.490, Ordinances of St. Charles County, Missouri. However, the following requirements apply to signage for sexually oriented businesses and supersede any conflicting provisions in the Unified Development Ordinance:

1. Only one (1) on-premises properly-permitted sign is allowed to advertise the sexually oriented business.

2. Signs shall be a flat plane, rectangular in shape and have no more than two (2) display surfaces. Each display surface shall not exceed seventy-five (75) square feet in area and shall not exceed ten (10) feet in height or ten (10) feet in length.

3. No sign shall contain photographs, silhouettes, drawings or pictorial representations of any manner, and may only contain the following:

   a. The name of the business; and/or
b. One (1) or more of the following phrases:

1. Adult Arcade
2. Adult Bookstore
3. Adult Novelty Store
4. Adult Video Store
5. Adult Cabaret
6. Adult Motel
7. Adult Motion Picture Theater
8. Adult Theater
9. Escort Agency
10. Massage Parlor
11. Adult Encounter Establishment

c. Signs for adult movie theaters may contain the additional phrase "Movie Titles Posted Inside Premises".

d. Each letter forming a word on a sign shall be of a solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.

(Ord. No. 99-148 §5, 12-1-99)

SECTION 405.5066: VIOLATIONS AND PENALTIES

A. Misdemeanor. Any person who violates any provision of this Article shall be guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars ($500.00) a day or six (6) months' imprisonment, or both. Each and every day that such violation continues shall constitute a separate offense.

B. Persons Liable. The owner or general agent of any such land, building, structure, or premises where a violation of these provisions has been committed or shall exist, or the lessee or tenant of any entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises in which the violation has been committed or shall exist, or the owner, general agent, architect, builder, or contractor, or any other person who knowingly commits, takes part, or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars ($500.00) per day or six (6) months' imprisonment, or both. Each and every day that such violation continues shall constitute a separate offense.

C. Inspection/Notice. The Director of the Division of Planning and Zoning or his/her duly authorized representative shall have the power to cause any land, building, structure, place, or premises to be inspected and examined and to order in writing the remediing of any condition found to exist therein in violation of this Article. If the Director of the Division of Planning and Zoning or his/her duly authorized representative finds that the use of any building, structure, or land, or the work on any building or structure, violates any of the provisions of this Article, the Director of the Division of Planning and Zoning or his/her duly authorized representative shall sign and issue a written order so stating. With respect to uses that violate this Article, the written order shall direct that such use(s) be stopped immediately. The written order shall be served upon the owner and (where appropriate) the tenant or lessee or occupant of the building, structure or land that is the subject of the violation, as well as on any person doing work on buildings or structures in violation of this Article.

D. Actions To Abate. Nothing in this provision shall be construed to limit the ability of the County or other affected persons to pursue any other remedies available, including a suit for injunction, in order to enforce the provisions of this act or prevent any illegal act, conduct, business, or use in or about the premises. (Ord. No. 99-148 §6, 12-1-99)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 405.5067: ENFORCEMENT

Enforcement of this Article shall be the responsibility of the Division of Planning and Zoning. The office of the County Counselor shall be responsible for prosecuting these cases or pursuing other legal remedies for the violations of the ordinance. (Ord. No. 99-148 §7, 12-1-99)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

PART 4. ADMINISTRATION AND PERMIT PROCEDURES

SECTION 405.510: CONDITIONAL USE PERMITS
A. Applications for conditional use permits for uses specifically authorized for consideration in the district use regulations shall be made to the Division of Planning and Zoning. The Division of Planning and Zoning shall refer the application to the Planning and Zoning Commission for public hearing. A public hearing, as defined in Section 405.060 of this Chapter, shall be held and a report and recommendation shall be filed by the Planning and Zoning Commission with the County Council within ninety (90) days of the date of the public hearing held before the Commission. If the Planning and Zoning Commission fails to file said report and recommendation with the County Council within ninety (90) days, the application shall be forwarded to the County Council with a favorable recommendation. Following the report by the Planning and Zoning Commission, the County Council shall review and decide upon the application. It shall require the affirmative vote of five (5) County Council members to overturn a negative recommendation of the Planning and Zoning Commission on any conditional use permit application. For the purpose of investigating an application for a conditional use permit and monitoring compliance with it, an applicant authorizes the Community Development Department's staff, or staff of other agencies at the Department's direction, to enter and inspect the subject property while work authorized by that permit is in progress. This authority shall cease upon completion of that work and closure of the permit.

B. Before authorizing the issuance of a conditional use permit, the County Council may impose such conditions and will, in the County Council's judgment, ensure that the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger public health, safety, or general welfare; that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the neighborhood; and that the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

C. The filing fee as set by ordinance shall accompany an application for a conditional use permit. In addition to the filing fee, an application for a conditional use permit shall include the following: (1) the current deed or title to the property showing ownership; (2) a legal description to the property (if not included on the deed); (3) a detailed site plan to indicate the intended use and future development of the property; and (4) a completed owners' authorization form containing the notarized signatures of all owners of the property and all other individuals who will represent them in the application.

D. All such applications shall be set down for hearing before the Planning and Zoning Commission not later than the second (2nd) regular monthly meeting of the Planning and Zoning Commission from the date of filing the same. Notice of such hearing shall be published in one (1) issue of a paper of general circulation within St. Charles County, such notice to be published not less than fifteen (15) days prior to date of said hearing before the Planning and Zoning Commission. Notice of such hearing shall also be posted at least fifteen (15) days in advance thereof in one (1) or more public areas of the Administration Building of the County. Notice shall also be given, at least fifteen (15) days before the hearing, by first class mail to all owners of any real property within five hundred (500) feet of the parcel of land for which the conditional use permit is proposed.

E. In order to amend the conditions of an existing Conditional Use Permit, the procedure shall be as follows:

1. The property owner or authorized representative shall submit a written request to amend conditions to the Planning and Zoning Division for review. The Division shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.

2. The Division shall then forward the request and its report to the Planning and Zoning Commission. The Planning and Zoning Commission shall review the proposed condition amendments and file a report with the Governing Body in which the Planning and Zoning Commission shall grant, deny or modify the requested condition amendments. If the Planning and Zoning Commission determines that the requested condition amendments are not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, the Commission may require a new public hearing on the matter in accord with the proceedings specified in this Section.

3. Upon receiving the report and recommendation, the County Council shall review and decide upon the application. The County Council may affirm a positive recommendation of the Planning and Zoning Commission by approving findings and conclusions upon the County Council's Consent Agenda. The County Council must override a negative recommendation of the Planning and Zoning Commission as provided in Subsection (A) of this Section.

F. Any application for a conditional use permit that does not receive final approval of the County Governing Body may not be resubmitted to the Planning and Zoning Commission as a new application for a period of at least twelve (12) months from the date of the Governing Body's final decision, except in cases where the use requested in the new application differs from that presented in the original application. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 01-111 §4, 9-26-01; Ord. No. 03-142 §1(82-84), 10-1-03; Ord. No. 05-029 §1, 3-29-05; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §49, 6-2-10)

Cross Reference--As to specific fees, see ch. 425 of this code

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 405.515: FIREWORKS PERMITS

Conditional use permits are required for temporary fireworks stands in unincorporated St. Charles County. No fee is charged for filing a conditional use permit application for a fireworks stand. Applications for conditional use permits for fireworks stands must be accompanied by the following:

1. A site plan, drawn to scale, showing all structures on the property, both permanent and temporary, parking areas, storage facilities, etc. The site plan must indicate the dimensions of the property and the exact location of all structures, including distances from property lines and between structures.

518
2. A letter from the owner(s) of the property on which the stand is located, authorizing the operation of a fireworks stand on the property, dated, and notarized not earlier than sixty (60) days prior to the date of the application.

A fee shall be charged to applicants for a land use permit for the operation of a fireworks stand. The fee charged shall be based upon the following schedule:

- Stands up to 1,000 square feet: $2,000.00
- Stands 1,000 square feet and above: $4,000.00

The above fees shall apply to sales areas only. No fee shall apply to storage areas. Storage areas may include tractor trailers, trucks, vans, automobile trailers, or other permanent or temporary vehicles or structures.

Temporary on-premise fireworks signs and banners, not exceeding four hundred (400) square feet. Approval for the fireworks sign or banner shall accompany the issuance of the fireworks conditional use permit before the sign or banner is to be erected. Such signs or banners must be removed within twenty-four (24) hours of the last day of sales.

Applications for temporary fireworks stands conditional use permits shall be made to the Division of Planning and Zoning. The Division of Planning and Zoning shall refer the applications to the Planning and Zoning Commission for public hearing. A public hearing, as defined in Section 405.060 of this Chapter, shall be held. The Planning and Zoning Commission shall have authority to grant such permits. After the conditional use permit for temporary fireworks stands has been approved by the Planning and Zoning Commission, the Director of the Division of Planning and Zoning shall indicate such approval upon the conditional use permit for a temporary fireworks stands application. If, however, such permit is denied by the Planning and Zoning Commission, the conditional use permit for temporary fireworks stands must then be approved by an ordinance. It shall require the affirmative vote of five (5) County Council members to overturn a negative recommendation of the Planning and Zoning Commission on any temporary fireworks stands conditional use permit application.

In approving conditional use permits for temporary fireworks stands in unincorporated St. Charles County, the Planning and Zoning Commission and Director of the Division of Planning and Zoning shall, at their discretion, impose specific conditions upon the operation of fireworks stands. These conditions shall be intended to promote the health and safety of the general public during the operation of fireworks stands. In all cases these conditions shall include the restrictions on commercial operations imposed by Section 210.105, Ordinances of St. Charles County, Missouri. These conditions shall be made known to the applicants at the time of application, and they shall be included with each land use permit for a fireworks stand.

Applications for conditional use permits for fireworks stands will have an opportunity to comment upon these conditions during the public hearing on their applications before the Planning and Zoning Commission. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 04-086 §1, 6-14-04; Ord. No. 07-193 §8, 12-27-07)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 405.520: DEVELOPMENT STANDARDS FOR CERTAIN CONDITIONAL USES

A. Manufactured Home Subdivisions And Manufactured Homes And Modular Structures Not Meeting The Provisions Within Section 405.090(B)(13). For all properties within the "R1A", "R1B", "R1C", "R1D" and "R1E" Zoning Districts, manufactured home subdivisions, manufactured homes and modular structures not meeting the provisions within Section 405.090(B)(13) require a conditional use permit and must adhere to the following conditions. In order to be approved the manufactured home subdivision, manufactured home or modular structure must be found to have design compatibility with other dwellings in the "review area", which is the area within three hundred (300) feet of the subject lot or parcel; or the nearest five (5) dwellings if there are no developed lots within three hundred (300) feet. The criteria for determining acceptable compatibility shall be based upon a review of the following design elements:

1. Roofing and exterior siding shall be similar in color, material and appearance to the roofing material and exterior siding commonly used on residential dwellings within the community or comparable to the predominant materials used on dwellings within the review area.

2. The home shall be placed on an excavated and back-filled foundation and enclosed continuously at the perimeter with material comparable to the predominant materials used in foundations of surrounding dwellings.

3. The home shall be multi-sectional with a minimum width of twenty (20) feet.

4. A garage of like materials and color as the attached dwelling is required where similar features are predominant in the review area. A carport may be allowed if other dwellings in the review area also have carports or if there is a mixture of dwellings with or without garages or carports. The garage or carport may be required to be attached if other dwellings in the review area have attached garages.

5. The home shall have a predominant shape, bulk and form that are compatible with the surrounding neighborhood.

6. The home shall have wheels, axles and hitch mechanisms removed.

7. The home shall meet appropriate utility connection standards in accordance with County codes.

8. Architectural compatibility may include the need for gables, recessed entries, covered porch/entry, bay window, roof overhangs, building off-sets, deck with railing or planters and benches or other accessory structures.

9. The home shall be placed on a lot so that its longest axis is oriented consistent with homes in the review area.

10. The home shall have a comparable square footage to housing within the review area.
11. The lot or parcel on which a manufactured home or modular structure is placed shall be owned by the same entity owning the manufactured home or modular structure.

B. Centralized Yard Waste Composting Facilities. In the "A", "I1", and "I2" Zoning Districts, centralized waste composting facilities require a conditional use permit and must adhere to the following conditions:

1. The facility must be operated on a site of not less than one (1) acre for every one thousand (1,000) cubic yards of compost material.
2. Windrows of compost material must be located a minimum of two hundred (200) feet from all property lines and a minimum of five hundred (500) feet from any residence.
3. The portion of the property containing the compost material must be fenced.
4. The facility may not be located in a floodway, floodway fringe, or density floodway.
5. The owner(s) of the facility will be required to submit to the Division of Planning and Zoning a plan of operation, detailing such information as how often the windrows will be turned, the type of machinery that will be used, hours of operation, and the intended use of the end compost product. The facility may not operate until this plan has been approved, and no deviation from the plan will be permitted without County approval.
6. The owner(s)/operator(s) of the facility will be required to submit to the County Division of Environmental Services of the Community Health and the Environment Department a monthly report containing the amount of compost material accepted at the facility during the preceding month. The amount of compost material may be reported by weight or by volume. Each month's report will be due by the fifteenth (15th) of the following month.
7. A site plan for the facility must be submitted to and approved prior to the operation of the facility.

C. Recycling Centers. In the "C3", "I1", and "I2" Zoning Districts, recycling centers require a conditional use permit and must adhere to the seven (7) conditions in Subsection (E) of this Section.

Editor's Note--In ord. no. 10-041 §2, District "C3" was repealed, the above reference to said district was editorially removed after conferring with the county.

D. Resource Recovery Facilities. In the "I1" and "I2" Zoning Districts, resource recovery facilities require a conditional use permit and must adhere to the seven (7) conditions in Subsection (E) of this Section.

E. Trash Transfer Stations. In the "C3", "I1", and "I2" Zoning Districts, trash transfer stations require a conditional use permit and must adhere to the following seven (7) conditions:

Editor's Note--In ord. no. 10-041 §2, District "C3" was repealed, the above reference to said district was editorially removed after conferring with the county.

1. The facility must be operated within an enclosed building.
2. The facility must be fenced to prevent the escape of materials from the waste stream and/or recyclable materials.
3. The facility shall not accept hazardous waste of any type. For purposes of this regulation, "hazardous waste" shall be defined as any waste or combination of wastes, as determined by the Hazardous Waste Management Commission of the State of Missouri, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating irreversible illness, or pose a present or potential threat to public health or the environment.
4. Recyclable material stored outside the enclosed building must be contained or stored inside covered storage to prevent nuisance, hazard, or unsightly appearance.
5. No on-site disposal of solid waste of any kind shall be allowed.
6. In the case of recycling centers and resource recovery facilities, the owner(s)/operator(s) of the facility will be required to submit to the County Division of Environmental Services of the Community Health and the Environment Department a monthly report containing the amount of recyclable material removed from the waste stream at the facility during the preceding month. The report must also include where the recyclable materials were sent. Each month's report will be due by the fifteenth (15th) of the following month.
7. A site plan for the facility must be submitted to and approved prior to the operation of the facility.

F. Agriculture- Or Winery-Related Tourism Conditional Uses. Agriculture- or winery-related tourism conditional uses in the "AT" Agricultural Tourism District require a conditional use permit and must adhere to the following conditions.

1. Agriculture- and winery-related tourism conditional uses must be on sites meeting the following conditions, none of which may be waived or varied so as to reduce or eliminate any of these conditions.

a. The tract on which any agriculture- or winery-related tourism conditional use is sited must contain no less than forty (40) acres.
b. Such agriculture- or winery-related tourism conditional use or uses, including all exterior premises dedicated to such use or uses (including parking areas serving such use or uses, but not including exterior premises occupied by on-site sewage disposal systems or water supply systems or driveways or roads that serve or lead to such use or uses), may occupy no more than a total of seven percent (7%) of the tract's total acreage, and such sites on any tract shall be compact and

520
contiguous unless such factors as topography or soil conditions justify dispersal of the use or uses over more than one (1) site.

c. The remaining acreage of the tract occupied by such agriculture- or winery-related tourism conditional use or uses may be used only for the agricultural or open-space uses identified in Section 405.065(B), which may include the growing of wine grapes or the use of land masses and natural vegetation to screen the agriculture- or winery-related tourism conditional use or uses from adjacent tracts of land, except that an already duly permitted nursery may be allowed within the remaining acreage of the tract as a non-conforming use.

d. An agriculture- or winery-related tourism conditional use, including all exterior premises dedicated to such use, must be set back from all frontages and perimeter lot lines by at least one hundred fifty (150) feet.

e. Agriculture- or winery-related tourism conditional use or uses may be no closer to the perimeter of any other such uses that are situated on other tracts of land than one-half (½) mile.

2. Buildings and structures for any and all agriculture- or winery-related tourism conditional use or uses located on a single tract of land must meet the following architectural design standards, which may not be waived or varied.

a. All buildings for such agriculture- or winery-related tourism conditional use or uses must have:
   (1) A common or unified architectural design or theme;
   (2) Gabled or pitched roofs (with roof pitches at least 7/12);
   (3) Rooftop equipment (if any) that is fully screened on all four (4) sides;
   (4) Exterior walls that are built or clad in at least two (2) different materials, which shall be either stone, brick, or wood;
   (5) Facades and roofs that have varied wall or roof planes and trim or features (bays, gables, dormers, overhangs, porches, etc.) to create shadow lines;
   (6) Fencing, walls, hedges, landscaping, berms, natural buffers or any combination thereof that screens uses or portions of uses, including but not limited to facilities for entertaining or serving patrons, for parking, or for storing refuse, that adversely affect adjacent properties or the character of an "A" Agricultural or "AT" Agricultural Tourism zoning district.

b. No building used for any agriculture- or winery-related tourism conditional use may be built of metal or have any metal siding.

c. No building used for any agriculture- or winery-related tourism conditional use shall have more than two (2) stories above grade, except as provided below.

d. No building used for a business/conference/lodging center shall have more than three (3) stories above grade.

3. The site plan and all architectural plans for any agriculture- or winery-related tourism conditional use shall include:

a. Architectural design plans demonstrating how the applicant shall meet the architectural design standards of this Subsection;

b. Site plans demonstrating:
   (1) How the site's vistas and the open and rural character of the site's vicinity are preserved by setting the site's agriculture- or winery-related tourism conditional use or uses back from roadways and lot lines as provided in these regulations, by clustering those uses, and/or by preserving forested areas and roadside vegetation on the site; and
   (2) Compatibility of the proposed agriculture- or winery-related tourism conditional use or uses and its/their design with surrounding structures and land uses, with or without natural vegetation and land massing to screen that use from adjacent tracts of land.

c. Plans for required infrastructure improvements such as provision of water service, sewage disposal, utility service, and access to public roads and highways;

d. Statements of the expected number of employees and visitors to be accommodated daily during the months of April through October, and during the remaining months of the year in the case of any use or uses on a given tract of land expected to generate more than three thousand (3,000) gallons of wastewater per year.

4. The Director of Planning and Zoning may also require:

a. Plans for on-site security, fire protection and emergency services; and

b. A traffic impact analysis including expected access routes, traffic volume, peak hours of operation, projected road improvements, and traffic controls necessary to accommodate the proposed facility's uses and volumes, along with written evidence of approval by Missouri Department of Transportation and/or another local government for any concepts or designs for road improvements or traffic signalization that may be within their jurisdiction. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(85), 10-1-03; Ord. No. 05-029 §1, 3-29-05; Ord. No. 12-090 §6, 11-27-12)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.
SECTION 405.525: SITE PLAN REVIEW

A. For the purpose of assuring compliance with the requirements of the applicable regulations, site plans shall be submitted and reviewed in accordance with the requirements of this Section.

B. Before any building and land use permits can be issued for the new construction of or the addition to institutional, commercial, and industrial structures, a site plan must be furnished to the County Division of Planning and Zoning for review and approval by the Director of the Division of Planning and Zoning, the Director of the Division of Development Review, and, when publicly maintained streets or storm sewers are involved, the County Engineer. A site plan will also be required when a structure is converted in use to an institutional, commercial, or industrial. Also, a site plan may be required by the Division of Planning and Zoning when the use of a site is being changed. The site plan in these cases will ensure that regulations are adhered to, based upon the new use (parking, loading, etc.). All site plans must bear the seal of a registered professional engineer and/or architect licensed by the State of Missouri, unless waived by the Director of Community Development.

C. Filing A Site Plan. When a site plan is first submitted, the Division of Planning and Zoning requires a digital plan or three (3) copies of the plan and a completed site plan application form. For the purpose of investigating a site plan and monitoring compliance with it, an applicant authorizes the Community Development Department's staff, or staff of other agencies at the Department's direction, to enter and inspect the subject property while work authorized by that permit is in progress. This authority shall cease upon completion of that work and closure of the permit.

D. Requirements for site plans are as follows:

1. Provide a title (always use the term "site plan").
2. Indicate the owner(s) of the property and depict the adjacent property owners.
3. Provide a site location map, a north arrow, and the scale to which the site plan is drawn.
4. Indicate the dimensions of all proposed buildings and depict all property boundary lines.
5. Indicate every type of business that will utilize the building(s) and/or site(s).
6. Indicate any existing and proposed road/street right-of-way lines and existing or proposed pavement within such right-of-way (note on the plan that all pavement within the road/street right-of-way will be constructed to St. Charles County public non-residential or arterial standards). Dedicated rights-of-way may be required for proposed sites that abut County roads or roads maintained by the Missouri Department of Transportation (MoDOT).
7. Indicate the front setback of all proposed buildings.
8. Indicate the pavement radii and width of all proposed entrances to or from the site(s).
9. Indicate the parking layout arrangement (i.e., the number and size of all off-street parking spaces and the width of all parking drives and aisles). Each parking space must have a minimum area of one hundred seventy-one (171) square feet (nine (9) feet by nineteen (19) feet). There shall also be provisions for handicapped parking, with each handicapped parking space having a minimum width of thirteen (13) feet (eight (8) foot stall with an adjoining five (5) foot access aisle, per ADA regulations). The parking surface must be constructed of an all-weather, dust-free surface. If five (5) or more parking spaces are required under the applied regulations, the parking spaces must be paved and striped. See Part 3, Article II, Section 405.440 et seq., for further parking and loading requirements.
10. Indicate existing and proposed contour elevation lines at an interval no greater than five (5) feet and the first (1st) floor elevation of each building on U.S.G.S. datum. If the site is in the 100-year floodplain, the requirements of Part 2, Article XI, Section 405.245 et seq. must be adhered to.
11. Indicate a benchmark on U.S.G.S. Datum in areas where sanitary sewers are available.
12. Depict existing and proposed stormwater improvements and provide hydraulic data computations along with a drainage area map. This material must be sealed by a registered professional engineer, unless waived by the Director of Community Development. The hydraulic design of storm sewer systems shall conform to Section 50.00 of St. Charles County's "Design Criteria for the Preparation of Improvement Plans" as issued by the St. Charles County Highway Department in February 2002, or as amended thereafter. Stormwater detention shall be required in accordance with Section 50.80 of St. Charles County's "Design Criteria for the Preparation of Improvement Plans" as issued by the St. Charles County Highway Department in February 2002, or as amended thereafter. Performance guarantees, ensuring or guaranteeing the installation of any detention facilities required for the site, must be posted with the St. Charles County Department of Community Development before site plan approval will be granted. The detention facilities' improvement costs must be included as part of the sediment and erosion control performance guarantee required by Chapter 412.
13. Indicate the method of or agencies responsible for sanitary sewage disposal and water service. Individual private sewage disposal systems will need to supply a plan, with the layout of the lateral system for the property, and a permeability test report as required by the County Division of Building Code Enforcement.
14. Supply a Missouri Department of Transportation permit if any proposed entrances front on Missouri Department of Transportation-maintained road right-of-ways.
15. Indicate the zoning district for the site and the adjacent properties with their current jurisdiction.
16. A St. Charles County Highway Department special use permit must be obtained before any work is allowed to commence on the right-of-way of public roads under St. Charles County control or maintenance.
17. Indicate the location of the nearest fire hydrant on the site plan.

18. Depict on the plan the location of any ground sign. All ground signs must be a minimum of ten (10) feet from all property lines and a minimum of fifty (50) feet from the pavement of any intersection.

19. Obtain a land disturbance permit in accordance with Chapter 412 of the Unified Development Ordinance. In cases where the land disturbance is less than five thousand (5,000) square feet, indicate any sediment and erosion control measures needed for the site.

20. A parcel identification number should be noted on the site plan.

21. All applicable development shall meet the landscaping requirements embodied in Section 405.435 of the Unified Development Ordinance. Site plans for facilities for utilities (substations, microwave towers, sewage treatment plants, etc.) shall conform to landscaping requirements developed during planning staff review, and approved by the Director of the Division of Planning and Zoning.

22. Trash enclosures shall be screened on at least three (3) sides by a six (6) foot solid fence and on the fourth (4th) side by a solid gate, said fence and gate shall be constructed of cedar, redwood, masonry or other compatible building material.

23. All site plans shall clearly show the boundaries of any setback from natural watercourses that are left in their natural state on the subject property and provide a note to reference the setback area stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Section 405.5026 of the Unified Development Ordinance of St. Charles County."

24. All site plans shall clearly show the locations of all utilities (including pipelines) and easements of record for them, and with respect to high pressure pipelines shall designate all setbacks and restrictions imposed by Section 405.503, Regulations Concerning High Pressure Pipelines.

25. Submit a letter addressed to St. Charles County by the holder of any such easement, if it is for the purpose of accommodating one (1) or more high pressure pipeline(s), certifying the accuracy of its easement and the location of the utility's facility as depicted on the proposed site plan, and also certifying that the proposed development will not impair the utility's easement rights or compromise its facility. If such a letter cannot be supplied, submit a letter or affidavit stating the date on which a copy of the site plan was mailed or delivered (as the case may be) to the easement holder or its representative, and stating the name and address of that easement holder or its representative.

26. Provide any additional information on the site plan as deemed necessary by the Director of the Division of Planning and Zoning, Director of the Division of Development Review and/or the County Engineer (i.e., traffic study).

27. In approving site plans for public agencies, the Director of the Planning and Zoning Division shall have the power to approve minor variances to setbacks and parking requirements through his or her signature on the site plan.

E. A site plan review fee as set by ordinance shall accompany a site plan submitted for review pursuant to this Section.

F. Construction Of Improvements Shown On Approved Site Plan. If the owner or developer of property subject to an approved site plan begins construction of the improvements shown on it within eighteen (18) months of the site plan's approval, those improvements may be built in accordance with ordinances in force on the date of the site plan's approval. But if construction of those improvements begins later, those improvements must be built in accordance with ordinances in force when construction starts. If, in such cases, newly enacted or amended ordinances require changes in site design, the Director of the Division of Planning and Zoning shall require submission of a revised site plan for the Division's review and approval as provided in this Section.

G. Installation Of Improvements. All improvements required on a site plan must be completed prior to occupancy of the structure or the change of use on the site. In lieu of completing all improvements prior to occupancy or change in use, the property owner may post a performance guarantee ensuring or guaranteeing the installation of all said improvements. When all improvements are in place as required on the site plan, the Director of the Division of Planning and Zoning shall authorize the release of all performance guarantee funds.

1. If the performance guarantee is a lender's or escrow agreement, that agreement shall:
   a. Be prepared on forms approved by ordinance and be signed by the Director of the Planning and Zoning Division and the County Registrar;
   b. Ensure or guarantee the construction and completion of all the improvements, as set forth in the approved site plan based on the cost estimate prepared by the consulting engineer and approved by the Director of the Division of Planning and Zoning; and
   c. Be held in a special account by the escrow holder or lender and the funds shall be subject to the audit of St. Charles County.

2. Any lender's or escrow agreement shall be administered as follows:
   a. The estimated sum shall be held by the escrow holder or the lender as in the agreement provided, until such time as the Director of the Division of Planning and Zoning or the Governing Body authorizes release of funds as provided herein. Authorization shall be written and addressed to the escrow holder or the lender authorizing release. The Director of the Division of Planning and Zoning may authorize release for disbursement by the escrow holder or the lender for payment of the improvements guaranteed, as the work progresses. At no time will the amount in the escrow account to be released depreciate the account to less than the cost of completing said remaining improvements. This sum shall be determined by using current market value of the materials and labor. In no case shall the escrow holder or lender release more than ninety
percent (90%) of the estimated sum until improvements and installations have been completed in a satisfactory manner and approved by the Director of the Division of Planning and Zoning. The remaining ten percent (10%) shall be released upon final approval of said improvements per item by the Governing Body. The estimated sum shall be held by the surety as in the agreement provided, until such time as the Governing Body shall, by written authorization addressed to the surety, release the total sum.

b. This amount shall only be authorized to be released in its entirety after the Director of the Division of Planning and Zoning certifies that all the improvements have been constructed in accordance with the approved plans and all the requirements of this Chapter have been met.

c. The Governing Body shall release funds for any completed segment of the work forty-five (45) days after an inspection of the segment of the work has been made, provided no deficiencies were reported during the forty-five (45) day period.

d. In the event that the improvements are not satisfactorily installed within two (2) years after approval of the site plan, the Governing Body has the right to remove said monies to complete the guaranteed improvements, unless an extension in time is granted by the Governing Body.

3. If the performance guarantee is a standby letter of credit, that document may be prepared on forms approved by the financial institution on which it is drawn, but must provide for:

a. Drafts to be drawn at offices in St. Charles County, St. Louis County or the City of St. Louis; and

b. Automatic extension without amendment for additional one (1) year terms unless, at forty-five (45) days prior to the letter's current expiration date, the financial institution issuing the letter gives written notice of non-renewal to St. Charles County's Department of Community Development by registered or certified mail or by overnight courier. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 01-111 §5, 9-26-01; Ord. No. 03-142 §1(86--94), 10-1-03; Ord. No. 04-053 §1, 4-13-04; Ord. No. 05-027 §2, 3-1-05; Ord. No. 05-148 §10, 10-25-05; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §50, 6-2-10)

Cross Reference--As to specific fees, see ch. 425 of this code

Editor's Note--Reference to county clerk was changed to county registrar in accordance with ord. no. 01-121, adopted 9-26-01, set out in §129.010 of this code. Reference to planning and building departments were changed to divisions of planning and building code enforcement in accordance with ord. no. 02-204, adopted 12-23-02, set out in ch. 132 of this code. For designation of the division of planning and zoning, see ord. no. 03-195, adopted 12-31-03.

SECTION 405.530: LAND USE PERMITS

A. Permits. It shall be unlawful to construct, alter, repair or to commence the construction or alteration of a building or structure or to regrade an area less than five thousand (5,000) square feet in size used for non-agricultural purposes without first obtaining a land use permit from the Division of Planning and Zoning. No land use permit will be required for non-floodplain electrical and non-floodplain septic repair. Land disturbance permits per Chapter 412 are required when properties greater than five thousand (5,000) square feet are regraded.

B. Land use permits shall be required for all structures. In addition to complying with other UDO requirements, the proposed locations of structures shall not result in the redirection of storm water onto adjacent properties not previously burdened with runoff from the development site or result in an inadequate conveyance of stormwater across a site. All occupancy permits for dwellings shall be issued based upon restrictions for minimum sleeping area requirements as set out in the current adopted Building Code of St. Charles County, Missouri. Instances in which the St. Charles County Division of Planning and Zoning does not require a land use permit:

1. Non-floodplain electrical permits;


C. Form. An application for a permit shall be submitted in such form as the Division of Planning and Zoning may prescribe. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer, or builder employed in connection with the proposed work. Applications shall include a plot plan for any property and shall describe briefly the proposed work and shall give such additional information as may be required by the Division of Planning and Zoning, such as existing and proposed contours. For the purpose of investigating an application for a land use permit and monitoring compliance with it, an applicant authorizes the Community Development Department's staff, or staff of other agencies at the Department's direction, to enter and inspect the subject property while work authorized by that permit is in progress. This authority shall cease upon completion of that work and closure of the permit.

D. Amendments. Nothing in this Section shall prohibit the filing of amendments to an application, a plan, or other record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.

E. Completion Of Existing Buildings. Nothing contained in this Section shall require any change in the plans, construction, size, or designated use of a building for which a valid permit has been issued or lawful approval given before the effective date of this ordinance; provided however, construction under such permit or approval shall have been completed within six (6) months of the date of issuance. Length of a permit (commercial and industrial projects only) can be extended, based on an individual construction project, size, and cost. A projected construction schedule must be submitted and approved prior to a site plan review by the Division of Planning and Zoning and agreed to in writing by the Building Commissioner. All construction is to be completed prior to the expiration date of the building permit.

524
F. Revocation. The Director of the Division of Planning and Zoning may revoke a permit or approval issued under the provisions of this Section in cases where there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 04-075 §§2-4, 5-27-04; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §51, 6-2-10)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 405.531: ZONING CONFIRMATION

A. Commercial And Industrial Properties. A zoning confirmation shall be completed for all commercial and industrial properties prior to an occupancy permit being issued by the Building Division.

B. Residential Properties. Residential properties in compliance with Article IV Home Occupations of the Unified Development Ordinance shall be issued zoning confirmations.

C. Form. An application for a zoning confirmation shall be submitted in such form as the Division of Planning and Zoning may prescribe. The owner or lessee or agent of either shall make such application.

D. Compliance. Said zoning confirmation shall only be issued when the use on the property in question is found to be in compliance with all applicable Sections of the Unified Development Ordinance.

E. Revocation. The Director of the Division of Planning and Zoning may revoke a permit or approval issued under the provisions of this Section in cases where there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based. (Ord. No. 03-142 §1(95), 10-1-03)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 03-195 adopted 12-31-03.

PART 5. PROCEDURES FOR REZONINGS AND AMENDMENTS TO THE ORDINANCE

SECTION 405.535: PROCEDURES FOR REZONINGS AND AMENDMENTS

A. The County Council or Planning and Zoning Commission may, from time to time, on its own motion or on petition, amend, revise or change the Unified Development Ordinance or the zoning district boundaries herein or subsequently established. The procedure is as set out in Subsection (B) hereof.

B. Procedures For Rezonings.

1. Change by petition. Applications for amendment, revision or change of the Zoning District Map of St. Charles County may be made by any owner, attorney, agent, representative or contract purchaser who wants land to be rezoned. Satisfactory evidence of ownership shall be provided at the time of application. Such application shall be made upon forms prescribed by the Planning and Zoning Commission and duly filed with the Division of Planning and Zoning. For the purpose of developing a staff recommendation to approve, reject or modify the rezoning, an applicant for rezoning authorizes the Community Development Department's staff, or staff of other agencies at the Department's direction, to enter and inspect the subject property. This authority shall cease upon the Governing Body's decision on the rezoning.

a. Accompanying said application the following shall be provided:

   (1) A legal description of the property to be rezoned.
   (2) A current recorded deed to the property showing ownership.
   (3) An application fee as set by ordinance.

b. Immediately upon receipt of such applications which include all items listed above, the Division of Planning and Zoning shall note thereon the date of filing and make a permanent record thereof.

c. All such applications shall be set down for hearing before the Planning and Zoning Commission not later than the second (2nd) regular monthly meeting of the Planning and Zoning Commission from the date of filing the same. Notice of such hearing shall be published in one (1) issue of a paper of general circulation within St. Charles County, such notice to be published not less than fifteen (15) days prior to date of said hearing before the Planning and Zoning Commission. Notice of such hearing shall also be posted at least fifteen (15) days in advance thereof in one (1) or more public areas of the Administration Building of the County. Notice shall also be given, at least fifteen (15) days before the hearing, by U.S. mail to all owners of any real property (as per the current records of the St. Charles County Assessor) within one thousand (1,000) feet of the parcel of land for which the change is proposed.

d. The hearing may be continued and/or the deliberation on a case delayed until the next regularly scheduled meeting by the concurrence of three (3) Commissioners on a one-time basis. Additional hearing and/or deliberation continuances shall require the majority vote of the Commission. Upon the final hearing of such application the Planning and Zoning Commission shall approve or deny that application by majority vote. A report of the Commission's action, together with a recommendation for final approval or denial, shall be made by the Commission to the Governing Body within forty-five (45) days of the conclusion of the public hearing.

e. Upon receipt of the Planning and Zoning Commission's report and recommendation, the Governing Body may approve, deny or amend the petition or the applicant may amend the application. The proposed amendment must either reduce
2. Change by the County Council or the Planning and Zoning Commission. Recommendations for revision, amendment or change of this Chapter or Chapter 410, including the Zoning District Map, may also be made by the Planning and Zoning Commission upon its own motion, for final determination by the County Council; likewise, the County Council may revise, amend or change this Chapter or Chapter 410 upon its own motion. In the case of a recommendation for revision by the Planning and Zoning Commission, final action thereon shall be taken only after notice and hearing as provided in Section 405.535(B)(1)(d) above. In the case of a recommendation for revision by the County Council, final action thereon shall be taken by ordinance.

3. Written protest. In case of written protest (legal remonstrance) against any proposed change, revision, or amendment signed and acknowledged by thirty percent (30%) of the owners of real property within one thousand (1,000) feet of the parcel of land for which the change, revision, or amendment is proposed, or in cases where the land affected lies within one and one-half (1½) miles of the corporate limits of a municipality having in effect ordinances zoning property within the corporate limits of such municipality, made by resolution of the City Council or Board of Trustees thereof, and filed with the County Registrar, such change, revision, or amendment may not be passed except by five (5) of the seven (7) members of the County Council.

4. Time limit on repeat applications previously denied. Any application for amendment, revision, or change of the Zoning District Map that does not receive final approval of the County Governing Body may not be resubmitted to the Planning and Zoning Commission for the district in which such parcel or lot is located. Any non-conforming salvage yard may be continued, provided it is enclosed with an eight (8) foot sight-proof fence. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 01-111 §6, 9-26-01; Ord. No. 01-145 §1, 11-28-01; Ord. No. 04-017 §1, 2-10-04; Ord. No. 04-053 §§1, 4-13-04; Ord. No. 05-029 §1, 3-29-05; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §§52, 6-2-10)

Cross Reference—As to specific fees, see ch. 425 of this code

Editor's Note—Reference to county clerk was changed to county registrar in accordance with ord. no. 01-121, adopted 9-26-01, set out in §129.010 of this code. For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

PART 6. NON-CONFORMING USE REGULATIONS

SECTION 405.540: NON-CONFORMING USE OF LAND

In all districts where open land is being used as a non-conforming use, such use may be continued as long as it remains otherwise lawful subject to the following provisions:

1. Enlargement. No such non-conforming use of a parcel or lot shall be enlarged, expanded, or extended to occupy a greater area of land or floor space than was occupied on the date of adoption or amendment of this ordinance, and no additional accessory use, building, or structure shall be established thereon.

2. Relocation. No such non-conforming use of a parcel or lot shall be moved in whole or in part to any other portion of such parcel or lot not so occupied on the date of adoption of this ordinance or to a parcel or lot not in conformance with this Chapter or Chapter 410.

3. Discontinuance. If such non-conforming use of a parcel or lot ceases, for any reason, for a period of more than one hundred eighty (180) consecutive days (except where government action causes such cessation), the subsequent use of such parcel or lot shall conform to the regulations and provisions set by this Chapter or Chapter 410 for the district in which such parcel or lot is located. Any non-conforming salvage yard may be continued, provided it is enclosed with an eight (8) foot sight-proof fence. (Ord. No. 99-99 §§1, 7-12-99; Ord. No. 10-041 §§53, 6-2-10)

SECTION 405.545: NON-CONFORMING USE OF BUILDINGS

The lawful use of a building existing at the effective date of this ordinance may be continued, although such use does not conform to the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The non-conforming use of a building may be hereafter extended throughout those parts of a building which were lawfully and manifestly arranged or designed for such use at the time of the enactment of this ordinance. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.550: DISCONTINUANCE OF NON-CONFORMING USES

Any building or portion thereof, used in whole or in part for a non-conforming use and which remains idle or unused for a continuous period of one (1) year, whether or not the equipment or fixtures are removed, shall only be used in conformity with the regulations of the district in which it is located. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.555: DESTRUCTION OF A NON-CONFORMING USE

Any building which has been damaged by any cause whatsoever to the extent of fifty percent (50%) or more of the fair market value of the building immediately prior to damage, shall be restored except in conformity with the regulations of this Chapter or Chapter 410, and all rights as a non-conforming use are terminated. If a building is damaged by less than fifty percent (50%) of
the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within twelve (12) months of the date of such damage. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.560: CONDITIONAL USES NOT NON-CONFORMING
Existing uses eligible for conditional use permits shall not be non-conforming uses, but shall require a conditional use permit for any alteration, enlargement, or extension. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.565: INTERMITTENT USE
The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a non-conforming use, and the existence of a non-conforming use on the part of a lot or tract of land shall not be construed to establish a non-conforming use on the entire lot or tract of land. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.570: EXISTENCE OF A NON-CONFORMING USE
Whether a non-conforming use exists shall be decided by the Director of the Division of Planning and Zoning upon application by the owner or developer of any existing structure or building or use for a certificate of non-conforming use. The burden shall be on the owner or developer to establish an entitlement to continue a non-conformity or to complete a non-conforming development. The Director of the Division of Planning and Zoning shall review all evidence submitted, inspect the structure, building, or use which is the subject of the application, and grant or deny the certificate. Within forty-five (45) days from the date on which the Director of the Division of Planning and Zoning issues a decision to grant or deny the certificate, the decision of the Director of the Division of Planning and Zoning may be appealed to the Board of Zoning Adjustment, which shall hear and decide such an appeal in accordance with Part 7, Section 405.590 et seq. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01)

PART 7. COUNTY BOARD OF ZONING ADJUSTMENT

SECTION 405.575: NON-CONFORMING USES NOT VALIDATED
A non-conforming use in violation of a provision of the ordinance or order which this ordinance repeals shall not be validated by the adoption of this ordinance. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.580: NON-CONFORMING USE DUE TO CHANGE IN ZONING
When the use of a building becomes non-conforming through an amendment to the Unified Development Ordinance or Zoning District Map, such use may be continued, and if no structural alterations are made, it may be changed to another non-conforming use of a higher classification. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.585: NON-CONFORMING USE ENLARGED
A building containing a non-conforming use may not be enlarged, extended, or altered, unless such use is made to conform to the regulations of the district in which it is located, provided however, that in the case of evident hardship, a building containing a non-conforming use may be enlarged an amount not greater than fifty percent (50%) of its original area or ground floor area by variance from the Board of Zoning Adjustment after public hearing. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.590: GENERAL POWERS, DUTIES AND PROCEDURES
A. Appeals to the Board of Zoning Adjustment (BZA) may be taken by any owner, lessee or tenant of land or by a public officer, department, board or bureau affected by any decision of the Director of the Division of Planning and Zoning. Such appeals shall be made within a period of not more than forty-five (45) days from the date of the decision and in the manner provided by the rules of the Board. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Director of the Division of Planning and Zoning shall certify to the Board that, by reason of facts stated in the certificate, a stay would, in the Director's opinion, cause imminent peril to life or property. For the purpose of processing the application, an applicant for an appeal to the Board of Zoning Adjustment authorizes the Community Development Department's staff, or staff of other agencies at the Department's direction, to enter and inspect the subject property. This authority shall cease upon the Board of Zoning Adjustment's decision on the variance.

B. The Board of Zoning Adjustment shall fix a reasonable time for the hearing of the appeal and give public notice thereof by publication at least one (1) time in a local newspaper of general circulation not less than five (5) nor more than fifteen (15) days prior to said hearing. The Board may give notice by U.S. mail to the owner of the property. The Board shall also give notice of the appeal to the owners of property abutting or fronting upon the property involved in the appeal, if the names and addresses are reasonably available. A filing fee as set by ordinance shall accompany an application to the Board of Zoning Adjustment. In addition, an application for a variance shall include the following: (1) the current deed or title to the property showing ownership; (2) a legal description to the property (if not included on the deed); (3) a parcel map from the County Assessor's office showing the property and the surrounding properties; (4) a statement of hardship or explanation of
appeal; (5) a development plan, either in narrative form or as a site plan, if applicable, drawn to scale to indicate the intended use of the property; (6) a completed owners' authorization form containing the notarized signatures of all owners of the property and all other individuals who will represent them in the application; and (7) all other information as deemed necessary to complete the application. The Board shall render its decision within forty-five (45) days of such hearing. The appellant and the officer appealed from shall be notified in writing of the decision of the Board.

C. The Board of Zoning Adjustment shall render decisions only on appeals from an action of the Director of the Division of Planning and Zoning or his/her duly appointed authority when it has determined that a permit has been incorrectly issued or denied, or when the appellant proves undue and unnecessary hardship due to a provision or provisions herein contained as applied to a specific lot or tract. Where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any area, or non-use regulation contained herein, would result in peculiar and exceptional difficulties to, or exceptional and demonstrable undue hardship on, the owner of such property as to cause unreasonable deprivation of use as distinguished from the mere granting of a privilege, the Board of Zoning Adjustment may vary the strict application of the area or non-use regulations upon appeal by the owner of such property in order to relieve such demonstrable difficulties or hardships, provided that such relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zoning regulations as embodied in the Unified Development Ordinance and maps. In case of unnecessary or undue hardship, due to a peculiar characteristic of a specific lot or tract, the Board may issue a variance, signed by the Chairperson, and set out the terms or conditions of the variance. In no case shall the Board of Zoning Adjustment issue a variance permitting a use to be placed in a district in which it is not permitted in this Chapter or Chapter 410. In no case shall the Board decide an appeal from a legislative action of the County Council.

D. In exercising the above-mentioned powers, the Board may, in conformity with the provisions of this Part, reverse or affirm, wholly or partly, or may modify the ordinance, requirement, decision or determination as ought to be made, and, to that end, shall have all the power of the officer from whom the appeal is taken.

E. Any owners, lessees or tenants of buildings, structures or land jointly or severally aggrieved by any decision of the Board of Zoning Adjustment may, at the option of the owners, lessees or tenants, appeal the decision of the Board, as provided by Statute, to the Circuit Court by filing a petition, duly verified, specifying the grounds of the illegality and asking for relief therefrom and thereafter proceedings shall be had thereon as provided by the appropriate State Statutes or, where the decision of the Board of Zoning Adjustment was not unanimous, may appeal the decision of the Board of Zoning Adjustment to the County Council within fourteen (14) working days of mailing of the decision of the Board of Zoning Adjustment as provided in Section 405.639. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-111 §7, 9-26-01; Ord. No. 03-064 §1, 5-28-03; Ord. No. 03-189 §1, 12-9-03; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §54, 6-2-10)

Cross Reference--As to specific fees, see ch. 425 of this code

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-185 adopted 12-31-03.

SECTION 405.595: ESTABLISHMENT

A County Board of Zoning Adjustment is hereby established consisting of five (5) citizens, of which not more than two (2) shall be residents of the incorporated area of St. Charles County, and not more than one (1) may be a member of the Planning and Zoning Commission, who shall be registered voters and residents of St. Charles County for at least one (1) year prior to the appointment. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.600: ALTERNATES

There shall be two (2) alternate members appointed to the Board of Zoning Adjustment. In the event of a member's absence, either alternate shall be selected to fill in for that member at a Board meeting. In such a case, the alternate will have the same powers and duties as a regular member. The alternate members shall be citizens who shall be registered voters and residents of St. Charles County for at least one (1) year prior to the appointment. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.605: TERMS

Each member shall serve a four (4) year term which ends April thirtieth (30th). One (1) member shall be appointed annually in April of each year, except in 1996, and every four (4) years thereafter, two (2) members shall be appointed. Each alternate shall serve a four (4) year term which ends April thirtieth (30th), with one (1) alternate being appointed every two (2) years. No member shall serve more than two (2) consecutive terms. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.610: APPOINTMENTS

Each member of the Board of Zoning Adjustment shall be appointed by the County Executive, with approval of the Council, pursuant to St. Charles County Charter Article V, Section 5.104. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.615: OATH

Each member shall take an oath, to be administered by the County Registrar, to ensure that the spirit and intent of the Unified Development Ordinance shall be observed, the welfare of the public upheld, and substantial justice is done. (Ord. No. 99-99 §1, 7-12-99)
SECTION 405.620: VACANCIES
Vacancies or absences on the Board of Zoning Adjustment caused by death, incapacity to perform duties, failure to attend three (3) consecutive meetings, or resignation shall be filled forthwith by appointment pursuant to St. Charles County Charter Article V, Section 5.104, and this Part of this Chapter. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.625: MEETINGS
The County Board of Zoning Adjustment shall meet at least once a month for the purpose of hearing and deciding appeals by any owner, lessee, or tenant of land, or by a public officer, department, board, or bureau, affected by any decision of the administration officer in administering the Unified Development Ordinance.
1. Place. The Board may meet at any public place within St. Charles County, but will normally meet in one (1) of the County owned facilities.
2. Time. The Board shall hold meetings at such times as it deems necessary in order to exercise its powers and duties. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.630: DUTIES/POWERS
The following shall be the duties and powers of the Board of Zoning Adjustment:
1. The Board shall hear and decide appeals where it is alleged there is error of law in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Unified Development Ordinance.
2. The Board shall hear and decide all matters referred to it on which it is required to determine under the Unified Development Ordinance.
3. The Board may, where, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any regulation contained herein would result in peculiar and exceptional difficulties to, or exceptional and demonstrable undue hardship on the owner of such property as an unreasonable deprivation of use as distinguished from the mere granting of a privilege, authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such demonstrable difficulties or hardships, provided such relief as can be granted without substantially impairing the intent, purpose, and integrity of the regulations as embodied in the Unified Development Ordinance and maps.
4. The Board shall determine the existence of non-conforming uses when appealed from the decision of the Director of the Division of Planning and Zoning, as set forth in Part 6 of this Chapter, Sections 405.540 et seq.
5. The Board shall have all powers given to County Boards of Zoning Adjustment under Missouri Law. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.635: MAJORITY
A majority of the Board shall constitute a quorum, and the concurring vote of four (4) members shall determine all matters of appeal or revision. (Ord. No. 99-99 §1, 7-12-99)
A. Appeals to the County Council shall be on a form approved by the Council.

B. In the event of an appeal, the Board of Zoning Adjustment shall provide the record of the landowner's request for variance and all records held by the Board of Adjustment to the County Council, as well as the decision of the Board of Zoning Adjustment with the reasons for denial. The County Council may affirm, reverse, modify or amend, in whole or in part, any determination of the Board of Zoning Adjustment. It shall require the affirmative vote of five (5) members of the County Council to reverse, modify or amend the decision of the Board of Zoning Adjustment.

C. Affirmation, reversal, modification or amendment of the decision of the Board of Zoning Adjustment by the County Council shall be in the form of an ordinance.

D. Appeal of the decision of the County Council shall be pursuant to the Missouri Administrative Procedure Act, codified at Chapter 536 of the Revised Statutes of Missouri. (Ord. No. 03-064 §2, 5-28-03)

PART 8. VIOLATION AND PENALTY

SECTION 405.640: ENFORCEMENT, INVESTIGATION AND RECORDS

It shall be the duty of the Director of the Division of Planning and Zoning or his/her duly authorized representative to enforce this Chapter and Chapter 410. The Director of the Division of Planning and Zoning shall enforce all provisions of this Chapter and Chapter 410 relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location, and maintenance of buildings, structures, and premises, except as may be otherwise provided for. The Director of the Division of Planning and Zoning shall, when requested by the Governing Body, or when the interests of the County so require, make investigations in connection with matters referred to in this Chapter or Chapter 410. The Director of the Division of Planning and Zoning or his/her duly authorized representative shall keep comprehensive records of complaints investigated, inspections made, and Board of Zoning Adjustment variance applications. The Division of Planning and Zoning shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open for public inspection at reasonable hours, but shall not be removed from the offices of the Division of Planning and Zoning. The Director of the Division of Planning and Zoning may request and shall receive, so far as may be necessary in the discharge of his/her duties, the assistance and cooperation of other County Officials, including, but not limited to, the following: Sheriff, Building Commissioner, County Engineer, Director of the Division of Development Review and County Counselor. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 03-142 §1(96), 10-1-03)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 405.645: VIOLATIONS -- MISDEMEANOR

A. The Director of the Division of Planning and Zoning or his/her duly authorized representative shall have the power to cause any land, building, structure, place, or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein in violation of this Chapter or Chapter 410, except as provided in Subsection (B) below. If the Director of the Division of Planning and Zoning or his/her duly authorized representative finds that the use of any building, structure, or land, or the work on any building or structure, violates any of the provisions of this Chapter or Chapter 410, the Director of the Division of Planning and Zoning or his/her duly authorized representative shall sign and issue a written order so stating. With respect to uses that violate this Chapter or Chapter 410, the written order shall direct that such use(s) be stopped within ten (10) days, or, in the case of any violation of Section 405.415(O) of this Chapter, an order that all fill and filling may not resume until after the violation is corrected by removal of any prohibited fill material from the subject property, and that such removal be completed within ten (10) days. With respect to work on buildings or structures that violates this Chapter or Chapter 410, the written order shall direct that such work be stopped immediately. The written order shall be served upon the owner and (where appropriate) the tenant or lessee or occupant of the building, structure or land that is the subject of the violation, as well as on any person doing work on buildings or structures in violation of this Chapter or Chapter 410.

B. With respect to construction of public improvements or any improvements subject to review by the Division of Development Review pursuant to this Chapter or Chapter 410, the Director of the Division of Development Review shall have power to cause any such work to be inspected and examined and to order in writing the remedying of any condition found to exist therein in violation of this Chapter or Chapter 410. Such orders shall direct that work stop immediately and may not resume until after such violation is corrected.

C. Any person who violates an order issued under this Section after having been served with it shall be guilty of a misdemeanor and liable for a fine not to exceed five hundred dollars ($500.00) a day or six (6) months' imprisonment in the County Jail, or both. Every day that such violation continues shall constitute a separate violation. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 03-142 §1(97), 10-1-03; Ord. No. 10-041 §§55, 6-2-10)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 405.650: VIOLATIONS -- ACTIONS TO ABATE

Any lessee, owner, or tenant of land located within any unincorporated area of St. Charles County who shall construct, reconstruct, alter, relocate, or maintain any building or other structure, or use land in violation of the provisions of this Chapter or

530
Chapter 410, shall be guilty of a misdemeanor. In the case of such a violation, the Governing Body, Planning and Zoning Commission, Prosecuting Attorney, County Counselor or any other officer or official appointed or designated by the Governing Body, or the owner of any private property or any public body—where the property of whom or which is or may be affected by any such violation—the property in the Circuit Court any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, relocation, maintenance, or use, or to restrain, abate, or correct such violation, or to prevent the occupancy of such building or structure or unlawful use of such land, and to prevent any illegal act, conduct, business, or use in or about the premises. (Ord. No. 99-99 §1, 7-12-99)

SECTION 405.655: VIOLATIONS—PERSONS LIABLE

The owner or general agent of any such land, building, structure, or premise where a violation of this Chapter or Chapter 410 has been committed or shall exist, or the lessee or tenant of any entire building or entire premise where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premise in which the violation has been committed or shall exist, or the owner, general agent, architect, builder, or contractor, or any other person who knowingly commits, takes part, or assists in such violation or who maintains any building or premises in which any such violation shall exist, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars ($500.00) a day or six (6) months' imprisonment, or both. Each and every day that such violation continues shall constitute a separate offense. (Ord. No. 99-99 §1, 7-12-99)

APPENDIX A. RESERVED

Editor's Note—Ord. no. 05-029 §1, adopted March 29, 2005, deleted this Appendix A "chart of permitted and conditional uses" in its entirety with no replacement provisions. Former Appendix A derived from ord. no. 99-99 §1, 7-12-99; ord. no. 01-054 §1, 4-25-01.

CHAPTER 410: UNIFIED DEVELOPMENT ORDINANCE OF ST. CHARLES COUNTY, MISSOURI "SUBDIVISION REGULATIONS"

Editor's Note—In 1959, St. Charles County, Missouri, first adopted a Zoning Order including Rules for Land Subdivision. (Order of the St. Charles County Court, Nov. 2, 1959.)

In 1972, St. Charles County adopted the Revised Zoning Order for St. Charles County, Missouri [first edition]. (Order of the St. Charles County Court, Dec. 14, 1972.)

In 1975, St. Charles County adopted the Revised Rules for Land Subdivision of St. Charles County. (Order of the St. Charles County Court, July 29, 1975.)

In 1976, St. Charles County adopted the Revised Zoning Order for St. Charles County, Missouri, Second Edition. (Order of the St. Charles County Court, Sept. 14, 1976.)


In 1990, St. Charles County supplemented the Revised Rules for Land Subdivision of St. Charles County, by adopting: Appendix D—The Model Sediment and Erosion Control Regulations. (Order of the St. Charles County Commission, Jan. 18, 1990.)


In 1993, upon the effective date of the St. Charles County Charter (1992), St. Charles County continued in force all existing legislation of St. Charles County, including the Revised Zoning Order for St. Charles County, Missouri, Second Edition, and the Revised Rules for Land Subdivision of St. Charles County, as amended to date. (St. Charles County Charter Art. XI, Section 11.1000 (1992); St. Charles County Ordinance No. 93-1, section 2 (Section 100.140.B of the Ordinances of St. Charles County, Missouri).)


Cross Reference—As to zoning, see ch. 405; as to sediment and erosion control regulations, see ch. 412; as to floodplain regulations, see §405.245 et seq.
ARTICLE I. GENERAL PROVISIONS

SECTION 410.010: SCOPE AND LEGAL AUTHORITY

A. For the purpose of present and future development of the County of St. Charles and for the promotion of public health, safety, and welfare of persons living within the territory governed, the provisions and regulations hereinafter contained shall govern subdividers and the subdividing and platting of lands lying within the area of jurisdiction of the County of St. Charles.

B. The rules and regulations governing plats and subdivision of land contained herein shall apply within the County in the unincorporated area. In the event of overlapping jurisdiction within the prescribed area, the extent of jurisdiction shall be determined and agreed upon between the County and the other municipality or municipalities concerned, unless the matter is under litigation. Except in the case of resubdivision, this Chapter shall not apply to any lot or lots forming a part of a subdivision recorded in the office of the County Recorder of Deeds prior to the effective date of this Ordinance, nor is it intended by this Chapter to repeal, annul, or in any way impair or interfere with existing provisions of other laws or orders, except those specifically repealed by, or in conflict with, this Chapter, or with restrictive covenants running with the land. Where this Chapter imposes a greater restriction upon the land than is imposed or required by such existing provisions of law, ordinance, contract, or deed, the provisions of this Chapter shall control. (Ord. No. 99-99 §1, 7-12-99)

SECTION 410.020: APPLICATION OF ORDINANCE

No lot in a subdivision, as defined herein, may be conveyed unless a final plat of the property has been approved according to the rules and regulations of the ordinance and recorded in the office of the St. Charles County Recorder of Deeds. (Ord. No. 99-99 §1, 7-12-99)

SECTION 410.030: INTENT AND PURPOSE

This Chapter is intended for the purpose of providing adequate services and utilities, safe and convenient access, a desirable and attractive living environment through good subdivision design, and utilizing development standards directed toward reasonable costs for initial development and continuing maintenance, including the following:

1. The proper location alignment and width of streets, building setback lines, open spaces, recreational areas, and public lands.
2. The avoidance of overcrowding of population and congestion of vehicular traffic.
3. The manner in which streets are to be graded and improved, and the extent to which water, sewer, stormwater and other utility services are to be provided.
4. The provision of adequate space for traffic for utility facilities; access of emergency apparatus; control of the number, spacing, type and design of access points to existing or future streets; minimum width, depth, and area of lots; light and air; and a proper distribution of population.
5. The provisions in this Chapter shall be administered to ensure orderly growth and development and facilitate the provisions in the current Master Plan as approved by the Governing Body and the Unified Development Ordinance for St. Charles County, Missouri. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 04-053 §1, 4-13-04)

SECTION 410.040: INTERPRETATION

A. This Chapter is intended as Minimum Requirements to provide for efficient, coordinated, and economic development of the County, to ensure the adequacy of street and utility facilities, and to promote public health, safety, and welfare.

B. If any other provision of law relates to any matter covered herein, the regulation providing the higher standard shall apply. (Ord. No. 99-99 §1, 7-12-99)

SECTION 410.050: DEFINITIONS

The definitions set out in Section 405.060 of this Title of the Code of Ordinances of St. Charles County, Missouri, shall apply to this Chapter. (Ord. No. 99-99 §1, 7-12-99)

ARTICLE II. GENERAL REQUIREMENTS

SECTION 410.060: APPROVAL BY THE PLANNING AND ZONING COMMISSION AND COUNTY COUNCIL -- PROTEST BY MUNICIPALITIES

A. No plat for subdivision of land in the unincorporated areas of St. Charles County shall be deemed approved unless and until it is voted on by the Planning and Zoning Commission. If, however, such plat be amended or rejected by the Planning and Zoning Commission, or if the Council or Board of Trustees of any municipality files with the St. Charles County Registrar a certified copy of a resolution of such Council or Board protesting against the action of the Planning and Zoning Commission approving any such...
plats of any land lying within one and one-half (1½) miles of the limits of the incorporated area of such municipality, or as
prescribed by the State Statutes, such approval shall be deemed overruled, and such plat must then be approved by an ordinance

with approval of five (5) members of the County Council, and the reasons for the approval or failure to approve such plat shall be
spread upon the records of the Governing Body and certified to the Planning and Zoning Commission.

B. All plans, plats, or replats of land hereafter laid out in building lots and the streets or other portions of the same intended to be

dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, and plans and
descriptions of all streets or public ways intended to be deeded or dedicated for public use, and for the use of purchasers or owners
of the land fronting thereon or adjacent thereto, which is not intended to be platted into lots or other designated tracts, shall be
submitted to the Planning and Zoning Commission for their consideration and their recommendation, and shall then be submitted
to the Governing Body or Director of the Division of Planning and Zoning for their official consideration and action, and no such
plat or replat or dedication or deed or street or public way shall be filed with the County Recorder of Deeds as provided by law
until such plat or replat or dedication or deed shall have been endorsed thereon, approved by the Planning and Zoning Commission
and by the Governing Body or Director of the Division of Planning and Zoning. If the Planning and Zoning Commission does not
act on the plat within forty-five (45) days of initial review by the Commission, it shall be deemed approved and the Commission
shall certify such facts upon the plat. In all approvals by inaction, the matter shall require an affirmative vote of the majority of
the County Council. In the case of disapproval, the Commission shall inform the applicant of the reasons for its actions in writing
within five (5) business days. In the case of an approval, the Director of the Division of Planning and Zoning shall endorse
thereon the plan as approved by the Planning and Zoning Commission.

C. Replats Involving Resubdivision Of Lots--Subdivision Covenants, Indentures Or Restrictions To Be Considered.

1. Any replat involving resubdivision of lots in subdivisions previously recorded in the records of the County Recorder of Deeds
submitted to the Planning and Zoning Commission for consideration and recommendation shall be accompanied by a certified
copy of recorded subdivision covenants, indentures or restrictions, if any. If there are no such restrictions, the applicant shall
so state in writing and shall make such representation a part of the application for resubdivision.

2. The Planning and Zoning Commission, the Governing Body or Director of the Division of Planning and Zoning may take into
consideration the limitations on the resubdivision which are imposed in duly authorized and binding subdivision covenants,
indentures or restrictions, if any. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 05-129 §1, 8-29-05)

Editor's Note--Reference to county clerk was changed to county registrar in accordance with ord. no. 01-121, adopted
9-26-01, set out in §129.010 of this code. For designation of the division of planning and zoning, see ord. no.
02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 410.070: INSTANCES WHEN PLATS WILL NOT BE REQUIRED

The provisions of these regulations do not apply, and no plat is required in any of the following instances:

1. The division of land into no more than two (2) parcels or tracts less than ten (10) acres in size and into tracts equal to or greater
than ten (10) acres, provided no illegal zoning lot is created and the parcels or tracts are not within a recorded subdivision.

*All parcels or tracts must abut a public or private street or a new recorded easement serving no more than two (2) parcels.
The original parcel or tract that is divided must have been recorded prior to August 23, 1999.

*Editor's note--This sentence, consistent with ord. no. 07-040, though not properly bolded, has been included as the
second sentence herein.

2. The sale or exchange of parcels of land between owners of adjoining and contiguous land, provided that no illegal zoning lot is
created, when not within recorded subdivisions.

3. The conveyance of parcels of land or interests therein for use as a right-of-way for railroads, or other public utility facilities
and pipelines which do not involve any new streets or easements of access.

4. The conveyance of land for highway or other public purposes or grants or conveyance relating to the vacation of land
impressed with a public use.

5. Conveyances made to correct description of prior conveyances. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01;
Ord. No. 03-142 §1(98), 10-1-03; Ord. No. 05-029 §1, 3-29-05; Ord. No. 07-040 §1, 3-13-07)

SECTION 410.080: SUITABILITY OF LAND FOR SUBDIVISION DEVELOPMENT

Land unsuitable for subdivision development due to drainage, flood hazard area, jurisdictional wetlands, hillside area, rock
formation, or any other conditions constituting significant danger to health, life, and/or property, shall not be approved for
subdivision development, unless the subdivider presents evidence or data satisfactory to the Commission establishing that the
methods proposed to meet any such conditions are adequate to protect health, life, and/or property. (Ord. No. 99-99 §1, 7-12-99)

SECTION 410.090: REVIEW OF PLATS BY OTHER AGENCIES

At the option of the Director of the Division of Planning and Zoning and/or the Planning and Zoning Commission, proposed plats
may be submitted to various agencies for review and comment. The applicant or their representative shall be informed of the
comments thirteen (13) days prior to the meeting. (Ord. No. 99-99 §1, 7-12-99)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in
ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.
SECTION 410.100: REVIEW FEES

All preliminary plat review fees as set by ordinance shall be determined and paid prior to the Planning and Zoning Commission meeting where the preliminary plat will be presented. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-111 §8, 9-26-01; Ord. No. 10-041 §56, 6-2-10)

Cross Reference--As to specific fees, see ch. 425 of this code

SECTION 410.110: PRELIMINARY PLAT REQUIREMENTS

A. Fifteen (15) folded prints of the preliminary plat, a reduced copy of the plat sheet measuring eight and one-half (8.5) inches by eleven (11) inches or eleven (11) inches by seventeen (17) inches and a digital version shall be submitted to the Division of Planning and Zoning at least twenty-seven (27) days before the meeting at which approval is requested. All preliminary plats shall be prepared by a Missouri registered professional land surveyor and/or Missouri registered professional engineer and bear their signature and seal. At the discretion of the Director of the Division of Planning and Zoning, an aerial photo of suitable scale and vintage may be required. The photo shall have superimposed upon it the boundary of the property in question and any other information as may be deemed necessary by the Director of the Division of Planning and Zoning. Prior to submittal of a preliminary plat, the applicant may submit to the planning staff a concept plan for initial review. For the purpose of investigating a preliminary plat an applicant authorizes the Community Development Department's staff, or staff of other agencies at the Department's direction, to enter and inspect the subject property while the plat is in the approval process. This authority shall cease upon completion of the plat review.

B. Notification. After receiving a preliminary plat, the Division of Planning and Zoning will give notice by U.S. mail to the adjacent property owners. Notice shall be given to the adjacent property owners at least fifteen (15) days prior to the Planning and Zoning Commission meeting that the preliminary plat will be presented.

C. Preliminary Plat Information. Preliminary plats shall include, at minimum, the following unless waived by the Director of Planning and Zoning:

1. Identification.
   a. Proposed name of the subdivision.
   b. Names, addresses, and telephone numbers of owners, developers, and the engineers, as well as the surveyors responsible for preparation.
   c. North point, a scale of one (1) inch equals two hundred (200) feet or larger, and date.
   d. Approximate acreage in tract to one-tenth (1/10) of an acre.
   e. Location or key map.
   f. A statement to the effect that "this plat is not for record" shall be stamped or printed on all copies of the preliminary plat.

2. Plat information.
   a. Location of boundary lines and their relation to established section lines, fractional section lines or U.S. survey lines.
   b. Physical features of property, including watercourses, ravines, ponds (standing water), existing and proposed bodies of water, levees or drainage area, forested areas (every effort must be made to preserve as many existing trees as possible), outcropping of rock, bridges, culverts, present structures, existing sidewalks, pipelines, overhead electric lines and off-street parking, if applicable, as well as all easements of record for pipelines, overhead electric lines and other utilities. Watercourses left in their natural state must be shown within common ground, with lot lines set back from the top of the existing stream bank, or from the 10-year, 24 hour or 15-year, 20 minute water surface elevation, where no established top-of-bank can be determined, for all subdivisions except those with lots three (3) acres or larger in size, as provided by Part 3, Article VI of Chapter 405 of this Unified Development Ordinance. All plats shall clearly show the boundaries of any setback from natural watercourses on the subject property which are left in their natural state and provide a note to reference that setback area stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Section 405.5026 of the Unified Development Ordinance of St. Charles County, Missouri".
   c. Indicate average lot size for the development.
   d. Topography of tract with contour interval of one (1), two (2), or five (5) feet on U.S.G.S. Datum.
   e. Names of adjacent subdivisions, including existing lot numbers and/or property lines and owners, around perimeter within one hundred (100) feet, showing existing streets, highways, etc.
   f. Location, width, and names of existing and proposed streets with right-of-way, pavements, roads, lot dimensions, sidewalks, setback lines, easements, parks, school sites, and other features of the proposed subdivision.
   g. Cul-de-sac islands and raised medians shall be included within right-of-way if that right-of-way is dedicated by plat to the public and if improvements within that right-of-way are to be maintained by the public, as provided in Section 410.210(C), below.
h. Indicate the street dedication public or private. Note that all public streets will be constructed to St. Charles County Public Standards. Private streets will be constructed either to Public Standards, if applicable, or to the standards of Section 410.370(A)(2). If a private street, indicate the structural composition of the street.

i. All approximate gradients of streets will be shown.

j. Indicate the centerline curve radius on streets.

k. Depict a standard County entrance configuration at the entrance(s) to the development.

l. Depict any dedication strips along existing roadways.

m. Designation of land use, whether for residential, commercial, industrial, or public use, and present zoning district.

n. Designation of utilities to serve proposed subdivision.

o. Designation of the school and fire district which serves the proposed subdivision.

p. Provided for maintenance of same. The plat shall also dedicate to St. Charles County or its successors in interest an easement of access to and in the common ground occupied by any detention areas for the purpose of inspection and enforcement of all applicable regulations of such detention areas.

q. Common ground acreage to nearest one-tenth (\(\frac{1}{10}\)) of an acre and designation of common ground.

r. Depict floodway fringe, density floodway, and floodway boundaries, and provide base flood elevations as shown on Flood Insurance Rate Maps (FIRMS) issued by the Federal Emergency Management Agency (FEMA) and the maps presently filed in the office of the Division of Planning and Zoning. Any floodway areas or wetlands must be shown as common ground.

s. Provide proposed development stormwater runoff factor.

t. Other information, as may be required by the Director of the Division of Planning and Zoning, to serve the intent and purpose of this Chapter.

u. Depict the location of water lines for subdivisions with individual water treatment systems.

v. Note on plat that all stub streets will likely be extended in the future development. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 02-004 §4, 1-30-02; Ord. No. 02-088 §§6, 6-26-02; Ord. No. 03-142 §§1(99--102), 10-1-03; Ord. No. 04-053 §1, 4-13-04; Ord. No. 04-162 §3, 10-13-04; Ord. No. 05-029 §1, 3-29-05; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §57, 6-2-10)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 410.120: WRITTEN STATEMENTS TO BE INCLUDED WITH SUBMITTALS OF PRELIMINARY PLATS FOR REVIEW

A. An applicant for approval of a preliminary plat to be served by individual waste treatment systems must meet the following requirements, in addition to those set out in Section 410.110.

1. A Department of Natural Resources approved engineering geologic report must be submitted to the Division of Building Code Enforcement prior to a review of the soil evaluation report.

2. A soil evaluation report utilizing a five (5) foot deep test pit and one (1) permeability evaluation for every lot must have Division of Building Code Enforcement approval prior to the Planning and Zoning Commission vote on the final plat. Additional permeability evaluations will be required by the Division of Building Code Enforcement based on grade, lot, and subdivision sizes or any other physical characteristics. Permeability evaluation to be conducted by a soils scientist licensed by the State Health Department. After the final subdivision plat is approved, at least one (1) additional permeability evaluation will be required on each lot located in the area of the proposed leach field. Further evaluations may be required by the Division of Building Code Enforcement.

B. An applicant for approval of a preliminary plat that is subject to any easement for pipelines, overhead electric lines and other utilities that must be shown on the preliminary plat pursuant to Section 410.110(C)(2)(b) must supply as many additional copies of the preliminary plat as may be required for St. Charles County to forward for comment to all holders of easements in the property to be subdivided that are for the purpose of accommodating one (1) or more high pressure pipeline(s).

C. An applicant for approval of a preliminary plat in which subdivision streets connect to roads or highways under the jurisdiction of the State of Missouri or another political subdivision must meet the following requirements, in addition to those set out in Section 410.110.

1. The applicant must submit concept designs for any connections between subdivision streets and existing roads or highways and for any improvements to them that may be required by the jurisdiction with legal responsibility to maintain improvements within those existing roads or highways.

2. The applicant must also submit written documentation that the jurisdiction with legal responsibility to maintain improvements within those existing roads or highways has approved those concept designs, that a party has agreed with that jurisdiction to build the improvements called for in those concept designs. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 05-027 §3, 3-1-05; Ord. No. 07-053 §1, 3-27-07)
SECTION 410.130: PRELIMINARY PLAT REJECTION FOR REVIEW BY STAFF

The Director of the Division of Planning and Zoning shall review the submitted preliminary plat and other information and documentation submitted, and within eight (8) business days shall determine if the plat as submitted is complete. If the preliminary plat is determined to be incomplete, the Director of the Division of Planning and Zoning shall return the plat to the consultant/designer who prepared the plat with a written explanation of the additional information needed for a staff review. (Ord. No. 99-99 §1, 7-12-99)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code.

SECTION 410.140: PRELIMINARY PLAT APPROVAL

Preliminary plat approval shall confer upon the subdivider the following rights and privileges:

1. The preliminary plat will remain in effect for a two (2) year period from the date of final approval by the Governing Body or Director of the Division of Planning and Zoning. The applicant may, during this period, submit all or part or parts of said preliminary plat for final plat approval. Approval of a final plat(s) that is part of a preliminary plat will extend the approval of the preliminary plat for an additional year(s). A request for an extension of time may be made by the developer in writing to the Director of the Planning and Zoning Division for approval. The Director of the Planning and Zoning Division may approve an extension of time due to extenuating circumstances for a period of one (1) year for a preliminary plat. Any part of a subdivision which is being developed in stages shall contain a tract of land at least one (1) block in length.

2. The general terms and conditions under which the preliminary plat approval was granted will not be changed.

3. The applicant may submit land disturbance plans pursuant to Chapter 412 and improvement plans for all proposed facilities and utilities pursuant to Section 410.160. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(103), 10-1-03; Ord. No. 05-148 §11, 10-25-05; Ord. No. 07-040 §1, 3-13-07)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 410.145: TREE PRESERVATION PROGRAM FOR ST. CHARLES COUNTY

A. Intent/Purpose. The purpose of this Section is to promote the public health, safety, comfort and general welfare of St. Charles County residents by providing tree preservation standards. These standards are designed to enhance the quality and appearance of developed properties, protect existing natural resources, buffer differing land uses and conserve the value of land and buildings throughout St. Charles County. These standards will also increase energy efficiency through shading and cooling, filter air pollution, buffer noise and wind and provide wildlife habitat as well as pleasant visual relief.

B. Applicability. These standards will apply to all new residential developments in unincorporated St. Charles County except the following:

1. Individual single-family residences, not in a proposed and/or existing subdivision;

2. Individual two-family residences, not in a proposed and/or existing subdivision;


Editor's Note--In ord. no. 10-041 §2, District "C3" was repealed, the above reference to said district was editorially removed after conferring with the county.

C. Plan Requirements.

1. All preliminary residential subdivision plats shall delineate the anticipated tree preservation plan. Tree preservation information supplied on the Preliminary Plat shall be as follows:

   a. The approximate limit of all tree preservation areas.

   b. Approximate areas where trees are to be removed.

   c. Estimated acreage calculations for the preservation areas.

   d. Aerial photo showing the area of trees as they existed three (3) years prior to submittal.

2. Final Tree Preservation Plan shall be included with the grading plans for a site and have the following:

   a. Property boundary including north arrow and scale.

   b. The proposed layout of all lots and public and private right-of-ways.

   c. Existing and proposed topographic data for the site.

   d. The location of all known existing utility easements.

536
e. The limits of all tree preservation areas to the edge of the canopy drip line.

f. A statement of intent by the property owner that all the County's tree preservation regulations shall be met within the required time frame and all material to be planted will be of sufficient size, condition and quality and maintained to meet the intent of the County's tree preservation regulations.

3. The tree preservation limits as approved on the final tree preservation plan shall be depicted on the final plat. A note shall also be provided to reference any tree preservation areas stating: "There shall be no clearing, grading, filling, construction activities or disturbance in any tree preservation areas".

D. Tree Preservation Requirements.

1. Subject to paragraph (2), below, all developments shall meet a minimum tree preservation requirement of ten percent (10%) of the site or twenty-five percent (25%) of existing woodlands and trees as they existed three (3) years prior to submittal of the Preliminary Plat; whichever is greater. If the total area of trees on the site is equal to or less than ten percent (10%) of the total site area, fifty percent (50%) of the existing trees shall be retained. The preservation of existing trees must be depicted on the tree preservation plan. Existing woodlands and trees may be determined by using aerial photographs or field inventory. No credit will be given to a tree or any portion of a tree canopy that is not located on the subject property.

2. The Director of Community Development may waive all or part of the requirements imposed by paragraph (1), above, provided that:
   a. The Director or his designee, based on his physical inspection of the property to be developed, determines that strict compliance with those requirements would render the property undevelopable,
   b. The requirements for the replacement of destroyed trees imposed by Subsection (G) of this Section shall be met.

