



FLORISSANT CITY COUNCIL AGENDA

City Hall

955 rue St. Francois

Monday, January 9th, 2017

7:30 PM

Karen Goodwin, MMC/MRCC



I. PLEDGE OF ALLEGIANCE

II. ROLL CALL OF MEMBERS

III. APPROVAL OF MINUTES

- Meeting Minutes of December 12th, 2016

IV. HEARING FROM CITIZENS

(Speaker cards are available at the entrance to the Council Chambers)

V. COMMUNICATIONS

- 1 Email dated December 8, 2016 from Stefanie Skaggs requesting the repeal of the breed specific legislation.
- 2 Email dated December 8, 2016 from Gail Scarfino requesting the repeal of the breed specific legislation.
- 3 Email dated December 9, 2016 from Kristin Korte requesting the repeal of the pit bull ban.
- 4 Email dated December 9, 2016 from Laurie Lang and Lisa Ukman requesting the repeal of the pit bull ban.
- 5 Email dated December 11, 2016 from Jessa Stone requesting the repeal of the breed specific Legislation.
- 6 Email dated December 12, 2016 from Courtney Meyer requesting the repeal of the pit bull ban
- 7 Email dated December 12, 2016 from John Roth requesting the repeal of the pit bull ban.
- 8 Email dated December 13, 2016 from Donna Slemmer requesting the repeal of the breed specific legislation.
- 9 Email dated December 13, 2016 from Carl Hughes requesting the repeal of the pit bull ban.
- 10 Email dated December 13, 2016 from Sandra L requesting the repeal of the breed specific legislation.
- 11 Email dated December 13, 2016 from Lori Thurman requesting the repeal fo the pit bull ban.
- 12 Email dated December 13, 2016 from Michelle Yancy requesting the repeal of the pit pull ban.
- 13 Email dated December 14, 2016 from Cheryl Genail requesting the repeal of the breed specific legislation.

- 14 Email dated December 14, 2016 from Amber Varadin requesting the repeal of the pit bull ban.
- 15 Email dated December 18, 2016 from Connie Nolan requesting the repeal of the breed specific legislation.
- 16 Email dated December 23, 2016 from Mandi Sullivan requesting the repeal of the pit bull ban.
- 18 Email dated December 23, 2016 from Slem's Pet Care requesting the repeal of the breed specific legislation.

VI. PUBLIC HEARINGS

16-09-026 Ward 3 Application Staff Rpt Plans	Request to rezone for Lyons Properties, LLC d/b/a Dunkin Donuts the property located at 8115 N. Lindbergh from B-3 "Extensive Commercial District" to B-5 "Planned Commercial District" to allow for the construction of a new building. (Continued to this day on 9/27/16,10/24/16 and 11/28/16)(Petitioner has requested a continuance)	Tim Kaufmann
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VII. OLD BUSINESS

A. SECOND READINGS

None

VIII. NEW BUSINESS

IX. BOARD APPOINTMENTS

X. BILLS FOR FIRST READING

9250	Ordinance to rezone for Regions Bank the property at 100 N. Hwy 67 to re-establish the existing B-5 Planned Commercial District to allow for the construction of a bank branch with drive-thru facility.	Eagan
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E9251	Ordinance deleting chapter 210 "Offenses" of the Florissant code of ordinances in its entirety and replacing it with a revised chapter 210.	Council as a Whole
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E9252	Ordinance authorizing the assignment of 5% of the settlement of the class action suit with TracFone to the St. Louis County Municipal League.	Pagano
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E9253	Ordinance amending Section 125.065.a "Job Classification and Grade Level" by adding a job classification.	Council as a Whole
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E9254	Ordinance amending Ordinance no. 8182 establishing a length of Council as a service compensation plan for part-time employees by adding a whole Code Enforcement position.
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XI. COUNCIL ANNOUNCEMENTS

XII. MESSAGE FROM THE MAYOR

XIII. ADJOURNMENT

<p>THIS AGENDA WAS POSTED AT THE FLORISSANT CITY HALL JANUARY 6TH, 2017 AT 12:00 PM ON THE BULLETIN BOARD OUTSIDE THE COUNCIL CHAMBERS. ANY ONE WISHING TO ATTEND THE COUNCIL MEETING WHO HAS SPECIAL NEEDS SHOULD CONTACT THE CITY CLERK'S OFFICE AT 839-7630 OR TDD 839-5142 BY NOON ON MONDAY, JANUARY 9TH, 2017.</p>
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CITY OF FLORISSANT



COUNCIL MINUTES

December 12, 2016

The Florissant City Council met in regular session at Florissant City Hall, 955 rue St. Francois on Monday, December 12, 2016 at 7:30 p.m. with Council President Pagano presiding. The Chair asked everyone in attendance to stand and join in reciting the Pledge of Allegiance.

On Roll Call the following Councilmembers were present: Lee, Jones, Eagan, Caputa, Schildroth, Henke, Pagano, Schmidt and Siam. Also present was Mayor Thomas P. Schneider, City Attorney John Hessel and City Clerk Karen Goodwin. A quorum being present the Chair stated that the Council meeting was in session for the transaction of business.

Councilman Eagan moved to approve the Meeting Minutes and Executive Meeting Minutes of 11/28/16, seconded by Caputa. Motion carried.

The Chair stated that the next item on the agenda was a Certificate of Appreciation awarded to Stacy Abbott on behalf of her efforts with "A Soldiers Wish List," presented by Mayor Schneider.

The Chair stated that the next item on the agenda was *Hearing from Citizens* and asked any citizen who wished to speak to come forward.

Michael Allen, 1920 Patterson Rd., stated his opposition to breed specific legislation.

Kris Korte, 105 Clark St., stated her opposition to breed discrimination and asked the Council to make specific changes to the city's animal ordinance.

Connie Nolan, 170 Ruth Dr., asked the Council to make specific recommended changes to the city's animal ordinance.

Donna Slemmer, 2612 Poe, stated that the Bully Alliance collected 535 food items for T.E.A.M.

John Engelmeyer, 1281 Graham Rd., stated that he was glad the council planned on meeting regularly to discuss the budget. He asked for regular financial updates on the plans for the court building at the second council meeting of every month.

Ken Green, 1230 St. Richard, gave recommendations to the residents regarding getting vehicles/homes ready for cold weather. He gave the phone number of Suicide Prevention.

Danielle Turner, 1855 Curtis Ct., stated her opposition to Florissant's breed specific legislation and its adverse effects on her family.

Nicole Bray, 1840 Curtis Ct., stated her opposition to Florissant's discriminatory breed specific legislation.

Michael Cardenas, 2475 Stoney End Ct., thanked Councilman Jones for his recent pit bull survey. The results were: 201 (200) to 199 in favor of repealing the breed specific ordinance in Ward 2. Mr. Cardenas encouraged other Councilmembers to also conduct a survey in their wards.

Mandi Sullivan, 685 Madison, stated her support for the Florissant Bully Alliance and would continue this support through social media.

Bob Garrett, 550 St. Francois and previous Councilmember, expressed his concern regarding issues before the Highway 270 Corridor Commission and the traffic problems that would result in Florissant. There is a public hearing scheduled for this Thursday at McCluer High School between 4-7 pm on an environmental assessment for a preferred alternative that has been filed with the Federal Highway Administration and MODOT. Councilman Schildroth moved to suspend the rules to continue to hear from Mr. Garrett, seconded by Lee. Motion carried.

Kevin O'Donnell, 512 Rancho, expressed his views regarding several general issues.

State Representative, Rochelle Gray, stated that there was currently legislation regarding breed specific bans at the state level and she would keep in touch with Florissant constituents regarding their concerns.

State Representative Jay Mosley, thanked the citizens for their support in the recent election.

The Chair stated that the next item on the agenda was *Communications*.

1. Email, dated November 23, 2016, from Sarah Seigel requesting the repeal of the pit bull ban.
2. Email, dated November 23, 2016 from Stephanie Skaggs requesting the repeal of the pit bull ban.
3. Email, dated November 23, 2016 from Brandy Henderson requesting the repeal of the pit bull ban.
4. Email, dated December 1, 2016 from Slem's Pet Care requesting the repeal of the pit bull ban.
5. Email, dated November 29, 2016 from Connie Nolan requesting the repeal of the pit bull ban.
6. Email, dated November 27, 2016 from Andrea Miller requesting the repeal of the pit bull ban.
7. Email, dated November 27, 2016 from John Engelmeyer requesting the posting of the monthly operating report.

- 83 8. Email, dated November 27, 2016 from Gail Scarfino requesting the repeal of the pit bull
84 ban.
85 9. Email, dated November 29, 2016 from Sandy L. to repeal the pit bull ban.
86 10. Email, dated December 1, 2016 from Donna Slemmer requesting the repeal of the pit bull
87 ban.
88 11. Email dated November 30, 2016 from Peggy Mullenschlader requesting the repeal of the pit
89 bull ban.
90 12. Email, dated November 30, 2016 Michele Yancy requesting the repeal of the pit bull ban.
91 13. Email, dated December 1, 2016 from Ken Pruett requesting the repeal of the pit bull ban.
92 14. Email, dated December 1, 2016 from Lisa Simpson requesting the repeal of the pit bull ban.
93 15. Email, dated December 1, 2016 from Cheryl Genail requesting the repeal of the pit bull ban.
94 16. Email, dated December 1, 2016 from Karen Shoulders requesting the repeal of the pit bull
95 ban.
96 17. Email, dated December 3, 2016 from Carl Hughes to repeal the pit bull ban.
97 18. Email, dated December 8, 2016 from Karen Runk requesting the repeal of the pit bull ban.
98 19. Email, dated December 8, 2016 from Kevin O'Donnell regarding the Chapel View
99 Subdivision sign.
100 20. Email, dated December 8, 2016 from Stefanie Skaggs requesting the repeal of the pit bull
101 ban.
102

103 The next item on the Agenda was Public Hearings.

104 The City Clerk reported that Public Hearing #16-12-035 to be held this night on a request to
105 rezone for Regions Bank the property at 100 N. Hwy. 67 to re-establish the existing the B-5 Planned
106 Commercial District to allow for the construction of a bank branch with drive-thru facility had been
107 advertised in substantially the same form as appears in the foregoing publication and by posting the
108 property. The Chair declared the Public Hearing to be open and invited those who wished to be heard
109 to come forward.

110 Anthony Oliver, BDG Architects, stated that the request for a Regions Bank had been approved
111 by the Planning and Zoning Commission. Councilman Eagan expressed his concern regarding
112 southbound (left turn) egress into and out of the site off of Bruce Dr. onto Lindbergh and the congestion
113 and problems that would result. Mr. Oliver explained that MODOT would limit what they would be
114 allowed to do and he thought they would limit it to a right turn only. Councilman Caputa also
115 expressed the same traffic concerns as Councilman Eagan. The petitioner stated that the bank had no
116 current cross-access agreement onto Dierberg's parking lot. Councilman Schmidt asked for color
117 renderings of the building. Mr. Oliver displayed a prototype of the building and drive-thru with three
118 ATM's. There will also be a by-pass lane on the side. The exterior of the building will be brick veneer
119 with aluminum composite materials for accents. The color of the building will be typical "Regions

Bank” green. Councilman Lee suggested that corporate come and actually see the egress situation for themselves. The sign package will be submitted at a future date.

The Chair asked if there were any citizens who would like to speak on said public hearing. Kevin O'Donnell, 512 Rancho Lane, asked several questions about egress at the bank from Bruce Dr. Michael Cardenas, 2475 Stoney End Ct., expressed his concern about stacking at the drive-thru lane. Mr. Oliver responded that the bank had allowed for ample stacking. Being no other citizens who wished to speak, Councilwoman Pagano moved to close P.H. #16-12-035, seconded by Caputa. Motion carried.

Councilman Pagano moved that Bill No. 9244 An Ordinance to authorize an amendment to Special Use Permit No. 7952 to Global Signal Acquisitions II, LLC d/b/a Crown Castle to allow for additional antennas on existing disguised tower pole for the property located at 62 Grandview Plaza Shopping Center be read for a third time, seconded by Caputa. Motion carried and Bill No. 9244 was read for a third and final time and placed upon its passage. Before the final vote all interested persons were given an opportunity to be heard. On roll call the Council voted: Lee yes, Jones yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes, Pagano yes, Schmidt yes and Siam yes. Whereupon the Chair declared Bill No. 9244 to have passed and said Bill became Ordinance No. 8284.

Councilman Siam moved that Bill No. 9245 An Ordinance authorizing a Transfer of Special Use Permit No. 8196 from Yang Enterprises, Inc. to Dong #1 China LLC d/b/a #1 Chinese Restaurant located at 2738 N. Hwy. 67 be read for a second time, seconded by Henke. Motion carried and Bill No. 9245 was read for a second time. Councilman Siam moved that Bill No. 9245 be read for a third time, seconded by Schmidt. Motion carried and Bill No. 9245 was read for a third and final time and placed upon its passage. Before the final vote all interested persons were given an opportunity to be heard. On roll call the Council voted: Lee yes, Jones yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes, Pagano yes, Schmidt yes and Siam yes. Whereupon the Chair declared Bill No. 9245 to have passed and said Bill became Ordinance No. 8285.