E. Protective Methods. To receive preservation credit, trees to be preserved must be protected from direct and indirect root damage and trunk and crown disturbance. No credit will be allowed for any dead tree, any tree in poor health or any tree subjected to grade alterations. The death of any tree used for preservation credit shall require the owner to replace the tree. The following standards shall apply:
   1. The protection area around trees shall include all land within the canopy drip line. This area shall remain free of all grading and filling activities.
   2. Construction site activities such as parking, material storage, soil stock piling and concrete washout shall not be permitted within tree protection areas.
   3. Tree protection areas should be clearly identified prior to any land disturbance. Methods that may be used include snow fence, polyethylene, chain link fence or construction stakes placed every fifteen (15) feet.
   4. Signs shall be used to designate tree protection areas. Signs are to be posted visibly on all sides of the preservation area and must be visible throughout the development process. Minimum size for the signs is twenty-four (24) inches by thirty-six (36) inches and should state the following "TREE PROTECTION AREA--Machinery access, dumping or storage of materials and equipment is prohibited."

F. Enforcement And Penalties. The Director of the Division of Planning and Zoning is hereby charged with the responsibility of administering and enforcing the provisions of the landscaping and tree preservation program. All violations are subject to penalties set forth in Sections 405.640 through 405.655, except that the Director of the Division of Planning and Zoning shall have the discretion to allow more than ten (10) days for the correction of violations, taking into account such factors as:
   1. The requirements of the grading project under review, and
   2. The requirements for planting or transplanting trees and shrubs under the best practices of the landscaping or arborist profession. If required tree protection areas are disturbed during construction, a replacement ratio of three (3) trees to each tree destroyed, damaged or removed is required to be planted in the development. The final ten percent (10%) of the performance guarantee of the required erosion control plan will be held until all tree preservation requirements have been met.

G. Materials. A mixture of native, hardy deciduous, flowering and/or coniferous trees may be planted.
   1. All deciduous trees planted to meet the requirements of this Section must be a minimum caliper of two and one-half (2½) inches at the time of installation.
   2. All coniferous trees must be a minimum of six (6) feet in height at the time of installation.

H. Installation And Maintenance. All landscape materials must meet the following:
   1. All trees must be in place and healthy prior to the issuance of any occupancy permit. Upon approval by the Director of the Division of Planning and Zoning, a temporary certificate may be issued without the installation, provided written assurances are given that the planting will take place when the proper season arrives.
   2. New landscaping shall not be planted within any easement, right-of-way or sight triangle.
   3. All trees shall have natural bark mulch placed around the base of the tree, at least four (4) inches deep and have at least an eighteen (18) inch radius from the trunk.
   4. Newly planted trees shall be supported (staked and tied) through the first (1st) growing season to insure proper growth.
   5. All landscaping within common ground areas must be maintained by the owner. The landscaping must be maintained in a
healthy growing condition as is appropriate for the season of the year. Plant materials, which exhibit damage, must be restored to healthy condition or replaced within the next growing season. (Ord. No. 04-053 §1, 4-13-04; Ord. No. 07-040 §1, 3-13-07)

SECTION 410.150: RESERVED

Editor's Note—Ord. no. 07-040 §1, adopted March 13, 2007, repealed section 410.150 "display house plat" in its entirety. Former section 410.150 derived from ord. no. 99-99 §1, 7-12-99; ord. no. 01-111 §9, 9-26-01; ord. no. 03-142 §1(104), 10-1-03. At the editor's discretion, this section has been reserved for the city's future use.

SECTION 410.160: IMPROVEMENT PLANS AND INSTALLATION

A. After the preliminary plat is approved, improvement plans for all or any part of the subdivision shall be prepared by an engineer and submitted to the Director of the Division of Development Review for review and approval by the Director. If any changes are made to the streets, storm or sanitary sewers, detention facilities, drainage areas, or any other significant changes after the improvement plans have been approved or the date the final plat was recorded, then revised plans must be submitted to the Director of the Division of Development Review for reapproval by the Director. All submittals of improvement plans and design calculations must bear the seal of the engineer.

B. Improvement plans shall be prepared in accordance with St. Charles County's "Design Criteria for the Preparation of Improvement Plans" as issued by the St. Charles County Highway Department in February, 2002, or as amended thereafter.


D. Actual construction of such facilities and improvements may commence at the developer's risk prior to the final plat approval if the detailed improvement plans have been approved by the Director of the Division of Development Review, provided that such facilities and improvements will be inspected throughout their construction. Final plat approval will be contingent, in part, upon acceptable compliance to County improvement and facility standards.

E. Improvement plans for subdivisions which contain three (3) acre or larger lots with private streets or subdivisions which have only private improvements proposed, such as condominium plats, commercial plats or industrial plats with parking areas and no streets, shall be prepared on an exhibit not to exceed twenty-four (24) inches by thirty-six (36) inches and shall contain the following information:

1. The title page shall show:
   a. A key map showing the relationship of the area to be subdivided to the tract and which shall reflect areas of the tract previously subdivided plus adjacent streets.
   b. A north arrow and graphic scale.
   c. A title block showing the name and address of the developer and the engineering firm.
   d. One (1) or more benchmarks on United States Geological Survey (USGS) Datum or a Missouri Department of Transportation (MoDOT) benchmark on USGS Datum in or near the subdivision to which the subdivision is referenced shall be included. No assumed elevations will be accepted.

2. Plan sheets showing horizontal layouts of streets, storm sewers, open channels and detention facilities on a graphic scale no less than one (1) inch equals one hundred (100) feet (1" = 100').

3. Plans for grading and sediment and erosion control shall be in accordance with Chapter 412 of this Unified Development Ordinance.

4. Plan sheets showing the proposed finished grading of the site, including both existing and proposed contours at an interval no greater than five (5) feet on a graphic scale no less than one (1) inch equals one hundred (100) feet (1" = 100'). U.S.G.S. contours may be used, except where street grades will exceed eight percent (8%) or where more accurate contour information is required as deemed necessary by the Director of the Division of Development Review.

5. Profiles of streets and storm sewers on a scale not less than one (1) inch equals fifty (50) feet (1" = 50') horizontal and one (1) inch equals ten (10) feet (1" = 10') vertical. Street elevations are to be shown a minimum of every fifty (50) feet horizontally on tangent sections and a minimum of every twenty-five (25) feet horizontally within a vertical curve. Flow line and top-of-structure elevations are required at all junctions of storm sewer lines. Pipe lengths, diameters, slopes, and material specifications must be provided.

6. Drainage area maps showing the drainage areas of all off-site and on-site stormwater runoff affecting the site.

7. Construction details and typical sections of streets, entrances, open channels, swales and storm sewers as required. Details of all street entrances onto County roads must be at least one (1) inch equals twenty (20) feet (1" = 20'). Enough information must be provided about the entrance geometrics and the intersecting street to determine whether sight distance, vehicle turning movements, and stormwater drainage will be adequate.

8. Hydraulic or any other required engineering calculations sealed and signed by a Missouri registered professional engineer.

F. An applicant for approval of improvement plans for any preliminary plat that is subject to any easement for pipelines, overhead electric lines and other utilities that must be shown on the preliminary plat pursuant to Section 410.110(C)(2)(b) must meet the
following requirements, in addition to those set out above.

1. The applicant must depict all such easements of record upon the improvement plans.

2. The applicant must certify to St. Charles County that the applicant has delivered copies of those improvement plans to all holders of such easements with notice to send comments on or consents to those plans to the Director of the Division of Development Review. The certificate shall also state the date and address of delivery.

No improvement plans may be approved without the consents to those plans from the holders of such easements. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 02-004 §§5–9, 1-30-02; Ord. No. 02-088 §§, 6-26-02; Ord. No. 03-142 §§(105–110), 10-1-03; Ord. No. 04-075 §§, 5-27-04; Ord. No. 05-027 §, 3-1-05; Ord. No. 05-148 §12, 10-25-05; Ord. No. 06-041 §§, 3-28-06; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §§, 6-2-10)

SECTION 410.170: REVIEW AND INSPECTION FEES

Improvement plans will not be reviewed pursuant to Section 410.160 of this Unified Development Ordinance until review fees as set by ordinance are paid. An hourly fee for inspection of improvements in construction pursuant to Section 410.160 shall be charged as set by ordinance. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-111 §10, 9-26-01)

Cross Reference--As to specific fees, see ch. 425 of this code

SECTION 410.180: PERFORMANCE GUARANTEE

A. After the improvement plans have been approved, but before recording the record subdivision plat, the subdivider must:

1. Either complete the improvements, under the inspection of the appropriate inspecting agency and in accordance with the approved improvement plans, and post a performance guarantee for ten percent (10%) of the estimated sum; or

2. Post a performance guarantee ensuring or guaranteeing the installation of all said improvements.

B. If the performance guarantee is a lender's or escrow agreement, that agreement shall:

1. Be prepared on forms approved by ordinance and be signed by the County Engineer and County Registrar;

2. Ensure or guarantee the construction and completion of all the improvements as set forth in the approved improvement plans based on the cost estimate prepared by the consulting engineer and approved by the Director of the Division of Development Review; and

3. Be held in a special account by the escrow holder or lender and the funds shall be subject to the audit of St. Charles County.

C. Any lender's or escrow agreement shall be administered as follows:

1. The estimated sum shall be held by the escrow holder or the lender as in the agreement provided until such time as the County Engineer or the Governing Body authorizes release of funds as provided herein. Authorization shall be written and addressed to the escrow holder or the lender authorizing release. The County Engineer may authorize release for disbursement by the escrow holder or the lender for payment of the improvements guaranteed as the work progresses. At no time will the amount in the escrow account be released depreciate the account to less than the cost of completing said remaining improvements. This sum shall be determined by using current market value of the materials and labor. In no case shall the escrow holder or lender release more than ninety percent (90%) of the estimated sum until improvements and installations have been completed in a satisfactory manner in accordance with the subdivision regulations and approved by the County Engineer. The remaining ten percent (10%) shall be released upon acceptance or final approval of said improvements per item by the Governing Body. The estimated sum shall be held by the surety as in the agreement provided, until such time as the Governing Body shall, by written authorization addressed to the surety, release the total sum.

2. This amount shall only be authorized to be released in its entirety after the County Engineer certifies that all the improvements have been constructed in accordance with the approved plans, all the requirements of this Chapter have been met and all the streets and storm sewers and storm sewer structures located within the right-of-way or a recorded easement have been approved by the Governing Body.

3. The Governing Body shall release funds for any completed segment of the work forty-five (45) days after an inspection of the segment of the work has been made, provided no deficiencies were reported during the forty-five (45) day period.

4. In the event that the improvements are not satisfactorily installed within two (2) years after approval of the improvement plans, the Governing Body has the right to remove said monies to complete the guaranteed improvements, unless an extension in time is granted by the Governing Body.

D. If the performance guarantee is a standby letter of credit, that document may be prepared on forms approved by the financial institution on which it is drawn, but must provide for:

1. Drafts to be drawn at offices in St. Charles County, St. Louis County or the City of St. Louis; and

2. Automatic extension without amendment for additional one (1) year terms unless, at least forty-five (45) days prior to the letter's current expiration date, the financial institution issuing the letter gives written notice of non-renewal to St. Charles County's Department of Community Development by registered or certified mail or by overnight courier. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 03-142 §§, 10-1-03; Ord. No. 07-040 §1, 3-13-07)

Editor's Note--Reference to county clerk was changed to county registrar in accordance with ord. no. 01-121, adopted
SECTION 410.190: FINAL PLAT

A. After the preliminary plat has been approved by the Director of the Division of Planning and Zoning or County Council, a final plat shall be prepared and submitted to the Director of the Division of Planning and Zoning. Fifteen (15) folded prints and a digital version of the final plat shall be filed in the Division of Planning and Zoning. The final plat may be approved by the Director of the Division of Planning and Zoning and the Chairperson or Secretary of the Planning and Zoning Commission provided it is determined to be in substantial conformance with the approved preliminary plat. No final plat shall be approved if it shows additional existing easements recorded after submittal of the preliminary plat to St. Charles County, unless the Director of the Division of Planning and Zoning determines that those additional existing easements do not encumber land to be dedicated by plat as right-of-way. If such final plat is determined not to be in conformance with said preliminary plat, the applicant may request administrative review of such decision by the Planning and Zoning Commission. The Planning and Zoning Commission may reverse the determination and approve the plat. In no case may a final plat be approved for a subdivision to be served by a newly constructed wastewater treatment facility before the Division of Building Code Enforcement has issued a certificate of occupancy for it as provided in Section 405.500 (F)(1). The approval of the Director of the Division of Planning and Zoning shall be shown on the plat with the date of such approval and over the signature of the Chairperson or Secretary of the Planning and Zoning Commission. If the applicant has requested an administrative review of the final plat by the Planning and Zoning Commission, fifteen (15) folded prints of the final plat and a reduced copy of the plat sheet measuring eight and one-half (8½) inches by eleven (11) inches or eleven (11) inches by seventeen (17) inches shall be submitted to the Division of Planning and Zoning at least twenty-seven (27) days prior to the meeting at which approval is requested. The original plat shall show or be accompanied by the following information, whether for residential, commercial, industrial or public use, such as parks, schools, churches, etc.

B. The final plat shall be recorded within ninety (90) days after approval by the Director of the Division of Planning and Zoning, except that the Director of the Division of Planning and Zoning may grant one (1) extension of thirty (30) days. If the final plat is not recorded in that time, the approval shall expire.

C. The final plat shall be prepared on mylar, its equal or better, and shall contain the following information (sheet size maximum twenty-four (24) inches by thirty-six (36) inches (24” x 36”), minimum twelve (12) inches by eighteen (18) inches (12” x 18”).

D. In addition to the fifteen (15) prints of the final plat, a digitized version that complies with County mapping standards shall be submitted. The digitized version shall show and be accompanied by the following information:

1. The outboundary of the subdivision shall be tied to the Missouri Coordinate System of 1983 in accordance with the current Missouri Minimum Standards for Property and Boundary Surveys;
2. The coordinates of the exterior corners shall be shown on the plat;
3. The surveyor who is sealing the record plat must submit a signed and sealed letter indicating that the digitized version is an accurate representation of the adjusted plat; and
4. The surveyor must submit a sealed paper copy of the adjusted plat. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(112—113), 10-1-03; Ord. No. 04-053 §1, 4-13-04; Ord. No. 07-001 §2, 1-3-07; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §59, 6-2-10)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 410.200: IDENTIFICATION

A. Name of subdivision, plat, etc., and name(s) of those who prepared the plat.
B. North point, date of survey, and scale used.
C. Acreage of plat.
D. Location map and key map on the first (1st) page if there is more than one (1) sheet. (Ord. No. 99-99 §1, 7-12-99)

SECTION 410.210: PLAT INFORMATION

All plats shall include the following information:

A. Accurate boundary survey to State of Missouri minimum surveying standards with bearings and distances tied to surveyed identification points (established section lines, fractional section lines, and/or U.S. survey lines).
B. Location of lots, streets (including pavement and right-of-way widths), public highways, parks, sidewalks as required, and other features as required, with accurate dimensions to decimals of feet, length, and radii of all curves.
C. Notation on cul-de-sac islands and raised medians, if any. All plats shall include a note stating:
   "Construction, renovation, alteration or maintenance of any vegetation, landscaping and/or subdivision monuments on any cul-de-sac islands and raised medians in right-of-way dedicated or that may be dedicated to the public for streets maintained by the St. Charles County Highway Department shall be the responsibility of the subdivision homeowners association under special use permits issued by the St. Charles County Highway Department."
D. Acreage and ownership of all common ground.
E. Location of detention areas for stormwater runoff in common ground with feasible vehicular access, fifteen (15) foot width minimum. The plat shall also dedicate to St. Charles County or its successors in interest an easement of access to and in the common ground occupied by any detention areas for the purpose of inspection and enforcement of all applicable regulations of such detention areas.

F. Watercourses left in their natural state must be shown within common ground, with lot lines set back from the top of the existing bank of the watercourse or the 10-year, 24 hour or 15-year, 20 minute water surface elevation, where no established top-of-bank can be determined, for all subdivisions except those with lots three (3) acres or larger in size, as provided by Part 3, Article VI of Chapter 405 of this Unified Development Ordinance. All plats shall clearly show the boundaries of any setback from natural watercourses on the subject property which are left in their natural state and provide a note to reference that setback area stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Section 405.5026 of the Unified Development Ordinance of St. Charles County, Missouri".

G. Setback lines on front and side streets; location and dimension of utility easements. Areas designated as common ground shall not be dedicated as one (1) blanket utility easement unless approved by the Director of the Division of Planning and Zoning.

H. Designate pipeline and/or overhead electric easements, and with respect to pipeline easements designate all setbacks and restrictions imposed by Section 405.503, Regulations Concerning High Pressure Pipelines.

I. Names of streets and lots numbered in logical order. Streets and names of adjacent subdivision and/or adjacent property owners within one hundred (100) feet in dashed lines.

J. Provide for a fifty-five (55) foot wide pavement radius and sixty-three (63) foot right-of-way radius turnaround where needed.

K. Depict floodway fringe, density floodway, and floodway boundaries, and provide base flood elevations as shown on Flood Insurance Rate Maps (FIRMS) issued by the Federal Emergency Management Agency (FEMA) and the maps presently filed in the office of the Division of Planning and Zoning. Any floodway areas or wetlands must be designated as common ground on the final plat.

L. Indicate the future street number on each lot.

M. All areas designated as areas for common use and enjoyment by subdivision lot owners shall be shown on the plat as common ground.

N. Depict any existing easements across the property. No final plat shall be approved showing additional existing easements recorded after submittal of the preliminary plat to St. Charles County, unless the Director of the Division of Planning and Zoning determines that those additional existing easements do not encumber land to be dedicated by plat as right-of-way. Depict any existing easements on adjacent properties within one hundred (100) feet of the site that are utilized for the development of the site.

O. Depict all monuments on plat.

P. Notation for dedication of right-of-way to the public. All plats with such dedications shall include the following language:

"The undersigned owners hereby designate the streets and roadways shown hereon as public streets and roadways and dedicate them in trust to St. Charles County, Missouri, for use as right-of-way."

Q. Notation for dedication of utility easements to the public. All plats with such dedications shall include the following language:

"The undersigned owners hereby dedicate in trust all easements identified hereon as utility easements to St. Charles County, Missouri, as utility easements for St. Charles County's use for storm water drainage facilities and for the location, construction, operation and maintenance of utilities and services of their facilities for water, gas, electricity, sewerage and telecommunications (including cable television), which facilities may include but are not limited to underground pipes and conduits, pad mounted transformers, service pedestals, any or all of them upon, over, under and along such utility easements with the right of temporary use of adjacent ground not occupied by improvements for the evacuation and storage of materials during installation, repair or replacement of said utilities, sewers and drainage facilities."

(Ord. No. 99-99 §1, 7-12-99; Ord. No. 02-004 §10, 1-30-02; Ord. No. 02-088 §8, 6-26-02; Ord. No. 03-142 §(114–116), 10-1-03; Ord. No. 04-053 §1, 4-13-04; Ord. No. 04-162 §4, 10-13-04; Ord. No. 05-029 §1, 3-29-05; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §60, 6-2-10)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 410.220: WRITTEN STATEMENTS

A. Dedication of all streets, public highways, and land intended for public use, together with the deed book and page of the subdivision restrictions, trust indentures, or street maintenance agreements, and signed by all parties who have mortgage or lien interest, including owner(s).

B. Dedication of all private streets.

C. Certification as to acreage boundaries, monuments made by a registered land surveyor, testifying that the above were made by the surveyor.

D. In the event a subdivision is to have privately maintained streets and/or common ground, evidence of the methods for controlling and maintaining each private facility shall be submitted with the final plat. Such restrictions or trust indentures must be reviewed by the Division of Planning and Zoning before they may be recorded. Where any plat includes common ground, that plat shall include a note that title to that common ground shall be conveyed to a homeowners' association or its trustees, and the owner shall convey such title upon establishing such an association and designating its trustees.
E. In cases where the developer proposes to include other regulations (i.e., architectural control, covenants, and deed restrictions), they shall be submitted to the Director of the Division of Planning and Zoning indicating the additional regulations and how they are going to be administered.

F. A letter addressed to St. Charles County by the holder of any easement for pipelines, or for overhead electric lines that must be shown on the preliminary plat pursuant to Section 410.110(C)(2)(b) certifying that the proposed final plat does not impair any rights under that easement or compromise any facilities within it. If such a letter cannot be supplied, submit a letter or affidavit stating the date on which a copy of the proposed final plat was mailed or delivered (as the case may be) to the easement holder or its representative and stating the name and address of that easement holder or its representative.

G. Prior to the recording of the final plat, an entrance permit is needed from the Missouri Department of Transportation if the subdivision has an entrance on a State-maintained right-of-way.

H. A residential housing development must be approved by the Missouri Department of Natural Resources for individual sewage disposal systems on subdivisions containing seven (7) or more lots prior to the approval of the final plat by the Director of the Division of Planning and Zoning.

I. Statement relating to proof of payment of tap-on fees for appropriate sewer district.

J. The above must have all signatures, corporate seal(s) affixed or embossed and be notarized by a notary public prior to the recording of the final plat. All figures and letters on the final plat must be in ink and shall be plain, distinct, and of sufficient size to be easily read, and must be of sufficient density to make a lasting and permanent record. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 02-122 §1, 7-30-02; Ord. No. 03-142 §§117, 10-1-03; Ord. No. 04-053 §1, 4-13-03; Ord. No. 05-027 §§5, 3-1-05)

SECTION 410.230: RECORDING

A. No subdivision plat shall be filed for record or recorded in the office of the Recorder of Deeds for St. Charles County, Missouri, unless and until the approval of the Secretary or Chairperson of the Planning and Zoning Commission and the County Executive or Director of the Division of Planning and Zoning are endorsed thereon and until a performance guarantee has been posted or the public improvements have been constructed to County standards.

B. No lot shall be sold for such subdivision plat until it has been reviewed and approved, as provided above, and filed for record in the office of the Recorder of Deeds of St. Charles County, Missouri. No building permit will be issued until the preliminary plat is approved and a Land Disturbance Permit is issued. Further, no dwelling unit may be occupied until the public or private improvements are completed, unless a performance guarantee has been posted for the completion of said improvements and the final plat is recorded. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 07-040 §1, 3-13-07)

SECTION 410.240: VACATION OF SUBDIVISIONS

A. When any person or corporation may desire to vacate any subdivision or part thereof in which he/she shall be the legal owner of all of the lots or may desire to vacate any lot, such person or corporation may petition the County Council. Similarly, a person or persons owning a lot or lots subject to a platted private street or platted unimproved public street may petition to vacate that street, provided all owners of lots affected by that street join in the petition. Accompanying said petition shall be presented:

1. A distinct legal description of the property to be vacated.

2. A current recorded deed to the property showing ownership.

3. A filing fee in the sum of two hundred dollars ($200.00).

Immediately upon receipt of such petition, the Division of Planning and Zoning shall note thereon the date of filing and make a permanent record thereof. All such petitions shall be set down for consideration before the County Council not later than ninety (90) days from the date of filing the same. Notice of such hearing shall be published in one (1) issue of a paper of general circulation within St. Charles County, such notice to be published not less than twenty (20) days prior to date of said hearing before the County Council. Notice of such hearing shall also be posted at least twenty (20) days in advance thereof in one (1) or more public areas of the Administration Building of the County. Notice shall also be given, at least twenty (20) days before the County Council consideration, by U.S. mail to all owners of any real property (as per the current records of the St. Charles County Assessor) within five hundred (500) feet of the parcel of land for which the vacation is proposed.

The petition shall be placed on the County Council's consent agenda for consideration. If no opposition be made to said petition, the County Council may vacate the same by order with such restriction as they may deem for the public good. Should opposition be made, it must be made in written form and presented to the County Registrar no later than seven (7) days prior to the County Council meeting. Said petition shall then be set down for public hearing before the County Council. No vacation shall take place, unless the advice of the Division of Planning and Zoning be obtained, which advice shall be filed with said petition.

B. This provision for the vacation of subdivisions or parts thereof shall not apply to requests for the release of platted easement rights. The County Council may consider and grant such releases provided that any and all parties that have or may have interests in such easements consent in writing to the requested release. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 04-053 §1, 4-13-04; Ord. No. 05-029 §1, 3-29-05; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §61, 6-2-10)
SECTION 410.250: CONDOMINIUM PLAT

After the recording of a final plat for all individual units or a condominium development, the developer may obtain approval of individual units or structures consistent with the preliminary plat.

In addition to the three (3) paper prints and the mylar of the condominium plat, a digitized version that complies with County mapping standards shall be submitted. The digitized version should be accompanied by the information consistent with the final plat.

The condominium plat shall be consistent with all applicable State Statutes and shall be approved by the Director of the Division of Planning and Zoning. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(118), 10-1-03)

SECTION 410.260: BOUNDARY ADJUSTMENT PLAT

A. Three (3) folded prints of the boundary adjustment plat shall be submitted to the Division of Planning and Zoning. In addition to the three (3) paper prints and the mylar of the Boundary Adjustment Plat, a digitized version that complies with County mapping standards shall be submitted. The digitized version should be accompanied by the information consistent with the final plat. All Boundary Adjustment Plats shall be prepared by a Missouri registered professional land surveyor and/or Missouri registered professional engineer and bear their signature and seal. There shall be no filing/review fee for a Boundary Adjustment Plat submitted.

B. Boundary Adjustment Plats must meet the following criteria:
   1. No additional lot shall be created by any boundary adjustment.
   2. The resulting lot or lots shall not be reduced below the minimum sizes and dimensions required by the Unified Development Ordinance.
   3. Existing zoning shall not be affected by this procedure.

C. Boundary Adjustment Plats shall include, at a minimum, the following:
   1. Name of plat and names of those who prepared the plat.
   2. North point, date of survey, and scale used.
   3. Location of original and adjusted lot lines and their relation to established section lines, fractional section lines or U.S. survey lines.
   4. Acreage of original and adjusted lots.
   5. Setback lines, location of easements.
   6. Street numbers of each lot.
   7. Certification as to acreage boundaries, monuments made by a registered land surveyor, testifying that the above were made by the surveyor.
   8. Owner of record signature(s) and lienholder's statement. These signatures must be notarized by a notary public prior to recording the plat.
   9. The statement "This Boundary Adjustment Plat is approved for recording this ___ day of __________." The statement shall also include a three (3) inch line with the title "Director of the Division of Planning and Zoning" directly below the line for his/her signature.

D. Boundary Adjustment Plat Approval. No Boundary Adjustment Plat shall be filed for record or recorded in the office of the Recorder of Deeds for St. Charles County, Missouri, unless and until the approval of the Director of the Division of Planning and Zoning is endorsed thereon. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(119), 10-1-03)

SECTION 410.270: RESIDENTIAL LOT DESIGN STANDARDS

The following standards are regarded as guidelines for desirable development. The size, shape, and orientation of lots shall be designed to provide desirable building sites and logically related to topography, natural features, streets, and adjacent land uses. Due regard shall be given to natural features such as large trees, unusual rock formations, watercourses, and sites which have...
1. Exhibit A summarizes the design standards and improvements to be observed in subdivision development.

2. Where additional widening strips are dedicated on existing streets, calculations of the area of a lot shall not include the dedicated strips in determining the gross area of the lot. Dedicated rights-of-way may be required when the subdivision is located on the inside of a curved roadway or when conditions exist on the opposite side of the right-of-way that dictate right-of-way offset from the right-of-way centerline. When the subdivision is located on only one (1) side of an existing street or County road, one-half (½) of the required right-of-way width shall be provided, measured from the centerline of the right-of-way, unless otherwise directed by the County Engineer. The centerline must meet the requirements of the St. Charles County Highway Department with regard to radius when located on a curved roadway. The area of all lots must be calculated exclusive of the street rights-of-way.

3. Where there is a question as to the suitability of a lot or lots for their intended use due to factors such as rock formations, soil conditions, steepness of terrain, flood conditions, or other adverse natural physical conditions, the Commission may, after adequate investigation, withhold approval of such plats unless engineering studies are presented to the Commission which establish that the method proposed to meet any such condition is adequate to avoid significant danger to public health, life, or public or private property.

4. Driveway grades shall not exceed a fifteen percent (15%) grade. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 03-142 §1(120), 10-1-03; Ord. No. 07-040 §1, 3-13-07)

SECTION 410.280: BLOCKS

Blocks shall be designed so as to provide good circulation of traffic:

1. Lengths. Refer to Exhibit A.

2. Width. Blocks shall be wide enough to allow two (2) tiers of lots with sufficient depth to provide an adequate building site on each lot, except as consistent with street design standards as set forth. All lots within a subdivided plat must have driveway access to interior subdivision streets. (Ord. No. 99-99 §1, 7-12-99)

SECTION 410.290: LOT DIMENSIONS, SHAPES AND POSITION

The sizes, shapes, orientations, and dimensions of lots shall be appropriate for the location and physical character of the proposed subdivision and for the type of development proposed, in compliance with the applicable provisions of this Chapter and Chapter 405. Front setback lines shall be shown on all lots intended for residential use, and shall not be less than the setback required by the provisions of this Chapter and Chapter 405.

1. Depth. Excessive depth in relation to width shall be avoided (a proportion of 1:1 or 2:1 will normally be considered appropriate, unless topography is such that other lot dimensions allow for proper development).

2. Street access. Each proposed lot shall front upon a street improved to the St. Charles County Public Standard Specifications, unless the lots front on a private roadway, or existing or proposed State maintained highway.

3. Width. Lots for residential purposes shall have sufficient width at the front setback lines to permit compliance with front yard, side yard, or distance requirements of the Unified Development Ordinance and still be adequate for a building of practicable width. The minimum lot width required for a lot fronting on a curved right-of-way shall be measured along a line tangent to the front setback line at a point midway between the side lot property lines.

4. Side lot lines. Side lot lines shall be at right angles to straight streets and radial to curved streets, except when said radial lot lines detract from desirability of the lot, in which event some deviation may be allowed.

5. Corner lots. Corner lots for residential use shall be platted to permit compliance with the yard and setback requirements of the Unified Development Ordinance. The right-of-way radius on corner lots shall be a minimum of twenty-four (24) feet, or, in the case of a straight line, the line connecting two (2) points at a twenty-four (24) foot distance from the intersection of the projected lot lines. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-192 §1, 12-27-01; Ord. No. 03-142 §1(121), 10-1-03)

SECTION 410.300: NON-RESIDENTIAL SUBDIVISION (COMMERCIAL AND INDUSTRIAL)

In addition to the standards of this regulation, which are appropriate to the platting of all subdivisions, the subdivider shall demonstrate to the satisfaction of the Commission that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated. The following standards shall, therefore, be observed:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

2. Street right-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated.

3. Block length. Refer to Exhibit A.

4. Every effort shall be made to protect adjacent residential areas from the proposed non-residential subdivision, including the provision of extra depth in parcels adjacent to an existing or potential residential development, and provision for a permanently
St. Charles County -- QuickCode

5. Streets carrying non-residential traffic, especially truck traffic, shall not be extended to the boundaries of adjacent residential areas, and shall not be connected to streets intended for predominantly residential traffic. (Ord. No. 99-99 §1, 7-12-99)

SECTION 410.310: RIGHT-OF-WAY AND UTILITY EASEMENT REQUIREMENTS--GENERAL STANDARDS

A. Streets shall conform to existing topography as nearly as possible. Streets shall intersect, as nearly as possible, at right angles, and shall be between seventy degrees (70°) and ninety degrees (90°).

B. Streets will not be approved which are subject to flooding or frequent inundation.

C. Minor street intersection jogs or discontinuities with centerline offsets of less than one hundred (100) feet are prohibited.

D. All interior residential streets intersecting on minor and collector streets shall be directly opposite existing or other proposed streets or be a minimum of one hundred fifty (150) feet distant, as measured between street centerlines. Any collector road must have adequate stacking distance to provide for safe traffic movement. All other streets intersecting on arterial or non-residential streets shall be directly opposite existing or other proposed streets or shall be a minimum of three hundred (300) feet distant, as measured between street centerlines.

E. The system of streets designated for the subdivision, except in unusual cases, must connect with any streets already dedicated in adjacent subdivisions; and, where no adjacent street connections are platted, must in general be the reasonable projection of streets in adjacent tracts, and must continue to the boundaries of the tract subdivided, so that other subdivisions may connect therewith.

F. Reserved strips of land retained by the subdivision developer that control or limit access at the terminus of streets or that prevent access to streets located adjacent to undeveloped land are prohibited.

G. Where a street stub has been required of the subdivision development, the developer shall, upon completion of the pavement construction, install a street extension sign at the roadway terminus which reads "THIS STREET WILL LIKELY BE EXTENDED AS PART OF FUTURE DEVELOPMENT". Refer to St. Charles County Design Criteria for the Preparation of Improvement Plans Standard Drawing C612.11, as issued by the St. Charles County Highway Department in February, 2002, or as amended thereafter, for location details.

H. The County Engineer or Director of the Division of Development Review may require traffic studies which he/she deems necessary and may require a street to be dedicated to public use and built to public street standards in order to provide circulation. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-192 §1, 12-27-01; Ord. No. 03-142 §1(122--124), 10-1-03)

SECTION 410.320: STREET RIGHT-OF-WAY AND UTILITY EASEMENT REQUIREMENTS

A. Arterial Streets. Arterial streets, as designated in the current thoroughfare plan as approved by the Governing Body, Exhibit A, or modifications or updates thereto, shall have widths as specified but not less than sixty (60) feet.

B. Collector Streets.

1. Major collector streets. Fifty-four (54) feet (see Exhibit A).

2. Minor collector streets. Forty-eight (48) feet (see Exhibit A).

C. Minor, Minor Stub And Cul-de-Sac Streets. Forty-two (42) feet. All cul-de-sac streets shall have a minimum turnaround pavement radius of forty (40) feet and a minimum right-of-way radius of forty-eight (48) feet. In subdivisions with no through streets, a fifty-five (55) foot pavement radius and a sixty-three (63) foot right-of-way radius will be required on at least one (1) cul-de-sac. For subdivisions in which the only street is a cul-de-sac, the fifty-five (55) foot pavement radius and sixty-three (63) foot right-of-way radius shall only be required if the cul-de-sac exceeds one thousand three hundred (1,300) feet in length. For public streets, an island with a twenty-nine (29) foot radius common ground is recommended in the fifty-five (55) foot radius cul-de-sac. Turnarounds shall not be required on stub streets which are less than two hundred fifty (250) feet in length and are planned to be extended in the future, but will require hazard markers consisting of three (3) standard specification end-of-roadway markers, as set forth in the current "Manual on Uniform Traffic Control Devices" (M.U.T.C.D.), at terminus of pavement. All stub streets in excess of two hundred fifty (250) feet in length must provide a temporary turnaround with hazard markers consisting of three (3) standard specification end-of-roadway markers, as set forth in the M.U.T.C.D., being installed at terminus of pavement. Temporary turnarounds shall have a minimum pavement radius of forty (40) feet centered within a forty-three (43) foot radius easement. Permits will not be issued for building construction on lots abutting a temporary turnaround, as shown on any recorded subdivision plat, unless and until the temporary facility is actually constructed and approved by the County Engineer. The removal of the temporary turnaround and the restoration of the disturbed ground shall be the responsibility of the party that will be extending the street. Refer to Exhibit A for general street standards.

D. Utility Easements. Utility easements where required shall be at least ten (10) feet wide (five (5) feet on each side of the lot line) along rear, front and side lot lines. Where storm sewers are located along side lot lines, utility easements shall be at least fourteen (14) feet wide (seven (7) feet on each side of the lot line) along side lot lines. Easements of adequate width shall be provided for open channels, where required. Easements five (5) feet in width may be allowed for underground cable installations. Telephone and electric power lines shall be located underground, except in subdivisions where all of the lots are twenty thousand (20,000) square feet or larger in size, and then the developer will have the option of underground or overhead utility lines. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 01-192 §1, 12-27-01; Ord. No. 02-004 §11, 1-30-02; Ord. No. 03-142 §1(125--126), 10-1-03; Ord. No. 04-053 §1, 4-13-04; Ord. No. 05-029 §1, 3-29-05; Ord. No. 07-040 §1, 3-13-07)
SECTION 410.330: MINIMUM PAVEMENT WIDTHS

A. Arterial Streets. Require a traffic study.

B. Collector Streets.

1. Major collector streets. Thirty-eight (38) feet (see Exhibit A).

2. Minor collector streets. Thirty-two (32) feet (see Exhibit A).

C. Minor, Stub And Cul-de-Sac Streets. Sixteen (16) to twenty-six (26) feet (refer to Exhibit A). The pavement of a turning circle at the end of a cul-de-sac street shall have a minimum radius of forty (40) feet.

A T- or Y- shaped paved space for a temporary turnaround only must be approved by the County Engineer and will be considered only if an extreme hardship can be demonstrated.

D. Sidewalks. Sidewalks shall be installed on both sides of all arterial streets, on one (1) side of collector streets and certain public minor streets. The only public minor streets which will not require a sidewalk are cul-de-sac streets. Sidewalks shall be constructed of four (4) inch thick concrete, except across driveways and temporary turnarounds where the thickness shall be increased to match the driveway approach or adjacent pavement thickness, and have a minimum width of four (4) feet in residential areas. In commercial and industrial areas, sidewalks shall be required as deemed appropriate by the Director of the Division of Planning and Zoning and the Governing Body and shall have a minimum width of five (5) feet. Maintenance of the sidewalk shall be the responsibility of the adjoining property and this requirement will be indicated on the final plat and subdivision restrictions. Handicap access ramps meeting Americans with Disabilities Act Accessibility Guidelines shall be required at intersections. Sidewalks shall have a transverse slope of two percent (2%) and shall be located within and one (1) foot off the right-of-way line, wherever possible. Sidewalks required along streets with no curb and gutter shall be located outside and within one (1) foot of the right-of-way line, wherever possible, and within a dedicated easement.

E. Street Lighting. Street lights may be installed by the developer. Lighting shall be designed and maintained to avoid unnecessary illumination of residential interiors. The developer shall submit to the Division of Planning and Zoning a maintenance agreement, subdivision restrictions, or other similar instrument setting forth the person, corporation, trustees, or other agency responsible for the assessment as well as the collection of monies necessary for the operation of the lighting system within the subdivision. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-192 §1, 12-27-01; Ord. No. 03-142 §1(127), 10-1-03)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 410.340: STREET STANDARDS

Streets shall be designed in accordance to Section 40.20 of St. Charles County's "Design Criteria for the Preparation of Improvement Plans" as issued by the St. Charles County Highway Department in February, 2002, or as amended thereafter. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-192 §1, 12-27-01; Ord. No. 03-142 §1(128), 10-1-03)

SECTION 410.350: STREET GRADES AND CURVED ALIGNMENT

A. Public Streets. Longitudinal grades and curved alignments proposed for all public streets shall meet the requirements of Sections 20.10--20.50 of St. Charles County's "Design Criteria for the Preparation of Improvement Plans" as issued by the St. Charles County Highway Department in February, 2002, or as amended thereafter.

B. Private Minor Streets Within Subdivisions Zoned "A" and "RR", Service Drives And Alleys. Longitudinal street grades shall be two percent (2%) minimum, twelve percent (12%) maximum. Private minor streets with no curb and gutter shall have a minimum grade of one percent (1%). Curved alignment of private minor streets shall meet the minimum requirements for minor public streets as listed in Section 20.30 of St. Charles County's "Design Criteria for the Preparation of Improvement Plans" as issued by the St. Charles County Highway Department in February 2002, or as amended thereafter. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-192 §1, 12-27-01; Ord. No. 03-142 §1(129), 10-1-03; Ord. No. 10-041 §62, 6-2-10)

SECTION 410.360: STREET NAME AND TRAFFIC REGULATION SIGNS, STREET NAMES AND SUBDIVISION NAMES

A. Street name signs meeting the requirements of the M.U.T.C.D. shall be erected by the subdivider at all intersections prior to final occupancy being given to any residential structure.

B. A speed limit sign, meeting the requirements of the M.U.T.C.D., shall be erected by the subdivider at all entrances to the subdivision. The speed limit signs shall display a posted speed limit of twenty-five (25) miles per hour, unless directed otherwise by the County Engineer and shall be installed along the inbound lane of the subdivision within one hundred (100) to one hundred fifty (150) feet of the subdivision entrance. Other traffic regulation signage, to include, but not limited to, stop signs, as determined by the County Engineer, shall be depicted on improvement plans and shall be erected by the subdivider. All required signage shall meet M.U.T.C.D. requirements.

C. When a cul-de-sac street serves not more than three (3) lots, the name of the intersecting street shall apply to the cul-de-sac.

D. To provide for public safety and welfare and to avoid duplication, the proposed names of subdivisions shall be approved by the Division of Planning and Zoning and all street names shall be approved by the St. Charles County Dispatch and Alarm
SECTION 410.370: STREET PAVEMENT REQUIREMENTS

A. Streets shall be graded to the full width of the right-of-way and the pavement fully constructed of the following materials and thicknesses:

1. Public streets. All public streets shall meet the minimum paving standards required in Sections 20.10–20.40 of St. Charles County's "Design Criteria for the Preparation of Improvement Plans" as issued by the St. Charles County Highway Department in February, 2002, or as amended thereafter.
   a. Collector streets.
      (1) Nine and one-half (9½) inches of asphaltic concrete on a four (4) inch thick compacted aggregate base.
      (2) Seven (7) inches of Portland cement concrete on a four (4) inch thick compacted aggregate base.
   b. Minor streets.
      (1) Seven and one-half (7½) inches of asphaltic concrete on properly compacted subgrade.
      (2) Six (6) inches of Portland cement concrete on properly compacted subgrade.
   c. Temporary pavements.
      (1) Seven (7) inches of Type "X" asphaltic concrete on properly compacted subgrade; or
      (2) Four (4) inches of Type "C" asphaltic concrete on seven (7) inches of compacted, rolled stone base.

2. Private streets.
   a. Eight (8) inches of aggregate on properly compacted subgrade, or
   b. Six (6) inches of aggregate on an engineering fabric on properly compacted subgrade.

B. Subgrade and street pavement construction shall conform to the requirements set forth in "St. Charles County's "Standard Specifications for Highway Construction". (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 03-142 §1(131), 10-1-03)

SECTION 410.380: IMPROVEMENT OF EXISTING STREETS

For any development fronting on an existing road or street, it shall be the responsibility of the developer to improve the road or street in conformance with County specifications to the centerline of the road or street, plus an additional twelve (12) feet of width as per County specifications. On all other subdivisions where an existing street is not improved, driveway access must be from interior streets. (Ord. No. 99-99 §1, 7-12-99)

SECTION 410.390: DESIGNATION OF PRIVATE STREETS

Streets within subdivisions which are designated as private streets shall meet or exceed private street standards as provided within this Chapter. The County may accept for dedication private streets that are brought up to public street standards in existence at the time public dedication is requested. For any subdivision having private streets which received final plat approval from St. Charles County after September 15, 1980, the developer must construct a sign prior to recording of the final plat at all entrances of the subdivision, along the inbound lane of the subdivision within one hundred (100) to one hundred fifty (150) feet of the subdivision entrance, which shall state: "Private Streets Maintained by Property Owners." These signs shall be installed prior to the recording of the final plat and where they are easily visible entering the subdivision and maintained in good order by the developer until the last lot is sold in the subdivision. The minimum size for each sign shall be twenty-four (24) inches high by thirty (30) inches wide, with two (2) inch letters. There shall also be a sufficient contrast in the coloring of the sign background, as compared to the message lettering. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 10-041 §63, 6-2-10)

SECTION 410.400: MONUMENTS REQUIRED

Sufficient permanent and distinguished monuments shall be accurately placed throughout the subdivision so that street alignment may be traced with accuracy. Such monuments shall be in the form of iron pins or of something equal, not less than one-half (1/2) inch in diameter and three (3) feet long driven into the earth, or spikes not less than six (6) inches long driven into the pavement. Such monuments shall be installed by the subdivider as soon as is reasonably possible. The location of such monuments shall be indicated on the final plat and shall be placed in accordance with the following requirements:

1. Street points. Monuments shall be set at the intersection of all streets and the beginning and end of all curves along street centerlines.

2. Curb marks. Curbs shall be permanently marked at the beginning and end of all curves and at the prolongation of all lot

547
SECTION 410.405: MINIMUM PUBLIC STANDARDS FOR EXISTING SUBDIVISIONS UPGRADING THEIR PRIVATE STREET AND STORM SEWER IMPROVEMENTS FOR DEDICATION TO AND MAINTENANCE BY THE PUBLIC

A. Applicability. These standards shall apply only to subdivisions that were platted prior to November 3, 2003, that have lots of one (1) acre or larger in size and whose lot owners seek to upgrade their privately maintained streets and storm sewer improvements for dedication to and maintenance by the public.

B. Right-Of-Way Width. Forty-two (42) feet.

C. Pavement Width.
1. Minimum of twenty (20) feet in subdivisions with lot sizes of three (3) acres or larger.
2. Minimum of twenty-four (24) feet in subdivisions with lot sizes of one (1) to three (3) acres.

D. Cul-De-Sac Requirements. Turnarounds shall have a minimum pavement radius of forty (40) feet and a minimum right-of-way radius of forty-eight (48) feet.

E. Pavement Requirements. Minimum standards are as follows:
1. Five and one-half (5.5) inches of asphalt on six (6) inches of rock on prepared earth subgrade.
2. Six and one-half (6.5) inches of asphalt on three (3) inches of rock on prepared earth subgrade.
3. Seven and one-half (7.5) inches of asphalt on prepared earth subgrade.
4. If a substitute pavement section is proposed, an engineering analysis must be provided showing the substituted section meets or exceeds the structural strength and durability of the sections listed above.
5. Any rock base shall extend beyond the edge of the asphalt pavement by six (6) inches on both sides for a total width of twenty-one (21) feet or twenty-five (25) feet, respectively, in accordance with pavement widths noted in Subsection (C) above.
6. Compacted material shall be placed against the edge of the asphalt pavement. This material shall at a minimum match the thickness of the pavement and have a minimum width of six (6) inches.

F. Street Grade. Street grades shall match the existing grades. Where grades are less than one percent (1%) and greater than twelve percent (12%), every effort should be made to meet the one percent (1%) minimum and twelve percent (12%) maximum criteria.

G. Storm Sewers. Corrugated metal pipe may be used to drain storm water under streets or driveways provided that the gauge of the pipe meets the following minimum standards:
1. Pipes twelve (12) inches to thirty (30) inches in diameter must be 14 gauge.
2. Pipes with diameters from greater than thirty (30) inches to forty-eight (48) inches must be 12 gauge.
3. Pipes with diameters greater than forty-eight (48) inches must be 10 gauge.

H. Roadside Ditches. Roadside ditches shall be cut to fit within the right-of-way or within a permanent drainage easement that will be dedicated to St. Charles County. The ditch slope shall begin a minimum of six (6) inches off the edge of the pavement, and shall not exceed 3:1. The flow line shall be a minimum of three and a half (3.5) feet from the edge of the pavement. The back slope shall be graded to match the existing grade, however, it shall not exceed 1:1. (Ord. No. 04-053 §1, 4-13-04)

SECTION 410.410: PUBLIC STORM SEWERS AND OTHER DRAIN APPURTEANCES

A. In addition to the installation of curbs and gutters along the streets as required by this Chapter, storm sewers shall be required. Such systems will be equipped with adequate curb and yard basins, inlets and outlets, and shall be designed in accordance to St. Charles County's "Design Criteria for the Preparation of Improvement Plans", as issued by the St. Charles County Highway Department in February, 2002, or as amended thereafter and constructed in accordance to the Metropolitan St. Louis Sewer District's "Standard Construction Specifications for Sewers and Drainage Facilities" dated 2000. The stormwater drainage system shall be separate and independent of the sanitary sewer system. The plans and specifications for the disposing of stormwater shall be approved by the Director of the Division of Development Review.

B. Detention basins are required in accordance with Section 50.80 of St. Charles County's "Design Criteria for the Preparation of Improvement Plans" as issued by the St. Charles County Highway Department in February, 2002, or as amended thereafter. When required, stormwater shall be detained and released at a rate not to exceed the release rate from the site under the existing (pre-developed) conditions for the 2-year and 10-year, 24 hour or the 2-year and 15-year, 20 minute design storm events. Detention basins must be located in common ground that is not located in the floodway area. The minimum maintenance access to a detention facility shall be a fifteen (15) foot strip of common ground on which feasible vehicular access shall be constructed by the developer. Detention basins must also contain some type of overflow structure capable of passing a 100-year, 24 hour or 20 minute design storm. An emergency spillway, capable of passing a 100-year, 24 hour or 20 minute design storm, may also be required by the Director of the Division of Development Review to safely route any basin overflow away from developed areas to a point of stable, natural drainage.

C. For all subdivisions with lots of one (1) acre or more in size, open drainage swales along the streets may be acceptable, if they are conducive to the area, non-erosive, and approved on the preliminary plat. Plans must be approved by the Director of the Division.
SECTION 410.420: SANITARY SEWERS
A. All buildings, structures, and uses of land in the unincorporated area of St. Charles County shall hereafter be required with an adequate, safe, and sanitary disposal system for all human, domestic, and industrial wastes. For purposes of this regulation, disposal of sewage or other liquidated wastes shall conform to the methods outlined herein.
B. Where a public sanitary sewer system is reasonably accessible, the subdivision shall be provided with a complete sanitary sewer system connected with such sewer main, including a lateral connection for each lot. Such systems and connections shall comply with the regulations of the Missouri Department of Natural Resources. Verification by the service provider shall be submitted with the preliminary plat, if required by the Director of the Division of Planning and Zoning.
C. Where a public sanitary sewer system is not reasonably accessible according to the local wastewater regulatory authority, but where plans for the installation of sanitary sewers in the vicinity of the subdivisions have been prepared and approved by the Missouri Department of Natural Resources, the developer shall install sewers in conformity with such plans. Where immediate connection is not possible, and until such connection with the sewer system in the district can be made, the use of private sewage treatment facilities may be permitted, provided such disposal facilities are installed and maintained in accordance with the regulations and requirements of the County and the Missouri Department of Natural Resources.
D. Where no sewers are accessible and no plans for a sewer system have been prepared and approved, the developer shall either install a sewage collection and disposal system in accordance with the requirements of the preceding paragraph, or individual disposal devices may be installed on each lot within the subdivision, provided that no individual disposal device should be permitted unless the lots to be served have sufficient area to allow adequate soil absorption for on-site sewage disposal. The Planning and Zoning Commission may modify lot area requirements in relation to soil conditions and other pertinent facts and findings in any particular subdivision. All such individual devices and systems shall be constructed and maintained in accordance with the regulations and requirements of the County and/or Missouri Department of Natural Resources. Individual sanitary disposal systems shall not be allowed on lots of less than three (3) acres in area. Each individual lot must provide adequate area for lateral drain field and an auxiliary area for a drain field. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 02-122 §1, 7-30-02)

SECTION 410.430: WATER SUPPLY
Where a public water supply main is reasonably accessible, the subdivision shall be provided with a complete water distribution system adequate to serve the area being platted, including a connection for each lot and appropriately spaced fire hydrants. Verification by the service provider shall be submitted with the preliminary plat, if required by the Director of the Division of Planning and Zoning. Individual water systems (wells) shall not be allowed on lots of less than three (3) acres in area. Four (4) copies of plans indicating the placement of water lines and fire hydrants shall be conveyed directly to fire district or department serving the proposed subdivision. Enforcement of fire flow regulations shall remain the responsibility of the fire districts. (Ord. No. 99-99 §1, 7-12-99)

SECTION 410.440: COMPLETION OF CONSTRUCTION
The construction of all improvements required by these rules and regulations shall be completed within two (2) years from the date of approval of the improvement plans, unless good cause can be shown for the granting of an extension of time by authority of the Governing Body upon recommendation by the County Engineer. (Ord. No. 99-99 §1, 7-12-99)

SECTION 410.450: MAINTENANCE AND SUPERVISION
Where the subdivision contains sewers, sewage treatment plants, water supply systems, or other physical facilities that are
SECTION 410.470: TRUST INDENTURES

Trust indentures will be required and reviewed by the Division of Planning and Zoning regarding maintenance of common ground and private improvements. (Ord. No. 99-99 §1, 7-12-99)

SECTION 410.480: VARIANCES

A. Whenever the tract to be subdivided is of such unusual size or shape, or contains such topographic conditions or characteristics that the strict application of the requirements contained in this Chapter, except as provided in Section 410.480(D) below, would impose practical difficulties or particular hardship, the Planning and Zoning Commission and Governing Body may vary or modify any of the requirements of this Chapter so that the public interest is secured and the general intent of this Chapter is preserved.

B. In granting variances, the Governing Body may require such conditions as will, in its judgment, secure the objectives of this Chapter.

C. In the event of such an appeal, the Commission shall report to the Governing Body, disclosing in what respect the petitioner's application for an exception and facts offered in support thereof met or failed to meet the aforementioned requirements. The Governing Body may affirm, reverse, modify, or amend in whole or part of any determination of the Commission. It shall require the affirmative vote of five (5) County Council members to overturn a negative recommendation of the Planning and Zoning Commission or to modify or amend any determination of the Commission on any variance application. A majority of the County Council shall be sufficient to affirm any determination of the Commission.

D. Upon written request to the Commission, an applicant can seek a waiver of the requirement that any new lot platted shall not have frontage on a County road or thoroughfare as shown on the current Thoroughfare Plan as approved by the Governing Body. The individual request shall be reviewed and granted where there is a topographic hardship or if an equal or better alternative can be provided that is not in agreement with this ordinance. The Director of Community Development and the County Engineer shall review the request and provide a recommendation to the Commission regarding the merits of the request. The Commission shall approve or deny the waiver request. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-054 §1, 4-25-01; Ord. No. 10-041 §66, 6-2-10)

SECTION 410.490: FEE

There shall be a review fee as set by ordinance accompanying any request for a variance. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 01-111 §1, 9-26-01)

Cross Reference--As to specific fees, see ch. 425 of this code

ARTICLE V. ADMINISTRATION

SECTION 410.500: ENFORCEMENT

A. The Governing Body shall not permit any public improvements over which it has control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after the adoption of this Chapter, unless such subdivision or street has been approved in accordance with the provisions of this Chapter.

B. Violations of this Chapter shall be enforced as provided in Sections 405.640 through 405.655 of this Unified Development Ordinance. (Ord. No. 99-99 §1, 7-12-99; Ord. No. 10-041 §67, 6-2-10)

EXHIBIT A. REQUIRED SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS

<table>
<thead>
<tr>
<th>Improvement</th>
<th>3 Acre Lot Minimum</th>
<th>1 to 3 Acre Lot Size</th>
<th>Less than 1 Acre Lot Size</th>
<th>Multiples/Duplexes/Mobile Home Parks</th>
<th>€</th>
</tr>
</thead>
<tbody>
<tr>
<td>Right-of-way (feet)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Arterials*</td>
<td>60–100 (2–5 lanes)</td>
<td>60–100 (2–5 lanes)</td>
<td>60–100 (2–5 lanes)</td>
<td>60–100 (2–5 lanes)</td>
<td>6</td>
</tr>
<tr>
<td>Major collectors</td>
<td>54</td>
<td>54</td>
<td>54</td>
<td>54</td>
<td>5</td>
</tr>
<tr>
<td>Minor collectors</td>
<td>48</td>
<td>48</td>
<td>48</td>
<td>48</td>
<td>4</td>
</tr>
<tr>
<td>Minor streets</td>
<td>42</td>
<td>42</td>
<td>42</td>
<td>42 (Public)*</td>
<td>4</td>
</tr>
</tbody>
</table>

*Public = 42 feet
### EXHIBIT A. REQUIRED SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS

<table>
<thead>
<tr>
<th>Improvement</th>
<th>3 Acre Lot Minimum</th>
<th>1 to 3 Acre Lot Size</th>
<th>Less than 1 Acre Lot Size</th>
<th>Multiple/Duplexes/Mobile Home Parks</th>
<th>€</th>
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<tbody>
<tr>
<td>Block length—maximum (feet)</td>
<td>2,640</td>
<td>2,640</td>
<td>1,320</td>
<td>1,320</td>
<td>6</td>
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<tr>
<td>Block length—minimum (feet)</td>
<td>500</td>
<td>500</td>
<td>500</td>
<td>500</td>
<td>5</td>
</tr>
<tr>
<td>Cul-de-sac maximum length (feet)</td>
<td>2,640</td>
<td>1,200</td>
<td>900</td>
<td>900</td>
<td>6</td>
</tr>
<tr>
<td>Cul-de-sac minimum right-of-way radius (feet)</td>
<td>48 $^3$</td>
<td>48 $^3$</td>
<td>48 $^3$</td>
<td>48 $^3$</td>
<td>4</td>
</tr>
<tr>
<td>Cul-de-sac minimum pavement radius (feet)</td>
<td>40 $^3$</td>
<td>40 $^3$</td>
<td>40 $^3$</td>
<td>40 $^3$</td>
<td>4</td>
</tr>
<tr>
<td>Pavement width (feet)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major collectors</td>
<td>32 $^1$</td>
<td>32 $^1$</td>
<td>32 $^1$</td>
<td>32 $^1$</td>
<td>3</td>
</tr>
<tr>
<td>Minor collectors</td>
<td>24 (Public)/20 (Private) $^9$</td>
<td>24 $^9$</td>
<td>26</td>
<td>26 $^7$</td>
<td>2</td>
</tr>
<tr>
<td>Arterials</td>
<td>Exhibit A1</td>
<td>Exhibit A1</td>
<td>Exhibit A1</td>
<td>Exhibit A1</td>
<td>€</td>
</tr>
<tr>
<td>Major collectors</td>
<td>38 $^1$</td>
<td>38 $^1$</td>
<td>38 $^1$</td>
<td>38 $^1$</td>
<td>3</td>
</tr>
<tr>
<td>Minor collectors</td>
<td>32 $^1$</td>
<td>32 $^1$</td>
<td>32 $^1$</td>
<td>32 $^1$</td>
<td>3</td>
</tr>
<tr>
<td>Major streets</td>
<td>24 (Public)/16 (Private) $^9$</td>
<td>24 $^9$</td>
<td>26</td>
<td>26 $^7$</td>
<td>2</td>
</tr>
<tr>
<td>Minor streets</td>
<td>150</td>
<td>150</td>
<td>150</td>
<td>150</td>
<td>1</td>
</tr>
<tr>
<td>Cul-de-sac streets</td>
<td>24 (Public)/20 (Private) $^9$</td>
<td>24 $^9$</td>
<td>26</td>
<td>26 $^7$</td>
<td>2</td>
</tr>
<tr>
<td>Street curvature—minimum centerline radius (feet)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major collectors</td>
<td>Per County Highway Dept.</td>
<td>Per County Highway Dept.</td>
<td>Per County Highway Dept.</td>
<td>Per County Highway Dept.</td>
<td>€</td>
</tr>
<tr>
<td>Minor collectors</td>
<td>375</td>
<td>375</td>
<td>375</td>
<td>375</td>
<td>3</td>
</tr>
<tr>
<td>Minor streets</td>
<td>150</td>
<td>150</td>
<td>150</td>
<td>150</td>
<td>1</td>
</tr>
<tr>
<td>Type of improvement</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Street $^6$</td>
<td>Public (built to public standards) or Private (minimum 8 inches of rock or 6 inches of rock on an engineering fabric)</td>
<td>Public or Private built to public standards</td>
<td>Public or Private built to public standards</td>
<td>Public or Private built to public standards $^7$</td>
<td>€</td>
</tr>
<tr>
<td>Street $^6$</td>
<td>Public (built to public standards) or Private (minimum 8 inches of rock or 6 inches of rock on an engineering fabric)</td>
<td>Public or Private built to public standards</td>
<td>Public or Private built to public standards</td>
<td>Public or Private built to public standards $^7$</td>
<td>€</td>
</tr>
<tr>
<td>Curb and gutter required</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>$^5$</td>
<td>Yes</td>
</tr>
<tr>
<td>Public water required</td>
<td>No</td>
<td>Yes $^5$</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Sanitary sewer required</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Sidewalks</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>$^5$</td>
<td>Yes</td>
</tr>
<tr>
<td>Improvement plans</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Setback line—minimum (feet)</td>
<td>50</td>
<td>35</td>
<td>24 $^4$</td>
<td>24 $^4$</td>
<td>2</td>
</tr>
<tr>
<td>Lot width—minimum (feet)</td>
<td>150</td>
<td>150</td>
<td>70–100</td>
<td>variable, depending on District 35–70</td>
<td>€</td>
</tr>
</tbody>
</table>

1. If needed.
2. If public water supply is reasonably accessible.
3. See Street Right-of-Way and Utility Easement Requirements of this Section regarding criteria for larger (55' pavement/63' r/w) turnarounds.
4. Except for PUD Overlay Districts.
5. Except private with adjacent parking.
6. Per St. Charles County highway specifications. Coring to be included for all type pavements with penalties for deficiencies.
7. Private, with adjacent parking. 24 ft. minimum pavement width with right-of-way equal to street width.
8. 14 ft. wide easements are required where storm sewer is located between lots/units.
9. Not including the width of any curb and gutter.
10. See thoroughfare plan for intersection right-of-way plans.

N/A: Not Applicable.

(Ord. No. 01-192 §1, 12-27-01; Ord. No. 03-142 §1(135), 10-1-03; Ord. No. 05-029 §1, 3-29-05; Ord. No. 07-040 §1, 3-13-07)
Guide for Determining Widths and Type of New Roadways

When the traffic generated reaches a point that it cannot adequately be handled by a minor street, the following general guidelines will be used in determining the pavement width of the street necessary for handling the traffic:

<table>
<thead>
<tr>
<th>Type</th>
<th>Pavement Width*</th>
<th>Approximate Average Daily Traffic (Ultimate Development)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minor collectors</td>
<td>32 feet</td>
<td>2,000</td>
</tr>
<tr>
<td>Major collectors</td>
<td>38 feet</td>
<td>3,500</td>
</tr>
<tr>
<td>Arterials</td>
<td>Refer to the current Master Plan as approved by the Governing Body and the Thoroughfare Plan as approved by the Governing Body</td>
<td>5,000</td>
</tr>
</tbody>
</table>

Traffic study may be required of developer by Planning and Zoning Commission, Director of the Division of Development Review, or County Engineer for pavement width.

*Roadways constructed to Federal requirements may require additional width.

The average daily traffic (ADT) is approximate and the above criteria intended as a general guideline only. The actual need and widths of collector or arterial type roads will be investigated for each development. Traffic volumes for residential and multi-family developments will generally be based on the number of trips generated per unit. A detailed traffic study will normally be required for commercial and industrial developments as requested by the Planning and Zoning Commission, Director of the Division of Development Review, or County Engineer.

The need for and location of collector and arterial streets will be determined on the basis of traffic generated by the surrounding developments as well as the development itself. Consideration will also be given to the spacing and continuity of collector and arterial streets. New roadways will be required, in accordance with the current Master Plan as approved by the Governing Body and as amended or required traffic studies.

(Ord. No. 01-192 §1, 12-27-01; Ord. No. 03-142 §1(136), 10-1-03; Ord. No. 04-053 §1, 4-13-04; Ord. No. 07-040 §1, 3-13-07)

EXHIBIT B  EXAMPLE OF FEES

For fees for services required by the Unified Development Ordinance of St. Charles County, Missouri, see Section 425.020 of this Title. (Ord. No. 01-111 §13, 9-26-01)

EXHIBIT C  ST. CHARLES COUNTY STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION

Copies of the St. Charles County Standard Specifications for Highway Construction are available through the St. Charles County Highway Department. (Ord. No. 03-142 §1(137), 10-1-03)

ARTICLE VI. RESERVED

SECTIONS 410.510–410.530: RESERVED

Editor's Note--Ord. no. 05-148 §13, adopted October 25, 2005, repealed this article VI "sediment and erosion control regulations" and exhibits A through F thereafter, sections 410.510 "general provisions", 410.520 "regulations" and 410.530 "inspection and violation". Former sections 410.510–410.530 derived from ord. no. 99-99 §1, 7-12-99; ord. no. 01-054 §1, 4-25-01; ord. no. 01-097 §1, 8-29-01; ord. no. 01-111 §12, 9-26-01; ord. no. 02-004 §12, 1-30-02; ord. no. 02-088 §9, 6-26-02; ord. no. 03-142 §1(138–139, 140–149), 10-1-03; ord. no. 04-053 §1, 4-13-04. At the editor's discretion, these sections have been reserved for the county's future use. Erosion and sediment control regulations are now contained in chapter 412 of this code.
ARTICLE I. GENERAL PROVISIONS

SECTION 412.010: PURPOSE
A. The purpose of this Chapter is to control soil erosion on land that is undergoing development for non-agricultural uses and to preserve the natural terrain and waterways of land within the unincorporated portion of St. Charles County. Soil erosion may result in the loss of valuable topsoil, the degradation of water quality and obstruct stormwater flows in storm sewers, road ditches and natural watercourses.
B. The provisions in this regulation are intended to promote land preservation and the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth. Application of the regulations in this document is intended to control soil erosion and sedimentation.
C. This Chapter shall not constitute a waiver by St. Charles County of its sovereign immunity. No official or employee of St. Charles County who enforces the provisions of this Chapter shall have the authority to waive or be deemed to waive any official immunity, nor establish any special duty to any party that may constitute an exception to the public duty doctrine. Damages due to conduct in violation of this Chapter shall be the sole liability of the party or parties in violation and not of St. Charles County. (Ord. No. 05-148 §14, 10-25-05)

SECTION 412.020: SCOPE OF AUTHORITY
Any person, firm, corporation or business proposing to remove any ground vegetation, to disturb or fill the land or to store soil within unincorporated St. Charles County shall apply to the Department of Community Development for approval and issuance of a land disturbance permit. State and Federal permit conditions that are more stringent than the requirements set forth herein shall govern. (Ord. No. 05-148 §14, 10-25-05)

SECTION 412.030: DEFINITIONS
The definitions set out in Section 405.060 in this Unified Development Ordinance shall apply to this Article in addition to the following terms:
RUNOFF: That part of rainfall that flows off the land into streams or other surface waters.
SUBSTANTIAL RAIN EVENT: A rain event which has a rainfall intensity that causes erosion or a rain event that exceeds one (1.00) inch in a twenty-four (24) hour period. (Ord. No. 05-148 §14, 10-25-05)

ARTICLE II. LAND DISTURBANCE PERMIT

SECTION 412.040: LAND DISTURBANCE PERMIT REQUIRED
It shall be unlawful for the owner of a property and/or that owner's agent to perform land disturbance activities affecting five thousand (5,000) square feet or more without obtaining a land disturbance permit. (Ord. No. 05-148 §14, 10-25-05)

SECTION 412.050: EXEMPTIONS
A. Notwithstanding Section 412.040, a land disturbance permit will not be required for the activities listed below, provided that no change in drainage patterns or sedimentation onto adjacent properties will occur.
1. Land disturbance activities in public rights-of-way covered by a special use permit.
2. Land disturbance activities for or by any public utility for the installation, inspection, repair or replacement of any of its facilities.
3. Land disturbance activities in quarries and permitted sanitary landfills that do not drain off the property.
4. Land disturbance activity of land for farming, nurseries, landscaping or gardening or similar agricultural or horticultural use whenever there is substantial compliance with recommendations or standards of the local soil conservation authority.
5. Removal of existing or dying grass or similar vegetation by disturbing not more than a maximum area of ten thousand (10,000) square feet and resodding or reseeding with new landscaping to include preparation of the seed bed; provided erosion and sediment control measures are provided until the grass or other vegetation is established.
6. Gardening and similar activities on property occupied by one- or two-family dwellings.
7. Any emergency activity that is immediately necessary for the protection of life, property or natural resources.

8. Repair of levees when such levees protect primarily agricultural land uses and when damage to such levees is caused by breach, over-topping or wave action provided:
   a. Such repairs are not on levees subject to the jurisdiction of the United States Army Corps of Engineers ("Corps"), or
   b. Such repairs are authorized by a nationwide or regional general permit issued by the Corps, so long as the owner of the property or that owner's agent provides copies to the Development Review Division of any reports required by the Corps under that nationwide or regional general permit. (Ord. No. 05-148 §14, 10-25-05; Ord. No. 07-040 §1, 3-13-07; Ord. No. 08-133 §2, 11-25-08)

ARTICLE III. GENERAL REQUIREMENTS

SECTION 412.060: PLAN SUBMITTAL REQUIREMENTS

Three (3) sets of plans (construction drawings) shall be submitted to the Development Review Division for review and approval along with the plan review fee. Initially submitted plans must include all items in Subsections (1) and (2) of this Section and must be supplemented by all items in Subsection (3) of this Section prior to issuance of any permit, unless an item is waived pursuant to Section 412.070.

1. General information.
   a. Name, address and telephone number of property owner or permittee.
   b. Property address and location map of land disturbance property.
   c. Property boundaries and adjacent property owners.
   d. A site map showing the outlines of the total project area and land disturbance areas.
   e. Total acreage of site or property.
   f. Total acreage of land disturbance.
   g. Name and address of engineering firm or engineer.
   h. Existing land use and zoning.
   i. USGS benchmark source and site benchmark on USGS datum.
   j. Plotted no larger than on twenty-four (24) inch by thirty-six (36) inch paper at an appropriate horizontal scale between one (1) inch equals fifty (50) feet and one (1) inch equals ten (10) feet.
   k. Topographic survey of physical features to at least twenty-five (25) feet beyond the land disturbance activity area.
   l. Existing surface contours at interval no greater than two (2) feet to at least twenty-five (25) feet beyond the land disturbance activity area.
   m. FEMA flood panel number and delineation of 100-year flood plain and floodway.
   n. Location of soil types, wooded areas, watercourses, wetlands, surface water bodies and soil borings.
   o. Location of all underground and above ground utilities, including pipelines operated at a service pressure in excess of two hundred (200) psig.
   p. Delineation of the tree preservation plan per Section 410.145 of this Unified Development Ordinance.
   q. Delineation of the vegetative buffer plan per Section 405.5021 of this Unified Development Ordinance.
   r. Field surveyed natural watercourses showing top and toe of banks.
   s. Proposed access to the site either from public right-of-way under a permit issued by the governing agency or through private property under an easement or license. (Attach copy of permit, easement or license.)
   t. All proposed permanent improvements to be constructed as part of the land disturbance activity.
   u. Proposed surface contours at intervals no greater than two (2) feet to at least twenty-five (25) feet beyond the land disturbance activity area.
   v. County standard land disturbance activity notes, which includes a note stating that "The contractor shall request inspection two (2) days in advance of construction startup".
   w. County standard construction details.
   x. Signature, seal and date of a licensed professional engineer.
   y. Signature, seal and date of a registered land surveyor and his (her) statement identifying sources of topographical information.
z. A signed statement by the permittee assuming full responsibility for the performance of the land disturbance activities and that all State, County and private property or roads will be adequately protected.

aa. Other items as required in the Design Manual or as required by the Director of Development Review.

2. **Specific design information.**
   a. A geotechnical report identifying the United States Department of Agriculture soil textures throughout the site; slope stabilization analysis for cut and fill slopes; and other pertinent data related to erosion or sediment concerns during land disturbance activities.
   b. The sequence of all land disturbance activities including those listed below, and all installations of erosion and sediment controls listed below, shall be shown on construction plans:
      1. Stripping and clearing;
      2. After changes in drainage courses;
      3. Construction of underground infrastructure;
      4. Construction of structures, such as buildings, pavement, retaining walls;
      5. Final grading; and
   The Director of Development Review may require that separate construction plans be submitted for separate phases of the project.
   c. Stabilization of any stream bank erosion problems existing in natural watercourses that are to be left undisturbed, that may jeopardize private lots, public utilities or detention facilities.
   d. Details of any temporary drainage system proposed to be installed in connection with any and all phases of land disturbance activity.
   e. Details of proposed water impoundment structures, embankments, sediment or debris basins, grass or lined waterways and diversions with the details and locations of proposed stable outlets and the location of any downstream impoundments which could be affected by the proposed land disturbance activities.
   f. Location of construction traffic entrance and wash-off pad.
   g. Description of erosion and sediment controls that will be installed prior to and during land disturbance activity to control pollutants in stormwater discharges, along with drainage area map with appropriate pre-development, appropriate interim and post runoff calculations for each proposed stormwater conveyance system and erosion and sediment control.
      (Calculations shall conform to Article IV of this Chapter.)
   h. Drawing depicting the runoff travel paths, which are the route taken by a drop of effective rainfall falling at the most hydraulically remote point to the outlet of a drainage basin to determine the time of concentration used in item (g) above.
      Provide calculations for time of concentration and composite curve number (CN) for pre-developed watersheds.
   i. Description and location of permanent erosion and sediment controls after land disturbance activities have ended.
   j. Calculations required by Section 412.150.

3. **Other required submittals.** Other items, if applicable, must be submitted prior to issuance of a land disturbance permit.
   a. Alternative material and vendor specifications for erosion and sediment control devices.
   b. Other County permits, such as flood plain development permit, special use permit, demolition permit and building permit for retaining walls.
   c. Permits from other governmental agencies, such as United States Army Corps of Engineers Section 404 permit and Missouri Department of Natural Resources Section 401 permit.
   d. Missouri Department of Natural Resources land disturbance permit.
   e. Performance guarantee pursuant to Section 412.080.
   f. Executed easements needed for land disturbance activities or access.
   g. Payment of base inspection fee required by this Chapter.  (Ord. No. 05-148 §14, 10-25-05)

**SECTION 412.070: WAIVER OF REQUIREMENTS**

The applicant may request a waiver of specific plan submittal requirements to the Director of Development Review. The Director of Development Review may grant the request for a waiver, including a reduction in base inspection fees, upon determining that the item to be waived is not applicable to the project under review or that the request for a waiver is justified and that the remaining information on the submitted plans or permit application is sufficient to show that the work will comply with the objectives and principles of this Chapter.  (Ord. No. 05-148 §14, 10-25-05; Ord. No. 10-041 §68, 6-2-10)
SECTION 412.080: PERFORMANCE GUARANTEE

In order to obtain a land disturbance permit, the applicant must insure or guarantee the stabilization of the site upon completion or stoppage of the land disturbance activity.

A. Performance guarantee required. The applicant shall post a performance guarantee with the County in the amount established in this Section.

1. If the performance guarantee is a lender's or escrow agreement, that agreement shall:
   a. Be prepared on forms approved by ordinance and be signed by the Director of the Division of Development Review and County Registrar;
   b. Ensure or guarantee the installation of sediment and erosion controls and the final stabilization of ground cover based on amounts established in Section 412.080(B) and approved by the Director of the Division of Development Review; and
   c. Be held in a special account by the escrow holder or lender and the funds shall be subject to the audit of St. Charles County.

2. If the performance guarantee is a standby letter of credit, that document may be prepared on forms approved by the financial institution on which it is drawn but must provide for:
   a. Drafts to be drawn at offices in St. Charles County, St. Louis County or the City of St. Louis; and
   b. Automatic extensions for additional one (1) year terms unless, at forty-five (45) days prior to the letter's current expiration date, the financial institution issuing the letter gives written notice of non-renewal to St. Charles County's Department of Community Development by registered or certified mail or by overnight courier.

B. Amount of performance guarantee.

1. Except as provided hereafter in this Section, the amount of the performance guarantee shall be determined from the estimated land disturbance acreage rounded up to the nearest tenth (0.1) of an acre times the cost per acre according to the following schedule:

<table>
<thead>
<tr>
<th>Land Disturbance Acreage</th>
<th>Cost per Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 5.0</td>
<td>$3,000.00</td>
</tr>
<tr>
<td>5.0--20.0</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>&gt; 20.0</td>
<td>$2,000.00</td>
</tr>
</tbody>
</table>

2. However, additional amounts will be required equal to the costs of other proposed construction items referenced in Section 412.060(1)(t) and/or (2)(b).

3. Alternatively, the applicant may post a performance guarantee in an amount determined by a line-item cost estimate for all erosion and sediment controls and other proposed construction items referenced in Section 412.060(1)(t) and/or (2)(b).

C. Release of performance guarantee funds.

1. The Director of Development Review may authorize release up to fifty percent (50%) of any performance guarantee funds upon confirming by inspection that all erosion and sediment controls and other proposed construction items referenced in Section 412.060(1)(t) and/or (2)(b) are in place and functioning properly, including establishment of vegetation.

2. The Director of Development Review may authorize release up to ninety percent (90%) of any performance guarantee funds subject to an escrow or lender's agreement upon confirming by inspection that vegetation has been established and ongoing maintenance has been provided for all installed erosion and sediment controls. However, the amount retained shall not be reduced to less than the cost of maintaining the erosion and sediment controls.

3. The Director of Development Review shall authorize release of all remaining performance guarantee funds only when the County Inspector certifies that all land disturbance work has been completed and all soil subject to the land disturbance permit is stabilized, including permanent vegetation. (Ord. No. 05-148 §14, 10-25-05; Ord. No. 07-040 §1, 3-13-07; Ord. No. 10-041 §69, 6-2-10)

SECTION 412.090: ISSUANCE OF A LAND DISTURBANCE PERMIT

A land disturbance permit shall be issued by the Director of Development Review only if:

1. The application for that permit is complete and includes all submittals required by this Chapter and not waived pursuant to Section 412.070; and

2. The design submitted for approval with the permit is consistent with the design standards established or authorized by Article IV of this Chapter. (Ord. No. 05-148 §14, 10-25-05)
SECTION 412.100: TRANSFER OF LAND DISTURBANCE PERMIT

Unless a permittee transfers a land disturbance permit as provided herein, that permittee remains bound by the terms of that permit even after transfer of ownership of land subject to it. A land disturbance permit may be transferred only if all of the following conditions are met.

1. The permittee must file a request for transfer with the Director of Development Review cosigned by the transferee, which must include:
   a. A legal description of the area to be transferred; and
   b. A map or plan showing the area to be transferred.

2. The Director of Development Review must determine from the request and supporting documentation that the area to be transferred includes substantially all of any drainage basin or basins wholly or partly within the area subject to the originally issued permit and give permittee and transferee written mail notice of that determination.