Councilman Lee moved that Bill No. 9246 An Ordinance to enable the City of Florissant, Missouri to join the Missouri Clean Energy District pursuant to Sections §67.2800 to §67.2835, inclusive RSMo., the “Property Assessed Clean Energy Act,” and stating the terms under which the city will conduct activities within the city as a member of such district be read for a second time, seconded by Schildroth. Motion carried and Bill No. 9246 was read for a second time. Councilman Eagan moved that Bill No. 9246 be read for a third time, seconded by Pagano. Motion carried and Bill

No. 9246 was read for a third and final time and placed upon its passage. Before the final vote all interested persons were given an opportunity to be heard. Sarah Vatterott, “Renovate America,” gave a brief overview of how this legislation would benefit the residents of Florissant through energy efficient appliances and/or home improvements. On roll call the Council voted: Lee yes, Jones yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes, Pagano yes, Schmidt yes and Siam yes. Whereupon the Chair declared Bill No. 9246 to have passed and said Bill became Ordinance No. 8286.

Councilman Lee moved that Bill No. 9247 An Ordinance amending Section 125.065A “Job Classification and Grade Level” by adding a job classification be read for a second time, seconded by Schildroth. Motion carried and Bill No. 9247 was read for a second time. Councilman Lee moved that Bill No. 9247 be read for a third time, seconded by Schildroth. Motion carried and Bill No. 9247 was read for a third and final time and placed upon its passage. Before the final vote all interested persons were given an opportunity to be heard. On roll call the Council voted: Lee yes, Jones no, Eagan yes, Caputa no, Schildroth yes, Henke yes, Pagano yes, Schmidt yes and Siam yes. Whereupon the Chair declared Bill No. 9247 to have passed and said Bill became Ordinance No. 8287.

Councilman Eagan moved that Bill No. 9248 An Ordinance amending Title III of the Florissant City Code, Schedule XIII, Table XII-A “Parking Prohibited at all Time on Certain Streets” by deleting Hopi Drive be read for a second time, seconded by Jones. Motion carried and Bill No. 9248 was read for a second time. Councilman Eagan moved that Bill No. 9248 be read for a third time, seconded by Lee. Motion carried and Bill No. 9248 was read for a third and final time and placed upon its passage. Before the final vote all interested persons were given an opportunity to be heard. Being no one who wished to speak, on roll call the Council voted: Lee yes, Jones yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes, Pagano yes, Schmidt yes and Siam yes. Whereupon the Chair declared Bill No. 9248 to have passed and said Bill became Ordinance No. 8288.

Councilman Pagano moved that Bill No. 9249 An Ordinance amending Title III of the Florissant City Code, Schedule XIV by adding a new Table XIV-V “Parking prohibited at certain times and adding locations on Argo and Zurich Drives” be read for a second time, seconded by Schmidt. Motion carried and Bill No. 9249 was read for a second time. Councilman Pagano moved that Bill No. 9249 be read for a third time, seconded by Henke. Motion carried and Bill No. 9249 was read for a third and final time and placed upon its passage. Before the final vote all interested persons were given an opportunity to be heard. Being no one who wished to speak, on roll call the Council voted: Lee yes,

Jones yes, Eagan yes, Caputa yes, Schildroth yes, Henke yes, Pagano yes, Schmidt yes and Siam yes. Whereupon the Chair declared Bill No. 9249 to have passed and said Bill became Ordinance No. 8289.

The next item on the Agenda was Board Appointments.

Councilman Eagan moved to reappoint Tineen Hinton, 210 Gerald, to the Citizens Participation Committee as a member from Ward 3 for a term expiring on 12/12/2017, seconded by Schildroth. Motion carried.

Councilman Schildroth moved to reappoint Teri Reiter, 450 St. Christina, to the Citizens Participation Committee as a member from Ward 5 for a term expiring on 12/12/2017, seconded by Eagan. Motion carried.

The next item on the Agenda was Council Announcements.

Councilman Jones encouraged all residents to contribute/donate to TEAM. He thanked the members of the Bully Alliance for meeting with him to discuss the pit bull survey. Erma Jeans Restaurant will be moving into the old Deaver's Restaurant location and should be opening soon. Meridian Trash has had a problem with the recent billing and the Mayor has taken steps to make sure that it will be fixed. He thanked State Representatives Gray and Mosley for coming to the Council meeting and addressing several important issues for Florissant residents.

Councilman Lee thanked the City employees for the work they do for the residents. Also, he asked that everyone remember those serving in the military at Christmas time.

Councilman Eagan announced that the Race to the Shrine has been enlarged to include 6 races in the North County area. He thanked Bob Laramie and his crew for doing a great job decorating the city hall grounds. The St. Ferdinand Basketball Tournament & BQ Event will be held over the next 5 weeks and will benefit Hazelwood Officer John Tudor. He encouraged everyone to reach out to friends and neighbors who might be having a difficult time during the holidays.

Councilman Caputa warned residents about warming up their cars and leaving them unattended during the cold weather. Also, he encouraged people to secure their firearms and not leave them in their vehicles. He thanked Andy McDonnell for painting the sign at Chappell View Subdivision. He encouraged citizens to seek help with Suicide Prevention if they are struggling to get through the holidays.

Councilman Henke stated that he would look into the breed ban data and other information that has been of presented by the FBA. He ultimately wants to do what the majority of the residents want.

Councilman Schildroth encouraged everyone to attend the public hearing on Thursday from 4-7 for the environmental assessment for a preferred alternative that has been filed with the Federal Highway Administration and MODOT which could drastically impact traffic patterns within Florissant. He asked residents not to leave their vehicles unattended as they warm them up.

The next item on the Agenda was Mayor Announcements.

Mayor Schneider stated that there is a public hearing scheduled for this Thursday at McClure High School between 4-7 pm on an environmental assessment for a preferred alternative that has been filed with the Federal Highway Administration and MODOT. The suggestion includes one way traffic on sections of Dunn and Pershall Roads. The Mayor will present a proclamation to MODOT at the public hearing. Gateway Greenway (in conjunction with the St. Louis Zoo) will enhance the Florissant Community Garden, which includes a pollination center. The recent Christmas festivities at city hall were very well attended. Project Liftoff had another successful year despite the cold weather. A “Winter Break Camp” will be held over the Christmas holidays at the JJE Center for students on winter break. Residents can put their Christmas trees out at the curb for pick up after the holidays. The Health Department at St. Ferdinand Park will recycle Christmas tree lights. The city will sponsor a House Christmas Decorating Contest, judged by the Youth Advisory Commission. There will be a snowman building contest Nov 1 – Feb 28. The ‘Sharing and Caring Food Drive’ will be held through December 16 and donations can be dropped off at various city buildings.

Mayor Schneider and the Council wish everyone a Merry Christmas and a Happy New Year.

The next City Council Meeting is scheduled for Monday, January 9, 2017 at 7:30 pm. Councilman Siam moved to adjourn the meeting, seconded by Caputa. Motion carried. The meeting was adjourned at 9:11 p.m.

Karen Goodwin, City Clerk

The following Bills were signed by the Mayor:

Bill No. 9244	Ord. 8284
Bill No. 9245	Ord. 8285
Bill No. 9246	Ord. 8286
Bill No. 9247	Ord. 8287
Bill No. 9248	Ord. 8288
Bill No. 9249	Ord. 8289

Karen Goodwin

From: Stefanie Slemmer <skslemmer_09@yahoo.com>
Sent: Thursday, December 08, 2016 2:59 PM
To: Karen Goodwin
Subject: repeal BSL

Dear Members of the City Council,

I would like to see the Pit Bull ban repealed. I do not agree with my tax dollar being spent to euthanize dogs from your city.
Please include my email in your meeting agenda.

Thank you,
Stefanie Skaggs

2612 Poe Ave
St. Louis, MO
63114

Karen Goodwin

From: Gail Scarfino <gscarfino@sbcglobal.net>
Sent: Thursday, December 08, 2016 10:52 PM
To: Karen Goodwin
Subject: Ban against Specific Breed dogs
Attachments: dogbite.pdf

To the city council as a whole.

Hi, my name is Gail Scarfino. I am a St. Louis County resident, my address is 4012 Shackelford Rd, Florissant, MO 63034.

I would like for the Ban against Pit-Bulls in Florissant to be repealed. The thought of any well behaved, loving pet being ripped from it's home strictly because it was born of a particular breed breaks my heart.

Attached is some information from the American Veterinary Medical Association titled "A community approach to dog bite prevention".

Please include my email on the next city council meeting agenda and please reply verifying that my email has been received and will be included on the agenda.

Thank you very much.

Gail Scarfino

A community approach to dog bite prevention

American Veterinary Medical Association
Task Force on Canine Aggression and Human-Canine Interactions

MEMBERS OF THE TASK FORCE

Bonnie V. Beaver, DVM, MS, DACVB (Chair), Department of Small Animal Medicine and Surgery, Texas A&M University, College Station, TX 77843-4474, representing the AVMA Executive Board.

M. Douglas Baker, MD, FAAP, Pediatric Emergency Department, Room WP143, Yale-New Haven Children's Hospital, 20 York St, New Haven, CT 06504, representing the American Academy of Pediatrics.

Robert C. Gloster, MD, FACEP, Swedish Hospital Medical Center, PO Box 14999, Seattle, WA 98114, representing the American College of Emergency Physicians.

William A. Grant, DVM, Community Veterinary Hospital, 13200 Euclid St, Garden Grove, CA 92843, representing the Professional Liability Insurance Trust.

James M. Harris, DVM, Montclair Veterinary Clinic and Hospital, 1961 Mountain Blvd, Oakland, CA 94611, representing the AVMA Committee on the Human-Animal Bond.

Benjamin L. Hart, DVM, PhD, DACVB, Department of Anatomy, Physiology, and Cell Biology, School of Veterinary Medicine, University of California, Davis, CA 95616, representing the American College of Veterinary Behaviorists.

Danny H. Hattaway, BS, Underwriting Consultant, State Farm Insurance, 1 State Farm Plaza, D-1, Bloomington, IL 61701, representing the insurance industry.

Thomas Houston, MD, Director, Science and Public Health Advocacy Programs, American Medical Association, 515 N State St, Chicago, IL 60610, representing the American Medical Association.

James R. Koschmann, DVM, MS, Crossroads Animal Hospital, 4910 Crossroads Dr, El Paso, TX 79922, representing the AVMA Animal Welfare Committee.

Randall Lockwood, PhD, Vice President/Research and Educational Outreach, Humane Society of the United States, 2100 L St NW, Washington, DC 20037, representing humane organizations.

Don Rieck, BS, Chief Animal Control Officer, Health Department, City of Sioux Falls, 132 North Dakota Ave, Sioux Falls, SD 57104, representing the National Animal Control Association.

Jeffrey J. Sacks, MD, MPH, Medical Epidemiologist, Centers for Disease Control and Prevention, 4770 Buford Hwy, NE (Mailstop K-45), Atlanta, GA 30341, representing the Centers for Disease Control and Prevention.

William S. Strauss, JD, 235A Windsor Pl, Brooklyn, NY 11215, representing the legal profession.

Jan Strother, DVM, 809 Hwy 36 E, Hartselle, AL 35640, representing the AVMA Council on Public Relations.

STAFF SUPPORT

Gail C. Golab, PhD, DVM, Division of Education and Research, American Veterinary Medical Association, 1931 N Meacham Rd, Ste 100, Schaumburg, IL 60173, staff consultant.

Julie Horvath, BS, Division of Education and Research, American Veterinary Medical Association, 1931 N Meacham Rd, Ste 100, Schaumburg, IL 60173, staff assistant.

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Introduction and Problem Statement

Dog bites are a serious public health problem that inflicts considerable physical and emotional damage on victims and incurs immeasurable hidden costs to communities. Bites have been tolerated as a job-related hazard for utility and postal workers, but for many communities the problem may be more encompassing. Following a severe attack, there is usually an outcry to do something, and the something that is done often reflects a knee-jerk response. Only later do officials realize that the response was not effective and, in fact, may have been divisive for the community. To assist communities in avoiding such ineffective responses, the AVMA convened a Task Force on Canine Aggression and Human-Canine Interactions. Although the number of injuries will never be reduced to zero, Task Force members believe a well-planned proactive community approach can make a substantial impact. The information contained in this report is intended to help leaders find effective ways to address their community's dog bite concerns.²

Scope of the problem

Dogs have shared their lives with humans for more than 12,000 years,¹ and that coexistence has contributed substantially to humans' quality of life. In the United States, there are slightly more than 53 million dogs sharing the human-canine bond,^{2,3} more dogs per capita than in any other country in the world.¹ Unfortunately, a few dogs do not live up to their image as mankind's best friend, and an estimated 4.5 million people are bitten each year,^{4,5} although the actual number injured is unknown.⁶ Approximately 334,000 people are admitted to US emergency departments annually with dog bite-associated injuries, and another 466,000 are seen in other medical settings.⁶ An unknown number of other people who have been bitten do not sustain injuries deemed serious enough to require medical attention. Still another group of individuals is not represented by these data, those that incur injuries secondary to a bite or attempted bite. For example, a jogger may trip and break an arm while fleeing from a threatening dog.