3. The transferee must submit to the Director of Development Review:
   a. A performance guarantee (as provided in Section 412.080 above); and
   b. A copy of the Missouri Department of Natural Resources land disturbance permit ownership transfer documentation per 10 CSR 20-6.200 for the same transfer (no County permit may be transferred without this document). (Ord. No. 05-148 §14, 10-25-05; Ord. No. 07-040 §1, 3-13-07)

SECTION 412.110: REQUIREMENTS BEFORE CONSTRUCTION STARTUP

It is the responsibility of the permittee to ensure that the following items are performed prior to construction startup, unless deemed non-applicable to the project by the Director of Development Review.

1. Schedule a pre-construction conference with the Director of Development Review prior to the start of each construction phase of land disturbance activity including installation of the temporary construction entrance. The permittee will be responsible for notifying all contractors and other entities, including utility crews that will perform work at the site, to be in attendance.

2. Supply in writing to the Director of Development Review the name and telephone number of all contractors and subcontractors and a twenty-four (24) hour telephone number of the permittee's designated agent supervising and directing all land disturbance activities on site.

3. Stake and post signs of tree preservation areas per Section 410.145 of this Unified Development Ordinance and vegetated buffer areas per Section 405.5021 of this Unified Development Ordinance.

4. Identify in writing each erosion and sediment control product that is not a specification authorized by Article IV of this Chapter and submit manufacturer specifications and installation techniques for approval by the Director of Development Review for performance equivalency with County specifications.

5. Identify proposed good housekeeping practices to control general site pollutants, such as construction wastes, site litter, construction debris, dust and sanitary wastes.

6. Identify toxic or hazardous substances, petroleum products, pesticides, herbicides and other pollutants that will be used on site. Identify pollution control method for each substance and submit an emergency management plan for responding to any loss of toxic materials due to a containment failure. This plan must include documentation of actions and mandatory reporting to the Saint Charles County Division of Environmental Services, Solid Waste Enforcement.

7. Provide a location map depicting any proposed borrow or fill sites in the County and the proposed truck haul routes through the County.

8. Provide an erosion and sediment control installation sequencing schedule for approval by the Director of Development Review. The schedule should be a graph or tabulation of each erosion and sediment control installation consistent with Section 412.060 Subsection (2)(b). (Ord. No. 05-148 §14, 10-25-05)

SECTION 412.120: PLAN MODIFICATIONS DURING CONSTRUCTION

A. Field Modifications. The permittee shall modify already approved plans or modify descriptions of pollution prevention methods in any of the following circumstances.

1. Inspections by the Director of Development Review or by the Missouri Department of Natural Resources indicate deficiencies.

2. Inspections by the permittee indicate deficiencies.

3. Either the permittee or the Director of Development Review determines that the current installations are ineffective in significantly minimizing or controlling erosion of land or sedimentation in streams or lakes.

4. Either the Director of Development Review or the Missouri Department of Natural Resources determines that total settleable solids from a stormwater outfall exceeds two and one-half (2.5) milliliters per liter per hour (ml/L/hr) or one-half (0.5) ml/L/hr in the event the land disturbance activity is within a valuable water resource area as determined by the Missouri Department of Natural Resources.

557
5. Either the Director of Development Review or the Missouri Department of Natural Resources determines that violations of Water Quality Standards 10 CSR 20-7.031(3) may occur or have occurred.

6. Either the Director of Development Review or the Missouri Department of Natural Resources determines that the pollution prevention methods submitted to the Director of Development Review as required by Section 412.060, above, are ineffective in preventing pollution of waterways from construction wastes, chemicals, fueling facilities, concrete truck washouts, toxic or hazardous materials, site litter or other substances or wastes likely to have an adverse impact on water quality.

B. Submittal Of Amended Plans. The permittee shall submit for the Director of Development Review's approval amended plans and descriptions of pollution prevention methods in any of the following circumstances.

1. The permittee seeks to modify the originally approved plans for the design, operation or maintenance of erosion and sediment controls.

2. The permittee modifies the design for the construction project for which the permittee submitted those originally approved plans, so as to significantly affect the quality of stormwater discharges.

3. The Director of Development Review determines that the temporary facilities or erosion and sediment controls installed according to approved plans fail to meet performance standards imposed by these regulations and that those failures require amendment of those plans and supporting documentation or calculations.

SECTION 412.130: INSPECTIONS AND REPORTS

A. County Inspections.

1. The permittee consents to the County inspecting the proposed development site and all work in progress and to payment of additional inspection fees above the base inspection fee, if any, as authorized by ordinance.

2. The Director of Development Review or his designee shall make inspections and either approve that portion of the work completed or notify the permittee in writing when the work fails to comply with the conditions of the land disturbance permit.

3. The permittee shall notify the Director of Development Review or his designee at least two (2) working days before the following activities to obtain timely inspection:
   a. Establishment of tree preservation and stream buffer boundaries. Refer to Section 412.110(3);
   b. Start of land disturbance or construction;
   c. Installation of erosion and sediment controls;
   d. Completion of site clearing;
   e. Completion of rough grading;
   f. Completion or suspension of final land disturbance activity;
   g. Close of the construction season; and
   h. Completion of final landscaping.

4. The Director of Development Review or his designee may inspect the property upon receipt of a citizen complaint concerning erosion or sediment control issues.

B. Permittee Inspections And Reporting.

1. The permittee shall make regular inspections of the permitted site, observing all erosion and sediment control and other pollutant control measures, outfalls and off-site receiving waters. The inspections must be conducted by a person knowledgeable in the principles and practice of erosion and sediment controls, who possess the skills to assess conditions at the construction site that could impact stormwater quality and to assess the effectiveness of the erosion and sediment controls used.

2. Inspections must be made by the permittee at least once per week and no later than two (2) days after a substantial rain event. A reduction in the weekly inspections may be waived by the Director of Development Review for the following reasons:
   a. The entire site is temporarily stabilized;
   b. Runoff is unlikely due to winter conditions, such as snow cover or frozen ground; and
   c. Construction is during arid periods when no erosion or sediment has occurred.

3. All inspections by the permittee shall be documented in written form on reports with copies submitted to the Director of Development Review at the time interval specified in the permit. A report of each inspection shall be kept on site by the permittee if possible. Otherwise, the inspection form will be retained by the permittee at its closest business office located within the County. Falsification of reports is in violation of the permit and cause of immediate suspension or revocation of the permit.
permit. The inspection reports are to include the following minimum information:

a. Inspector's name and signature;
b. Date of inspection;
c. Observations relative to the effectiveness and deficiencies of the erosion and sediment controls and other pollution prevention controls;
d. Actions taken or necessary to correct deficiencies, including the log of field changes to the approved plan during the period covered by the report;
e. A listing of areas where land disturbance activities have permanently or temporarily stopped; and
f. Stormwater sampling information and analytical results, when applicable.

4. The permittee shall be responsible for correcting any deficiencies identified within seven (7) calendar days of the date of inspection required by this Subsection identifying these deficiencies.

5. The Director of Development Review shall make additional inspections as necessary to ensure the validity of the reports filed and, where applicable, to confirm the correction of reported deficiencies. (Ord. No. 05-148 §14, 10-25-05)

SECTION 412.140: VIOLATIONS, CORRECTIONS AND ENFORCEMENT

A. Violations.

1. It shall be a violation of this Chapter to construct, enlarge, alter, repair or maintain any land disturbance activity, excavation or fill, or cause the same to be done, contrary to any provision of this Chapter.

2. It shall be a violation of this Chapter to fail to install and maintain any erosion and sediment control measures and systems authorized and required by a duly issued land disturbance permit.

3. It shall be a violation of this Chapter to fail to comply timely with any notice to correct issued pursuant to Subsection (B) of this Section or correct timely any deficiencies identified by the permittee pursuant to Section 412.130(B)(4) above.

4. The need to halt or reduce the permitted construction or grading activity in order to maintain compliance with the permit conditions shall not be a defense to the permittee in an enforcement action.

B. Notice To Correct, Notice Of Violation And Service Of Notices.

1. Upon confirming any violation or deficiency, the Director of Development Review shall issue a written notice to correct directing abatement of those violations and/or correction of that deficiency within seven (7) calendar days. The notice shall state that failure to comply with its terms shall constitute an additional violation of this Chapter.

2. Upon confirming failure to comply timely with any notice to correct, the Director of Development Review shall issue a written notice of violation, including a stop work order and notice of fines as authorized by Subsection (C) of this Section.

3. Notwithstanding the foregoing provisions of this Subsection, when the Director of Development Review finds that any person has undertaken land disturbance activity without a land disturbance permit required by this Chapter, the Director of Development Review shall issue a notice of violation including a stop work order and notice of fines as authorized by Subsection (C) of this Section and such fines shall accrue from the day on which such unauthorized land disturbance commenced.

4. The Director of Development Review shall serve any written notice authorized by this Subsection by posting one (1) copy at the work site and by hand-delivering or mailing other copies to any and all persons responsible for the violation or deficiency.

C. Enforcement.

1. Stop work order. The Director of Development Review shall also have the right to stop all or any part of the construction activities and development until all corrections set out in such notice have been satisfactorily made. To that end, the Director of Development Review shall issue and post on the site a written order directing that such construction activities and development be stopped immediately and shall serve that written order upon any person, firm, corporation or business engaged in such construction activities and development at the site that is the subject of the violation. Every day that such work continues shall constitute a separate violation. This Chapter does not preclude remedies available under Federal, State or common law.

2. Forfeiture of performance guarantee. In the event of a violation or deficiency that is not resolved in a reasonable time, the performance guarantee proceeds may be used by the County to install pollution prevention controls to stabilize the site subject to the land disturbance permit. Prior to resumption of work, permittee must post a new performance guarantee in an amount determined pursuant to Section 412.080.

3. Fines. Any person responsible for a violation of this Chapter shall be guilty of a misdemeanor and liable for a fine not to exceed one thousand dollars ($1,000.00) a day. Every day that such violation is ongoing shall constitute a separate violation.

4. Enforcement. It shall be the duty of the Director of Development Review to enforce this Chapter. In discharging that duty the Director of Development Review may request and shall receive, so far as may be necessary in the discharge of that duty, the assistance and cooperation of other County Officials including, but not limited to, the following: the Sheriff, the Directors of Community Development and Building Code Enforcement, the County Engineer and the County Counselor.
5. **Actions for fines and injunctive relief.** In the event of a violation, the Director of Development Review may request the County Counselor to institute in the Circuit Court an appropriate action for fines and injunctive relief against the person or persons responsible for that violation. (Ord. No. 05-148 §14, 10-25-05)

**SECTION 412.145: CLOSING OF LAND DISTURBANCE PERMITS**

The Director of Development Review shall close land disturbance permits upon permittee's stabilization of all soil at the site subject to the permit and release the entire performance guarantee as authorized in Section 412.080(C). (Ord. No. 05-148 §14, 10-25-05)

*Editor's Note--In ord. no. 10-041 §69, "412.080(C)" was changed to "412.080(C)", the above reference was editorially corrected.*

**ARTICLE IV. DESIGN REQUIREMENTS AND PERFORMANCE GOALS**

**SECTION 412.150: PURPOSE**

This Article IV specifies or authorizes performance and design standards to reduce the amount of sediment and other pollutants in stormwater discharges associated with the land disturbance activities as required by these regulations. The applicant's engineer shall select and design erosion and sediment controls adequate to meet those requirements. (Ord. No. 05-148 §14, 10-25-05)

**SECTION 412.160: PERFORMANCE STANDARDS**

Designs for erosion and sediment controls shall meet the following performance standards.

1. Compliance with all standards imposed by Missouri Department of Natural Resources Missouri State Operating Permit MO-R100A or, if the land disturbance area is within a valuable water resource area as determined by the Missouri Department of Natural Resources, a Missouri State Operating Permit MO-R109 issued in compliance with the Missouri Clean Water Law (Chapter 644, RSMo., as amended), the Federal Water Control Act (Public Law 95-500, 92d Congress, as amended) and Missouri and Federal regulations pursuant thereto.

2. Compliance with the following additional standards stated herein.
   a. No land disturbance activity shall result in the impounding of surface water on property other than the permittee's unless the permittee obtains easements or licenses for that purpose.
   b. Runoff into receiving streams from any area undergoing land disturbance activities that is greater than three (3) acres shall not exceed the six (6) month peak runoff rate for that area in its pre-developed state.
   c. Temporary discharges into receiving streams from any area undergoing land disturbance activities shall not result in the accelerated erosion of those streams' channels at the point of discharge.

3. If temporary facilities and erosion and sediment controls installed pursuant to approved plans fail to meet the performance standards set out herein, the Director of Development Review may require the permittee to submit modified plans as provided in Section 412.120 above. (Ord. No. 05-148 §14, 10-25-05)

**SECTION 412.170: DESIGN CRITERIA**

A. The erosion and sediment controls and temporary facilities identified in Subsection (B)(1) shall be designed to accommodate at a minimum the runoff for the design storm specified in that Subsection, using the runoff coefficients specified in Subsection (B)(2) and calculated according to the methods defined in this Section.

B. If installed erosion and sediment controls, designed according to this Article, fail to meet its performance standards above, the permittee shall be required to correct the deficiency in question as provided in Section 412.120.

1. **Design storm.** Designs for erosion and sediment controls and temporary facilities constructed during land disturbance activities shall be based on the design storms shown in Exhibit 1.

<table>
<thead>
<tr>
<th>Exhibit 1--Design Storm</th>
<th>Stormwater Conveyance Systems:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Erosion and Sediment Control and Temporary Facilities</td>
<td>Design Storm</td>
</tr>
<tr>
<td>Stormwater Conveyance Systems:</td>
<td>6 month</td>
</tr>
<tr>
<td>On-site drainage ditches and diversions</td>
<td></td>
</tr>
<tr>
<td>By-pass storm sewers and channels</td>
<td>2 year</td>
</tr>
<tr>
<td>Entrance road culvert</td>
<td>3 year</td>
</tr>
</tbody>
</table>
2. **Runoff coefficient.** The runoff coefficient \( C \) corresponds to the effective runoff based on ground cover, ground slope and that portion of rainfall that is lost to surface runoff by processes such as depression storage, infiltration, interception and evaporation. The runoff coefficients in Exhibit 2 shall be used in calculating peak runoff rates and stormwater volumes.

<table>
<thead>
<tr>
<th>Ground Cover</th>
<th>Runoff Coefficient (C)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pasture and unimproved areas</td>
<td>15%</td>
</tr>
<tr>
<td>Woods</td>
<td>10%</td>
</tr>
<tr>
<td>Lawns ≤ 6% slope</td>
<td>15%</td>
</tr>
<tr>
<td>Lawns ≥ 6% slope</td>
<td>30%</td>
</tr>
<tr>
<td>Graded/no vegetation ≤ 6% slope</td>
<td>50%</td>
</tr>
<tr>
<td>Graded/no vegetation ≥ 6% slope</td>
<td>60%</td>
</tr>
<tr>
<td>Gravel parking lot</td>
<td>75%</td>
</tr>
<tr>
<td>Gravel road</td>
<td>80%</td>
</tr>
<tr>
<td>Pavement, walks, buildings</td>
<td>95%</td>
</tr>
</tbody>
</table>

The runoff coefficients shall be determined for each drainage area to proposed erosion and sediment control and temporary facilities based on the following criteria.

a. Land disturbance areas shall be considered stripped of all vegetation in determining runoff for erosion and sediment controls placed prior to land disturbance activities.

b. After cut and fill operations are completed, land disturbance areas shall be considered stripped of all vegetation and pavement installed in determining sediment controls, runoff conveyance systems and erosion prevention devices.

3. **Peak runoff rate calculation method.** The Rational Method, as developed by Mulvaney in 1851, shall be used to determine the peak (maximum) runoff rate. The Rational Method (also known as the Rational Formula) is:

\[
Q = C \times i \times A
\]

where

- \( Q \) = peak runoff rate in cubic feet per second (cfs)
- \( C \) = runoff coefficient (dimensionless)
- \( i \) = rainfall intensity rate in inches per hour
- \( A \) = drainage area in acres

a. The runoff coefficients \( C \) to be used are set out in tabular form in Subsection (B)(2), Exhibit 2 above.

b. The rainfall intensity rates \( i \) were derived for St. Charles County from the Rainfall Frequency Atlas for the Midwest,
St. Charles County -- QuickCode
Bulletin 71 by Huff and Angel, 1992 for a ten (10) minute rain event. The rainfall intensity rates in Exhibit 3 shall be used.

<table>
<thead>
<tr>
<th>Design Storm</th>
<th>Rainfall Intensity Rate (inches/hour)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 month</td>
<td>2.86</td>
</tr>
<tr>
<td>1 year</td>
<td>3.54</td>
</tr>
<tr>
<td>2 year</td>
<td>4.38</td>
</tr>
<tr>
<td>5 year</td>
<td>5.53</td>
</tr>
<tr>
<td>10 year</td>
<td>6.62</td>
</tr>
</tbody>
</table>

4. *Total runoff volume calculation.* The total volume of runoff for calculating sediment basin size shall be based on the runoff coefficient times the total rainfall in a twenty-four (24) hour period, which is:

\[ V = P \times C \times A \times 3630 \]

where

- \( V \) = total runoff volume in cubic feet
- \( P \) = inches of rainfall in a twenty-four (24) hour period
- \( C \) = runoff coefficient (dimensionless)
- \( A \) = drainage area in acres

a. The runoff coefficients (C) to be used are set out in tabular form in Subsection (B)(2), Exhibit 2 above.

b. The total inches of rainfall in a twenty-four (24) hour period was derived for St. Charles County from the Rainfall Frequency Atlas for the Midwest, Bulletin 71 by Huff and Angel, 1992. The following exhibit shall be used:

<table>
<thead>
<tr>
<th>Design Storm</th>
<th>Total Rainfall (inches)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 month</td>
<td>2.03</td>
</tr>
<tr>
<td>1 year</td>
<td>2.50</td>
</tr>
<tr>
<td>2 year</td>
<td>3.25</td>
</tr>
<tr>
<td>5 year</td>
<td>4.10</td>
</tr>
<tr>
<td>10 year</td>
<td>5.00</td>
</tr>
</tbody>
</table>

(Ord. No. 05-148 §14, 10-25-05)

SECTION 412.180: DESIGN MANUALS AND GUIDELINES

A. *Design Manual Authorized.* The Director of Development Review is hereby authorized to develop design criteria for erosion and sediment controls that may be employed to comply with these regulations and to meet the performance standards set out above. The design criteria may include specific requirements or conditions for the use of any particular erosion and sediment control. Such design criteria shall be included in St. Charles County's "Design Criteria for the Preparation of Improvement Plans" (Design Manual).

B. *Use Of Design Manual And Other Guidelines.* Plans required by these regulations may include erosion and sediment controls included in the Design Manual, but the Design Manual is not intended to preclude use of other erosion and sediment control methods not included in it. Engineering professionals are encouraged to design innovative ways to address site specific conditions. In all cases, erosion and sediment control products shall be used and installed according to the manufacturer's specifications. In all cases, designs must be approved by the Director of Development Review and must be in compliance with these regulations and the terms and conditions of applicable Federal and State permits. (Ord. No. 05-148 §14, 10-25-05)

SECTION 412.190: SURFACE STABILIZATION REQUIREMENTS

562
A. **Surface Stabilization Techniques.** Bare ground must be stabilized by vegetation, rock surfacing, erosion control blankets and netting, soil binders, structural topping, like concreting or other techniques authorized by the Design Manual or approved pursuant to Section 412.100 above. With respect to vegetation, the following provisions shall also apply.

1. Temporary seeding shall be used if the area will be disturbed later in the development. The area must be vegetated by permanent seeding or sodding, when no further land disturbance will occur.
2. Seeding, fertilizing and mulching shall be applied at the rates and times specified in the Design Manual.
3. Mulch can be used as temporary cover in unseeded areas to protect against erosion over the winter or until final grading and shaping can be accomplished. Application rates are shown in the Design Manual.
4. Temporary seeding and mulching shall be placed on seventy percent (70%) of the total disturbed site area according to the stabilization schedule.
5. Temporary seeding may be suspended in portions of the project area which have an active building permit. Upon completion of the building activity, the site must be permanently stabilized.
6. Seeded areas shall be refertilized four (4) weeks after initial seeding. The seeded area shall be inspected at that time for uniform cover and adequate density. All areas which are bare and sparse (less than thirty percent (30%) ground cover) shall be reseeded and mulched.
7. Non-degradable mats shall be used only as a permanent installation and in areas that will not be mowed.

B. **Surface Stabilization Schedule.** Land disturbance activities shall be scheduled as provide in the table below:

<table>
<thead>
<tr>
<th>Soil Disturbance Activity or Condition</th>
<th>Required Stabilization Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soil disturbance has ceased in areas greater than 2,000 square feet.</td>
<td>14 days</td>
</tr>
<tr>
<td>After construction of dikes, swales, diversions and other concentrated flow areas.</td>
<td>5 days</td>
</tr>
<tr>
<td>When slopes are steeper than 3 horizontal to 1 vertical.</td>
<td>7 days</td>
</tr>
<tr>
<td>When slopes are greater than 3% and longer than 150 feet.</td>
<td>14 days</td>
</tr>
<tr>
<td>Perimeter controls around soil stockpiles.</td>
<td>End of workday</td>
</tr>
<tr>
<td>Stabilization or covering of inactive stockpiles.</td>
<td>30 days</td>
</tr>
<tr>
<td>When land disturbance is completed, permanent soil stabilization must be installed.</td>
<td>30 days</td>
</tr>
</tbody>
</table>

C. **Land Disturbance Phasing.** Land disturbance activities should be scheduled in stages of development, so that only the areas that are actively being developed are exposed. Land disturbance areas exceeding ten (10) acres may require phasing, if the Director of Development Review determines that runoff from the land disturbance area may adversely affect other property. (Ord. No. 05-148 §14, 10-25-05)

**SECTION 412.200: EARTHWORK REQUIREMENTS**

A. Surface water shall be diverted from the face of all cut and fill slopes exceeding eight (8) feet in vertical elevation.
B. Slope breaks shall be provided whenever the vertical elevation of any slope exceeds twenty (20) feet.
C. Diversion berms shall not exceed eight hundred (800) feet in length.
D. No excavation shall be made so close to the property line to endanger any adjoining public or private street without supporting and protecting such public or private street or property from settling, cracking or other damage.
E. No fill material shall be placed so as to cause or to allow the same to be deposited upon or to flow onto another property without written consent of the owner.
F. No fill material shall be placed so as to cause or to allow the same to be deposited upon or to flow onto any public street, walk, place or way, nor so close to the top of a bank of a channel as to create the possibility of bank failure.
G. Materials for fills shall consist of material obtained from excavation of banks, borrow pits or other approved source. Material shall be free of vegetative matter and deleterious material and shall not contain large rocks or lumps except as certified by a geotechnical engineer to be acceptable fill material.
H. No cut or fill slope shall be made steeper in slope than three (3) horizontal to one (1) vertical without a geotechnical report and
St. Charles County -- QuickCode

approval by the Director of Development Review.

I. Individual and isolated slopes, rock dikes, undisturbed natural slopes and slopes blending with the natural terrain may be steeper than the requirements as approved by the Director of Development Review.

J. All fills and trench backfills shall be compacted to the minimums as defined in the Design Manual. Compaction of fills and backfills must be certified by a geotechnical engineer.

K. Solid rock, shale, tree stumps, masonry and other obstructions shall be removed to a depth of two (2) feet below finished grade or pavement subgrade. (Ord. No. 05-148 §14, 10-25-05)

SECTION 412.210: STORMWATER CONVEYANCE REQUIREMENTS

Temporary conveyance of stormwater during land disturbance activities depends upon the peak runoff for the design storm and a suitable method to prevent erosion after construction. The requirements listed below shall be used for temporary conveyance of stormwater.

1. All drainage shall be designed to transport surface waters to the nearest practical storm drain, natural watercourse or street as approved by the Director of Development Review.

2. Diversion channels and ditches are to be designed to a non-erosive velocity as defined in the Design Manual or the geotechnical report required by Section 412.060 (2)(a). Diversion ditch length shall not exceed eight hundred (800) lineal feet.

3. A rock outlet is required at all pipe and improved channel discharges to open watercourses. The maximum design velocity shall be ten (10) feet per second (fps). If the discharge velocity exceeds ten (10) fps, an engineered energy dissipater may be required as determined by the Director of Development Review. (Ord. No. 05-148 §14, 10-25-05)

SECTION 412.220: SEDIMENT CONTROL REQUIREMENTS

A. A temporary construction vehicle wash-off pad is required to avoid tracking mud onto public roads and must be located where construction traffic leaves the site. The permittee shall remove any mud, sediment or debris tracked onto public roads by sweeping or other mechanical means.

B. Sediment basins shall be used to meet water quality discharge requirements and pre-developed runoff rates during land disturbance activities. Sediment basins shall be designed for the following criteria.

1. Sediment volume shall be determined from the Natural Resources Conservation Service's Revised Universal Soil Loss Equation (RUSLE).

2. Wet volume shall contain the total runoff produced from the six (6) month twenty-four (24) hour storm.

3. Dewatering time shall be twenty-four (24) hours for the total volume of wet storage of the basin.

4. The outlet must be designed to convey the peak 10-year runoff with a minimum one (1) foot freeboard between the water surface of the outlet and the top of the basin embankment.

5. Other sizing requirements are described in the Design Manual. (Ord. No. 05-148 §14, 10-25-05)

CHAPTER 415: PRESERVATION OF HIGHWAY CORRIDORS ESTABLISHED IN UNINCORPORATED ST. CHARLES COUNTY

SECTION 415.010: DEFINITIONS

As used in this Chapter, the following words and phrases mean:

APPLICATION OR REQUEST: Any application or request listed in Section 415.020 of this Chapter and affecting any lot, tract or parcel of land which abuts or is located wholly or partially within a highway corridor.

COMMISSION: The Missouri Highway and Transportation Commission.

CORRIDOR MAP: A legal description of the metes and bounds of the area within a highway corridor, tied to an existing or reestablished government corner, and accompanied by a county map showing the general location of the highway corridor, the legal description governing in the case of any inconsistency with the corridor drawn on the map.

HIGHWAY CORRIDOR: The area projected to be needed as right-of-way for the construction and maintenance of a future new or relocated State highway, as determined by the Commission. (Ord. No. 98-231 §1, 12-29-98)

SECTION 415.020: APPLICATIONS OR REQUESTS FOR BUILDING PERMITS, ZONING CHANGES, SUBDIVISION PLANS OR MODIFICATIONS OF EXISTING SETBACK LINES

If the Commission has filed a certified copy of any corridor map or amendment thereto with St. Charles County, the Director of the Division of Planning and Zoning, by personal delivery or by certified mail, return receipt requested, shall send the Commission or the officer or agent designated by it for this purpose a copy of any application or request listed below immediately upon
St. Charles County -- QuickCode

receiving it, if that application or request affects any lot, tract or parcel of land which abuts or is located wholly or partially within a highway corridor:

1. An application or request for a new building permit for the construction of a new commercial, industrial or residential building or an increase in the square footage of an existing commercial or industrial building;
2. An application or request for a zoning change, variance, or exception or conditional use permit;
3. An application or request to approve a subdivision plan or plat of other proposed development; or
4. An application or request for a modification of existing setback lines from highways. (Ord. No. 98-231 §2, 12-29-98)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 415.030: NO ACTION TAKEN BY COUNTY UNTIL RECEIPT OF NOTICE OF CONCURRENCE

Whenever the Director of the Division of Planning and Zoning sends the Commission a copy of any application or request pursuant to Section 415.020 of this Chapter, St. Charles County shall take no action on that application or request for forty-five (45) days from the Commission's receipt of the application or request, unless the Commission sends the Director of the Division of Planning and Zoning a notice of concurrence in the application or request. (Ord. No. 98-231 §3, 12-29-98; Ord. No. 10-041 §71, 6-2-10)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 415.040: RECOMMENDATION OF COMMISSION -- ACCEPTANCE OR REJECTION BY COUNTY

If the Commission recommends that approval of an application or request be conditioned upon special modifications or limits, St. Charles County, by action of the officer or body with authority to approve the application or request, shall accept or reject those conditions, and the Director of the Division of Planning and Zoning shall send written notice of that decision to the Commission by personal delivery or by certified mail, return receipt requested. (Ord. No. 98-231 §4, 12-29-98)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 415.050: NOTIFICATION OF PROBABLE INTENT TO ACQUIRE ANY PROPERTY--COUNTY'S RESPONSE

If (as provided by Section 226.963 or Section 226.965, RSMo, as amended) the Commission provides written notice of probable intent to acquire the whole or any part of a property that is the subject of an application or request, St. Charles County shall:

1. Take no action to approve such application or request for one hundred twenty (120) days from receipt of that notice; and
2. Thereafter be free to approve or disapprove such application or request if the Commission has not acquired, agreed to acquire, or commenced an action in the St. Charles County Circuit Court to acquire by condemnation the property affected by the application or request. (Ord. No. 98-231 §5, 12-29-98)

CHAPTER 417: DIRECTIONAL AND WAY-FINDING Signage PROGRAM

Editor's Note--Exhibit B "lease agreement for sign premises" and Exhibit C "sign agreement" are on file in the Registrar's office with original ordinance 07-040.

SECTION 417.010: PURPOSE

The purpose of these regulations is to provide for signage along designated corridors to provide limited directional information to cultural sites, recreational facilities, historical sites, certain activities related to tourism or recreation and/or transportation facilities. (Ord. No. 07-050 §1, 3-27-07)

SECTION 417.020: PROGRAM

The Director of the Department of Community Development shall administer the St. Charles County Directional and Way-Finding Signage Program and shall be responsible for:

1. Identifying and securing sites for signs meeting the requirements of these regulations and on terms subject to approval by the St. Charles County Council;
2. Establishing design criteria for uniformity of signage, which criteria shall conform substantially to concept designs provided in Exhibit A attached to these regulations;
3. Coordinating the fabrication and erection of sign assemblies and the printing of signs to be placed on them with the St. Charles County Engineer;
4. Maintaining sign assemblies and the sites on which they are erected;

5. Ensuring compliance with these regulations and payment by entities placing signs on sign assemblies of all fees required herein. (Ord. No. 07-050 §1, 3-27-07)

SECTION 417.030: DEFINITIONS

When used in these regulations, the following terms shall have the following meanings.

CULTURAL SITE: Any facility for the performing arts, exhibits or concerts that is open to all age groups.

DIRECTIONAL SIGN: Sign installed in advance of the closest intersection where motorists must make a decision to turn or continue on a path to arrive at the desired permitted activities.

EDUCATIONAL SITE: Exhibit or structure open to public viewing including, but is not limited to, zoological or botanical park in which living animals, insects or plants are kept and exhibited to the public.

HISTORIC SITE: Structure, site or district listed on the National Register of Historic Places and/or open to the public for guided tours with an educational format for informing visitors about St. Charles County history.

LEGEND: Content on sign face indicating name of permitted activity, logo, directional arrow and distance information.
MUSEUM: A facility open to the public at least one hundred (100) days per year in which works of artistic, historical or scientific value are cared for and exhibited to the public.

PERMITTED ACTIVITY: Any historic site, cultural site, recreational site, educational site, museum, airport, ferries or tourist-oriented activity.

RECREATIONAL SITE:
1. Recreational area including area for bicycling, boating, fishing, hiking, picnicking.
2. Golf course open to the public and offering at least nine (9) holes of play (but not miniature golf course, driving range, chip and putt course or indoor golf facility).
3. Marina having at least twenty (20) slips and offering services to the public.
4. Winery or brewery, licensed facility producing a minimum of five hundred (500) gallons of wine and/or beer per year, open to the public for guided tours, tasting and/or sales a minimum of three hundred twenty (320) hours per year and providing an educational format for informing visitors about wine and/or beer processing.

SIGN ASSEMBLY: A structure or support displaying up to eight (8) signs providing directional information.

TOURIST-ORIENTED ACTIVITY: Any historic site, cultural site, recreational site, educational site, museum or transportation facility.

TRANSPORTATION FACILITY: River ferry; airport.

WAY-FINDING SIGN: A sign that is installed in advance of the closest intersection where motorists must make the last decision to turn before turning onto the site of the permitted activity and such site is not visible from the intersection or the site is more than three hundred (300) feet from such intersection. (Ord. No. 07-050 §1, 3-27-07)

SECTION 417.040: SIZE, HEIGHT, SHAPE, COLOR AND MATERIAL

A. Directional Signs.
1. Directional signs shall conform to specific sign designs that will apply to all directional signs within a designated corridor. Sign design and designated corridors shall be approved by the Governing Body. Directional signs shall be constructed from material that conforms to the 1999 Missouri Standard Specifications for Highway Construction, Section 1042.2.7.3 and consists of engineer grade reflective sheeting. The maximum size of each sign on a sign assemble shall be one and seventy-five hundredths (1.75) feet wide and six (6) feet in length. Each sign should be rectangular in shape and shall have a white legend and border on a blue background.
2. The sign assembly shall not be larger than one hundred twenty (120) square feet, containing up to eight (8) signs each being one and seventy-five hundredths (1.75) feet tall and six (6) feet wide. In lieu of one (1) sign assembly containing one hundred twenty (120) square feet at a permitted location, two (2) sign assemblies, each containing no more that sixty (60) square feet, and four (4) permitted activity signs are permitted. Individual signs may contain a directional arrow. An assembly in which individual signs have directional arrows shall group all those with like direction instructions and prioritized on the sign ordered with left turns on top or on the upper left side of the sign, followed by right turns and straight ahead. The total sign height shall not exceed eighteen (18) feet.
3. The content of the legend on each panel shall be limited to the business identification and directional information. The legends shall not include promotional advertising. Each sign shall have a maximum of two (2) lines of legend including a separate directional arrow and the distance to the facility shown beneath the arrow.
4. The sign assembly may also include a sign indicating a general activity description and theme design.
5. All letters and numbers on directional signs, except on the logos, should be uppercase and at least six (6) inches in height.

B. Way-Finding Signs. Way-finding signs shall be no larger than sixteen (16) square feet. Content is limited to the name of a single attraction and necessary travel information. Sign height shall not exceed ten (10) feet.

C. General Regulations For Directional And Way-Finding Signs.
1. Signs shall be retroreflective to meet MoDOT and MUTCD requirements.
2. Sign supports may need to meet MoDOT breakaway requirement as determined by the County Engineer. The signs must be on their own supports and not mounted on other sign or pole structures. (Ord. No. 07-050 §1, 3-27-07)

SECTION 417.050: LOCATION REQUIREMENTS

A. Designated Corridors. Directional and way-finding signs may be installed along the following designated corridors:
1. Highway 94 North commencing four hundred (400) feet south of Highway B to West Alton City limits and Highway 94 South from Highway 40/61 to Warren County.
   Portage Road, Grafton Ferry Road, Orchard Farm Road, Wilson Road, Church Road from Washoeon Road west, Washoeon Road and Seeburger Road.
B. Location Requirements For Directional Signage.

1. The sign assembly shall be no more than four hundred (400) feet from intersections where a directional decision may be needed.
2. The sign assembly shall be no closer than one hundred fifty (150) feet from the intersection measured from the right-of-way.
3. Sign structures shall be one hundred fifty (150) feet apart measured along the right-of-way.
4. The sign assembly must be located within the first fifteen (15) feet of depth on private property or with County approval in County roadway right-of-way.
5. Sign locations shall not interfere with traffic control signage.
6. Signs within County right-of-way shall obtain the approval of the County Engineer through issuance of a special use permit.
7. In no instance shall more than two (2) directional sign assemblies of sixty (60) square feet each be provided on the approach side of a road before an intersection.

C. Location Requirements For Way-Finding Signage.

1. A way-finding sign shall be located on private property or with approval from the appropriate County agency in the ROW and within fifty (50) feet of the required turn.
2. A way-finding sign shall not be permitted if other directional signs are present at the intersection.

D. Exceptions To Location Requirements.

1. Sign assemblies shall only be permitted on the same side of the roadway as the direction of travel to the permitted activity unless an exception is approved.

Exceptions to the location requirements may be considered and approved by the Director of Community Development based upon substantial findings that the regulations, physical constraints or the inability to obtain private property easement rights for sign locations result in the inability to reasonably permit such signage per the location standards. (Ord. No. 07-050 §1, 3-27-07)

SECTION 417.060: ADMINISTRATION AND FEES

A. The Director of the Department of Community Development shall coordinate acquisition of leased premises for sign assemblies and shall submit proposed leases to the County Council for its approval by consent agenda. Such leases shall conform substantially to Exhibit B attached to these regulations.

B. The Director of the Department Community Development shall coordinate annual agreements for placing signs on sign assemblies. Such agreements shall conform substantially to Exhibit C attached to these regulations and may be executed by the County Executive upon the Director's recommendation.

C. Annual fees for placement of signs on sign assemblies shall be calculated to defray the costs of site acquisition (amortized over the term of the lease for leased premises), of sign assembly and installation (amortized over a term of two (2) years) and of maintenance of the sign assembly (calculated annually). Fees shall be recalculated on a pro rata basis upon addition or removal of signs affixed to sign assemblies.

D. The Director of the Department of Community Development shall have discretion to decide which sign assembly to erect at a given site and the number of signs to place on that sign assembly based on consultation with projected users of the sign assembly.

E. Notwithstanding any other provision of this Section, where a permitted activity leases premises meeting the requirements of these regulations for a sign assembly that will carry only that permitted activity's sign, the Director of the Department of Community Development may enter into a sign agreement with that permitted activity conforming substantially to Exhibit D attached to these regulations. (Ord. No. 07-050 §1, 3-27-07; Ord. No. 08-037 §1, 4-4-08)

SECTION 417.070: FAILURE TO PAY FEES, REMOVAL OF SIGN

If any entity which, having placed a directional or way-finding sign on a sign assembly, fails to pay any fee required by Section 417.060 the Director of the Department of Community Development shall issue and serve by personal service and/or first-class mail, postage prepaid, a notice of delinquency with an order to pay the fee in question within ten (10) days of the notice's date. If the fee remains unpaid on that date, the Director shall remove the entity's sign without further notice and terminate the County's agreement with the entity conducting the permitted activity. (Ord. No. 07-050 §1, 3-27-07)

EXHIBIT A. DESIGN OF SIGNS

For the designated corridors consisting of Highway 94 North commencing four hundred (400) feet south of Highway B to West Alton City limits, Highways B, C, J, V, Portage Road, Grafton Ferry Road, Orchard Farm Road, Wilson Road, Church Road from Washoe Road west, Washoe Road and Seeburger Road, the approved design is depicted in Drawing 1.

DRAWING 1
For the designated corridors consisting of Highway 94 South from Highway 40/61 to Warren County, Highways DD and F from Highway D to Highway 94 South, the approved design is depicted in Drawing 2.

**DRAWING 2**

(Ord. No. 07-050 §1, 3-27-07)

**EXHIBIT B. LEASE AGREEMENT FOR SIGN PREMISES**

**SAINT CHARLES COUNTY DIRECTIONAL AND WAY-FINDING SIGNAGE PROGRAM**

THIS LEASE AGREEMENT made and entered into on the year and day last written herein, by and between (hereafter "LESSOR") and St. Charles County, Missouri, a charter county (hereafter "COUNTY").

WHEREAS, St. Charles County is conducting and administering the St. Charles County Directional and Way-Finding Signage Program; and

WHEREAS, Under that program and subject to its provisions County may lease premises for sign assemblies along certain designated corridors; and

WHEREAS, Lessor and County have agreed that Lessor shall lease to County premises for a certain sign assembly more particularly described below;

NOW, THEREFORE, the parties hereby agree as follows.

1. Lessor owns property more particularly described in the deed recorded at Deed Book ___ Page ___ of the St. Charles County Records, and agrees to lease to County premises on that property more particularly described in Exhibit A attached hereto and incorporated herein, for installation of a sign assembly pursuant to County's Directional and Way-Finding Signage Program.
2. The term of this Lease Agreement begins on the date last written below and ends on the 31st day of the month of December following the tenth anniversary of the date on which this Lease Agreement begins, unless terminated earlier by County pursuant to this Lease Agreement or to County's regulations governing its Directional and Way-Finding Signage Program.

3. The annual rental on the leased premises is ____________ dollars ($____) payable on or by January 1 of each year (except that the annual rental on the leased premises for the first calendar year shall be prorated and the prorated amount shall be payable within ten days of execution of this lease.

4. County shall use the leased premises solely as authorized by the St. Charles County Directional and Way-Finding Signage Program, to install and maintain a sign assembly on those premises and cut vegetation on them to ensure that the sign assembly is visible to travelers along the designated corridor.

5. Lessor shall enjoy the right to use the leased premises for all other purposes, subject to County's rights under this Lease Agreement, but may not impair visibility of the sign assembly by travelers along the designated corridor.

6. County may terminate this Lease Agreement to by giving thirty (30) days prior written notice at the address of Permitted Activity shown on the signature page.

7. Upon termination for any reason for this Lease Agreement County shall remove its sign assembly, which shall not be a fixture attached to the leased premises.

8. This Lease Agreement constitutes the entire agreement between the parties, and any statements, representations, or promises are contained herein and not other oral statements or promises shall be binding.

9. This Lease Agreement shall be interpreted according to the laws of the State of Missouri.

IN WITNESS WHEREOF, the parties hereto have signed this Lease Agreement on the date last written below.

Executed by County on this ___ day of ___________, ___.

Executed by Permitted Activity on this ___ day of ___________, ___.

PERMITTED ACTIVITY ____________________________

SAINT CHARLES COUNTY, STATE OF MISSOURI

______________________________
County Executive

100 North Third Street
St. Charles, Missouri 63301
636-949-7520

______________________________
Address

ATTEST

______________________________
County Registrar

______________________________
Date

State of Missouri )
) ss

County of St. Charles )

On this ___ day of ______ in the year ______, before me, ____________, a Notary Public in and for said state, personally appeared _________________ (permitted activity), known to me to be the person who executed the within LEASE AGREEMENT, and acknowledged to me that he/she executed the same for the purposes therein stated.

______________________________
Notary public

My commission expires:

______________________________
(Ord. No. 07-050 §1, 3-27-07)
WHEREAS, St. Charles County is conducting and administering the St. Charles County Directional and Way-Finding Signage Program; and

WHEREAS, Under that program and subject to its provisions persons conducting certain "permitted activities" may place signs on directional or way-finding signs erected by County along designated corridors; and

WHEREAS, Permitted Activity and County have agreed that Permitted Activity may lease space for a sign on a certain sign assembly more particularly described below;

NOW, THEREFORE, the parties hereby agree as follows.

1. Under its Directional and Way-Finding Signage Program, and on property particularly described in the deed recorded at Deed Book ____ Page ____ of the St. Charles County Records, County holds leased premises more particularly described in Exhibit A attached hereto and incorporated herein, and hereby leases to Permitted Activity a sign on the sign assembly that County has installed on those premises.

2. The term of this Lease Agreement begins on the date last written below and ends on the 31st day of the month of December following the second anniversary of the date on which this Lease Agreement begins, unless terminated earlier by County pursuant to this Lease Agreement or to County's regulations governing its Directional and Way-Finding Signage Program.

3. The annual rental on the sign is ________ Dollars ($_____) payable on or by January 1 of each year (except that the annual rental on the leased premises for the first calendar year shall be prorated and the prorated amount shall be payable within ten days of execution of this lease.

4. Permitted Activity shall use its sign solely as authorized by the St. Charles County Directional and Way-Finding Signage Program.

5. County shall maintain the sign assembly and Permitted Activity's sign on it.

6. County may terminate this Lease Agreement to by giving thirty (30) days prior written notice at the address of Permitted Activity shown on the signature page.

7. Permitted Activity has the option to renew this Lease Agreement for four additional two-year terms, with rental rates recalculated according to the applicable provisions of the St. Charles County Directional and Way-Finding Signage Program.

8. This Lease Agreement constitutes the entire agreement between the parties, and any statements, representations, or promises are contained herein and not other oral statements or promises shall be binding.

9. This Lease Agreement shall be interpreted according to the laws of the State of Missouri.

IN WITNESS WHEREOF, the parties hereto have signed this Lease Agreement on the date last written below.

Executed by County on this ___ day of _______, ___.

Executed by Permitted Activity on this ___ day of _______, ___.

PERMITTED ACTIVITY

SAINT CHARLES COUNTY, STATE OF MISSOURI

________________________
County Executive
100 North Third Street
St. Charles, Missouri 63301
636-949-7520

________________________
ATTEST
County Registrar

________________________
Date

________________________
State of Missouri )
 )

________________________
County of St. Charles )
 )

On this ___ day of ____ in the year ___ before me, ____________, a Notary Public in and for said state, personally appeared (permitted activity), known to me to be the person who executed the within LEASE AGREEMENT, and acknowledged to me that he/she executed the same for the purposes therein stated.

________________________
Notary public

My commission expires:
THIS LEASE AGREEMENT made and entered into on the day and year last written herein, by and between (hereafter "PERMITTED ACTIVITY") and St. Charles County, Missouri, a charter county (hereafter "COUNTY").

WHEREAS, St. Charles County is conducting and administering the St. Charles County Directional and Way-Finding Signage Program; and

WHEREAS, under that program and subject to its provisions persons conducting certain "permitted activities" may place signs on directional or way-finding signs erected by County along designated corridors; and

WHEREAS, Permitted Activity and County have agreed that Permitted Activity may lease space for a sign on a certain sign assembly more particularly described below;

NOW, THEREFORE, the parties hereby agree as follows.

1. Under St. Charles County's Directional and Way-Finding Signage Program, and on property particularly described in the deed recorded at Deed Book Page of the St. Charles County Records, Permitted Activity holds leased premises more particularly described in Exhibit A attached hereto and incorporated herein, on which Permitted Activity may erect a single-sign assembly to be supplied by the County as provided in this Agreement.

2. The term of that Lease Agreement begins on the day of , and ends on the day of , unless terminated earlier by the parties or unless extended by them.

3. Permitted Activity shall notify County of any termination or extension of that Lease Agreement within 15 days of such termination or extension.

4. Permitted Activity acknowledges that it is solely responsible for any payment to lessor under that Lease Agreement.

5. The term of this Sign Agreement begins on the date last written below and ends two years thereafter or upon expiration or termination of the Lease Agreement mentioned above, whichever is earlier.

6. This Sign Agreement shall renew automatically for four additional two-year terms unless either party notifies the other 30 days prior to the end of current term of intent not to renew, but any additional term shall end automatically upon expiration or termination of the Lease Agreement mentioned above.

7. Under this Sign Agreement, Permitted Activity shall erect on the leased premises, for its sole use and solely as authorized by the St. Charles County Directional and Way-Finding Signage Program, a single-sign sign assembly fabricated by or for County.

8. Permitted Activity shall pay County the cost of fabricating that sign assembly, or dollars, prior to the County's delivery to Permitted Activity of that sign assembly.

9. Permitted Activity shall maintain that sign assembly and Permitted Activity's sign on it, and shall return that sign assembly to County upon expiration or termination of Permitted Activity's lease.

10. County may terminate this Sign Agreement to by giving thirty (30) days prior written notice at the address of Permitted Activity shown on the signature page.

11. This Sign Agreement constitutes the entire agreement between the parties, and any statements, representations, or promises are contained herein and not other oral statements or promises shall be binding.

12. This Sign Agreement shall be interpreted according to the laws of the State of Missouri.

IN WITNESS WHEREOF, the parties hereto have signed this Sign Agreement on the date last written below.

Executed by County on this day of , .

Executed by Permitted Activity on this day of , .

PERMITTED ACTIVITY
Name, title
Address
Telephone

ST. CHARLES COUNTY, STATE OF MISSOURI
County Executive
100 North Third Street
St. Charles, MO 63301
636-949-7520

ATTEST:
County Registrar
CHAPTER 420: MISCELLANEOUS REGULATIONS CONCERNING LAND USE

SECTION 420.010: ACCEPTANCE BY CONSENT AGENDA OF STREETS, STORM SEWERS AND RELATED EASEMENTS MEETING COUNTY STANDARDS FOR PUBLIC STREETS AND STORM SEWERS

Acceptance of streets, storm sewers and related easements meeting public standards pursuant to Chapter 410 of the Unified Development Ordinance and having a plan approved by the Director of the Division of Development Review, as required by that Chapter, may be accomplished on the consent agenda of the County Council where the St. Charles County Highway Department or, in the case of improvements built as Neighborhood Improvement District projects, the St. Charles County Department of Community Development provides a written recommendation to the Council recommending such acceptance and certifying that the improvements recommended for acceptance have been built and meet the standards of the County. (Ord. No. 99-80 §1, 5-26-99; Ord. No. 03-142 §(151), 10-1-03; Ord. No. 06-041 §2, 3-28-06; Ord. No. 07-044 §1, 3-27-07)

SECTION 420.020: INSPECTION, MAINTENANCE AND REPAIR OF DETENTION BASINS AND OTHER STORM WATER MANAGEMENT FACILITIES

A. Definitions. In this Section, the following words and terms are defined as provided below.

DAY: A calendar day.

DETENTION BASIN: See definition in Section 405.060 of the Unified Development Ordinance of St. Charles County, Missouri.

DIRECTOR: The Director of the Division of Development Review or his or her designee.

ST. CHARLES COUNTY: The unincorporated part of St. Charles County, Missouri.

STORM WATER MANAGEMENT FACILITY: A facility designed and installed to intercept, detain, retain, infiltrate, evaporate, transpire, filter, and/or convey surface storm water runoff, including but not limited to such facilities as detention basins, storm water harvesting facilities, rain gardens, bio-swales, bio-retention basins, engineered wetlands, sand and other proprietary filter systems, pervious pavement, etc., for the purposes of removing pollutants, reducing or controlling storm water volume, maintaining pre-development hydrology, and/or flood control.

UNIFIED DEVELOPMENT ORDINANCE: The Unified Development Ordinance of St. Charles County, Missouri, Chapters 405 and 410 of the Ordinances of St. Charles County, Missouri.

B. Inspection Program. The Director shall inspect all storm water management facilities in St. Charles County as provided below.

1. Inspection schedule. Except as provided in Subsection (E), the Director shall inspect each detention basin and may inspect any other storm water management facility in St. Charles County as provided below.

a. The Director shall inspect each detention basin every five (5) years. The first (1st) inspection of any detention basin built and approved after the effective date of this provision shall be no sooner than one (1) year after the basin's initial inspection and approval under the applicable provisions of the Unified Development Ordinance. Later inspections shall take place at least every five (5) years.

b. The Director may inspect any other storm water management facility as necessary to ensure that it continues to perform as designed.

2. Consent to inspections. Property owners or their successors in interest shall be deemed to have consented to continued inspections under this provision by submission to and approval by St. Charles County of plans for detention basins and/or other storm water detention facilities and (as applicable their maintenance pursuant to the provisions in the Unified Development Ordinance for approval of site plans or improvement plans.

3. Inspection standards. In all inspections conducted under this provision, the Director shall determine whether the detention basin and/or other storm water management facility under inspection is maintained to the following standards:
a. The site plan or improvement plan for the detention basin and/or other storm water management facility approved by St. Charles County pursuant to the Unified Development Ordinance or previously adopted ordinances or orders or regulations; and

b. The Property Maintenance Code of St. Charles County; and

c. The performance and inspection criteria for detention basins and/or other storm water management facilities duly promulgated by the Director; and

d. The inspection and maintenance plan attached to the agreement and restrictions for the storm water management facility as authorized by ordinance or the inspection and maintenance program included in subdivision plats or indentures.

C. Promulgation Of Performance And Inspection Criteria. The Director shall develop and distribute to owners of detention basins and/or other storm water management facilities performance and inspection criteria required above.

D. Entry For Purposes Of Inspection, Notice. Except where consent to inspection is deemed granted as provided in Subsection (B) above, the Director may inspect any detention basin and/or storm water management facility in St. Charles County only after ten (10) days' written notice. Such notice shall be by U.S. mail to owners of storm water management facilities serving properties that are under single ownership. In all other cases, such notice shall be posted as follows. In the case of a basin and/or other facility serving several properties or a subdivision, notices shall be posted:

1. At all entrances to the subdivision;
2. On the right-of-way closest to the basin and/or other facility;
3. At the entrance to any easement of access to that basin and/or other facility; and
4. At the basin's and/or other facility's site if accessible.

In addition, if a subdivisions' trustees are reasonably identifiable, or if an owner has designated a registered agent as provided by applicable law, the Director shall give those persons ten (10) days' written notice by U.S. mail.

E. Violations And Corrections. If upon inspection the Director finds that a detention basin and/or other storm water management facility violates any of the inspection standards set out above, the Director shall take one (1) of the following actions.

1. If, based on inspections and review of County records, the Director finds that a detention basin that was approved for installation before August 1, 1986, no longer exists as of January 1, 2011, and further finds that the basin's absence causes no or minimal harm to storm water management and to surrounding or affected properties in the basin's watershed, the Director may in his/her discretion notify the basin's owner of the violation and of that determination. The notice shall further provide that no corrective action is required of the non-existent basin's owner and that the Director is removing the non-existent basin from the requirements of Section 420.020, OSCCMo.

2. If, based on inspections and on a consideration of surrounding or affected properties in any basin's or facility's watershed, the Director determines that a violation in the condition of an existing basin or facility causes no or minimal harm to storm water management and to surrounding or affected properties in the basin's watershed, the Director may in his/her discretion notify the facility's owner of the violation and of that determination. The notice shall state, however, that the basin or facility may be inspected as often as every one (1) year so long as the violation persists, and that the Director may order correction of the violation in the future if it is later found to result in adverse effects to storm water management.

3. If the Director cannot make a determination of no or minimal harm under paragraphs (1) and (2), above, the Director shall send the owner or owners by first class mail a written notice detailing those violations and requiring submission of a corrective action plan with deadlines for abating those violations within no more than twenty (20) days of the date of the notice. For good cause shown, and provided there is no immediate harm to the public welfare, the Director may grant the owner or owners a reasonable extension for submitting that corrective action plan. The Director may approve the plan as submitted or require its amendment within no more than fourteen (14) days. The notice shall also state that the detention basin or storm water management facility will be inspected every one (1) year until inspections reveal no violations and may be inspected thereafter at the discretion of the Director but at least every five (5) years.

F. Abatement Or Legal Action By The Director. If the owner or owners fail to secure approval of a corrective action plan or fail to comply with an approved plan or in any other way fail to correct the violations of which the Director notified them, the Director shall take one (1) of the following actions.

1. The Director, after reasonable notice and an opportunity for hearing given to the owner or owners of the detention basin and/or other storm water management facility, shall order the same done and the costs assessed against the property of the owners as a special tax lien. In the case of detention basins and/or other storm water management facilities within common ground in subdivisions, such assessments shall be imposed upon all lots within the subdivision in question.

2. Alternatively, the Director may request the County Counselor to institute an appropriate action for fines and/or injunctive relief against the owners or persons responsible for the detention basin and/or other storm water management facility in violation. Any person responsible for a violation of this Section shall be guilty of a misdemeanor and liable for a fine not to exceed one thousand dollars ($1,000.00) a day. Every day that such violation is ongoing shall constitute a separate violation. (Ord. No. 05-152 §1, 10-25-05; Ord. No. 11-026 §7, 5-2-11; Ord. No. 11-037 §1, 6-14-11)

SECTION 420.030: METHODS OF ASSESSMENT OF BENEFITS UNDER SECTION 67.459, RSMO., FOR ALL NEIGHBORHOOD IMPROVEMENT DISTRICTS
A. In any neighborhood improvement district created by the Governing Body of St. Charles County, the costs associated with the exercise of eminent domain to acquire an easement on a particular parcel within the district and which is receiving a benefit from the improvements shall be assessed solely against that parcel.

B. As provided in St. Charles County Ordinance 99-75 and herein, the proposed method of assessment of benefits under Section 67.459, RSMo., for any Sanitary Sewer Neighborhood Improvement District formed hereafter shall be as follows:

1. The total cost of the proposed improvements will be divided and assessed over a period of twenty (20) years by the St. Charles County Council against each parcel of property or lot located within the district based on a determination of the total number of lots benefitted and apportioning the cost equally to each lot, regardless of whether such parcel of real property is developed or undeveloped land at the time of such initial assessment; provided, however, that the following adjustments shall be made:
   
a. All costs related to demolition of existing septic tank systems and construction of lateral lines and related improvements shall be apportioned solely against the parcels of property or lots within the district which currently have a structure with a septic tank system or other sewage disposal system;
   
b. All costs associated with the exercise of eminent domain to acquire an easement for the project on a parcel or lot within the district shall be apportioned solely against that particular parcel or lot;
   
c. In the case of property on which a single residence is situated on two (2) or more parcels or lots at the time of such initial assessment in such a manner as to prevent the issuance of permits for additional residences thereon without the demolition of the existing residence, such parcels or lots shall be treated as if it were a single parcel or lot;
   
d. In the case of two (2) or more parcels of real property or lots treated as a single parcel or lot in accordance with Subparagraph (c) above, upon the issuance of any building permit which would allow more than one (1) commercial or residential structure to be located thereon, a sewer connection fee shall be payable to the neighborhood improvement district for each such additional structure; and
   
e. In the case of property which is undeveloped at the time of such initial assessment, upon the issuance of any building permit which would allow more than one (1) commercial or residential structure to be located thereon, a sewer connection fee shall be payable to the neighborhood improvement district for each such additional structure.

C. The proposed method of assessment of benefits under Section 67.459, RSMo., for any Road Neighborhood Improvement District formed hereafter shall be as follows:

The total cost of the proposed improvement will be divided and assessed over a period of ten (10) to twenty (20) years by the St. Charles County Council equally per front foot or per square foot against property within the district or by any other reasonable assessment plan determined by the Governing Body of St. Charles County, including assessment against each parcel of property or lot located within the district and apportioning the cost equally to each lot, regardless of whether such parcel of real property is developed or undeveloped land at the time of such initial assessment; provided, however, that in the case of property on which a single residence is situated on two (2) or more parcels or lots at the time of such initial assessment in such a manner as to prevent the issuance of additional residences thereon without the demolition of the existing residence, such parcels or lots shall be treated as if it were a single parcel or lot. (Ord. No. 07-045 §§1--3, 3-27-07)

SECTION 420.040: CONTROL AND ERADICATION OF JOHNSON GRASS

A. It shall be the duty of all owners of land in unincorporated St. Charles County:
   
1. To control and eradicate Johnson grass and to prevent its regrowth and reinestation on all lands, rights-of-way and easements owned, occupied or controlled by them;
   
2. To employ methods of control and eradication and for the prevention of the regrowth and reinestation of Johnson grass as directed by the State of Missouri's Director of Agriculture or by St. Charles County's Weed Control Board; and
   
3. To comply with all orders rules and regulations promulgated by the State of Missouri's Director of Agriculture pursuant to the provisions of Sections 263.255 to 263.267, RSMo.

State Law Reference--See §263.261, RSMo.

B. In case of violations of Subsection (A) above, the Director of Neighborhood Preservation shall:

1. Give written notice to the owner or occupant of the violation's site that St. Charles County is a "Johnson Grass Extermination Area" pursuant to Sections 263.255, et seq., RSMo., and that Johnson grass is growing on that site; and

2. Direct the owner to take steps, using methods recommended by Missouri's College of Agriculture, Missouri's Director of Agriculture or St. Charles County's Weed Control Board toward controlling and eradicating Johnson grass on the owner's land within seven (7) days of the date of the notice.

C. Failure to comply with the Director's notice shall constitute a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment in the St. Charles County Jail for a term not to exceed one (1) year, or by both fine and imprisonment. A separate offense shall be deemed committed on each day a violation occurs or continues. Enforcement of this Section shall be the responsibility of the County Counselor.

D. Nothing in this Section impairs the powers, rights and duties vested in individuals or officials of the State of Missouri or of St. Charles County by Sections 263.255 through 263.267, RSMo. Nor, in appropriate cases where legal action fails to abate the public nuisance of the existence or growth of Johnson Grass, is the County Counselor barred from pursuing abatement under Subsection (E) of this Section or from bringing an action in the Circuit Court of St. Charles County to enjoin that nuisance in the
St. Charles County -- QuickCode

same manner as the prosecuting attorney may bring such an action under Section 263.262, RSMo.

E. Notwithstanding any other provision of this Section, upon finding Johnson grass on any property, the Director of Neighborhood Preservation may serve a notice on the owners of the property and on any other person responsible for it that St. Charles County is a "Johnson Grass Extermination Area" pursuant to Sections 263.255, et seq., RSMo., and that Johnson grass is growing on that property. That notice may be served personally, or by mail, or by posting on the property. Unless the Director of Neighborhood Preservation finds that an emergency exists justifying a shorter time, that notice shall order a hearing by the Director in at least seven (7) days and that the owners of or persons responsible for the property take appropriate steps for controlling and eradicating Johnson grass by the time of that hearing. If such steps are not taken by the time of the hearing, the Director of Neighborhood Preservation may find and declare at that hearing that the Johnson grass growing on the property is a nuisance and order appropriate steps for controlling and eradicating it within seven (7) days or a shorter time if an emergency exists. If such steps are not taken within that time, the Director of Neighborhood Preservation shall cause such steps to be taken and certify the costs thereof and of all necessary inspections to the St. Charles County Director of Finance. The St. Charles County Director of Finance shall prepare a special tax bill against the property for those costs, to be collected by the St. Charles County Collector of Revenue with other taxes assessed against the property. From the date of its issuance, the tax bill shall be a first (1st) lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the tax bill or the proceedings leading up to its issuance shall be a defense thereto. The St. Charles County Director of Finance shall deliver each special tax bill to the St. Charles County Collector of Revenue on or before the first (1st) day of June of each year to be collected with property taxes as provided above. (Ord. No. 08-033 §1, 4-4-08)

CHAPTER 422: ILLICIT DISCHARGE AND CONNECTION REGULATIONS

SECTION 422.010: PURPOSE -- INTENT
The purpose of this Chapter is to provide for the health, safety and general welfare of the citizens of unincorporated St. Charles County through the regulation of non-stormwater discharges to a stormwater drainage system to the maximum extent practicable as required by Federal and State law. Specifically, this Chapter establishes methods for controlling the introduction of pollutants into the stormwater drainage system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Chapter are:
1. To regulate the contribution of pollutants to stormwater drainage systems due to stormwater discharges by any user;
2. To prohibit illicit connections and discharges to stormwater drainage systems; and
3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Chapter. (Ord. No. 07-159 §1, 11-27-07)

SECTION 422.020: DEFINITIONS
For the purposes of this Chapter, the following terms shall mean:

AUTHORIZED ENFORCEMENT AGENCY: The Director of Community Development for St. Charles County or his or her designee or an agency or other political subdivision of the State of Missouri authorized to regulate the discharge or control of stormwater.

BEST MANAGEMENT PRACTICES (BMPS): Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters or stormwater conveyance systems. BMPs also include treatment practices, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal or drainage from raw materials storage.

CONSTRUCTION ACTIVITY: Activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one (1) acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating and demolition.

DIRECTOR: the Director of Community Development of St. Charles County, Missouri.

HAZARDOUS MATERIALS: Any material, including any substance, waste or combination thereof, which is defined as a hazardous substance by the Administrator of the United States Environmental Protection Agency pursuant to 33 USC Section 1321(b)(2)(A), as amended, of the Clean Water Act, in 40 CFR Sections 117.1 to 117.3 and 302.1 to 302.4 and its Appendices A and B.

ILLEGAL DISCHARGE: Any direct or indirect non-stormwater discharge to stormwater drainage systems, except as exempted in Section 422.070 of this Chapter.

ILLEGAL CONNECTIONS: Either of the following:
1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter stormwater drainage systems including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater and wash water to enter stormwater drainage systems and any connections to such systems from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by St. Charles County, or
2. Any drain or conveyance connected from a commercial or industrial land use to a stormwater drainage system which has not been documented in plans, maps or equivalent records and approved by St. Charles County.

**INDUSTRIAL ACTIVITY:** Activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b)(14).

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT:** A permit issued by EPA (or by a State under authority delegated pursuant to 33 U.S.C. Section 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.

**NON-STORMWATER DISCHARGE:** Any discharge to a stormwater drainage system that is not composed entirely of stormwater.

**PERSON:** Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

**POLLUTANT:** Any thing which causes or contributes to pollution including, but not limited to: paints, varnishes and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects or accumulations; floatables; pesticides, herbicides and fertilizers; hazardous materials; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**PREMISES:** Any building, lot, parcel of land or portion of land whether improved or unimproved including adjacent walks and parking areas.

**STORMWATER:** Any surface flow, runoff and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

**STORMWATER DRAINAGE SYSTEM:** Publicly-owned facilities by which stormwater is collected and/or conveyed including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs and other drainage structures.

**STORMWATER POLLUTION PREVENTION PLAN (SWPPP):** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems and/or receiving waters to the maximum extent practicable.

**WASTEWATER:** Any water or other liquid discharged from a facility that is "wastewater" as defined in 10 CSR 20-2.010, as amended. (Ord. No. 07-159 §2, 11-27-07; Ord. No. 08-033 §§2--3, 4-4-08)

**SECTION 422.030: APPLICABILITY**
This Chapter shall apply to all water entering stormwater drainage systems generated on any developed and undeveloped lands unless explicitly exempted by St. Charles County. (Ord. No. 07-159 §3, 11-27-07)

**SECTION 422.040: RESPONSIBILITY FOR ADMINISTRATION**
The Director or his or her designee shall administer, implement and enforce the provisions of this Chapter. (Ord. No. 07-159 §4, 11-27-07)

**SECTION 422.050: SEVERABILITY**
The provisions of this Chapter are hereby declared to be severable. If any provision, clause, sentence or paragraph of this Chapter or the application thereof to any person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter. (Ord. No. 07-159 §5, 11-27-07)

**SECTION 422.060: ULTIMATE RESPONSIBILITY**
The standards set forth herein and promulgated pursuant to this Chapter are minimum standards; therefore this Chapter does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution or unauthorized discharge of pollutants. (Ord. No. 07-159 §6, 11-27-07)

**SECTION 422.070: DISCHARGE PROHIBITIONS**
A. **Prohibition Of Illegal Discharges.** No person shall discharge or cause to be discharged into stormwater drainage systems or watercourses any materials including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to stormwater drainage systems or watercourses is prohibited except as described as follows:

1. The following discharges are exempt from discharge prohibitions established by this Chapter: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to stormwater drainage systems, uncontaminated pumped ground water, foundation or footing drains (not including active ground water dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if dechlorinated--typically less than one (1) PPM
2. Discharges specified in writing by the Director or another authorized enforcement agency as being necessary to protect public health and safety.

3. Dye testing is an allowable discharge, but requires a verbal notification to St. Charles County prior to the time of the test.

4. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations and provided that written approval has been granted for any discharge to stormwater drainage systems.

B. Prohibition Of Illicit Connections.

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

3. A person is considered to be in violation of this Chapter if the person connects a line conveying sewage to stormwater drainage systems or allows such a connection to continue. (Ord. No. 07-159 §7, 11-27-07)

SECTION 422.080: SUSPENSION OF ACCESS TO STORMWATER DRAINAGE SYSTEMS

A. Suspension Due To Illicit Discharges In Emergency Situations. The Director may, without prior notice, suspend discharge access to stormwater drainage systems by any person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment or to the health or welfare of persons or to stormwater drainage systems or to waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the Director may take such steps as deemed necessary to prevent or minimize damage to the stormwater drainage system or waters of the United States or to minimize danger to persons.

B. Suspension Due To The Detection Of Illicit Discharge. Any person discharging to stormwater drainage systems in violation of this Chapter may have their access to such systems terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its access to a stormwater drainage system. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

C. A person commits an offense if the person reinstates access to a stormwater drainage system for premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency. (Ord. No. 07-159 §8, 11-27-07)

SECTION 422.090: INDUSTRIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Director prior to the allowing of discharges to stormwater drainage systems. (Ord. No. 07-159 §9, 11-27-07)

SECTION 422.100: MONITORING OF DISCHARGES

A. Applicability. This Section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

B. Access To Facilities.

1. The Director or his or her designees, including inspectors within St. Charles County's Department of Community Development, shall be permitted to enter and inspect facilities subject to regulation under this Chapter as often as may be necessary to determine compliance with this Chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

2. Facility operators shall allow the Director or his or her designees, including inspectors within St. Charles County's Department of Community Development, ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater and the performance of any additional duties as defined by State and Federal law.

3. The Director or his or her designees, including inspectors within St. Charles County's Department of Community Development, shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.

4. The Director or his or her designees, including inspectors within St. Charles County's Department of Community Development, have the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

5. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Director or his or her designees, including inspectors within St. Charles County's Department of Community Development, and shall not be replaced. The costs of clearing such
6. Unreasonable delays in allowing the Director or his or her designees, including inspectors within St. Charles County's Department of Community Development, access to a permitted facility is a violation of a stormwater discharge permit and of this Chapter. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Chapter.

7. If the Director or his or her designees, including inspectors within St. Charles County's Department of Community Development, have been refused access to any part of the premises from which stormwater is discharged and he/she is able to demonstrate probable cause to believe that there may be a violation of this Chapter or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Chapter or any order issued hereunder or to protect the overall public health, safety and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction. (Ord. No. 07-159 §10, 11-27-07)

SECTION 422.110: REQUIREMENT TO PREVENT, CONTROL AND REDUCE STORMWATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

St. Charles County will adopt requirements identifying Best Management Practices (BMPS) for any activity, operation or facility which may cause or contribute to pollution or contamination of stormwater, of stormwater drainage systems or of waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPS. Further, any person responsible for a property or premise, which is or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPS to prevent the further discharge of pollutants to stormwater drainage systems. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this Section. These BMPS shall be part of a Stormwater Pollution Prevention Plan (SWPPP) as necessary for compliance with requirements of the NPDES permit. (Ord. No. 07-159 §11, 11-27-07; Ord. No. 08-033 §4, 4-4-08)

SECTION 422.120: WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function or physical integrity of the watercourse. (Ord. No. 07-159 §12, 11-27-07)

SECTION 422.130: NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, stormwater drainage systems or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director or his or her designee within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. (Ord. No. 07-159 §13, 11-27-07)

SECTION 422.140: ENFORCEMENT -- NOTICE OF VIOLATION

Whenever the Director or his or her designees, including inspectors within St. Charles County's Department of Community Development, find that a person has violated a prohibition or failed to meet a requirement of this Chapter, the Director or his or her designee may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

1. The performance of monitoring, analyses and reporting;
2. The elimination of illicit connections or discharges;
3. That violating discharges, practices or operations shall cease and desist;
4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
5. Payment of a fine to cover administrative and remediation costs; and
6. The implementation of source control or treatment BMPS.
If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator. (Ord. No. 07-159 §14, 11-27-07; Ord. No. 08-033 §5, 4-4-08)

SECTION 422.150: ENFORCEMENT -- APPEAL OF NOTICE OF VIOLATION

Any person receiving a notice of violation may appeal the determination of the Director or his or her designee. The notice of appeal must be received within fifteen (15) days from the date of the notice of violation. Hearing on the appeal before the Director or his or her designee shall take place within fifteen (15) days from the date of receipt of the notice of appeal. The decision of the Director or his or her designee shall be final. (Ord. No. 07-159 §15, 11-27-07)

SECTION 422.160: ENFORCEMENT -- MEASURES AFTER APPEAL

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation or, in the event of an appeal, within fifteen (15) days of the decision of the Director or his or her designee upholding the appealed decision, then the Director or his or her designees or representatives or contractors shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Director or his or her designees or representatives or contractors to enter upon the premises for the purposes set forth above. (Ord. No. 07-159 §16, 11-27-07)

SECTION 422.170: ENFORCEMENT -- COST OF COUNTY'S ABATEMENT OF THE VIOLATION

Within sixty (60) days after abatement of the violation, the owner of the property will be notified of the costs of abatement, including all necessary inspections and administrative costs. If the amount due to the County for its abatement of the violation is not paid within a timely manner as determined by the decision of the Director or his or her designee, the Director shall certify the above costs to the St. Charles County Director of Finance. The St. Charles County Director of Finance shall prepare and issue to the owners of the property in violation a special tax bill against the property for those costs, payable within thirty (30) days of issuance. Each such special tax bill shall include a notice of lien stating that if the bill is not paid when due, it shall become, from the date of its issuance, a first (1st) lien on the property until paid, to be collected by the St. Charles County Collector of Revenue in the same way as property taxes are collected. Each such special tax bill shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the tax bill or the proceedings leading up to its issuance shall be a defense thereto. The St. Charles County Director of Finance shall deliver each such special tax bill that remains unpaid after payment is due to the St. Charles County Collector of Revenue on or before the first (1st) day of June of each year, to be collected with property taxes as provided above. (Ord. No. 07-159 §17, 11-27-07)

*Note:* The words "the tax bill shall be" were deleted from the original text.

SECTION 422.180: ENFORCEMENT -- INJUNCTIVE RELIEF

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. If a person has violated or continues to violate the provisions of this Chapter, the Director may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. (Ord. No. 07-159 §18, 11-27-07; Ord. No. 08-033 §6, 4-4-08)

SECTION 422.190: COMPENSATORY ACTION

In lieu of enforcement proceedings, penalties and remedies authorized by this Chapter, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc. (Ord. No. 07-159 §19, 11-27-07)

SECTION 422.200: ENFORCEMENT -- VIOLATIONS DEEMED A PUBLIC NUISANCE

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter is a threat to public health, safety and welfare and is declared and deemed a nuisance and may be summarily abated or restored at the violator's expense and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken. (Ord. No. 07-159 §20, 11-27-07)

SECTION 422.210: ENFORCEMENT -- CRIMINAL PROSECUTION

A. Any person that has violated or continues to violate this Chapter shall be liable to criminal prosecution to the fullest extent of the law and shall be subject to a criminal penalty of one thousand dollars ($1,000.00) per violation per day and/or imprisonment for a period of time not to exceed one (1) year per violation per day.

B. The Director may recover all attorney's fees, court costs and other expenses associated with enforcement of this Chapter, including sampling and monitoring expenses. (Ord. No. 07-159 §21, 11-27-07)
SECTION 422.220: ENFORCEMENT -- REMEDIES NOT EXCLUSIVE
The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable Federal, State or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.  (Ord. No. 07-159 §22, 11-27-07)

SECTION 422.230: ENFORCEMENT -- LEGAL ACTION
Enforcement of this Chapter shall be the responsibility of the County Counselor.  (Ord. No. 07-159 §23, 11-27-07)

CHAPTER 425: FEES

SECTION 425.010: FEES FOR SPECIAL USE PERMITS AND INSPECTIONS REQUIRED BY THE HIGHWAY DEPARTMENT
The Highway Department shall charge the following fees for services required by Sections 229.300 through 229.370, Revised Statutes of Missouri, as amended:
1. Fifteen dollars ($15.00) for processing applications for special use permits.
2. Fifteen dollars ($15.00) per hour for inspections.
3. Ten dollars ($10.00) for renewing special use permits.  (Ord. No. 01-114 §1, 9-26-01)

SECTION 425.020: FEES FOR SERVICES AND PERMITS AS REQUIRED BY THE UNIFIED DEVELOPMENT ORDINANCE
A. The Division of Planning and Zoning shall charge the following fees for processing applications to rezone property pursuant to Section 405.535 of the Unified Development Ordinance:
1. Five hundred dollars ($500.00) for properties 4.99 acres or less in area.
2. Six hundred dollars ($600.00) for properties from 5.00 to 19.99 acres in area.
3. Seven hundred dollars ($700.00) for properties from 20.00 to 49.99 acres in area.
4. Eight hundred dollars ($800.00) for properties from 50.00 to 74.99 acres in area.
5. Nine hundred dollars ($900.00) for properties from 75.00 to 99.99 acres in area.
6. One thousand dollars ($1,000.00) for properties 100.00 acres or more in area.
B. The Division of Planning and Zoning shall charge the following fees for processing applications for conditional use permits pursuant to Section 405.510 of the Unified Development Ordinance:
1. Four hundred dollars ($400.00) for applications filed without rezoning applications affecting the same property.
2. One hundred fifty dollars ($150.00) for applications filed with rezoning applications affecting the same property.
C. The Division of Planning and Zoning shall charge the following fee for processing applications for variances pursuant to Sections 405.590 and 410.490 of the Unified Development Ordinance:
1. Two hundred fifty dollars ($250.00).
D. The Division of Planning and Zoning shall charge the following fee for processing applications for floodplain development permits pursuant to Section 405.330 of the Unified Development Ordinance:
1. Sixty dollars ($60.00) for major improvements (any work not a minor improvement).
2. Fifteen dollars ($15.00) for minor improvement (such as: electrical permit, furnace permit, a/c permit and unenclosed deck permit).
E. Reserved.
F. The Division of Planning and Zoning shall charge the following fees for issuing Zoning Confirmations pursuant to Section 405.531 of the Unified Development Ordinance:
1. Ten dollars ($10.00).
G. The Division of Planning and Zoning shall charge the following fees for reviewing site plans pursuant to Section 405.525 of the Unified Development Ordinance:
1. One hundred dollars ($100.00) plus five dollars ($5.00) per acre for each acre or fraction thereof of the property subject to the site plan under review.
H. The Division of Planning and Zoning shall charge the following fees for reviewing preliminary plats pursuant to Section 410.100 of the Unified Development Ordinance:

1. Two hundred dollars ($200.00) plus five dollars ($5.00) for each lot, for single-family residential plats.
2. Two hundred dollars ($200.00) plus four dollars ($4.00) for each dwelling unit, for attached single-family residential plats.
3. Two hundred dollars ($200.00) plus three dollars ($3.00) for each dwelling unit, for multi-family residential plats.
4. Two hundred dollars ($200.00) plus five dollars ($5.00) per acre for each acre or fraction thereof, for commercial or industrial subdivision plats.

I. Reserved.

J. The Department of Community Development--Division of Development Review shall charge the following fees for reviewing improvement plans pursuant to Sections 410.160 and 410.170 of the Unified Development Ordinance:

1. Two hundred fifty dollars ($250.00) plus fifteen dollars ($15.00) per lot, for single-family residential subdivisions.
2. Two hundred fifty dollars ($250.00) plus fifteen dollars ($15.00) per dwelling unit, for attached single-family and for multi-family residential subdivisions.
3. Two hundred fifty dollars ($250.00) plus twenty-five dollars ($25.00) per acre or fraction thereof, for commercial and industrial subdivisions.

K. The Highway Department shall charge the following fees for inspecting subdivision improvements pursuant to Sections 410.160 and 410.170 of the Unified Development Ordinance:

1. Twenty-five dollars ($25.00) per hour.

L. Reserved.

M. The Division of Building Code Enforcement shall charge the following fees for applications for sign permits from the Division of Planning and Zoning pursuant to Section 405.470 of the Unified Development Ordinance:

1. Two hundred fifty dollars ($250.00) for off-premise signs.
2. Seventy-five dollars ($75.00) for temporary introductory off-premise signs.
3. Seventy-five dollars ($75.00) for temporary on-premise signs.
4. Seventy-five dollars ($75.00) for entrance signs (i.e. subdivision monuments) without electricity.
5. One hundred dollars ($100.00) for entrance signs (i.e. subdivision monuments) with electricity.
6. One hundred dollars ($100.00) for ground signs (i.e. pole signs).
7. Seventy-five dollars ($75.00) for wall or projecting signs without electricity.
8. One hundred dollars ($100.00) for wall or projecting signs with electricity.

N. The Division of Development Review shall charge the following fees for reviewing plans submitted with applications for land disturbance permits and for conducting inspections pursuant to Sections 412.060 and 412.130 of the Unified Development Ordinance:

1. The plan review fee amount shall be determined from the estimated land disturbance acreage rounded up to the nearest tenth (0.1) of an acre times the cost per acre as follows:
   a. Fifty dollars ($50.00) plus fifty dollars ($50.00) per each additional land disturbance acre over one (1) acre up to ten (10) acres, and
   b. Twenty-five dollars ($25.00) per each additional land disturbance acre over ten (10) acres up to twenty-five (25) acres, and
   c. Ten dollars ($10.00) per each additional land disturbance acre over twenty-five (25) acres.
2. The base inspection fee to be collected before issuance of the land disturbance permit will be as follows:

<table>
<thead>
<tr>
<th>Land Disturbance Acreage</th>
<th>Base Fee</th>
<th>Base Inspection Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 1 acre</td>
<td>$ 150.00</td>
<td>6</td>
</tr>
<tr>
<td>1 to 3 acres</td>
<td>$ 500.00</td>
<td>20</td>
</tr>
<tr>
<td>More than 3 acres</td>
<td>$1,000.00</td>
<td>40</td>
</tr>
</tbody>
</table>

3. Twenty-five dollars ($25.00) per hour shall be collected for additional inspections exceeding the base inspection hours.
4. Twenty-five dollars ($25.00) per hour shall be reimbursed for inspections less than the base inspection hours.
Title V. Building and Construction

Chapter 500: Building Codes and County Building Commission

Cross Reference—As to explosives code, see ch. 635 of this code.

Article I. Building Code

Section 500.010: Adoption of Building Code of St. Charles County

St. Charles County hereby adopts the 2009 International Building Code, a copy of which shall be deposited in the Office of the County Registrar with this ordinance, with the following amendments:

1. **Section 101.1 Title:** Delete "[Name of Jurisdiction]" and insert "St. Charles County".

2. **Section 103.1 Creation of enforcement agency:** Delete in its entirety and insert:

   The Division of Building Code Enforcement of the Department of Community Development shall be the enforcement agency for this Code and the Division's director shall be the building official referred to in this Code.

3. **Section 103.2 Appointment:** Delete "by the chief appointing authority of the jurisdiction" and insert "as provided by ordinance".

4. **Section 105.5 Expiration:** Delete "180 days" and insert "90 days" throughout. Insert after first sentence "A permit expires automatically if 90 days elapse with no request for an inspection." Delete "and justifiable cause demonstrated" and insert "and shall be granted only upon a showing of justifiable cause and substantial progress. If a permit expires pursuant to this provision, the building official may issue a new permit upon advance payment of an administrative penalty of the original permit fee or one hundred dollars ($100.00), whichever is less. The reissued permit must be picked up within seven (7) days of the issued date.

5. **Section 113.1 General:** Delete "there shall be and is hereby created a board of appeals" and insert "the County Building Commission shall serve as a board of appeals".

6. **Section 113.3 Qualifications:** Delete "The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction" and insert "See Section 500.110, Ordinances of St. Charles County, Missouri".

7. **Section 113.4 Means of appeal:** This Section shall be added and shall read as follows:

   Except as provided in Section 115.12, a person shall have the right to appeal a decision of the building official to the Building Commission. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the building official within twenty (20) days after the notice was served. The filing fee for an appeal to the Building Commission shall be one hundred dollars ($100.00); however, if costs related to the appeal incurred by the County are less than one hundred dollars ($100.00), the remaining amount shall be reimbursed to the applicant.

8. **Section 114.4 Violation penalties:** Delete "shall be subject to penalties as prescribed by law" and insert "shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars ($1000.00) or by imprisonment for a term not exceeding one (1) year, or by both such fine and imprisonment, and each day's continuance of a violation shall be deemed a separate offense".

9. **Section 115.2 Issuance:** Insert the following at the end of this provision: "Any person served with a stop work order shall pay an administrative penalty of up to two hundred fifty dollars ($250.00)."

10. **Section 116.1 Conditions:** Delete "as provided for in this section" and insert "as provided for in Section 500.093, Ordinances of St. Charles County, Missouri".

11. **Section 116.2 Record:** After "unsafe condition" insert "as provided for in Section 500.093, Ordinances of St. Charles County,"
12. **Section 116.3 Notice:** Delete in entirety and insert: "Notice of an unsafe condition shall comply with Section 500.093, Ordinances of St. Charles County, Missouri".

13. **Section 116.4 Method of service:** Delete in its entirety and insert "Notice shall be served as provided for in Section 500.093, Ordinances of St. Charles County, Missouri".

14. **Section 116.6 Workmanship:** This Section shall be added and shall read as follows:

   All work shall be executed in a workmanlike and skilled manner so that, for example, floors are level, walls are plumb and square, windows and doors are plumb, square and easily operable, exterior building envelopes are weather-tight and exclude the elements, building materials are undamaged, and surfaces are unmarred.

15. **Section 1203.6 Roof vents:** This Section shall be added and shall read as follows:

   The roof system of one (1) story buildings of unlimited area when of types 2, 3 or 4 construction shall be provided with smoke and heat vents.

   Exception: Vents are not required for buildings subdivided into spaces not greater than ten thousand (10,000) square feet with fire separation assemblies of not less than one (1) hour fire-resistance rating.

16. **Section 1203.7 Vent size and spacing:** This Section shall be added and shall read as follows:

   Smoke and heat vents shall be spaced at a maximum spacing of one hundred fifty (150) feet between centers. One (1) square foot of open vent area is required per three hundred (300) square feet of floor area.

17. **Section 1612.3 Establishment of flood hazard areas:** Delete in its entirety and insert the following:

   For flood hazard areas, see Article XI, Sections 405.245 et seq. of the Unified Development Ordinance of St. Charles, County, Missouri, Ordinances of St. Charles County, Missouri. (Ord. No. 97-19 §1, 2-26-97; Ord. No. 98-183 §1, 9-30-98; Ord. No. 00-005 §1, 1-25-00; Ord. No. 04-044 §1, 3-31-04; Ord. No. 07-177 §2, 12-27-07; Ord. No. 08-051 §§1--3, 4-29-08; Ord. No. 10-040 §1, 6-2-10)

   Editor's Note--Reference to the building department was changed to division of building code enforcement in accordance with ord. no. 02-204, adopted 12-23-02, set out in ch. 132 of this code.

**ARTICLE II. MECHANICAL CODE**

**SECTION 500.020: ADOPTION OF MECHANICAL CODE OF ST. CHARLES COUNTY**

St. Charles County hereby adopts the 2009 International Mechanical Code, a copy of which shall be deposited in the Office of the County Registrar with this ordinance, with the following amendments:

1. **Section 101.1 Title:** Delete "[NAME OF JURISDICTION]" and insert "St. Charles County".

2. **Section 103.2 Appointment:** Delete "by the chief appointing authority of the jurisdiction; and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority" and insert "as provided by ordinance".

3. **Section 106.3.1 Construction documents:** Add the following sentence to the exception: "Standard cooling systems of five (5) tons or less and heating systems of one hundred fifty thousand (150,000) btus or less shall not require the design of registered design professional."

4. **Section 106.5.2 Fee schedule:** Delete in its entirety and insert the following:

   Fees shall be set by ordinance.

5. **Section 106.5.3 Fee refunds:** In two places, delete "[SPECIFY PERCENTAGE]" and insert "fifty percent (50%)".

6. **Section 108.4 Violation penalties:** Delete "[SPECIFY OFFENSE]" and insert "misdemeanor". Delete "[AMOUNT]" and insert "$1,000.00". Delete "[NUMBER OF DAYS]" and insert "one (1) year".

7. **Section 108.5 Stop work orders:** Delete "not less than [AMOUNT] dollars or more than [AMOUNT] dollars" and insert "not less than one hundred dollars ($100.00) or more than two hundred fifty dollars ($250.00)".

8. **Section 109.1 Application for appeal:** Delete in its entirety and insert the following:

   A person shall have the right to appeal a decision of the Code Official to the Building Commission. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the Code Official within twenty (20) days after the notice was served. The filing fee for an appeal to the Building Commission shall be one hundred dollars ($100.00); however, if the costs related to the appeal incurred by the County are less than one hundred dollars ($100.00), the remaining amount shall be reimbursed to the applicant.

9. **Section 109.1.1 Limitation of authority:** Delete "board of appeals" and insert "Building Commission". Delete "board" (in last clause) and insert "Commission".

584
10. Delete the remaining provisions of Section 109 beginning with Section 109.2 Membership of board and insert a new Section 109.2 entitled "Appeals" and reading as follows:

Appeals shall be conducted as provided in Section 113 of the 2009 International Building Code, as adopted with amendments by St. Charles County.

11. Section 903.4 Required fire separation enclosure: This Section shall be added and shall read as follows:

All prefabricated metal chimneys shall be enclosed in a fire-resistant shaft with one (1) layer of five-eighths (5/8) inch gypsum board from the fireplace connection to the underside of the roof sheathing, securely attached with framing material. When the chimney chase is located on an exterior wall of the structure, it need only be separated by lining the wall between the chimney chase and the exterior wall with five-eighths (5/8) inch gypsum board.

12. 1101.10 Locking access port caps. Delete in its entirety. (Ord. No. 97-19 §2, 2-26-97; Ord. No. 00-005 §2, 1-25-00; Ord. No. 04-044 §2, 3-31-04; Ord. No. 10-040 §1, 6-2-10; Ord. No. 12-030 §1, 4-11-12)

ARTICLE III. ELECTRICAL CODE

SECTION 500.030: ADOPTION OF ELECTRIC CODE OF ST. CHARLES COUNTY

St. Charles County hereby adopts the NFPA National Electrical Code 2008, a copy of which shall be deposited in the Office of the County Registrar with this ordinance, with the following additions/deletions:

1. Section 210.8 Ground-Fault Circuit Interrupter Protection for Personnel:

a. In Subsection (A), insert after both numbers (2) and (5):

"Exception No. 1: Receptacles that are not readily accessible."

"Exception No. 2: A single receptacle or duplex receptacle for two appliances located within dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected in accordance with 400.7(A)(6), (A)(7) or (A)(8)."

b. In Subsection (A), Exception to (5): Delete "to (5)" and insert "No. 3"

2. Section 250.94 Bonding for Other Systems. Delete in its entirety.

3. NEC800.156 Dwelling Unit Communications Outlet. Delete in its entirety. (Ord. No. 97-19 §3, 2-26-97; Ord. No. 98-185 §1, 9-30-98; Ord. No. 00-005 §3, 1-25-00; Ord. No. 04-044 §3, 3-31-04; Ord. No. 10-040 §1, 6-2-10)

SECTION 500.040: ELECTRIC CODE OF ST. CHARLES COUNTY -- ADDITIONS

St. Charles County hereby adopts the following provisions as part of and in addition to the NFPA National Electric Code/2008. The following provision shall be referred to herein as "this Code".

1. 1.0 ADMINISTRATION.

E-1.2 Scope: This Code shall regulate the design, installation, maintenance, alteration and inspection of electrical systems that are permanently or temporarily installed and utilized to provide electrical power and related processes within buildings, structures or premises. This Code shall also regulate, those electrical systems, system components, equipment and appliances specifically addressed in this Code.

E-1.3 Intent: The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling design, construction, installation, quality of materials, location, operation and maintenance or use of an electrical systems.

E-1.4 Jurisdiction Titles: Throughout the electrical code adopted, wherever the term "jurisdiction", "local jurisdiction" or "governmental body" appears, it shall be deemed to mean the County of St. Charles, Missouri. Wherever the term "code official" or "authority having jurisdiction" or "local authority" is used, it is deemed to mean the Division of Building Code Enforcement Director.

2. 2.0 APPLICABILITY.

E-2.1 General: The provisions of this code shall apply to all matters affecting or relating to structures and premises, as set forth in Article I section 1.0. Where in a specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

E-2.2 Existing installations: Except as otherwise provided for in this chapter, a provision in this code shall not require the removal, alteration or abandonment of, nor prevent the continued utilization and maintenance of, an existing electrical system lawfully in existence at the time of adoption of this code.

E-2.3 Maintenance: Electrical systems, both existing and new, and parts thereof shall be maintained in proper operating
condition in accordance with the original design and in a safe condition. Devices or safeguards which are required by this code shall be maintained in compliance with the code edition under which installed. The owner or the owner's agent shall be responsible for maintenance of electrical systems. To determine compliance with this provision, the code official shall have the authority to require an electrical system to be reinspected.

E-2.4 Additions, alterations or repairs: Additions, alterations, renovations or repairs to an electrical system shall conform to that required for a new electrical system without requiring the existing electrical system to comply with all of the requirements of this code. Additions, alterations or repairs shall not cause an existing electrical system to become unsafe, hazardous or overloaded.

E-2.5 Change in use/occupancy: It shall be unlawful to make a change in the use/occupancy of any structure which will subject the structure to any provision of this chapter applicable to the new use/occupancy without approval by the code official. The certificate of occupancy shall be administered in the County Building Code.

E-2.6 Historic buildings: The provisions of this code relating to the construction, alteration, repair, enlargement, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, relocation or moving of buildings.

E-2.7 Moved buildings: Except as determined by section 2.2, electrical systems that are part of buildings or structures moved into or within the jurisdiction shall comply with provisions of this code for new installation except those systems not disturbed in the move.

E-2.8 Referenced codes and standards: The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

E-2.9 Requirements not covered by code: Requirements necessary for the strength, stability or proper operation of an existing or proposed electrical system, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

3. 3.0 ELECTRICAL INSPECTION.

E-3.1 General: The Division of Building Code Enforcement shall enforce all provisions of this code and the executive official in charge thereof shall be known as the code official.

E-3.2 Deputies: The code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees to carry out the provisions of this code.

E-3.3 Liability: The code official, officer or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceedings that is instituted in pursuance of the provisions of this code; and any officer of the department, acting in good faith and without malice, shall be free from liability for acts performed under any provisions or by reason of any act or omission in the performance of official duties in connection therewith.

4. 4.0 DUTIES AND POWERS OF THE CODE OFFICIAL.

E-4.1 General: The code official shall enforce the provisions of this code and shall act on any question relative to the installation, alteration, repair, maintenance or operating of electrical systems, except as otherwise specifically provided for by statutory requirements or as provided for in Sections 4.2 through 4.8.

E-4.2 Rule-making authority: The code official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

E-4.3 Applications and permits: The code official shall receive applications and issue permits for the installation and alteration of electrical systems, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

E-4.4 Inspections: The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

E-4.5 Right of entry: Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code which make the building or premises unsafe, unsanitary, dangerous or hazardous, the code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the code official by this code. If such building or premises is occupied, the code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the code
official has recourse to every remedy provided by law to secure entry. When the code official has first obtained a proper
inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care or
control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit
entry therein by the code official for the purpose of inspection and examination pursuant to this code.

E-4.6 Identification: The code official shall carry proper identification when inspecting structures or premises in the
performance of duties under this code.

E-4.7 Notices and orders: The code official shall issue all necessary notices or orders to ensure compliance with this code.

E-4.8 Department records: The code official shall keep official records of applications received, permits and certificates
issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official
records as long as the building or structure to which such records relate remains in existence, unless otherwise provided for by
other regulations.

5. 5.0 APPROVAL

E-5.1 Modifications: Whenever there are practical difficulties involved in carrying out the provisions of this code, the code
official shall have the authority to grant modifications for individual cases, provided the code official shall first find that
special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent
and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of
action granting modifications shall be recorded and entered in the files of the electrical inspection department.

E-5.2 Alternative materials, methods and equipment: The provisions of this code are not intended to prevent the installation
of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such
alternative has been approved. An alternative material or method of construction shall be approved where the code official
finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material,
method or work offered is, for the purpose intended at least the equivalent of that prescribed in this code in quality, strength,
effectiveness, fire resistance, durability and safety.

E-5.3 Required testing: Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence
that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative
materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no
expense to the jurisdiction.

E-5.3.1 Test Methods: Test methods shall be as specified in this code or by other recognized test standards. In the
absence of recognized and accepted test methods, the code official shall approve the testing procedures.

E-5.3.2 Testing agency: All tests shall be performed by an approved agency.

E-5.3.3 Test reports: Reports of tests shall be retained by the code official for the period required for retention of public
records.

E-5.4 Material and equipment reuse: Materials, equipment and devices shall not be reused unless such elements have been
reconditioned, tested and placed in good and proper working condition and approved.

6. 6.0 PERMITS

E-6.1 When required: An owner authorized agent or contractor who desires to erect, install, enlarge, alter, repair, remove,
convert or replace an electrical system, the installation of which is regulated by this code, or to cause such work to be done,
shall first make application to the code official and obtain the required permit for the work.

Exception: Where equipment replacements and repairs must be performed in an emergency situation, the permit
application shall be submitted within the next working business day of the department.

E-6.1.1. Licensing: Any contractor wishing to enter into the electrical contracting business in St. Charles County shall
first be duly examined and successfully passed and licensed by St. Charles County, Missouri.

E-6.2 Permits not required: Permits shall not be required for the following:

1. Any portable electric generating appliance;
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe;

Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in
violation of the provisions of this code or other laws or ordinances of this jurisdiction.

E-6.3 Application for permit: Each application for a permit, with the required fee, shall be filed with the code official on a
form furnished for the purpose and shall contain a general description of the proposed work and its location. The application
shall be signed by the owner or an authorized agent. The permit application shall indicate the proposed occupancy of all parts
of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other
information required by the code official.

E-6.3.1 Construction documents: Construction documents, engineering calculations, diagrams and other data shall be
submitted in two or more sets with each application for a permit. The code official shall require construction documents,
computations and specifications to be prepared and designed by a registered design professional when required by state law.
Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of
the work proposed and show in detail that the work conforms to the provisions of this code. Construction documents for
buildings more than two stories in height shall indicate where penetrations will be made for electrical systems and shall
indicating the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

Exception: The code official shall have the authority to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such that reviewing of construction documents is not necessary to determine compliance with this code.

E-6.4 Permit issuance: The application, construction documents and other data filed by an applicant for a permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and that the fees specified in Section 6.5 have been paid, a permit shall be issued to the applicant.

E-6.4.1 Integrated permits: The code official may issue integrated building, plumbing, mechanical, electrical, etc. permits on a single permit application.

E-6.4.1 Approved construction documents: When the code official issues the permit where construction documents are required, the construction documents shall be endorsed in writing and stamped “APPROVED.” Such approved construction documents shall not be changed, modified or altered without authorization from the code official. Work shall be done in accordance with the approved construction documents. The code official shall have the authority to issue a permit for the construction of a part of an electrical system before the entire construction documents for the whole system have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed at their own risk without assurance that the permit for the entire electrical system will be granted.

E-6.4.2 Validity: The issuance of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of other ordinances of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of this code shall be invalid. The issuance of a permit based upon construction documents and other data shall not prevent the code official from thereafter requiring the correction of errors in said construction documents and other data or from preventing building operations from being carried on thereunder when in violation of this code or of other ordinances of this jurisdiction.

E-6.4.3 Expiration: Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work recommences, a new permit shall be first obtained and the fee, therefore, shall be the amount required as for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one (1) year.

E-6.4.4 Extensions: A permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The code official shall extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days if there is reasonable cause. A permit shall not be extended more than once.

E-6.4.5 Suspension or revocation of permit: The code official shall revoke a permit or approval issued under the provisions of this code in case of any false statement or misrepresentation of fact in the application or on the construction documents upon which the permit or approval was based.

E-6.4.6 Retention of construction documents: One (1) set of construction documents shall be retained by the code official until final approval of the work covered therein. One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

E-6.5 Fees: A permit shall not be issued until the fees prescribed in Section 6.5.2 have been paid, nor shall an amendment to a permit be released until the additional fee, if any, due to an increase of the electrical system, has been paid.

E-6.5.1 Work commencing before permit issuance: Any person who commences work on an electrical system before obtaining the necessary permits shall be subject to two hundred fifty dollar ($250.00) permit fee in addition to the required permit fees.

E-6.5.2 Fee schedule: The fees for electrical work shall be set by Ordinance.

The code official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

7. 7.0 INSPECTIONS AND TESTING.

E-7.1 Required inspections and testing: The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and other such inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or the permit holder's agent of violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

1. Underground inspection shall be made after trenches or ditches are excavated and bedded, piping installed, and before backfill is put in place. When excavated soil contains rocks, broken concrete, frozen chunks and other rubble that would damage or break the piping or cause corrosive action, clean backfill shall be on the job site.

2. Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and all ducting and other
3. Final inspection shall be made upon completion of the electrical system.

The requirements of this Section shall not be considered to prohibit the operation of any electrical equipment installed to replace existing electrical equipment serving an occupied portion of a structure in the event a request for inspection of such electrical equipment has been filed with the department not more than forty-eight (48) hours after replacement work is completed, and before any portion of such equipment is concealed by any permanent portion of the structure.

E-7.1.1 Approved inspection agencies: The code official shall accept reports of approved agencies, provided that such agencies satisfy the code official as to qualifications and reliability.

E-7.1.2 Evaluation and follow-up inspection services: Prior to the approval of a prefabricated construction assembly having concealed electrical work and the issuance of an electrical permit, the code official shall require the submittal of an evaluation report on each prefabricated construction assembly, indicating the complete details of the electrical system, including a description of the system and its components, the basis upon which the system is being evaluated, test results and similar information, and other data as necessary for the code official to determine conformance to this code.

E-7.1.2.1 Evaluation service: The code official shall designate the evaluation service of an approved agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.

E-7.1.2.2 Follow-up inspection: Except where ready access is provided to electrical systems, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the in-plant inspections as frequently as necessary to ensure conformance to the approved evaluation report or shall designate an independent, approved inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the follow-up inspection manual and a report of inspections upon request, and the electrical system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

E-7.1.2.3 Test and Inspection records: Required test and inspection records shall be available to the code official at all times during the fabrication of the electrical system and the erection of the building; or such records as the code official designates shall be filed.

E-7.2 Testing: Electrical systems shall be tested as required in this code and in accordance with Sections 7.2.1 through 7.2.3. Tests shall be made by the permit holder and observed by the code official.

E-7.2.1 New, altered, extended or repaired systems: New electrical systems and parts of existing systems, which have been altered, extended or repaired, shall be tested as prescribed herein to disclose defects.

E-7.2.2 Equipment, material and labor for tests: Equipment, material and labor required for testing an electrical system or part thereof shall be furnished by the permit holder.

E-7.2.3 Reinspection and testing: Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.

E-7.3 Coordination of inspections: Whenever in the enforcement of this code or another code or ordinance, the responsibility of more than one code official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

E-7.4 Approval: After the prescribed tests and inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the code official.

E-7.5 Temporary connection: The code official shall have the authority to authorize the temporary connection of an electrical system to the sources of energy for the purpose of testing electrical systems or for use under a temporary certificate of occupancy.

8. 8.0 VIOLATIONS

E-8.1 Unlawful acts: It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize an electrical system, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

E-8.2 Notice of violation: The code official shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of electrical work in violation of the provisions of this code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

E-8.3 Prosecution of violation: If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

E-8.4 Violation penalties: Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair electrical work in violation of the approved construction
documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor to be prosecuted and penalized as provided in the Building Code of St. Charles County, Section 500.010, Ordinances of St. Charles County, Missouri. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

E-8.5 Stop work orders: Upon notice from the code official that electrical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor.

E-8.6 Abatement of violation: The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the electrical system on or about any premises.

E-8.7 Unsafe electrical systems: An electrical system that is unsafe, constitutes a fire or health hazard, or is otherwise dangerous to human life, as regulated by this code, is hereby declared as an unsafe electrical system. Use of an electrical system regulated by this code constituting a hazard to health, safety or welfare by reason of inadequate maintenance, dilapidation, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Such unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

E-8.7.1 Authority to condemn electrical systems: Whenever the code official determines that any electrical system, or portion thereof, regulated by this code has become hazardous to life, health, property, the code official shall order in writing that such system either be removed or restored to a safe condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain a defective electrical system after receiving such notice. When such electrical system is to be disconnected, written notice as prescribed in Section 8.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

E-8.7.2 Authority to order disconnection of energy sources: The code official shall have the authority to order disconnection of energy sources supplied to a building, structure or electrical system regulated by this code, when it is determined that the electrical system or any portion thereof has become hazardous or unsafe. Written notice of such order to disconnect service and the cause thereof shall be given within twenty-four (24) hours to the owner and occupant of such building, structure or premises, provided, however, that in cases of immediate danger to life or property, such disconnection shall be made immediately without such notice. Where energy sources are provided by a public utility, the code official shall immediately notify the serving utility in writing of the issuance of such order to disconnect.

E-8.7.3 Connection after order to disconnect: A person shall not make energy source connections to electrical systems regulated by this code which have been disconnected or ordered to be disconnected by the code official, or the use of which is being ordered to be discontinued by the code official until the code official authorizes the connection and use of such electrical systems. When an electrical system is maintained in violation of this code, and in violation of a notice issued pursuant to the provisions of this section, the code official shall institute appropriate action to prevent, restrain, correct or abate the violations.

9.0 MEANS OF APPEAL.

E-9.1 Application for appeal: A person shall have the right to appeal a decision of the code official to the Building Commission. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within twenty (20) days after the notice was served. The filing fee for an appeal to the Building Commission shall be one hundred dollars ($100.00); however, if the costs related to the appeal incurred by the County are less than one hundred dollars ($100.00), the remaining amount shall be reimbursed to the applicant. (Ord. No. 97-19 §4, 2-26-97; Ord. No. 98-185 §2, 9-30-98; Ord. No. 00-005 §4, 1-25-00; Ord. No. 04-044 §4, 3-31-04; Ord. No. 07-016 §1, 1-30-07; Ord. No. 10-040 §1, 6-2-10)

Editor's Note--Reference to the building department was changed to division of building code enforcement in accordance with ord. no. 02-204, adopted 12-23-02, set out in ch. 132 of this code.

ARTICLE IV. PLUMBING CODE

SECTION 500.050: ADOPTION OF PLUMBING CODE OF ST. CHARLES COUNTY

St. Charles County hereby adopts the 2009 International Plumbing Code, a copy of which shall be deposited in the Office of the County Registrar with this ordinance, with the following amendments:

1. Section 101.1 Title: Delete "[NAME OF JURISDICTION]" and insert "St. Charles County".

2. Section 103.2 Appointment: Delete "by the chief appointing authority of the jurisdiction; and the code official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the appointing authority" and insert "as provided by ordinance".

3. Section 106.6.1 Work commencing before permit issuance: Delete in entirety and insert:
Any person who commences any work on a plumbing system before obtaining approval by the Code Official shall be subject to an additional fee of two hundred fifty dollars ($250.00) in addition to the usual fee.

4. **Section 106.6.2 Fees:** Delete in entirety and insert the following:

Fees shall be set by ordinance.

5. **Section 106.6.3 Fee refunds:** Delete "[SPECIFY PERCENTAGE]" and insert "fifty percent (50%)" throughout.

6. **Section 108.4 Violation penalties:** Delete "[SPECIFY OFFENSE]" and insert "Misdemeanor". Delete "[AMOUNT]" and insert "one thousand dollars ($1,000.00)". Delete "[NUMBER OF DAYS]" and insert "one (1) year".

7. **Section 108.5 Stop work orders:** Delete "not less than [AMOUNT] dollars or more than [AMOUNT] dollars" and insert "one thousand dollars ($1,000.00) or more than two hundred fifty dollars ($250.00)".

8. **Section 109.1 Application for appeal:** Delete in entirety and insert the following:

A person shall have the right to appeal a decision of the Code Official to the Building Commission. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the Code Official within twenty (20) days after the notice was served. The filing fee for an appeal to the Building Commission shall be one hundred dollars ($100.00); however, if the costs related to the appeal incurred by the County are less than one hundred dollars ($100.00), the remaining amount shall be reimbursed to the applicant.

9. **Sections 109.2 through 109.6:** Delete in entirety.

10. **Section 305.6.1 Sewer depth:** Delete first instance of "[NUMBER] inches (mm)" and insert "18 inches (457 mm)". Delete second instance of "[NUMBER] inches (mm)" and insert "36 inches (915 mm)".

11. **Section 403.6 Public facilities:** Add the following language:

Exception: Customer facilities are not required in building or tenant spaces with a customer occupancy load of fifteen (15) or less which do not serve food or beverages. All gas or filling stations shall have public toilet rooms regardless of the occupancy load. Public toilet facilities shall be located not more than one story above or below the space required to be provided with public toilet facilities and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).

12. **Section 602.2, Potable water required:** Add Subsection 602.2.1 entitled "Potable water connection" reading as follows:

The water distribution system of any building in which plumbing fixtures are installed shall connect to a potable public water supply, if available. A potable public water supply shall be considered available when the nearest property line is located within two hundred (200) feet of a potable public water main. When a potable public water supply is not available, an individual water supply shall be provided.

13. **Section 604.9 Water hammer:** Delete in entirety and insert the following:

The flow velocity of the water distribution system shall be controlled to reduce the possibility of water hammer. A water-hammer arrestor shall be installed where quick-closing valves are utilized. Water-hammer arresters shall be required for dishwashers, clothes washers and for each bathroom group, unless otherwise approved.

14. **Section 608.16.6 Connections subject to backpressure:** Add the following language to this provision:

All reduced pressure backflow devices and check assemblies shall be registered and tested annually by a certified individual as authorized by the State of Missouri.

15. **Section 701.2 Sewer required:** Delete in entirety and insert the following:

The sanitary drainage system of any building in which plumbing fixtures are installed shall connect to a public sewer, if available. A public sewer shall be considered available when the nearest property line is located within two hundred (200) feet of a public sewer. When a public sewer is not available, the sanitary drainage shall be connected to an approved private sewage disposal system. All private sewage disposal systems shall be maintained and function without any ground surface discharge.

16. **Section 706.3 Installation of fittings:** Delete "Double sanitary tee patterns shall not receive the discharge of back-to-back water closets and fixtures or appliances with pumping action discharge" and insert "Double sanitary tee patterns shall be permitted to receive discharge from gravity flow back-to-back water closets".

17. **Section 708.3.5 Building drain and building sewer junction:** Delete in entirety.

18. **Section 904.1 Roof extension:** Delete "[NUMBER] inches (mm)" and insert "12 inches (305 mm)".

19. **Section 905.1 Connection:** Add the following language to this provision:

All vents one and one-half (1½) inches in diameter shall be increased to two (2) inches in diameter, a distance of two (2) feet prior to the roof penetration. (Ord. No. 97-19 §5, 2-26-97; Ord. No. 98-184 §1, 9-30-98; Ord. No. 00-005 §5, 1-25-00; Ord. No. 04-044 §5, 3-31-04; Ord. No. 10-040 §1, 6-2-10)

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**ARTICLE V. FIRE PREVENTION CODE**

591
SECTION 500.060: ADOPTION OF FIRE CODE OF ST. CHARLES COUNTY

St. Charles County hereby adopts the 2009 International Fire Code, a copy of which shall be deposited in the Office of the County Registrar with this ordinance, with the following amendments:

1. **Section 101.1 Title:** Delete "[NAME OF JURISDICTION]" and insert "St. Charles County".
2. **Section 103.1 General:** Add the following at the end of this provision:
   
   The department of fire prevention established by this Code is the Division of Building Code Enforcement in the Department of Community Development. The fire code official established by this Code is the director of that Division.

3. **Section 108.1 Board of appeals established:** Delete the first sentence of this provision and insert the following:
   
   The Building Commission of St. Charles County shall hear and decide appeals of orders, decisions and determinations made by the fire code official relative to the application and interpretation of this Code.

4. **Section 108.3 Qualifications:** Delete in its entirety.
5. **Section 109.3 Violation penalties:** Delete "[SPECIFY OFFENSE]" and insert "Misdemeanor". Delete "[AMOUNT]" and insert "one thousand (1,000)". Delete "[NUMBER OF DAYS]" and insert "one (1) year".
6. **Section 111.4 Failure to comply:** Delete "not less than [AMOUNT] dollars or more than [AMOUNT] dollars" and insert "not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00)".
7. **Section 3204.3.1.1.3 Location:** Delete "in the adopting ordinance as the limits of districts in which such storage is prohibited (see Section 3 of the Sample Ordinance for Adoption of the International Fire Code on page v)" and insert "in the applicable ordinance of the fire district having competent jurisdiction".
8. **Section 3404.2.9.6.1 Locations where above-ground tanks are prohibited:** Delete "in the adopting ordinance as the limits of districts in which such storage is prohibited (see Section 3 of the Sample Ordinance for Adoption of the International Fire Code on page v)" and insert "in the applicable ordinance of the fire district having competent jurisdiction".
9. **Section 3406.2.4.4 Locations where above-ground tanks are prohibited:** Delete "in the adopting ordinance as the limits of districts in which such storage is prohibited (see Section 3 of the Sample Ordinance for Adoption of the International Fire Code on page v)" and insert "in the applicable ordinance of the fire district having competent jurisdiction".
10. **Section 3804.2 Maximum capacity within established limits:** Delete "established by law" and insert "established by the applicable ordinance of the fire district having competent jurisdiction". Delete "(see Section 3 of the Sample Ordinance for Adoption of the International Fire Code on page v)". (Ord. No. 00-005 §6, 1-25-00; Ord. No. 04-044 §6, 3-31-04; Ord. No. 10-040 §1, 6-2-10)

Editor's Note--Reference to county clerk was changed to county registrar in accordance with ord. no. 01-121, adopted 9-26-01, set out in §129.010 of this code.

ARTICLE VI. RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS

SECTION 500.070: ADOPTION OF RESIDENTIAL CODE FOR ONE- AND TWO-FAMILY DWELLINGS OF ST. CHARLES COUNTY

St. Charles County hereby adopts the 2009 International Residential Code for One- and Two-Family Dwellings, and Appendixes A, B, C, D, E, G, J, K, M, N, P and Q, a copy of which shall be deposited in the Office of the County Registrar with this ordinance, with the following amendments:

1. **Section R101.1 Title:** Delete "[Name of Jurisdiction]" and insert "St. Charles County".
2. **Section R103.1 Creation of enforcement agency:** Delete in its entirety and insert "The Division of Building Code Enforcement of the Department of Community Development shall be the enforcement agency for this Code and the Division's director shall be the building official referred to in this Code".
3. **Section R103.2 Appointment:** Delete "by the chief appointing authority of the jurisdiction" and insert "as provided by ordinance".
4. **Section R105.1 Required:** After "occupancy of a building or structure" insert "fences taller than 24" in height located in a Residential District and subdivisions in the Agricultural District as defined in Section 405.060".
5. **Section R105.2 Work exempt from permit:** Delete "1 One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.58 m²) " and insert "1 One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (10.97 m²)."

Delete "2. Fences not over 6 feet (1829 mm) high." and insert "2. Fences 24" or less in height."

Delete "10 Decks not exceeding 200 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at
St. Charles County -- QuickCode

any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4. and insert "10 Decks not exceeding 120 square feet (18.58 m²) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4."

6. **Section R105.5 Expiration:** Delete "180 days" and insert "90 days" throughout. Insert after first sentence "A permit expires automatically if 90 days elapse with no request for an inspection." Delete "and justifiable cause demonstrated" and insert "and shall be granted only upon a showing of justifiable cause and substantial progress. If a permit expires pursuant to this provision, the building official may issue a new permit upon advance payment (subject to refund if overestimated) of an administrative penalty of one hundred dollars ($100.00) for each 90 days or fraction thereof expected to lapse between the issuance of the new permit and the issuance of certificate of occupancy upon final inspection as pursuant to Section R110 of this Code."

7. **Section R106.3.1 Approval of construction documents:** Delete "REVIEWED FOR CODE COMPLIANCE" and insert "APPROVED FOR CONSTRUCTION". Delete "shall be kept at the site of work" and insert "may be kept at the site of work or made available at time of inspection".

8. **Section R108.6 Work commencing before permit issuance:** Add "Exemptions:

1. Earthwork less than 5,000 square feet.
2. Stakeouts and other necessary planning procedures".

9. **Section R112.1 General:** Delete "there shall be and is hereby created a board of appeals" and insert "the County Building Commission shall serve as a board of appeals".

10. **Section R112.2.1 Determination of substantial improvement in area prone to flooding:** Delete.

11. **Section R112.2.2 Criteria for issuance of a variance for areas prone to flooding:** Delete.

12. **Section R112.3 Qualifications:** Delete "The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction" and insert "See Section 500.110, Ordinances of St. Charles County, Missouri."

13. **Section R113.4 Violation penalties:** Delete "shall be subject to penalties as prescribed by law" and insert "shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars ($1,000.00) or by a term not exceeding one (1) year, or by both such fine and imprisonment, and each day's continuance of a violation shall be deemed a separate offense."

14. **Section R114.1 Notice to owner:** Insert the following at the end of this provision: "Any person served with a stop work order shall pay an administrative penalty of up to two hundred fifty dollars ($250.00)."

15. **Section R115 Workmanship:** This Section shall be added and shall read as follows:

All work shall be executed in a workmanlike and skilled manner so that, for example, floors are level, walls are plumb and square, windows and doors are plumb, square and easily operable, exterior building envelopes are weather-tight and exclude the elements, building materials are undamaged, and surfaces are unmarred.

16. **Chapter 2: Definitions--STORY ABOVE GRADE PLANE:** Delete "any one of". Add ", and" to number 1 and 2.

17. **Table R301.2(1)--Add:**

<table>
<thead>
<tr>
<th>Ground Snow Load</th>
<th>Wind Design</th>
<th>Seismic Design Category</th>
<th>Subject to Damage From</th>
<th>Winter Design Temp</th>
<th>Ice Barrier Underlay-Necessary</th>
<th>Flood Hazards</th>
<th>Air Freezing Index</th>
<th>Mean Annual Temp</th>
</tr>
</thead>
<tbody>
<tr>
<td>20 psf</td>
<td>90</td>
<td>No</td>
<td>C</td>
<td>Severe</td>
<td>30 inches</td>
<td>Yes</td>
<td>6°</td>
<td>4/19/79</td>
</tr>
</tbody>
</table>

Note: h. Delete "In accordance with Section R905.2.7.1, R905.4.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the". Before "jurisdiction" insert "The". Delete "Yes" and insert "NO". Delete "Otherwise, the jurisdiction shall fill in this part of the table with "NO".

18. **Section R302.1 Exterior walls:** Exception 4. Delete "2 feet (610 mm)" and insert "5 feet (1525 mm)". Add "Exception 6. Setbacks for structures on properties are established by the Unified Development Ordinance."

19. **Section R302.2 Townhouses.** Exception delete "1-hour" and insert "2-hour".

20. **Section R303.1.1 Basements and cellars:** This Section shall be added and shall read as follows:

The glass window area in basements and cellars shall not be less than one percent (1%) of the floor area served and shall be openable for natural ventilation.

21. **Section R303.3 Bathrooms:** Exception 1 after "to the outside or" insert "to an attic gable vent or ventilated soffit".

22. **Section R304.2 Exhaust openings:** After "be directed" insert "below 6 feet and 8 inches". After "onto a" insert "public".

23. **Section R304.5 Hose bibb:** This Section shall be added and shall read as follows:

Every dwelling shall be equipped with one (1) outside frostproof hose bibb which shall be protected from backflow in

593
24. **Section R306.6 Floor drain**: This Section shall be added and shall read as follows:

All basements shall be equipped with a floor drain within twenty (20) feet of heating/cooling system(s) and water heaters and which shall comply with Chapter 27, Sections P2701 et seq. of this Code.

25. **Section R310.1 Emergency escape and rescue required**: Delete "Basements, habitable attics and".

26. **Section R311.3.1 Floor elevations at the required egress doors**: Insert a new second "Exception" reading as follows:

Where exterior doors lead to planned but not yet built decks or balconies, such doors shall be protected with guards complying with the provisions of Section R312 of this Code.

27. **Section R311.3.2 Floor elevations for other exterior doors--first "Exception"**: Delete "two or fewer risers" and insert "three or fewer risers".

28. **Section R313.1 Townhouse automatic fire sprinkler systems**: Delete "shall" and replace with "may"; delete the "Exception" in its entirety.

29. **Section R313.2 One- and two-family dwellings automatic fire systems**: Delete "shall" and replace with "may"; delete the "Exception" in its entirety.

30. **Table R403.1 Minimum width of concrete, precast or masonry footings (inches)**:

<table>
<thead>
<tr>
<th>LOAD-BEARING VALUE OF SOIL (psf)</th>
<th>1,500</th>
<th>2,000</th>
<th>3,000</th>
<th>€4,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conventional light-frame construction</td>
<td>16</td>
<td>16</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>2-story</td>
<td>16</td>
<td>16</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>3-story</td>
<td>23</td>
<td>17</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>4-inch brick veneer over light frame or 8-inch hollow concrete masonry</td>
<td>16</td>
<td>16</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>2-story</td>
<td>21</td>
<td>16</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>3-story</td>
<td>32</td>
<td>24</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>8-inch solid or fully grouted masonry</td>
<td>16</td>
<td>16</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>2-story</td>
<td>29</td>
<td>21</td>
<td>16</td>
<td>16</td>
</tr>
<tr>
<td>3-story</td>
<td>42</td>
<td>32</td>
<td>21</td>
<td>16</td>
</tr>
</tbody>
</table>

For SI: 1 inch = 25.4 mm, 1 pound per square foot = 0.0479 kPa.

31. **Section R403.1.4.1 Frost protection**: Delete "Extending below the frost line specified in Table R301.2(1)" and insert "Extending 30 inches (77 mm) below finish grade".

32. **Section R403.1.4.1 Frost protection--"Exception 1"**: Delete "400 square feet (37 m²)" and insert "200 square feet (18.5 m²)".

33. **Section R403.1.4.1. Frost protection--"Exception 2"**: Delete in its entirety.

34. **Section R403.1.4.1. Frost protection--"Exception 3"**: After "dwelling" insert "and not more than 4 feet (1.22 m) above the surrounding grade".

35. **Section R403.1.7.1 Building clearances from ascending slopes**: Insert at the end of the last sentence of this provision "or according to approved engineered plans".

36. **Table R404.1.1(1)**: Delete in its entirety.

37. **Table R404.1.1(3)**: Delete in its entirety.

38. **Table R404.1.2(3)**: Delete in its entirety.

39. **Table R404.1.2(4)**: Delete in its entirety.

40. **Table R404.1.2(8)**: Delete in its entirety.

41. **Table R404.1.2 (1) Concrete Foundation Walls**: Delete in its entirety and insert the following:

<table>
<thead>
<tr>
<th>Maximum Wall Height</th>
<th>Maximum Depth of Unbalanced</th>
<th>Minimum Nominal Wall</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

594
<table>
<thead>
<tr>
<th>Maximum Wall Height</th>
<th>Maximum Depth of Unbalanced Backfill</th>
<th>Minimum Nominal Wall Thickness</th>
</tr>
</thead>
<tbody>
<tr>
<td>7'0&quot;</td>
<td>6'0&quot; or less</td>
<td>8&quot; Note a</td>
</tr>
<tr>
<td></td>
<td>7'0&quot;</td>
<td>10&quot; Note a</td>
</tr>
<tr>
<td>8'0&quot;</td>
<td>6'0&quot; or less</td>
<td>8&quot; Note a</td>
</tr>
<tr>
<td></td>
<td>7'0&quot;</td>
<td>8&quot; Note a</td>
</tr>
<tr>
<td></td>
<td>8'0&quot;</td>
<td>8&quot; Note a</td>
</tr>
<tr>
<td>9'0&quot;</td>
<td>6'0&quot; or less</td>
<td>10&quot; Note b</td>
</tr>
<tr>
<td></td>
<td>7'0&quot;</td>
<td>10&quot; Note b</td>
</tr>
<tr>
<td></td>
<td>8'0&quot;</td>
<td>10&quot; Note b</td>
</tr>
<tr>
<td></td>
<td>9'0&quot;</td>
<td>10&quot; Note b</td>
</tr>
<tr>
<td>10'0&quot;</td>
<td>9'0&quot;</td>
<td>12&quot; Note c</td>
</tr>
</tbody>
</table>

Note a: Concrete foundation walls may be constructed a minimum of nominal 8" thick where the wall height from the top of the footing to the top of the wall does not exceed 8'. A minimum of (2) #4 reinforcing bars shall be placed horizontally in top and bottom of the foundation wall. A minimum of (2) #5 reinforcing bars shall be provided around all window and door openings in concrete foundation and basement walls; bars shall extend a minimum of 24" beyond the corners of the openings.

Note b: Concrete foundation walls may be constructed a minimum of nominal 10" thick. A minimum of (2) #5 reinforcing bars shall be placed horizontally in the top, middle, and bottom of the foundation wall. A minimum of (2) #5 reinforcing bars shall be provided around all window and door openings in concrete foundation and basement walls; bars shall extend a minimum of 24" beyond the corners of the openings.

Note c: Concrete foundation walls may be constructed a minimum of nominal 12" thick. A minimum of (3) #5 reinforcing bars shall be placed horizontally in the top, middle and bottom of the foundation wall. A minimum of (2) #5 reinforcing bars shall be provided around all window and door openings in concrete foundation and basement walls; bars shall extend a minimum of 24" beyond the corners of the openings.

The concrete minimum nominal wall thickness shall be 8 inches for foundation walls in soil classes SC, MH, ML-MC and inorganic CL when the maximum wall height is 8 feet.

The concrete minimum wall thickness shall be 10 inches for foundation walls in soil classes SC, MH, ML-CL and inorganic CL when the maximum wall height is 9 feet.

The concrete minimum wall thickness shall be 12 inches for foundation walls in soil classes SC, MH, ML-CL and inorganic CL when the maximum wall height is 10 feet.

The Building Code Official or their designate may request professional design specifications on any project.

42. Section R404.1.2 Concrete foundation walls: Add the following exception to this provision:

Exception: Plain concrete foundation walls with a minimum wall thickness of eight inches with not more than seven feet of unbalanced backfill shall be permitted provided the length of any foundation wall does not exceed forty-five feet without an offset or required reinforcement according to Table R404.1.1(2) or an engineered reinforced buttress.

43. Section R405.1 Concrete or masonry foundations: Add "Exception 2. Drains provided as detailed in Section R405.1.2 are approved as an alternative method to meet the requirements of this Section."

44. Section R405.1.2 Soil evaluations: An evaluation of the soil for the presence or absence of ground water is required. The evaluation report shall be based on either a subsurface soil investigation or satisfactory data from adjacent areas together with an inspection of the excavation prior to pouring concrete.

45. Section R405.1.2.1 Ground water present: Provide drain tile, perforated pipe or other approved foundation drainage systems (such as water channel system) around perimeter of the outside of the foundation and inside the foundation. Drain discharge shall be by gravity to daylight or be connected to a basement floor sump.

46. Section R405.1.2.2 No ground water present: Provide drain tile, perforated pipe or other approved foundation drainage systems (such as water channel system) around perimeter of the outside of the foundation or inside the foundation. Drain discharge shall be by gravity to daylight or be connected to a basement floor sump.

47. Section R405.1.2.3 Filter membranes: An approved filter membrane shall be placed over the top of the joints/pipe perforations. The tile/pipe shall be placed on 2" minimum gravel or crushed stone and have 6" minimum cover.

48. Section R405.1.2.4 Drainage system: Drainage system shall discharge by gravity to daylight or be connected to an approved sump (18" in diameter x 24" deep with fitted cover). A sump pit shall be provided in each basement with pump discharge by an approved method, exception may be granted by a code official.

49. Section R502.2.2.3 Deck lateral load connection: Add Exception: All decks that are 100 square feet or less are exempt.

50. Section R602.10.1.1 Alternate braced wall panels: Exterior walls shall be sheathed over the entire structure with minimum 7/16" APA exterior exposure rated plywood or Oriented Strand Board (OSB). Panels shall be fastened per Table
51. Section R602.10.3.3 Method PFH: Portal frame with hold-downs. Delete "5/8 inch-diameter (16 mm)" and insert "½ inch-diameter (12.7 mm)". Add Exception: The minimum width of a portal frame in the first story of a two-story building may be approved if it is constructed at a 1:6 ratio and the maximum height of a structure may extend to 12 feet (3657.6 mm).

52. Section R703.7 Stone and masonry veneer, general: Add the following at the end of this provision's first paragraph: "or engineered to meet all seismic design loads".

53. Section R905.2.8.2 Valleys: Delete number 3, "one ply of" and insert "two ply of 15 pound felt or". After "smooth roll roofing complying with" insert "ASTM D 226 Type I, ASTM D 4869 Type I, or ASTM D 6757 or".

54. Section R1004.5 Required Fire Separation Enclosure: This Section shall be added and shall read as follows:

All prefabricated metal chimneys shall be enclosed in a fire-resistant shaft with one (1) layer of gypsum board five-eighths (5/8) inch (16 mm) thick, starting from the fireplace connection to the underside of the roof sheathing, securely attached with framing materials. When the chimney chase is located on an exterior wall of the structure, it need only be separated by lining the wall between the chimney chase and the exterior wall with gypsum board five-eighths (5/8) inch (16 mm) thick.

55. Section E3609.3 Bonding for Other Systems: Delete in its entirety.

56. Section E4002.14 Tamper-resistant receptacles: Delete "area" insert "bedrooms".

57. NEC800.156 Dwelling Unit Communications Outlet: Delete in its entirety.

58. Add Section N1102.2.3.1: Doors (except overhead garage doors): All metal doors shall be insulated. Note: The insulation shall be along the perimeter of the foundation wall downward from the slab a minimum distance of 24 inches (610 mm) or horizontally under the slab for a minimum of 24 inches (610 mm).

59. Table 1102.1 Insulation and Fenestration Requirements by Component: Climate Zone: 4 except Marine/Fenestration

60. Section N1102.4.2 Building thermal envelope: The building thermal envelope shall be durably sealed to limit infiltration. The sealing methods between dissimilar materials shall allow for differential expansion and contraction. The following shall be caulked, gasketed, weatherstripped or otherwise sealed with an air barrier material, suitable film or solid material.
   1. Site-built windows, doors and skylights.
   2. Openings between window and door assemblies and their respective jambs and framing.
   4. Walls and ceilings separating the garage from conditioned spaces.
   5. Behind tubs and showers on exterior walls.
   6. Common walls between dwelling units.
   7. Rim joists junction.
   8. Other sources of infiltration.

61. Section N1102.4.2 Air sealing and installation: Delete "one of the following options given by Section N1102.4.2.1 or N1102.4.2.2" and insert "the option given by Section N1102.4.2.2. Permittees may at their discretion demonstrate building envelope air tightness and insulation installation with the option given by Section N1101.4.2.1."

62. Section N1102.4.3 Fireplaces: Delete in its entirety.

63. Section N1103.2.2 Sealing: Ducts, air handlers, filter boxes and building cavities used as ducts shall be sealed. Joints and seams shall comply with Section M1601.4.

   Exception: Duct sealing and tightness test is not required if the air handler and most ducts are located within conditioned space as determined by the Building Code Official.

64. M1305.1.4.1 Ground clearance: Delete ". approved material extending not less than 3 inches (76 mm) above the adjoining ground" and insert ". approved material extending not less than 2 inches (50.8 mm) above the adjoining ground."

65. M1411.6 Locking access port caps: Delete in its entirety.

66. M1503.4 Make up air required: Delete "Exhaust hood systems capable of exhausting in excess of 400 cubic feet per minute (0.19 m³/s)" and insert "Exhaust hood systems capable of exhausting in excess of 600 cubic feet per minute (285 m³)".

67. M1601.4.1 Joints and seams: Insert "Joints of duct systems shall be made substantially airtight in an unconditioned area by means of tapes, ..."

68. Section P2002.1 General: Delete in its entirety and insert a new provision reading as follows:

The water distribution and drainage system of any new or existing building or premises where plumbing fixtures are installed shall be connected to a public water supply or sanitary sewer system, respectively, when these public utilities are within 200 feet of the nearest property line.
When either a public water supply or sanitary sewer system, or both, are not within the 200 feet, or connection thereto is determined by the building official to be not feasible, an individual water supply or individual (private) sewage disposal system, or both, shall be provided.

69. **Section P2603.6 Freezing:** Delete in its entirety and insert a new provision reading as follows:

Water, soil and waste pipes shall not be installed in exterior walls, crawl spaces or attics, unless approved by the building official upon a showing that such pipes installed in such locations are not at risk of freezing. Water service pipes shall be installed not less than 36 inches (915 mm) below grade.

70. **Section P2603.6.1 Sewer depth:** In first sentence delete "[number] inches (mm)" and insert "18 inches (453 mm)". In second sentence delete "[number] inches (mm)" and insert "30 inches (762 mm)".

71. **Section P2903.5 Water hammer:** Add to the end of this provision: A water-hammer arrestor shall be installed where quick-closing valves are utilized.

72. **Section P2904.1 General:** Insert before first sentence: "These regulations are subject to Section R313 of this Code as amended by St. Charles County.”

73. **Section P2904.1 Required sprinkler locations:** In the first sentence insert "If installed as allowed by Section R313 of this Code as amended by St. Charles County” before "Sprinklers”.

74. **Section P3103.1 Roof extension:** Delete "at least [number] inches above the roof or [number] inches above the anticipate snow accumulation" and insert "at least 12 inches (305 mm) above the roof or 4 inches (102 mm) above the anticipate snow accumulation”.

75. **Section P3112.1 Limitation:** Delete.

76. **Section P3112.2 Vent connection:** Delete in its entirety and insert "The island fixture shall be vented by air admittance valve as provided for in Section P3114 of this Code.”

77. **Section AG103 Swimming Pools (Appendix G):** (Add the following Subsection at the end of this provision:)

Section AG103.3 Drainage of all swimming pools. All swimming pools and equipment shall be equipped to be emptied completely of water so that the discharged water shall be disposed of in a manner that is approved in writing by the Director of Building Code Enforcement, that will not create a nuisance to adjoining property, either by running across that property's surface regularly, or by causing erosion on that property, or by causing water to stand on that property for twenty-four (24) hours or more. (Ord. No. 00-005 §7, 1-25-00; Ord. No. 04-044 §7, 3-31-04; Ord. No. 05-169 §1, 11-29-05; Ord. No. 10-040 §1, 6-2-10; Ord. No. 12-030 §1, 4-11-12)

**ARTICLE VII. PRIVATE SEWAGE DISPOSAL CODE**

**SECTION 500.080: ADOPTION OF PRIVATE SEWAGE DISPOSAL CODE**

A. St. Charles County hereby adopts the 2009 International Private Sewage Disposal Code, a copy of which shall be deposited in the Office of the County Registrar with this ordinance, with the following amendments:

1. **Section 101.1 Title:** Delete "[NAME OF JURISDICTION],” and insert "St. Charles County”.

2. **Section 103.1 General:** Delete in its entirety and insert "Enforcement of this Code shall be the responsibility of the Director of Building Code Enforcement or his or her designees, who shall be known as the code official”.

3. **Section 103.2 Appointment:** Delete in entirety.

4. **Section 103.3 Deputies:** Delete in entirety.

5. **Section 106.2.3 Time limitation of application:** Delete: "180 days" in both locations and insert "90 days" in both locations.

6. **Section 106.2.4 Previous approvals:** Delete: "180 days" and insert "90 days”.

7. **Section 106.2.5 Soil Data:** Delete: "and percolation test”.

8. **Section 106.3.4 Extensions:** Delete: "180 days" and insert "90 days”. Delete "The fee for an extension shall be one-half the amount required for a new permit for such work.”

9. **Section 106.4.2 Fee schedule:** Delete "[JURISDICTION TO INSERT APPROPRIATE SCHEDULE],” and insert "See Chapter 505, OSCCMo".

10. **Section 106.4.3 Fee refunds:** Delete "[SPECIFY PERCENTAGE]" and insert "50 per cent” (in two places).

11. **Section 108.4 Violation penalties:** Delete "[SPECIFY OFFENSE]" and insert "misdemeanor”. Delete "[AMOUNT]” and insert "one thousand (1000)”. Delete "[NUMBER OF DAYS]" and insert "one year”. 

12. **Section 108.5 Stop work orders:** Delete "not less than [AMOUNT] dollars or”. Delete second instance of "[AMOUNT]” and insert "one thousand”.

13. **Section 109.1 Application for Appeal:** Delete text and replace with: "Any person shall have the right to appeal a decision of the code official as provided in Section 112.4 of the Building Code of St. Charles County (Section 500.010.7, OSCCMo). An
application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply or an equally good or better form of construction is proposed.

14. **Section 109.2 Membership of Board:** Delete in its entirety.

15. **Section 109.3 Notice of Meeting:** Delete in its entirety.

16. **Section 109.4 Open hearing:** Delete in its entirety.

17. **Section 109.5 Postponed hearing:** Delete in its entirety.

18. **Section 109.6 Board decision:** Delete in its entirety.

19. **Section 109.7 Court review:** Delete in its entirety.

20. **Section 202 GENERAL DEFINITIONS:** Delete "PERCOLATION TEST. The method of testing absorption qualities of the soil (see Section 403)."

21. **Section 302.6 Water softener and iron filter backwash:** Delete text and replace with: "Water softener or iron filter discharge shall be diverted away from septic system, provided a nuisance is not created."

22. **Section 403.1 Soil borings and profile descriptions:** Delete the sentence "Borings shall be conducted prior to percolation tests to determine whether soils are suitable to warrant percolation tests and, if suitable, at what depth percolation tests shall be conducted."

23. **Section 403.1.1 Number:** Delete "three" and insert "two" before the word "borings".

24. **Section 403.1.1 Number:** "Exception:" Delete text and replace with: "Three borings are required for repairs of existing private sewage disposal systems, along with one backhoe excavation at a 5-foot depth."

25. **Section 404.1 General:** Delete text and replace with: "The permeability of the soil in the proposed absorption system shall be determined by permeability evaluation."

26. **Section 404.2 Percolation tests and procedures:** Delete in its entirety.

27. **Section 404.2.1 Percolation test hole:** Delete in its entirety.

28. **Section 404.2.2 Test procedure, sandy soils:** Delete in its entirety.

29. **Section 404.2.3 Test procedure, other soils:** Delete in its entirety.

30. **Section 404.2.4 Mechanical test equipment:** Delete in its entirety.

31. **Section 406.1 Soil absorption site location:** In Table 406.1, delete the line reading "Lot line" (in the "Element" column) and "5" (in the "Distance (feet)" column) and replace with the following two lines:

<table>
<thead>
<tr>
<th>Element</th>
<th>Distance (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;Lot line (for new construction)&quot;</td>
<td>&quot;30&quot;</td>
</tr>
<tr>
<td>&quot;Lot line (for repairs)&quot;</td>
<td>&quot;10&quot;</td>
</tr>
<tr>
<td>&quot;Water Well&quot;</td>
<td>&quot;100&quot;</td>
</tr>
</tbody>
</table>

32. **Section 406.3 Percolation rate, trench or bed:** Delete in its entirety.

33. **Section 406.4 Percolation rate, seepage pit:** Delete in its entirety.

34. **Section 501.2 Minimum standards:** Add: "However, all new construction requires N.S.F. Class 1 tanks, unless otherwise determined by Code Official."

35. **Section 504.3 Steel Tanks:** Delete in its entirety.

36. **Section 504.5 Manholes:** Delete: "steel, cast iron".

37. **Section 602.1 General:** Delete "5,000 gallons (18 925 L)" and insert "3,000 gallons (11 370 L)" at both places.

38. **Section 603.1 General:** Delete text and Table 603.1 and insert: "All absorption fields shall be designed based on soil morphology reevaluation reports prepared by a certified professional soil scientist or by a professional engineer licensed by the State of Missouri."

39. **Section 604.1 General:** Delete text and Tables 604.1(1) and 604.1(2) and insert: "Calculations to determine the size of absorption field shall be based upon sewage flow rates in Table 2A and soil groups in Tables 13 and 14 in 19 CSR 20-3.060 as currently promulgated or as amended hereafter and as provided in that rule."

40. **Section 604.2 Drain Field Calculations, Rounding:** Insert new Section 604.2 Drain Field Calculations, Rounding, to read as follows: "Calculation for the length of the drain field shall be rounded up to the next 100 lineal feet."

41. **Section 706.1 General:** Insert after Table 706.1: "For any septic system that requires dosing, the pump tank shall be a 1,000 gallon concrete single compartment tank equipped with effluent pump with float and high water alarm. A timer shall dose over a 24-hour period, instead of on demand."
42. **Section 802.1 General**: Delete "welded steel".

43. **Section 802.2 Design of septic tanks**: Delete text and insert: "Septic tanks shall conform to the design standards set out in 19 CSR 20-3.060(4), as currently promulgated or as amended hereafter."

44. **Section 802.7 Sizing of tank**: Table 802.7.1 is hereby amended by deleting "750" and inserting "1,000" in two places, by deleting "1,200" and replacing it with "1,250" and by deleting "1,425" and replacing it with "1,500". Delete "number of bedrooms, 6 and 8" add "Exemption: 6 bedrooms or more requires 1,000 gallon trash tank in front of Class 1."

45. **802.7.2 Table**: Delete Table 802.7.2 ("Additional Capacity for Other Buildings") and insert: "Table 2A ("Quantities of Domestic Sewage Flows") in Section B 19 CSR 20-3.060.

46. **802.8 Installation**: Delete contents of Table 802.8 ("Minimum horizontal separation distances for treatment tanks") and insert: "Table 802.8 consists of Table 1 ("Minimum Set-Back Distances") in 19 CSR 20-3.060(4), as currently promulgated or as amended hereafter, except that for new construction (a) sewage tanks shall be 100 feet from any private water supply and (b) both sewage tanks and absorption fields (disposal areas) shall be 30 feet from any property line."

47. **Section 802.11.1 Capacity sizing**:

a. Delete "500 gallons (1893 L)" and insert "1,000 gallons (3790 L)".

b. Delete "100 gallons (379 L)" and insert "120 gallons (455 L)".

c. Delete "Minimum pump changes sizes are indicated for one- and two-family dwellings in Table 802.11.1." Insert: "For one- and two-family dwellings, pump chambers shall at a minimum be 1,000-gallon, single compartment, time-dosed tanks."

d. Delete Table 801.11.1 ("Pump chamber sizes").


B. Prior to the transfer of ownership of any property served by a private sewage disposal system and/or private well, the seller shall have the private sewage disposal system and/or private well inspected for compliance with this Code and with the other standards enumerated in Section 626.020, Ordinances of St. Charles County, Missouri. The inspections shall be conducted by a third party inspector licensed by St. Charles County. Inspection fees shall be the responsibility of the seller. All violations found at the time of inspection shall be corrected by either the seller or the buyer. If the buyer accepts responsibility to correct the violations, the buyer must meet the following requirements:

1. The buyer must sign an affidavit accepting responsibility for correcting violations and deliver that affidavit to the St. Charles County Division of Building Code Enforcement; and

2. Either the buyer or seller must establish an escrow account as provided by law in which is deposited a fund sufficient to cover the costs of correcting violations, as determined by the Director of the St. Charles County Division of Building Code Enforcement based on bids or other documentation provided by the buyer or seller. That escrow account shall be established pursuant to an escrow or lender's agreement prepared on a form to be developed and supplied by the Director of the St. Charles County Division of Building Code Enforcement and complying substantially with forms authorized by St. Charles County Ordinance No. 93-44. The Director shall release escrow funds only when the private sewage disposal system and/or private well are brought into compliance with applicable codes.

C. An owner of any property served by a private sewage disposal system shall obtain an operating permit and maintain in force a service and maintenance agreement if and as provided herein.

1. **Operating permit required.** Except as provided below, no private sewage disposal system may be used nor may the premises served by such a system be used or occupied unless the owner of those premises has obtained an operating permit and maintains in force a service and maintenance agreement as provided in this Subsection. This requirement, however, shall apply only to private sewage disposal systems permitted after September 1, 2009, and to premises served by older systems if those premises were acquired after September 1, 2009.

a. **Application.** Applications for such permits shall meet the following requirements.

   (1) **Forms.** Applications shall be on forms developed by the Division of Building Code Enforcement that include:

   (a) A statement that the Division of Building Code Enforcement may inspect the private sewage disposal system serving the property for compliance with this code,

   (b) A statement that the owner or owners shall maintain in force a service and maintenance agreement with an on-site sewage disposal system contractor duly licensed by St. Charles County for the purpose of maintaining that system in compliance with this code,

   (c) An identification of the property served by that system (for example, by reference to Assessor's Parcel Identification Number), and

   (d) Signatures of all record owners of the property.

   (2) **Related submittals.** Applications shall be accompanied by:

      (a) An application fee authorized by ordinance;
b. Term. Such permits shall be valid as long as service and maintenance agreements required by this Subsection are maintained without any interruption not allowed by this Subsection.

c. Expiration. Permits shall expire automatically if service and maintenance agreements required by this Subsection are terminated and not replaced with new service and maintenance agreements as required by this Subsection.

d. Permits not transferable. Any purchaser of property served by a private sewage disposal system must apply for a new operating permit as required by this Subsection.

2. Service and maintenance agreements--contractors' duties. Service and maintenance agreements for private sewage disposal systems shall require on-site sewage disposal system contractors to:

a. Maintain those systems in compliance with this code,

b. Inspect those systems not less than every two (2) years for compliance with this code, and report the results of those inspections to the Division of Building Code Enforcement, and


3. Service and maintenance agreements--property owners' duties upon termination or expiration. Upon expiration or termination of any service and maintenance agreement property owners shall renew that agreement or enter a new agreement with another contractor within thirty (30) days. (Ord. No. 02-107 §1, 7-31-02; Ord. No. 06-008 §1, 1-31-06; Ord. No. 09-070 §1, 6-29-09; Ord. No. 10-040 §1, 6-2-10)

Editor's Note--Reference to the building department was changed to division of building code enforcement in accordance with ord. no. 02-204, adopted 12-23-02, set out in ch. 132 of this code.

ARTICLE VIII. PROPERTY MAINTENANCE CODE

SECTION 500.090: ADOPTION OF PROPERTY MAINTENANCE CODE OF ST. CHARLES COUNTY

St. Charles County hereby adopts the 2009 International Property Maintenance Code, a copy of which shall be deposited in the Office of the County Registrar with this ordinance, with the following amendments:

1. Section 101.1 is amended to read as follows (added language in italics, deleted language in [brackets]):

   Title. These regulations shall be known as the [International] Property Maintenance Code of St. Charles County [NAME OF JURISDICTION], hereinafter referred to as "this code". This code shall apply to properties in the unincorporated part of the St. Charles County and in municipalities that adopt this code and contract with St. Charles County for its enforcement.

2. Section 101.2 is amended to read as follows (added language in italics, deleted language in [brackets]):

   Scope. The provisions of this code shall apply to all existing residential structures (including, but not limited to, all manufactured or mobile homes) and non-residential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises and for administration, enforcement and penalties.

3. Section 102.3 Application of other codes, is amended to read as follows (added language in italics, deleted language in [brackets]):

   Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Residential Code, International Fuel Gas Code, International Mechanical Code and NFPA 70. Nothing in this code shall be construed to cancel, modify or set aside any provision of the [International Zoning Code or the] Unified Development Ordinance of St. Charles County, Missouri, Chapters 405, 410 and 412, Ordinances of St. Charles County, Missouri.

4. Section 103.1 is amended to read as follows (added language in italics, deleted language in [brackets]):

   General. The Director of the Department of Community Development or his/her designee shall be known as the Code Official. [The department of property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.]

5. Section 103.2 is amended to read as follows (added language in italics, deleted language in [brackets]):

   Occupancy permits. Occupancy permits shall be required for all existing structures upon any change in ownership, tenancy or occupancy of such structures. A new owner, tenant or occupant shall submit to the Code Official, on forms supplied by the Code Official, an application for an occupancy permit along with required inspection fees. The Code Official shall promptly schedule and conduct inspections for occupancy permits; shall order the applicant to correct any violations of this Code noted
St. Charles County -- QuickCode

at the time of inspection; and shall issue an occupancy permit only after reinspecting to determine that the applicant has complied with that order. It shall be a violation of this Code to occupy any structure subject to this provision without an occupancy permit.

Exception: An occupancy permit shall not be required for existing residential structures unless the structure was condemned by the Code Official in accordance with this Code. Such condemned structures shall meet all the minimum requirements of all applicable codes and regulations adopted by St. Charles County as a prerequisite to issuance of an occupancy permit.

Exception: The Code Official may issue a temporary occupancy permit for a period not to exceed ninety (90) days, if the Code Official determines that, by type and amount, the violations of this Code that must be corrected do not constitute a health or safety risk to occupants or to surrounding properties.

[Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction.]

6. Section 103.5 is amended to read as follows (added language in italics, deleted language in [brackets]):

Fees: Any fees for activities or services performed pursuant to this code shall be set by ordinance. [The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule.]

[JURISDICTION TO INSERT APPROPRIATE SCHEDULE.]

7. Section 104.6 is amended to read as follows (added language in italics, deleted language in [brackets]):

Records [Department records]: The code official shall keep official records of all business and activities [of the department] specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

8. Section 105.1 is amended to read as follows (added language in italics, deleted language in [brackets]):

Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon written application of the owner or owner's representative on forms provided by the code official, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

9. Section 106.4 is amended to read as follows (added language in italics, deleted language in [brackets]):

Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Violations of this code are misdemeanors punishable by fines not exceeding $1,000.00 or imprisonment not exceeding one year, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

10. Section 108.1 is amended to read as follows (added language in italics, deleted language in [brackets]):

General. When a structure or equipment or premises is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.

11. Section 108.1.1 is amended to read as follows (added language in italics, deleted language in [brackets]):

Unsafe structures or premises. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible. Unsafe premises are premises found by the code official to present hazards to owners, occupants, visitors or the public because of such conditions as contamination, outdoor storage or use of explosives, hazardous materials or chemical, unstable ground, subsidence or sinkholes, or falling, fallen or failing trees.

12. Section 108.2 is amended to read as follows (added language in italics, deleted language in [brackets]):

Closing of condemned vacant structures: If the condemned structure is vacant and unfit for human habitation and occupancy or is unsafe, but is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. A structure may be closed by securing all openings with locks and/or by screwing them shut and/or by boarding. If boarding is used, it shall be a minimum of one half inch plywood or oriented strand board (OSB) securely fastened to the structure with corrosion-resistant screws and painted white or beige or the same color as the structures siding or trim. OSB shall be installed with its smooth side facing out. Upon failure of the owner or agent having charge of a property to comply with a correction order in a notice of violation of this section, that owner or agent shall be subject to prosecution in accordance with Section 106.3 of the International Property Maintenance Code, and the code official may cause the violation to be abated as provided by Section 500.092.

[If the structure is vacant and unfit for human habitation and occupancy and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.]

13. Section 108.4 is amended to read as follows (added language in italics, deleted language in [brackets]):
Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official may [shall] post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard. Whether to post a placard shall depend on whether the premises or equipment constitutes an attractive nuisance or is threatened with vandalism.

14. Section 108.6 is amended by addition of a new subsection 108.6.1 reading as follows (added language in italics):

108.6.1 Mobile homes. Any mobile, manufactured or modular home that has been condemned by any governmental agency (Federal, State, County or Municipal) shall be removed from St. Charles County jurisdiction at owner's expense within thirty (30) days after condemnation has been posted, unless the structure has been repaired in accordance with Section 500.100, Ordinances of St. Charles County, Missouri.

15. Section 109.5 is amended to read as follows (added language in italics, deleted language in [brackets]):

Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction, subject to proceedings for their recovery including those authorized in Section 500.092(B), Ordinances of St. Charles County, Missouri. [Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.]

16. Section 110.1 is amended to read as follows (added language in italics, deleted language in [brackets]):

General: The code official shall order the owner of any premises upon which is located any structure, which in the code official judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official shall order the owner to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official. The provisions of Section 500.093, Ordinances of St. Charles County, Missouri, shall apply to notices and orders authorized by this section.

17. Section 110.2 is amended to read as follows (added language in italics, deleted language in [brackets]):

Notices and orders. The provisions of Section 500.093, Ordinances of St. Charles County, Missouri, shall apply to notices and orders authorized by the preceding section. [All notices and orders shall comply with Section 107.]

18. Section 110.3 is amended to read as follows (added language in italics, deleted language in [brackets]):

Failure to comply. The provisions of Section 500.093, Ordinances of St. Charles County, Missouri, shall apply to failure to comply with notices and orders authorized by Section 110.1. [If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.]

19. Section 111.1 is amended to read as follows (added language in italics, deleted language in [brackets]):

Application for appeal: Except as provided below, any person affected by any notice which has been issued in connection with the enforcement of any provision of this code or of any rule or regulation adopted pursuant thereto may appeal to the Building Commission of St. Charles County, as provided in the International Building Code of St. Charles County, Section 500.010, Ordinances of St. Charles County, Missouri. Any person affected by a Notice of Unsafe Structure issued pursuant to Section 110.2, above, may appeal that notice pursuant to Chapter 536, Revised Statutes of Missouri, as amended, as provided in the Section 500.093, Ordinances of St. Charles County, Missouri. [Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.]

20. Sections 111.2 through 111.8 (Membership of the board; Notice of meeting; Open hearing; Postponed hearing; Board decision; Court review; Stays of enforcement) are deleted in their entirety.

21. Section 112.4 is amended to read as follows (added language in italics, deleted language in [brackets]):

Failure to comply: Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be prosecuted and penalized as provided in Section 106, above [liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars].

22. Section 201.3 is amended to read as follows (added language in italics, deleted language in [brackets]):

Terms defined in other codes: Where terms are not defined in this code and are defined in other codes adopted in Titles IV and V, Ordinances of St. Charles County, Missouri [the International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code or NFPA 70], such terms shall have the meanings ascribed to them as stated in those codes.

23. Section 201.5 is amended to read as follows (added language in italics, deleted language in [brackets]):
Parts: Whenever the words "dwelling unit", "dwelling", "premises", "building", "manufactured home", "mobile home", "modular home", "recreational vehicle", "rooming house", "rooming unit", "story" or "structure" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof". [Whenever the words "dwelling unit", "dwelling", "premises", "building", "rooming house", "rooming unit", "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof".]

24. Section 202.0's definitions of "CONDEMN", "DETERIORATION", "DWELLING UNIT", "GARBAGE" AND "RUBBISH" are amended to read as follows (added language in italics, deleted language in [brackets]):

CONDEMN: To adjudge unsafe or unfit for occupancy.

DETERIORATION: To weaken, disintegrate, corrode, rust or decay [and lose effectiveness].

DWELLING UNIT: A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. This term is intended to include, but not be limited to, mobile, manufactured and modular homes.

GARBAGE: Animal or vegetable waste. [The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.]

RUBBISH: Combustible and non-combustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, vehicle and boat parts and dust and other similar materials. This term shall also include indoor furnishings and fixtures such as indoor furniture, appliances, lighting fixtures, mattresses, refrigerators, washers, dryers and water softeners, when left on exterior premises.

25. Section 302.2 is amended to read as follows (added language in italics, deleted language in [brackets]):

Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon. Stagnant water is any water standing for three (3) days in the absence of any precipitation.

26. Section 302.3 is amended to read as follows (added language in italics, deleted language in [brackets]):

Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions. All pavement shall be maintained to prevent the accumulation of stagnant water thereon. Stagnant water is any water standing for three (3) days in the absence of any precipitation.

27. Section 302.4 is amended to read as follows (added language in italics, deleted language in [brackets]):

Weeds: All developed premises or exterior property shall be maintained free from weeds or plant growth in excess of ten (10) inches. For purposes of this provision, premises or exterior property are "developed" if improved with any structure or if used for outdoor storage of materials or if within a platted subdivision. For purposes of this provision, premises or exterior property includes any public or private right-of-way, so that it shall be the duty of all property owners to maintain premises or exterior property up to the curb or edge of pavement. However, the Code Official may waive the height requirements set out above for any premises or exterior property or part thereof unless doing so would adversely affect health or safety. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, but not trees or shrubs, or agricultural crops, or gardens in the rear yard, or cultivated flowers.

Upon failure of the owner or agent having charge of a property to comply with a correction order in a notice of violation of this Section, that owner or agent shall be subjected to prosecution in accordance with Section 106.3, above, and the code official may cause the violation to be abated as provided in Section 500.092(A), Ordinances of St. Charles County, Missouri.

[All premises and exterior property shall be maintained free from weeds or plant growth in excess of (jurisdiction to insert height in inches). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens.]

[Upon failure of the owner or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.]