Of concern too are the demographics of typical dog bite victims. Almost half are children younger than 12 years old.^{8,9} People more than 70 years old comprise 10% of those bitten and 20% of those killed.^{9,10}

Direct costs of dog bite injuries are high. The insurance industry estimates it pays more than \$1 billion/y in homeowners' liability claims resulting from dog bites.¹¹ Hospital expenses for dog bite-related emergency visits are estimated at \$102.4 million.⁶ There are also medical insurance claims, workmen's compensation claims, lost wages, and sick leave-associated business costs that have not been calculated.

Which dogs bite?

An often-asked question is what breed or breeds of dogs are most "dangerous"? This inquiry can be prompted by a serious attack by a specific dog, or it may be the result of media-driven portrayals of a specific breed as "dangerous."^{12,13} Although this is a common concern, singling out 1 or 2 breeds for control can

result in a false sense of accomplishment.¹⁴ Doing so ignores the true scope of the problem and will not result in a responsible approach to protecting a community's citizens.

Dog bite statistics are not really statistics, and they do not give an accurate picture of dogs that bite.⁷ Invariably the numbers will show that dogs from popular large breeds are a problem. This should be expected, because big dogs can physically do more damage if they do bite, and any popular breed has more individuals that could bite. Dogs from small breeds also bite and are capable of causing severe injury. There are several reasons why it is not possible to calculate a bite rate for a breed or to compare rates between breeds. First, the breed of the biting dog may not be accurately recorded, and mixed-breed dogs are commonly described as if they were purebreds. Second, the actual number of bites that occur in a community is not known, especially if they did not result in serious injury. Third, the number of dogs of a particular breed or combination of breeds in a community is not known, because it is rare for all dogs in a community to be licensed, and existing licensing data is then incomplete.⁷ Breed data likely vary between communities, states, or regions, and can even vary between neighborhoods within a community.

Wolf hybrids are just that: hybrids between wild and domestic canids. Their behavior is unpredictable because of this hybridization, and they are usually treated as wild animals by local or state statutes. Wolf hybrids are not addressed by this program.

Sex differences do emerge from data on various types of aggression. Intact (unneutered) male dogs represented 80% of dogs presented to veterinary behaviorists for dominance aggression, the most commonly diagnosed type of aggression.¹ Intact males are also involved in 70 to 76% of reported dog bite incidents.^{7,15} The sex distribution of dogs inflicting unreported bites is not known. Unspayed females that are not part of a carefully planned breeding program may attract free-roaming males, which increases bite risk to people through increased exposure to unfamiliar dogs. Dams are protective of their puppies and may bite those who try to handle the young. Unspayed females may also contribute to the population of unwanted dogs that are often acquired by people who do not understand the long-term commitment they have undertaken, that are surrendered to animal shelters where many are destroyed, or that are turned loose under the misconception that they can successfully fend for themselves.¹⁶

Dog bite costs to a community

Costs associated with dog bite injuries cannot be readily measured, because so many intangible quality of life issues are involved. This makes it more difficult for community councils to justify the time, effort, and expense necessary to institute a bite reduction program when compared to a new fire truck, street paving, or city park. Intangible costs include time spent by volunteer and paid community officials on animal-related issues, deterioration of relationships between neighbors, building appropriate medical support, citizens' concerns about neighborhood safety for children,

homeowners' insurance costs within the community, and animal shelter support for unwanted pets. These are quality of life issues that ultimately determine the desirability of a community to its citizens and that can motivate proactive community officials to institute a prevention program.

This program

Reducing the incidence of dog bites requires active community involvement; passive attention or a token commitment is not sufficient. By actively focusing on dog bite prevention, the State of Nevada was able to reduce the incidence of bites by approximately 15%.^b Members of the Task Force represented a broad range of disciplines and designed the program presented here. It was recognized that the community approach must be multidisciplinary and that different communities will have different needs based on their level of commitment, preexisting programs, and available resources. Although the best results will be obtained by adopting the entire prevention program, the program is designed so that it may be adopted as a whole or in part. Either way, the goal remains to reduce the incidence of dog bites within communities and improve quality of life for their citizens.

Multidisciplinary and Multiprofessional Groups

It is unlikely that a dog bite prevention program will begin in a complete vacuum. Typically, some formal program is already in place under the auspices of animal control, the health department, or local law enforcement. Efforts may also be under way by other groups such as educators or dog breeders. It makes sense to identify related activities to determine what needs are not being met, find likely sources of support or resistance, and avoid duplication of effort and potential turf battles (**Appendix 1**).^c

Identify dog bite issues in the community

Each community has a unique set of dog bite-related problems and its own approaches to confronting them. A central task is to identify these particular issues. The project begins by assessing the political landscape regarding dog bites and dog bite prevention. Before launching a program, it is useful to pinpoint the degree of current and potential support among corporate and community leaders as well as legislators and senior staff in the dog bite prevention program's sponsoring agency.

Recognize hot buttons—Crafting a program is easier if the objectives mesh with a highly visible community issue. For example, there may be public outcry about dog waste or a publicized dog attack. Such a situation may provide impetus for a campaign to support licensing and leash laws or ordinances pertaining to reporting dog bites. When community groups and the media have already invested in finding a solution to the dog bite problem, program organizers can dovetail their efforts and work collaboratively with these groups.

Community interest—Knowing the degree of support that exists for a prevention program is important.

The prior existence of a program suggests support, but this may not always be the case. The active support of a commissioner or health department head (local or state) is critical, because without his/her backing, a fledgling dog bite prevention program is vulnerable to shifting funding initiatives and political pressure. Public officials are influenced by vocal well-organized constituencies, so it is important to know what dog bite-related agendas are getting politicians' attention. It also helps to know whether any legislators have a strong interest in the dog bite issue.

Dogs in the news—News accounts can provide clues as to how dog-related issues have played out over time. Compare these accounts with available statistical data and scientific assessments for reliability.

Identify potential partners, allies, support, and funding sources

Determine which organizations in the community are likely to support program efforts or resist them. Some individuals and organizations will emerge as natural allies; some old hands will be glad to work with a new partner in the dog bite prevention field, and some will actively welcome a new focal point for dog bite prevention activity. Learning about various entities and their interest and involvement in dog bite control can help answer questions in the following areas.

Community resources—Organizations, agencies, businesses, and individuals offering training, assistance, consulting, library or computer search capabilities, in-kind contributions, volunteer help, or supplemental funding must be identified.

Currently available data—Before launching a major effort to collect dog bite data, it is wise to determine whether an assessment has already been done. Ask about reports related to injuries and costs from dog bites, surveys that include dog bite or dog ownership information, opinion surveys or other studies describing community perceptions about the need for dog bite prevention, and similar information. If possible, find out what happened to existing assessments and related recommendations. Knowing the history of previous evaluation and prevention efforts will help in development of a new program. If an assessment has been done, determine whether methods and conclusions are sound.

Legislation—It is important to know what interventions (eg, leash laws, "dangerous" dog ordinances) have been previously introduced and their history of success. Individuals involved in these efforts may be valuable allies in new programs. In addition, current ordinances should be evaluated to determine whether enforcement or revision could increase their effectiveness.

Barriers—Ownership of particular dog bite issues and potential turf battles should be confronted realistically. In addition, it must be acknowledged that a dog bite prevention program may attract opposition from groups on philosophical grounds (eg, groups that strongly support personal freedom argue that the gov-

ernment should not mandate licensing of dogs). Clubs for specific breeds may not be supportive if they fear their breed will be singled out in a negative way. Barriers can be overcome by a fresh approach to old problems or by agreeing to carve out areas of responsibility among interested groups. Typically, there are many more problems than there are organizations to tackle them, so it makes sense to avoid attacking similar issues.

Develop an advisory council

Obtaining community input can be as sophisticated as conducting public opinion surveys or holding focus groups to learn about what the community sees as pressing dog bite issues. More likely, there will be limited funds at the outset of the program, so more informal but also potentially valuable approaches may be required. These include meetings with potential partners and interested groups to learn about their constituencies' concerns. This type of informal interview can be a great help in uncovering key dog-related issues as perceived by the community. Talking with people in neighborhoods most affected by dog bite problems is important. For example, if there is a problem with dog bites in low-income neighborhoods, obtaining the views of people living there can help identify the nature of the problem and potential solutions.

An advisory council or task force that represents a wide spectrum of community concerns and perspectives creates a source of support for program initiatives. Advisory groups provide guidance for a dog bite prevention program and may focus on specific high-priority dog bite issues. Although organizing and maintaining an advisory council is labor-intensive, it can substantially benefit the program. Members may be able to provide access to useful information that is not otherwise easy for the coordinator to obtain. Members can also identify ways in which the program can work with appropriate voluntary organizations and associations. People with experience in dog bite control can offer perspective about the program and help identify potential pitfalls as well as successful strategies. Participation by members representing community organizations builds a sense of ownership in the dog bite prevention program.

Logistics in starting an advisory council include identifying organizations and individuals that should participate (Appendix 1), determining the size of the council, establishing a structure and operating procedures for the council and its regular meetings, assigning staff support, determining the relationship between the staff and the council, and reaching an agreement about key tasks. When community members and government officials work together to support the creation and development of a local task force, it enhances the group's visibility and impact.

To foster an involved and active advisory council, professionals agree that several criteria must be met. The number of participants should be kept manageable; 10 to 12 is a size that works well. If it is necessary to have more members for political reasons, breaking the group into smaller committees or working groups

will improve the dynamics. For example, groups could coalesce around data issues, legislation and policy, and so on. Involving participants from the start in meaningful tasks will underscore that this is a productive group. In addition, people are more likely to support a program they participated in creating, because they have a sense of ownership.

Because each community's needs and priorities differ, the advisory council's major tasks will vary. The advisory council or one of its working groups may consider the following activities:

- coordinating efforts among participating organizations
- developing an action plan
- establishing dog bite prevention priorities
- generating public and legislative support for dog bite control
- identifying dog bite reporting sources
- interpreting data
- identifying and obtaining resources for program activities (educational, financial, staffing)
- providing technical expertise for the program
- recommending goals and objectives for prevention

It is recommended that the program be overseen by a paid coordinator. The program coordinator and other staff involved can contribute to the advisory council's success by good meeting planning and preparation, regular communication with members, working with the advisory council chairperson to set the agenda, and helping to solve problems that threaten to derail the process. As with any volunteer effort, a dog bite prevention advisory council is likely to thrive if the coordinator nurtures its members with regular expressions of appreciation.

Infrastructure

A coordinated effort is essential for success in any venture, and each individual or organization involved must have a clear sense of their/its responsibilities. Reducing the incidence of dog bites requires the cooperation of many groups, including animal control agencies, the human and veterinary medical communities, educators, departments of health, and the local licensing authority. Open and consistent communication is an integral part of an effective program, and one entity should be designated as the coordinating agency. A logical coordinating agency would be the health department or animal control. In addition, it is imperative that an appropriate agency be granted authority to conduct investigations and make recommendations.

Program coordinator

As previously mentioned, dog bite prevention efforts should be assisted by a paid staff person. Because the diversity of input is so great, it is recommended that the office of the advisory council's program coordinator be located within the municipality's coordinating agency. Individuals, agencies, or organizations that come into contact with or are aware of a "dangerous" dog or risky situation should provide this information to the coordinator. The coordinator should then relay all information to the proper recipients.

Animal control agencies

Animal control officers are the frontline in controlling animal bites. A well-resourced animal control agency is vital for public health and safety within any community. In some communities, animal control is a stand-alone agency. In others it is administered through the local city or county health director or is a subsidiary of the local police department or sheriff's office. Wherever located, the functions of animal control within communities are multiple, including:

- training of animal control officers and ancillary personnel
- licensing of dogs and cats
- enforcement of leash laws, ordinances, regulations, and statutes
- control of unrestrained and free-roaming animal populations
- investigation of animal bite-related incidents
- administration of rabies quarantine programs after an animal bites
- bite data management, analysis, and dissemination regulation of "dangerous" animals
- educational outreach within the community regarding responsible ownership, spay/neuter programs, control of "dangerous" animals, rabies vaccinations
- coordination of efforts

Larger communities often possess more resources to properly fund animal control agencies and provide adequate staff¹⁷ and training; however, smaller animal control programs can also be effective, even when they operate on a limited budget. Dedicated personnel can accomplish much if they have community support, including support from law enforcement and the judiciary.

Preventive measures

Preventive measures are designed to minimize risk and should be addressed by all communities.

Control of unrestrained and free-roaming animals—Reasonable and enforceable laws or ordinances are required for good control of unrestrained or free-roaming animals (**Appendix 2**).¹⁸ Laws written to ensure that owned animals are confined to their property or kept on a leash make freeing a community of unrestrained and free-roaming animals easier. Although most dog bites occur on the property where the dog lives, unrestrained or free-roaming dogs do pose a substantial threat to the public. Enforcement of restraint laws is, therefore, essential if the incidence of dog bites is to be reduced. It is important to protect animal owners by providing an adequate amount of time for them to claim animals that have been impounded. Because of economic constraints, the current standard in the industry is 3 working days; however, 5 days may be more reasonable to ensure successful owner-animal reunions. Control of unrestrained and free-roaming animal populations requires an adequately staffed, trained, and funded animal control agency.

Licensing of dogs—The primary benefit of licensing animals is identification, should that animal

become lost. Licensing also ensures rabies vaccinations are current, allows quick identification in case of a bite incident, and provides revenue to help offset the costs of administering the animal control program. An effective program can be a source of reliable demographic data as well.

Vaccinations—Rabies vaccinations are normally a prerequisite for licensing dogs and cats, because they are an important control measure for a major public health concern. In addition to protecting pets, rabies vaccinations provide a barrier between infected wild animals and humans. Vaccination has reduced confirmed cases of rabies in dogs from 6,949 in 1947 to 126 in 1997.¹⁹

Breed or type bans—Concerns about "dangerous" dogs have caused many local governments to consider supplementing existing animal control laws with ordinances directed toward control of specific breeds or types of dogs. Members of the Task Force believe such ordinances are inappropriate and ineffective.

Statistics on fatalities and injuries caused by dogs cannot be responsibly used to document the "dangerousness" of a particular breed, relative to other breeds, for several reasons. First, a dog's tendency to bite depends on at least 5 interacting factors: heredity, early experience, later socialization and training, health (medical and behavioral), and victim behavior.⁷ Second, there is no reliable way to identify the number of dogs of a particular breed in the canine population at any given time (eg, 10 attacks by Doberman Pinschers relative to a total population of 10 dogs implies a different risk than 10 attacks by Labrador Retrievers relative to a population of 1,000 dogs). Third, statistics may be skewed, because often they do not consider multiple incidents caused by a single animal. Fourth, breed is often identified by individuals who are not familiar with breed characteristics and who commonly identify dogs of mixed ancestry as if they were purebreds. Fifth, the popularity of breeds changes over time, making comparison of breed-specific bite rates unreliable.

Breed-specific ordinances imply that there is an objective method of determining the breed of a particular dog, when in fact, there is not at this time. Owners of mixed-breed dogs or dogs that have not been registered with a national kennel club have no way of knowing whether their dog is one of the types identified and whether they are required to comply with a breed-specific ordinance. In addition, law enforcement personnel typically have no scientific means for determining a dog's breed that can withstand the rigors of legal challenge, nor do they have a foolproof method for deciding whether owners are in compliance or in violation of laws. Such laws assume that all dogs of a certain breed are likely to bite, instead of acknowledging that most dogs are not a problem. These laws often fail to take normal dog behavior into account and may not assign appropriate responsibilities to owners.

Some municipalities have attempted to address notice and enforcement problems created by unregistered and mixed-breed dogs by including in the ordinance a description of the breed at which the ordi-

nance is directed. Unfortunately, such descriptions are usually vague, rely on subjective visual observation, and result in many more dogs than those of the intended breed being subject to the restrictions of the ordinance.

Animal control legislation has traditionally been considered a constitutionally legitimate exercise of local government power to protect public safety and welfare. Breed-specific ordinances, however, raise constitutional questions concerning dog owners' fourteenth amendment rights of due process and equal protection.²⁰ When a specific breed of dog is selected for control, 2 constitutional questions are raised: first, because all types of dogs may inflict injury to people and property, ordinances addressing only 1 breed of dog appear to be underinclusive and, therefore, violate owners' equal protection rights; and second, because identification of a dog's breed with the certainty necessary to impose sanctions on the dog's owner is impossible, such ordinances have been considered unconstitutionally vague and, therefore, to violate due process.

After a bite occurs

It is important to have a well-defined postbite program in place to minimize physical and emotional pain for dog bite victims. This allows animal control personnel to work efficiently, protects animals that are victims of false allegations, and provides the judiciary with reasonable alternatives that address a variety of situations. State laws may dictate parts of this process.

Investigation of animal bite-related incidents—

Any animal bite or incident must be thoroughly investigated and substantiated by an agent of the empowered investigating authority such as an animal control officer, police officer, or peace officer. Ideally, the investigating authority should be the same authority that enforces related ordinances or laws to give continuity and credibility to all investigations. Investigating officers must be given authority to perform their duties by statute or ordinance. Clear, concise, standardized information concerning the incident must be obtained to ensure its successful resolution and facilitate long-term data collection (**Appendix 3**).

Postbite rabies quarantine programs—A healthy dog that is currently vaccinated against rabies and that bites a human should be examined by a licensed veterinarian to determine its health status. If no signs of illness compatible with rabies are detected, the dog should be quarantined. The Centers for Disease Control and Prevention has set the quarantine period for dogs, cats, and ferrets at 10 days, including the day of the bite. Vaccinated dogs can be allocated to 2 categories: those that have bitten a member of the immediate family and those that have bitten an individual outside the immediate family. Home quarantine can be considered for vaccinated dogs that have bitten a member of the immediate family, assuming the owner can confine the dog in a manner that prevents further exposure. Vaccinated dogs that have bitten a human outside of the immediate family generally should be quarantined at the local shelter or veterinarian's office. At the end of the quarantine period, the dog should

undergo a physical examination. In addition, interim evaluations are highly recommended.

A dog that is not currently vaccinated against rabies and that bites a human should be considered a rabies suspect and be appropriately quarantined. Contact with the dog during the quarantine period should be strictly limited to individuals who have completed rabies prophylaxis and are up-to-date on serologic testing and booster vaccinations. Physical examinations should be conducted at the beginning and end of the quarantine period to determine the dog's health status. Quarantined dogs may be treated by a veterinarian, but rabies vaccines should not be administered to the dog until the quarantine period is complete. If at any time during the quarantine period the dog has signs of illness compatible with rabies, it should be humanely euthanatized and samples submitted for rabies testing.

Records of all bites must be kept, including information specifically identifying the dog and owner. These should be crosschecked with each incident for evidence of a chronic problem.

Identification and regulation of "dangerous" dogs—Certain dogs may be identified within a community as being "dangerous," usually as the result of a serious injury or threat. That classification, because it carries with it serious implications, should be well defined by law (**Appendix 4**). Any such definition should include an exclusion for justifiable actions of dogs. Procedures should be outlined that take into account the potential public health threat, are reasonable to enforce, and convey the seriousness of the situation to the owner. Although animal control officers or their statutory counterparts are responsible for collecting information, a judge or justice will hear evidence from animal control officers and the dog's owner to determine whether that dog fits established criteria for "dangerousness." In some municipalities, a hearing panel comprising a cross section of private citizens hears alleged "dangerous" dog evidence and has been given the authority to declare a dog "dangerous" if deemed appropriate. Any declaration by a hearing panel, judge, or justice is subject to judicial review.

A judge, justice, or hearing panel may promulgate orders directing an animal control officer to seize and hold an alleged "dangerous" dog pending judicial review. If a dog is determined to be "dangerous" by a judge, justice, or hearing panel, the owner of that dog is usually required to register the dog with the appropriate health department or animal control facility. The judicial process may also require the owner to follow other rigid requirements, including but not limited to permanent identification of offending dogs, training and assessment of dogs and owners, and having offending dogs spayed or neutered.

Because the judicial branch is such an integral part of any enforcement action, the judiciary must assist during formulation of "dangerous" dog laws. If the judiciary is involved, its members will be aware of the process that must be followed to declare a dog "dangerous." In addition, they will be aware of steps that have already been completed and the options available when a particular case reaches the courts.

Bite Data Reporting

Accurate and complete reporting of dog bites is an essential element of a bite prevention program. These reports are vital not only for case management and judicial review but for planning, implementing, and evaluating the status of the problem. Major goals of comprehensive dog bite data reporting include:

- accurately defining victim demographics to identify populations at greatest risk for bites and allow targeting of educational efforts
- defining dog and owner characteristics associated with higher risk so that an actuarial approach to the dog bite problem is possible (this facilitates effective program planning and proper targeting of control measures)
- defining high risk geographic areas at city, county, or neighborhood levels so that limited resources for animal control and public education can be appropriately deployed
- establishing baseline data so that the impact of specific elements of the bite prevention program can be assessed
- providing an accurate, detailed, unbiased, objective source of information for decision makers, media, and the public interested in the dog bite problem and its prevention
- providing critical information for proper management of dog bite cases

What should be reported?

At a minimum, a dog bite case should be defined as any medically-attended dog bite or any dog bite resulting in a report to an animal control or law enforcement agency. This would presumably cover those instances consuming public resources and would also include cases that may result in litigation.

A number of data elements should be captured on a report form such that it is comprehensive in scope without placing unnecessary burdens on reporting agencies (Appendix 3). Fatal and severe dog attacks on humans have been associated with prior or concurrent attacks on pets or livestock, so it is important that communities also track those incidents. Maintaining records of incidents of menacing behaviors of owned dogs running at large in the community may be found useful in later legal actions.

Who should report?

The goal is to report any medically treated dog bite or any bite resulting in a report to, or response from, an animal control agency, humane society with animal control responsibilities, or law enforcement agency. Therefore, the primary sources of data should be:

- animal control or law enforcement agencies responding to a dog bite complaint
- health professionals attending to a bite injury (hospital emergency staff, urgent care facility staff, private physicians, school or camp medical staff, medical staff of other entities such as military bases or reservations, and veterinarians)

Recognizing that many dog bites go unreported, a comprehensive program to assess dog bite incidence

should consider possible secondary sources of data. These may include:

- anonymous surveys of high-risk populations (eg, school-age children) that may clarify the true extent of risk in a community
- anonymous surveys of the public (eg, phone surveys) that can help document the extent of bite injuries and provide a basis for estimating the ratio of unreported to reported bites
- reports from professionals including veterinarians, animal behaviorists, dog trainers, groomers, and kennel operators who are informed of a bite incident (mandating that any or all of these professions report bites may be unrealistic given the potential legal consequences of identifying an animal as a biter)

Reporting mandates are often inconsistent between jurisdictions or are poorly enforced. Current local and state reporting regulations should be reviewed, as should directives from health or veterinary officials. If current provisions are adequate, it may be necessary to implement procedures to reeducate professionals concerning their reporting obligations and periodically remind them of these obligations. When a failure to report is uncovered, it may be an opportunity to gain the attention of the professional, because sanctions may be imposed.

Who should receive reports?

Reporting should be coordinated by one agency. Logical agencies to coordinate reports include animal control or the public health department. The coordinating agency, perhaps through the dog bite prevention program coordinator, must assume responsibility for maintaining all information and disseminating that information to other appropriate individuals or agencies (eg, veterinarians, physicians, the dog owner, and those involved in follow-up educational efforts).

To insure consistency and compliance, regulations or procedures should unambiguously state to whom reports should be submitted and within what time frame the reports should be submitted.

Data management, analysis, interpretation, and dissemination

Because multiple sources may report the same case, procedures should be in place to permit combination of data from multiple sources into a single report. Avenues should be developed for electronic submission of reports to assist in rapid response, to streamline reporting to higher levels of government, and to facilitate data analysis. Whereas disposition of individual incidents is the first goal for reporting, there is much to be learned from looking at the overall picture. Keeping information in an electronic database simplifies the latter.

Data should be reviewed at regular intervals (no less than yearly) to determine whether the incidence and severity of dog bites is getting better, worse, or staying the same. Basic analysis consists of studying the characteristics of incidents, including:

- time—yearly trends, peak months, day of week, time of day. This can help with scheduling animal

control services as well as dispatch and response planning.

- place—locating every incident on a map with a pin. Are there hot spots? This can help target high risk areas for future control.
- person—victims and animal owners: age, sex, race, size. Can they be targeted for education?
- dog—proportion of offenders by sex and breed, proportion running at large, proportion neutered, proportion with prior reported problems, history of rabies vaccinations, licensing history. Have these proportions changed over time?

Successful evaluation and resolution of a community problem and accurate assimilation, evaluation, and use of quality data requires interactive assessment, feedback, and information exchange. City, county, and state public health practitioners, epidemiologists, and representatives of public health organizations (eg, the National Association of State Public Health Veterinarians, the Council of State and Territorial Epidemiologists, the Association of State and Territorial Health Officers, and the National Association of County and City Health Officials) can provide communities with considerable expertise in the acquisition and interpretation of dog bite data. Their participation should be encouraged.

Education

Education is key to reducing dog bites within a community. The list of those to be educated and those who may educate includes everyone who regularly comes into contact with dog owners and potential victims (eg, veterinarians, veterinary technicians and assistants, animal control officers, animal behaviorists, dog trainers, humane society personnel, physicians, school nurses, public health officials, teachers, and parents).

The purposes of this section are to educate city officials and community leaders about the role of various professionals in an educational program to reduce dog bites, provide starting references to ensure a core of knowledge for those professionals (**Appendix 5**), and assist in identification of the educational needs of various constituencies within a community.