28. Section 302.7 is amended to read as follows (added language in italics, deleted language in [brackets]):

Accessory structures. All accessory structures, including detached garages, detached carports, fences, boat docks, antennas, satellite dishes, tents and walls, shall be maintained structurally sound and in good repair.

29. Section 302.8 is amended to read as follows (added language in italics, deleted language in [brackets]):

Motor vehicles and trailers. Except as otherwise provided in this Subsection, no vehicle or trailer may be parked, kept or stored on any premises, if such vehicle is: unlicensed, or unregistered, or in a state of disassembly or disrepair, or in the process of being stripped or dismantled. After issuance of a notice of violation of any provision of this Section, such violation may be deemed a continuing violation upon recurrence of that same violation. Further, any motor vehicle or trailer parked in violation of this Section, if it is subject to the licensing and registration requirements of Chapter 301, Revised Statutes of Missouri, may be subject to towing under Chapter 304, Revised Statutes of Missouri, as amended, or under the Vehicle
Section 302.10 shall be added and shall read as follows (added language in italics):

Outdoor storage: All outdoor storage on industrially zoned properties either shall be neatly stacked with uniform aisle ways and comply with the requirements of Section 302.4 or shall be screened from view from all public or private streets. See the Unified Development Ordinance of St. Charles County, Missouri, Chapters 405, 410 and 412 of the Ordinances of St. Charles County, Missouri, for additional requirements pertaining to outdoor storage.

Swimming pools shall be operated and maintained through the use of equipment required by the International Building Code of St. Charles County, Section 500.10, Ordinances of St. Charles County, Missouri, the International Residential Code for One- and Two-Family Dwellings of St. Charles County, Section 500.070, Ordinances of St. Charles County, Missouri, and/or the Aquatic and Recreational Facilities Code of St. Charles County, Chapter 233, Ordinances of St. Charles County, Missouri, as applicable. All swimming pools shall be maintained to prevent the accumulation of stagnant water. If a swimming pool is equipped with a tight fitting cover, that cover must be maintained to prevent the accumulation of stagnant water thereon.

Stagnant water is any water standing for three (3) days in the absence of any precipitation.

33. Section 304.6 is amended to read as follows (added language in italics, deleted language in [brackets]):

Exterior walls. All exterior walls shall be free from holes, breaks and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration. Exterior walls shall be free from mold and mildew. Painted exterior walls shall be free from faded colors that are not uniform, and touch up paint shall match the existing colors.

34. Section 304.14 is amended to read as follows (added language in italics, deleted language in [brackets]):

Insect screens. During the period from January 1 to December 31 ([DATE] to [DATE]), every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

35. Section 304.18.1 is amended to read as follows (added language in italics, deleted language in [brackets]):

Doors. All side-hinged doors [Doors] providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

Exception: Dead bolts shall not be required on doors leading from dwelling units to attached garages where exterior garage doors are provided.

36. Section 304.19 shall be added and shall read as follows (added language in italics):

Skirting. Every manufactured and mobile home, now existing or subsequently located within unincorporated St. Charles County, shall have skirting around the entire structure. Skirting shall be made of aluminum or vinyl material.
37. Section 305.3 is amended to read as follows (added language in *italics*, deleted language in [brackets]):

Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected as directed by the Code Official.

38. Section 306 (Component Serviceability) is deleted in its entirety.

39. Section 308.1 is amended to read as follows (added language in *italics*, deleted language in [brackets]):

Accumulation of rubbish or garbage or sewage. All exterior property and premises, including natural watercourses and setback areas on those premises as defined and regulated by the Unified Development Ordinance of St. Charles County, Chapter 405, Ordinances of St. Charles County, Missouri, and the interior of every structure shall be free from any accumulation of rubbish or garbage or sewage. No rubbish or garbage or sewage may be collected, stored or sorted on or within any vehicle or container other than a container designed or constructed for such use. [All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.]

40. Section 308.1.1 shall be added and shall read as follows (added language in *italics*):

Abatement by St. Charles County of violations of Section 307.1 (rubbish or garbage or sewage). Upon failure of the owner or agent having charge of a property to comply with a correction order in a notice of violation of this Section, that owner or agent shall be subject to prosecution in accordance with Section 106.3, above, and the code official may cause the violation to be abated as provided in Section 500.092(A), Ordinances of St. Charles County, Missouri.

41. Section 308.1.2 shall be added and shall read as follows (added language in *italics*):

Abatement by St. Charles County of violations of Section 307.1 (rubbish or garbage or sewage) (cost offset for salvage). If St. Charles County causes the removal of accumulated rubbish or garbage or sewage pursuant to Section 307.1.2, the County is authorized to sell salvage and valuable materials and apply sales proceeds as provided by Section 110.4 of this International Property Maintenance Code.

42. Section 308.2 is amended to read as follows (added language in *italics*, deleted language in [brackets]):

Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers, that is, containers meeting the requirements of the Solid Waste Management Code of St. Charles County, Section 240.310, Ordinances of St. Charles County, Missouri.

43. Section 308.3 is amended to read as follows (added language in *italics*, deleted language in [brackets]):

Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers, that is, containers meeting the requirements of the Solid Waste Management Code of St. Charles County, Section 240.310, Ordinances of St. Charles County, Missouri.

44. Section 308.4 shall be added and shall read as follows (added language in *italics*):

On-site storage of approved containers or approved garbage containers. Containers required by this Section shall not be stored in the front yard as defined in Chapter 405, OSCCMo, or on a front porch or landing of any building, nor shall such containers be stored so that they may be pushed about or turned over by wind.

45. Section 404.5 is amended to read as follows (added language in *italics*, deleted language in [brackets]):

Overcrowding. Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of Table 404.5. [The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.]

<table>
<thead>
<tr>
<th>SPACE</th>
<th>MINIMUM AREA REQUIREMENTS</th>
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<tbody>
<tr>
<td></td>
<td>MINIMUM AREA IN SQUARE FEET</td>
</tr>
<tr>
<td></td>
<td>1–2 occupants</td>
</tr>
<tr>
<td>Living room, a,b</td>
<td>No requirements</td>
</tr>
<tr>
<td>Dining room, a,b</td>
<td>No requirements</td>
</tr>
<tr>
<td>Bedrooms</td>
<td>Shall comply with Section 404.4</td>
</tr>
</tbody>
</table>

**TABLE 404.5**

<table>
<thead>
<tr>
<th>SPACE</th>
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<td>Shall comply with Section 404.4</td>
</tr>
</tbody>
</table>

For SI: 1 square foot = 0.093 m².

a. See Section 404.5.2 for combined living room/dining room spaces.

b. See Section 404.5.1 for limitations on determining the minimum occupancy area for sleeping purposes.

**404.5.1** Sleeping area. The minimum occupancy area required by Table 404.5 shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 404.4.

**404.5.2** Combined spaces. Combined living room and dining room spaces shall comply with the requirements of Table 404.5
St. Charles County -- QuickCode

if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

46. (Reserved.)

47. Section 602.2 is amended to read as follows (added language in italics, deleted language in [brackets]):

Residential occupancies: Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances and/or portable heaters shall not be used to provide space heating to meet the requirements of this Section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

48. Section 602.3 is amended to read as follows (added language in italics, deleted language in [brackets]):

Heat supply: Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from January 1 to December 31 [[DATE] to [DATE]] to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:
1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

49. Section 602.4 is amended to read as follows (added language in italics, deleted language in [brackets]):

Occupiable work spaces: Indoor occupiable work spaces shall be supplied with heat during the period from January 1 to December 31 [[DATE] to [DATE]] to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:
1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

50. Section 604.2 is amended to read as follows (added language in italics, deleted language in [brackets]):

Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a minimum three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

51. Section 604.3.1.1 is amended to read as follows (added language in italics, deleted language in [brackets]):

Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the National Electric Code [International Building Code].

52. Section 604.3.2.1 is amended to read as follows (added language in italics, deleted language in [brackets]):

Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the National Electric Code [International Building Code].

53. Section 702.3 is amended to read as follows (added language in italics, deleted language in [brackets]):

Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the International Building Code or International Residential Code. (Ord. No. 97-223 §1, 12-31-97; Ord. No. 98-35 §§1–2, 2-25-98; Ord. No. 98-66 §1, 4-29-98; Ord. No. 02-035 §1, 3-28-02; Ord. No. 03-009 §1, 1-29-03; Ord. No. 04-044 §8, 3-31-04; Ord. No. 05-046 §1, 4-27-05; Ord. No. 05-169 §§2–4, 11-29-05; Ord. No. 06-041 §2, 3-28-06; Ord. No. 07-016 §2, 1-30-07; Ord. No. 07-177 §1, 12-27-07; Ord. No. 08-003 §1, 1-14-08; Ord. No. 10-040 §2, 6-2-10)

SECTION 500.092: ABATEMENT OF VIOLATIONS

Where the Code Official is authorized by the Property Maintenance Code of St. Charles County to abate a violation of that code, the Code Official may do so as provided herein.

A. Non-emergency abatement responsibilities of Code Official. In the absence of an emergency, the Code Official shall employ the following procedure:
1. Notice of order to abate and of hearing. The Code Official shall serve a notice of the violation to be abated on the owners of the property and on any other person responsible for it. That notice may be served personally, or by mail, or by posting on the property. That notice shall order a hearing by the Code Official in at least four (4) calendar days and the abatement of the violation by the time of the hearing.

2. Failure to abate, hearing, declaration of nuisance and further order to abate. If the violation is not abated by the time of the hearing, the Code Official may find and declare the violation a nuisance at that hearing and order the violation abated within two (2) calendar days.

3. Failure to abate and abatement by Code Official. If the violation is not abated within two (2) calendar days, the Code Official shall have that violation abated at public expense and certify the costs thereof and of all necessary inspections and administrative proceedings and record keeping to the St. Charles County Director of Finance.

B. Emergency abatement responsibilities of Code Official. In an emergency, where the Code Official abates a violation as authorized in such cases by the Property Maintenance Code of St. Charles County, the Code Official shall employ the following procedure:

1. Notice of emergency abatement and of hearing. The Code Official shall serve a notice of the violation abated by the Code Official pursuant to the Property Maintenance Code, including a declaration that the violation is an emergency, the grounds for that declaration, and a statement of the costs of abating that violation, upon the owners of the property and on any other person responsible for it. That notice may be served personally, or by first class mail, postage prepaid, or by posting on the property. That notice shall order a hearing by the Code Official in at least four (4) calendar days.

2. Hearing and final order. At hearing the Code Official may confirm, modify or withdraw any element of the foregoing notice, shall enter a final order reflecting those determinations, and shall certify any confirmed costs of abatement and, if there are any such costs, the costs of any and of all necessary inspections and administrative proceedings and record keeping to the St. Charles County Director of Finance.

C. Imposition of lien after abatement by Code Official responsibilities of Director of Finance. The St. Charles County Director of Finance shall prepare and issue to the owners of the property in violation a special tax bill against the property for those costs, payable within thirty (30) days of issuance. Each such special tax bill shall include a notice of lien stating that if the bill is not paid when due, it shall become, from the date of its issuance, a first (1st) lien on the property until paid, to be collected by the St. Charles County Collector of Revenue in the same way as property taxes are collected. Each such special tax bill shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the tax bill or the proceedings leading up to its issuance shall be a defense thereto. The St. Charles County Director of Finance shall deliver each such special tax bill that remains unpaid after payment is due to the St. Charles County Collector of Revenue on or before the first (1st) day of June of each year, to be collected with property taxes as provided above. (Ord. No. 10-040 §2, 6-2-10)

SECTION 500.093: NOTICES OF UNSAFE STRUCTURE, DECLARATIONS OF NUISANCE, ORDERS TO REPAIR OR DEMOLISH, ABATEMENT, NOTICE, HEARING AND APPEAL

A. Notice Of Unsafe Structure. If an unsafe condition as defined by the Property Maintenance Code of St. Charles County is found in a building or structure, the St. Charles County Division of Building Code Enforcement or the St. Charles County Division of Neighborhood Preservation shall prepare and issue a Notice of Unsafe Structure. For purposes of this Section, an unsafe condition may also include:

1. Failure to repair and restore to use any structure that is damaged by fire or by flood or by any other natural disaster within one (1) year of such damage, or

2. Failure to repair and restore to use any structure under a notice of violation and condemnation issued pursuant to the Property Maintenance Code of St. Charles County within one (1) year of the date of such notice.

B. Identification Of Defects. The notice shall list defects in the structure or building that constitute unsafe conditions and declare that structure or building a public nuisance.

1. The notice shall also order the structure or building vacated by the fifteenth (15th) day following service of the notice. However, if the Code Official determines that an imminent dangerous condition exists, the notice shall also order that the structure or building be vacated forthwith pursuant to Section 109.1 of the Property Maintenance Code of St. Charles County and that the building or structure be boarded up within twelve (12) hours of service of the notice.

2. In addition, the notice shall order that substantial work on repairs must begin or (if repairs would be unreasonable) that demolition must be completed by no later than the thirtieth (30th) day following service of the notice.

C. Form Of Notice. The notice shall be in substantially the following form:

ST. CHARLES COUNTY DIVISION OF BUILDING CODE ENFORCEMENT/ST. CHARLES COUNTY DIVISION OF NEIGHBORHOOD PRESERVATION: NOTICE OF UNSAFE STRUCTURE, DECLARATION OF PUBLIC NUISANCE AND ORDER

Unsafe Structure:

(insert address or other adequate description of building or structure)

Serve:

(insert names of owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the structure or building)
Notice Of Unsafe Structure, Declaration Of Public Nuisance, And Order:

1. **THE STRUCTURE OR BUILDING IDENTIFIED ABOVE IS UNSAFE AND IS HEREBY DECLARED A PUBLIC NUISANCE BECAUSE OF THE FOLLOWING DEFECTS:**

2. **NO PERSON MAY OCCUPY THIS STRUCTURE OR BUILDING, OR ANY PART THEREOF, AFTER THE FIFTEENTH (15TH) DAY FOLLOWING SERVICE OF THIS NOTICE.** After such date, no person shall occupy, enter, refuse to leave, or remain in this structure or building or any part thereof, except persons directly employed in securing, repairing or removing such building.

3A. **THIS STRUCTURE OR BUILDING MUST BE REPAIRED TO CURE THE DEFECTS LISTED IN PARAGRAPH 1 ABOVE. WORK MUST BEGIN BY THE THIRTIETH (30TH) DAY FOLLOWING SERVICE OF THIS NOTICE AND PROCEED CONTINUOUSLY WITHOUT UNNECESSARY DELAY TO COMPLETION.** This order may be obeyed by demolition and removal of this structure. Upon failure to repair as herein required, the Code Official may, after hearing, order repairs to be made, and the cost thereof charged to the owner of this property as a special tax lien.

3B. **THIS STRUCTURE MUST BE DEMOLISHED AND REMOVED FROM THE PREMISES BY THE THIRTIETH (30TH) DAY FOLLOWING SERVICE OF THIS NOTICE.** If this structure is not demolished and removed by that date, the Code Official may, after hearing, order demolition and removal of this structure. The Code Official may, after hearing, order demolition and removal of this structure. The cost assessed against the property as a special tax lien. This demolition order is mandatory. However, it may be converted into a repair order, provided that plans and bids satisfying the requirements of Subsection 500.093(G) and, if applicable, Subsection 500.093(H) below be presented to the St. Charles County Division of Building Code Enforcement or the St. Charles County Division of Neighborhood Preservation as the case may be within thirty (30) days of the service of this notice.

D. **Posting Of Notice.** A copy of the Notice of Unsafe Structure and Declaration of Public Nuisance shall be posted in a prominent place on the premises.

E. **Method Of Service Of Notice.** The Notice of Unsafe Structure shall be recorded at the office of the St. Charles County Recorder and shall be served on all affected parties, namely owners, occupants, lessees, mortgagees, agents and all other persons having an interest in the unsafe building or structure as shown by the land records of the St. Charles County Recorder of Deeds. The notice may be served personally or by first class mail, postage prepaid, or if service cannot be had by either of these modes of service, then by at least one (1) publication in a newspaper of general circulation in St. Charles County.

F. **Restoration.** An unsafe structure may be restored to safe condition solely as authorized by the International Building or Residential Code of St. Charles County.

G. **Unreasonable Repairs General Provision.** As provided in the International Building or Residential Code of St. Charles County and subject to Subsection 500.093(H), below, the Director of the St. Charles County Division of Building Code Enforcement or of the St. Charles County Division of Neighborhood Preservation as the case may be shall presume that a structure or building may not be repaired if the Code Official determines that the cost of repairs would exceed seventy-five percent (75%) of the current assessed value of the unsafe structure or building as determined by the St. Charles County Assessor's most recent assessment. To rebut this determination, a property owner, within thirty (30) days of the service of a Notice of Unsafe Structure, must present to the Director who issued the notice three (3) signed bids from outside contractors.

H. **Unreasonable Repairs Special Provision For Unsafe Buildings Or Structures In Floodway, Floodway Fringe Or Density Floodway Zoning Districts As Defined By St. Charles County Zoning Regulations.** With respect to unsafe structures or buildings in Floodway, Floodway Fringe or Density Floodway zoning districts as defined in Article XI, Sections 405.245 et seq. of the Unified Development Ordinance of St. Charles County, Missouri, the Director of the St. Charles County Division of Building Code Enforcement or of the St. Charles County Division of Neighborhood Preservation as the case may be shall apply the non-conforming use provision specifically applicable in such zoning districts.

I. **Failure To Comply With Repair Or Demolition Order In Notice Of Unsafe Structure Notice Of Hearing Service.** If the affected parties fail to commence work on repairs or complete demolition within the time stated in the notice of unsafe structure, or if the affected parties fail to proceed continuously with the work without unnecessary delay, the Code Official shall call a hearing upon the matter, giving the affected parties twenty-one (21) days' written notice of the hearing. Said notice of hearing may be served personally or first class mail, postage prepaid, or if service cannot be had by either of these modes of service, then by at least one (1) publication in a newspaper of general circulation.

J. **Conduct Of Hearing.** The Director of the St. Charles County Division of Building Code Enforcement or of the St. Charles County Division of Neighborhood Preservation (hereinafter "Director") shall conduct a full and adequate hearing. Any affected party may be represented by counsel and all affected parties shall have an opportunity to be heard. Upon hearing the parties, the Director may find and conclude that the structure to be demolished is not unsafe and need not be demolished or repaired, or that the structure is unsafe and must be demolished, in which case the Director may order demolition or repair by the County as provided in Subsection (K) below or may institute legal action in a court of competent jurisdiction to compel demolition or repair.

K. **Cost Of Repair Or Demolition To Be Recovered By Tax Lien.** If the Director of the St. Charles County Division of Building Code Enforcement or of the St. Charles County Division of Neighborhood Preservation issues an order whereby the building or structure is demolished, secured or repaired at St. Charles County's expense, the cost of performance shall be certified to St. Charles County's Finance Officer who shall cause a special tax bill or assessment therefore against the property to be prepared and collected by the County Collector. At the request of the taxpayer, the tax bill may be paid in installments over a period of not more
L. **Salvage Materials.** If St. Charles County orders a building or structure demolished at the County's expense, the County is authorized to sell salvage and valuable materials and apply sales proceeds as provided by the International Property Maintenance Code, as adopted by St. Charles County.

M. **Appeal.** Affected parties may appeal from the determination of the Director of the St. Charles County Division of Building Code Enforcement or of the St. Charles County Division of Neighborhood Preservation as the case may be to the Circuit Court of St. Charles County as provided by Chapter 536, Revised Statutes of Missouri. (Ord. No. 10-040 §2, 6-2-10; Ord. No. 11-044 §1, 6-14-11)

### SECTION 500.094: LEVELS OF CONTAMINATION DUE TO PRODUCTION OF METHAMPHETAMINE AND PROTOCOLS FOR ABATING SUCH CONTAMINATION

A. **Title.** This Section is entitled and may be known as "Levels of Contamination Due to Production of Methamphetamine and Protocols for Abating Such Contamination".

B. **Purpose.** The purposes of this Section are:
   1. To adopt standards for identifying dangerous levels of toxic chemicals and residue associated with the production of methamphetamine; and
   2. To establish protocols whereby the St. Charles County Department of Community Development may cooperate with and rely on the Drug Task Force when applying the Property Maintenance Code of St. Charles County to order or cause the abatement of contamination in structures due to the production of methamphetamine.

C. **Definitions.** For purposes of this Section, the words or terms listed below are defined as follows:
   - **DEPARTMENT:** The St. Charles County Department of Community Development.
   - **DRUG TASK FORCE:** The St. Charles County Regional Drug Task Force, a multi-jurisdictional enforcement group or MEG established by intergovernmental agreements between St. Charles County and the municipalities of O'Fallon, St. Peters, Wentzville, Lake St. Louis and St. Charles pursuant to the Intergovernmental Drug Laws Enforcement Act, Sections 195.501 to 195.511, RSMo., as amended.
   - **METHAMPHETAMINE:** Dextro methamphetamine, levo methamphetamine, and unidentified isomers of the same, any racemic mixture of dextro/levo methamphetamine, or any mixture of unidentified isomers of methamphetamine. The term includes derivatives, conjugates, oxides and reduced forms of the basic structure associated with the formation of methamphetamine. For the purposes of this protocol, this term includes amphetamine, ephedrine and pseudoephedrine.
   - **QUALIFIED COMPANY OR QUALIFIED CONTRACTOR:** A company or contractor that tests structures for the presence of unsafe contamination and/or abates such unsafe contamination and that:
     1. Complies with the guidelines of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup (August 2009);
     2. Complies with the regulations of the Occupational Safety and Health Administration of the United States Department of Labor relating to hazardous waste operations and emergency response, including 29 Code of Federal Regulations Section 1910.120;
     3. Requires that at least one (1) employee or supervisor assigned to and on duty at any work site shall have completed the forty (40) hour Hazardous Waste Operations and Emergency Response (HASWOPER) training [Occupational Safety and Health Administration (OSHA) 29 CFR 1910]; and
     4. Requires its personnel to complete a clandestine drug lab assessment and decontamination course offered by a sponsor acceptable to the Drug Task Force and/or Department.
   - **UNSAFE CONTAMINATION:** The presence of chemicals in a structure at levels exceeding the levels for such chemicals as provided in Subsection (D), below.

D. **Unsafe Contamination.** A structure will be considered unsafe for purposes of the Property Maintenance Code of St. Charles County if it is found to contain any of the chemicals listed below at exposure limits above the levels listed below established by the National Institute for Occupational Safety and Health (NIOSH):
   1. Red Phosphorus--any amount
   2. Iodine Crystals C0.1 ppm (1 mg/m3)
   3. Sulfuric Acid TWA 1 mg/m3
   4. Hydrogen Chloride C 5 ppm (7 mg/m3)
   5. Hydrochloric Acid (Hcl gas) - C 5 ppm (7 mg/m3)
   6. Methamphetamine--in a concentration equal to or greater than 1.5 µgram/100 cm2
   7. Lead and Mercury--If it is determined that the phenyl-2-propanone (P2P) method of methamphetamine manufacturing was used, surface levels for lead in excess of 20 µg/ft2 and vapor samples for Mercury in excess of 50 ng/m3.

E. **Closure And Abatement Orders Upon Report And Investigation By Drug Task Force.**
1. When the Drug Task Force reports to the Department that a structure in unincorporated St. Charles County, or in a municipality that has contracted property maintenance services with St. Charles County, has been used for the production of methamphetamine or as a storage facility for chemicals used in the manufacturing of methamphetamine as identified in the preceding Subsection, the Department may order that structure closed pursuant to Section 109 of the Property Maintenance Code of St. Charles County. The Department shall rescind such an order if the Drug Task Force later reports that after testing and investigation it has not found unsafe contamination in that structure.

2. When the Drug Task Force reports to the Department that it has found unsafe contamination in a structure in unincorporated St. Charles County, or in a municipality that has contracted property maintenance services with St. Charles County, that has been used for the production of methamphetamine or as a storage facility for chemicals used in the manufacturing of methamphetamine as identified in the preceding Subsection, the Department shall order that structure closed pursuant to Section 109 of the Property Maintenance Code of St. Charles County.

F. Supplementary Notice And Instructions.

1. While closure and abatement orders pursuant to Section 109 of the Property Maintenance Code of St. Charles County may be provided by Section 107 of the Property Maintenance Code of St. Charles County.

2. Such notice shall direct the owner to contact the Department's Division of Neighborhood Preservation within twenty (20) calendar days to establish a schedule for decontaminating the structure, and further advise the owner that failure to contact the Department within that time specified may result in the Department's request to disconnect electric service in order to ensure that the structure is not re-occupied until it is decontaminated.

3. Such notice shall also inform the owner that if the owner contacts the Department within the time specified in the notice, the owner may request to have the structure retested, but such retesting must be performed as follows.
   a. The owner must employ the services of a qualified company or contractor to perform sampling and to analyze the samples.
   b. An inspector for the County must be present when the qualified company or contractor takes samples and the owner shall pay an inspection fee of forty dollars ($40.00), payment of which must be made prior to the appointment for taking samples.
   c. Sampling and testing shall be performed in accordance with the appropriate Sections of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup (August 2009).
   d. The qualified company or contractor engaged by the owners must report the results of its analysis of the samples taken to the Department.

G. Decontamination.

1. If testing confirms the presence of unsafe contamination in a structure, the owner shall hire a qualified contractor or company to decontaminate the structure and will advise the Department of the schedule for decontamination.

2. The schedule for the work and evidence that the qualified contractor or company meets the requirements of this Section must be submitted for approval to the Department within twenty (20) calendar days of the receipt of notice. Approval will be based solely on the timeliness of the schedule and the qualifications of the contractor. Approval or rejection of the schedule will be provided within a reasonable time of submission. If rejected the owner will be informed, in writing, of specific reasons for the rejection and will be required to amend the schedule or the proposed qualified contractor or company. Decontamination shall be performed in accordance with the appropriate Sections of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup (August 2009).

3. If the owner of property determined to have unsafe contamination fails to voluntarily abate that contamination, the Department may serve a Notice of Violation and proceed in accordance with Section 500.093, Ordinances of St. Charles County, Missouri. The Department may request disconnection of the electrical service until the decontamination is complete.

4. Post decontamination sampling. Following the completion of the work the owner shall notify the Department that work is complete and the owner must provide written test results as evidence that the property is compliant with this regulation. The post remediation sampling and testing must be performed by a qualified contractor or company other than and independent of the contractor or company that performed the decontamination and that sampling and testing must be done in accordance with the appropriate Sections of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup (August 2009).

H. Final Action. After the property has been decontaminated and the Department is in possession of evidence that the pertinent chemical levels are below the levels established for unsafe contamination by this Section, the structure will be considered safe and suitable for performance of a full inspection for an occupancy permit in accordance with Section 103.2 of the Property Maintenance Code of St. Charles County, Section 500.090, OSCCMo. If electric service has been disconnected, the Department will notify the electric utility company that the unsafe condition has been mitigated and service can be restored. The property owner shall be responsible for any re-connection fees. (Ord. No. 11-121 §1, 12-29-11)
St. Charles County -- QuickCode

to the towing of abandoned vehicles which Chapter 304, Revised Statutes of Missouri, as amended, vests in St. Charles County, or in the St. Charles County Sheriff, in any other agency of law enforcement, or, finally, in any owners of private property on which vehicles belonging to others may be abandoned.

C. Authority To Declare Nuisance And Order Removal. The Director of Neighborhood Preservation or his/her designee may declare a motor vehicle or trailer, if parked on private property in violation of Section 302.8 of the Property Maintenance Code of St. Charles County, as adopted with amendments in Section 500.090.22, OSCCMo, to be a nuisance and order the removal of that motor vehicle or trailer.

D. Responsibility For Removal. Upon proper notice of such declaration and order, and if an opportunity to be heard is given, the owner of the motor vehicle or trailer and the owner and the occupant (if other than the owner) of the real property whereon the motor vehicle or trailer is situated shall be jointly and individually liable for the removal of that motor vehicle or trailer. In the event of removal or disposition or both by the County, the owner of the motor vehicle or trailer and the owner or occupant of the private property where same is located shall be jointly and individually liable for the expenses incurred.

E. Notice Procedure.

1. The Director of Neighborhood Preservation or his/her designee shall give notice of the declaration and order authorized by Subsection (C), above, to the owner of the motor vehicle or trailer, if ascertainable, and to the owner or occupant of the private property where it is located. Such notice shall be given at least seven (7) days before the time set for compliance and shall also schedule a hearing on the same day as the date of compliance in the event any party seeks to be heard rather than comply with the order. Any request for an alternate date, which may be no later than three (3) days thereafter as provided by the notice, must be:
   a. Filed with the Director of Neighborhood Preservation no later than three (3) days prior to the time set for compliance; and
   b. Filed on a form developed for that purpose by the Director of Neighborhood preservation and served with the above-mentioned notice; and
   c. Served on all parties to whom the above-mentioned notice was addressed.

2. It shall constitute sufficient notice for a copy of the declaration and order a) to be left at the residence of the occupant, if any, of the private property on which the motor vehicle or trailer is located, b) to be placed on the motor vehicle or trailer, and c) to be sent by first class mail, postage prepaid, to the owner of the motor vehicle or trailer, if ascertainable, and d) to be sent by first class mail, postage prepaid, to the owner of the private property at the owner's last known address according to the records of St. Charles County.

3. The declaration and order shall provide the following information:
   a. Cite the violation of the Property Maintenance Code of St. Charles County;
   b. Declare that violation to be a nuisance;
   c. Order the removal of the motor vehicle or trailer within the seven (7) day period;
   d. State that there is a right to a hearing, set a date for such hearing no sooner than the end of the seven (7) day period mentioned above, and provide notice that at any time prior to the scheduled hearing date, any party may file with the Code Official and serve on all other parties a written request for an alternate hearing date, which the Code Official shall schedule forthwith, with notice to all parties; and
   e. Advise that upon failure to comply with the order to remove, the County shall undertake such removal with the cost of removal to be levied against the owner or occupant of the real property upon which the vehicle is situated, or the owner of the vehicle.

F. Removal Of Motor Vehicle Or Trailer From Private Property.

1. The Director of Neighborhood Preservation or his/her designee, including the St. Charles County Sheriff or his/her designee, shall have the right to enter upon private property to take possession of the motor vehicle or trailer and remove it from the premises if the violation has not been remedied within the seven (7) day compliance period, subject to the following provisos:
   a. The timely request for an alternate hearing date shall stay the compliance period until such time as the Director of Neighborhood Preservation has entered a decision and for such additional period of time as shall be allotted by the Director of Neighborhood Preservation if abatement is ordered.
   b. The Director of Neighborhood Preservation or his/her designee or the St. Charles County Sheriff or his/her designee shall not enter upon private property dedicated to residential use without the consent of its residential occupant(s) or a duly issued warrant from a court of competent jurisdiction.

2. It shall be unlawful for any person to interfere with, hinder or refuse to allow the Director of Neighborhood Preservation or his/her designee or the St. Charles County Sheriff or his/her designee to enter upon private property for the purpose of removing a motor vehicle or trailer in accordance with this Vehicle Removal Code.

3. Within seventy-two (72) hours of the removal of a motor vehicle or trailer from private property, the Director of Neighborhood Preservation or his/her designee or the St. Charles County Sheriff or his/her designee shall give notice to the Director of Revenue of the State of Missouri, the registered owner of the motor vehicle or trailer, if ascertainable, and to the owner and occupant, if any, of the private property from which the motor vehicle or trailer was removed, that said motor vehicle or trailer has been impounded and stored for violation of the Property Maintenance Code of St. Charles County. The notice shall describe the motor vehicle or trailer, give the location where it is stored, and state that its owner or the owner or occupant (if any) of the property from which it was removed will be charged with the cost of removal and storage.
G. Procedure For Hearing.

1. A public hearing shall be conducted before the Director of Neighborhood Preservation. Formal rules of evidence shall not apply; however, the parties shall have the right to present evidence, confront and cross-examine witnesses, and receive a written decision based upon the facts adduced at the hearing.

2. The public hearing held by the Director of Neighborhood Preservation is to determine whether there are reasonable grounds to believe that the motor vehicle or trailer ordered to be towed violates the Property Maintenance Code of St. Charles County.

3. If after hearing the Director of Neighborhood Preservation is satisfied that there are reasonable grounds to believe that such a violation exists, the Director shall order the vehicle's removal. The Director may impose such conditions and take such other action as deemed appropriate under the circumstances to carry out the purpose of this code and may delay the time for the removal of the motor vehicle or trailer if, in the Director's opinion, the circumstances justify it. In the alternative, the Director of Neighborhood Preservation shall enter an order allowing such vehicle to remain if the he or she finds no violation or nuisance. The costs of removal, storage and advertising expenses, if any, shall be charged against the County or the owner of the vehicle or private property as deemed appropriate by the Director of Neighborhood Preservation.

H. Method Of Removal And Disposition Of Motor Vehicles, Trailers And Property.

1. If a motor vehicle or trailer declared to be a nuisance or ordered removed is not timely removed or if that declaration and order is rescinded after hearing pursuant to this Vehicle Removal Code, the Director of Neighborhood Preservation shall notify the St. Charles County Sheriff to remove or cause to be removed any motor vehicle or trailer. Upon receiving that notification, the St. Charles County Sheriff or his/her designee may remove or cause to be removed any such motor vehicle or trailer in accordance with the provisions of this Vehicle Removal Code by requesting such services of a service station, towing operator, salvage dealer or motor vehicle repair shop under contract with St. Charles County for towing services. Such vehicles or trailers shall be placed in a garage, towing service facility, auto repair shop or other place designated or maintained by the St. Charles County Sheriff.

2. Neither the Director of Neighborhood Preservation, nor the St. Charles County Sheriff, nor any of their designees, nor, finally, anyone having custody of a motor vehicle or trailer towed pursuant to this Vehicle Removal Code shall be liable for any damage to such motor vehicle or trailer occasioned by its removal other than damages occasioned by gross negligence or willful or wanton acts or omissions, except as provided by Section 304.154, Revised Statutes of Missouri, as amended.

3. The owner of a motor vehicle or trailer removed pursuant to this Section shall be responsible for payment of all reasonable charges for towing and storage of such motor vehicle or trailer, except that if it has been reported as stolen or taken without the consent of the owner, the owner shall be responsible only for its storage for any period after five (5) business days after receiving the notice of removal provided by the Missouri Director of Revenue pursuant to Section 304.155 Revised Statutes of Missouri, as amended.

4. Upon the towing of any vehicle under this Section, the Department shall make an inquiry with the National Crime Information Center and any statewide Missouri law enforcement computer system to determine if the vehicle has been reported as stolen. The Department shall submit a report to the Missouri Director of Revenue within five (5) working days of the towing of the vehicle. Such report shall include the following:
   a. The year, model, make and vehicle identification number of the motor vehicle or trailer;
   b. A description of any damage to the motor vehicle or trailer noted by the Law Enforcement Officer;
   c. The license number;
   d. The storage location of the towed motor vehicle or trailer;
   e. The name and address of the tower;
   f. The date of the authorization to tow the vehicle; and
   g. The date of the inquiry of the National Crime Information Center and any statewide Missouri law enforcement computer system to determine if the motor vehicle or trailer had been stolen.

5. The owner of such vehicle or the holder of a valid security interest therein which is in default may reclaim it from the service station, towing operator, salvage dealer or motor vehicle repair shop upon proof of ownership or valid security interest which is in default and upon payment of all reasonable charges for the towing and storage of the motor vehicle or trailer.

6. Any person who removes a motor vehicle or trailer at the direction of the St. Charles County Sheriff as provided in this Section shall have a lien for all reasonable charges for the towing and storage of the vehicle, until possession of the motor vehicle or trailer is voluntarily relinquished to the owner of the motor vehicle or trailer or to the holder of a valid security interest therein which is in default. Such lien shall be enforced in the following manner:
   a. The lienholder in possession shall request the St. Charles County Sheriff to make inquiry with the National Crime Information Center and any statewide Missouri law enforcement computer system to determine if the vehicle had been reported stolen and in whose name the vehicle is registered;
   b. The lienholder in possession shall notify by registered mail, postage prepaid, the owner, if known, and any lienholders of record at their last known addresses that application for a certificate of title will be made unless the owner or lienholder of record makes satisfactory arrangements with the person holding the vehicle for payment of towing and storage within thirty (30) days of the mailing of the notice. This notice shall be supplied by the use of a form designed and provided by the Missouri Director of Revenue;
c. Thirty (30) days after the notification form has been mailed and the vehicle is unredeemed and no satisfactory arrangement has been made with the lienholder in possession for continued storage, the lienholder in possession may apply to the Missouri Director of Revenue for a certificate of title if the towed vehicle is titled in Missouri. The application shall be accompanied by:

1. The original or a conformed or photostatic copy of the Department's written report authorizing the tow;
2. An affidavit of the lienholder in possession that he has been in possession of the towed vehicle for thirty (30) days and that the owner has failed to make arrangements for payment of towing and storage charges;
3. A copy of the receipt indicating that the owner or lienholder of record has received the notice required by Subdivision (b) of this Subsection;
4. An inspection certificate shall be completed by the Department on a form provided by the Missouri Department of Revenue. If the officer who authorized the tow is not available to inspect the vehicle and complete the certificate, the Department may designate another officer to inspect the vehicle and complete the form. The inspection shall be made at least thirty (30) days after the date of towing. The inspection certificate shall be dated to reflect the date of the inspection;
5. Any fee as provided by State Statute.

7. If a certificate of ownership has not been previously issued in Missouri on the towed vehicle, the lienholder in possession of the vehicle shall obtain ownership verification from the State in which the vehicle was last registered or titled, if known. If the lienholder is unable to determine the last known State of issuance of certificate of ownership or registration, he shall request ownership verification through any available nationwide network of vehicle records and shall notify the last owner of record and lienholder. The lienholder, upon notification of the last owner and any lienholder of record, shall comply with Subsection (6) of this Section before a certificate of ownership is issued.

8. Towing operators, service stations, salvage dealers, or motor vehicle repair shops who tow or store vehicles according to this Section shall keep a record for three (3) years on each vehicle towed and not reclaimed by the owner of the vehicle. Such record shall contain a copy of the Department's authorization to tow, copies of all correspondence with the Missouri Department of Revenue concerning the vehicle, and information concerning the final disposition of the possession of the vehicle.

9. Personal property found within a vehicle, except items affixed to the vehicle, shall be considered and treated as lost property.

10. Any other provision of this Chapter notwithstanding, when the Department sells an abandoned vehicle in accordance with the terms of this Chapter, the Department may transfer ownership by means of a bill of sale signed by the County Registrar or his/her deputy and sealed with the official County Seal. Such bill of sale shall contain the make and model of the vehicle, the complete vehicle identification number and the odometer reading of the vehicle and shall be lawful proof of ownership for any dealer registered under the provisions of Section 301.218 or 301.251, Revised Statutes of Missouri, as amended, or for any other person. Any dealer or other person purchasing such a vehicle from the Department shall apply within thirty (30) days of purchase for a certificate of ownership as provided in Section 301.190, Revised Statutes of Missouri, as amended, or for a junking certificate as provided in Section 301.227, Revised Statutes of Missouri, as amended.

Redemption Of Impounded Vehicles. The owner of any vehicle seized under the provisions of this Vehicle Removal Code may redeem the vehicle at any time during the normal business hours after the vehicle removal, but prior to the sale or destruction of the vehicle upon proof of ownership and payment to the St. Charles County Sheriff or his/her designee of such sum as may be determined and fixed by the Sheriff or his/her designee for the actual and reasonable expense of removal, storage and advertising expenses, if any. (Ord. No. 07-178 §1, 12-27-07)

SECTION 500.096: INTERFERENCE WITH DIRECTOR OF NEIGHBORHOOD PRESERVATION WHEN REMOVING VEHICLE IN ACCORDANCE WITH SECTION 500.095

A. Interference Prohibited. It shall be unlawful for any person to interfere with, hinder or refuse to allow the Director of Neighborhood Preservation or his/her designee or the St. Charles County Sheriff or his/her designee to enter upon private property for the purpose of removing a motor vehicle or trailer in accordance with a duly authorized order issued under the Vehicle Removal Code of St. Charles County, Section 500.095, OSCCMo.

B. Penalty. Any person violating Subsection (A) above shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than one thousand dollars ($1,000.00) and/or one (1) year's imprisonment for a term not exceeding one (1) year. Each act in violation of Subsection (A) above shall be deemed a separate offense. (Ord. No. 07-179 §§1--2, 12-27-07)

ARTICLE IX. MOBILE OR MANUFACTURED HOMES

SECTION 500.100: MOBILE OR MANUFACTURED HOMES -- INSTALLATION AND TIE-DOWN -- MAINTENANCE -- ALTERATION -- DAMAGE -- ADOPTION BY REFERENCE OF FEDERAL AND STATE REGULATIONS -- VIOLATIONS

A. Installation And Tie-Down--As Required By Applicable State Regulations. An owner or occupant of a mobile or manufactured home shall ensure that it is installed and tied down as required by the applicable regulations promulgated by the Public Service Commission of the State of Missouri.
B. Maintenance--As Required By The Property Maintenance Code--Exceptions And Conditions. An owner or occupant of a mobile or manufactured home shall be subject to the Property Maintenance Code of St. Charles, Missouri, Section 500.090, Ordinances of St. Charles County, Missouri ("OSCCMo") with the following exceptions and conditions.

1. Such owner or occupant shall not be subject to codes referenced in the Property Maintenance Code if those referenced codes are pre-empted by applicable regulations of the United States Department of Housing and Urban Development or the Public Service Commission of the State of Missouri.

2. An owner or occupant of a mobile or manufactured home shall maintain it in conformity with applicable regulations of the United States Department of Housing and Urban Development or the Public Service Commission of the State of Missouri in force at the time of the home's manufacture.

C. Alteration--Permit Required--Conformity To Applicable Federal And State Regulations And County Codes Required. No owner or occupant of a mobile or manufactured home shall alter it unless:

1. Such owner or occupant obtains a building permit from the Division of Building Code Enforcement, which shall be subject to the conditions and requirements set out in Chapter 1, Sections R101 through R114 of the Residential Code for One- and Two-Family Dwellings of St. Charles County, Section 500.070, OSCCMo; and

2. Such owner or occupant submits plans for the proposed alteration demonstrating conformity with:
   a. Applicable regulations, including building, mechanical and plumbing regulations, of the United States Department of Housing and Urban Development or the Public Service Commission of the State of Missouri in force at the time of the home's manufacture; and
   b. Applicable provisions of the Electric Code of St. Charles County, Sections 500.030--500.040, OSCCMo; and
   c. Applicable provisions the Unified Development Ordinance of St. Charles County, Chapters 405--412, OSCCMo; and

3. Such owner or occupant pays an application fee for such permit as authorized by ordinance.

D. Damage Or Alterations That Impair Structural Integrity. A mobile or manufactured home may be subject to administrative proceedings to condemn, close or demolish it pursuant to the Property Maintenance Code of St. Charles County, Section 500.090, OSCCMo, as provided below.

1. The Director of Neighborhood Preservation shall institute such proceedings if he makes the following determinations.
   a. The structure of a mobile or manufactured home has been altered or has been damaged by neglect or deterioration or by fire, wind or flooding, and
   b. That alteration or damage affects the integrity of the structure.

2. However, in all such cases, an owner or occupant of any such mobile or manufactured home may submit to the Building Code Enforcement Division for its review and approval a building permit application with plans showing alterations made or alterations to be made in order to repair structural damage.
   a. In the event the Director of the Building Code Enforcement Division cannot make a determination that such alterations or repairs will result in a structure that is structurally sound and in conformity with applicable regulations of the United States Department of Housing and Urban Development or the Public Service Commission of the State of Missouri in force at the time of the home's manufacture, such plans shall be disapproved.

3. The Director of Neighborhood Preservation may stay proceedings under Subparagraph (1) above pending review of building permit applications under Subparagraph (2) above if public safety is not affected adversely.

3. The Director of Neighborhood Preservation may stay proceedings under Subparagraph (1) above upon approval of any building permit application under Subparagraph (2) above.

E. Adopted Federal And State Standards. St. Charles County adopts by reference the following Federal and State regulations applicable to mobile or manufactured homes promulgated by the United States Department of Housing and Urban Development or by the Public Service Commission of the State of Missouri:

1. 24 Code of Federal Regulations ("CFR") Part 3280 (Manufactured Home Construction and Safety Standards) as currently in force or as amended hereafter;

2. Earlier versions of 24 CFR Part 3280 if and as applicable at the time of the manufacture of a mobile or manufactured home subject to this Section;
ARTICLE X. COUNTY BUILDING COMMISSION

SECTION 500.110: ESTABLISHMENT
A nine (9) member County Building Commission is hereby established. The Commission shall consist of one (1) representative each from the electrical profession, the plumbing profession, the mechanical profession, the architectural profession, the engineering profession, the residential construction industry and the commercial construction industry; one (1) County resident with no economic or family connections to the construction industry or building trades; and a designated representative from the membership of the County Council. All members shall be registered voters and taxpayers who shall have resided in St. Charles County for a period of not less than one (1) year prior to their appointment. (Ord. No. 95-91 §1, 6-28-95)

SECTION 500.120: APPOINTMENT
Each member of the Building Commission shall be appointed by the County Executive with approval of the County Council, pursuant to the St. Charles County Charter Article V, Section 5.104(1992). (Ord. No. 95-91 §2, 6-28-95)

SECTION 500.130: TERMS
The initial appointments of the County Executive to the Building Commission shall include three (3) appointments for one (1) year, three (3) appointments for two (2) years and two (2) appointments for three (3) years. Successive appointments shall be for three (3) year terms expiring on June thirtieth (30th) of the year. The County Council representative shall have no term. Pursuant to the St. Charles County Charter Article V, Section 5.104 (1992), the County Executive shall appoint the members of the Building Commission with the approval of the County Council. (Ord. No. 95-91 §3, 6-28-95)

SECTION 500.140: REMOVAL
Removal of a member for good cause, such as conviction of a crime, misappropriation of public funds, and malfeasance in office, during the term may be made by ordinance. (Ord. No. 95-91 §4, 6-28-95)

SECTION 500.150: OATH
Each member shall take an oath, to be administered by the County Registrar, to insure that the spirit and intent of this Article shall be observed, the welfare of the public upheld, and substantial justice is done. (Ord. No. 95-91 §5, 6-28-95)

Editor's Note—Reference to county clerk was changed to county registrar in accordance with ord. no. 01-121, adopted 9-26-01, set out in §129.010 of this code.

SECTION 500.160: COMPENSATION
Any compensation shall be fixed by the County Executive as part of the annual budget, subject to approval by the County Council. (Ord. No. 95-91 §6, 6-28-95)

SECTION 500.170: VACANCIES
Vacancies or absences on the Building Commission caused by death, incapacity to perform duties, failure to attend three (3) consecutive regular meetings, or resignation shall be filed forthwith by appointment pursuant to the St. Charles County Charter Article V, Section 5.104 (1992) and Section 500.120 of this Article. (Ord. No. 95-91 §7, 6-28-95)

SECTION 500.180: MEETINGS
A. The Building Commission shall meet regularly at least quarterly for the purpose of the transaction of its business and meet specially as needed. It shall keep a public record of its resolutions, transactions, findings and recommendations.
B. Place. The Commission may meet at any public place within St. Charles County, but will normally meet in one of the County owned facilities.

C. Time. The Commission shall hold meetings at such times as its deems necessary in order to exercise its powers and duties. (Ord. No. 95-91 §8, 6-28-95)

SECTION 500.190: PROCEDURAL REQUIREMENTS AT HEARINGS

The Building Commission shall observe all the following procedural requirements while taking evidence at hearings or meetings:

1. Any interested person may introduce evidence so long as it complies with these rules and the fundamental rules of evidence.

2. Oral evidence shall only be taken in compliance with this Section 500.190 of this Article.

3. All proceedings shall be suitably recorded and preserved. A copy of the transcript of such proceeding shall be made available to any interested person upon the payment of a fee which shall in no case exceed the reasonable cost of preparation and supply.

4. Records and documents of the Commission may be introduced so as to be a part of the record, but the records and documents may be considered as a part of the record by reference thereto when so offered.

5. The Commission shall take official notice of the St. Charles County Charter and ordinances and all matters of which the courts take judicial notice. They may also take official notice of technical or scientific facts, not judicially cognizable, within their competence, if they notify the parties, either before the hearing or during the hearing of the facts of which they propose to take such notice and give the parties reasonable opportunity to contest such facts or otherwise show that it would not be proper for the Commission to take such notice of them.

6. Copies of writings, documents and records shall be admissible without proof that the originals thereof cannot be produced, if it shall appear by testimony or affidavit or certification by the custodian of the writings, documents or records that the copy offered is a true copy of the original.

7. Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of an act, transaction, occurrence or event, shall be admissible as evidence of the act, transaction, occurrence or event, if it shall appear that it was made in the regular course of any business, and that it was the regular course of such business to make such memorandum or record at the time of such act, transaction, occurrence, or event or within a reasonable time thereafter. All other circumstances of the making of such writing or record, including lack of personal knowledge by the entrant or maker, may be shown to affect the weight of such evidence, but such showing shall not affect its admissibility. The term "business" shall include business, profession, occupation and calling of every kind.

8. The results of statistical examinations or studies, or of audits, compilation of figures, or surveys, including interviews with many persons or examination of many records, or of long or complicated accounts, or of a large number of figures, or involving the ascertainment of many related facts, shall be admissible as evidence of such results, if it shall appear that such examination, study, audit, compilation of figures, or survey was made by or under the supervision of a witness, who is present at the hearing, who testifies to the accuracy of such results, and who is subject to cross-examination by the Commission, and if it shall further appear by evidence adduced that the witness making or under whose supervision such examination, study, audit, compilation of figures, or survey was made was basically qualified to make it. All the circumstances relating to the making of such an examination, study, audit, compilation of figures or survey, including the nature and extent of the qualifications of the maker, may be shown to affect the weight of such evidence, but such showing shall not affect its admissibility.

9. Any party of the Commission desiring to introduce an affidavit in evidence at a hearing must file the affidavit with the Commission not later than seven (7) days prior to the hearing. (Ord. No. 95-91 §9, 6-28-95)

SECTION 500.200: DUTIES/POWERS

The following shall be the duties and powers of the Building Commission:

1. The Commission shall have the power to develop, prepare and recommend to the County Executive and County Council for adoption by ordinance a Building Code, Electrical Code, Mechanical Code, Plumbing Code, Fire Prevention Code, Private Sewage Disposal Code, Property Maintenance Code and any other Code deemed necessary for the purpose of promoting the public safety, health and general welfare, protecting life and property and preventing the construction of fire hazardous buildings in the unincorporated territory of the County.

2. The Commission shall have the power to develop, prepare and recommend to the County Executive and County Council for adoption by ordinance only procedures for the regulation and licensing of contractors and tradesmen deemed necessary by the Commission for the purpose of promoting the public safety, health and general welfare, protecting life and property and preventing the construction of fire hazardous buildings in the unincorporated territory of the County.

3. The Commission shall have the power to develop, prepare and recommend to the County Executive and County Council for adoption by ordinance schedules of permit, license and inspection fees.

4. The Commission shall serve as a Board of Code Appeals for appeals of decisions of the Chief Code Enforcement Officer regarding the manner of construction or materials used in the erection, alteration or repair of a building or structure.

5. The Commission may adopt rules of procedure consistent with the provisions of Federal and State law and the St. Charles County Charter and ordinances.
a. The rules adopted by the Commission must be deemed necessary to conduct its business;
b. The rules shall be adopted by a majority of the entire Commission;
c. A copy of the rules adopted by the Commission shall be filed with the County Registrar;
d. The Commission may amend such rules of procedure by following the same requirements for the adoption of such rules;
e. In the event that the Commission has not adopted Rules of Procedure or where the Commission's own Rules of Procedure are lacking, the Commission shall follow Robert's Rules of Order.
f. The rules adopted must provide for the keeping of appropriate records which are approved by the Commission and signed by the Chair of the Commission;
g. The rules adopted by the Commission must provide that within thirty (30) days following each meeting, the Commission shall file with the County Registrar a record of its proceedings.

6. The Commission shall have all powers given to County Building Commissions under Missouri law. (Ord. No. 95-91 §10, 6-28-95)

SECTION 500.210: MAJORITY
A majority of the Commission shall constitute a quorum, and a majority of the members shall determine all matters of appeal or revision. (Ord. No. 95-91 §11, 6-28-95)

CHAPTER 503: MISCELLANEOUS BUILDING REGULATIONS

SECTION 503.010: REGULATIONS CONCERNING FIRE SPRINKLERS -- BUILDERS TO OFFER
Notwithstanding any provision to the contrary in any code adopted in this Title V, Ordinances of St. Charles County, Missouri, no purchaser of a single-family dwelling or residence or of a multi-unit dwelling having four (4) or fewer units shall be denied the right to choose, or the right to decline, to have installed a fire sprinkler in such dwelling or residence. Builders of such units shall offer to purchasers on or before the time of entering into the purchase contract the option, at the purchaser's cost, to install or equip fire sprinklers in the dwelling, residence or unit. But the provision of such fire sprinklers systems shall not be a condition or requirement for issuance of any permit authorized or required by any code adopted in this Title V, Ordinances of St. Charles County, Missouri. (Ord. No. 10-040 §3, 6-2-10)

CHAPTER 505: FEES

SECTION 505.010: RESERVED
Editor's Note--Ord. no. 11-105 §1, adopted December 2, 2011, repealed section 505.010 "wells and septic tanks--fees for third party inspections" in its entirety. Former section 505.010 derived from ord. no. 95-89 §1, 6-28-95.

SECTION 505.020: PERMIT AND INSPECTION FEES -- GENERALLY

A. Basic Building Permit Fee.

1. The Division of Building Code Enforcement shall charge a basic building permit fee for each plan examination, building permit or inspection for any construction subject to the Building Code of St. Charles County, Section 500.010, Ordinances of St. Charles County, Missouri ("OSCCMo") or the Residential Code for One- and Two-Family Dwellings of St. Charles County, Section 500.070, OSCCMo., and including modular structures, as defined in the Unified Development Ordinance, Section 405.060, OSCCMo., unless construction is subject to a miscellaneous building permit fee established in this Section.

2. The basic building permit fee shall be a minimum of sixty dollars ($60.00) or the product of three (3) factors:
   a. The gross area of the building to be permitted,
   b. The "square foot construction cost" of the building to be permitted, and
   c. The current "permit fee multiplier" as provided in The International Code Council's "Building Valuation Data" as published in The International Code Council's Building Safety Journal, October, 2004, (or as later updated and reprinted in that periodical), or the actual cost of construction, whichever is greater.

3. The Director of the Division of Building Code Enforcement shall compute the "permit fee multiplier" annually and by January thirtieth (30th) of each year post it at the offices of the Division and publish it on the Internet home page of St. Charles County.
4. A minimum charge of sixty dollars ($60.00) or a charge of one-fourth (¼)/twenty-five percent (25%) of the permit fee, whichever is greater, shall be collected for the plan examination and administrative processing of a building permit application that is ready for issuance, but has since been canceled or abandoned by the applicant for any reason. Failure to pay this fee shall be subject to penalties authorized by the Building Code of St. Charles County, Section 500.010, and the Residential Code, Section 500.070, Ordinances of St. Charles County, Missouri.

B. Reserved.

C. Reserved.

D. Miscellaneous Building Permit Fees.

1. The Division of Building Code Enforcement shall charge the following fees for permits under the codes identified below, which fees are based on the Division's costs for issuing each type of permit and for performing inspections required to determine compliance with each type of permit. Beginning on January 1, 2012, the Division shall recalculate its costs each January first (1st) to determine whether they have changed. At that time, the Division shall adjust the fees set out below to ensure that they do not exceed recalculated costs, and the Division may increase fees to cover increases in costs that may have occurred since a fee's previous adjustment. However, no fee may be increased by more than four percent (4%) per annum for the year or years covered by the fee increase. The Division shall post current permit fees at the Division and on the Division's website each January first (1st).

a. The Division of Building Code Enforcement shall charge the following fees for permits issued under the Mechanical Code, Section 500.020 of this Title:

   (1) Sixty dollars ($60.00) or the estimated cost of construction multiplied by the "Permit Fee Multiplier" established by Section 505.020(A)(2)(c) of this Chapter, whichever is greater, for residential construction.

   (2) Eighty dollars ($80.00) or the estimated cost of construction multiplied by the "Permit Fee Multiplier" in Section 505.020(A)(2)(c) of this Chapter, whichever is greater, for commercial construction.

b. The Division of Building Code Enforcement shall charge the following fees for permits issued under the Electrical Code, Sections 500.030 and 500.040 of this Title:

   (1) Sixty dollars ($60.00) or the estimated cost of construction multiplied by the "Permit Fee Multiplier" in Section 505.020(A)(2)(c) of this Chapter, whichever is greater, for residential construction.

   (2) Sixty dollars ($60.00) for a single- or double-wide mobile home or manufactured home.

   (3) Eighty dollars ($80.00) or the estimated cost of construction multiplied by the "Permit Fee Multiplier" in Section 505.020(A)(2)(c) of this Chapter, whichever is greater, for commercial construction.

c. The Division of Building Code Enforcement shall charge the following fees for permits issued under the Plumbing Code, Section 500.080 of this Title:

   (1) Sixty dollars ($60.00) or the estimated cost of construction multiplied by the "Permit Fee Multiplier" in Section 505.020(A)(2)(c) of this Chapter, whichever is greater, for residential construction.

   (2) Eighty dollars ($80.00) or the estimated cost of construction multiplied by the "Permit Fee Multiplier" in Section 505.020(A)(2)(c) of this Chapter, whichever is greater, for commercial construction.

   (3) For installation or repair of a lateral sewer line: Fifty dollars ($50.00) or the estimated cost of construction multiplied by the "Permit Fee Multiplier" in Section 505.020(A)(2)(c) of this Chapter, whichever is greater.

   (4) For installation of a lawn-sprinkler system: Fifty dollars ($50.00) or the estimated cost of construction multiplied by the "Permit Fee Multiplier" in Section 505.020(A)(2)(c) of this Chapter, whichever is greater.

   (5) For installation of a water service line: Fifty dollars ($50.00) or the estimated cost of construction multiplied by the "Permit Fee Multiplier" in Section 505.020(A)(2)(c) of this Chapter, whichever is greater.

d. The Division of Building Code Enforcement shall charge the following fees for permits issued under the Private Sewage Disposal Code, Section 500.080 of this Title: Sixty dollars ($60.00).

   (1) For installation of a residential private sewage disposal system: One hundred fifty dollars ($150.00) or the estimated cost of construction multiplied by the "Permit Fee Multiplier" in Section 505.020(A)(2)(c) of this Chapter, whichever is greater.

   (2) For installation of a commercial private sewage disposal system: Two hundred fifty dollars ($250.00) or the estimated cost of construction multiplied by the "Permit Fee Multiplier" in Section 505.020(A)(2)(c) of this Chapter, whichever is greater.

e. The Division of Building Code Enforcement shall charge the following fees for miscellaneous permits issued under the Building Code, Section 500.080 of this Title:

   (1) For an above-ground swimming pool: One hundred dollars ($100.00) or the estimated cost of construction multiplied by the "Permit Fee Multiplier" in Section 505.020(A)(2)(c) of this Chapter, whichever is greater.

   (2) For an in-ground swimming pool: One hundred fifty dollars ($150.00) or the estimated cost of construction multiplied by the "Permit Fee Multiplier" in Section 505.020(A)(2)(c) of this Chapter, whichever is greater.
(3) For a deck: One hundred dollars ($100.00) or the estimated cost of construction multiplied by the "Permit Fee Multiplier" in Section 505.020(A)(2)(c) of this Chapter, whichever is greater.

(4) For an accessory structure: One hundred dollars ($100.00) or the estimated cost of construction multiplied by the "Permit Fee Multiplier" in Section 505.020(A)(2)(c) of this Chapter, whichever is greater.

(5) For a detached garage: One hundred dollars ($100.00) or the estimated cost of construction multiplied by the "Permit Fee Multiplier" in Section 505.020(A)(2)(c) of this Chapter, whichever is greater.

(6) For a pole barn: One hundred dollars ($100.00) or the estimated cost of construction multiplied by the "Permit Fee Multiplier" in Section 505.020(A)(2)(c) of this Chapter, whichever is greater.

(7) For a fence: Sixty dollars ($60.00) or the estimated cost of construction multiplied by the "Permit Fee Multiplier" in Section 505.020(A)(2)(c) of this Chapter, whichever is greater.

(8) For a retaining wall: One hundred dollars ($100.00) or the estimated cost of construction multiplied by the "Permit Fee Multiplier" in Section 505.020(A)(2)(c) of this Chapter, whichever is greater.

(9) For a temporary structure (i.e. tent, stand, structure, etc.): Sixty dollars ($60.00).

(10) For erection of a single-wide mobile home/manufactured home on a privately owned lot: One hundred twenty-five dollars ($125.00).

(11) For erection of a double-wide mobile home/manufactured home on a privately owned lot: One hundred seventy-five dollars ($175.00).

(12) For placement of a single- or double-wide mobile home within a mobile home park: Seventy-five dollars ($75.00).

(13) For demolition of a house or of a house and a private sewage disposal system serving it: Seventy-five dollars ($75.00).

(14) For demolition of any structure smaller than a residence: Sixty dollars ($60.00).

(15) For demolition of a private sewage disposal system's septic tank: Fifty dollars ($50.00).

(16) For demolition of a lateral sewer line: Fifty dollars ($50.00).

(17) For demolition of a commercial structure: Seventy-five dollars ($75.00) or the estimated cost of construction multiplied by the "Permit Fee Multiplier" in Section 505.020(A)(2)(c) of this Chapter, whichever is greater.

(18) For any reinspection after three (3) inspections of work pursuant to any miscellaneous permit: Forty dollars ($40.00).

2. "Estimated cost of construction", as used in this Subsection, means the higher of the following: estimated cost of construction as stated by applicant for permit or the cost of labor and material for the work to be permitted as estimated by a plan review engineer of the Division of Building Code Enforcement according to current data supplied by the Marshall Valuation Service as published by the Marshall and Swift Publication Company, Los Angeles, California.

3. A minimum charge of sixty dollars ($60.00) or a charge of one-fourth (¼)/twenty-five percent (25%) of the permit fee, whichever is greater, shall be collected for the plan examination and administrative processing of a miscellaneous building permit application that is ready for issuance, but has since been canceled or abandoned by the applicant for any reason. Failure to pay this fee shall be subject to penalties authorized by the Building Code of St. Charles County, Section 500.010, and the Residential Code, Section 500.070, Ordinances of St. Charles County, Missouri.

E. Application Fee For Operating Permit For Private Sewage Disposal Systems.

1. The Division of Building Code Enforcement shall charge the following fee for application for operating permits issued under the Private Sewage Disposal Code, Section 500.080 of this Title:
   a. Seventy-five dollars ($75.00).

F. Inspection Fees For Occupancy Permits Required Under The Property Maintenance Code.

1. The Division of Building Code Enforcement shall charge the following inspection fees for occupancy permits required under the International Property Maintenance Code, Section 500.090 of this Title:
   a. Fifty dollars ($50.00) for each tenant space less than twelve thousand (12,000) square feet.
   b. One hundred dollars ($100.00) for each tenant space of twelve thousand (12,000) square feet or more.

G. The Division of Building Code Enforcement shall charge the following fee for a temporary occupancy certificate for a display home or inventory home used for show-case or office for subdivision development.

1. Fifty dollars ($50.00) per year. (Ord. No. 96-6 §§1--3, 2-1-96; Ord. No. 01-132 §§1-6, 10-31-01; Ord. No. 04-201 §1, 12-22-04; Ord. No. 05-151 §2, 10-25-05; Ord. No. 09-070 §2, 6-29-09; Ord. No. 10-040 §§4--5, 6-2-10; Ord. No. 11-105 §1, 12-2-11)

Editor's Note--Reference to the building department was changed to division of building code enforcement in accordance with ord. no. 02-204, adopted 12-23-02, set out in ch. 132 of this code.

SECTION 505.030: RESERVED
St. Charles County -- QuickCode

Editor's Note--Ord. no. 11-105 §1, adopted December 2, 2011, repealed section 505.030 "permit and inspection fees waived for the historic buildings in the declared historic area of boonefield village" in its entirety. Former section 505.030 derived from ord. no. 98-146 §§1--2, 7-30-98.

SECTION 505.040: PERMIT AND INSPECTION FEES WAIVED FOR CONSTRUCTION OF AFFORDABLE HOUSING BY HABITAT FOR HUMANITY

A. Notwithstanding Chapter 505, Section 505.020 of the Ordinances of St. Charles County, Missouri, the County shall waive the permit and inspection fees for the construction of affordable housing by Habitat for Humanity. The County Council hereby finds and declares a public purpose exists in the construction and sale of such housing by Habitat for Humanity.

B. The County Director of the Division of Building Code Enforcement shall be authorized to grant permits for and authorize inspection of residential construction by Habitat for Humanity, without requiring the payment of such fees. Additionally, any fees paid prior to May 26, 1999, shall be refunded. (Ord. No. 99-72 §§1--2, 5-26-99)

Editor's Note--Reference to the building department was changed to division of building code enforcement in accordance with ord. no. 02-204, adopted 12-23-02, set out in ch. 132 of this code.

SECTION 505.060: PAYMENT BY CREDIT CARD

The Division of Building Code Enforcement is authorized to receive payment by credit card for fees imposed by this Chapter 505 but shall charge a convenience fee reasonably calculated to recover all but no more than all administrative costs imposed by the credit card service under contract to process such payments. (Ord. No. 04-145 §2, 9-29-04; Ord. No. 07-078 §3, 5-31-07)

CHAPTER 600: ALCOHOLIC BEVERAGES

Editor's Note--Ord. no. 03-219, adopted December 31, 2003, amended this chapter by addition of sections 600.020–600.345. However, this ordinance left gaps in the numbering, consequently this chapter is not in sequentially numbered order.

SECTION 600.010: LICENSE FEES

A. The fees authorized in Chapter 311, Section 220 to be charged by Counties for liquor licenses, such fees arising from the authority set forth in Sections 311.085, 311.087, 311.090, 311.091, 311.095, 311.096, 311.097, 311.098, 311.099, 311.178, 311.180, 311.181, 311.190, 311.191, 311.195, 311.200, 311.218, 311.293, 311.294, 311.298, 311.480, 311.482, 311.485, 311.486, 311.550, 311.554 of the Revised Statutes of Missouri are hereby adopted at the maximum fee authorized by Statute and the amount of such fee shall change to reflect the maximum authorization should the maximum fee set by Statute be altered by the Missouri legislature.

B. Before any permit or license is issued or renewed under the provisions of this Section, the County Registrar shall require that the applicant comply with the requirements of Section 140.013, OSCCMo, relating to applicant's payment of sales tax, personal property tax, and, if applicant is owner of the premises for which applicant seeks a license, real property tax.

C. Such collection of fees and the granting of licenses and/or permits shall be the responsibility of the County Registrar. (Ord. No. 94-88 §1, 6-14-94; Ord. No. 96-58 §§1--2, 5-29-96; Ord. No. 99-47 §1, 4-28-99; Ord. No. 02-073 §§1--3, 5-29-02; Ord. No. 04-115 §1, 7-28-04; Ord. No. 12-029 §1, 3-30-12; Ord. No. 13-001 §1, 1-3-13)

SECTION 600.020: SCOPE

Sections 600.030 through 600.345 of this Chapter shall apply in that portion of St. Charles County located outside of the incorporated cities, towns and villages. Sections 600.030 and 600.110 shall be in effect in all incorporated cities, towns and villages within the corporate limits of St. Charles County where liquor by the drink at retail for consumption on the premises where sold is permitted by law. (Ord. No. 03-219 §1, 12-31-03)

SECTION 600.030: DEFINITIONS

Unless the context otherwise requires, the following terms as used in this Code shall be construed according to the definitions given below:

BEER: Malt liquor containing in excess of three and two-tenths percent (3.2%) by weight manufactured from pure hops or pure extract of hops or pure barley malt or wholesome yeast and pure water.

INTOXICATING LIQUOR: Includes any spirits, wine, ale, malt or other liquor, or combination of liquor a part of which is
spirituous, vinous, malt or fermented, and all preparations for beverage purposes, containing in excess of three and two-tenths percent (3.2%) of alcohol by weight.

**LIGHT WINE:** Wine containing not in excess of fourteen percent (14%) of alcohol by weight exclusively from grapes, berries and other fruits and vegetables.

**ORIGINAL PACKAGE:** Includes any package containing three (3) or more standard bottles of malt liquor or non-intoxicating beer or fifty (50) milliliters or more of spirituous or vinous liquors in the manufacturer's original container. A standard bottle is any bottle or can containing sixteen (16) ounces or less of malt liquor or non-intoxicating beer.

**PERSON:** Includes all individuals, firms, partnerships, associations, corporations, clubs, joint ventures and their trustees or receivers appointed by any court of competent jurisdiction.

**PREMISES:** Includes the place or places within a specified structure where intoxicating liquor is sold and consumed; provided however, that said premises and the place or places where intoxicating liquor is sold and consumed shall, at the time of application for any license hereunder, be fully described in such application; the place or places described in the application need not be adjoining and contiguous rooms or areas.

**REGISTRAR:** The Registrar for St. Charles County, Missouri.

**SALE BY DRINK:** The sale of intoxicating liquor by the drink at retail for consumption on the premises where sold where at least fifty percent (50%) of the gross income of the premises is not derived from the sale of prepared meals or food consumed on the premises. The sale of any intoxicating liquor, except malt liquor, in the original package in any quantity less than fifty (50) milliliters shall be deemed "sale by the drink" and may be made only by a holder of a retail liquor dealer's license as hereinafter provided and, when so made, the container in every instance shall be emptied and the contents thereof served as other intoxicating liquors sold by the drinks are served. (Ord. No. 03-219 §1, 12-31-03)

**SECTION 600.040: LICENSE REQUIRED**

If the sale of liquor is subject to licensure under this Chapter, it shall be unlawful for any person, firm, partnership or corporation to sell or expose for sale liquor without a license authorized by this Chapter. (Ord. No. 06-085 §1, 6-27-06)

**SECTION 600.070: GENERAL REQUIREMENTS FOR LICENSE APPLICATIONS**

A. Applications for license either to sell intoxicating liquor by the drink or to sell beer and light wine by the drink and in the original package shall be filed with the Council on forms furnished by that body. Such applications are available through the County Registrar. Each application shall be signed by the applicant. If the applicant is a joint venture, partnership or group other than a corporation, the application shall be made by all individuals who are members of such joint venture, partnership or group. If the applicant is a corporation, the application shall be made by a managing officer of the corporation. A corporate applicant shall state the names and addresses of its registered agents, officers and registrars; the number of shares in the corporation owned by each and the percentage those shares bear to the total outstanding shares of the corporation; the names and addresses of the ten (10) principal stockholders of the corporation; and the names and addresses of each stockholder owning one percent (1%) or more of the total outstanding shares of the corporation. The signature of the applicant shall constitute an agreement that the applicant will assume responsibility for compliance with the provisions of this Code and the laws of the State of Missouri regulating the sale of intoxicating liquor by the drink and the sale of beer and light wine by the drink and in the original package. Applications for Sunday licenses to sell intoxicating liquor at retail by the drink or to sell beer and light wine by the drink and in the original package, in addition to the above-mentioned requirements, must show that the premises for which the license is desired satisfy the requirements for such a license and that the applicant already possesses a license to sell intoxicating liquor by the drink or to sell beer and light wine by the drink and in the original package.

B. If, during the term for which a license is issued, there is a change of managing officer of a corporate licensee, a new application shall be filed with the County Council through the County Registrar and shall be accompanied by a filing fee of thirty dollars ($30.00), unless otherwise provided in Section 600.085. The County Council shall take no action on said application unless the filing fee has been paid. (Ord. No. 03-219 §1, 12-31-03; Ord. No. 04-085 §1, 6-15-04)

**SECTION 600.080: INFORMATION REQUIRED FOR LICENSE APPLICATION**

A. Unless otherwise provided in Section 600.085, each application for a license either to sell intoxicating liquor by the drink or to sell beer and light wine by the drink and in the original package shall be accompanied by a filing fee of thirty dollars ($30.00), payable to the County through the office of the County Registrar and shall contain the following information or other information as required by Section 600.070:

1. The exact location and description of the premises to be covered by the license;
2. The kind of business which the applicant proposes to conduct on such premises in addition to the sale of intoxicating liquor and the hours which the applicant plans to keep his place open for such other business;
3. Whether or not the applicant has ever been convicted of any felony of or any other Federal law, law of the State of Missouri or any other State or City or County ordinances involving moral turpitude or public indecency including, but not limited to, a violation of Section 210.160, OSCCMo., or any violation of law regulating control or prohibiting the sale of intoxicating liquor; and
4. If located within the boundaries of a municipality, evidence that sale of intoxicating liquor by the drink at retail for consumption upon the premises where sold is permitted by law within that municipality; and
5. Documentation required by Section 140.013, OSCCMo, relating to applicant's payment of sales tax, personal property tax, and, if applicant is owner of the premises for which applicant seeks a license, real property tax.

B. The County Council is authorized to require such additional information necessary to carry out the intent and purposes of this Chapter.

C. The County Council shall take no action on an application unless the filing fee has been paid. (Ord. No. 03-219 §1, 12-31-03; Ord. No. 04-085 §2, 6-15-04; Ord. No. 06-085 §2, 6-27-06; Ord. No. 13-001 §2, 1-3-13)

SECTION 600.082: SUNDAY LICENSES -- GENERALLY

A. Any person who possesses the qualifications required by this Chapter and who now or hereafter meets the requirements of this Chapter may apply for, and the County Council may issue, either a license to sell intoxicating liquor on Sunday by the drink for consumption on the premises or a license to sell beer and light wine by the drink and in the original package as authorized in this Chapter.

B. There shall be a separate application for a Sunday license either to sell intoxicating liquor at retail by the drink or to sell beer and light wine by the drink and in the original package. Each application for a Sunday license filed with the County Council through the County Registrar shall be accompanied by a filing fee of seven dollars fifty cents ($7.50), unless otherwise provided in Section 600.085. The County Council shall take no action on an application unless the filing fee has been paid. (Ord. No. 03-219 §1, 12-31-03; Ord. No. 04-085 §3, 6-15-04)

SECTION 600.085: WAIVER OF APPLICATION OR FILING FEES FOR CHARITABLE OR PUBLIC BENEFIT ORGANIZATIONS

An organization that is incorporated or authorized to do business in the State of Missouri as a public benefit corporation pursuant to Chapter 355, RSMo., or recognized by the United States Internal Revenue Service as an entity exempt from Federal tax pursuant to Section 501 of the Internal Revenue Code, shall not be obliged to pay the filing fees required by Sections 600.070(B), 600.080(A), 600.082(B). (Ord. No. 04-085 §4, 6-15-04)

SECTION 600.090: APPLICANT RESPONSIBLE FOR SUBMISSION OF REQUESTED INFORMATION

The County Council shall direct the submission of all information it deems necessary to investigate all applications for sale of intoxicating liquor by the drink, all applications for license to sell beer and light wine by the drink and in the original package, and all applications for Sunday license to sell intoxicating liquor at retail by the drink, and the applicant shall provide to the County Council all information requested. Failure to provide requested information to the Council is grounds for refusal of such application. (Ord. No. 03-219 §1, 12-31-03)

SECTION 600.100: APPROVAL OF APPLICATION BY COUNTY COUNCIL

A. Each application for the sale of intoxicating liquor by the drink or to sell beer and light wine by the drink and in the original package and each application for a Sunday license to sell intoxicating liquor at retail by the drink shall be approved or disapproved by order of the County Council. No person has a natural or inherent right or privilege to engage in the sale of liquor by the drink and the approval or disapproval of each application shall be within the sole discretion of the County Council.

B. Prior to the approval of the application by the County Council, any person objecting to the issuance of such license may request a public hearing. The request shall be in writing and specifically state why the license should not be granted. The Council may, in its discretion, grant or deny such a request for a public hearing.

C. Timely written notice of the hearing shall be given by the County Council to the applicant and the party requesting the hearing.

D. Upon approval of an application by the County Council, the Registrar shall issue a letter directed to the State Supervisor of Liquor Control of such approval. (Ord. No. 03-219 §1, 12-31-03)

SECTION 600.110: ISSUANCE OF LICENSES BY THE REGISTRAR -- LICENSE YEAR

A. The Registrar shall issue a license to the applicant when the following requirements have been met:

1. Approval by the County Council of the license application if the business is located within unincorporated St. Charles County or approval by the appropriate municipality if located within the boundaries of a municipality located in St. Charles County;

2. Issuance of a license from the State of Missouri for the State's next license year;

3. Payment of a license fee in the amount set forth in Section 600.290 of the Ordinances of St. Charles County or, for businesses located in an incorporated area, as set forth in Section 600.020.

B. Each license issued under the provisions of this Code shall particularly describe the premises at which intoxicating liquor by the drink may be sold and shall not be deemed to authorize or permit the sale of intoxicating liquor by the drink at any place other than that described therein.

C. Whenever a license is issued by the Registrar pursuant to Section 600.110(A) and said license covers premises which describe two (2) or more places where intoxicating liquors are to be sold and consumed which places are composed of non-adjoining or
non-contiguous rooms or areas, the annual license fee set forth in Section 600.110(A) shall be paid for each such non-adjoning or non-contiguous place specified in the license.

D. The license year shall run from August first (1st) to July thirty-first (31st). All annual license fees payable hereunder shall be due and payable on or before August first (1st) annually, provided that applicants who shall apply for licenses to commence business and shall commence business before August first (1st) shall pay for such license one-twelfth (1/12) of the annual fee for every month or part thereof from the date of issuance to the beginning of the ensuing license year. (Ord. No. 03-219 §1, 12-31-03; Ord. No. 06-085 §3, 6-27-06)

SECTION 600.140: LICENSE -- STANDARDS FOR ISSUANCE

No license shall be issued to:

1. A person or managing officer who:
   a. Is not a resident of the State; or
   b. Has been convicted of a felony; or
   c. Represents a person, company, partnership, corporation or other legal entity which is delinquent in the payment of its taxes; or
   d. Does not meet or represents an entity which does not meet the requirements of Section 311.060, RSMo.; or
   e. Whose license under this Code has been revoked for cause; or
   f. Who at the time of application for renewal of any license hereunder would not be eligible for such license upon a first (1st) application.