Public officials and community leaders

Public officials and community leaders are the people to whom residents look for assistance with social problems. Their influence is important and well recognized. If a community dog bite prevention program is to gain public acceptance and be effective, community leaders must be well-informed about dog-related issues within their community and in general.

Professionals

Professionals from many backgrounds need to be involved in bite prevention programs. Their expertise is essential to making realistic decisions about what should and can be done to prevent or follow up on dog bite incidents and in recognizing what is normal or abnormal behavior for a dog. Several of these professionals will likely be members of the advisory commit-

tee, but all should be encouraged to be a part of a community's efforts to decrease the impact of a dog bite problem.

Many professions mentioned in this document are science-based. This means their members are used to making decisions on the basis of peer-reviewed data-supported information rather than gut feelings. This approach to decision making results in improved outcomes. Because the dog bite problem impacts so many different groups, networking between community leaders and professionals is important. The following sections describe ways that various professionals and community leaders can work together toward a common goal.

Veterinarians—Veterinarians are scientists trained for a minimum of 7 to 8 years and then licensed to diagnose and treat animal problems both medical and behavioral. Although most people think of veterinarians as performing animal vaccinations and surgical neutering, the practice of veterinary medicine includes all subdisciplines typically associated with human medicine. The study of animal behavior both normal and abnormal has become more important within the profession as animals have become more important to their owners. Dogs are now four-legged members of the family, rather than farm animals that help bring cows into the barn at milking time. With this change in the dog's role have come unrealistic owner expectations about what constitutes normal behavior for a dog. Veterinarians can educate dog owners as to what behavior is normal, can help dog owners teach their dogs to respond appropriately in various environments and provide referrals to reputable dog trainers, and can assist owners with behavioral problems, including those that have a medical basis or are responsive to medication.

Until recently, animal behavior was not often taught in veterinary curricula. Many veterinarians have had to acquire their knowledge of normal and abnormal canine behavior from continuing education programs and professional textbooks. For this reason, different veterinarians have different degrees of knowledge about behavior. All veterinarians, however, have access to board-certified veterinary behaviorists for help with behavioral problems beyond their expertise.

Although the time, physical, and emotional demands of veterinary practice can be overwhelming and leave limited time to devote to a formal community prevention program, veterinarians can substantially impact prevention efforts through their professional contact with prospective and current dog owners. This contact should begin before the pet is acquired. Providing unbiased information on pet selection can help prevent inappropriate owner-dog pairings. Prospective dog owners often make spur-of-the-moment selections that are based on warm-and-fuzzy feelings and unrealistic expectations. Encouraging prospective dog owners to seek information from their veterinarian about the characteristics and needs of various types of pets and encouraging future dog owners to ask for guarantees from puppy providers can minimize future problems. When owners take their newly

acquired dogs to their veterinarian for an initial examination and immunizations, the veterinarian has a second opportunity to provide these owners with good medical, nutritional, and behavioral advice.²¹ Finally, veterinarians can educate owners during their dogs' routine examinations (asking appropriate questions can reveal problems an owner may not have recognized) or when their dogs are evaluated for specific problems.

Board-certified veterinary behaviorists—The American College of Veterinary Behaviorists (ACVB), an American Veterinary Medical Association-recognized veterinary specialty organization, certifies graduate veterinarians in the specialty of veterinary behavior. To become certified, a veterinarian must have extensive postgraduate training, sufficient experience, and pass a credential review and examination set by the ACVB. Diplomates of this organization work with problem animals by referral from the animal's regular veterinarian, consult with practitioners on cases, and give continuing education seminars on animal behavior. Although many communities may not have the benefit of a resident board-certified veterinary behaviorist, veterinarians have access to and may consult with their specialist colleagues when necessary.

Veterinary technicians—Veterinary technicians are integral members of the veterinary health care team who have been educated in the care and handling of animals, basic principles of normal and abnormal life processes, and routine laboratory and clinical procedures. They perform many of the same tasks for veterinarians that nurses and others perform for physicians. Veterinary technicians are often frontline people when it comes to educating pet owners, particularly in general veterinary practices; they greet clients and answer initial inquiries, clarify instructions, provide clients with appropriate print, audio, and video educational material, and answer questions. Certainly, they are an important part of the educational team when it comes to dog bite prevention.

Like veterinarians, veterinary technicians have several opportunities to educate clients. Veterinarians may be consulted prior to owners acquiring a new pet, and veterinary technicians can help provide information on appropriate pet selection. Veterinary technicians regularly counsel owners during new puppy appointments, and this is a particularly good opportunity to provide owners with information on bite prevention, including the importance of socialization and training. Routine physical examinations are times when veterinary technicians can reinforce the importance of these early lessons and training, and they can help veterinarians identify potential aggression problems through observation and dialog with owners. Veterinary technicians can also be tapped to educate nonpet-owning children and adults through school or other programs.

Veterinary technology programs do not always offer curricula in animal behavior and, consequently, many technicians do not have formal training in this area when they enter practice. Continuing education that includes basic principles of animal behavior is

essential for veterinary technicians, just as it is for their employers. Maintaining a clinic reference library of appropriate print, audio, and video material for reinforcement and enrichment and for client education is useful.

Behavioral education for veterinary technicians relative to dog bite prevention should include recognition of classic canine behavioral displays and an understanding of the basic types of canine aggression and their prevention. The aim is to assist technicians in conveying dog bite prevention information to owners. Veterinary technicians must not be placed in the role of diagnosing or treating canine aggression.

Animal behaviorists—There are a number of scientists with PhD degrees in academic fields related to animal behavior who can serve as valuable resources for communities attempting to reduce dog bite injuries. Because of their science-based backgrounds, they can be particularly helpful in setting up protocols to determine the extent of the problem within a community and whether ongoing programs are having a substantial impact.

As a note of caution, the terms animal behaviorist or animal psychologist are often used by individuals who do not have strong scientific backgrounds but who want to work with problem dogs. There is no method to evaluate the competence of these individuals, and they may be more harmful than helpful to a community's efforts.

Dog trainers—This is a diverse group of individuals with no uniformly recognized credentialing body or measures of competence. Although there are many good dog trainers, there are also trainers that use inappropriate methods of behavioral modification that can negatively affect a dog's behavior, making the dog more dangerous to the owner and the community. It is important that communities make a concerted effort to work with responsible trainers who interact closely with veterinarians and PhD-degreed animal behaviorists. A qualified responsible dog trainer can be a valuable asset to a community advisory group.

Obedience training by itself does not prevent the development of behavior problems,²² and animals that are sent to a training facility may not learn how to obey their owners, because the owners do not learn how to give commands. For problem animals, training is only part of the solution.

Physicians and nurses—With a dog residing in 1 of every 3 US homes and approximately 53 million dogs in the United States,^{2,3,6} exposure of the physician or nurse, their family members, or their patients to dogs during the course of daily life is inevitable. Dogs have become important members of many families, and the presence of a pet in the home can affect an individual's own decisions about care. Most physicians are familiar with at least 1 example of a person refusing hospitalization, because there was no one else in the home to care for their pet.

Because 334,000 Americans are seen in emergency departments for dog bite injuries each year, 466,000 are seen in other medical practice settings, and 6,000

are hospitalized,⁶ it behooves human healthcare providers to acquaint themselves with community and personal strategies to prevent dog bites. Furthermore, just as occurrences of infectious diseases such as measles are reported to enable investigation of outbreaks and development of control measures to protect the public, dog bites must be reported so that cause and prevention can be addressed. Communities differ in their requirements for reporting, and practitioners must understand what is required in their area.

Traditionally, when confronted with patients seeking care for dog bites, physicians and nurses have confined their roles to providing medical treatment. With the expanding roles of physicians and nurses, however, disease prevention has become an important issue. In addition to competently treating dog bites and their complications, healthcare providers need to be aware of critical roles they can play in reducing dog bite injuries.

Advising patients about safe behaviors appears effective in preventing injury.²³⁻²⁶ Teaching children, parents, and patients who own dogs about proper behavior around dogs and responsible dog ownership is advisable given the frequency of human-canine contact in our society. Physicians can recommend contacting a veterinarian for pet selection information and advice if an individual or family is considering dog ownership, and for information about canine behavior and obedience training if a dog is already part of the family. Pediatricians provide age-appropriate injury prevention counseling during wellness visits.²⁶ Dog bite prevention should be a part of this counseling. Dog safety tips can also be included in packets of materials routinely sent home with new mothers.

When a patient is being treated for a bite, an opportunity exists to prevent future injury by teaching bite-avoidance strategies. Probing into the circumstances of the current bite may reveal which strategies should be emphasized. Taking advantage of teachable moments should be considered part of curative care. Consulting with a veterinarian may help human healthcare providers identify subjects they can address during postbite sessions.

As witnesses to the health-related outcomes of dog bites, physicians and nurses are particularly credible sources of information and can be effective spokespersons. Pediatricians and nurses should be full partners in community efforts to reduce dog bite injuries.

Animal control personnel—The staff of a well-resourced animal control program often includes an education coordinator who can train teachers, school nurses, and volunteers to become dog bite prevention educators within the community's school system (similar to volunteers in the McGruff crime prevention program presented to primary-school children). For animal control personnel, job-related continuing education is important. Programs are available through the National Animal Control Association.

Humane society/animal shelter/rescue group personnel—Dog bite injuries have negative repercussions for dogs as well as people, and humane society/animal shelter/rescue group personnel must deal with these

issues. Dogs causing severe injuries may be brought to humane facilities for rabies quarantine or euthanasia. Dogs that have threatened to bite or that have nipped may be surrendered to shelters or rescue groups, sometimes without full acknowledgment by their owners.¹⁶ Shelter personnel are forced to decide which dogs can be placed in new homes and which are not suitable for adoption. Progressive organizations work with veterinarians and animal control officers to educate their staff about safe dog handling and objective evaluation techniques. Record keeping and follow-up studies expand their knowledge base about what works in their community and what does not. Well-trained and dedicated humane society/animal shelter/rescue group personnel can be valuable community resources for public education as well.

Public

Public education is critical to the success of any dog bite prevention program, because half of all bites are inflicted by the family dog.²⁷ Only about 10% of bites are inflicted by dogs unknown to the victim.^{7,15} A public education effort must target a variety of individuals and age groups, and one individual should be assigned to integrate its components. If a special advisory council or task force is convened, its paid coordinator would be a logical choice to coordinate the public education effort. Alternatively, the public education coordinator could be a member of a municipal group such as the local health department, animal control agency, or board of education, or a member of a stakeholder group such as a humane society or veterinary association. Many educational programs targeted at various audiences exist and are included in the dog bite prevention resource list found on the American Veterinary Medical Association Web site (www.avma.org). As new materials become available, they will be added to this resource list.

Children—Children are the most common victims of serious dog bites. Seventy percent of fatal dog attacks and more than half of bite wounds requiring medical attention involve children.^{7,9,15} In addition, almost half of all children are bitten before 18 years of age.^{27,28} The most vulnerable youngsters are 5- to 9-year-old boys,^{6,7,8} but smaller children can also be seriously injured.²⁹ Dog bite injuries rank third only to bicycle and baseball/softball injuries as a leading cause of emergency admission of children to hospitals.⁶ Children's natural behaviors, including running, yelling, grabbing, hitting, quick and darting movements, and maintaining eye contact, put them at risk for dog bite injuries. Proximity of a child's face to the dog also increases the likelihood that facial injuries will occur.^{6,7,29-31}

Target group—The first step in a child education effort is determining what population of children to target and when. The logical primary audience is those at greatest risk: children in grades kindergarten through 4. Late winter or early spring appears to be the best time to institute a campaign, because the school year is concluding and, as children spend more time outside, exposure risk increases.³² It is critical

that school administrators buy into the concept of a dog bite prevention program; therefore, requests to the school district must be made by committed convincing well-organized individuals. Because school curricula are crowded, time blocks for dog bite prevention education should be requested early within the school system's calendar year. If such a block of time is not available, an alternative is to have a veterinarian or physician present a 1-hour lecture or assembly program to the entire student body. Once dog bite prevention education has been included within the curriculum (or has been scheduled to be provided through a special lecture or assembly program), teachers, nurses, and volunteers should consider addressing the school's parent-teacher organization to inform parents of upcoming dog bite prevention training for their children.

Secondary efforts—Secondary targets include children in other settings, such as early education programs (eg, Head Start, day care centers, recreational centers, and camps).

Identifying instructors—Who teaches the material will depend on expertise within the community. For classroom instruction, teachers who have had in-service training, school nursing staff, health educators, or trained volunteers are logical choices. Stakeholder groups (eg, veterinarians, veterinary technicians, animal control officers, physicians, nurses, humane society staff) may provide a ready source of volunteers for classroom instruction and special programs.

Adults—Adult citizens must understand the need for and support a strong dog bite prevention program not only for their own safety but for the safety of others in their community. It is this understanding that gives a prevention program long-term stability. All adults should learn appropriate behaviors around dogs so that they can protect themselves, teach their own children, serve as an example for others, and reinforce appropriate behaviors in other children at every opportunity. Adults also serve as local eyes for animal control so that roaming dogs are controlled.

Educational materials sent home with school children, distributed by pediatricians during well-child visits, inserted in public utility bills, and produced by an enlightened local media are all reasonable approaches. Involving representatives of service organizations and community groups during a prevention program's planning and active stages will strengthen commitment.

Active adults (eg, joggers, bicyclists, golfers) whose outdoor activities provide greater exposure to dogs are most at risk for injury. To reach these individuals, bite prevention information should be provided to local interest groups, recreational facilities, and health clubs.

Target group—Primary adult targets within the community are those who have children and who are active in outdoor activities.

Secondary efforts—Secondary targets include individuals between the ages of 21 and 65 years.

Identifying instructors—Materials can be developed or selected by animal control personnel, veterinarians, veterinary technicians, or other people knowledgeable about dog behavior. Information can be distributed through a number of channels such as those identified above.

The elderly—As people age, they become more susceptible to injury and disease. Thinning skin increases risk of bruising, and a bite producing a simple puncture wound in a younger individual can cause a severe laceration in a senior citizen. Sensory perception decreases so that an elderly person may not see a threatening dog or may not be able to read its behavioral signals accurately. In addition, diminished motor skills mean that the elderly are less able to physically protect themselves or escape.

Another concern for the elderly is that their beloved pet may not be trustworthy around their grandchildren. Dogs not raised around small children or not frequently exposed to them may not be socialized toward them.¹ This increases the likelihood of aggressive behavior being directed toward these children.

An educational program for senior citizens can be implemented in various settings. Materials may be provided through community services for the elderly such as church groups, visiting nurse programs, meals-on-wheels, recreational centers, or travel groups. Secondary targets are shopping malls and the media. Trained volunteers, especially from dog-associated professions, are logical sources of information. Human healthcare professionals can be an important source of information for the elderly because of the frequency of their interactions.

Target group—Primary targets are grandparents and people aged 60 years or older who have dogs in their homes.

Secondary efforts—Secondary targets include other individuals who are at least 60 years old.

Identifying instructors—Physicians can interact with these people during clinic visits. Animal control personnel, veterinarians, veterinary technicians, and people knowledgeable about dog behavior can select or produce resource information.

Animal owners—People who own dogs have a wide variety of views about their responsibilities. For some, dog care means providing food and water when the thought occurs to them. At the other end of this spectrum is the person who actively makes sure the pet is appropriately fed, well-trained, licensed, and healthy. Some individuals view dogs as disposable items that can be abandoned at any sign of trouble or expense. Once a community establishes acceptable standards for responsible ownership, dog owners must be informed of these expectations and related ordinances, and rules must be enforced. Owners and future owners must be educated about their unique set of responsibilities, which include appropriate pet selection, providing quality nutrition, housing, and medical care, compliance with confinement and licensing requirements,

appropriate behavioral training, and supervision of interactions between dogs and children. Citizens must understand that pet ownership is an ongoing responsibility, not a passive activity.

Dog owners can be provided with information through various avenues. Veterinarians and their staff are logical educators and distributors. Local dog clubs and trainers provide services to more conscientious owners. Businesses that sell pet foods and supplies should also be encouraged to provide bite prevention materials to their customers. Information can be distributed with utility bills, and animal shelters can provide classes for people who are considering acquiring a pet. Incentives for attendance at bite prevention classes could include reduced fees for licenses and coupons for vaccinations, food, and obedience classes. The most difficult group of dog owners to reach is those with minimal attachment to their pets. Although strong enforcement of local regulations will change some owners into former owners, most will continue to own dogs. Therefore, education should be an integral part of any enforcement program. A good working relationship with the judiciary is critical so that offenders of animal-related ordinances are required to take courses that emphasize responsible ownership.

Target group—Primary targets are adults who already own dogs.

Secondary efforts—Secondary targets are adults who are considering getting a new dog.

Identifying instructors—Information for this target audience can come from various sources, and its distribution should be approached in a number of ways. Animal control officers and members of the legal profession can describe what is expected regarding local regulations and the serious consequences if these regulations are violated. Veterinarians and their staff can educate owners about vaccinations, neutering, restraint, and other health care issues. Dog club members and trainers can assist by providing socialization and training instruction and can help educate owners about being good dog-owning neighbors.

Victims—When someone becomes a dog bite victim, a teachable moment is created. How useful that moment becomes in preventing future incidents depends tremendously on the seriousness of the bite and the fear response of the victim. Scare-producing or threatening events are good times for dog bite prevention information to be conveyed. However, the time surrounding a serious injury is generally too emotionally charged to be of value for dog bite prevention education.

Who provides information to victims depends, in part, on who is contacted about the incident. In addition to medical personnel, animal control's investigative efforts usually require a home visit. Routine visits to a physician should include gathering historical information about the patient's interactions with dogs to identify patients who would benefit from additional education. Media stories that reinforce correct approaches to prevention can also touch many when they are most receptive.

Target group—Individuals who have recently been bitten by a dog seriously enough to require medical attention but not so seriously as to have sustained severe injuries are the primary target.

Secondary efforts—Secondary targets are individuals who have been bitten by a dog in the past.

Identifying instructors—Medical professionals and animal control personnel are the individuals who encounter this group.

Businesses—Community businesses need to address dog bite prevention as well. Certain businesses (eg, veterinary clinics, grooming and boarding facilities, animal control, pet sitting agencies) revolve around direct contact with dogs, and employee education is critical from a safety and liability standpoint. Employees of other businesses will occasionally encounter dogs in the course of their daily job activities (eg, utility workers, police officers, parcel carriers, and emergency medical technicians). Training conducted by an animal control officer or other knowledgeable professional may provide employees with the tools they need to safely handle contacts with at-large animals, attack/guard dogs, or dogs who simply reside on the premises of those facilities where they do business.

Target group—Primary targets are employees and business owners who will be working with dogs on a daily basis.

Secondary efforts—Employees of companies who are likely to encounter dogs in their daily business activities can be considered secondary targets.

Identifying instructors—Animal control personnel, veterinarians, veterinary technicians, and dog trainers who are experienced at dealing with dogs in a variety of environments. These individuals will need to customize presentations to the type of situations most likely encountered by the target audiences.

Media

The local media play an important role in a community's efforts at bite prevention. For this reason, it is suggested that 1 member of the advisory council or task force be a media representative. In addition, the advisory council can be proactive in helping the media convey important and appropriate messages. Sensational events provide an opportunity to convey important messages. Regular features can reinforce principles and keep educational efforts flowing.

Know the media

Your key to the public eye and ear is a selective up-to-date list of local media contacts who have an interest in animal issues. Such a list can be developed by undertaking a comprehensive media survey. Check the local library for publications that list names, telephone numbers, and short descriptions of your community's media outlets. Call each office or studio to discover which desks or departments should receive your inquiries and press releases. Read local newspapers and listen to local radio and television news and feature

programs to identify reporters and hosts who address animal issues. Finding out whether these individuals gather their own news or use wire services will allow you to target press releases and materials to those who are most likely to use them. Contact local freelance writers to see whether they would be willing to feature a bite prevention message in an upcoming piece. Be aware that your media list will be dynamic, and take time to update the names of specific contacts. Once a helpful story is published, or a reporter conveys your message during a broadcast, be sure to acknowledge that effort by sending a thank-you note or making an appreciative telephone call.

A spokesperson

The community should identify a spokesperson who has the expertise to address complicated dog bite-related issues, and this individual should be provided with media training so that he/she becomes an effective communicator with the print and broadcast media. It is the spokesperson's responsibility to convey information clearly, accurately, and promptly. In various situations, this individual can identify when there are not enough animal control officers to prevent dog packs from forming or when a dog has been "sicked" on a person as a weapon. A knowledgeable and effective communicator can turn a publicized bite into a learning opportunity by providing suggestions on how that bite could have been prevented (eg, the dog was not appropriately controlled or confined, or a child was left unsupervised).

Have information readily available

The advisory council or task force should create a 1-page fact sheet for use by the media and the spokesperson. This fact sheet should include the number of dog bite incidents occurring in the community during the past year, the number of dogs in the community, the number of licensed dogs in the community, what local laws govern dog ownership and control, and to whom problems should be reported. A list of community resources should also be available.

Ways to effectively convey information

Because animal stories are popular with the media, there are numerous opportunities to convey bite prevention information. Local broadcast programs and newspapers find regular segments about animals popular with viewers/listeners/readers, and most of those spots have enough time for short lessons. Another approach is to proactively bring animal stories to the media. Examples include a story about a shelter dog that visits nursing homes after being rescued and appropriately trained, a description of a guide or "hero" dog's training, or warm-weather tips for pets. Effective mechanisms for providing information vary with the medium but include:

News releases—Releases may be provided to print, radio, or television outlets. Releases should be double-space typed on stationery that provides the source of the announcement (ie, the advisory council or task force). Include the subject of the news release and contact information in the upper left corner. The

mailing date of the release should be indicated along the right margin. The release should be written in inverted pyramid style, placing the most important information at the beginning. Releases should be limited to 1 page if possible.

Interviews—Interviews may be conducted by print, radio, or television reporters or hosts and, in the case of television and radio, may be live or taped. The individual being interviewed must be an excellent communicator and intimately familiar with dog bite issues and prevention. The interviewee may request a pre-interview to get a grasp of the direction of the interview. It is advisable to tell the interviewer which issues you would definitely like to see addressed. Answers should be structured according to the program's time limits.

Talk shows—Most of the principles that apply to interviews also apply to talk shows, but in this situation there usually will be interaction with guests (who often hold opposing views), potentially with an audience, and with the host. Running through mock discussions prior to participation is helpful. Responses to questions or comments from those with opposing views should always be factual, sincere, and polite.

Public affairs programs—Many stations air 2 or 3 programs a week in which the station's news staff or station management interview a newsmaker, a spokesperson from an activist group, or a public relations representative from an industry. Issues in the news are often addressed by such programming. These provide a good opportunity to make your community aware of bite prevention efforts and to elicit support. Access to these programs may be requested by sending a letter to the station manager.

Bulletin board and community announcements—Many local television stations donate air time to announcements of community events. These are often broadcast in calendar format. This is an easy way to publicize educational events and responsible pet ownership classes.

Editorials—Editorials are used by print, radio, and television reporters to present their views on issues of public interest. Prepared statements describing the advisory council's approach to dog bite prevention can be provided to reporters for use in preparing an editorial or may be provided if a reporter presents an opposing viewpoint.

Public service announcements—Many radio and television stations donate time for **public service announcements (PSA)**; however, public service groups cannot specify when your PSA is to be aired. It is acceptable to suggest when you believe airing your PSA will be most effective. Most PSAs run for 30 to 60 seconds, although 10- and 20-second spots are also used. To mitigate the costs associated with production, you may want to contact local stations to see whether they offer sponsored placements, in which local advertisers donate time for specific public service messages. Public service announcements may consist of script only, sight and sound (simple or complex), or 16-mm film or videotape.

*See www.avma.org for additional and updated information.

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Appendix 1

Groups potentially involved in dog bite prevention

A model program for preventing dog bites begins with assembling a local coalition. Wide representation of community views on the coalition helps ensure sufficient input and community acceptance of the program. Key players include:

- animal control officials
- attorneys, judges
- business sector (eg, local business leaders, insurance companies, pet stores)
- dog breeders and trainers
- educational system (eg, schools, parent-teacher organizations)
- health departments and public health associations
- humane societies
- human healthcare providers and associations (eg, nurses, pediatricians, community health centers, emergency medical service and ambulance companies, health maintenance organizations, hospitals, managed care organizations, medical associations, medical examiners' and coroners' offices, schools of medicine and public health, trauma centers)
- kennel clubs, dog clubs, assistance dog organizations
- law enforcement agencies
- local government officials
- media
- occupational safety organizations, agencies, and groups (eg, firefighters, meter readers)
- veterinary care providers and associations, allied staff, clinics, schools of veterinary medicine and veterinary technology
- volunteer nonprofit organizations (eg, boy/girl scouts; various "Y"s; 4-H clubs; chapters of the American Red Cross, Safe Kids, National Safety Council, and National Fire Protection Association; foundations; United Way; and civic groups [Kiwanis, Rotary])
- other groups (eg, sports recreation clubs [joggers, bicyclists], automobile clubs, extension offices)

Continued on next page.

Appendix 2

Model dog and cat control ordinance

Originally produced and published jointly by the American Veterinary Medical Association, the American Humane Association, the Humane Society of the United States, and the Pet Food Institute in 1976. Modifications have been made from the original version to reflect updated US Public Laws, current titles of other referenced documents, and present favored terminology and definitions concerning "dangerous" animals.

Section 1. Definitions

As used in this ordinance the following terms mean:

Animal—For the purpose of this ordinance, animal shall mean dog or cat.

Animal control authority—The person or persons designated to enforce this ordinance.

Animal establishment—Any pet shop, grooming shop, animal auction, performing-animal exhibition, kennel or animal shelter, except this term shall not include veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of US Public Laws 89-544, 91-579, 94-279, 99-198, and 101-624.