2. A person who has been convicted of a violation of any felony of or any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, or of any of the provisions of this Code, or any offense involving moral turpitude or public indecency, including, but not limited to, a violation of Section 210.160, OSCCMo., or who shall have forfeited his bond to appear in court to answer charges of any such violation.

3. A person for sale of intoxicating liquor by the drink or for the sale of beer and light wine by the drink and in the original package on the premises where such activity is not permitted by the St. Charles County Zoning Ordinances, as amended, nor shall any license be issued for premises which would be detrimental or incompatible with the character and welfare of the surrounding neighborhood.

4. A person who does not meet the requirements of Section 140.013, OSCCMo. (Ord. No. 03-219 §1, 12-31-03; Ord. No. 06-085 §4, 6-27-06; Ord. No. 13-001 §3, 1-3-13)

*Note--This word appeared as "when" in the original ordinance.

SECTION 600.190: LICENSE -- ISSUANCE TO BUSINESS -- NEAR CHURCH, SCHOOL, ETC.

A. No license shall be granted for the sale of intoxicating liquor to any applicant who proposes to operate such place of business within a distance of three hundred (300) feet of any church, synagogue or school building, exclusive of the ground surrounding same, or of any public park or playground.

B. The provisions of this Section shall not apply:
   1. To a license to be issued for the premises of a church, synagogue, public park or playground with the consent of the owner thereof; or
   2. When a church, synagogue or school building is established within the prohibited distance from any place of business licensed to sell intoxicating liquor. (Ord. No. 03-219 §1, 12-31-03)

SECTION 600.210: CHANGE OF BUSINESS LOCATION

Any person a licensed to sell intoxicating liquor by the drink or to sell beer and light wine by the drink and in the original package under the provisions of this Code may, upon application to the County Council through the County Registrar, be authorized to change the location of his place of business during the term of such license; provided that the proposed new location complies with all the conditions prescribed in this Code relating to the location where intoxicating liquor by the drink or beer and light wine by the drink and in the original package may be sold and the new location has been approved by the County Council. (Ord. No. 03-219 §1, 12-31-03)

SECTION 600.240: EMPLOYMENT OF MINORS UNDER SIXTEEN WHERE LIQUOR IS SOLD

No person holding a license to sell intoxicating liquor by the drink at retail or to sell beer and light wine by the drink and in the original package shall suffer or permit any child under the age of sixteen (16) years to be employed or work in or in connection with any entertainment or cabaret conducted in any place where intoxicating liquor is sold by the drink at retail. (Ord. No. 03-219 §1, 12-31-03)
SECTION 600.245: EMPLOYMENT OF INDIVIDUALS CONVICTED OF A FELONY

No person holding a license to sell intoxicating liquor by the drink at retail or to sell beer and light wine by the drink and in the original package shall cause or permit any individual who has been convicted of a felony or misdemeanor involving moral turpitude to be employed on the licensed premises. (Ord. No. 03-219 §1, 12-31-03)

SECTION 600.247: PERSONS HOLDING A LICENSE SHALL COMPLY WITH SECTION 210.160, OSCCMo.

No person holding a license to sell intoxicating liquor by the drink at retail or to sell beer and light wine by the drink and in the original package shall allow or permit acts to be performed in such establishment in violation of Section 210.160, OSCCMo. Conviction of a violation of Section 210.160, OSCCMo., which occurred on the permitted premises shall be cause for suspension or revocation of the license. (Ord. No. 03-219 §1, 12-31-03)

SECTION 600.290: LIQUOR LICENSE -- ANNUAL FEES

The following annual fees for intoxicating liquor by the drink licenses for St. Charles County are hereby imposed as follows:

1. Authorizing the sale of malt liquor containing alcohol in excess of three and two-tenths percent (3.2%) by weight and not in excess of five percent (5%) by weight and/or light wines containing not in excess of fourteen percent (14%) of alcohol by weight sold by the drink at retail for consumption on the premises in the unincorporated areas of St. Charles County--thirty-five dollars ($35.00).
2. Authorizing the sale of all types of intoxicating liquors at retail by the drink to be consumed upon the premises in the unincorporated areas of St. Charles County--three hundred dollars ($300.00).
3. Authorizing the sale of all types of intoxicating liquors at retail by the drink to be consumed upon the premises in the unincorporated areas of St. Charles County on Sunday--two hundred dollars ($200.00). (Ord. No. 03-219 §1, 12-31-03)

SECTION 600.310: SUSPENSION OR REVOCATION PROCEDURE

The County Council may suspend for a period up to ninety (90) days or revoke a license heretofore issued if it finds one (1) or more of the following:

1. Intentional misstatement or misleading statements of fact in the application not discovered until after the issuance of said license;
2. A person holding a license to sell intoxicating liquor by the drink at retail or to sell beer and light wine by the drink and in the original package shall have been convicted of a felony or a violation of any Statute, law or ordinance involving moral turpitude or public indecency, including, but not limited to, a violation of Section 210.160, OSCCMo., or any violation of law regulating control or prohibiting the sale of intoxicating liquor; and
3. Violation of the provisions of this Chapter. (Ord. No. 03-219 §1, 12-31-03; Ord. No. 06-085 §5, 6-27-06)

SECTION 600.315: REINSTATEMENT

A. In the case of a suspension, if the County Council should find the conduct of such party or parties, subsequent to the start of the suspension but prior to the completion of the period of suspension, to be such as to indicate the fitness to continue to hold the license, the County Council may terminate the suspension.

B. In the case of a revocation, if the County Council should find the conduct of such party or parties, subsequent to the start of the revocation, to be such as to indicate the fitness of the licensee to hold a license to sell intoxicating liquor by the drink at retail or to sell beer and light wine by the drink and in the original package, the County Council may issue a license to the party or parties subject to the revocation after the party or parties have applied anew for a liquor by the drink license. (Ord. No. 03-219 §1, 12-31-03)

SECTION 600.320: HEARING ON REVOCATION

In the event that the County Council revokes said license, the County licensee shall be entitled to a hearing before the County Council upon notice duly given at least ten (10) business days prior to the date of such hearing. The decision of the County Council and the reasons therefore shall be sent by certified mail or hand delivered to the County licensee. (Ord. No. 03-219 §1, 12-31-03)

SECTION 600.330: TEMPORARY PERMITS OR LICENSES ISSUED BY THE REGISTRAR

A. Licenses For Charitable And Other Organizations ("Picnic Licenses"). Notwithstanding any other provision of this Chapter, the Registrar may issue a license authorizing the sale of intoxicating liquor and non-intoxicating beer for consumption on the premises where sold to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for the sale of such intoxicating liquor and non-intoxicating beer at a picnic, bazaar, fair or similar gathering. The license shall be issued only for the day or days designated therein, but in no case shall such a license be issued to any one (1) club or organization for more than
St. Charles County -- QuickCode

seven (7) days during any calendar year. The Registrar shall issue letters of approval of applications and licenses as follows.

1. The Registrar shall issue a letter of approval upon receipt of a complete and valid application and the sum authorized by Section 600.010 of this Chapter under authority of Section 311.482, RSMo., as amended.

2. The Registrar shall issue a license upon issuance of a license from the State of Missouri under authority of Section 311.482, RSMo., as amended.

B. Temporary Caterer's Permit. Notwithstanding any other provision of this Chapter, the Registrar may issue a temporary permit to caterers and other persons holding licenses to sell intoxicating liquor by the drink at retail for consumption on the premises pursuant to the provisions of this Chapter who furnish provisions and service for use at a particular function, occasion or event at a particular location other than the licensed premises, effective for a period not to exceed one hundred twenty (120) consecutive hours, which shall authorize the service of alcoholic beverages at such function, occasion or event during the hours at which alcoholic beverages may lawfully be sold or served upon premises licensed to sell alcoholic beverages for on-premises consumption in the incorporated and unincorporated areas of St. Charles County in which is located the premises in which such function, occasion or event is held. The Registrar shall issue letters of approval of applications and licenses as follows.

1. The Registrar shall issue a letter of approval upon receipt of a complete and valid application and the sum authorized by Section 600.010 of this Chapter under authority of Section 311.485, RSMo., as amended, and

2. The Registrar shall issue a license upon issuance of a license from the State of Missouri under authority of Section 311.485, RSMo., as amended. (Ord. No. 04-046 §1, 3-31-04)

SECTION 600.345: PENALTIES

Any person who or business which shall be convicted of a violation of any provision of this Chapter may be punished by a fine not exceeding five hundred dollars ($500.00). (Ord. No. 03-219 §1, 12-31-03)

CHAPTER 605: PRIVATE WATCHMEN AND SECURITY GUARDS--LICENSING

SECTION 605.010: DEFINITIONS

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

DESIGNATED AGENCY: Any agency or County department designated by the St. Charles County Sheriff to issue licenses as prescribed by this Chapter or perform other duties under this Chapter.

DESIGNATED AREA: The established property within the boundaries owned, leased or rented by the employer of such security officer or watchman.

LICENSEE: Any watchman or security officer who holds a license issued by the County of St. Charles.

SECURITY OFFICER: A person employed with certain powers to protect life and property on/in a designated area and who must be in uniform, unless otherwise approved by the Sheriff, and may or may not carry an exposed firearm or protective device.

WATCHMAN: A person employed without any firearm, weapon or protective device to perform the tasks of observation, protection and reporting on/in a designated area. (Ord. No. 95-145 Exhibit A §1, 9-27-95)

SECTION 605.020: LICENSING POWER

The County shall have the power to license all watchmen and security officers serving or acting in designated areas within the County and to regulate all watchmen and security officers serving or acting in designated areas within:

1. The unincorporated County; and

2. The incorporated areas of the County with the consent of the Governing Body of the affected City, Town or Village; and no person shall act as such without first having obtained such license as required by this Chapter. (Ord. No. 95-145 Exhibit A §2, 9-27-95)

SECTION 605.030: LICENSE REQUIRED

No person shall engage in the activities of a watchman or security officer without having first obtained a license to do so as provided by this Chapter, provided however:

1. A person may obtain a thirty (30) day temporary permit to perform such services pending issuance of the license provided by this Chapter; or

2. A person who has been trained by and is licensed or registered by another public law enforcement agency, and has applied for a license hereunder may engage in the activity of a watchman or security officer for a period not to exceed thirty (30) days following filing of the application pending issuance of the license pursuant to this Chapter. (Ord. No. 95-145 Exhibit A §3, 9-27-95)
SECTION 605.040: LICENSE APPLICATION

Any person desiring to act as a watchman or security officer in the County shall make written application to the St. Charles County Sheriff or to another agency or department, which has been designated by the Sheriff, for licensing as a watchman or security officer upon a form or forms prescribed by the Sheriff. Such application shall describe the premises or the locality upon or within which the applicant is to serve as a watchman or security officer; and shall be accompanied by a written statement of a responsible business enterprise, citizen or group of citizens indicating its or their intention to employ the applicant as a watchman or security officer and three (3) unmounted photographs. In addition the applicant shall meet the requirements of Section 140.013, OSCCMo, relating to applicant's payment of personal and real property tax, and to payment of personal and real property tax and sales tax by the responsible business enterprise, citizen or group of citizens mentioned above. The applicant's fingerprints will be taken by the St. Charles County Sheriff's Department or the designated agency at the time of submission of the application or the applicant's fingerprints may be provided by the employing agency or another law enforcement agency by which the applicant is licensed or registered as a watchman or security officer. (Ord. No. 95-145 Exhibit A §4, 9-27-95; Ord. No. 13-001 §4, 1-3-13)

SECTION 605.050: LICENSEE TO FURNISH BOND TO COUNTY

Every watchman or security officer licensed under the provisions of this Chapter shall furnish bond to the County with an insurance company corporate surety in the sum of thirty thousand dollars ($30,000.00), conditioned upon the faithful performance of the work and the observation of all the provisions of this Chapter, all ordinances of the County and all laws of the State of Missouri and the United States. Such bond shall be for the use and benefit of the County and of any person who may have employed such licensee and been injured by the willful, negligent, malicious or wrongful act of such licensee. The bond requirement of this Section may be waived by the St. Charles County Sheriff on satisfactory proof by the employer of liability insurance covering the applicant with insuring single limits of not less than three hundred thousand dollars ($300,000.00). (Ord. No. 95-145 Exhibit A §5, 9-27-95)

SECTION 605.060: LICENSE APPLICATION INVESTIGATION BY THE SHERIFF

All applications for a license as a watchman or security officer shall be referred to the St. Charles County Sheriff who shall investigate the moral character and fitness of the applicant or applicants, their experience in such business, the character of the services they expect to perform and the manner in which such business is to be carried on, and who shall obtain such other information concerning the applicant as he may deem necessary in order to determine the applicant's fitness and qualifications for the conduct of such activity. Current licensing or registration may, in the sole discretion of the Sheriff, be accepted in lieu of the investigation by the Sheriff. The Sheriff may designate another agency or department to perform the investigation. (Ord. No. 95-145 Exhibit A §6, 9-27-95)

SECTION 605.070: TRAINING

All applicants who apply for a watchman or security officer license must successfully complete a prescribed course of training approved by the St. Charles County Sheriff prior to the issuance of said license. All security officers who are licensed to carry firearms must successfully complete a firearms qualification course prior to license renewal each year. The Sheriff shall not approve training requirements which do not include the following:

1. Completion of a prescribed firearms qualification course conducted by a State Certified Police Academy;

2. Attendance at a four (4) hour Firearms Safety Training Session which must be completed within six (6) weeks from submission of the application or request for renewal;

3. Completion of a certified session conducted by a State Certified Police Academy on carrying a protective device, limited to CN, SC or OC (Pepper) mace, impact weapons including straight baton, PR-24 baton, expandable baton, heavy flashlight or kubaton;

4. Attending a four (4) hour training session within five (5) weeks prior to date of a request for renewal. (Ord. No. 95-145 Exhibit A §7, 9-27-95)

SECTION 605.080: LICENSE FEE

If the St. Charles County Sheriff or designated agency shall approve the application prescribed, the license shall be issued upon receipt of a bond or certificate of insurance complying with the provisions of Section 605.050 and the payment of the following license fee: Fifty dollars ($50.00) plus the cost of training by the St. Charles County Law Enforcement Training Center. For renewal of a license after the first (1st) year, the annual fee shall be forty dollars ($40.00) plus the cost of license renewal training and firearms training for an armed security officer and forty dollars ($40.00) plus the cost of license renewal training for all others. Each applicant will be responsible for the cost of the criminal records check through the Missouri State Highway Patrol, Criminal Records Division. (Ord. No. 95-145 Exhibit A §§8, 9-27-95; Ord. No. 01-116 §2, 9-26-01)

SECTION 605.090: IDENTIFICATION CARD--UNIFORM

Each such person licensed as a watchman or security officer shall receive an identification card which shall prominently indicate the position that the person is licensed for and provide proof of identity, authority and possession of a valid license. The licentee will carry said card at all times while on duty. The loss of this card will be reported immediately to the St. Charles County
St. Charles County -- QuickCode

Sheriff's Department or the designated agency and a duplicate card will be issued for a fee of fifteen dollars ($15.00). The uniform worn by licensees on duty shall be unlike the official uniform of the St. Charles County Sheriff's Department or other law enforcement agency within St. Charles County. The licensee's uniform shall be complete with a cap and wearing a breast-type badge clearly visible at all times while the licensee is on duty, unless specific written permission for some other type of attire or dress is granted by the Sheriff. Each person must exhibit a name bar one-eighth (1/8) inch above the right pocket of the uniform shirt depicting the name as it appears on the identification card. Each person licensed under the provision hereof shall at all times maintain on file with the Sheriff or the designated agency a photograph accurately depicting the uniform, emblems and badges worn. If such person is employed by a person, firm or corporation which employs more than one (1) watchman or security officer who wear identical uniforms, emblems and badges, it shall be sufficient under this Section for such person, firm or corporation to maintain on file one (1) photograph accurately depicting each separate type of uniform, emblem or badge worn by its employees during the performance of their duties. (Ord. No. 95-145 Exhibit A §9, 9-27-95)

SECTION 605.100: REQUIREMENTS FOR LICENSED WATCHMEN
A. Licensee must perform his function in a designated area.
B. Licensee must carry the licensee identification card whenever on duty and display same upon request.
C. Licensee must wear and exhibit any issued badge or emblem on the outermost uniform garment to include a visible name plate one-eighth (1/8) inch above the right shirt pocket.
D. Licensee is not authorized to possess or imply possession of any firearm, weapon or other implement of attack.
E. Licensee may not be a convicted felon. (Ord. No. 95-145 Exhibit A §10, 9-27-95)

SECTION 605.110: REQUIREMENTS FOR LICENSED SECURITY OFFICERS
A. Licensee must perform his functions in a designated area.
B. Licensee must wear and exhibit on the outermost garment the issued badge or emblem when in uniform to include a visible name plate one-eighth (1/8) inch above the right shirt pocket.
C. Licensee must carry the license identification card whenever on duty and display same when requested to do so.
D. Licensee is authorized to carry a protective device and an exposed firearm when he is qualified to do so and his license so states.
E. Licensee may not be a convicted felon. (Ord. No. 95-145 Exhibit A §11, 9-27-95)

SECTION 605.120: FIREARMS
A. A licensed security officer certified after Eastern Missouri Police Academy firearms training to be armed or permitted to carry a weapon while on duty and in uniform at the location(s) specified in the license may have a firearm.
B. Firearms carried by licensed security personnel shall be revolvers capable of firing and loaded with .38 caliber (Special) ammunition. The carrying of semi-automatic pistols up to and including .40 caliber may be authorized when the application includes written justification for such use. Only one (1) approved firearm may be carried on duty. Certified Police Officers may carry duty weapons. The carrying of automatics, derringers or any type shotgun or rifle is prohibited. The Sheriff shall have the authority to review an application for and grant, where appropriate and for good cause shown, the carrying of additional weapons.
C. A security officer upon firing his weapon for any reason within the unincorporated area of St. Charles County, or using other force to make an arrest, shall immediately make or cause to be made a report to the St. Charles County Sheriff's Department and to the law enforcement agency with jurisdiction where the incident occurred.
D. All State requirements for carrying a firearm must be followed. (Ord. No. 95-145 Exhibit A §12, 9-27-95; Ord. No. 96-48 §1, 5-1-96; Ord. No. 11-115 §1, 12-29-11)

SECTION 605.130: REVOCATION, EXPIRATION OR TERMINATION OF LICENSE
Every watchman or security officer shall hold his license at the pleasure of the St. Charles County Sheriff and any agency or department designated by the Sheriff to issue licenses under this Chapter and such license shall be subject to revocation by the Sheriff or the designated agency for good cause. Such license shall terminate automatically upon the termination of employment of such watchman or security officer by the business corporation, person or persons upon whose written request the license is issued. Such employing corporation, person or persons shall promptly notify the Sheriff or designated agency that the watchman's or security officer's employment has terminated if, and when in fact, it does terminate. Upon the revocation, expiration or termination of such license, it shall be the duty of each such watchman or security officer to surrender to the Sheriff or designated agency the license and identification card. From and after the revocation, expiration or termination of such license the person shall no longer have any authority to exercise the power of a watchman or security officer. All licenses shall be issued for the period of one (1) year. (Ord. No. 95-145 Exhibit A §13, 9-27-95)

SECTION 605.140: POLICE OFFICER PROVISIONS
A. Commissioned Police Officers of the State of Missouri may be licensed to perform the duties and carry out the responsibilities of watchmen or security officers provided they are employed during the term of their license as commissioned Police Officers in the State of Missouri. Each officer must have secondary employment approval by his employing department.

B. During the one (1) year term of the license, all licenses granted under this provision cease to be valid simultaneously with termination of the commissioned status.

C. No further training is required during employment as long as a Police Officer is qualified by State certification.

D. Responsibilities and obligations when performing in the licensed status shall be those applicable to the licensed function being performed, except that nothing in this provision shall diminish or enlarge upon the duties and responsibilities of the officers as provided for by Statute and his department regulations. (Ord. No. 95-145 Exhibit A §14, 9-27-95)

SECTION 605.150: ADDITIONAL REGULATIONS

Additional regulations, forms and information may be required by the St. Charles County Sheriff or designated agency of all applicants so long as such questions are not inconsistent with this Chapter or the laws and Constitutions of this State or the United States. (Ord. No. 95-145 Exhibit A §15, 9-27-95)

SECTION 605.160: LICENSE LIST

A current and up-to-date list of all licenses issued will be maintained at the St. Charles County Sheriff's Department or agency designated by the Sheriff. (Ord. No. 95-145 Exhibit A §16, 9-27-95)

SECTION 605.170: PENALTIES

A violation of any provision of this Chapter is a misdemeanor punishable by a fine of not more than three hundred dollars ($300.00), or by imprisonment in the St. Charles County Jail for a term not to exceed thirty (30) days, or by both fine and imprisonment. A separate offense shall be deemed committed on each day a violation occurs or continues. (Ord. No. 95-145 Exhibit A §17, 9-27-95)

SECTION 605.180: ENFORCEMENT

The enforcement of the regulations established by this Chapter shall be the responsibility of the County Counselor. (Ord. No. 95-145 §2, 9-27-95)

CHAPTER 606: PEDDLERS AND SOLICITORS

SECTION 606.001: DEFINITIONS

As used in this Chapter, the following terms shall have the following meanings, except where the context clearly indicates that a different meaning is intended and except where an ordinance concerning a particular business contains a specific provision to the contrary with the specific provision controlling:

APPLICANT: Any person who applies for a license as required by any ordinance of the County of St. Charles.

CODE: Most recently published Code of the County of St. Charles as amended from time to time.

COUNTY REGISTRAR OR REGISTRAR: The County Registrar for the County of St. Charles.

DISORDERLY CONDUCT: Any conduct defined in the Ordinances of St. Charles County, Missouri, as disorderly conduct.

ITINERANT VENDOR (ALSO KNOWN AS PEDDLERS, HAWKERS OR TRANSIENT VENDORS): Any person, not authorized to engage in temporary sales by Section 405.427, OSCCMo., whether as owner, agent, consignee or employee, who engages in a temporary business outside of those in Section 405.427 for any period of time and who for the purpose of conducting such business occupies or uses any parcel of road or right-of-way land, building, tent, room, apartment, shop, store, structure, or uses a vehicle parked on premises where said person does not have the exclusive right of possession under ownership, lease or rental agreement, or any other non-permanent location or other place within the County for the purpose of offering to purchase or sell such goods, wares and merchandise, either privately, publicly or at public auction.

1. Exclusions. The aforesaid definition shall not apply to:
   a. The mere transportation of goods, wares, and merchandise and chattels of every kind.
   b. Persons using motor vehicles for the transportation of goods, wares and merchandise for delivery to an established list of customers or clientele, or to an established place of business.
2. Itinerant vendors shall be classified into one (1) of the following three (3) categories:
   a. Canvass. Includes any one (1) or more of the following activities:
(1) Disseminating written materials, or oral views; or

(2) Requesting information on the background, occupation, economic status, social status, religious status, political status, attitudes or viewpoints of another person.

b. Charitable. Includes any one (1) or more of the following activities:

(1) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any individual, firm, corporation, organization, association or group which is organized as or sponsored by an entity organized as a non-profit entity under laws of any State in the United States or of the Federal Government or recognized as such by the tax of any State of the United States or of the Federal Government.

(2) Seeking to obtain money, clothing or any other valuable thing in return for literature, artifacts or goods of any individual, firm, corporation, organization, association or group which is registered as a non-profit organization under laws of any State in the United States or of the Federal Government.

c. Commercial. Includes any one (1) or more of the following activities:

(1) Seeking to sell or to obtain orders for the purchase of goods, wares, merchandise, foodstuffs or other services, goods or contracts of any kind, character or description whatever, for any kind of consideration whatever, or dissemination thereof without consideration;

(2) Requesting information on the background, occupation, economic status, social status, political status, attitudes, viewpoints, occupants of a residence, telephone number, address, furnishings or the like of any person for the actual or alleged purpose of compiling such information as raw data or refined data into a document, record, book or directory to be sold, or to be used wholly or in part for commercial purposes; excepting persons conducting a census under the laws of the State of Missouri and the United States;

(3) Seeking to obtain subscriptions to books, magazines, periodicals, newspapers or any other type or kind of publications; or

(4) Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any individual, firm, corporation, organization, association or group not falling within the definition of "charitable soliciting" as set forth above.

3. Operations selling their excess homegrown produce at their property pursuant to Section 405.427, OSCCMo., shall not be considered itinerant vendors and shall not be required to be licensed. Itinerant vendors may not be licensed for operation in residentially zoned areas.

LICENSED PEDDLER/SOLICITOR (ALSO KNOWN AS HAWKER, HUCKSTER AND TRANSIENT MERCHANT): Includes any person who has complied with the requirements for licensing as herein provided for as a peddler/solicitor.

LICENSEE: Any person, business or other legal entity receiving a license pursuant to this Chapter.

PEDDLER/SOLICITOR (ALSO KNOWN AS HAWKER, HUCKSTER AND TRANSIENT WORKER/ MERCHANT): A person or group who conducts a business, profession, or occupation by traveling to individual residential units in a door-to-door manner. The definition shall specifically include, but not be limited to, selling of goods, wares and merchandise and the act of soliciting as defined herein. Operations selling their excess homegrown produce at their property shall not be considered peddlers/solicitors and shall not be required to be licensed.

PERSON: Any individual, co-partnership, firm, association, company or combination of individuals of whatever form or character.

VEHICLE: Every device, whether mechanically propelled or drawn, in or by which any person or property is or may be moved upon a public highway, except devices moved only by human or animal power or a device which works exclusively upon stationary rails or tracks and shall include trailers and semi-tractors. (Ord. No. 10-073 §1, 9-9-10; Ord. No. 11-006 §1, 2-24-11)

SECTIONS 606.010--606.040: RESERVED

SECTION 606.050: LICENSEE’S RESPONSIBILITY

Nothing in this Chapter shall be construed to relieve the peddler/solicitor or itinerant vendor from being responsible at all times for his own safety. St. Charles County does not assume responsibility for ensuring the safety of any peddler/solicitor or itinerant vendor. (Ord. No. 10-073 §1, 9-9-10; Ord. No. 11-006 §2, 2-24-11)

SECTIONS 606.060--606.140: RESERVED

SECTION 606.150: PURPOSE

It is the policy of the County to regulate the activities of peddlers/solicitors and itinerant vendors in such a way as to be fully apprised of such activities in order to protect and further the health, safety and welfare of its residents by preserving the right of residents and other persons within the County to peaceful enjoyment of privacy and freedom from harassment. No restraint of trade and no detriment to beneficial causes is intended by this Chapter, other than as necessary and appropriate to ensure the
SECTION 606.153: EXEMPTIONS AND EXCEPTIONS
A. With the exception of Section 606.170 and Section 606.175, the provisions of this Chapter shall not apply to the following activities:
1. Canvas activities as defined above;
2. Charitable activities as defined above which have complied with Section 606.185(H)(2);
3. Door-to-door contact by officers or employees of a County, State or Federal Government, or any subdivision thereof, when on duty and on official business;
4. Any solicitation conducted entirely by mail or by telephone;
5. Temporary outdoor sales authorized by Section 405.427, OSCCMo.;
6. Any business, profession or occupation specifically identified in this or other County ordinances, or operating under another license issued by St. Charles County, or having its principal place of business in St. Charles County or in neighboring Counties.

B. The provisions of this Chapter shall not apply to the following activities:
1. Any news-gathering activity for any news medium.
2. Political candidates, their representatives or persons distributing information or seeking to engage persons directly concerning candidates for elective office or ballot issue. (Ord. No. 10-073 §1, 9-9-10; Ord. No. 11-006 §3, 2-24-11)

SECTION 606.155: REQUIRED
Except as otherwise provided in this Chapter, every individual desiring to engage in any type of peddling/soliciting, as defined in this act, to owners and occupants of residences within the unincorporated area of the County is hereby required to:
1. Make written application to the County Sheriff for a license as hereinafter provided; and no person shall be permitted to engage in peddling/soliciting in the unincorporated area of the County unless that person has been issued a license.
2. Carry such license on his/her person and, upon demand, exhibit his/her license to any Sheriff's Deputy or other certified Peace Officer, County Official or any owner or occupant upon whose property he/she is peddling/soliciting.
3. Carry on his/her person an identification card with a photograph which has been approved and/or provided by the County as part of the license issuance with the name of the individual and the name of the organization, corporation, association or group for which the person will be peddling/soliciting.
4. Immediately prior to any peddler/solicitor requesting any information from any owner or occupant of any residential property within the unincorporated area of the County, he/she shall present his/her identification card or badge to the owner or occupant and request that the owner or occupant read the identification card or badge. (Ord. No. 10-073 §1, 9-9-10)

SECTION 606.160: TERM AND FEE
There shall exist two (2) different licenses issued pursuant to this Chapter with the shorter being a license term not to exceed four (4) consecutive days and the longer being a license term not to exceed seven (7) consecutive days. The fee for each license term is to be based upon the County's costs for issuing such license and approved by the Director of Administration and such fee schedule so established shall be available from the Sheriff's Department. In no event shall more than the actual cost of issuance of the license be charged as the fee. If two (2) or more such licenses are sought within twelve (12) months by the same licensee, whether or not applied for by different agents or representatives, then the second (2nd) and each successive license thereafter shall be for a period of seven (7) consecutive days and shall be charged the fee described on the fee schedule as approved by the Director of Administration and available from the Sheriff's Department. (Ord. No. 10-073 §1, 9-9-10)

SECTION 606.165: PROCEDURE FOR LICENSING OF PEDDLERS/SOLICITORS
A. Application For A License And Filing Fee. Any person desiring to engage in peddling/soliciting in the unincorporated area of this County shall file, on a form to be supplied by the Sheriff and approved by the County Counselor, an application with the County Registrar stating the following and shall pay the appropriate non-refundable filing fee as set forth on the fee schedule approved by the Director of Administration and available at the Sheriff's Department and the Registrar's Office.
1. Name of applicant.
2. Permanent home address of the applicant.
3. Name and address of the individuals, firm, corporation, organization, association or group represented, if other than self.
4. Nature of merchandise to be sold or offered for sale, the nature of the services to be furnished, or purpose for
peddling/soliciting.

5. Date on which he/she desires to commence peddling/soliciting.

6. Period of time for which a certificate is requested.

7. The make, model, year, color and license number and State of licensing of the applicant's motor vehicle.

8. Place or places of residence of the applicant for the preceding three (3) years.

9. Names of other communities in Missouri in which the applicant has worked as a peddler/solicitor in the past two (2) years.

10. Name of other communities in Missouri in which the individual, firm, corporation, organization, association or group for which applicant is peddling/soliciting has engaged in peddling/soliciting in the past two (2) years.

11. Whether or not the applicant has ever been convicted of a violation of a felony under laws of the State of Missouri or any other State or Federal law of the United States.

12. Said application shall also be accompanied by a letter or other written statement from the individual, firm, corporation, organization, association or group for which the applicant will be peddling/soliciting certifying that the applicant is authorized to act as a representative of that individual, firm, corporation, organization, association or group.

13. The applicant shall upon request submit to fingerprinting and photographing by the Sheriff's Department in connection with the application for the license.

14. When more than one (1) individual plans to peddle/solicit for the same corporation, organization, association or group, each such individual must fill out an application and each such individual shall pay the filing fee set out in the approved fee schedule.

15. All statements made by the applicant upon the application or in connection therewith shall be under oath.

16. Applicant's State sales and use tax number as required by Chapter 144, RSMo.

B. Processing Of Application Of Peddler/Solicitor. The County Registrar shall cause to be kept in his/her office an accurate record of every application received, together with all other information and data pertaining thereto and all licenses or exemptions issued under the provisions of this Chapter and of the denial of applications. Applications for license shall be numbered in consecutive order as filed; and every license issued, and any renewal thereof, shall be identified with a duplicate number of the application upon which it was issued. Within two (2) working days of receipt of the application by the County Registrar, the original of said application shall be referred to the County Sheriff for investigation.

C. Investigation And Approval Of Peddler/Solicitor.

1. The County Sheriff may cause such investigation to be made of the applicant's business and moral character and the business and moral character of the individual, firm, corporation, organization, association or group for which the applicant will be peddling/soliciting as he deems necessary for the protection of the public good. The County Sheriff shall endorse on such application his approval or shall state the reason for refusal and shall then forward the application and his determination to the County Registrar within ten (10) working days from the date of receipt of the application by the County Sheriff.

2. The Sheriff shall approve applications, unless:

   a. The individual requesting the license has, within two (2) years of the date of the application:
      (1) Been convicted of the commission of a felony under the laws of Missouri or any other State or Federal law of the United States;
      (2) Been convicted of a violation of any of the provisions of this Chapter;
      (3) Lost his/her license by revocation as herein provided;
      (4) Been convicted of a crime, misdemeanor or violation of any ordinance concerning canvassing or peddling/soliciting; or
      (5) Falsified any information required by this Chapter as a part of the application process;
      (6) Is a registered sex offender in any jurisdiction.

   b. The individual, firm, corporation, association, organization or group for which the applicant will be peddling/soliciting has, within two (2) years of the date of the application:
      (1) Been convicted of a violation of any provisions of this Chapter;
      (2) Lost its license by revocation as herein provided;
      (3) Been convicted of a crime, misdemeanor or violation of any ordinance concerning peddling/soliciting; or
      (4) Been convicted of a felony or misdemeanor involving or found civilly liable for fraud or misrepresentation in peddling/soliciting or misuse of such funds.

D. Notice Of Refusal Of Application For Peddler/Solicitor License. If, as a result of such investigation, the applicant is not entitled to receive a license under this Chapter for any of the reasons set forth in Subsection (C) "Investigation and Approval" of this Section 606.165, the County Registrar shall notify the applicant that his/her application is disapproved and that no certificate will be issued. Such notice shall be accompanied by a copy of the applicant's application with the Sheriff's endorsements and reasons endorsed upon it.
E. Issuance Of License For Peddler/Solicitor.

1. By Registrar. If, after such investigation, the applicant is found to be entitled to receive a license under this Chapter, the County Sheriff shall endorse on the application his/her approval and upon payment of all fees, if any, required by this Chapter or any other ordinance deliver to the applicant his license. The Sheriff shall then forward a copy of such license to the Registrar.

2. Contents of license. Such license shall contain the signature and Seal of the County Registrar and the Sheriff and shall show the name and address of the individual, firm, corporation, organization, association or group and shall show the kind of solicitation to be made thereunder, the date of issuance of the license and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle to be used in such peddling/soliciting. The Registrar shall keep a permanent record of all licenses issued.

3. Identification. As a part of the issuance of the license by the Sheriff, a suitable form of identification shall be approved by the County Registrar to identify the individual being licensed and the organization, corporation, association or group for which the individual will be peddling/soliciting. An identification card or badge with a photograph may be required by the County Registrar to be obtained from the County at cost if no other form of identification is approved. Such identification card shall contain the name of the individual, the name of the organization, corporation, association or group for which the individual will be peddling/soliciting and substantially the following wording: "This card does not indicate an endorsement by the County of any product or service". (Ord. No. 10-073 §1, 9-9-10; Ord. No. 11-006 §4, 2-24-11)

SECTION 606.170: REGULATIONS FOR PEDDLING/SOLICITING

A. It is hereby declared to be unlawful for any person licensed as a peddler/solicitor to enter inside a residence within the County, not having been invited or requested to do so by the owner or occupant of such residence.

B. Any peddler/solicitor, who has gained lawful entrance to any residence, shall immediately and peacefully depart from the residence when requested to do so by the owner or occupant thereof or failing same shall be guilty of a misdemeanor.

C. When any peddler/solicitor shall receive partial payment for goods, wares, merchandise, foodstuffs, service or subscription from any person within the County, he/she shall execute and give to such person a written receipt therefor, which receipt shall be legibly signed by the peddler/solicitor and shall set forth a brief description of the item or items ordered, the total purchase price therefor including the principal and separately any interest or service charge and the amount of the partial payment received by the peddler/solicitor from such person.

D. Every owner or occupant who desires to prevent peddling/soliciting on their property shall comply with the following requirements:

1. Notice of the determination by the owner or occupant of the refusal of an invitation to peddlers/solicitors to enter upon the property shall be given by notice posted on the property in the manner following:
   a. A weatherproof card approximately three (3) inches by four (4) inches in size with letters at least two (2) inches in height shall be exhibited upon or near the main entrance door to the building, indicating such a determination by the owner or occupant and containing the following words: "No Solicitors Invited".
   b. For purpose of uniformity the cards shall be provided by the County to persons requesting them at no cost. Posting of this card shall constitute sufficient notice to any peddler/ solicitor of the determination by the owner or occupant of the property of the information contained on it.

E. It shall be the duty of any person engaging in the business of peddling/soliciting, whether licensed under this Chapter as a peddler/solicitor or not, upon going onto any property in the County to first examine and look for the notice provided for in this Section, if any is posted, and be governed by the statement contained on any notice. If the notice states "No Solicitors Invited", then such person, whether licensed or not, shall immediately and peacefully depart from the premises or failing same shall be guilty of a misdemeanor. (Ord. No. 10-073 §1, 9-9-10)

SECTION 606.175: DUTY OF SHERIFF TO ENFORCE REQUIREMENTS OF PEDDLER/SOLICITOR LICENSE

A. It shall be the duty of the County Sheriff, as well as the County Registrar, to see that the provisions of this Chapter pertaining to peddler/solicitor are enforced and obeyed. The County Sheriff shall at all times keep vigilant watch for any violation and shall issue summons in case of any violation detected, whether or not any complaint has been made. Violation of this Chapter shall be a misdemeanor.

B. The Clerk of the Municipal Court shall report to the County Registrar all convictions for violation of this Chapter pertaining to peddler/solicitor and the County Registrar shall maintain a record for each license issued and record their reports of violation therein. (Ord. No. 10-073 §1, 9-9-10)

SECTION 606.180: DENIAL, REVOCATION OR EXPIRATION OF LICENSE FOR PEDDLER/SOLICITOR

A. Any license issued pursuant to this Chapter may be revoked by written order of the Sheriff or his designee because of any violation by the licensee of this Chapter or any other ordinance of the County, or of State or Federal law, or upon proof that the licensee has been participating in disorderly conduct, fraud or misrepresentation in connection with his/her solicitation, or
whenever the licensee shall cease to possess the qualifications and character required in this Chapter for the original licensing. The licensee shall promptly be mailed written notice of such decision.

B. Any person aggrieved by the decision of the Sheriff or his designee to deny or revoke a license shall have the right to appeal to the Director of Administration.

C. Each license shall expire at the end of the term for which it was issued. (Ord. No. 10-073 §1, 9-9-10; Ord. No. 11-006 §5, 2-24-11)

SECTION 606.185: REQUIREMENTS FOR ITINERANT VENDOR LICENSE -- TERM

A. Application Fee. Any person(s) desiring to operate as an itinerant vendor in the County shall file with the County Registrar, on a form to be supplied by the County Registrar and approved by the County Counselor, an application stating the following and shall pay the appropriate non-refundable filing fee defined within Subsection (J) of this Section:

1. Name of applicant;
2. Permanent home address of the applicant;
3. Name and address of the individuals, firm, corporation, organization and association or group represented, if other than self;
4. Nature of merchandise to be sold or offered for sale, the nature of services to be furnished or purpose for conducting business;
5. Date on which he/she desires to commence conducting business; and date of previous license issued during this calendar year, if any;
6. Each and every location where such activities shall be conducted;
7. Period of time for which a license is requested;
8. Whether or not the applicant has ever been convicted of a violation of a felony under laws of the State of Missouri or any other State or Federal law of the United States;
9. Zoning category where the activity is to be conducted and be accompanied by written permission of the property owner for use of the property, if other than the applicant; and
10. Applicant's State sales and use tax number as required by Chapter 144, RSMo.

B. Vacant lot/parking lot requirements must be met when applicable.

C. If a structure is to be constructed, a building permit must be obtained and other building and Fire Department requirements must be met.

D. An occupancy permit must be obtained prior to issuance of a license.

E. Upon determination that all requirements have been met, the County Registrar shall issue the license.

F. The County Registrar shall keep all applications and records of licenses issued on file.

G. Prohibitions.

1. Itinerant vendors may not be licensed to operate in residentially zoned areas.
2. Itinerant vendors may not operate in any right-of-way adjacent to a roadway greater than four (4) lanes.

H. Applicants seeking to operate as an itinerant vendor shall seek and obtain use review and approval from the Division of Planning and Zoning for each and every proposed location at which the proposed vending activities are to be conducted prior to conducting such activities. The use review and approval at the Division of Planning and Zoning shall not be necessary for:

1. Entities and individuals that possess a validly issued annual business license from the County of St. Charles who seek to conduct vending activities outside of any permanent structure located on the licensed real property for a period of time not to exceed five (5) days and the said vending activities to be conducted are related to the business activities regularly conducted by the licensed entity or individual except to the extent that Section 405.427(C) of the Unified Development Ordinance of St. Charles County, Missouri, provides otherwise; or
2. Charitable entities that have registered with the County of St. Charles by providing a valid not-for-profit letter from the State of Missouri and seek to operate as itinerant vendor for no more than five (5) days in areas not prohibited in Subsection (G)(2) above.
3. Entities and individuals seeking to operate inside of an enclosed shopping mall for which a valid business license has been issued by the County.

I. For events conducted one (1) to four (4) days under the sponsorship of a single organization, the itinerant vendors may conduct business on the license obtained by the sponsor, who shall meet all the provisions of this Section for such license, including a listing of the name, address and State sales and use tax numbers of all of the vendors participating in the event.

J. There shall exist an itinerant vendor license issued pursuant to this Section for a license term not to exceed four (4) consecutive days. The fee for each license term is listed on the fee schedule approved by the Director of Administration and available at the Sheriff's Department. If two (2) or more such licenses are sought within a calendar year by the same licensee, whether or not applied for via different agents or representatives, then the second (2nd) and each successive license thereafter shall be for a period
CHAPTER 607: PRIVATE DETECTIVES -- UNINCORPORATED AREA OF ST. CHARLES COUNTY

SECTION 607.010: DEFINITIONS

The following words, when used in this Chapter, shall have the meanings ascribed to them in this Section:

DETECTIVE AGENCY: Any person engaged in the detective business, for hire, who employs one (1) or more persons as employees, assistants, clerks, bookkeepers or operatives in his business; provided, that persons engaged in such business, whose employees, other than office employees, are in full uniform, shall not be classed as a detective agency, but shall be regulated by the requirements of St. Charles County Code Sections 605.010--605.180 concerning Private Watchmen and Security Guards.

DETECTIVE BUSINESS: The business of making, for hire, an investigation for the purpose of obtaining information with reference to any of the following matters: Crimes against any commonwealth or wrongs done or threatened; the habits, conduct, movements, associates, transactions, reputation or character of persons; the credibility of witnesses or other persons; the location or recovery of lost or stolen property; securing evidence to be used before authorized investigating committees, boards of award or arbitration, or in the trial of civil or criminal cases; the causes, origin or responsibility for fires or accidents, or injury to real or personal property; or strikes and labor difficulties. The definition shall not include the service of process, but shall include persons who offer their services in return for compensation for the personal protection of individuals, executives or public persons.

ENGAGE IN THE BUSINESS OF PRIVATE DETECTIVE: Any person who hires himself out to conduct the business of a private detective and who, in so holding himself out, identifies himself as doing business in the unincorporated area of St. Charles County. That identification may be by address, telephone or fax.

ESTABLISH, CONDUCT, MAINTAIN OR OPERATE A PRIVATE DETECTIVE AGENCY IN THE UNINCORPORATED AREA OF ST. CHARLES COUNTY: To have an office in the unincorporated area of St. Charles County or a telephone or fax, place of business identified to the public as a "St. Charles" telephone number, but not identified as located in an incorporated area within St. Charles County.

PRIVATE DETECTIVE: A person engaged in the detective business for hire, who does not employ or use any employees, assistants, clerks, bookkeepers or operatives. The term shall not include the service of process or persons in full uniform regulated by St. Charles County Code Sections 605.010--605.180 concerning Private Watchmen and Security Guards. (Ord. No. 01-002 §1, 1-8-01)

SECTION 607.020: LICENSE--REQUIRED

No person shall engage in the business of private detective in the unincorporated area of St. Charles County, nor shall any detective agency be established, conducted, maintained or operated in the unincorporated area of St. Charles County, without having first obtained a license to do so as provided in this Chapter. The Sheriff may establish a fee for the cost of such license so long as the fee does not exceed the cost of issuance. (Ord. No. 01-002 §2, 1-8-01)

SECTION 607.030: LICENSE--APPLICATION--INVESTIGATION OF APPLICANT

Any person intending to establish or conduct the business of a private detective or a detective agency in the unincorporated area of St. Charles County shall file a written application for a license which shall contain the following:

1. If the applicant is a person, the application shall be signed and verified by the person, and if the applicant is a firm or partnership, the application shall be signed and verified by each individual composing or intending to compose the firm or partnership. The application shall state the full name, age, residence, present and previous occupations, covering a period of five (5) years prior to the application, of each person or individual so signing the same and shall show that he is a citizen of the United States. The application shall also give the location of the office in the unincorporated area of the County, and if there is more than one (1) office, the location of each of same and facts sufficient to show the good character, competency and integrity of the person so signing the application. The application shall be approved as to each person so signing by not less than five (5) citizens, each of whom shall certify that he has personally known the applicant for a period of at least five (5) years prior to the filing of the application, that he has read the application and believes each of the statements made therein to be true, and that the person is honest, of good character, competent and not related or connected to the person so certifying by blood or marriage. The certificate of approval shall be signed by each of the citizens and duly verified before an officer authorized to administer oaths.

2. If the applicant is a corporation, the application shall be signed and verified by the president, secretary and treasurer thereof and shall specify the name of the corporation, the date and place of its incorporation, the location of its principal place of business in the County, and shall be accompanied by a copy of its certificate of incorporation. Each and every requirement of Subsection (1), as to a person or the individual members of a firm or partnership, shall apply to the president, secretary and treasurer of the corporation, and each of the officers, his successor or successors shall, prior to the entering upon the discharge of his duties, sign and verify a like statement, approved in like manner, as is by Subsection (1), prescribed in the case of a person or individual member of a firm or partnership. In the event of the death, resignation or removal of any officer, due notice of that fact shall forthwith be given in writing to the Sheriff.

634
3. All applications shall be accompanied by documentation required by Section 140.013, OSCCMo, relating to applicant's payment of personal and real property tax and sales tax, and applicants shall meet all other requirements of Section 140.013.

4. Upon the filing of the application with the Sheriff, he shall investigate the application and the matters and things stated and within fifteen (15) working days after the receipt thereof by him, shall render a decision on the application;

5. Every applicant shall provide on the application the information that the applicant, if he be a person, has acquired appropriate errors and omissions insurance in the amount of two hundred fifty thousand dollars ($250,000.00), or in the case of a firm, company, partnership or corporation, errors and omissions insurance in the amount of five hundred thousand dollars ($500,000.00).

6. An applicant who is currently employed by a governmental law enforcement agency as a Commissioned Police Officer of the State of Missouri or employed by a fire district or department within the State of Missouri may be licensed for secondary employment as a private detective during the term of his employment with such law enforcement agency or fire department upon presentation of evidence of his current employment and the proper proof of insurance as set out above. Each officer or fireman must have secondary employment approval by his employing department to the extent required by that department's policies and procedures.
   a. During the one (1) year term of the license, all licenses granted under this provision cease to be valid simultaneously with termination of commissioned status for Law Enforcement Officers or with termination of employment for fireman.
   b. Responsibilities and obligations when performing in the licensed status shall be those applicable to the licensed function being performed, except that nothing in this provision shall diminish or enlarge upon the duties and responsibilities of Peace Officers as provided for by applicable law or the applicable department's regulations. (Ord. No. 01-002 §3, 1-8-01; Ord. No. 13-001 §5, 1-3-13)

SECTION 607.040: LICENSE--ISSUANCE--CERTIFICATE

If it appears from an examination of the application and the report and recommendation of the Sheriff that the applicant is of approved competency and integrity, and has not had his license as a private detective revoked or limited in another jurisdiction, the Sheriff shall issue and deliver to the applicant a license to engage in the detective business in the County. The license certificate shall be in a form to be prescribed by the Sheriff and shall specify the full name of the applicant, the location of the place of business of the applicant, the date on which it is issued, and the date on which it will expire. (Ord. No. 01-002 §4, 1-8-01)

SECTION 607.050: LICENSE--EXPIRATION

All licenses shall expire on the thirtieth (30th) day of April following the date of issue. The fee for each license issued shall be collected in full at the time of the issuance and delivery thereof. (Ord. No. 01-002 §5, 1-8-01)

SECTION 607.060: RENEWAL

When a license shall have been granted to any person to engage in the business of private detective, or to establish, maintain or conduct a private detective agency as provided in this Chapter, any license shall be renewed after its expiration merely on the application of the licensee, except in the case of a licensee whose license shall have been revoked, the license may not be renewed. (Ord. No. 01-002 §6, 1-8-01)

SECTION 607.070: LICENSE--TIME OF ISSUANCE--TRANSFER

Licenses may be issued at any time during the license year upon compliance with all the provisions of this Chapter and the payment of the full fees herein prescribed. No license granted under this Chapter shall be transferable. (Ord. No. 01-002 §7, 1-8-01)

SECTION 607.080: LICENSE-REVOCATION

A. The license provided for by this Chapter shall be revoked by the Sheriff upon hearing duly had pursuant to the requirements herein, for any of the following reasons:
   1. If it shall appear that the licensee has knowingly violated any of the provisions of this Chapter;
   2. If it shall appear that the licensee has knowingly instructed any employee to violate any of the provisions of this Chapter;
   3. If it shall appear that the licensee has knowingly made a false report in respect to any of the matters in which the applicant may be employed;
   4. If it shall appear that the licensee has divulged any information which he acquired from or for his client to any person other than his client, except when authorized by his client to divulge the information, or as he may be required to do by law;
   5. If it shall appear that the licensee has knowingly and willfully sworn falsely in any judicial proceeding, or suborned perjury therein;
   6. If it shall appear that the licensee has knowingly permitted any employee to make a false report or has knowingly permitted
any employee to divulge any information acquired from or for his client;

7. If it shall appear that the licensee has accepted money or gratuities from any person whose affairs he may have been employed by any other person to investigate;

8. If it shall appear that the licensee has, or knowingly permitted any employee to make a false statement to induce any person, business, firm, corporation or other entity to hire the licensee.

B. In the event that a hearing shall establish that any co-partner or any person, member of a firm or any officer of a corporation holding a license hereunder has done any of the things set forth in the foregoing Subsections (A)(1--8), then the Sheriff shall revoke the license of the person, partnership, firm or corporation. (Ord. No. 01-002 §8, 1-8-01)

SECTION 607.090: HEARINGS

The Sheriff shall appoint a hearing officer who shall abide by the following procedural rules while taking evidence at hearings:

1. Introduction of evidence. The hearing officer shall abide by the following in the introduction of evidence:
   a. Any interested person may introduce evidence so long as it complies with these rules and the fundamental rules of evidence.
   b. Oral evidence shall only be taken in compliance with Section 120.100 of the Ordinances of St. Charles County.
   c. All proceedings shall be suitably recorded and preserved. A copy of the transcript of such proceeding shall be made available to any interested person upon the payment of a fee which shall in no case exceed the reasonable cost of preparation and supply.
   d. Records and documents may be introduced so as to be a part of the record, but the records and documents may be considered as a part of the record by reference thereto when so offered.
   e. The hearing officer shall take official notice of the St. Charles County Charter and ordinances and all matters of which the courts take judicial notice. The hearing officer may also take official notice of technical or scientific facts, not judicially cognizable, within his competence, if he notifies the parties, either before the hearing or during the hearing of the facts of which he proposes to take such notice and give the parties reasonable opportunity to contest such facts or otherwise show that it would not be proper for the hearing officer to take such notice of them.
   f. Copies of writings, documents and records shall be admissible without proof that the originals thereof cannot be produced, if it shall appear by testimony or affidavit or certification by the custodian of the writings, documents or records that the copy offered is a true copy of the original.
   g. Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of an act, transaction, occurrence or event shall be admissible as evidence of the act, transaction, occurrence or event, if it shall appear that it was made in the regular course of any business, and that it was the regular course of such business to make such memorandum or record at the time of such act, transaction, occurrence or event or within a reasonable time thereafter. All other circumstances of the making of such writing or record, including lack of personal knowledge by the entrant or maker, may be shown to affect the weight of such evidence, but such showing shall not affect its admissibility. The term "business" shall include business, profession, occupation and calling of every kind.
   h. The results of statistical examinations or studies, or of audits, compilation of figures, or surveys, including interviews with many persons or examination of many records, or of long or complicated accounts, or of a large number of figures, or involving the ascertainment of many related facts shall be admissible as evidence of such results, if it shall appear that such examination, study, audit, compilation of figures, or survey was made by or under the supervision of a witness, who is present at the hearing, who testifies to the accuracy of such results, and who is subject to cross-examination by the Board or Commission, and if it shall further appear by evidence adduced that the witness making or under whose supervision such examination, study, audit, compilation of figures, or survey was made was basically qualified to make it. All the circumstances relating to the making of such an examination, study, audit, compilation of figures or survey, including the nature and extent of the qualifications of the maker, may be shown to affect the weight of such evidence, but such showing shall not affect its admissibility.
   i. Any party desiring to introduce an affidavit in evidence at a hearing must file the affidavit with the hearing officer not later than seven (7) days prior to the hearing.

2. Witnesses. The hearing officer may accept the testimony of witnesses provided that each witness takes the following oath: "I do solemnly declare and affirm that I will tell the truth, the whole truth and nothing but the truth in these proceedings under the pains and penalties of perjury."

3. Duties and powers of the hearing officer. The following shall be the general duties and powers of the hearing officer.
   a. The hearing officer may adopt rules of procedure consistent with the provisions of any departmentally adopted rules or any Federal and State law and the St. Charles County Charter and ordinances at the outset of the hearing.
      (1) The rules adopted by the hearing officer must be deemed necessary by him to conduct the hearing and must be stated in the record.
      (2) In the event that the Sheriff has not adopted Rules of Procedure or where the hearing officer's own Rules of Procedure are lacking, the hearing officer shall follow Robert's Rules of Order.
b. Each hearing officer shall keep a record of all proceedings.

(1) The record must be approved by the hearing officer and signed by him.

(2) Within thirty (30) days following the record being signed by the hearing officer, the hearing officer shall file with the Sheriff a record of its proceedings. (Ord. No. 01-002 §9, 1-8-01)

SECTION 607.100: LICENSE--CERTIFICATE--POSTING--SURRENDER

Immediately upon the receipt of a license issued by the Sheriff pursuant to this Chapter, the licensee named therein shall cause the license certificate to be posted up and at all times displayed in the conspicuous position in his place of business, so that all persons visiting the place may readily see the same. In case of revocation, the license certificate shall be surrendered to the Sheriff within five (5) days after notice in writing to the holder has been given that the license has been revoked. (Ord. No. 01-002 §10, 1-8-01)

SECTION 607.110: LICENSE--CERTIFICATE--DUPLICATE

If it shall be established to the satisfaction of the Sheriff in accordance with the rules and regulations prescribed by him, that an unexpired license certificate issued in accordance with the provisions of this Chapter has been lost or destroyed, without fault on the part of the holder, the Sheriff shall issue a duplicate license certificate for the unexpired portion of the period of the original license. (Ord. No. 01-002 §11, 1-8-01)

SECTION 607.120: NEW OFFICE LOCATION

If the holder of an unexpired license issued pursuant to this Chapter shall remove his office, he shall, within twenty-four (24) hours immediately following the removal, give written notice of removal to the Sheriff, which notice shall describe the premises to which the removal is made and the date on which it was made, and he shall send his license certificate to the Sheriff, who shall write or stamp, over his signature, a statement to the effect that the holder thereof, on the date stated in the written notice, removed his office from the place originally described in the license certificate to the place described in the written notice. The license certificate with the endorsement thereon shall be returned to the licensee named therein. (Ord. No. 01-002 §12, 1-8-01)

SECTION 607.130: APPLICABILITY OF CHAPTER TO PUBLIC AUTHORITIES WHILE ENGAGED IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES

Nothing in this Chapter shall apply to any Peace Officer belonging to the Police force of the State, or of any County, City, Town, Village or other municipal corporation thereof, appointed or elected by due authority of law, nor to any person in the employ of any Police Force or Police Department of the State or of any County, City, Town, Village or other municipal corporation thereof, while engaged in the performance of his official duties, nor to any person in the employ of any Fire Marshal, or Fire Department of the State or of any County, City, Town, Village or other municipal corporation thereof, while engaged in the performance of his official duties, nor to any State's Attorney or any person in the employ of any State's Attorney while engaged in the performance of his official duties. (Ord. No. 01-002 §13, 1-8-01)

SECTION 607.140: EMPLOYEES--LICENSE NOT REQUIRED

The holder of an unexpired license for a detective agency issued pursuant to this Chapter may employ, to assist him in his work and in the conduct of his business, as many persons as he may deem necessary and shall at all times during such employment be accountable for the good conduct in the business of each and every person so employed. Any person so in the employ of the holder of a license for a detective agency need not be the holder of a license certificate issued pursuant to the provisions of this Chapter. (Ord. No. 01-002 §14, 1-8-01)

SECTION 607.150: PRIVATE DETECTIVES--OTHER JURISDICTIONS--NOTICE OF PRESENCE REQUIRED

Private detectives or detective agencies with a place of business not located in unincorporated St. Charles County as well as those so licensed herein shall notify the Sheriff's Department of their presence in St. Charles County whenever they are engaging in surveillance or similar activity.

1. Notice may be made by written, personal or telephonic means.

2. If notice is made in writing, the notice shall be directed to the Sheriff at 301 North Second Street, St. Charles, Missouri 63301.

3. If notice is made in person, it shall be made to the Watch Commander in the Patrol Division, Bureau of Field Operations.

4. Telephonic notice shall be made to the Watch Commander or the Captain of the Bureau of Field Operations directly or through the Sheriff's Office dispatchers.

5. Failure to provide notice shall result in a warning on the first (1st) offense and a fine of one hundred dollars ($100.00) per offense thereafter. (Ord. No. 01-002 §15, 1-8-01)

SECTION 607.160: EMPLOYEES--INFORMATION CONFIDENTIAL--REPORTS

No person who is or has been an employee of a holder of a license for a detective agency granted under the terms of this Chapter
shall divulge to anyone other than his employer, except as he may be required to by law, any information acquired by him during employment in respect to any of the work to which he shall have been assigned by the employer, or any information obtained by him in the employer's service. No person who is an employee of a holder of such a license shall make any false reports or account to the employer. (Ord. No. 01-002 §16, 1-8-01)

SECTION 607.170: WORKING WITHOUT LICENSE

It shall be unlawful for any person to act as or hold himself out as a private detective for hire within the County, or for any person to solicit, engage in or to hold out himself as being engaged in the business of furnishing or supplying of private detectives within the County, unless the person is licensed under this Chapter or is regularly employed by a duly licensed private detective; provided however, that this Chapter shall not apply to Peace Officers or fire investigators employed by a Federal, State, County or local political subdivision while engaged in their official duties or to secondary employment by such persons as private Policemen or watchmen, or other persons engaged only in the business of doing private Police duty and not in the detective business. Nothing in this Chapter shall negate the licensing requirements set forth in St. Charles County Ordinance Sections 605.010--605.180 concerning Private Watchmen and Security Guards. (Ord. No. 01-002 §17, 1-8-01)

SECTION 607.180: PENALTY

Violation of the provisions of this Chapter shall, upon conviction, be punishable by a fine of not more than five hundred dollars ($500.00) for each offense, and each day such violation exists shall be deemed a separate offense. (Ord. No. 01-002 §18, 1-8-01)

SECTION 607.190: ENFORCEMENT

Enforcement of the criminal penalties Section shall be the responsibility of the County Counselor's office. (Ord. No. 01-002 §19, 1-8-01)

CHAPTER 608: TOWING BUSINESSES

SECTION 608.010: CITATION OF CHAPTER

This Chapter shall be known and cited as the "Tow Truck Code". This Chapter shall apply to any wrecker or tow service business registered with the United States Department of Transportation and which is operated (1) by a towing business physically located within St. Charles County, or (2) which conducts more than fifty percent (50%) of its wrecker or tow service business activities in the County. (Ord. No. 03-011 §1, 1-29-03)

SECTION 608.015: SCOPE

This Chapter shall be applicable in St. Charles County. (Ord. No. 03-011 §2, 1-29-03)

SECTION 608.020: DEFINITIONS

As used in this Chapter, the following words shall mean:

CRUISING: Operating a tow truck on a public highway at a slow rate of speed or in any other fashion for the purpose of soliciting business along said highway.

HIGHWAY: Any highway, road, street or alley open to the use of the public for the purpose of vehicular traffic.

IDENTIFICATION NUMBER: A permanent number assigned by the Registrar to a specific tow vehicle.

LICENSEE: The owner of a tow truck business licensed by the St. Charles County Registrar.

OPERATING, OPERATION OF OR TO OPERATE A TOW TRUCK: Includes all acts and functions incident to the movement of a tow truck from place to place; as well as all acts involved in the undertaking of a tow, whether for hire or for personal or business use by the owner of the tow truck; and the conducting of a business engaged in the operation of a tow truck.

OWNER: Any person who holds legal title to a tow and/or wrecker business or one who has the legal right to the control of such a business.

PERSON: Any individual, co-partnership, firm, association, company or combination of individuals, of whatever form or character.

REGISTRAR: The Registrar of St. Charles County, Missouri.

REGISTRATION: A form provided by the Registrar on which the applicant or licensee will provide the VIN (Vehicle Identification Number) for each tow vehicle or wrecker.

SHERIFF: The Sheriff of St. Charles County, Missouri.

SOLICITING: Requesting or attempting to sway an owner, his lawful agent or representative to give permission to a tow truck to
remove, repair or store a vehicle for monetary consideration without previous request from the owner, his lawful agent or representative.

**TOW TRUCK:** A mechanically propelled vehicle equipped with a device used to hoist and tow, transport, convey or move other vehicles from place to place upon authorization of the owner, his lawful agent or representative, which vehicle is sometime referred to as a tow vehicle or wrecker.

**VEHICLE:** Every device, whether mechanically propelled or drawn, in or by which any person or property is or may be moved upon a public highway, except devices moved only by human or animal power or a device which works exclusively upon stationary rails or tracks, and shall include trailers and semi-trailers. (Ord. No. 03-011 §3, 1-29-03; Ord. No. 12-029 §2, 3-30-12)

**SECTION 608.025: LICENSE REQUIRED**

A. From and after May 1, 2003, it shall be unlawful for any person or corporation (1) to operate a towing business within St. Charles County, or (2) to conduct more than fifty percent (50%) of its wrecker or tow service business activities in the County if in either event one (1) or more wreckers or tow vehicles used within that business are registered with the United States Department of Transportation, unless the owner of the tow truck business shall first have obtained a license from the Sheriff and delivered by the Registrar for said tow truck business. An application for a license shall be made by the tow truck owner on a form approved by the Sheriff and furnished by the Registrar, and any license issued shall be affixed to the lower left corner of the windshield of the tow truck for which the license is obtained. All references to St. Charles County refer to the areas within the incorporated areas of the County as well as the unincorporated areas pursuant to the authority of Section 301.344, RSMo.

B. No license shall be required of any person to operate a tow truck(s) within the County if that person's only business interest in the tow truck(s) is to sell and service said truck(s).

C. Each tow truck or wrecker used within the business shall be registered by the licensee with the Sheriff and Registrar. (Ord. No. 03-011 §4, 1-29-03; Ord. No. 12-029 §3, 3-30-12)

**SECTION 608.030: REQUIREMENTS FOR LICENSE**

The application for said license shall contain the following:

1. Name and address of the tow truck business owner; if a natural person, the date and place of birth and Missouri State operator's license number; if a corporation, the state under which incorporated, the date of incorporation, the address of the principal office, and the names and addresses of its officers;

2. If any other type of organization, the name thereof, the location of its office, and the names and addresses of the principal officers, directors, trustees, or managing officials or partners;

3. The names and addresses of all persons who will be directly involved in the administration of the tow truck business or operation of a tow truck under the license;

4. The place from which the tow truck business will operate and the number of said vehicles to be operated;

5. A listing of each wrecker or tow truck used in the business by VIN and license number, as well as a copy of the title;

6. A copy of the valid Missouri State Safety Inspection or of the valid United States Department of Transportation periodic inspection for each tow vehicle or wrecker;

7. There shall be affixed to the application an affidavit to be sworn to by the applicant containing the above information, as well as a certificate of insurance certifying that the applicant carries insurance required by Section 608.080 of this Chapter; and

8. All applications shall be accompanied by documentation required by Section 140.013, OSCCMo, relating to payment of personal and real property tax and sales tax by applicant and by all persons directly involved in the administration of the tow truck business or operation of a tow truck under the license, and all such persons shall meet all other requirements of Section 140.013. (Ord. No. 03-011 §5, 1-29-03; Ord. No. 03-066 §1, 6-3-03; Ord. No. 13-001 §6, 1-3-13)

**SECTION 608.031: REQUIREMENTS FOR TOW TRUCK OPERATORS**

A. Any person who is to be an operator of a tow truck under the provisions of the Chapter shall: (a) be eighteen (18) years of age or older; and (b) have a current chauffeur's license issued by the State of Missouri pursuant to the licensing requirements of Chapter 302 of the Revised Statutes of Missouri or, if licensed to drive in another State, have a comparable commercial driver's license that is current.

B. The tow truck owner shall provide proof to the Registrar that the persons who will be operating the tow truck(s) possess a current chauffeur's license or equivalent as required under this Section. (Ord. No. 03-011 §6, 1-29-03)

**SECTION 608.035: REQUIREMENTS BEFORE ISSUANCE OF LICENSE**

A. Each applicant, upon submission of the application for tow truck license, shall be required to provide to the Registrar the following:

1. An original State criminal history check from the Missouri State Highway Patrol's Criminal Records and Identification Division consisting of at least a current arrest and conviction record for the applicant and for each person listed pursuant to
St. Charles County -- QuickCode

Section 608.030(3) (which report shall be furnished upon presentation to the Missouri State Highway Patrol's Criminal Records and Identification Division of an "Authorization for Release of Information to Third Party" stating, "As the subject of a criminal record check, I request the Missouri State Highway Patrol to provide my criminal history to the St. Charles County Registrar, 201 North Second Street, St. Charles, Missouri 63301. I understand that the criminal history information released may contain records deemed "closed" by Missouri Statutes and I release the Missouri State Highway Patrol Criminal Records and Identification Division from any liability from such request. I authorize such release by my signature. [signature]"");

2. Authenticated copies of records from any other Law Enforcement Agency on the disposition of any criminal matters identified on an original State criminal history check without information on its disposition (which copies may be furnished upon presentation to the Law Enforcement Agency of an "Authorization for Release" substantially similar to the release described in Section 608.035(A)(1), above); and

3. Written records showing arrests, guilty pleas and findings of guilt concerning the applicant and all other persons listed as being involved in the operation of a tow truck.

B. Such application shall be reviewed by the Sheriff and such license shall be issued by the Sheriff and delivered by the Registrar unless the Sheriff finds one (1) or more of the following:

1. Intentional misstatements or misleading statements of fact in the application;

2. Any party or parties interested in the proposed operation of a tow truck in the County shall previously have had a tow truck license suspended or revoked, or shall have been registered as an offender under Sections 589.400 et seq., Revised Statutes of Missouri, as amended ("Megan's Law"), or shall have pled guilty to, or been found guilty of, the following:
   a. A violation of any Statute, law or ordinance involving theft, possession of stolen property, interstate transportation of stolen vehicles; or
   b. A violation of any State Statute, law or ordinance involving crime against persons, including, but not limited to, all forms of assaults; or
   c. A violation of any State felony Statute; or
   d. A violation of the St. Charles County Tow Truck Code; or
   e. Failure to pay the required application fee.

Should the Sheriff find one (1) or more of the preceding as set out in this Subsection (B)(2), he shall not approve the application, issue the license, and authorize the Registrar to deliver it.

C. Each applicant shall be notified by the Registrar by mail or by hand delivery of the issuance or non-issuance of a license by the Sheriff.

D. If the Sheriff does not issue a license, the Sheriff's reasons for his not doing so shall be in writing and shall accompany the Registrar's notice of non-issuance.

E. The Sheriff's determination of non-issuance may be appealed under the provisions of Section 536.150, RSMo., as amended. (Ord. No. 03-011 §7, 1-29-03; Ord. No. 03-066 §2, 6-3-03; Ord. No. 05-101 §1, 6-28-05; Ord. No. 06-117 §1, 8-29-06; Ord. No. 12-029 §4, 3-30-12)

SECTION 608.040: LICENSE FEE -- TERM

A. The fee for the issuance of a license under this Chapter shall be fifty dollars ($50.00) for each business, said fee to accompany the license application. No part of said fee shall be returnable.

B. The term of said license shall be for one (1) year from the date of issuance and may be renewed as provided herein. (Ord. No. 03-011 §8, 1-29-03)

SECTION 608.045: RENEWAL PROCEDURE

A. Prior to the expiration of the license, a County licensee may apply to the Registrar for a renewal thereof by the Sheriff.

B. The County licensee shall indicate any changes from the information furnished to the Registrar at the time of the original application.

C. An application for renewal shall be accompanied by a renewal application fee of thirty-five dollars ($35.00), no part of which shall be returnable.

D. The Registrar shall renew said license if the Sheriff shall find that said operation shall have been conducted in accordance with all applicable laws and ordinances.

E. If the Sheriff does not approve renewal of the license and the Registrar does not renew said license, the procedure set forth in Section 608.050 herein shall be followed. (Ord. No. 03-011 §9, 1-29-03; Ord. No. 12-029 §5, 3-30-12)

SECTION 608.050: SUSPENSION OR REVOCATION PROCEDURE

The Sheriff may suspend for a period up to ninety (90) days or revoke a license heretofore issued if he finds one (1) or more of the following:
1. Intentional misstatement or misleading statements of fact in the application not discovered until after the issuance of said license;

2. Any party or parties interested in the proposed operation of a tow truck in the County shall have been convicted of the following:
   a. A violation of any Statute, law or ordinance involving theft, possession of stolen property, interstate transportation of stolen vehicles; or
   b. A violation of State Statute, law or ordinance involving any crime against persons, including, but not limited to, all forms of assault; or
   c. A violation of State felony Statute; or
   d. A violation of the St. Charles County Tow Truck Code.

3. However, in the case of a suspension, if the Sheriff should find the conduct of such party or parties subsequent to the start of the suspension to be such as to indicate the fitness to operate a tow truck before the period of suspension is completed, the Sheriff may terminate the suspension. In the case of a revocation, if the Sheriff should find the conduct of such party or parties subsequent to the start of the revocation to be such as to indicate the fitness to operate a tow truck, the Sheriff may issue a license to the party or parties subject to the revocation after the party or parties have applied anew for a tow truck license. In either case, the actions of the Sheriff shall not be against the public interest;

4. In the event that the Sheriff suspends or revokes said license, the County licensee shall be entitled to a hearing before the Sheriff upon notice duly given ten (10) business days prior to the date of such hearing. The decision of the Sheriff and the reasons therefore shall be sent by certified mail or hand delivered to the County licensee. (Ord. No. 03-011 §10, 1-29-03; Ord. No. 05-101 §2, 6-28-05; Ord. No. 12-029 §6, 3-30-12)

SECTION 608.055: VARIANCE -- TRANSFER OF REGISTRATION

No license shall be transferred from one owner to another, but an owner may transfer the registration of one tow truck to another tow truck. Such transfer shall only be made on approval of the Sheriff after written request was made to the Registrar on forms approved by the Sheriff and provided by the Registrar for that purpose. (Ord. No. 03-011 §11, 1-29-03; Ord. No. 12-029 §7, 3-30-12)

SECTION 608.057: VARIANCE -- CHANGE IN PERSONNEL

The applicant or licensee shall provide the Registrar information on additional drivers at the time such person is hired or contracted. The Registrar shall provide forms approved by the Sheriff upon which the County applicant or licensee shall report the information for each driver as required by this Chapter. (Ord. No. 03-011 §12, 1-29-03; Ord. No. 12-029 §8, 3-30-12)

SECTION 608.058: VARIANCE -- CHANGE OR ADDITIONAL VEHICLES

The applicant or licensee shall provide the Registrar information on additional vehicles by registering the VIN (Vehicle Identification Number) of that vehicle prior to the time such vehicle is put into operation. The Registrar shall provide forms approved by the Sheriff upon which the County applicant or licensee shall report the registration information for each vehicle as required by this Chapter. Such form may be used to notify the Registrar that a vehicle has been taken out of service. (Ord. No. 03-011 §13, 1-29-03; Ord. No. 12-029 §9, 3-30-12)

SECTION 608.060: VEHICLE LABELING

It shall be unlawful for any person to operate a tow truck in the County unless on each side of the said tow truck there shall be legibly printed in letters not less than one and one-half (1 1/2) inches in height the following:

1. Name and address of the licensee and the identification number assigned to him by the Registrar.
2. The phrase "tow vehicle licensed by St. Charles County, Missouri".
3. The current rates of the business posted on the doors of the driver and passenger cabin or the phrase "request schedule of prices before engaging this vehicle" posted on the doors of the driver and passenger cabin. (Ord. No. 03-011 §14, 1-29-03)

SECTION 608.065: PRICE SCHEDULE, VEHICLE RELEASE AND AUTHORIZATION FOR TOW

A. A licensee operating in the County shall prepare and file in triplicate with the Registrar, on a form approved by the Sheriff and provided by the Registrar, a schedule of prices to be charged for the towing and storage of vehicles, such schedule to be filed at the time of the application and updated prior to any change. Such schedule may be based on time, mileage or a combination of both. In addition, said schedule may include the minimum charge for any undertaking involving towing and storage. One (1) copy of said schedule shall be retained by the Registrar, one (1) copy shall be returned to the tow truck owner and one (1) copy shall be forwarded to the Sheriff.

B. Vehicle storage facilities must have appropriate personnel available to release the towed vehicle to its owner up to 10:00 P.M., or if the storage facility closes prior to 10:00 P.M., then no storage fee shall be charged if the vehicle was towed four (4) hours prior.
St. Charles County -- QuickCode

to closing and the vehicle is picked up prior to Noon on the next business day.

C. It shall be unlawful to charge a sum in excess of that authorized by the schedule filed with the Registrar. The current rates shall be filed annually at the time of license renewal. Should the County licensee amend their rates during the course of the license year, they shall forward their rate change to the Registrar in triplicate at least ten (10) days prior to the implementation of the amended rates.

D. Prior to the undertaking of a tow, the truck operator shall present said schedule or prices to the customer for his examination.

(Ord. No. 03-011 §15, 1-29-03; Ord. No. 06-090 §1, 6-27-06; Ord. No. 12-029 §10, 3-30-12)

SECTION 608.070: STATEMENT REQUIRED

Prior to the undertaking of a tow, the tow truck operator shall obtain the name, address and telephone numbers of the person authorizing the tow. Such tow truck operator shall supply the said information upon the request of any Law Enforcement Officer.

1. All persons operating a tow truck shall keep in their possession a pad of printed statements containing the tow truck business name and the address of its place of business, and after towing a vehicle shall prepare one (1) of said printed statements in duplicate and furnish the original to the owner of the vehicle or to his authorized representative. The statement shall contain the following information:

   a. The full name and address of the licensee;
   b. The identification number assigned by the Registrar to the tow vehicle pursuant to this Chapter;
   c. The State license plate number of the tow truck;
   d. The full name and address of the person engaging the tow truck;
   e. The State license number or the State vehicle identification number of the vehicle towed;
   f. The total amount charged for towing, including the number of miles towed and the storage rate per day or price thereof; and
   g. Any other information required by the Sheriff.

2. A duplicate of each statement shall be retained by the licensee for a period of one (1) year and shall be exhibited by him upon demand by the Sheriff, the Registrar or their authorized representative. (Ord. No. 03-011 §16, 1-29-03; Ord. No. 12-029 §11, 3-30-12)

SECTION 608.075: EXEMPTIONS

The provision of Section 608.070(2) of this Chapter shall not be applicable to any person operating a tow truck under the terms of a written contract for a specific period of time with any person, firm or corporation to tow, transport, convey or move vehicles owned, controlled or in the custody of such person, firm or corporation to a specific location designated for consideration set forth in such contract, provided that the said person has in his possession at all times while towing, transporting, conveying or moving any such vehicle such contract or an affidavit which shall recite the existence of the said contract, the name, address and phone number of the contracting parties, the term of the contract and the scope of services to be performed. Any person seeking exemption under this provision shall display such contract or affidavit when required to do so by any Law Enforcement Officer. This provision shall not be so construed or interpreted so as to render or to relieve the licensee from complying with the other provisions of this Chapter. (Ord. No. 03-011 §17, 1-29-03)

SECTION 608.080: INSURANCE REQUIRED

No license to operate a tow truck shall be issued until and unless the applicant shall first obtain a policy of insurance from a company authorized to do business in the State of Missouri or a bond of indemnity, acceptable to the Registrar, with limits for bodily injury liability of at least three hundred thousand dollars ($300,000.00) for each person, one million dollars ($1,000,000.00) for each accident and property damage liability of one hundred fifty thousand dollars ($150,000.00) for each accident or for damage to vehicles in the custody of the wrecker or tow business. No tow truck business shall operate a tow truck or wrecker in the County unless each operator shall be covered by an insurance policy with the foregoing minimum limits of liability. (Ord. No. 03-011 §18, 1-29-03)

SECTION 608.082: STATEMENT OF FACILITIES AVAILABLE

No license to operate a tow truck shall be issued until and unless the applicant shall file with the Registrar a statement by applicant setting forth the location of the storage area(s) and whether the storage area for vehicles is fenced or unfenced or a combination, and whether the storage is indoors or out, or a combination. (Ord. No. 03-011 §19, 1-29-03)

SECTION 608.085: MISCELLANEOUS REGULATIONS

A. No driver of a tow truck shall engage in cruising.

B. No driver of a tow truck shall invite or permit loitering within or near his tow truck.

642
C. No driver of a tow truck shall seek employment by repeatedly driving his vehicle to and from in a short space on any highway or otherwise interfering with the proper and orderly progress of traffic along a public highway.