Animal shelter—Facility designated or recognized by the [jurisdiction]* for the purpose of impounding and caring for animals.

At large—A dog or cat shall be deemed to be at large when off the property of the owner and not under restraint.

Humane manner—Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feedings habits of the animal's size, species, and breed.

Kennel—An establishment kept for the purpose of breeding, selling, or boarding dogs or cats or engaged in training dogs or cats.

Licensing authority—The agency or department of [jurisdiction] or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this ordinance.

Livestock guarding dogs—Dogs kept for the primary purpose of protecting livestock from predatory attacks.

Neutered—Rendered permanently incapable of reproduction.

Nuisance—A dog or cat shall be considered a nuisance if it: damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, "dangerous," or offensive conditions; causes a disturbance by excessive barking or other noise making; or chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.

Owner—A person having the right of property or custody of a dog or cat or who keeps or harbors a dog or cat or knowingly permits a dog or cat to remain on or about any premises occupied by that person.

Person—Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

Pet shop—An establishment engaged in the business of buying or selling, at retail, dogs or cats or other animals for profit-making purposes.

Restraint—A dog or cat shall be considered under restraint if it is within the real property limits of its owner or secured by a leash or lead or under the control of a responsible person.

"Dangerous" dog or cat—A dog or cat that without justification attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat or serious injury or death to one (1) or more persons or domestic animals.

Section 2. Licensing and rabies vaccination

a. Except as provided in Section 3, no person shall own, keep, or harbor any dog or cat over four (4) months of age within [jurisdiction] unless such dog or cat is vaccinated and licensed. The provisions of this section do not apply to animals owned by a licensed research facility or held in a veterinary medical facility or government operated or licensed animal shelter.

b. All dogs and cats shall be vaccinated against rabies by a licensed veterinarian, in accordance with the latest "Compendium of Animal Rabies Prevention and Control" authored by the National Association of State Public Health Veterinarians and published annually in the *Journal of the American Veterinary Medical Association*.

c. A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the Compendium. Each owner shall also receive a durable vaccination tag indicating the year in which it was issued.[†]

d. Application for a license must be made within thirty (30) days after obtaining a dog or cat over 4 months of age, except that this requirement will not apply to a nonresident keeping a dog or cat with the [jurisdiction] for no longer than sixty (60) days.

Written application for a dog or cat license shall be made to the [licensing authority] and shall include the name and address of the owner and the name, breed, color, age, and sex of the dog or cat. Applicants also shall pay the prescribed licensing fee and provide proof of current rabies vaccination.

e. The licensing period shall be for 1 year(s). License renewal may be applied for within sixty (60) days prior to the expiration date. New residents must apply for a license within thirty (30) days of establishing residence.

f. A license shall be issued after payment of a fee of \$_____ for each unneutered dog or cat and \$_____ for each neutered dog or cat. Persons who fail to obtain a license as required within the time period specified in this section will be subjected to a delinquent fee of \$_____.

g. License fees shall be waived for dogs serving the blind or deaf or government-owned dogs used for law enforcement. All other licensing provisions shall apply.

h. Upon acceptance of the license application and fee, the [licensing authority] shall issue a durable license tag including an identifying number, year of issuance, city, county, and state. Both rabies and license tags must be attached to the collar of the dog or cat. Tags must be worn at all times and are not transferable. [Licensing authority] shall maintain a record of all licenses issued, and such records shall be available to the [animal control authority].

Section 3. Permits

a. No person shall operate an animal establishment without first obtaining a permit in compliance with this section.

b. The permit period shall begin with the first day of the fiscal year and shall run for one (1) year. Renewal applications for permits may be made within sixty (60) days prior to the expiration date. Application for a permit to establish a new breeding animal establishment under the provisions of this ordinance may be made at any time.

c. Annual permits shall be issued upon payment of the applicable fee:

- | | |
|--|----------|
| i. For each kennel authorized to house less than six (6) dogs or cats | \$ _____ |
| ii. For each kennel authorized to house six (6) but not more than forty-nine (49) dogs or cats | \$ _____ |
| iii. For each kennel authorized to house fifty (50) or more dogs and cats | \$ _____ |
| iv. For each pet shop | \$ _____ |
| v. For other animal establishments | \$ _____ |

d. A person who maintains a kennel of six (6) or more dogs or cats for breeding purposes may pay an annual permit fee or may elect to license individual dogs or cats as provided under

Section 2. Every facility regulated by this ordinance shall be considered a separate enterprise, requiring an individual permit.

- e. Under the provisions of this ordinance, no permit fee shall be required of any animal shelter. All other provisions shall apply. Any change in the category under which a permit is issued shall be reported to the [licensing authority] within sixty (60) days, whereupon reclassification and appropriate adjustment of the permit fee shall be made.

f. Failure to comply with the provisions of this section is subject to a fine of \$_____.

Section 4. Issuance and revocation of permits and licenses

a. The [appropriate authority] may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this ordinance, the regulations promulgated by the [appropriate authority] or any other law governing the protection and keeping of animals.

b. If an applicant is shown to have withheld or falsified any material information on the application, the [licensing authority] may refuse to issue or may revoke a permit or license.

c. It shall be a condition of issuance of any permit for an animal establishment that the [appropriate authority] shall be permitted to inspect any and all animals and the premises where such animals are kept at any reasonable time during normal business hours. Where a permit is revoked for any cause, or pending appeal of any such action, the [appropriate authority] shall have power of entry on the premises and into all areas where animals are being kept. A person denied a permit may not reapply for a period of at least thirty (30) days. Each reapplication shall disclose any previous denial or revocation and shall be accompanied by a \$_____ fee.

Section 5. Owner responsibility

a. All dogs and cats shall be kept under restraint.

b. Every "dangerous" dog or cat, as determined by the [appropriate authority], shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

c. No dog or cat shall be allowed to cause a nuisance. The owner of every dog or cat shall be held responsible for every behavior of such dog or cat under the provisions of this ordinance.

d. Failure to comply with the provisions of this section shall be subject to a fine of \$_____.

e. Dog and cat owners shall ensure that their dog or cat carries identification at all times in the form of microchip, tag, or other means to allow easy determination of the owners.

f. Livestock guarding dogs shall be exempt from nuisance regulations when performing duties protecting livestock on premises owned or controlled by the owner.

Section 6. Impoundment

a. Any dog or cat found running at large shall be impounded by the [animal control authority] in an animal shelter and confined in a humane manner. Immediately upon impounding a dog or cat, the [animal control authority] shall make every reasonable effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. Dogs and cats not claimed by their owners within a period of [five (5) full days] in which the shelter is open to the public shall become the property of the [jurisdiction].

b. When a dog or cat is found running at large and its ownership is verified by the [animal control authority], the authority may exercise the option of serving the owner with a notice of violation in lieu of impounding the animal.

c. In the event that the [appropriate authority] finds dogs or cats to be suffering, it shall have the right forthwith to remove or cause to have removed any such animals to a safe place for care at the owner's expense or to euthanize them when necessary to prevent further suffering. Return to the owner may be withheld until the owner shall have made full payment for all expenses so incurred.

d. Disposal of an animal by any method specified here in does not relieve the owner of liability for violations and any accrued charges.

Section 7. Redemption

a. Any animal impounded may be redeemed by the owner thereof within five (5) days upon payment of an impoundment fee of \$_____, provided that if any such animal has been previously impounded, the impoundment fee shall be \$_____. Payment of impoundment fees is not considered to be in lieu of any fine, penalty, or license fees.

b. Any animal confined for rabies quarantine, evidence, or other purpose may be redeemed by the owner thereof upon payment of a fee of \$_____.

c. No animal required to be licensed or vaccinated under this ordinance may be redeemed until provisions for such licensing have been fulfilled.

Section 8. Adoption

An adoption fee of \$_____ shall be assessed at the time of adoption. No dog or cat shall be released for adoption as a pet without being neutered or without a written agreement from the adopter guaranteeing that the animal will be neutered. Vaccination fees, licensing fees, and veterinary costs may be assessed above and beyond the adoption fee.

Section 9. Interference

No person shall interfere with, hinder, or molest any agent of the [animal control authority] in the performance of any duty as herein provided.

Any person violating this section shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than \$_____ or more than \$_____.

Section 10. Repeals (conflicting ordinances)

All other ordinances of the [jurisdiction] that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 11. Severability

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 12. Applicability

This ordinance shall be in full force and effect upon the expiration of days after its passage and publication.

Section 13. Safety clause

The [jurisdiction] hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public health, safety, and welfare of the [jurisdiction] and the inhabitants thereof.

*For all occurrences of [], communities should insert their applicable agency. †The organizations developing this model ordinance recommended that licensing tags show, in addition to the license number, the city or county and state in which the animal is registered. This helps to alleviate the problem of an animal being left unidentified or unclaimed because it has been transported from one state to another and has no reference to the issuing city or county on the license tag. ‡Where blanks are found without insertions, communities should insert applicable fees or conditions. §Differential license fees for neutered animals serve as an incentive for responsible pet ownership. ¶Breakaway collars are recommended when tags are affixed to collars worn by cats. ¶It is recognized that holding periods will be determined to some degree by availability of facilities; however, it is important to ensure a reasonable opportunity for owners to reclaim their dog or cat.

Appendix 3

Recommended data elements for reports of dog bites

Data element	Comment	Data element	Comment
Notifications of dog attacks on humans . . .	A card or telephone report to be submitted by those providing care to the human victim	Dog information	
Name of victim		Name	
Address of victim		Breed	Indicate by whose designation (eg, owner report, animal control officer, law enforcement officer). This is important if breed data are to be interpreted.
Telephone (home and work)			
Parent contact information (if a minor)		Sex	
Incident date and time		Age	
Reported to whom		Weight	
Date and time of report		Reproductive status	
Notifications of dog attacks on animals . . .	A card or telephone report to be submitted by those providing care to the animal victim	Name of veterinarian	
Owner of victim		Rabies vaccination data	
Type of victim		Rabies tag number	
Address of owner		License number	
Telephone (home and work)		Microchip number	
Incident date and time		Degree of confinement	Identifying different forms of confinement (eg, chaining, tethering, electronic fence) is important if risk associated with these practices is to be assessed.
Name and address of owner or custodian of attacking dog		at time of bite	
Reported to whom			
Date and time of report		Prior incidents	
For animal control investigations		Obedience training	
Agency information		Circumstances of the bite	
Case number		Victim account	
Report date and time		Owner's account	
Incident date and time		Witness account	
Who reported the case		(contact information)	
Report received by		Number of dogs involved	Attacks by multiple dogs may account for 20 to 30% of incidents. Forms for these animals could be given case numbers with a special designation (eg, 123A, 123B).
Location of incident			
Victim information		Injury information	
Name		Location of injury	
Breed (if animal)		Nature of injury	
Age and date of birth		Severity of injury	
Sex			
Address		Animal disposition	
Telephone (home and work)		Quarantine location	
Parent contact information (if minor)		Date of quarantine	
Rabies immunization status (if animal)		Date to be released	
Owner information		Quarantined by	
Name		Euthanatized	
Age and date of birth			
Sex			
Address			
Telephone (home and work)			

Continued on next page.