D. No driver of a tow truck shall solicit or attempt to divert prospective patrons of another tow truck.

E. No driver of a tow truck shall solicit or divert prospective patrons to any given garage in the County.

F. No driver of a tow truck shall solicit, demand or receive from any person any pay or commission or emolument whatever except the proper fare for transporting the vehicle in accordance with the schedule of charges defined in Section 608.065 hereof.

G. All County licensees shall promptly report all changes of address or of the storage area location to the Registrar.

H. A driver of a tow truck shall not remove a vehicle involved in an accident in which a person has been killed or seriously injured unless such vehicle has been released by a duly authorized member of the St. Charles County Sheriff's Department. (Ord. No. 03-011 §20, 1-29-03)

 SECTION 608.090: PENALTIES

Any person who, or business which shall be convicted of a violation of any provision of this Chapter may be punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment of not more than thirty (30) days in the County adult detention center, or by both such fine and imprisonment. (Ord. No. 03-011 §21, 1-29-03)

 SECTION 608.095: ENFORCEMENT

Enforcement of the Chapter 608 shall be the responsibility of the County Counselor's office. (Ord. No. 03-066 §3, 6-3-03)

CHAPTER 610: TOURIST CAMPS

SECTION 610.010: TOURIST CAMPS--IN GENERAL

Whether of a temporary or permanent nature, every campground or travel trailer park as defined by the Unified Development Ordinance, campsite, building, group of buildings or other structure, or any field, playground or other open ground kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay for any form of consideration or at no charge to transients, tourists, or persons traveling by automobile or other mode in which one (1) or more campsites or sleeping areas are supplied for the accommodation of such guests, whether furnished or unfurnished, with or without meals, shall for the purpose of this Chapter be deemed a "tourist camp", except that in no circumstance shall this Chapter apply to permanent or temporary non-motorized structures containing five (5) or more sleeping areas for rent, or to any charitable organization providing accommodations for the homeless or impoverished residents of the County. (Ord. No. 95-146 §1, 9-27-95; Ord. No. 01-113 §1, 9-26-01)

SECTION 610.020: PERMIT REQUIRED FOR OPERATION

No tourist camp shall be operated, maintained or conducted without a permit issued by the Director of the Division of Building Code Enforcement of the Department of Community Development pursuant to the provisions of this Chapter. Except as set out in Section 610.040, any tourist camp open and operating without such a permit shall be closed or fined or both. (Ord. No. 95-146 §2, 9-27-95)

Editor's Note--Reference to the building department was changed to division of building code enforcement in accordance with ord. no. 02-204, adopted 12-23-02, set out in ch. 132 of this code.

SECTION 610.025: NO PERMITS ISSUED TO TAX-DELINQUENT APPLICANTS OR PROPERTY OWNERS

No permit for a tourist camp may be issued to an applicant or property owner who has not met the requirements of Section 140.013, OSCCMo, relating to payment of personal and real property tax and sales tax by applicant and property owner. (Ord. No. 13-001 §7, 1-3-13)

SECTION 610.030: NO EXEMPTIONS FOR SPECIFIC EVENTS

A tourist camp established for a specific event shall not be exempt from the provisions of this Chapter or from the Unified Development Ordinance. (Ord. No. 95-146 §3, 9-27-95; Ord. No. 01-113 §1, 9-26-01)

SECTION 610.040: INSPECTION AND APPROVAL

No owner or manager of a tourist camp established after September 27, 1995, shall lease or let the premises until the camp shall have been inspected and approved for such purpose by the St. Charles County Division of Building Code Enforcement of the Department of Community Development. Tourist camps in existence at the effective date of this Chapter, September 27, 1995, shall have notice of this Chapter mailed to them individually and shall have one (1) hundred twenty (120) days from such effective
date to apply for the permit required by this Chapter. No tourist camp without a permit shall be allowed to operate one hundred eightvye (180) days after the effective date of this Chapter unless a permit shall have been issued. (Ord. No. 95-146 §4, 9-27-95)

Editor's Note--Reference to the building department was changed to division of building code enforcement in accordance with ord. no. 02-204, adopted 12-23-02, set out in ch. 132 of this code.

SECTION 610.050: CONDITIONS AND STANDARDS

The St. Charles County Division of Building Code Enforcement of the Department of Community Development shall establish such conditions for the issuance of the permit as are necessary for the protection of the public health and safety and these conditions shall, at a minimum, contain a plan for the provision of adequate security, traffic control and sanitary measures. The plan developed by the Division of Building Code Enforcement of the Department of Community Development will set out in objective standards the number of security staff, bathrooms, road access requirements and parking spaces based on the applicant's estimate of possible crowd size at the tourist camp, and may establish rules for incremental increases in these measures where the tourist camp varies in the number of users. The Division of Building Code Enforcement of the Department of Community Development shall publish these standards within sixty (60) days of the passage and approval of this Chapter. (Ord. No. 95-146 §5, 9-27-95)

Editor's Note--Reference to the building department was changed to division of building code enforcement in accordance with ord. no. 02-204, adopted 12-23-02, set out in ch. 132 of this code.

SECTION 610.060: VIOLATION AND PENALTY

A. Any owner or manager of a tourist camp at which the capacity established by permit is exceeded by twenty-five percent (25%) shall be subject to a fine of not less than one hundred dollars ($100.00) per day nor more than one thousand dollars ($1,000.00) per day for each day that the violation occurs or no more than ninety (90) days imprisonment, or both fine and imprisonment. Violations continuing more than two (2) days shall be cause for revocation of the permit to operate and legal action to shut the tourist camp.

B. Other violations of this Chapter shall be punishable by a fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) for each and every day that the violation occurs. (Ord. No. 95-146 §6, 9-27-95)

SECTION 610.070: APPLICABILITY

The provisions of this Chapter shall not apply to any "tourist camp" as defined herein that holds a license pursuant to Chapter 315, RSMo. (Ord. No. 95-146 §7, 9-27-95)

SECTION 610.080: ENFORCEMENT

Enforcement of this Chapter shall be the responsibility of the County Counselor. (Ord. No. 95-146 §8, 9-27-95)

CHAPTER 615: RESERVED

Editor's Note--Ord. no. 11-026 §7, adopted May 2, 2011, repealed ch. 615 "sale and distribution of tobacco and ephedrine products" in its entirety. Former ch. 615 derived from ord. no. 97-3 §§1--13, 1-21-97; ord. no. 99-22 §§1--2, 4-1-99; ord. no. 99-126 §§1--4, 8-31-99; ord. no. 02-211 §§1--4, 12-30-02; ord. no. 04-160 §§1--2, 9-29-04.

CHAPTER 620: MISCELLANEOUS BUSINESS REGULATIONS

SECTION 620.010: NOT-FOR-PROFIT FUEL USERS AT AIRPORT

A. All not-for-profit organizations that lease fuel facilities at the St. Charles County Airport shall pay St. Charles County a user fee of five cents ($.05) for each gallon such organizations sell from the leased fuel facilities to the public ("public" meaning all aircraft not owned by or assigned to the lessee/not-for-profit organization).

B. All other persons or entities that lease fuel facilities at the St. Charles County Airport shall pay St. Charles County a user fee of five cents ($.05) per gallon for each gallon such persons or entities pump from the leased fuel facilities.

C. Fees accrued each month shall be payable to St. Charles County and paid to the St. Charles County Director of Finance by the fifth (5th) day of the following month or, if that day falls on a County holiday or weekend, on the first (1st) County workday thereafter. (Ord. No. 96-162 §§1--3, 12-30-96)

SECTION 620.020: SOLID WASTE HAULERS--PERMITS AND INSPECTIONS

A. The County of St. Charles shall charge and collect a fee of up to one hundred fifty dollars ($150.00) for a one (1) year permit from any solid waste hauler doing business in the unincorporated areas of St. Charles County.

644
B. The Division of Environmental Services of the St. Charles County Department of Community Health and the Environment shall charge a fee for inspections of refuse trucks and/or containers of Solid Waste Haulers doing business in the County as follows:

1. Ten dollars ($10.00) per inspection. (Ord. No. 96-109 §1, 10-29-96; Ord. No. 96-110 §§1--2, 10-29-96)

SECTION 620.030: ITINERANT VENDORS

Before selling under a State license an itinerant vendor operating in St. Charles County shall exhibit it to the Registrar of this County. Upon payment to the Registrar of the local license fee provided by St. Charles County ordinance, and the proof of payment of all such other license fees legally chargeable upon local sales, the Registrar shall record such State license, endorse upon it the words "local license fees paid", and affix his official signature, with the date of such endorsement, for which service a fee of two dollars ($2.00) shall be paid to said Registrar in addition to the County license fee. (Ord. No. 04-132 §2, 9-1-04)

CHAPTER 622: COMPLIANCE WITH STATE IMMIGRATION LAWS

SECTIONS 622.010--622.520: RESERVED

SECTION 622.525: DEFINITIONS

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

BUSINESS ENTITY: Any person or group of persons performing or engaging in any activity, enterprise, profession or occupation for gain, benefit, advantage or livelihood. The term "business entity" shall include, but not be limited to, self-employed individuals, partnerships, corporations, contractors and subcontractors. The term "business entity" shall include any business entity that possesses a business permit, license or tax certificate issued by the County, any business entity that is exempt by law from obtaining such a business permit and any business entity that is operating unlawfully in the County without such a business permit. The term "business entity" shall not include a self-employed individual with no employees or entities utilizing the services of direct sellers as defined in Subdivision (17) of Subsection 12 of Section 288.034, RSMo.

CONTRACTOR: A person, employer or business entity that enters into an agreement to perform any service or work to be provided in the unincorporated area of the County or to provide, within the unincorporated area of St. Charles County, a certain product to a person or business entity in exchange for valuable consideration. This definition shall include, but not be limited to, a general contractor, subcontractor, independent contractor, contract employee, project manager or a recruiting or staffing entity.

EMPLOYEE: Any person performing work or service of any kind or character for hire within the unincorporated area of the County of St. Charles.

EMPLOYER: Any person or entity employing any person for hire within the unincorporated area of the County of St. Charles, including a public employer. Where there are two (2) or more putative employers, any person or entity taking a business tax deduction for the employee in question shall be considered an employer of that person for purposes of Sections 622.525 to 622.550.

EMPLOYMENT: The act of employing or state of being employed, engaged or hired to perform work or service of any kind or character within the unincorporated area of the County of St. Charles.


KNOWINGLY: A person acts knowingly or with knowledge:

1. With respect to the person's conduct or to attendant circumstances when the person is aware of the nature of the person's conduct or that those circumstances exist; or

2. With respect to a result of the person's conduct when the person is aware that the person's conduct is practically certain to cause that result.

POLITICAL SUBDIVISION: Any agency or unit of this State which now is, or hereafter shall be, authorized to levy taxes or empowered to cause taxes to be levied.

PUBLIC EMPLOYER: Every department, agency or instrumentality of the State or political subdivision of the State.

UNAUTHORIZED ALIEN: An alien who does not have the legal right or authorization under Federal law to work in the United States, as defined in 8 U.S.C. 1324a(h)(3).

WORK: Any job, task, employment, labor, personal services or any other activity for which compensation is provided, expected or due, including, but not limited to, all activities conducted by business entities. (Ord. No. 09-035 §1, 4-1-09)

SECTION 622.530: EMPLOYMENT OF UNAUTHORIZED ALIENS
A. No business entity or employer shall knowingly employ, hire for employment or continue to employ an unauthorized alien to perform work within the unincorporated area of the County of St. Charles.

B. As condition for the award of any contract or grant in excess of five thousand dollars ($5,000.00) by the County of St. Charles to a business entity, the business entity shall, by sworn affidavit and provision of documentation, affirm its enrollment and participation in a Federal work authorization program with respect to the employees working in connection with the contracted services. Every such business entity shall also sign an affidavit affirming that it does not knowingly employ any person who is an unauthorized alien in connection with the contracted services.

C. St. Charles County, which enrolled in the Federal work authorization program in 2007, shall continue its participation so long as a Federal work authorization program is in operation.

D. An employer may enroll and participate in a Federal work authorization program and shall verify the employment eligibility of every employee in the employer's hire whose employment commences after the employer enrolls in a Federal work authorization program. The employer shall retain a copy of the dated verification report received from the Federal Government. Any business entity that participates in such program shall have an affirmative defense that such business entity has not violated Subsection (A) of this Section.

E. A general contractor or subcontractor of any tier shall not be liable under Sections 622.525 to 622.550 when such general contractor or subcontractor contracts with its direct subcontractor who violates Subsection (A) of this Section, if the contract binding the contractor and subcontractor affirmatively states that the direct subcontractor is not knowingly in violation of Subsection (A) of this Section and shall not henceforth be in such violation and the contractor or subcontractor receives a sworn affidavit under the penalty of perjury attesting to the fact that the direct subcontractor's employees are lawfully present in the United States. (Ord. No. 09-035 §1, 4-1-09)

SECTION 622.535: ENFORCEMENT

A. The Department of Community Development shall enforce the requirements of Sections 622.525 to 622.550. The County Counselor shall prosecute violations of this Chapter.

B. The Department of Community Development shall provide a statement explaining the provisions of this Chapter with every permit issued, and any County department issuing licenses shall likewise provide such statement.

C. An enforcement action shall be initiated by means of a written, signed complaint under penalty of perjury as defined in Section 575.040, RSMo., to the Director of Community Development submitted by any County, municipal or other official of a political subdivision within St. Charles County, any business entity with its principal place of business within the County or a County resident. A valid complaint shall include an allegation which describes the alleged violator as well as the actions constituting the violation and the date and location where such actions occurred. A complaint which alleges a violation solely or primarily on the basis of national origin, ethnicity or race shall be deemed invalid and shall not be investigated.

D. Upon Receipt Of Valid Complaint--Director Of Community Development's Responsibilities.

1. Upon receipt of a valid complaint, the Director of Community Development shall, within two (2) business days, provide such information to the Attorney General of the State of Missouri and inquire as to whether the Attorney General is accepting the complaint for investigation. If the Attorney General accepts the investigation, the Director of Community Development shall turn the matter over to the Attorney General with a written request that the Attorney General provide a summary of the disposition of the matter. If the Attorney General does not accept the matter or if the Attorney General does not respond within three (3) business days, then within five (5) business days the Director of Community Development shall request identity information from the business entity regarding any persons alleged to be unauthorized aliens. Such request shall be made by certified mail. In addition, the Director of Community Development, subject to the approval of the Director of Administration, may promulgate rules pursuant to which building inspectors may be used to verify information obtained in the course of the investigation of a valid complaint.

2. The Director of Community Development shall direct the applicable County department to suspend any applicable license, permit or exemptions of any business entity which fails, within fifteen (15) business days after receipt of the request, to provide such information and shall notify the Attorney General of the State of Missouri of the inquiry and failure.

3. Should the Attorney General enter the investigation after the third (3rd) business day after notice has been provided to that office, the County investigation shall be coordinated with the Attorney General's investigation if the Attorney General so agrees.

E. The Department of Community Development, after receiving the requested identity information from the business entity, shall work with the Sheriff's Department to submit identity data required by the Federal Government to verify, under 8 U.S.C. 1373, the immigration status of such persons and shall provide the business entity with written notice of the results of the verification request:

1. If the Federal Government notifies the Sheriff that an employee is authorized to work in the United States, the Department of Community Development shall take no further action on the complaint;

2. If the Federal Government notifies the Sheriff that an employee is not authorized to work in the United States, the Sheriff shall notify the Department of Community Development, which shall proceed on the complaint as provided in Subsection (F) of this Section;

3. If the Federal Government notifies the Sheriff that it is unable to verify whether an employee is authorized to work in the United States, the Department of Community Development shall take no further action on the complaint until a verification...
St. Charles County -- QuickCode
from the Federal Government concerning the status of the individual is received. At no point shall any County official attempt to make an independent determination of any alien's legal status without verification from the Federal Government.

F. Federal Notification--County Is Authorized To Bring Civil Action--When.
   1. If the Federal Government notifies the Sheriff that an employee is not authorized to work in the United States and the employer of the unauthorized alien participates in a Federal work authorization program, there shall be a rebuttable presumption that the employer has met the requirements for an affirmative defense under Subsection (D) of Section 622.530 and the employer shall comply with Subsection (G) of this Section.
   2. If the Federal Government notifies the Sheriff that an employee is not authorized to work in the United States, the Department of Community Development shall notify the County Counselor who shall be authorized to bring a civil action in St. Charles County Municipal Court if the County Counselor reasonably believes the business entity knowingly violated Subsection (A) of Section 622.530. Any civil action filed in the Municipal Court arising from this Chapter shall be placed on the first (1st) available court date, but no later than twenty-one (21) days from the service of the summons on the business entity alleged to have knowingly violated Subsection (A) of Section 622.530.
      a. If the County Municipal Court finds that a business entity did not knowingly violate Subsection (A) of Section 622.530, the employer shall have fifteen (15) business days to comply with Subdivision (1) and paragraph (a) of Subdivision (2) of Subsection (G) of this Section. If the entity fails to do so, the court shall direct the County to suspend the business permit, if such exists, and any applicable licenses or exemptions of the entity until the entity complies with Subsection (G) of this Section;
      b. If the court finds that a business entity knowingly violated Subsection (A) of Section 622.530, the court shall direct the County to suspend the business permit, if such exists, and any applicable licenses or exemptions of such business entity for fourteen (14) days. Permits, licenses and exemptions shall be reinstated for entities who comply with Subsection (G) of this Section at the end of the fourteen (14) day period.

G. The correction of a violation with respect to the employment of an unauthorized alien shall include the following actions:
   1. Business entity's responsibility with respect to employment of an unauthorized alien--correction of a violation.
      a. The business entity terminates the unauthorized alien's employment. If the business entity attempts to terminate the unauthorized alien's employment and such termination is challenged in a court of the State of Missouri, the fifteen (15) business day period for providing information to the Department of Community Development referenced in Subsection (D) of this Section shall be tolled while the business entity pursues the termination of the unauthorized alien's employment in such forum; or
      b. The business entity, after acquiring additional information from the employee, requests a secondary or additional verification by the Federal Government of the employee's authorization, under the procedures of a Federal work authorization program. While this verification is pending, the fifteen (15) business day period for providing information to the Department of Community Development referenced in Subsection (D) of this Section shall be tolled; and
   2. A legal representative of the business entity submits, at an office designated by the County Counselor, the following:
      a. A sworn affidavit stating that the violation has ended that shall include a description of the specific measures and actions taken by the business entity to end the violation and the name, address and other adequate identifying information for any unauthorized aliens related to the complaint; and
      b. Documentation acceptable to the County Counselor which confirms that the business entity has enrolled in and is participating in a Federal work authorization program.

H. The suspension of a business license or licenses under Subsection (F) of this Section shall terminate one (1) business day after a legal representative of the business entity submits the affidavit and other documentation required under Subsection (G) of this Section following any period of restriction required under Subsection (F) of this Section.

I. For an entity that violates Subsection (A) of Section 622.530 for a second (2nd) time, the court shall direct the County to suspend, for one (1) year, the business permit, if such exists, and any applicable license or exemptions of the business entity. For a subsequent violation, the court shall direct the county to forever suspend the business permit, if such exists, and any applicable license or exemptions of the business entity.

J. In addition to the penalties in Subsections (F) and (I) of this Section:
   1. Upon the first (1st) violation of Subsection (A) of Section 622.530 by any business entity awarded a County contract or grant, the business entity shall be deemed in breach of contract and the County may terminate the contract and suspend or debar the business entity from doing business with the County for a period of three (3) years. Upon such termination, the County may withhold up to twenty-five percent (25%) of the total amount due to the business entity;
   2. Upon a second (2nd) or subsequent violation of Subsection (A) of Section 622.530 by any business entity awarded a County contract or grant, the business entity shall be deemed in breach of contract and the County may terminate the contract and permanently suspend or debar the business entity from doing business with the County. Upon such termination, the County may withhold up to twenty-five percent (25%) of the total amount due to the business entity.

K. Sections 622.525 to 622.550 shall not be construed to deny any procedural mechanisms or legal defenses included in a Federal work authorization program.

L. Any business entity subject to a complaint and subsequent enforcement under Sections 622.525 to 622.540, or any employee of such a business entity, may challenge the enforcement of this Section with respect to such entity or employee in the County
M. If the County Municipal Court finds that any complaint made against that business entity is frivolous in nature or finds no probable cause to believe that there has been a violation, the court shall dismiss the case against the business entity. For purposes of this Subsection, "frivolous" shall mean a complaint not shown by clear and convincing evidence to be valid. Any person who submits a frivolous complaint shall be reported to the Attorney General of the State of Missouri so that the Attorney General is aware of the frivolous complaint as he fulfills his duties pursuant to Section 285.535, RSMo. If the court finds that a complaint is frivolous or that there is not probable cause to believe there has been a violation, the County Counselor shall issue a public report to the complainant and the alleged violator stating with particularity its reasons for dismissal of the complaint. Upon such issuance, the complaint and all materials relating to the complaint shall be a public record as defined in Chapter 610, RSMo.

N. The determination of whether a worker is an unauthorized alien shall be made by the Federal Government. A determination of such status of an individual by the Federal Government shall create a rebuttable presumption as to that individual's status in any judicial proceedings brought under this Section or Section 622.530.

O. The County Municipal Court may take judicial notice of any verification of an individual's status previously provided by the Federal Government and may request the Federal Government to provide automated or testimonial verification. (Ord. No. 09-035 §1, 4-1-09)

SECTION 622.543: MAINTENANCE OF DATABASE

The Department of Finance shall maintain a database that documents any business entity whose permit, license or exemption has been suspended or County contract has been terminated. (Ord. No. 09-035 §1, 4-1-09)

SECTION 622.555: FEDERAL WORK AUTHORIZATION PROGRAM

Should the Federal Government discontinue or fail to authorize or implement any Federal work authorization program, the County shall review Sections 622.525 to 622.555 for the purpose of determining whether the Sections are no longer applicable and should be repealed. (Ord. No. 09-035 §1, 4-1-09)

CHAPTER 625: PLUMBING CONTRACTORS AND ON-SITE SEWAGE DISPOSAL CONTRACTORS

SECTION 625.010: APPLICABLE CODE STANDARDS

Unless otherwise provided for in this Chapter, the BOCA National Plumbing Code/1990 and the BOCA National Private Sewage Disposal Code/1990 adopted by Order of the St. Charles County Commission on October 25, 1990, or any Codes that St. Charles County may adopt hereafter in lieu of these Codes, along with Sections 701.025 to 701.059, RSMo., and any and all regulations issued pursuant to these Statutes by the Missouri Department of Health, shall govern the administration and enforcement of this Chapter. (Ord. No. 96-143 §2, 12-9-96)

SECTION 625.020: DEFINITIONS

Unless otherwise expressly stated in this Chapter, the following words and terms shall have the following meanings when used in this Chapter.

CODE OFFICIAL: The Director of the St. Charles County Division of Building Code Enforcement of the Department of Community Development or a duly authorized representative of the Director.

LICENSEE: Any individual who holds a license issued pursuant to this Chapter.

ON-SITE SEWAGE DISPOSAL SYSTEM CONTRACTOR: Any individual who is an on-site sewage disposal system contractor as defined by Section 701.025, RSMo.

PLUMBING CONTRACTOR: Any individual who under contract with or on behalf of a property owner engages in the practice of plumbing as defined by applicable Code standards as set out in Section 625.010 of this Chapter.

PUBLIC ENTITY: Any agency of the State of Missouri or any political subdivision of the State. (Ord. No. 96-143 §3, 12-9-96)

Editor's Note--Reference to the building department was changed to division of building code enforcement in accordance with ord. no. 02-204, adopted 12-23-02, set out in ch. 132 of this code.

SECTION 625.030: ADMINISTRATION AND ENFORCEMENT

The Code Official shall:
1. Adopt certain rules and regulations to ensure the proper administration and enforcement of this Chapter;
2. Conduct investigations into all complaints against any licensee;
3. Suspend, revoke, or refuse to renew the license of any licensee who fails to correct any violations of this Chapter or of any
4. Activate bonds to cover the cost for any work performed by a licensee that does not meet minimum requirements of any applicable Code standard set out in Section 625.010 of this Chapter;
5. Review applications for licenses pursuant to this Chapter, test applicants, and issue licenses to applicants who pass their tests as provided in this Chapter. (Ord. No. 96-143 §4, 12-9-96)

SECTION 625.040: LICENSURE REQUIRED

Subject to Section 625.050 of this Chapter, an individual must have the appropriate license issued pursuant to this Chapter to engage in business as a plumbing contractor or as an on-site sewage disposal system contractor in unincorporated St. Charles County or in any incorporated area of the County whose governing body has consented to County licensure of such contractors. No licensee may allow any non-licensed individual or any other individual to use his number for any purpose, except as provided in Section 625.050(5) of this Chapter. A plumbing contractor or on-site sewage disposal system contractor is not exempt from this licensure requirement even if that contractor is also registered pursuant to Chapter 327, RSMo., as an architect or professional engineer trained in design criteria for plumbing or on-site sewage disposal systems and qualified to design such systems. (Ord. No. 96-143 §5, 12-9-96; Ord. No. 97-17 §1, 2-26-97)

SECTION 625.050: EXCEPTIONS TO LICENSURE REQUIREMENT

Section 625.040's licensure requirements shall not apply when an individual:
1. Is performing plumbing or on-site sewage disposal work for a public utility on construction, maintenance, and development of its facilities;
2. Is performing plumbing work on motor vehicles or irrigation equipment;
3. Is an owner-occupant of a single-family dwelling, and is performing plumbing or on-site sewage disposal work on that dwelling, and demonstrates to the satisfaction of the Code Official (by written examination, if necessary) the knowledge and skill to perform such work;
4. Is trained and employed by a public entity to service or repair its own plumbing systems or on-site sewage disposal systems, and is performing plumbing or on-site sewage disposal work on those systems;
5. Is employed by a licensee and is performing plumbing or on-site sewage disposal work authorized by and under the direct supervision of that licensee;
6. Is employed by a contractor installing the following public utilities or public improvements and is working on installing the following public utilities or public improvements:
   a. Water mains, potable water mains and service lines from the water main to the meter, and (if the same contractor is installing them) water service lines from the water meter to the structure served;
   b. Sanitary sewer mains and (if the same contractor is installing them concurrently) sanitary sewer laterals connecting the main to the structure served; and
   c. Storm water sewer mains.
Any individual exempt under this Section from the licensure requirements imposed by Section 625.040 of this Chapter shall meet applicable Code standards set out in Section 625.010 of this Chapter when engaged in the practice of plumbing as defined by those Code standards, or when engaged in the work of on-site sewage disposal system contractors, and shall obtain permits and inspections as may be required by ordinance. (Ord. No. 96-143 §6, 12-9-96; Ord. No. 97-17-§2, 2-26-97)

SECTION 625.060: APPLICATION FOR PLUMBING CONTRACTOR LICENSE

To obtain a plumbing contractor license, an applicant must meet the following minimum requirements:
1. The applicant must be at least twenty-one (21) years of age;
2. The applicant must make application to the Code Official on forms prescribed by the Code Official;
3. The applicant must specify the type of license desired;
4. The applicant must meet all requirements specified by this Chapter and by rules and regulations promulgated by the Code Official;
5. The applicant must pay the appropriate examination and license fees required by the Code Official; and
6. The applicant must pass the appropriate examination administered by the Code Official or the testing agency duly designated by the Code Official; and
7. The applicant must meet all requirements of Section 140.013, OSCCMo, relating to payment of personal and real property tax and sales tax by applicant. (Ord. No. 96-143 §7-A, 12-9-96; Ord. No. 10-040 §§8, 6-2-10; Ord. No. 13-001 §8, 1-3-13)

SECTION 625.070: APPLICATION FOR ON-SITE SEWAGE DISPOSAL CONTRACTOR LICENSE
To obtain an on-site sewage disposal contractor license, an applicant for such a license must meet the following minimum requirements:

1. The applicant must be at least twenty-one (21) years of age;
2. The applicant must make application to the Code Official on forms prescribed by the Code Official;
3. The applicant must specify the type of license desired;
4. The applicant must meet all requirements specified by this Chapter and by rules and regulations promulgated by the Code Official;
5. The applicant must pay the appropriate license fees required by the Code Official; and
6. The applicant must furnish proof of valid registration as an on-site sewage disposal system contractor as provided by Section 710.053, RSMo.; and
7. The applicant must meet all requirements of Section 140.013, OSCCMo, relating to payment of personal and real property tax and sales tax by applicant. (Ord. No. 96-143 §7-B, 12-9-96; Ord. No. 13-001 §9, 1-3-13)

SECTION 625.080: DENIAL OF APPLICATION FOR LICENSE

A. All applicants who meet the requirements for licensure in Sections 625.060 or 625.070 of this Chapter shall be issued the appropriate license. However, the Code Official may deny a license if the applicant has:
   1. Committed any act which, if committed by a licensee, would be grounds for suspension or revocation of the license pursuant to Sections 625.030(3) and 625.130 of this Chapter;
   2. Previously been denied a license for cause, or previously had a license revoked for cause; or
   3. Knowingly made any false statement or misrepresentation on the application for a license.
B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission and introduce any evidence in his defense. Any individual whose application for a license has been denied may reapply for such a license, but no sooner than one (1) year after the date of denial. (Ord. No. 96-143 §8, 12-9-96; Ord. No. 10-040 §7, 6-2-10)

SECTION 625.090: RETROACTIVITY -- PLUMBING CONTRACTOR LICENSEES

All current holders of plumbing contractor licenses issued by St. Charles County shall be subject to all provisions of this Chapter, except that such individuals are exempt from this Chapter's testing requirements, unless their licenses expire without being renewed as required by Section 625.100 of this Chapter. (Ord. No. 96-143 §9, 12-9-96)

SECTION 625.100: EXPIRATION OF EXISTING LICENSES ON DECEMBER 31, 1996--TERMS OF LICENSES ISSUED OR RENEWED THEREAFTER--RENEWAL PROCEDURE

All plumbing contractor licenses or on-site sewage disposal system contractor licenses issued or maintained pursuant to Sections 625.060, 625.070 or 625.090 of this Chapter shall expire on December 31, 1996. Thereafter, the Code Official shall renew or issue such licenses for two (2) year terms beginning on the first (1st) day of January in odd-numbered years and ending on the last day of December in the following even-numbered year. To renew any such license, a licensee must submit to the Code Official, before the license's expiration date, and on a form prescribed by the Code Official, an application for renewal along with the payment of the renewal fee enumerated in Section 625.120 of this Chapter. Late applications for renewal shall be accepted until but no later than July first (1st) with payment of late fees imposed in Section 625.120(C). (Ord. No. 96-143 §10, 12-9-96; Ord. No. 10-040 §§8, 6-2-10)

SECTION 625.110: INACTIVE LICENSE STATUS

In lieu of renewing an active license as provided by Section 625.100 of this Chapter, the license holder may apply for inactive license status for two (2) year terms, as provided in Section 625.100. A licensee who obtains inactive license status may perform no work under the inactive license as a plumbing contractor or on-site sewage disposal system contractor. To apply for inactive license status, a licensee must submit to the Code Official, before the license's expiration date, and on a form prescribed by the Code Official, an application for inactive license status along with the required application fees. A licensee on inactive license status may reactivate his license by applying for renewal as provided by Section 625.100. (Ord. No. 96-143 §11, 12-9-96)

SECTION 625.120: APPLICATION, LICENSE AND RENEWAL FEES FOR PLUMBING CONTRACTOR LICENSES, FOR ON-SITE SEWAGE DISPOSAL SYSTEM CONTRACTOR LICENSES, AND FOR INACTIVE LICENSE STATUS

A. The Code Official shall collect the following fees:
   1. Plumbing contractor license test application fees of twenty-five dollars ($25.00) per application;
   2. On-site sewage disposal system contractor license application fees of twenty-five dollars ($25.00) per application;
3. Plumbing contractor license fee of two hundred dollars ($200.00) per license for two (2) years;
4. On-site sewage disposal system contractor license fee of two hundred dollars ($200.00) per license for two (2) years;
5. For plumbing contractor or on-site disposal system contractor for inactive license status a fee of fifty dollars ($50.00) for two (2) years.

B. The Code Official may prorate the fees enumerated in Subparagraph (3) through (5) of this Section when first issuing licenses or when reactivating licenses on inactive license status.

C. The Code Official shall collect the following fees for late renewals of an active or inactive license:
   1. Fifty dollars ($50.00) for licenses renewed in January;
   2. One hundred dollars ($100.00) for licenses renewed in February;
   3. One hundred fifty dollars ($150.00) for licenses renewed in March;
   4. Two hundred dollars ($200.00) for licenses renewed in April;
   5. Two hundred fifty dollars ($250.00) for licenses renewed in May; and
   6. Three hundred dollars ($300.00) for licenses renewed in June. (Ord. No. 96-143 §12, 12-9-96; Ord. No. 96-167 §§1--2, 12-30-96; Ord. No. 10-040 §9, 6-2-10)

SECTION 625.130: SUSPENSION, REFUSAL TO RENEW, OR REVOCAVION OF PLUMBING CONTRACTOR LICENSES OR OF ON-SITE SEWAGE DISPOSAL SYSTEM CONTRACTOR LICENSES (INCLUDING THOSE ON INACTIVE LICENSE STATUS)

A. The Code Official may make investigations and conduct hearings and, upon its own investigation or a complaint in writing, signed and verified by the complainant, suspend, refuse to renew, or revoke any plumbing contractor license or any on-site sewage disposal system license (including a license on inactive license status) if the Code Official finds that the licensee has:
   1. Made a material misstatement in the application for a plumbing contractor license or on-site sewage disposal system contractor license, or for the renewal of such a license;
   2. Demonstrated incompetency to act as a licensee as provided by this Chapter; or
   3. Has violated any provision of this Chapter, or of any applicable Code standard set out in Section 625.010 of this Chapter, or any rule, regulation, or order promulgated by the Code Official.

B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission, and introduce any evidence in his defense. Any individual whose plumbing contractor license or on-site sewage disposal system contractor license has been revoked or has not been renewed may reapply for such a license, but no sooner than one (1) year after the date of revocation. (Ord. No. 96-143 §13, 12-9-96)

SECTION 625.140: BONDING

All individuals licensed under this Chapter shall maintain on file with the Code Official evidence of a performance or license bond in the amount of ten thousand dollars ($10,000.00). This bond must be kept in force at all times. Failure to maintain such bond shall result in revocation or suspension of license. (Ord. No. 96-143 §14, 12-9-96; Ord. No. 12-029 §12, 3-30-12)

SECTION 625.150: LIABILITY INSURANCE

All individuals licensed under this Chapter shall be required to maintain on file with the Code Official a certificate of insurance evidence of liability insurance coverage in the amount of five hundred thousand dollars ($500,000.00). This insurance must be kept in force at all times. Failure to maintain such insurance shall result in revocation or suspension of license. (Ord. No. 96-143 §15, 12-9-96)

SECTION 625.160: STOP WORK ORDERS AND UNLAWFUL CONTINUANCES

Upon notice from the Code Official that work is being performed contrary to provisions of this Chapter, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved or to that owner's agent and to the individual doing the work; and shall state the conditions under which work will be permitted to resume. Any individual who shall continue any work in violation of the provisions of this Chapter after having been served with a stop work order shall be liable to a fine as provided by Section 625.170 of this Chapter, which fine shall be not less than two hundred fifty dollars ($250.00). (Ord. No. 96-143 §16, 12-9-96)

SECTION 625.170: PENALTIES

Any individual who violates any provision of this Chapter, or of any rule, regulation, order or license issued pursuant to this Chapter may, in accordance with the regulations issued by the Code Official, be assessed an administrative penalty by the Code Official. The penalty shall not exceed the amount of two hundred fifty dollars ($250.00) for each violation. Each day a violation
continues may be deemed a separate offense. However, no administrative penalty may be assessed until the individual charged with the violation has been given notice of the violation and the opportunity for a hearing by the St. Charles County Building Commission. Alternatively, St. Charles County may institute legal action against any individual who violates a provision of this Chapter, or of any rule, regulation, order or license issued pursuant to this Chapter. Any such individual shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment not exceeding one (1) year, or by both. Each day that a violation continues shall be deemed a separate offense. (Ord. No. 96-143 §17, 12-9-96)

SECTION 625.180: ENFORCEMENT
Enforcement of this Chapter shall be the responsibility of the County Counselor. (Ord. No. 96-143 §18, 12-9-96)

CHAPTER 626: THIRD-PARTY INSPECTORS OF WELLS AND OF PRIVATE OR ON-SITE SEWAGE DISPOSAL SYSTEMS

SECTION 626.010: APPLICABLE CODE STANDARDS
Unless otherwise provided for in this Chapter, the Plumbing Code of St. Charles County (Section 500.050, Ordinances of St. Charles County, Missouri ("OSCCMo")), and the Private Sewage Disposal Code of St. Charles County (Section 500.080, OSCCMo), both as currently adopted or as amended hereafter, along with Sections 701.025 to 701.059, RSMo., as amended, and any and all regulations issued pursuant to these Statutes by the Missouri Department of Health, shall govern the administration and enforcement of this Chapter. (Ord. No. 02-107 §2, 7-31-02)

SECTION 626.020: DEFINITIONS
Unless otherwise expressly stated in this Chapter, the following words and terms shall have the following meanings when used in this Chapter.

CODE OFFICIAL: The Director of the St. Charles County Division of Building Code Enforcement of the Department of Community Development or a duly authorized representative of the Director.

LICENSEE: Any individual who holds a license issued pursuant to this Chapter.

PUBLIC ENTITY: Any agency of the State of Missouri or any political subdivision of the State.

THIRD-PARTY INSPECTOR: Any individual who performs inspections required by the Private Sewage Disposal Code of St. Charles County, Section 500.080(B), OSCCMo. (Ord. No. 02-107 §2, 7-31-02)

Editor's Note--Reference to the building department was changed to division of building code enforcement in accordance with ord. no. 02-204, adopted 12-23-02, set out in ch. 132 of this code.

SECTION 626.030: ADMINISTRATION AND ENFORCEMENT
The Code Official shall:
1. Adopt certain rules and regulations to ensure the proper administration and enforcement of this Chapter;
2. Conduct investigations into all complaints against any licensee;
3. Suspend, revoke or refuse to renew the license of any licensee who fails to correct any violations of this Chapter or of any applicable Code standard set out in Section 626.010 of this Chapter;
4. Activate bonds to cover the cost for any work performed by a licensee that does not meet minimum requirements of any applicable Code standard set out in Section 626.010 of this Chapter;
5. Review applications for licenses pursuant to this Chapter, test applicants, and issue licenses to applicants who pass their tests as provided in this Chapter. (Ord. No. 02-107 §2, 7-31-02)

SECTION 626.040: LICENSURE REQUIRED
Subject to Section 626.050 of this Chapter, an individual must have a license issued pursuant to this Chapter to engage in business as a third-party inspector in unincorporated St. Charles County or in any incorporated area of the County whose governing body has consented to County licensure of such contractors. No licensee may allow any non-licensed individual or any other individual to use his or her number for any purpose, except as provided in Section 626.050(5) of this Chapter. A third-party inspector is not exempt from this licensure requirement even if that individual is also registered pursuant to Chapter 327, RSMo., as an architect or professional engineer trained in design criteria for plumbing or on-site sewage disposal systems and qualified to design such systems. (Ord. No. 02-107 §2, 7-31-02)

SECTION 626.050: LICENSED ON-SITE SEWAGE DISPOSAL CONTRACTORS INELIGIBLE FOR LICENSURE AS THIRD-PARTY INSPECTORS

652
No individual licensed by St. Charles County as an on-site sewage disposal contractor shall be eligible for licensure by St. Charles County as a third-party inspector under this Chapter. (Ord. No. 02-107 §2, 7-31-02)

SECTION 626.060: APPLICATION FOR LICENSE AS THIRD-PARTY INSPECTOR
To obtain a license as third-party inspector, an applicant must meet the following minimum requirements:
1. The applicant must be at least twenty-one (21) years of age;
2. The applicant must make application to the Code Official on forms prescribed by the Code Official;
3. The applicant must specify the type of license desired;
4. The applicant must meet all requirements specified by this Chapter and by rules and regulations promulgated by the Code Official;
5. The applicant must pay the appropriate examination and license fees required by the Code Official;
6. The applicant must be certified by the Missouri Department of Health as third-party inspectors of private sewage disposal systems and wells; and
7. The applicant must meet all requirements of Section 140.013, OSCCMo, relating to payment of personal and real property tax and sales tax by applicant. (Ord. No. 02-107 §2, 7-31-02; Ord. No. 13-001 §10, 1-3-13)

SECTION 626.070: RESERVED

SECTION 626.080: DENIAL OF APPLICATION FOR LICENSE
A. All applicants who meet the requirements for licensure in Section 626.060 of this Chapter shall be issued the appropriate license. However, the Code Official may deny a license if the applicant has:
1. Committed any act which, if committed by a licensee, would be grounds for suspension or revocation of the license pursuant to Sections 626.030(3) and 626.130 of this Chapter;
2. Previously been denied a license for cause, or previously had a license revoked for cause; or
3. Knowingly made any false statement or misrepresentation on the application for a license.
B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission, and introduce any evidence in his or her defense. Any individual whose application for a license has been denied may reapply for such a license, but no sooner than one (1) year after the date of denial. (Ord. No. 02-107 §2, 7-31-02; Ord. No. 10-040 §10, 6-2-10)

SECTION 626.090: RESERVED

SECTION 626.100: EXPIRATION OF EXISTING LICENSES ON DECEMBER 31, 2002--TERMS OF LICENSES ISSUED OR RENEWED THEREAFTER--RENEWAL PROCEDURE
All licenses for third-party inspectors that shall be issued in 2002 pursuant to Section 626.060 of this Chapter shall expire on December 31, 2002. Thereafter, the Code Official shall renew or issue such licenses for two (2) year terms beginning on the first (1st) day of January in odd-numbered years and ending on the last day of December in the following even-numbered year. To renew any such license, a licensee must submit to the Code Official, before the license's expiration date, and on a form prescribed by the Code Official, an application for renewal along with the payment of the renewal fee enumerated in Section 626.120 of this Chapter. Late applications for renewal shall be accepted until but no later than July first (1st), with payment of late fees imposed in Section 626.120(C). (Ord. No. 02-107 §2, 7-31-02; Ord. No. 10-040 §11, 6-2-10)

SECTION 626.110: INACTIVE LICENSE STATUS
In lieu of renewing an active license as provided by Section 626.100 of this Chapter, the license holder may apply for inactive license status for two (2) year terms, as provided in Section 626.100. A licensee who obtains inactive license status may perform no work under the inactive license as a third-party inspector. To apply for inactive license status, a licensee must submit to the Code Official, before the license's expiration date, and on a form prescribed by the Code Official, an application for inactive license status along with the required application fees. A licensee on inactive license status may reactivate his/her license by applying for renewal as provided by Section 626.100. (Ord. No. 02-107 §2, 7-31-02)

SECTION 626.120: APPLICATION, LICENSE AND RENEWAL FEES THIRD-PARTY INSPECTOR LICENSE, AND FOR INACTIVE LICENSE STATUS
A. The Code Official shall collect the following fees:
1. Third-party inspector license test application fees of twenty-five dollars ($25.00) per application;
2. Third-party inspector license fee of two hundred dollars ($200.00) per license for two (2) years;
3. Inactive license status a fee of fifty dollars ($50.00) for two (2) years.

B. The Code Official may prorate the fees enumerated in Subsections (A)(2) and (3) of this Section when first issuing licenses or when reactivating licenses on inactive license status.

C. The Code Official shall collect the following fees for late renewals of an active or inactive license:
1. Fifty dollars ($50.00) for licenses renewed in January;
2. One hundred dollars ($100.00) for licenses renewed in February;
3. One hundred fifty dollars ($150.00) for licenses renewed in March;
4. Two hundred dollars ($200.00) for licenses renewed in April;
5. Two hundred fifty dollars ($250.00) for licenses renewed in May; and
6. Three hundred dollars ($300.00) for licenses renewed in June (Ord. No. 02-107 §2, 7-31-02; Ord. No. 10-040 §12, 6-2-10)

SECTION 626.130: SUSPENSION, REFUSAL TO RENEW OR REVOCATION OF THIRD-PARTY INSPECTOR LICENSES (INCLUDING THOSE ON INACTIVE LICENSE STATUS)

A. The Code Official may make investigations and conduct hearings and, upon its own investigation or a complaint in writing, signed and verified by the complainant, suspend, refuse to renew, or revoke any third-party inspector license (including a license on inactive license status) if the Code Official finds that the licensee has:
1. Made a material misstatement in the application for a third-party inspector license, or for the renewal of such a license;
2. Demonstrated incompetency to act as a licensee as provided by this Chapter; or
3. Has violated any provision of this Chapter, or of any applicable Code standard set out in Section 626.010 of this Chapter, or any rule, regulation or order promulgated by the Code Official.

B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission, and introduce any evidence in his or her defense. Any individual whose third-party inspector license has been revoked or has not been renewed may reapply for such a license, but no sooner than one (1) year after the date of revocation. (Ord. No. 02-107 §2, 7-31-02)

SECTION 626.140: BONDING
All individuals licensed under this Chapter shall maintain on file with the Code Official evidence of a performance or license bond in the amount of ten thousand dollars ($10,000.00). This bond must be kept in force at all times. Failure to maintain such bond shall result in revocation or suspension of license. (Ord. No. 02-107 §2, 7-31-02; Ord. No. 12-029 §13, 3-30-12)

SECTION 626.150: LIABILITY INSURANCE
All individuals licensed under this Chapter shall be required to maintain on file with the Code Official a certificate of insurance evidence of liability insurance coverage in the amount of five hundred thousand dollars ($500,000.00). This insurance must be kept in force at all times. Failure to maintain such insurance shall result in revocation or suspension of license. (Ord. No. 02-107 §2, 7-31-02)

SECTION 626.160: STOP WORK ORDERS AND UNLAWFUL CONTINUANCES
Upon notice from the Code Official that work is being performed contrary to provisions of this Chapter, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved or to that owner's agent and to the individual doing the work; and shall state the conditions under which work will be permitted to resume. Any individual who shall continue any work in violation of the provisions of this Chapter after having been served with a stop work order shall be liable to a fine as provided by Section 626.170 of this Chapter, which fine shall be not less than two hundred fifty dollars ($250.00). (Ord. No. 02-107 §2, 7-31-02)

SECTION 626.170: PENALTIES
Any individual who violates any provision of this Chapter, or of any rule, regulation, order or license issued pursuant to this Chapter may, in accordance with the regulations issued by the Code Official, be assessed an administrative penalty by the Code Official. The penalty shall not exceed the amount of two hundred fifty dollars ($250.00) for each violation. Each day a violation continues may be deemed a separate offense. However, no administrative penalty may be assessed until the individual charged with the violation has been given notice of the violation and the opportunity for a hearing by the St. Charles County Building Commission. Alternatively, St. Charles County may institute legal action against any individual who violates a provision of this Chapter, or of any rule, regulation, order or license issued pursuant to this Chapter. Any such individual shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment not exceeding one (1) year or by both. Each day that a violation continues shall be deemed a separate offense. (Ord. No. 02-107 §2, 7-31-02)
SECTION 626.180: ENFORCEMENT

Enforcement of this Chapter shall be the responsibility of the County Counselor. (Ord. No. 02-107 §2, 7-31-02)

CHAPTER 630: ELECTRICAL CONTRACTORS

SECTION 630.010: APPLICABLE CODE STANDARDS

Unless otherwise provided for in this Chapter, the BOCA National Building Code/1990 and the National Electric Code/1990 adopted by Order of the St. Charles County Commission on October 25, 1990, or any Codes that St. Charles County may adopt hereafter in lieu of these Codes, shall govern the administration and enforcement of this Chapter. (Ord. No. 96-144 §2, 12-9-96)

SECTION 630.020: DEFINITIONS

Unless otherwise expressly stated in this Chapter, the following words and terms shall have the following meanings when used in this Chapter.

CODE OFFICIAL: The Director of the St. Charles County Division of Building Code Enforcement of the Department of Community Development or a duly authorized representative of the Director.

ELECTRICAL CONTRACTOR LICENSEE: An individual who holds an electrical contractor license issued pursuant to this Chapter.

ELECTRICAL WORK: Any work subject to applicable Code standards set in Section 630.010 of this Chapter, including the designing, installing, constructing, maintaining, servicing, repairing, altering or modifying of a product or equipment that conducts electricity, but not including the repair of household appliances, the repair of telephone and cable television wiring, or the replacement of existing light fixtures in single family residences.

ELECTRICIAN: An individual who is an employee of an electrical contractor licensee. (Ord. No. 96-144 §3, 12-9-96)

Editor's Note--Reference to the building department was changed to division of building code enforcement in accordance with ord. no. 02-204, adopted 12-23-02, set out in ch. 132 of this code.

SECTION 630.030: ADMINISTRATION AND ENFORCEMENT

The Code Official shall:

1. Adopt certain rules and regulations to ensure the proper administration and enforcement of this Chapter;
2. Conduct investigations into all complaints against any electrical contractor licensee;
3. Suspend, revoke, or refuse to renew the license of any electrical contractor licensee who fails to correct any violations of this Chapter or of any applicable Code standard set out in Section 630.010 of this Chapter;
4. Activate bonds to cover the cost for any work performed by an electrical contractor licensee who does not meet minimum requirements of any applicable Code standard set out in Section 630.010 of this Chapter; and
5. Review applications for electrical contractor licenses pursuant to this Chapter, test applicants, and issue electrical contractor licenses to applicants who pass their tests as provided in this Chapter. (Ord. No. 96-144 §4, 12-9-96)

SECTION 630.040: LICENSURE REQUIRED

Subject to Section 630.050 of this Chapter, an individual must have an electrical contractor license issued pursuant to this Chapter to perform electrical work in unincorporated St. Charles County or in any incorporated area of the County whose governing body has consented to County licensure of electrical contractors. No electrical contractor licensee may allow any non-licensed individual or any other individual to use his number for any purpose, except as provided for in Section 630.050(4). An electrical contractor is not exempt from this licensure requirement even if that contractor is also registered pursuant to Chapter 327, RSMo., as an architect or professional engineer trained in design criteria for electrical systems and qualified to design such systems. (Ord. No. 96-144 §5, 12-9-96; Ord. No. 97-18 §1, 2-26-97)

SECTION 630.050: EXCEPTIONS TO LICENSURE REQUIREMENT

A. Section 630.040's licensure requirements shall not apply when an individual:

1. Is performing electrical work for a public utility on construction, maintenance, and development of its facilities;
2. Is performing electrical work on motor vehicles or irrigation equipment;
3. Is an owner-occupant of a single-family dwelling, and is performing electrical work on that dwelling, and demonstrates to the satisfaction of the Code Official (by written examination, if necessary) the knowledge and skill to perform such work;
4. Is an electrician employed by an electrical contractor licensee, and is performing electrical work authorized by and under the direct supervision of that electrical contractor licensee.

B. Any individual exempt under this Section from the licensure requirements imposed by Section 630.040 of this Chapter shall meet applicable Code standards set out in Section 630.010 of this Chapter when performing electrical work and shall obtain permits and inspections as may be required by ordinance. (Ord. No. 96-144 §6, 12-9-96; Ord. No. 97-18 §2, 2-26-97)

SECTION 630.060: APPLICATION FOR ELECTRICAL CONTRACTOR LICENSE

To obtain an electrical contractor license, an applicant for such a license must meet the following minimum requirements:

1. The applicant must be at least twenty-one (21) years of age;
2. The applicant must make application to the Code Official on forms prescribed by the Code Official;
3. The applicant must meet all requirements specified by this Chapter and by rules and regulations promulgated by the Code Official;
4. The applicant must pay the appropriate examination and license fees required by the Code Official;
5. The applicant must pass the appropriate examination administered by the Code Official or the testing agency duly designated by the Code Official; and
6. The applicant must meet all requirements of Section 140.013, OSCCMo, relating to payment of personal and real property tax and sales tax by applicant. (Ord. No. 96-144 §7, 12-9-96; Ord. No. 10-040 §13, 6-2-10; Ord. No. 13-001 §11, 1-3-13)

SECTION 630.070: DENIAL OF APPLICATION FOR LICENSE

A. All applicants who meet the requirements for licensure in Section 630.060 of this Chapter shall be issued an electrical contractor license. However, the Code Official may deny a license if the applicant has:

1. Committed any act which, if committed by an electrical contractor licensee, would be grounds for suspension or revocation of an electrical contractor license pursuant to Sections 630.030(3) and 630.120 of this Chapter;
2. Previously been denied a license for cause, or previously had a license revoked for cause;
3. Knowingly made any false statement or misrepresentation on the application for an electrical contractor license.

B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission, and introduce any evidence in his/her defense. Any individual whose application for an electrical contractor license has been denied may reapply for such a license, but no sooner than one (1) year after the date of denial. (Ord. No. 96-144 §8, 12-9-96; Ord. No. 10-040 §14, 6-2-10)

SECTION 630.080: RETROACTIVITY

All current holders of electrical contractor licenses issued by St. Charles County shall be subject to all provisions of this Chapter, except that such individuals are exempt from this Chapter's testing requirements, unless their licenses expire without being renewed as required by Section 630.090 of this Chapter. (Ord. No. 96-144 §9, 12-9-96)

SECTION 630.090: EXPIRATION OF EXISTING ELECTRICAL CONTRACTOR LICENSES ON DECEMBER 31, 1996--TERMS OF LICENSES ISSUED OR RENEWED THEREAFTER--RENEWAL PROCEDURE

All existing electrical contractor licenses issued or maintained pursuant to Sections 630.060 and 630.080 of this Chapter shall expire on December 31, 1996. Thereafter, the Code Official shall renew or issue electrical contractor licenses for two (2) year terms beginning on the first (1st) day of January in odd-numbered years, and ending on the last day of December in the following even-numbered year. To renew any electrical contractor license, a licensee must submit to the Code Official, before the license's expiration date, and on a form prescribed by the Code Official, an application for renewal along with the payment of the renewal fee enumerated in Section 630.110 of this Chapter. Late applications for renewal shall be accepted until but no later than July first (1st) with payment of late fees imposed in Section 630.110(C). (Ord. No. 96-144 §10, 12-9-96; Ord. No. 10-040 §15, 6-2-10)

SECTION 630.100: INACTIVE LICENSE STATUS

In lieu of renewing an active electrical contractor license as provided by Section 630.090 of this Chapter, an electrical contractor licensee may apply for inactive license status for two (2) year terms, as provided in Section 630.090. An electrical contractor licensee who obtains inactive license status may perform no electrical work under the inactive license. To apply for inactive license status, an electrical contractor licensee must submit to the Code Official, before the license's expiration date, and on a form prescribed by the Code Official, an application for inactive license status along with the required application fees. An electrical contractor licensee on inactive license status may reactivate his license by applying for renewal as provided by Section 630.090. (Ord. No. 96-144 §11, 12-9-96)

SECTION 630.110: APPLICATION, LICENSE AND RENEWAL FEES FOR ELECTRICAL CONTRACTOR LICENSES,
A. The Code Official shall collect the following fees:

1. Electrical contractor license test application fee of twenty-five dollars ($25.00) per application; and
2. Electrical contractor license fee of two hundred dollars ($200.00) per license for two (2) years;
3. Electrical contractor inactive license fee of fifty dollars ($50.00) for two (2) years.

B. The Code Official may prorate the fees enumerated in Subparagraphs (2) and (3) of this Section when first issuing licenses or when reactivating licenses on inactive license status.

C. The Code Official shall collect the following fees for late renewals of an active or inactive license:

1. Fifty dollars ($50.00) for licenses renewed in January;
2. One hundred dollars ($100.00) for licenses renewed in February;
3. One hundred fifty dollars ($150.00) for licenses renewed in March;
4. Two hundred dollars ($200.00) for licenses renewed in April;
5. Two hundred fifty dollars ($250.00) for licenses renewed in May; and
6. Three hundred dollars ($300.00) for licenses renewed in June. (Ord. No. 96-144 §12, 12-9-96; Ord. No. 96-167 §§1--2, 12-30-96; Ord. No. 10-040 §16, 6-2-10)

SECTION 630.120: SUSPENSION, REFUSAL TO RENEW, OR REVOCATION OF ELECTRICAL CONTRACTOR LICENSES (INCLUDING THOSE ON INACTIVE LICENSE STATUS)

A. The Code Official may make investigations and conduct hearings and, upon its own investigation or a complaint in writing, signed and verified by the complainant, suspend, refuse to renew, or revoke any electrical contractor license (including a license on inactive license status) if the Code Official finds that the electrical contractor licensee has:

1. Made a material misstatement in the application for an electrical contractor license, or for the renewal of such a license;
2. Demonstrated incompetency to act as an electrical contractor licensee as provided by this Chapter; or
3. Has violated any provision of this Chapter, or of any applicable Code standard set out in Section 630.010 of this Chapter, or any rule, regulation, or order promulgated by the Code Official.

B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission, and introduce any evidence in his defense. Any individual whose electrical contractor license has been revoked or has not been renewed may reapply for such a license, but no sooner than one (1) year after the date of revocation or refusal to renew. (Ord. No. 96-144 §13, 12-9-96)

SECTION 630.130: BONDING

All individuals licensed under this Chapter shall maintain on file with the Code Official evidence of a performance or license bond in the amount of ten thousand dollars ($10,000.00). This bond must be kept in force at all times. Failure to maintain such bond shall result in revocation or suspension of license. (Ord. No. 96-144 §14, 12-9-96; Ord. No. 12-029 §14, 3-30-12)

SECTION 630.140: LIABILITY INSURANCE

All individuals licensed under this Chapter shall be required to maintain on file with the Code Official a certificate of insurance evidence of liability insurance coverage in the amount of five hundred thousand dollars ($500,000.00). This insurance must be kept in force at all times. Failure to maintain such insurance shall result in revocation or suspension of license. (Ord. No. 96-144 §15, 12-9-96)

SECTION 630.150: STOP WORK ORDERS AND UNLAWFUL CONTINUANCES

Upon notice from the Code Official that electrical work is being performed contrary to provisions of this Chapter, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved or to that owner's agent and to the individual doing the work; and shall state the conditions under which work will be permitted to resume. Any individual who shall continue any electrical work in violation of the provisions of this Chapter after having been served with a stop work order shall be liable to a fine as provided by Section 630.160 of this Chapter, which fine shall be not less than two hundred fifty dollars ($250.00). (Ord. No. 96-144 §16, 12-9-96)

SECTION 630.160: PENALTIES

Any individual who violates any provision of this Chapter, or of any rule, regulation, order or license issued pursuant to this Chapter may, in accordance with the regulations issued by the Code Official, be assessed an administrative penalty by the Code Official. The penalty shall not exceed the amount of two hundred fifty dollars ($250.00) for each violation. Each day a violation continues may be deemed a separate offense. However, no administrative penalty may be assessed until the individual charged
with the violation has been given notice of the violation and the opportunity for a hearing by the St. Charles County Building Commission. Alternatively, St. Charles County may institute legal action against any individual who violates a provision of this Chapter, or of any rule, regulation, order or license issued pursuant to this Chapter. Any such individual shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment not exceeding one (1) year, or by both. Each day that a violation continues shall be deemed a separate offense. (Ord. No. 96-144 §17, 12-9-96)

SECTION 630.170: ENFORCEMENT

Enforcement of this Chapter shall be the responsibility of the County Counselor. (Ord. No. 96-144 §18, 12-9-96)

CHAPTER 631: FENCE INSTALLERS

SECTION 631.010: APPLICABLE CODE STANDARDS

Unless otherwise provided for in this Chapter, the codes adopted in Titles IV and V, Ordinances of St. Charles County, Missouri, shall govern the administration and enforcement of this Chapter. (Ord. No. 10-040 §18, 6-2-10)

SECTION 631.020: DEFINITIONS

Unless otherwise expressly stated in this Chapter, the following words and terms shall have the following meanings when used in this Chapter.

CODE OFFICIAL: The Director of the St. Charles County Division of Building Code Enforcement of the Department of Community Development or a duly authorized representative of the Director.

FENCE INSTALLER: Any individual who installs a fence as defined in Section 405.060.

LICENSEE: Any individual who holds a license issued pursuant to this Chapter.

PUBLIC ENTITY: Any agency of the State of Missouri or any political subdivision of the State. (Ord. No. 10-040 §18, 6-2-10)

SECTION 631.030: ADMINISTRATION AND ENFORCEMENT

The Code Official shall:

1. Adopt certain rules and regulations to ensure the proper administration and enforcement of this Chapter;
2. Conduct investigations into all complaints against any licensee;
3. Suspend, revoke or refuse to renew the license of any licensee who fails to correct any violations of this Chapter or of any applicable Code standard set out in Section 631.010 of this Chapter;
4. Activate bonds to cover the cost for any work performed by a licensee that does not meet minimum requirements of any applicable Code standard set out in Section 631.010 of this Chapter;
5. Review applications for licenses pursuant to this Chapter. (Ord. No. 10-040 §18, 6-2-10)

SECTION 631.040: LICENSURE REQUIRED

Subject to Section 631.050 of this Chapter, an individual must have a license issued pursuant to this Chapter to engage in business as a fence installer in unincorporated St. Charles County or in any incorporated area of the County whose Governing Body has consented to County licensure of such contractors. (Ord. No. 10-040 §18, 6-2-10)

SECTION 631.050: RESERVED

SECTION 631.060: APPLICATION FOR LICENSE AS FENCE INSTALLER

To obtain a license as fence installer, an applicant must meet the following minimum requirements:

1. The applicant must be at least eighteen (18) years of age;
2. The applicant must make application to the Code Official on forms prescribed by the Code Official;
3. The applicant must specify the type of license desired;
4. The applicant must meet all requirements specified by this Chapter and by rules and regulations promulgated by the Code Official; and
5. The applicant must pay the appropriate license fees required by the Code Official; and
6. The applicant must meet all requirements of Section 140.013, OSCCMo, relating to payment of personal and real property tax
SECTION 631.070: RESERVED

SECTION 631.080: DENIAL OF APPLICATION FOR LICENSE
All applicants who meet the requirements for licensure in Section 631.060 of this Chapter shall be issued the appropriate license. However, the Code Official may deny a license if the applicant has:
1. Committed any act which, if committed by a licensee, would be grounds for suspension or revocation of the license pursuant to Sections 631.030(3) and 631.130 of this Chapter;
2. Previously been denied a license for cause, or previously had a license revoked for cause; or
3. Knowingly made any false statement or misrepresentation on the application for a license.

Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission, and introduce any evidence in his or her defense. Any individual whose application for a license has been denied may reapply for such a license, but no sooner than sixty (60) days after the date of denial. (Ord. No. 10-040 §18, 6-2-10)

SECTION 631.090: RESERVED

SECTION 631.100: EXPIRATION OF EXISTING LICENSES ON DECEMBER 31, 2010 -- TERMS OF LICENSES ISSUED OR RENEWED THEREAFTER -- RENEWAL PROCEDURE
All licenses for fence installers that shall be issued in 2010 pursuant to Section 631.060 of this Chapter shall expire on December 31, 2010. Thereafter, the Code Official shall renew or issue such licenses for two (2) year terms beginning on the first (1st) day of January in odd-numbered years, and ending on the last day of December in the following even-numbered year. To renew any such license, a licensee must submit to the Code Official, before the license's expiration date, and on a form prescribed by the Code Official, an application for renewal along with the payment of the renewal fee enumerated in Section 631.120 of this Chapter. (Ord. No. 10-040 §18, 6-2-10)

SECTION 631.110: INACTIVE LICENSE STATUS
In lieu of renewing an active license as provided by Section 631.100 of this Chapter, the license holder may apply for inactive license status for two (2) year terms, as provided in Section 631.100. A licensee who obtains inactive license status may perform no work under the inactive license as a fence installer. To apply for inactive license status, a licensee must submit to the Code Official, before the license's expiration date, and on a form prescribed by the Code Official, an application for inactive license status along with the required application fees. A licensee on inactive license status may reactivate his/her license by applying for renewal as provided by Section 631.100. (Ord. No. 10-040 §18, 6-2-10)

SECTION 631.120: APPLICATION, LICENSE AND RENEWAL FEES -- FENCE INSTALLER LICENSE, AND FOR INACTIVE LICENSE STATUS
A. The Code Official shall collect the following fees:
1. Fence installer license fee of two hundred dollars ($200.00) per license for two (2) years;
2. Inactive license status a fee of fifty dollars ($50.00) every two (2) years.
B. The Code Official may prorate the fees enumerated in Subsections (A)(2) and (3) of this Section when first issuing licenses or when reactivating licenses on inactive license status. (Ord. No. 10-040 §18, 6-2-10)

SECTION 631.130: SUSPENSION, REFUSAL TO RENEW OR REVOCATION OF FENCE INSTALLER LICENSES (INCLUDING THOSE ON INACTIVE LICENSE STATUS)
A. The Code Official may make investigations and conduct hearings and, upon its own investigation or a complaint in writing, signed and verified by the complainant, suspend, refuse to renew, or revoke any fence installer license (including a license on inactive license status) if the Code Official finds that the licensee has:
1. Made a material misstatement in the application for a fence installer license, or for the renewal of such a license;
2. Demonstrated incompetency to act as a licensee as provided by this Chapter; or
3. Has violated any provision of this Chapter or of any applicable Code standard set out in Section 631.010 of this Chapter or any rule, regulation or order promulgated by the Code Official.
B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission, and introduce any evidence in his or her defense. Any individual whose fence installer license has been revoked or has not been renewed may reapply for such a license, but no sooner than one (1) year after the date of revocation. (Ord. No. 10-040 §18, 6-2-10)
SECTION 631.140: BONDING
All individuals licensed under this Chapter shall maintain on file with the Code Official evidence of a performance or license bond in the amount of ten thousand dollars ($10,000.00). This bond must be kept in force at all times. Failure to maintain such bond shall result in revocation or suspension of license. (Ord. No. 10-040 §18, 6-2-10; Ord. No. 12-029 §15, 3-30-12)

SECTION 631.150: LIABILITY INSURANCE
All individuals licensed under this Chapter shall be required to maintain on file with the Code Official a certificate of insurance evidence of liability insurance coverage in the amount of five hundred thousand dollars ($500,000.00). This insurance must be kept in force at all times. Failure to maintain such insurance shall result in revocation or suspension of license. (Ord. No. 10-040 §18, 6-2-10)

SECTION 631.160: STOP WORK ORDERS AND UNLAWFUL CONTINUANCES
Upon notice from the Code Official that work is being performed contrary to provisions of this Chapter, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved or to that owner's agent and to the individual doing the work; and shall state the conditions under which work will be permitted to resume. Any individual who shall continue any work in violation of the provisions of this Chapter after having been served with a stop work order shall be liable to a fine as provided by Section 631.170 of this Chapter, which fine shall be not less than two hundred fifty dollars ($250.00). (Ord. No. 10-040 §18, 6-2-10)

SECTION 631.170: PENALTIES
Any individual who violates any provision of this Chapter or of any rule, regulation, order or license issued pursuant to this Chapter may, in accordance with the regulations issued by the Code Official, be assessed an administrative penalty by the Code Official. The penalty shall not exceed the amount of two hundred fifty dollars ($250.00) for each violation. Each day a violation continues may be deemed a separate offense. However, no administrative penalty may be assessed until the individual charged with the violation has been given notice of the violation and the opportunity for a hearing by the St. Charles County Building Commission. Alternatively, St. Charles County may institute legal action against any individual who violates a provision of this Chapter or of any rule, regulation, order or license issued pursuant to this Chapter. Any such individual shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment not exceeding one (1) year or by both. Each day that a violation continues shall be deemed a separate offense. (Ord. No. 10-040 §18, 6-2-10)

SECTION 631.180: ENFORCEMENT
Enforcement of this Chapter shall be the responsibility of the County Counselor. (Ord. No. 10-040 §18, 6-2-10)

CHAPTER 632: POOL INSTALLERS

SECTION 632.010: APPLICABLE CODE STANDARDS
Unless otherwise provided for in this Chapter, the codes adopted in Titles IV and V of the Ordinances of St. Charles County, Missouri, shall govern the administration and enforcement of this Chapter. (Ord. No. 10-040 §19, 6-2-10)

SECTION 632.020: DEFINITIONS
Unless otherwise expressly stated in this Chapter, the following words and terms shall have the following meanings when used in this Chapter.

CODE OFFICIAL: The Director of the St. Charles County Division of Building Code Enforcement of the Department of Community Development or a duly authorized representative of the Director.

LICENSEE: Any individual who holds a license issued pursuant to this Chapter.

POOL INSTALLER: Any individual who installs a pool as defined in Section 405.060.

PUBLIC ENTITY: Any agency of the State of Missouri or any political subdivision of the State. (Ord. No. 10-040 §19, 6-2-10)

SECTION 632.030: ADMINISTRATION AND ENFORCEMENT
The Code Official shall:
1. Adopt certain rules and regulations to ensure the proper administration and enforcement of this Chapter;
2. Conduct investigations into all complaints against any licensee;
3. Suspend, revoke or refuse to renew the license of any licensee who fails to correct any violations of this Chapter or of any applicable Code standard set out in Section 632.010 of this Chapter;
4. Activate bonds to cover the cost for any work performed by a licensee that does not meet minimum requirements of any applicable Code standard set out in Section 632.010 of this Chapter;
5. Review applications for licenses pursuant to this Chapter. (Ord. No. 10-040 §19, 6-2-10)

SECTION 632.040: LICENSURE REQUIRED

Subject to Section 632.050 of this Chapter, an individual must have a license issued pursuant to this Chapter to engage in business as a pool installer in unincorporated St. Charles County or in any incorporated area of the County whose Governing Body has consented to County licensure of such contractors. (Ord. No. 10-040 §19, 6-2-10)

SECTION 632.050: RESERVED

SECTION 632.060: APPLICATION FOR LICENSE AS POOL INSTALLER

To obtain a license as pool installer, an applicant must meet the following minimum requirements:
1. The applicant must be at least eighteen (18) years of age;
2. The applicant must make application to the Code Official on forms prescribed by the Code Official;
3. The applicant must specify the type of license desired;
4. The applicant must meet all requirements specified by this Chapter and by rules and regulations promulgated by the Code Official; and
5. The applicant must pay the appropriate license fees required by the Code Official; and
6. The applicant must meet all requirements of Section 140.013, OSCCMo, relating to payment of personal and real property tax and sales tax by applicant. (Ord. No. 10-040 §19, 6-2-10; Ord. No. 13-001 §13, 1-3-13)

SECTION 632.070: RESERVED

SECTION 632.080: DENIAL OF APPLICATION FOR LICENSE

All applicants who meet the requirements for licensure in Section 632.060 of this Chapter shall be issued the appropriate license. However, the Code Official may deny a license if the applicant has:
1. Committed any act which, if committed by a licensee, would be grounds for suspension or revocation of the license pursuant to Sections 632.030(3) and 632.130 of this Chapter;
2. Previously been denied a license for cause, or previously had a license revoked for cause; or
3. Knowingly made any false statement or misrepresentation on the application for a license.

Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission, and introduce any evidence in his or her defense. Any individual whose application for a license has been denied may reapply for such a license, but no sooner than sixty (60) days after the date of denial. (Ord. No. 10-040 §19, 6-2-10)

SECTION 632.090: RESERVED

SECTION 632.100: EXPIRATION OF EXISTING LICENSES ON DECEMBER 31, 2010 -- TERMS OF LICENSES ISSUED OR RENEWED THEREAFTER -- RENEWAL PROCEDURE

All licenses for pool installers that shall be issued in 2010 pursuant to Section 632.060 of this Chapter shall expire on December 31, 2010. Thereafter, the Code Official shall renew or issue such licenses for two (2) year terms beginning on the first (1st) day of January in odd-numbered years, and ending on the last day of December in the following even-numbered year. To renew any such license, a licensee must submit to the Code Official, before the license's expiration date, and on a form prescribed by the Code Official, an application for renewal along with the payment of the renewal fee enumerated in Section 632.120 of this Chapter. (Ord. No. 10-040 §19, 6-2-10)

SECTION 632.110: INACTIVE LICENSE STATUS

In lieu of renewing an active license as provided by Section 632.100 of this Chapter, the license holder may apply for inactive license status for two (2) year terms, as provided in Section 632.100. A licensee who obtains inactive license status may perform no work under the inactive license as a pool installer. To apply for inactive license status, a licensee must submit to the Code Official, before the license's expiration date, and on a form prescribed by the Code Official, an application for inactive license
SECTION 632.120: APPLICATION, LICENSE AND RENEWAL FEES POOL INSTALLER LICENSE AND FOR INACTIVE LICENSE STATUS

A. The Code Official shall collect the following fees:
   1. Pool installer license fee of two hundred dollars ($200.00) per license for two (2) years;
   2. Inactive license status a fee of fifty dollars ($50.00) every two (2) years.

B. The Code Official may prorate the fees enumerated in Subsections (A)(1) and (2) of this Section when first issuing licenses or when reactivating licenses on inactive license status. (Ord. No. 10-040 §19, 6-2-10)

SECTION 632.130: SUSPENSION, REFUSAL TO RENEW OR REVOCATION OF POOL INSTALLER LICENSES (INCLUDING THOSE ON INACTIVE LICENSE STATUS)

A. The Code Official may make investigations and conduct hearings and, upon its own investigation or a complaint in writing, signed and verified by the complainant, suspend, refuse to renew, or revoke any pool installer license (including a license on inactive license status) if the Code Official finds that the licensee has:
   1. Made a material misstatement in the application for a pool installer license, or for the renewal of such a license;
   2. Demonstrated incompetency to act as a licensee as provided by this Chapter;
   3. Has violated any provision of this Chapter, or of any applicable Code standard set out in Section 632.010 of this Chapter, or any rule, regulation or order promulgated by the Code Official.

B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission, and introduce any evidence in his or her defense. Any individual whose pool installer license has been revoked or has not been renewed may reapply for such a license, but no sooner than one (1) year after the date of revocation. (Ord. No. 10-040 §19, 6-2-10)

SECTION 632.140: BONDING

All individuals licensed under this Chapter shall maintain on file with the Code Official evidence of a performance or license bond in the amount of twenty thousand dollars ($20,000.00). This bond must be kept in force at all times. Failure to maintain such bond shall result in revocation or suspension of license. (Ord. No. 10-040 §19, 6-2-10; Ord. No. 12-029 §16, 3-30-12)

SECTION 632.150: LIABILITY INSURANCE

All individuals licensed under this Chapter shall be required to maintain on file with the Code Official a certificate of insurance evidence of liability insurance coverage in the amount of five hundred thousand dollars ($500,000.00). This insurance must be kept in force at all times. Failure to maintain such insurance shall result in revocation or suspension of license. (Ord. No. 10-040 §19, 6-2-10)

SECTION 632.160: STOP WORK ORDERS AND UNLAWFUL CONTINUANCES

Upon notice from the Code Official that work is being performed contrary to provisions of this Chapter, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved or to that owner's agent and to the individual doing the work; and shall state the conditions under which work will be permitted to resume. Any individual who shall continue any work in violation of the provisions of this Chapter after having been served with a stop work order shall be liable to a fine as provided by Section 632.170 of this Chapter, which fine shall be not less than two hundred fifty dollars ($250.00). (Ord. No. 10-040 §19, 6-2-10)

SECTION 632.170: PENALTIES

Any individual who violates any provision of this Chapter or of any rule, regulation, order or license issued pursuant to this Chapter may, in accordance with the regulations issued by the Code Official, be assessed an administrative penalty by the Code Official. The penalty shall not exceed the amount of two hundred fifty dollars ($250.00) for each violation. Each day a violation continues may be deemed a separate offense. However, no administrative penalty may be assessed until the individual charged with the violation has been given notice of the violation and the opportunity for a hearing by the St. Charles County Building Commission. Alternatively, St. Charles County may institute legal action against any individual who violates a provision of this Chapter or of any rule, regulation, order or license issued pursuant to this Chapter. Any such individual shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment not exceeding one (1) year, or by both. Each day that a violation continues shall be deemed a separate offense. (Ord. No. 10-040 §19, 6-2-10)

SECTION 632.180: ENFORCEMENT
CHAPTER 633: HVACR CONTRACTORS

SECTION 633.010: APPLICABLE CODE STANDARDS

Unless otherwise provided for in this Chapter, the Mechanical Code of St. Charles County, Section 500.020, OSCCMo, as amended, shall govern the administration and enforcement of this Chapter. (Ord. No. 10-040 §19, 6-2-10)

SECTION 633.020: DEFINITIONS

Unless otherwise expressly stated in this Chapter, the following words and terms shall have the following meanings when used in this Chapter.

- **BTUH**: British thermal unit per hour of heat.
- **CODE OFFICIAL**: The Director of the Division of Building Code Enforcement or a duly authorized representative of the Director.
- **HEATING AND AIR CONDITIONING**: The process of treating air to control temperature, humidity, cleanliness, ventilation or circulation to meet human comfort requirements.
- **HORSEPOWER**: The equivalent to seven hundred forty-six (746) watts.
- **HVACR**: The design, installation, construction, maintenance, service, repair, alteration or modification of a product or of equipment in heating and air conditioning, refrigeration, ventilation, process cooling or heating systems or water heaters.
- **HVACR CONTRACTOR**: Any individual who under contract with or on behalf of a property owner engages in the business of installing HVACR systems and equipment in buildings as defined by applicable code standards set out in Section 633.010 of this Chapter.
- **HVACR EMPLOYEE**: A person who is an employee of an HVACR licensee and who does not hold a Class A, B or C HVACR license and who can only perform work for an HVACR licensee.
- **HVACR GAS FITTING WORK**: Gas fitting work for the purpose of supplying a HVACR system from an existing, accessible manual safety shutoff gas cock, installing flue gas vents and combustion air for the HVACR system.
- **HVACR MAINTENANCE WORK**: Repair, modification, service and all other work required for the normal continued performance of a HVACR system. This term does not include the installation or total replacement of a system or the installation of boiler or pressure vessels that must be installed by licensed persons.
- **LICENSEE**: Any individual who holds a license issued pursuant to this Chapter.
- **ONE TON**: Twelve thousand (12,000) BTUH.
- **PUBLIC ENTITY**: Any agency of the State of Missouri or any political subdivision of the State.
- **REFRIGERATION**: The use of mechanical or absorption equipment to control temperature, humidity or both in order to satisfy the intended use of a specific space other than for human comfort.
- **REPAIR**: The reconstruction or replacement of any part of an existing HVACR system for the purpose of its maintenance.
- **SUBCONTRACTOR**: A person who performs a portion of the HVACR installation. (Ord. No. 10-040 §20(2), 6-2-10)

SECTION 633.030: ADMINISTRATION AND ENFORCEMENT

The Code Official shall:

1. Adopt certain rules and regulations to ensure the proper administration and enforcement of this Chapter.
2. Conduct investigations into all complaints against any licensee.
3. Suspend, revoke or place on probation the license of any licensee who fails to correct any violations of this Chapter or of any applicable code standard set out in Section 633.010 of this Chapter.
4. Activate bonds to cover the cost for any work performed by a licensee that does not meet minimum requirements of any applicable code standard set out in Section 633.010 of this Chapter.
5. Review applications for licenses pursuant to this Chapter, test applicants and issue licenses to applicants who pass their tests as provided in this Chapter. (Ord. No. 10-040 §20(3), 6-2-10)

SECTION 633.040: LICENSURE REQUIRED

Subject to Sections 633.050 and 633.060 of this Chapter, an individual must have the appropriate license issued pursuant to this
St. Charles County -- QuickCode
Chapter to engage in business as an HVACR contractor in unincorporated St. Charles County or in any incorporated area of the County whose Governing Body has consented to County licensure of such contractors. No licensee may allow any non-licensed individual or any other individual to use his or her number for any purpose. (Ord. No. 10-040 §20(4), 6-2-10)

SECTION 633.050: EXCEPTIONS TO LICENSURE REQUIREMENT -- INDIVIDUALS EXCEPTED
A. Section 633.040's licensure requirements shall not apply to any individual who:
1. Performs HVACR work in an existing building or structure that he or she owns and occupies as a residence or that he or she owns and uses on his or her own farm, provided that he or she demonstrates to the satisfaction of the Code Official (by written examination, if necessary) that they have the knowledge and skill to perform such work.
2. Performs HVACR work for a public utility on construction, maintenance and development of its facilities.
3. Performs HVACR work on motor vehicles or agricultural equipment.
4. Is an architect or professional engineer registered under Chapter 327, RSMo., as amended, who designs HVACR systems for design criteria only.
5. Is trained and employed by a public entity to service or repair its own HVACR systems incidental.
6. Is employed by a hospital to perform HVACR maintenance work incidental to the hospital's operation.
7. Is a HVACR subcontractor who performs HVACR work for a current HVACR Class A or Class B licensee.
8. Is an HVACR employee.
B. Any individual exempt under this Section from the licensure requirements imposed by Section 633.040 of this Chapter shall meet applicable code standards set out in Section 633.010 of this Chapter when performing HVACR work and shall obtain permits and inspections as may be required by Chapter. (Ord. No. 10-040 §20(5), 6-2-10)

SECTION 633.060: EXCEPTIONS TO LICENSURE REQUIREMENT -- HVACR WORK EXCEPTED
Section 633.040's licensure requirements shall not apply to:
2. American Gas Association approved unvented space heaters.
3. Factory assembled air cooled, self-contained refrigeration equipment of one and one-half (1.5) horsepower or less which have no refrigerant lines extending beyond the cabinet enclosure.
4. Factory assembled air cooled, self-contained window type air conditioning units of thirty-six thousand (36,000) BTUH or less not connected to ducts.
5. Window, attic, ceiling and wall fans in residences.
6. Poultry operations whether engaged in hatching, primary processing or further processing of chicken, turkey or other fowl.
7. Fireplaces and wood stoves. (Ord. No. 10-040 §20(6), 6-2-10)

SECTION 633.070: LICENSE CLASSES
Except as otherwise provided by Sections 633.040 and 633.050 of this Chapter, every individual who designs, installs, constructs, maintains, services, repairs, alters or modifies any HVACR system or any portion of an HVACR system in unincorporated St. Charles County or in any incorporated area of the County whose Governing Body has consented to County licensure of HVACR contractors shall obtain one (1) of the following classes of licenses and pay the fees prescribed in this Chapter:
1. Class A--Entitles the licensee to perform HVACR work without limitation to BTUH or horsepower capacities;
2. Class B--Entitles the licensee to perform HVACR work on air-conditioning systems that develop a total of not more than twenty (20) tons of cooling capacity per unit or five hundred thousand (500,000) BTUH heating input per unit and refrigeration systems of fifteen (15) horsepower or less per unit; or
3. Class C--Entitles the licensee, who is in the business of servicing and repairing heating, ventilation, air-conditioning or refrigeration equipment for the public or servicing, repairing or replacing components of HVACR equipment and performing HVACR work on air-conditioning systems that develop a total of not more than twenty (20) tons of cooling capacity per unit of five hundred thousand (500,000) BTUH heating input per unit and refrigeration systems of fifteen (15) horsepower or less per unit. A Class C license holder shall not install any original HVACR equipment or replace any existing HVACR equipment. (Ord. No. 10-040 §20(7), 6-2-10)

SECTION 633.080: APPLICATION FOR HVACR CONTRACTOR LICENSE
To obtain a HVACR contractor license, an applicant must meet the following minimum requirements:
1. The applicant must be at least twenty-one (21) years of age.

664
2. The applicant must make application to the Code Official on forms prescribed by the Code Official.

3. The applicant must specify the class of license desired.

4. The applicant must meet all requirements specified by this Chapter and by rules and regulations promulgated by the Code Official.

5. The applicant must pay the appropriate examination and license fees required by this Chapter.

6. The applicant must pass the appropriate examination administered by the Code Official or the testing agency duly designated by the Code Official.

7. The applicant must meet all requirements of Section 140.013, OSCCMo, relating to payment of personal and real property tax and sales tax by applicant.  (Ord. No. 10-040 §20(8), 6-2-10; Ord. No. 13-001 §14, 1-3-13)

SECTION 633.090: ISSUANCE OF OR DENIAL OF APPLICATION FOR LICENSE

A. All applicants who meet the requirements for licensure in Section 633.080 of this Chapter shall be issued the appropriate license. However, the Code Official may deny a license if the applicant has:

1. Committed any act which, if committed by a licensee, would be grounds for suspension or revocation of the license pursuant to Section 633.150 of this Chapter.

2. Previously been denied a license for cause or previously had a license revoked for cause.

3. Knowingly made any false statement or misrepresentation on the application for a license.

B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission and introduce any evidence in his defense. Any individual whose application for a license has been denied may reapply for such a license, but no sooner than one (1) year after the date of denial.  (Ord. No. 10-040 §20(9), 6-2-10)

SECTION 633.100: RETROACTIVITY -- HVACR CONTRACTOR LICENSEES

All current holders of HVACR contractor licenses issued by St. Charles County shall be subject to all provisions of this Chapter, except that such individuals are exempt from this Chapter's testing requirements unless their licenses expire without being renewed as required by Section 633.110 of this Chapter.  (Ord. No. 10-040 §20(10), 6-2-10)

SECTION 633.110: EXPIRATION AND RENEWAL OF LICENSES

All HVACR contractor licenses issued or maintained pursuant to Sections 633.090 or 633.100 of this Chapter shall expire on December 31, 2010. Thereafter, the Code Official shall renew or issue such licenses for two (2) year terms beginning on January first (1st) and ending on December thirty-first (31st) of even-numbered years. To renew any such license, a licensee must submit to the Code Official, before the license's expiration date, and on a form prescribed by the Code Official, an application for renewal along with the payment of the renewal fee enumerated in Section 633.130 of this Chapter. Late applications for renewal shall be accepted until but no later than July first (1st) with payment of late fees imposed in Section 626.120(C).  (Ord. No. 10-040 §20(11), 6-2-10)

SECTION 633.120: INACTIVE LICENSE STATUS

In lieu of renewing an active HVACR contractor license as provided by Section 633.110 of this Chapter, the license holder may apply for inactive license status for two (2) year terms, as provided in Section 633.110. A licensee who obtains inactive license status may perform no work under the inactive license as a HVACR contractor. To apply for inactive license status, a licensee must submit to the Code Official, before the license's expiration date, and on a form prescribed by the Code Official, an application for inactive license status along with the required application fees. A licensee on inactive license status may reactivate his license by applying for renewal as provided by Section 633.110.  (Ord. No. 10-040 §20(12), 6-2-10)

SECTION 633.130: APPLICATION, LICENSE AND RENEWAL FEES FOR HVACR CONTRACTOR LICENSES AND FOR INACTIVE LICENSE STATUS

A. The Code Official shall collect the following fees:

1. HVACR license test application fees of twenty-five dollars ($25.00) per application.

2. HVACR Class A license fee of two hundred dollars ($200.00) per license for two (2) years.

3. HVACR Class B license fee of two hundred dollars ($200.00) per license for two (2) years.

4. HVACR Class C license will be issued to current HVACR Class C license holders only. HVACR Class C license fee of one hundred dollars ($100.00) per license for two (2) years.

5. For HVACR contractor inactive license status a fee of fifty dollars ($50.00) for two (2) years.

B. The Code Official may prorate the fees enumerated in Subparagraph (2) through (3) of the preceding Subsection when first issuing licenses or when reactivating licenses on inactive license status.
The Code Official shall collect the following fees for late renewals of an active or inactive license:

1. Fifty dollars ($50.00) for licenses renewed in January;
2. One hundred dollars ($100.00) for licenses renewed in February;
3. One hundred fifty dollars ($150.00) for licenses renewed in March;
4. Two hundred dollars ($200.00) for licenses renewed in April;
5. Two hundred fifty dollars ($250.00) for licenses renewed in May; and
6. Three hundred dollars ($300.00) for licenses renewed in June. (Ord. No. 10-040 §20(13), 6-2-10)

SECTION 633.140: MISCELLANEOUS

HVACR contractor licenses issued pursuant to this Chapter shall be subject to the following conditions:

1. Gas fitting work. Any individual licensed or registered to perform HVACR work may perform HVACR gas fitting work without obtaining any other license to perform the work. HVACR gas fitting work shall be performed in accordance with the appropriate standards for gas fitting work.
2. Display of license. Every person licensed under this Chapter shall display his or her HVACR contractor license number in block letters of at least three (3) inches on all of his business vehicles and in all forms of advertising in a manner prescribed by the rules and regulations promulgated by the Code Official.
3. Electrical work. Nothing in this Chapter shall be construed as allowing an HVACR licensee to perform electrical work without complying with applicable local, City or State electrical licensing requirements and any applicable local code or State code pertaining to electrical work. (Ord. No. 10-040 §20(14), 6-2-10)

SECTION 633.150: REVOCATION OF HVACR CONTRACTOR LICENSES (INCLUDING THOSE ON INACTIVE LICENSE STATUS)

A. The Code Official may make investigations and conduct hearings and, upon its own investigation or a complaint in writing, signed and verified by the complainant, suspend, refuse to renew or revoke any HVACR contractor license (including a license on inactive license status) if the Code Official finds that the licensee has:

1. Made a material misstatement in the application for an HVACR license or for the renewal of such a license; or
2. Demonstrated incompetency to act as a licensee as provided by this Chapter; or
3. Has violated any provision of this Chapter, or of any applicable code standard set out in Section 633.010 of this Chapter, or any rule, regulation or order promulgated by the Code Official.

B. Any individual aggrieved by a decision of the Code Official under this Section may appeal to the St. Charles County Building Commission and introduce any evidence in his or her defense. Any individual whose HVACR contractor license has been revoked may reapply for such a license, but no sooner than one (1) year after the date of revocation. (Ord. No. 10-040 §20(15), 6-2-10)

SECTION 633.160: BONDING

All individuals licensed under this Chapter shall maintain on file with the Code Official evidence of a performance or license bond in the amount of ten thousand dollars ($10,000.00). This bond must be kept in force at all times. Failure to maintain such bond may result in revocation of license. (Ord. No. 10-040 §20(16), 6-2-10; Ord. No. 12-029 §17, 3-30-12)

SECTION 633.170: LIABILITY INSURANCE

All individuals licensed under this Chapter shall be required to maintain on file with the Code Official a certificate of insurance evidence of liability insurance coverage in the amount of five hundred thousand dollars ($500,000.00). This insurance must be kept in force at all times. Failure to maintain such insurance may result in revocation of license. (Ord. No. 10-040 §20(17), 6-2-10)

SECTION 633.180: STOP WORK ORDERS AND UNLAWFUL CONTINUANCES

Upon notice from the Code Official that work is being performed contrary to provisions of this Chapter, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved or to that owner's agent and to the individual doing the work and shall state the conditions under which work will be permitted to resume. Any individual who shall continue any work in violation of the provisions of this Chapter after having been served with a stop work order shall be liable to a fine as provided by Section 633.190 of this Chapter, which fine shall be not less than two hundred fifty dollars ($250.00). (Ord. No. 10-040 §20(18), 6-2-10)

SECTION 633.190: PENALTIES
Any individual who violates any provision of this Chapter, or of any rule, regulation, order or license issued pursuant to this Chapter or violates any rule, regulation or order of the Code Official or any permit, license or certification may, in accordance with the regulations issued by the Code Official, be assessed an administrative penalty by the Code Official. The penalty shall not exceed the amount of two hundred fifty dollars ($250.00) for each violation. Each day a violation continues may be deemed a separate offense. However, no administrative penalty may be assessed until the individual charged with the violation has been given notice of the violation and the opportunity for a hearing by the St. Charles County Building Commission. Alternatively, St. Charles County may institute legal action against any individual who violates a provision of this Chapter or of any rule, regulation, order or license issued pursuant to this Chapter. Any such individual shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment not exceeding one (1) year, or by both. Each day that a violation continues shall be deemed a separate offense. (Ord. No. 10-040 §20(19), 6-2-10)

CHAPTER 635: EXPLOSIVES CODE

ARTICLE I. IN GENERAL

SECTION 635.010: TITLE

This Chapter shall be known and may be cited as “The Explosives Code”. (Ord. No. 98-34 §1, 2-25-98)

SECTION 635.020: DEFINITIONS

When used in this Chapter, the following words shall have the following meanings as set out herein:

BLASTING AGENT: Any material or mixture consisting of a fuel and oxidizer intended for blasting, not otherwise classified herein as an explosive, in which none of the ingredients are classified as explosives provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined.

BLASTING CAP NO. 8: A No. 8 test blasting cap is one (1) containing two (2) grams of a mixture of eighty percent (80%) mercury fulminate and twenty percent (20%) potassium chlorate or a cap of equivalent strength.

COUNTY: Unless otherwise specified shall mean that part of St. Charles County outside of incorporated cities and towns and villages.

DIRECTOR: The Director of the Division of Building Code Enforcement of the Department of Community Development of St. Charles County, Missouri, and shall include authorized agents of the County Division of Building Code Enforcement of the Department of Community Development.

EXPLOSIVES AND EXPLOSIVE MATERIALS: Gunpowder used for blasting, all forms of high explosives, fuses, detonators and other detonating agents, smokeless powders, and any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion containing any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing, that ignition by fire, by friction, by concussion, by percussion, by detonation of, by any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gas pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb; but explosives shall not include small arms ammunition, gasoline, kerosene, or oils, greases or other petroleum products intended for lubrication purposes. For the purposes of this Chapter, explosives shall be classified as Class A, high explosives and Class B, low explosives and said classifications shall be as follows:

1. Class A, high explosives: Those explosives possessing detonating qualities such as dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, smokeless powder, blasting caps and detonating primers.

2. Class B, low explosives: Those explosives not otherwise specified herein as Class A explosives, including, but not limited to, explosives presenting a flamable hazard such as propellant.

PERSON: Any individual, firm, co-partnership, corporation, company, association, joint stock association, and including any trustee, receiver, assignee or personal representative thereof.

PYROTECHNICS: Any combustible or explosive composition or manufactured articles designated and prepared for the purpose of producing audible or visual effects which are commonly referred to as fireworks.

SINGULAR AND PLURAL: Words used in the singular number shall include the plural and in the plural the singular.

SCALED DISTANCE: The actual distance (in feet) to the nearest structure, divided by the square root of the maximum explosive weight (in pounds) per eight (8) millisecond (or greater) delay. If delay intervals less than eight (8) milliseconds are employed or if instantaneous blasting is employed, scaled distance shall be computed by dividing the actual distance (in feet) by the square root of the total explosive weight in pounds.

SMALL ARMS AMMUNITION: Any shotgun, rifle, pistol or revolver cartridge.

UNCONTROLLED STRUCTURES: Any building not owned or controlled by the explosives user. (Ord. No. 98-34 §1, 2-25-98)

Editor's Note--Reference to the building department was changed to division of building code enforcement in accordance with ord. no. 02-204, adopted 12-23-02, set out in ch. 132 of this code.
SECTION 635.030: SCOPE

This Chapter shall apply to the manufacture, storage, sale, transportation or use of explosives and blasting agents in the County. It shall not apply to the discharge of fireworks or pyrotechnics and small arms ammunition when discharged in connection with hunting or target shooting or other lawful uses connected with firearms. (Ord. No. 98-34 §1, 2-25-98)

ARTICLE II. EXCEPTIONS

SECTION 635.040: EXCEPTION--MILITARY OR GOVERNMENTAL USE

Nothing contained in this Chapter shall be construed as applying to the regular military or naval forces of the United States, the duly authorized Militia of the State, the Police or Fire Departments or to regular employees of the County in the proper performance of their official duties. (Ord. No. 98-34 §1, 2-25-98)

SECTION 635.050: EXCEPTION--AMOUNT OF EXPLOSIVES

It shall be unlawful for any person to possess, store, stock or hold for resale, any amount of explosives, blasting agents or blasting caps unless such person has first obtained a written permit therefore from the Director as hereinafter provided, except for the following items and amounts:

1. Smokeless gun powder for hand loading of small arms ammunition.
2. Thirty (30) pounds of explosives or blasting agents in industrial research laboratories and laboratories of technical institutes, colleges, universities and similar institutions.
3. Retail or wholesale sales of gun powder for hand loading of small arms ammunition.

All exceptions listed herein are subject to the Federal Explosives Law, PL91-452, and amendments. (Ord. No. 98-34 §1, 2-25-98)

ARTICLE III. PERMITS/APPLICATIONS

SECTION 635.060: PERMIT--STORAGE OF EXPLOSIVES -- REQUIREMENTS

Application for such permit to possess, store, stock or hold for sale those items shall be made to the Director on forms provided and shall contain the following information:

1. Name of applicant.
2. Address of applicant.
3. Place of business.
4. Occupation.
5. Age.
6. Experience in the use of explosives and such other information relative thereto as the Director may prescribe or require.
7. Maximum amount of each kind of explosives, blasting agents or blasting caps applicant intends to store or stock at any one (1) time and the location and type of construction of the magazine or storage place of same.
8. All documentation required by Section 140.013, OSCCMo, relating to payment of personal and real property tax and sales tax by applicant, and no application shall be granted to an applicant who has not met all requirements of Section 140.013. (Ord. No. 98-34 §1, 2-25-98; Ord. No. 13-001 §15, 1-3-13)

SECTION 635.070: PERMIT SHALL BE GRANTED--WHEN

A person shall be entitled to a permit to store or stock explosives or blasting agents in the County who has met the following requirements:

1. Filed an application as provided.
2. Secured whatever construction, occupancy or other permits which the applicant may otherwise be required by law to obtain.
3. Obtained a proper storage facility for the storage of such explosives as the same may be required by this Chapter. (Ord. No. 98-34 §1, 2-25-98)

SECTION 635.080: PERMIT TO EXPLODE OR BLAST REQUIRED, BLASTER'S LICENSE

A. It shall be unlawful, without first having received a permit from the Director, to explode or cause to be exploded, any gunpowder,
St. Charles County -- QuickCode
dynamite, giant powder, gun cotton or other explosive for the purpose of blasting out rock, gravel, earth or other like substance within the County.

B. No person shall use or detonate explosives unless he or she is in possession of a valid license, obtained from the Director, to use explosives for blasting purposes. This license shall be known as a blaster's license. For the purpose of this Chapter, the Director is authorized to publish qualifications necessary for an applicant to obtain a blaster's license. Such qualifications shall take into consideration age, training, education, and experience in the knowledge and use of explosives and shall include a written examination. A license shall be issued by the Director to any applicant meeting the requirements set forth by the Director for such a license. Anyone currently licensed as a blaster by other governmental agencies shall be eligible for a license without taking an exam.

C. No application for a blaster's license may be approved unless the applicant has complied with all requirements of Section 140.013, OSCCMo, relating to payment of personal and real property tax and sales tax by applicant.

D. The handling of explosives may be performed by other employees provided the work is done under the direct supervision of the person holding the permit to use explosives and providing such employees are at least twenty-one (21) years of age.

E. The person possessing a valid blaster's license shall be in charge of all blasting operations. If there is more than one (1) person possessing such a license on any one (1) operation, one (1) will be designated as being blaster in charge and shall be responsible for the entire operation. (Ord. No. 98-34 §1, 2-25-98; Ord. No. 13-001 §16, 1-3-13)

SECTION 635.090: APPLICATION FOR PERMIT TO BLAST-- REQUIREMENTS

A. Application for a permit to use explosives shall be made to the Director on forms provided and shall contain the following information:

1. Name of applicant.
2. Address of residence.
3. Place of business.
4. Occupation.
5. Age.
6. The location where the blasting is to be done, the type of blasting material to be used in each charge, the maximum charge with the required delay, approximate location of charges and the manner in which the material is to be detonated.
7. The approximate times and dates of blasting. A blasting permit shall only be valid for period not to exceed ninety (90) days, unless it is an on-going mining operation. A blasting permit for mining shall be renewed on an annual basis.
8. The name, age and address of the blaster or blasters who shall be the person or persons who shall actually detonate or have actual charge of the detonation of any explosive or blasting agent.
9. Blaster's license number.
10. Documentation required by Section 140.013, OSCCMo, relating to payment of personal and real property tax and sales tax by applicant and by owner of the property where the blasting is to be done, and no permit shall issue to an applicant who has not met all requirements of Section 140.013.

B. In addition to the above information, there shall be attached to the application for a permit to blast, the following: A certificate of liability insurance in the minimum amount of one million dollars ($1,000,000.00) for injury to persons and property resulting from the blasting operations. Such insurance shall be carried in a firm or corporation which has been duly licensed or permitted to carry on such business in the State of Missouri and shall be kept and maintained continuously in force and effect for the duration of the blasting permit. (Ord. No. 98-34 §1, 2-25-98; Ord. No. 13-001 §17, 1-3-13)

ARTICLE IV. BLASTING

SECTION 635.100: BLASTING -- RULES AND REGULATIONS

All blasting operations within the County shall be conducted in strict accordance with the following rules and regulations and it shall be unlawful for any person to fail to observe and follow said rules and regulations when blasting. In the event there is a violation of said rules and regulations, the Director shall have the power and it shall be his duty to revoke the blasting permit issued in connection with the operation, revoke the license of the blaster in charge, all in accordance with the terms of this Chapter, and in addition, the violator or violators may be punished as otherwise provided by this Chapter for violations thereof.

1. Blasting operations shall be carried on with the smallest possible number of persons present.
2. Before firing any blast, all means of access to the danger zone (the extent of which shall be determined by the blaster, but in no case to be closer to the explosion than the blaster), shall be effectively guarded to exclude all unauthorized personnel. When practical, the blaster shall then sound a warning of sufficient intensity and duration to be distinctly audible to all persons within the danger zone and all such persons shall retire beyond the danger zone. The danger zone shall then be examined by the blaster to make certain that all persons have retired therefrom to a place of safety. No blast shall be fired while any person is in the danger zone.
3. When the point of explosion is within three hundred (300) feet of a roadway, the blaster shall, just prior to the blast, designate a sufficient number of employees of the operator, each carrying a red warning flag, to stop all vehicular and pedestrian traffic on each possible route of travel within three hundred fifty (350) feet of the point of explosion until the blast has been fired.

4. No person shall return to the danger zone until permitted to do so by the blaster as announced by audible or visual signal.

5. Immediately following the blast the area shall be examined by the blaster for evidence of misfired charges.

6. All misfires shall be reported at once to the superintendent or manager who shall then determine the safe and proper method of disposal. The unexploded charge shall be detonated if such can be accomplished without risk of injury to personnel or damage to property.

7. When electric blasting caps are transported in a motor vehicle, equipped with a radio transmitter, they shall either be in their original package or stored in a closed metal box that is lined with a cushioning material such as wood or sponge rubber. When the electric caps are being placed into or removed from the box, the transmitter shall not be used.

8. Unless otherwise expressly authorized in writing by the Director, all blasting operations shall be conducted at no less distance from any fixed or mobile radio transmitter than indicated in the following table:

<table>
<thead>
<tr>
<th>Transmitter Power</th>
<th>Minimum Distance From Blasting Operations Using Electric Blasting Caps, in Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>5--25 Watts</td>
<td>100</td>
</tr>
<tr>
<td>25--50 Watts</td>
<td>150</td>
</tr>
<tr>
<td>50--100 Watts</td>
<td>220</td>
</tr>
<tr>
<td>100--250 Watts</td>
<td>350</td>
</tr>
<tr>
<td>250--500 Watts</td>
<td>450</td>
</tr>
<tr>
<td>500--1,000 Watts</td>
<td>650</td>
</tr>
<tr>
<td>1,000--2,500 Watts</td>
<td>1,000</td>
</tr>
<tr>
<td>2,500--5,000 Watts</td>
<td>1,500</td>
</tr>
<tr>
<td>5,000--10,000 Watts</td>
<td>2,200</td>
</tr>
<tr>
<td>10,000--25,000 Watts</td>
<td>3,500</td>
</tr>
<tr>
<td>25,000--50,000 Watts</td>
<td>5,000</td>
</tr>
<tr>
<td>50,000--100,000 Watts</td>
<td>7,000</td>
</tr>
</tbody>
</table>

When it can be demonstrated by means of approved tests that electric blasting may be carried out at lesser distances from the transmitter than required by the table shown, the Director may allow a variation from the requirements of said table.

When blasting operations are located near highways or other public ways, signs shall be erected at least five hundred (500) feet from the blast areas reading: "BLAST AREA - SHUT OFF ALL TWO-WAY RADIOS". The letters of these signs shall be not less than four (4) inches in height on a contrasting background.

9. Under no circumstances shall the amount of explosives taken within three hundred (300) feet of a potential point of explosion exceed the amount estimated by the blaster as necessary for the blast. Such explosives shall be stacked in piles at least twenty-five (25) feet from the nearest holes being loaded and at such distances apart and that any premature explosion will not be likely to propagate from one (1) pile to another.

10. The explosives containers, if any, shall be opened at the pile and carried up to the hole, one (1) case or unit at a time for immediate loading or placed at a loading station not less than six (6) feet from the hole except that not more than one hundred (100) pounds of explosives shall be allowed at the loading station at any one time. All empty explosives containers (boxes, bags, crates, etc.) shall be properly disposed of, daily, in a safe manner.

11. Explosives shall be distributed in such a manner that the distances from storage piles to the allowable maximum quantity of one hundred (100) pounds of explosives at the loading station or between such one hundred (100) pound loading station piles shall not be less than the quantities shown in the following quantity-distance table:

<table>
<thead>
<tr>
<th>Pounds of Explosives</th>
<th>Distance Between Piles of Explosives in Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>up to 50</td>
<td>21</td>
</tr>
<tr>
<td>100</td>
<td>25</td>
</tr>
<tr>
<td>200</td>
<td>32</td>
</tr>
<tr>
<td>300</td>
<td>37</td>
</tr>
<tr>
<td>400</td>
<td>41</td>
</tr>
<tr>
<td>500</td>
<td>44</td>
</tr>
<tr>
<td>750</td>
<td>50</td>
</tr>
<tr>
<td>1,000</td>
<td>55</td>
</tr>
<tr>
<td>1,500</td>
<td>64</td>
</tr>
<tr>
<td>2,000</td>
<td>70</td>
</tr>
<tr>
<td>2,500</td>
<td>75</td>
</tr>
<tr>
<td>5,000</td>
<td>96</td>
</tr>
<tr>
<td>10,000</td>
<td>123</td>
</tr>
</tbody>
</table>

12. Excessively large amounts of explosives shall not be delivered to the loading area at one (1) time. If deliveries of explosives
13. Explosives in excess of immediate requirements when removed from the main storage magazine and delivered in the vicinity of a blasting operation, shall be stored in a Class II magazine.

14. Caps shall not be brought to the loading area nor attached to the detonating fuse until all is in readiness to fire the blast.

15. Blast matting (which may include earth) shall be required when blast operations and/or geological conditions create fly rock that could damage or injure persons or property.

16. In all blasting operations, except as hereinafter otherwise provided, the maximum peak particle velocity of any one (1) of three (3) mutually perpendicular components of the ground motion in the vertical and horizontal directions shall not exceed one (1) inch per second at the property line of the blast site. The Director may grant an exception to the rule when it is not an ongoing blasting operation.

17. Seismographic instrumentation shall be required on any blast site where the nearest uncontrolled structure or public utility is located within a scaled distance of sixty-five (65). An uncontrolled structure is defined as any occupied building not owned or controlled by the explosives user. The seismograph shall be placed at or near the closest uncontrolled structure(s).

18. Instrumentation shall be in good operating condition and be properly calibrated with a current (within one (1) year of date of use) calibration sticker affixed to each instrument. If an instrument(s) is found to be not operating properly or out of calibration, blasting operations shall be halted until the appropriate repairs or recalibration are performed or a proper instrument(s) is provided. Seismograph operator shall be trained in the use of that instrument(s).

19. Blasting operations without instrumentation will be considered as being within the limits set forth in this Subsection if at a specified location on at least five (5) blasts instrumentation has shown that the maximum peak particle velocity at the specified location is fifty percent (50%) or less of the limit set forth in this Subsection, and with written permission from the Director, provided, that for all future blasts the scaled distance is equal to or greater than the scaled distance for the instrumental blast. However, if a scaled distance less than thirty-five (35) is employed, a seismograph is required regardless of the seismic readings of previous blasts. “Scaled distance” means the actual distance in feet divided by the square root of the maximum explosive weight in pounds that is detonated per delay period for delay intervals of eight (8) milliseconds or greater. If delay intervals less than eight (8) milliseconds are employed or if instantaneous blasting is employed, scaled distance shall be computed by dividing the actual distance in feet by the square root of the total explosive weight in pounds. Blasting operations which would result in ground vibrations that would have a particle velocity of any one (1) of three (3) mutually perpendicular components in excess of .30 inches per second and a frequency of less than 20 Hertz at any uncontrolled structure is prohibited. In addition, blasting is prohibited below the frequency of 3 Hertz. Blasting at frequencies of 20 Hertz to 30 Hertz shall not exceed a particle velocity of any one (1) of three (3) mutually perpendicular components of .50 inches per second. Blasting at frequencies above 30 Hertz shall not exceed a particle velocity of any one (1) of three (3) mutually perpendicular components of .80 inches per second. The Director may grant an exception to the requirements of this Subsection for blasting operations of less than thirty (30) days' duration, provided that such operations do not exceed the following limits at the nearest uncontrolled structure:

a. The maximum peak particle velocity of any one (1) or three (3) mutually perpendicular components of the ground motion in the vertical and horizontal directions shall not exceed .50 inches per second for blasts below 10 Hertz or 1.0 inches per second for blasts from 10 to 30 Hertz or 1.5 inches per second for blasts above 30 Hertz.

b. The maximum air blast shall not exceed one hundred twenty (120) decibels at 2 Hertz-flat response and above.

20. Airblast limitations and measurements.

a. Airblast shall be controlled so that it does not exceed the maximum limit specified below at any uncontrolled structure. Airblast monitoring equipment shall be used for all blasts at the nearest uncontrolled structure and records of that monitoring shall be retained for at least one (1) year for review by and production to the Director.

   Lower Frequency Limits of Measuring System, Hz (+ 3dB) Maximum Level in dB

   2 Hertz or higher--flat response 120 peak

b. All measuring systems used shall have a flat frequency response of at least two hundred (200) Hz at the upper end.

21. When blasting in the vicinity of uncontrolled structures the explosives users will determine the structures lying within a scaled distance of thirty-five (35). The distance will be determined by the following:

\[ D = 35\sqrt{W} \]

Where D is the distance limit and W is the maximum charge weight per 8 ms delay interval. The explosives user shall contact the owners of structures within the distance limit and offer to have a pre-blast inspection performed on their structure at no cost to the owner. (Ord. No. 98-34 §1, 2-25-98; Ord. No. 04-016 §§1--4, 1-28-04; Ord. No. 12-030 §1, 4-11-12)

SECTION 635.110: BLASTING AGENTS -- TRANSPORTATION, STORAGE AND USE

Unless otherwise set forth in this Chapter, blasting agents shall be transported, stored and used in the same manner as explosives. Storage of explosives shall comply with the Fire Prevention Code of St. Charles County, Section 500.060, Ordinances of St. Charles County, Missouri, as amended. (Ord. No. 98-34 §1, 2-25-98; Ord. No. 04-016 §5, 1-28-04)
SECTION 635.120: BUILDINGS USED FOR MIXING OF BLASTING AGENTS -- LOCATION

Buildings or other facilities used for mixing blasting agents shall be located, with respect to inhabited buildings, passenger railroads and public highways, in accordance with the Fire Prevention Code of St. Charles County, Section 500.060, Ordinances of St. Charles County, Missouri, as amended. (Ord. No. 98-34 §1, 2-25-98; Ord. No. 04-016 §6, 1-28-04)

SECTION 635.130: USE OF BLASTING AGENTS

Persons using blasting agents shall comply with all of the applicable provisions of this Chapter for the use of explosives. (Ord. No. 98-34 §1, 2-25-98)

ARTICLE V. RECORDS/FEES

SECTION 635.140: RECORDS

A. A record known as a log shall be kept for every blast.
B. A blasting record, known as a log, shall be kept on the site of any blasting operations. This log shall be made available to the Director or authorized agents upon demand. This record shall be maintained available for inspection for a period of six (6) months after such blasting operations are completed.
C. Minimum recorded data shall be as follows:
   1. Amount of explosives used (weight).
   2. Kind of blasting caps, distribution of instantaneous or short-period delay blasting caps, or both; delay interval used; order of firing by switch.
   3. Weather conditions including direction and approximate velocity of wind; atmospheric temperature; relative humidity; cloud conditions.
   4. Date and time of firing of blast.
   5. Name of person in responsible charge of loading and firing; blaster's permit number.
   6. Name and location of blasting site.
   7. Signature and title of person making report.
D. Any falsification, alterations or misrepresentation of any records of blasting operations will be cause for suspension or revocation of blasting permits and blaster's license. (Ord. No. 98-34 §1, 2-25-98)

SECTION 635.150: FEES

The following fees are hereby established for the licenses and permits required by this Chapter:

- Annual blaster's license: $ 100.00
- Annual permit to store, stock or hold explosives for resale:
  - Class I magazine: 150.00
  - Class II magazine: 150.00
  - Class III magazine: 150.00
  - Class IV magazine: 150.00
  - Class V magazine: 150.00
- Blasting permit, per location: 100.00

(Ord. No. 98-34 §1, 2-25-98; Ord. No. 10-040 §17, 6-2-10)

SECTION 635.160: VENDOR TO KEEP RECORD OF SALES -- DUTIES

A. Every person who has a permit to store, stock or store for resale explosives as defined herein shall be required to maintain a bound ledger and shall record or cause to be recorded therein the following information in connection with every sale, vending or other disbursement of explosives:
   1. Name of vendee.
   2. Address of vendee.
   3. Date and time of sale.
4. Type of explosive.
5. Quantity of explosive.

B. Such record shall be open to inspection by the Director or authorized agents during usual business hours. No licensed user of explosives or blasting agents shall be allowed to resell explosives or blasting agents except by the written authorization of the Director. (Ord. No. 98-34 §1, 2-25-98)

ARTICLE VI. PROHIBITIONS

SECTION 635.170: HOURS DURING WHICH BLASTING PROHIBITED

It shall be unlawful for any person to explode, or cause to be exploded, any gunpowder, dynamite, giant powder, gun cotton or other explosives as herein defined for any purpose during the hours of 6:00 P.M. to 8:00 A.M. except that a special permit to use explosives during the hours of 6:00 P.M. to 8:00 A.M. may be issued by the Director when the Director determines that conditions beyond the control of the person seeking a special permit prevent such person from using explosives during regular hours permitted. (Ord. No. 98-34 §1, 2-25-98)

SECTION 635.180: RECKLESS AND WANTON HANDLING OF EXPLOSIVES--PROHIBITED

No person shall load, unload or otherwise handle explosives in a reckless and wanton manner, thereby endangering the life, limb or property of any person. (Ord. No. 98-34 §1, 2-25-98)

ARTICLE VII. INSPECTIONS

SECTION 635.190: RIGHT OF INSPECTION

A. The Director or the Sheriff's Department Bomb Squad may, at any reasonable time, inspect premises, buildings and installations used for storage or sale of explosives or blasting agents, or any premises on which blasting operations are being conducted for the purpose of determining whether the provisions of this Chapter are being complied with.

B. The Director or the Sheriff's Department Bomb Squad may, during normal business hours, enter and inspect the premises, including places of storage, of any licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee for the purpose of inspecting or examining any documents and records required to be kept by such person by law and any explosive materials kept or stored by such person.

C. Any person who shall hinder or obstruct the Director or authorized agents or the Sheriff’s Department in the performance of his or her official duties shall be guilty of a violation of the provisions of this Chapter and upon conviction thereof, shall be punished as provided in Article X. (Ord. No. 98-34 §1, 2-25-98)

SECTION 635.200: INSPECTION OF FIRE OR ACCIDENT SCENE

The Director or any authorized agent may inspect the site of any accident or fire in which there is reason to believe any explosive materials were involved. The Director or any authorized agents, at any reasonable time, enter into or upon any property where explosive materials have been used or are suspected of having been used, or have been found in an otherwise unauthorized location. The Director shall notify the Sheriff’s Department Bomb Squad when it has reason to believe that explosive materials were involved in any accident or fire. (Ord. No. 98-34 §1, 2-25-98)

SECTION 635.210: VIOLATION ON INSPECTION--NOTICE TO VIOLATOR

If upon inspection a violation of this Chapter is found to exist, the Director shall file with the person holding the permit a notice citing the violation and ordering its correction. If such order is not complied with within the time period specified in the notice, which may require immediate compliance, the Director may suspend any permit or license issued to the person involved. Nothing herein relating to revocation of permits shall be construed to abrogate or suspend any proceedings against or prosecution of the violator which may be instituted against the violator under the provisions of this Chapter. (Ord. No. 98-34 §1, 2-25-98)

ARTICLE VIII. CONFLICT WITH STATE OR FEDERAL REGULATION

SECTION 635.220: CONFLICT WITH STATE OR FEDERAL REGULATION OF EXPLOSIVES--SUSPENSION

During such time as any provision herein shall conflict with any State or Federal Statute or regulation, such provision herein conflicting shall be suspended. (Ord. No. 98-34 §1, 2-25-98)

ARTICLE IX. STOLEN EXPLOSIVES/LOSS
SECTION 635.230: STOLEN EXPLOSIVES

No person shall, with the intent of depriving the owner of lawful possession thereof, use, possess, receive, conceal, transport, sell or dispose of any stolen explosive materials knowing or having reasonable cause to believe such materials were stolen. (Ord. No. 98-34 §1, 2-25-98)

SECTION 635.240: THEFT OR LOSS OF EXPLOSIVES

Any person who has knowledge of the theft or loss of any explosive materials shall immediately report such theft or loss to the Director, who shall then notify the St. Charles County Sheriff's Department and its Bomb Squad. (Ord. No. 98-34 §1, 2-25-98)

ARTICLE X. PENALTIES/APPEALS

SECTION 635.250: PENALTIES

Any person violating any of the provisions of this Chapter shall, upon the finding of a court of competent jurisdiction that such violation has occurred, be subject to a civil fine in an amount not to exceed one thousand dollars ($1,000.00) and each separate act found to be in violation of these ordinances shall be considered a separate act subject to such civil penalty. In addition to the civil penalties prescribed herein, the County Counselor may take such other action, either legal or equitable, that is deemed necessary in order to execute and enforce the provisions of this Chapter. (Ord. No. 98-34 §1, 2-25-98; Ord. No. 04-016 §7, 1-28-04)

SECTION 635.260: RIGHT TO APPEAL

A. Any applicant, permittee or other person aggrieved by any order of the Director issued pursuant to this Chapter, except the revocation of a permit which is covered elsewhere in this Chapter, may file an appeal in writing with the Director within ten (10) days of such order, and the Director shall fix a time and place for hearing to be held not less that thirty (30) days of the filing of appeal. The Building Commission shall hear all appeals and determine, by major, that the Director acted in accordance with this Chapter. All evidence offered at the hearing shall be preserved by the Director and oral testimony shall be recorded verbatim. All cost for said appeal shall be paid by the person(s) requesting the appeal. A deposit of one hundred dollars ($100.00) shall be filed with the written appeal.

B. The decision and action of the Director at the hearing to revoke the permit shall be reviewable in a court of competent jurisdiction by a writ or certiorari filed by the permittee so affected or by any other person aggrieved by the action of the Director, within ten (10) days after said decision in writing has been made and forwarded to said permittee. (Ord. No. 98-34 §1, 2-25-98)

CHAPTER 640: RESERVED

Editor's Note--Ord. no. 06-045 §1, adopted March 28, 2006, repealed ch. 640 "cable television service" in its entirety. Former ch. 640 derived from ord. no. 98-52 §§1--8, 4-1-98.

CHAPTER 645: TATTOOING AND BODY PIERCING

SECTION 645.010: SHORT TITLE

This Chapter may be cited as the "Tattooing and Body Piercing Ordinance". (Ord. No. 99-149 §1, 12-1-99)

SECTION 645.020: LEGISLATIVE FINDINGS AND INTENT

A. The Council finds that there is sufficient information to believe that injuries, infections and occasional disease may occur as the result of tattooing and body piercing. In order to protect the health and welfare of residents, the regulation of tattooing and body piercing establishments and operators is required.

B. The Council finds that residents desire regulation of tattooing and body piercing establishments and that such regulation is required for the health and safety of the residents.

C. The Council is concerned with health dangers posed by the unsafe practices that could be employed by some tattooing and body piercing establishments and operators. (Ord. No. 99-149 §2, 12-1-99)

SECTION 645.030: DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ANTISEPTIC: An agent that destroys disease-causing microorganisms on human skin or mucosa. A list of approved antiseptic
BODY PIERCING: Any method of piercing the skin or mucosa in order to place any object including, but not limited to, rings, studs, bars or other forms of jewelry through the skin or mucosa. This Chapter expressly excludes ear piercing, as defined in Section 645.080(B) below, as a body piercing procedure.

CLIENT: Any person who inquires about or requests a tattooing and body piercing procedure.

CONTAMINATED WASTE: Any liquid or semi-liquid blood or other potentially infectious materials in a liquid or semi-liquid state if compressed; items that are caked with dried blood or other potentially infectious materials and are capable of releasing these materials during handling; contaminated sharps and pathological and microbiological wastes containing blood and other potentially infectious materials, as further defined in State and Federal regulations.

COSMETIC TATTOOING: The practice of depositing pigment into the epidermis, utilizing needles, which is either permanent, semi-permanent or temporary by someone other than a State licensed physician. Cosmetic tattooing shall also include permanent cosmetics, dermography, micro pigmentation, permanent color technology and micro pigment implantation.

DEPARTMENT: The St. Charles County, Missouri, Department of Community Health and Environment including its agents and employees.

DIRECTOR: The Director of the Department and his/her designees.

DISINFECTION: The killing of microorganisms, but not necessarily their spores, on inanimate objects.

EQUIPMENT: All machinery, including fixtures, containers, vessels, tools, devices, implements, furniture, display and storage areas, sinks and all other apparatuses and appurtenances used in connection with the operation of a tattooing and body piercing establishment.

HANDSINK: A lavatory equipped with hot and cold running water under pressure and with a drain, used solely for washing hands, arms or other portions of the body.

HOT WATER: Water at a temperature of at least one hundred degrees Fahrenheit (100° F).

INSTRUMENTS USED FOR TATTOOING AND BODY PIERCING: Hand pieces, needles, needle bars and other instruments, including piercing studs, that may come in contact with any person’s body during tattooing and body piercing.

INVASIVE: Entry into the body either by incision or insertion of an instrument into or through the skin or mucosa, or by any other means intended to compromise the skin or mucosa.

JEWELRY: Any personal ornament inserted into a pierced area. Jewelry inserted into a newly pierced area must be made of 316 series surgical implant grade stainless steel, solid 14k or 18k white or yellow gold, niobium, titanium, platinum, low porosity plastic such as monofilament nylon, acrylic or Lucite, tempered glass or high density low porosity non-toxic hardwoods. Furthermore, such jewelry must be free of nicks, scratches or irregular surfaces and have been properly sterilized prior to use. Hardwood jewelry is single use only. Piercing studs are not considered jewelry under this Chapter.

LICENSE: Written approval by the Department to operate a tattooing and body piercing establishment, or to perform tattooing and body piercing. Approval is given in accordance with this Chapter and is separate from any other licensing requirements that may exist.

OPERATOR: Any person who controls, operates, manages, conducts, or practices tattooing and body piercing activities at a tattooing and body piercing establishment and who is responsible for compliance with these regulations whether or not that person actually performs tattooing and body piercing activities.

PERSON: A natural person, any form of business or social organization and any other non-governmental legal entity including but not limited to a corporation, partnership, limited liability company, association, trust or unincorporated organization.

PROCEDURE ROOM: A room in the tattooing and body piercing establishment where tattooing and body piercing is performed.

PROCEDURE SURFACE: Any surface that contacts the client’s unclothed body during a tattooing and body piercing procedure or any associated work area which may require sanitizing.

SANITIZE or SANITIZATION: A procedure that reduces the level of microbial contamination so that the item or surface is considered safe.

SHARPS: Any object that is used for the purpose of penetrating the skin or mucosa including, but not limited to, needles, scalpel blades and razor blades.

SHARPS CONTAINER: A puncture-resistant, leakproof container that can be closed for handling, storage, transportation and disposal and is labeled with the international biohazard symbol.

SINGLE USE: Products or items that are intended for one-time, one (1) person use and are disposed of after use on each client including, but not limited to, cotton swabs or balls, tissues or paper products, paper or plastic cups, gauze and sanitary coverings, razors, piercing needles, scalpel blades, stencils, ink cups and protective gloves.

STERILIZATION: Destruction of all forms of microbiotic life, including spores.

TATTOOING: Any method of placing ink or other pigment into or under the skin or mucosa by the use of needles or any other instruments used to puncture the skin, resulting in permanent coloration of the skin or mucosa. This includes all forms of cosmetic tattooing.
TATTOOING AND BODY PIERCING: The practice of physical body adornment by any method including but not limited to the following: body piercing, tattooing, cosmetic tattooing, branding and scarification. This definition does not include practices that are considered medical procedures by a State Medical Board, such as implants under the skin. This definition also does not include ear piercing as fully defined in Section 645.080(B) below.

TATTOOING AND BODY PIERCING ESTABLISHMENT: Any place of business which performs tattooing and body piercing.

UNDER DIRECT SUPERVISION OF A PHYSICIAN: Employed by and working in the office or clinic of a physician licensed in the State of Missouri, or at a site approved by the Department, with treatment ordered by the physician. (Ord. No. 99-149 §3, 12-1-99)

SECTION 645.040: LICENSE REQUIRED FOR TATTOOING AND BODY PIERCING ESTABLISHMENTS AND OPERATORS

A. No person shall perform tattooing and body piercing unless the person is authorized to do so by a license issued by the Department. Nor shall any person perform tattooing and body piercing except in a tattooing and body piercing establishment licensed by the Department.

B. Tattooing and body piercing establishment licenses shall be valid for a term to expire with the last day of the calendar year in which the license is issued. Application for renewal of licenses for tattooing and body piercing establishments must be filed on or before the first (1st) day of each calendar year.

C. Tattooing and body piercing operator licenses shall be valid for a term to expire with the last day of the calendar year in which the license is issued. Application for renewal of licenses for tattooing and body piercing operators must be filed on or before the first (1st) day of each calendar year.

D. No license issued under this Chapter shall be transferable or assignable except as herein provided:
   1. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Chapter, may make application and the Department of Community Health and the Environment may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased;
   2. Whenever one (1) or more members of a partnership withdraws from the partnership, the Department of Community Health and the Environment, upon being requested, shall license the remaining partner, or partners, originally licensed, to continue to operate for the remainder of the period for which the license fee has been paid, without obtaining a new license.

E. The Department shall issue a license or renewal of a license within thirty (30) days of receiving a properly completed application and the necessary supporting documents. No application shall be complete without documentation required by Section 140.013, OSCCMo, relating to applicant's payment of sales tax, personal property tax and, if applicant is owner of an establishment's premises, real property tax for those premises, and no license shall issue to any applicant who has not met all requirements of Section 140.013. A license or renewal thereof shall not be denied, suspended or revoked except pursuant to Section 645.050 or Section 645.170. (Ord. No. 99-149 §4, 12-1-99; Ord. No. 13-001 §18, 1-3-13)

SECTION 645.050: ADDITIONAL REQUIREMENTS FOR LICENSES AND LICENSE HOLDERS

A. Tattooing And Body Piercing Establishment License.
   1. A current tattooing and body piercing establishment license shall be posted in a prominent and conspicuous area where it may be readily observed.
   2. The holder of a tattooing and body piercing establishment license must only hire operators who have complied with the operator license requirements of this Chapter.
   3. Tattooing and body piercing establishments which are engaged in the tattooing and body piercing business before the effective date of this Chapter shall have sixty (60) days to comply with the licensing requirements.

B. Operator License.
   1. An application for an operator license shall include: name, social security number, date of birth, sex, residence, mailing address, phone number, place(s) of employment, and training and experience of the operator.
   2. Within ninety (90) days of the operator’s receipt of the operator’s first (1st) license, the operator must provide proof of attendance at a Blood-borne Pathogen training program (or equivalent) approved by the Department. During the said ninety (90) days, the operator shall become familiar with this Chapter, undergo in-house training and familiarize themselves with information available from the Department concerning Hepatitis B. Subsequently, the operator must attend a Blood-borne Pathogen training program (or equivalent) at least once every three (3) years.
   3. No operator license shall be issued unless, following reasonable investigation by the Department, it finds that the operator is in compliance with the applicable provisions of this Chapter.
   4. All operator licenses shall be conditioned upon continued compliance with the applicable provisions of this Chapter.
   5. All operator licenses shall be posted in a prominent and conspicuous place inside a public area of the tattooing and body piercing establishment or establishments in which the operator works.
6. Operators must be at least eighteen (18) years of age. (Ord. No. 99-149 §5, 12-1-99)

SECTION 645.060: TATTOOING AND BODY PIERCING ESTABLISHMENT REQUIREMENTS AND PROFESSIONAL STANDARDS

The following information shall be kept on file on the premises of a tattooing and body piercing establishment and available for inspection by the Department:

1. The following information pertaining to all employees in the tattooing and body piercing establishment: full name, date of birth, social security number, gender, home address, phone number (home and work), job description and exact duties.
2. Identification photographs of all operators.
3. The tattooing and body piercing establishment name and hours of operation.
4. The name, address and social security number of the tattooing and body piercing establishment owner or owners.
5. A complete description of all tattooing and body piercing performed.
6. A list of all instruments, body jewelry, sharps, and inks used for any and all tattooing and body piercing procedures, including names of manufacturers and serial or lot numbers or invoices or other documentation sufficient to identify and locate the manufacturer.
7. A copy of this Chapter. (Ord. No. 99-149 §6, 12-1-99)

SECTION 645.070: GENERAL PROVISIONS

A. Smoking, eating, or drinking by anyone is prohibited in the area where tattooing and body piercing preparation, procedure and clean up is being performed.

B. Operators shall refuse service to any person who, in the opinion of a reasonable objective observer, is under the influence of alcohol or drugs.

C. The operator shall maintain a high degree of personal cleanliness, conform to hygienic practices and wear clean clothes when performing tattooing and body piercing. Before performing tattooing and body piercing, the operator must thoroughly wash his/her hands in hot running water with liquid anti-microbial soap, then rinse his/her hands and dry with an approved sanitary method. This shall be done as often as necessary to remove contaminants.

D. In performing tattooing and body piercing, the operator shall wear disposable medical gloves. The gloves shall be discarded at a minimum, after the completion of each procedure on an individual client.

E. If, while performing tattooing and body piercing, the operator’s glove is pierced, torn or otherwise contaminated, the contaminated gloves shall be immediately discarded and the procedure in Subsections (D) and (E) above shall be repeated immediately. Any item or other instrument used for tattooing and body piercing which is contaminated during the procedure shall be immediately discarded and replaced before the procedure resumes.

F. Contaminated waste, as defined in this Chapter, which may release liquid blood or body fluids when compressed or may release dried blood or body fluids when handled must be placed in an approved “red” bag which is marked with the international “biohazard” symbol. It must then be disposed of by, or delivered to, an approved medical waste facility pursuant to Federal, State and County regulations. Sharps ready for disposal shall be disposed of in approved sharps containers. Contaminated waste which does not release liquid blood or body fluids when compressed or does not release dried blood or body fluids when handled may be placed in a covered receptacle and disposed of through normal, approved disposal methods. Storage of contaminated waste on-site shall not exceed the period specified by the Department.

G. Any skin or mucosa surface to receive a tattooing and body piercing procedure shall be free of rash, infection or any other visible active pathological condition.

H. The skin of the operator who actually performs tattooing and body piercing activities shall be free of rash, infection or any other visible pathological condition. No person or operator affected with boils, infected wounds, open sores, abrasions, exudative lesions, acute respiratory infection, nausea, vomiting or diarrhea shall work in any area of a tattooing and body piercing establishment in any capacity in which there is a likelihood of contaminating tattooing and body piercing Equipment, supplies or working surfaces with pathogenic organisms.

I. Proof shall be provided upon request of the Department that all operators have either completed or were offered and declined, in writing, the Hepatitis B vaccination series; that antibody testing has revealed that the operator is immune to Hepatitis B; or that the vaccine is contraindicated for medical reasons. Contraindication requires a dated and signed physician’s statement specifying the name of the operator and stating that the vaccine cannot be given. This documentation is to be kept on the premises of the tattooing and body piercing establishment. For those who decline the Hepatitis B vaccination series, an information brochure developed by the Department will be provided which explains the risks of Hepatitis B and treatment options following an exposure incident. (Ord. No. 99-149 §7, 12-1-99)

SECTION 645.080: EXEMPTIONS

A. Physicians licensed by the State of Missouri who utilize tattooing and body piercing procedures as part of patient treatment are exempt from these regulations.

677
B. Individuals who pierce only the outer perimeter and lobe of the ear using a pre-sterilized encapsulated single-use stud ear-piercing system are exempt from these regulations. However, the Department is authorized to investigate consumers’ complaints alleging misuse of or improper procedures in the use of the aforementioned system, and to pursue all remedies under the law. (Ord. No. 99-149 §8, 12-1-99)

SECTION 645.090: PUBLIC NOTIFICATION REQUIREMENTS

Verbal and written public educational information, approved by the Department, shall be required to be given to all clients. Verbal and written instructions approved by the Department for the care of the tattooing and body piercing procedure site shall be provided to each client by the operator upon completion of the procedure. The written instructions (“instructions”) shall advise the client to consult the operator or a physician licensed by the State of Missouri at the first (1st) sign of infection and contain: the name, address and phone number of the tattooing and body piercing establishment. The instructions shall be signed and dated by both parties. The operator shall give a copy of the instructions to the client and retain the original with all other records required to be maintained under this Chapter. In addition, all tattooing and body piercing establishments shall provide clients with written information which advises clients of the risks and possible consequences of tattooing and body piercing. (Ord. No. 99-149 §9, 12-1-99)

SECTION 645.100: RECORDS RETENTION

The tattooing and body piercing establishment shall keep a record of all persons who have had tattooing and body piercing procedures performed. The record shall include the name, date of birth, and address of the client, the date of the procedure, the name of operator who performed the procedure(s), the type of procedure performed and its location on the client’s body, the signature of the client and, if the client is a minor, written proof of parental or guardian presence and consent as more particularly described in Section 645.150. The instructions shall be signed and dated and a copy of the instructions shall be given to the client. The operator shall give a copy of the instructions to the client and retain the original with all other records required to be maintained under this Chapter. In addition, all tattooing and body piercing establishments shall provide clients with written information which advises clients of the risks and possible consequences of tattooing and body piercing. (Ord. No. 99-149 §10, 12-1-99)

SECTION 645.110: PREPARATION AND CARE OF THE TATTOOING AND BODY PIERCING AREA

A. Before performing tattooing and body piercing, the skin of and surrounding the area where the tattooing and body piercing is to be placed shall be washed with anti-microbial soap and an antiseptic shall be applied to that area. If piercing or other procedures penetrating the subcutaneous layer are to be performed, the area must be cleaned with a fresh antiseptic solution. If shaving is necessary, safety razors with single service blades shall be used and discarded after each use. Following shaving, the skin and surrounding area shall be washed with anti-microbial soap and the washing pad shall be discarded after a single use.

B. In the event of blood flow, all products used to check the flow of blood or to absorb blood shall be used only once and disposed of immediately after use. (Ord. No. 99-149 §11, 12-1-99)

SECTION 645.120: SANITATION AND STERILIZATION

A. All non-disposable instruments used for tattooing and body piercing shall be cleaned thoroughly after each use by scrubbing with an anti-microbial soap solution and hot water or an appropriate disinfectant to remove blood and tissue residue and placed in an ultrasonic unit which shall remain on the premises of the tattooing and body piercing establishment and which will be operated in accordance with the manufacturer’s instructions.

B. After cleaning, all non-disposable instruments used for tattooing and body piercing shall be packed individually in paper peel-packs and sterilized. All paper peel-packs shall contain either a sterilizer indicator or internal temperature indicator. Properly packaged, sterilized and stored equipment can be stored no more than one (1) year. Paper peel-packs must be dated with an expiration date not to exceed one (1) year. Sterile equipment may not be used after the expiration date without first repackaging and resterilizing.

C. All non-disposable instruments used for tattooing and body piercing shall be sterilized in an autoclave at the tattooing and body piercing establishment. Off-site sterilization is prohibited. The sterilizer shall be used, cleaned, and maintained according to manufacturer’s instruction. A copy of the manufacturer’s recommended procedures for the operation of the sterilization unit must be available for inspection by the Department.

D. Each holder of a license for a tattooing and body piercing establishment shall confirm by monthly spore destruction tests that the sterilizer used in that establishment is capable of attaining sterilization. These tests shall be verified by an independent laboratory, and the test records shall be retained by the establishment for a period of three (3) years and shall be provided to the Department upon request. Failure to provide the Department with documentation of the sterilizer’s ability to destroy spores shall be deemed an immediate health hazard within the meaning of Section 645.170(B).

E. After sterilization, instruments used for tattooing and body piercing shall be stored in a dry, clean cabinet or other tightly covered container reserved for the storage of such instruments.

F. All instruments used for tattooing and body piercing shall remain stored in sterile packages until just prior to performing a tattooing and body piercing procedure. When assembling instruments used for performing tattooing and body piercing, the operator shall wear disposable medical gloves and use techniques to ensure that the instruments and gloves are not contaminated.

G. All inks, dyes, and pigments shall be specifically manufactured for performing tattooing and body piercing procedures and shall
St. Charles County -- QuickCode

SECTION 645.130: REQUIREMENTS FOR SINGLE-USE ITEMS

A. All sharps shall be sterilized prior to use and stored in paper peel-packs.

B. Single-use items shall not be used on more than one (1) client for any reason. After use, all single-use needles, razors and other sharps shall be immediately disposed of in approved sharps containers. Piercing needles are strictly single use.

C. All tattooing and body piercing stencils shall be single use and disposable. Petroleum jellies, soaps and other products used in the application of stencils shall be dispensed and applied on the area to be tattooed with sterile gauze or in a manner which prevents contamination of the original container and its contents. The gauze shall be used only once and then discarded. (Ord. No. 99-149 §13, 12-1-99)

SECTION 645.140: REQUIREMENTS FOR PREMISES

A. Tattooing and body piercing establishments applying for a license shall submit a scale drawing and floor plan of the proposed establishment for a plan review by the Department as part of the license application process.

B. All walls, floors and ceilings of a tattooing and body piercing establishment shall be smooth, free of open holes or cracks, light-colored, washable and in good repair. Walls, floors and ceilings shall be maintained in a clean condition. All surfaces, including client chairs and benches, shall be of such construction as to be easily cleaned and sanitized after each client procedure. All tattooing and body piercing establishments shall be completely separated by solid partitions, or by walls extending from floor to ceiling, from any room used for human habitation, a food establishment or room where food is prepared, a hair salon, retail sales, or other such activity which may cause potential contamination of work surfaces.

C. Insects, vermin and rodents shall not be present in any part of the tattooing and body piercing establishment, its appurtenances or appurtenant premises.

D. There shall be a minimum of thirty-five (35) square feet of floor space for each procedure room. Each tattooing and body piercing establishment shall have an area which may be screened from public view for clients requesting privacy. Multiple procedure rooms shall be separated by wipeable dividers, curtains or partitions.

E. The tattooing and body piercing establishment shall be well ventilated and provided with an artificial light source equivalent to at least twenty (20) foot-candles three (3) feet off the floor, except that at least one hundred (100) foot-candles shall be provided at the level where the tattooing and body piercing procedure is being performed, and where instruments and sharps are assembled.

F. No animals of any kind shall be allowed in a procedure room except service animals used by persons with limitations. Small animals confined to a cage or aquarium are allowed only outside a procedure room.

G. A separate, readily accessible handsink with hot and cold running water, under pressure, preferably equipped with wrist- or foot-operated controls, and supplied with liquid anti-microbial soap and disposable paper towels shall be readily accessible within the tattooing and body piercing establishment. One (1) handsink shall serve no more than three (3) operators. In addition, there shall be a minimum of one (1) lavatory, excluding any service sinks, and one (1) toilet in a tattooing and body piercing establishment in a completely enclosed restroom vented to the outside.

H. At least one (1) covered waste receptacle shall be provided in each operator area and each toilet room. Receptacles in the operator area shall be emptied daily and solid waste shall be removed from the premises at least weekly. Receptacles in the operator area shall either have a foot-operated lid or a lid that can and shall remain open during tattooing and body piercing procedures to prevent hand contact with the receptacle during a procedure. All refuse containers shall be lidded, cleanable and kept clean. All refuse containers not in use shall be kept covered.

I. All instruments and supplies shall be stored in clean, dry covered containers.

J. If reusable cloth items, including but not limited to lap-cloths, are used, they shall be mechanically washed after each client procedure. Reusable cloth items shall be mechanically washed with detergent and dried. The cloth items shall be stored in a clean, dry environment. If a mechanical washer is used on site, a mechanical dryer must also be used and the dryer must be vented to the outside. (Ord. No. 99-149 §14, 12-1-99)

SECTION 645.150: PROHIBITIONS

A. Performing tattooing and body piercing is prohibited on any person under the age of eighteen (18) without the written consent of that person’s parent or legal guardian. That consent shall be on a form provided by the Department, notarized, and given in person to the operator by the parent or legal guardian before the tattooing and body piercing procedure commences. In addition, the parent or legal guardian shall present photographic identification to the operator and leave with the operator photocopies of that photographic identification. For purposes of this Chapter, photographic identification may include a State driver’s license or State identification card.

B. Performing tattooing and body piercing is prohibited on any person who appears to a reasonable person to be under the influence of alcohol or drugs.

C. Obtaining or attempting to obtain any tattooing and body piercing establishment or operator license by means of fraud,
SECTION 645.160: OPERATING WITHOUT A LICENSE--PENALTIES

Any operator or any tattooing and body piercing establishment engaged in the business of tattooing and body piercing without a license required by this Chapter shall be subject to a fine. The fine for performing tattooing and body piercing without a license shall be five hundred dollars ($500.00) for each offense; each tattooing and body piercing procedure performed without a license shall constitute a separate offense; so shall each day an operator or tattooing or body piercing establishment offers to perform tattooing and body piercing. The fine provided by this Section is in addition to any other remedy available to St. Charles County in the enforcement of this Chapter, including injunctive relief to prevent that operator or establishment from performing tattooing and body piercing. (Ord. No. 99-149 §16, 12-1-99)

SECTION 645.170: VIOLATIONS BY LICENSEES--WARNING, SUSPENSION, REVOCATION OR NON-RENEWAL OF OPERATOR/ESTABLISHMENT LICENSE AUTHORIZED--HEARING REQUIRED

A. If the holder of any license issued pursuant to this Chapter violates any provision of this Chapter or that license, the Director shall issue a warning or shall suspend, revoke, or refuse to renew the license, as provided herein.

B. No license shall be suspended or revoked nor shall any application to renew a license be refused until the licensee has been afforded an opportunity for a hearing before the Director after notice of at least five (5) working days, except if the Director determines that the operation constitutes an immediate hazard to public health or the licensee interferes with the Department’s performance of its duties. Such interference includes refusal to permit access to the premises of a licensee’s tattooing and body piercing establishment.

C. Warnings and notices of violation and hearing shall be served either personally or by certified mail, postage pre-paid, to the licensee's address of record. Notices of violation and hearing shall state the date, time and place of hearing and set forth the charges against the licensee.

D. The Director shall have the authority to swear witnesses. A licensee shall have the opportunity to present evidence and/or witnesses before the Director or by counsel. A record of the hearing shall be made. The Director shall issue a decision in writing, either suspending, revoking, or not renewing the license or finding in favor of the licensee within five (5) working days of the conclusion of the hearing.

E. Except as provided in Subsection (F) of this Section, the Director shall sanction violations by licensees as provided in Section 645.180 and/or as follows.

1. Upon a first (1st) violation of this Chapter, the Director shall send, by certified mail to the licensee's address of record, a written warning advising the licensee of the violation and requiring its correction within a reasonable time to be determined by the Director.

2. Upon finding after a hearing a second (2nd) violation of this Chapter within two (2) years by the same operator or establishment, the Director shall suspend that operator’s or establishment’s license for up to thirty (30) business days.

3. Upon finding after a hearing a third (3rd) violation within two (2) years of this Chapter by the same operator or establishment, the Director shall suspend that operator’s or establishment’s license for up to ninety (90) business days.

4. Upon finding after a hearing a fourth (4th) violation within two (2) years of this Chapter by the same operator or establishment, the Director shall revoke that operator’s or establishment’s license and shall not issue a new license to that operator or establishment for one (1) year thereafter.

F. In case of violations of Section 645.150, Subsections (A) or (B) of this Chapter, the Director shall sanction violations by licensees as provided in Section 645.180 and/or as follows.

1. Upon finding after a hearing a first (1st) violation of Subsections (A) or (B) by an operator or establishment, the Director shall suspend that operator’s or establishment’s license for six (6) months.

2. Upon finding after a hearing a second (2nd) violation of Subsections (A) or (B) within two (2) years by the same operator or establishment, the Director shall suspend that operator’s or establishment’s license for one (1) year.

3. Upon finding after a hearing a third (3rd) violation of Subsections (A) or (B) within two (2) years by the same operator or establishment, the Director shall revoke that operator’s or establishment’s license, and shall not issue a new license to that operator or establishment for three (3) years thereafter.

4. Upon finding after a hearing a violation of Subsection (C) by an operator or establishment, the Director shall declare that operator's or establishment’s license null and void and shall not issue a new license to that operator or establishment for three (3) years thereafter.

G. No more than one (1) violation shall be attributed per day to an establishment or operator for purposes of Subsection (E) or Subsection (F) of this Section.

H. The decision of the Director shall be final subject to appeal under Chapter 536, RSMo. (Ord. No. 99-149 §17, 12-1-99)

SECTION 645.180: ADMINISTRATIVE PENALTIES

Upon a finding by the Director that any operator has violated this Chapter, the licensee shall be fined as follows:
1. A fine of not less than two hundred fifty dollars ($250.00) for the first (1st) violation within a two (2) year period.

2. A fine of not less than five hundred dollars ($500.00) for the second (2nd) violation within a two (2) year period.

3. A fine of not less than seven hundred fifty dollars ($750.00) for the third (3rd) violation within a two (2) year period.

4. A fine of not less than one thousand dollars ($1,000.00) for any additional violation within a two (2) year period.

The license shall also be subject to suspension or revocation as provided in this Chapter. (Ord. No. 99-149 §18, 12-1-99)

SECTION 645.190: JOINT RESPONSIBILITY

If an operator violates this Chapter while performing tattooing and body piercing, the establishment shall also be deemed to be in violation and the establishment license shall also be subject to warnings, administrative penalties, suspension or revocation in accordance with this Chapter. (Ord. No. 99-149 §19, 12-1-99)

SECTION 645.200: ENFORCEMENT

A. The Department shall ensure compliance with this Chapter through inspections made annually or more often if the Department deems it necessary.

B. The Department is hereby authorized to promulgate the necessary training documents and rules to implement this Chapter.

C. The enforcement of the regulations established by this Chapter shall be the responsibility of the County Counselor. (Ord. No. 99-149 §20, 12-1-99)

CHAPTER 650: FERRIES--LICENSING REQUIREMENTS AND PROCEDURES

SECTION 650.010: LICENSE TO KEEP A FERRY--REQUIRED

No person shall keep a ferry within St. Charles County and demand and receive payment for ferriage without a license issued pursuant to this Chapter. (Ord. No. 02-056 §1, 5-2-02)

SECTION 650.020: PETITION FOR LICENSE TO KEEP A FERRY

Any person may petition St. Charles County Council for issuance of a license to keep a ferry, as provided in this Chapter and in Sections 237.010 through 237.240, RSMo., as amended. Such petitions shall:

1. Be submitted to the County Registrar;

2. Be submitted on a form that the Director of the Division of Planning and Zoning shall develop and that the County Registrar shall make available to the public; and

3. Include or be accompanied by the following information:

   a. Name, business address and telephone number of the petitioner;

   b. Name, business address and telephone number of the owner of the site of the proposed ferry landing (if different from the petitioner);

   c. Legal description of the site of the proposed ferry landing;

   d. Site plan of the proposed ferry landing, showing properties surrounding and public roads serving the site of the proposed ferry landing;

   e. Operating season of the proposed ferry;

   f. Capacity of the proposed ferry;

   g. Number of vehicles expected to use the proposed ferry on weekdays and weekend days during the ferry's operating season; and

   h. Rates to be charged for ferriage during the term of the license; and

   i. Documentation required by Section 140.013, OSCCMo, relating to petitioner's payment of sales tax and personal and real property tax, and payment of real property tax on the site of the proposed ferry landing if owned by another, and no license shall be issued to any applicant who has not met all requirements of Section 140.013. (Ord. No. 02-056 §2, 5-2-02; Ord. No. 13-001 §19, 1-3-13)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 650.030: SCHEDULING HEARING ON PETITION FOR LICENSE TO KEEP A FERRY -- PRELIMINARY
Upon receiving a complete petition for license to keep a ferry, the County Registrar shall:

1. Refer the petition to the Director of the Division of Planning and Zoning of the Department of Community Development requesting that the Director of the Division of Planning and Zoning of the Department of Community Development report to the County Council at its hearing on the petition on whether:
   a. The proposed ferry landing is permissible under applicable zoning regulations;
   b. The site of the proposed ferry landing is served by public roads;
   c. The site of the proposed ferry landing and/or the public roads serving that site is/are capable of accommodating vehicles waiting to use the ferry without hardship or inconvenience to surrounding property owners; and
2. Refer the petition to the Director of Finance requesting that the Director of Finance recommend to the County Council the amount to be ordered for the performance bond required by Section 237.050, RSMo., as amended; and
3. In conjunction with the Chair of the County Council, place the above-mentioned report by the Director of the Division of Planning and Zoning of the Department of Community Development, the above-mentioned recommendation by the Director of Finance, and the petition for license to keep a ferry on the agenda of the County Council for hearing by the County Council within the next forty-five (45) days;
4. Give the petitioner at least (14) fourteen days' written notice of that hearing. (Ord. No. 02-056 §3, 5-2-02; Ord. No. 02-160 §1, 10-30-02)

Editor's Note--For designation of the division of planning and zoning, see ord. no. 02-204 adopted 12-23-02 set out in ch. 132 of this code and ord. no. 03-195 adopted 12-31-03.

SECTION 650.040: ACTION BY COUNTY COUNCIL ON PETITION FOR LICENSE TO KEEP A FERRY

A. After conducting its hearing on a petition for license to keep a ferry and the Director of the Division of Planning and Zoning of the Department of Community Development's report, and the Director of Finance's recommendation, the County Council shall grant the petition and order payment of the license tax of one hundred dollars ($100.00) and may order the posting of a performance bond pursuant to Section 237.050, RSMo., as amended, if the County Council, after hearing, makes the following findings in writing:
   1. The proposed ferry is necessary for accommodation of the public, as required by Section 237.020, RSMo., as amended;
   2. The petitioner is a suitable person to keep a ferry, as required by Section 237.020, RSMo., as amended;
   3. The proposed ferry landing is permissible under applicable zoning regulations;
   4. The site of the proposed ferry landing is served by public roads; and
   5. The site of the proposed ferry landing and/or the public roads serving that site is/are capable of accommodating vehicles waiting to use the ferry without hardship or inconvenience to surrounding property owners.

B. Decisions to grant a petition for license to keep a ferry, order payment of the license tax of one hundred dollars ($100.00) for the initial issuance of a license or of twenty-five dollars ($25.00) for subsequent renewals of the license, and order the posting of a performance bond in the amount set by the County Council, may be made by consent agenda. (Ord. No. 02-056 §4, 5-2-02; Ord. No. 02-160 §2, 10-30-02)

SECTION 650.050: ISSUANCE OF LICENSE TO KEEP A FERRY -- AFTER POSTING OF BOND AND PAYMENT OF LICENSE TAX BY PETITIONER

The County Registrar shall issue a license to keep a ferry if:

1. The County Council has granted the petition for license to keep a ferry and ordered payment of the license tax of one hundred dollars ($100.00) for the initial issuance of a license or of twenty-five dollars ($25.00) for subsequent renewals of the license, as provided in the preceding Section of this Chapter;
2. The petitioner for a license to keep a ferry has paid to St. Charles County the license tax of one hundred dollars ($100.00) or twenty-five dollars ($25.00) as the case may be; and
3. In the event that the County Council requires a performance bond, the petitioner for a license to keep a ferry furnishes proof to the County Registrar that the petitioner has given bond to the State as provided by this Chapter and by Section 237.050, RSMo., as amended, with sufficient security and in such sum as shall be required by the County Council, which bond shall be filed in the office of the County Registrar. (Ord. No. 02-056 §§5, 5-2-02; Ord. No. 02-160 §3, 10-30-02)

SECTION 650.060: TERM OF LICENSE TO KEEP A FERRY -- RENEWALS

A license to keep a ferry shall have an initial term of one (1) year and may be renewed for terms of three (3) years; renewals may be issued upon the filing of a petition for license to keep a ferry and hearing and decision as provided by this Chapter. (Ord. No.
SECTION 650.070: LICENSE TO KEEP A FERRY NOT ASSIGNABLE

No person to whom the County Registrar issues a license to keep a ferry may assign that license to another person. (Ord. No. 02-056 §7, 5-2-02; Ord. No. 02-160 §5, 10-30-02)

SECTION 650.080: DUTIES OF LICENSEES

Persons to whom the County Registrar issues a license to keep a ferry shall:

1. Operate that ferry according to the requirements of this Chapter, the requirements of Sections 237.010 through 237.240, RSMo., as amended, and the terms set out in the petition for license to operate a ferry; and

2. Report all changes of business address or name or telephone number to the County Registrar. (Ord. No. 02-056 §8, 5-2-02; Ord. No. 02-160 §6, 10-30-02)

SECTION 650.090: FERRIAGE RATES AND POSTING

Persons to whom St. Charles County issues a license to keep a ferry shall charge the rates proposed in the petition for license to keep a ferry and shall post them at some public place at the ferry or ferry house or ferry landing, as required by Section 237.140, RSMo., as amended. (Ord. No. 02-056 §9, 5-2-02)

SECTION 650.100: REVOCATION BY DIRECTOR OF ADMINISTRATION OF LICENSE TO KEEP A FERRY -- APPEAL TO COUNTY COUNCIL

The Director of Administration may revoke a license to keep a ferry if the petitioner for that license fails to perform the petitioner's duties under this Chapter. Any licensee aggrieved by such a revocation may appeal that revocation to the County Council. (Ord. No. 02-056 §10, 5-2-02)

SECTION 650.110: PENALTIES

Any person who violates any provision of this Chapter shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment in the County Jail of not more than one (1) year or by both. Each day any violation continues shall constitute a separate violation. (Ord. No. 02-056 §11, 5-2-02)

SECTION 650.120: ENFORCEMENT

Enforcement of this Chapter shall be the responsibility of the County Counselor. (Ord. No. 02-056 §12, 5-2-02)