Appendix 4

Model legislation for the identification and regulation of "dangerous" dogs

- A. Actions allowed by authorized persons prior to hearing**
1. If any dog shall attack a person or domestic animal who was peaceably conducting himself in any place where he may lawfully be, any person, for the purpose preventing imminent injury or further injury, may use such force as is required to stop the attack.
 2. A police officer or peace officer acting pursuant to his statutory duties may, where the threat of serious injury to a person or domestic animal is imminent and unjustified, use such force as is required to prevent such injury.
- B. Definitions**
1.
 - a. "Dangerous dog" means any dog which without justification attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals. A dog's breed shall not be considered in determining whether or not it is "dangerous." Further,
 - b. No dog may be declared "dangerous"
 - i. If the dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault;
 - ii. If at the time the person was committing a crime or offense upon the property of the owner, or custodian, of the dog;
 - iii. If the person was teasing, tormenting, abusing or assaulting the dog, or in the past had teased, tormented, abused or assaulted the dog;
 - iv. If the dog was attacked or menaced by the domestic animal, or the domestic animal was on the property of the owner, or custodian, of the dog;
 - v. If the dog was responding to pain or injury, or protecting itself, its kennels or its offspring;
 - vi. If the person or domestic animal was disturbing the dog's natural functions such as sleeping or eating;
 - vii. Neither growling nor barking, nor both, shall alone constitute grounds upon which to find a dog to be "dangerous."
 2. "Attack" means aggressive physical contact initiated by the dog.
 3. "Serious injury" means any physical injury consisting of broken bones or a permanently disfiguring laceration requiring either multiple stitches or cosmetic surgery.
 4. "Domestic animal" means any animal commonly kept as a pet in family households in the United States, including, but not limited to dogs, cats, guinea pigs, rabbits and hamsters; and any animals commonly kept for companion or commercial purposes.
- C. Hearing procedure**
1. Any person may make a complaint of an alleged "dangerous" dog as that term is defined herein to a police officer or peace officer of the appropriate municipality. Such officers shall immediately inform the complainant of his right to commence a proceeding provided for in Paragraph 2, immediately below, and, if there is reason to believe the dog is a "dangerous" dog, the officer shall forthwith commence such proceeding himself.
 2. Any person may, and any police officer, or peace officer acting within the scope of his statutory duties, shall make a complaint under oath or affirmation of an alleged dangerous dog as that term is defined herein to any municipal judge or justice. Thereupon, the judge or justice, or hearing panel subject to judicial review, shall immediately determine if there is probable cause to believe the dog is a "dangerous" dog and, if so, shall issue an order to any police officer or peace officer pursuant to his statutory duties or animal control officer directing such officer to immediately seize such dog and hold same pending judicial determination as herein provided. Whether or not the judge or justice, or hearing panel subject to judicial review, finds there is probable cause for such seizure, he shall, within five (5) days and upon written notice of not less than three (3) days to the owner of the dog, hold a hearing on the complaint.
- D. Where a dog is determined pursuant to clear and convincing evidence at a duly constituted hearing to be "dangerous," the judge or justice, or hearing panel subject to judicial review, shall require the owner of said animal to register such animal (with the appropriate Health Department or animal control facility), and to provide prompt notification to (the appropriate Health Department or animal control facility) of any changes in the ownership of the animal; names, addresses and telephone numbers of new owners; any change in the health status of the animal; any further instances of attack; any claims made or lawsuits brought as a result of further instances of attack; the death of the animal. In addition, the judge or justice, or hearing panel subject to judicial review, may require any or all of the following, but items 5, 6 and 11, or any one of them, may only be imposed where there has been serious injury to a person.**
1. Indoors, when not alone, the dog be under the control of a person eighteen (18) years or older. (Provisions for the dog to be outdoors must also be made.)
 2. Outdoors and unattended, the dog be kept within a locked fenced area from which it cannot escape.
 3. When outdoors the dog must be attended and kept within a fenced area from which it cannot escape.
 4. When outdoors the dog must be attended and kept on a leash no longer than six (6) feet and under the control of a person eighteen (18) years of age or older.
 5. When outdoors the dog must be attended and muzzled. Such muzzle shall not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.
 6. Outdoors and unattended, the dog must be confined to an escape-proof kennel of the following description:
 - a. Such kennel shall allow the dog to stand normally and without restriction, and shall be at least two and one half (2.5) times the length of the dog, and shall protect the dog from the elements.
 - b. Fencing materials shall not have openings with a diameter of more than two (2) inches, and in the case of wooden fences, the gaps shall not be more than two (2) inches.
 - c. Any gates within such kennel or structure shall be lockable and of such design as to prevent the entry of children or the escape of the animal, and when the dog is confined to such kennel and unattended such locks shall be kept locked.
 - d. The kennel may be required to have double exterior walls to prevent the insertion of fingers, hands or other objects.
 7. Placement of a sign or signs of a description and in places directed by the judge or justice, advising the public of the presence and tendencies of said animal.
 8. Attendance by the dog and its owner/custodian at training sessions conducted by a certified applied animal behaviorist, board certified veterinary behaviorist or other recognized expert in the field and completion of training or any other treatment as deemed appropriate by such expert. The owners of the dog shall be responsible for all costs associated with the evaluation and training ordered under this section.
 9. Neutering or spaying of the dog at the owner's expense, unless medically contraindicated.
 10. That the dog be permanently identified by tattooing or by injecting an identification microchip, using standard veterinary procedures and practices, identification number and the identification of the person performing the procedure to be registered with the (appropriate health department or animal control facility) as indicated above.
 11. The procurement of liability insurance in an amount to be determined by the judge or justice, but in no case in an amount of less than fifty thousand dollars (\$50,000), covering the medical and or veterinary costs resulting from future actions of the dog (a determination of liability shall be made in accordance with the laws of the jurisdiction). This condition may not be imposed if it is shown that no such insurance is available for a reasonable premium.
 12. If any of the above conditions ordered by a judge or justice, or hearing panel subject to judicial review, are not complied with, the owner shall be subject to a fine of not more than ten thousand dollars (\$10,000).
 13. If a further incident of attack occurs under such circumstances that the dog, after a hearing as described above, is determined to be a "dangerous" dog, the judge or justice, or hearing panel subject to judicial review, may impose or reimpose any applicable directives listed above; additionally, humane destruction of the dog may be ordered, but only where the further incident involves serious injury to a person.

Appendix 5

Suggested reading for professionals (numbers correspond to cited references)

Group	Reference numbers
Public officials and community leaders	4, 6, 8-9, 10, 12, 14-16, 18, 20, 27-28, 30, 32-47
Veterinarians	1, 4-10, 12, 14-16, 27-28, 30, 32, 35-36, 39, 41-73
Veterinary technicians	7, 12, 16, 28, 43-45, 47, 50-57, 59, 61, 63-64, 66-69, 74
Physicians and nurses	4-6, 8-10, 12, 14-15, 27-28, 30, 32, 35-36, 41, 43, 45-48, 60, 70-71, 73, 75-76
Humane society/animal shelter/ rescue personnel	4-6, 10, 12, 14-15, 27-28, 30, 35-36, 41-43, 51-55, 61, 66, 69, 71

Karen Goodwin

From: krikri5815 <krikri5815@yahoo.com>
Sent: Friday, December 09, 2016 12:25 AM
To: Karen Goodwin

To the city council as a whole,
My name is Kris Korte and I live at 105 Clark St Florissant MO 63031.
I am writing to ask the mayor and council members to repeal the pit bull ban in Florissant!
Please include this in the communications section in the council meeting.

Thank you,
Kristin Korte

Sent from my Sprint Samsung Galaxy Note5.

Karen Goodwin

From: laurielang1 <laurielang1@att.net>
Sent: Friday, December 09, 2016 3:55 PM
To: Karen Goodwin
Cc: lisa.noel.u@gmail.com
Subject: Breed Ban Repeal

Dear Ms. Karen Goodwin,

PLEASE FORWARD THIS TO ALL COUNCIL MEMBERS.

PLEASE ADD THIS TO THE COMMUNICATIONS PORTION OF THE AGENDA for the next Council meeting on behalf of: **Laurie Lang**.

PLEASE ADD THIS TO THE COMMUNICATIONS PORTION OF THE AGENDA for the next Council meeting on behalf of:

Lisa Ukman.

My name is Laurie Lang and I live in St. Louis County at:

11217 Morrow Drive

St. Ann, MO 63074

My name is Lisa Ukman and I live in St. Louis County at:

2020 Huntington Drive

Florissant MO, 63033

As regular Volunteers at SAPA, St. Louis County Animal Control, and the APA... WE routinely deal with and handle a variety of dogs including a LARGE number of "pit-bulls" and pit-mixes. Collectively, we have worked for years and years with these type of dogs, including those that are considered "red dot" dogs because they require and experienced handler for any

number of reasons. In all our years, I have never had an incident with any pit bull type dog that would cause me to believe that this breed or type of dog is any more dangerous, vicious, or aggressive than any other dog breed. In actuality, despite their strength, they are often some of the most gentle, loving, and intelligent dogs that either of us have encountered. The fact is that it is the pit bulls obedient nature and eagerness to please that allows these dogs to be manipulated by irresponsible and inhumane owners. These owners are the individuals that should be banned and not the innocent animal.

Also, in working/volunteering for St. Louis County Animal Control we know about the dogs that are brought from Florissant to the county to be euthanized. Please remember these are INNOCENT DOGS THAT ARE BEING PUT DOWN THROUGH NO FAULT OF THEIR OWN!!! This has to change...WE BEG YOU... I can't imagine how any human can be alright knowing that they are helping to facilitate the continuation of these animals being **needlessly destroyed**.

PLEASE REPEAL YOUR BREED BAN on "Pitbull" type dogs.

PLEASE ENFORCE YOU VISCIOUS DOG ORDINANCE as this ensures that ANY dog regardless of type or breed are equally liable.

Respectfully & Sincerely,

Laurie Lang and Lisa Ukman (animal owners and advocates)

Sent from my Sprint Samsung Galaxy S® 6.

Karen Goodwin

From: Blu Mom <blusmom11@gmail.com>
Sent: Sunday, December 11, 2016 3:29 PM
To: Karen Goodwin
Subject: Repeal BSL

Dear Members of the Council,

I would like to see the Pit Bull Ban repealed. I do not agree with my tax dollars being spent to euthanize dogs. Please include this email in your meeting agenda. Thank you.

Jessa Stone
665 St. Marie
Florissant, MO 63031

Karen Goodwin

From: Cortney Meyer <cortney.meyer@yahoo.com>
Sent: Monday, December 12, 2016 1:35 PM
To: Karen Goodwin
Subject: Pit bull ban repeal

I'm writing this email for you to lift the ban on pit bull breed restrictions. These are very loyal loving members to many families. This breed restriction is causing many wonderful people to find homes outside of Florissant. I don't agree with my tax dollars being spent to euthanize dogs in the Florissant area. Please include my email in the city council meeting 12/12/16

Please confirm you have received my email

Thank you and have a wonderful week

Cortney
63031
Florissant mo

Sent from my iPhone

Karen Goodwin

From: John Roth <jroth42@gmail.com>
Sent: Monday, December 12, 2016 2:50 PM
To: Karen Goodwin
Subject: Pitbull ban

To the city council as a whole.

I would like the pitbull ban repealed. There is absolutely no need for it. If we want a city residents can feel pride in, then we need to not have laws on the books just for the sake of ignorance. Thank you.

Sincerely,

John Roth
685 Madison Ln
Florissant, MO 63031

Please include my email on the next city council meeting agenda. I'd like a reply verifying that my email has been received and will be included on the agenda. Thank you

Karen Goodwin

From: Donna <dslem3@yahoo.com>
Sent: Tuesday, December 13, 2016 11:31 PM
To: Karen Goodwin
Subject: REPEAL BSL

Dear Members of the City Council,
I'd like to make known that I would like the Pit Bull Ban repealed.
Please include my email to the council meeting agenda.

Thank you.
Donna Slemmer
2612 Poe Ave
St. Louis, Mo
63114

Sent from my iPhone

Sent from my iPhone

Karen Goodwin

From: Carl Hughes <chughes_1967@yahoo.com>
Sent: Tuesday, December 13, 2016 11:29 PM
To: Karen Goodwin
Subject: Repeal BSL

Dear Members of the City Council,

I'd like to make known that I would like the Pit Bull Ban repealed. Stop using my tax money to euthanize your dogs.

Please include my email to the council meeting agenda.

Thank you,
Carl Hughes
2615 Roseland Terrace
St. Louis, Mo 63143
314-366-2848

Karen Goodwin

From: Sandra L. <sandralink42@gmail.com>
Sent: Tuesday, December 13, 2016 5:15 PM
To: Karen Goodwin
Subject: To the city council as a whole.

I am writing to you once again, to state to you that as a current constituent and resident of Florissant, I wish to see the breed specific legislation particularly that specific to Pitbulls, repealed. The aggressive dog legislation on the books will be more than sufficient when appropriately implemented. I do NOT support this. Stop wasting our city and county's resources on this unsuccessful and illegal ban. Do include my email regarding the ban on the next city council agenda.

Sandra L. 685 Madison Ln. Florissant Mo. 63031

Karen Goodwin

From: quirkyflowerchild87 <quirkyflowerchild87@yahoo.com>
Sent: Tuesday, December 13, 2016 1:08 PM
To: Karen Goodwin
Subject: City council as a whole-BSL

To the city council as a whole:

I am writing you because I am asking that the pitbull ban in florissant be repealed. The County only had information starting from November 2011 and forward. From November 2011 to August of this year, the total number of pit bull and pit bull type dogs transferred to St. Louis County from Florissant was 201 dogs. Of those 201, 164 dogs were euthanized. The cost to St. Louis County taxpayers to euthanize these 164 dogs was \$6978.20. In less than 5 years, Florissant is responsible for the killing of 164 family members because of the breed ban and it cost myself along with every other St. Louis County taxpayer close to \$7000.00 to kill them. Innocent dogs were murdered because of the lack of knowledge. Please, stop this from continuing to happen. You are loosing out on potential active and helpful citizens moving to your city/community because of the ban. Please include my email on the next city council meeting agenda. I also am requesting a reply letting me know that my email has been received and will be included on the agenda. Thank you for your time.

Lori Thurman
408 harvest hill ct
Ballwin, mo 63021

Sent from my Sprint Samsung Galaxy S7.

Karen Goodwin

From: Michelle Yancy <stlpitbullmom@hotmail.com>
Sent: Tuesday, December 13, 2016 1:15 PM
To: Karen Goodwin
Cc: Michelle Yancy
Subject: To the City Council and Mayor of the City of Florissant

I, Michelle Yancy, would like for you to repeal the ban on Pit Bulls in your city. It is a waste of tax payer money for all Florissant and St Louis County residents.

Please include my email on the next city council meeting agenda.

I would appreciate a reply verifying that my email had been received and will be included on the agenda.

Thank you for your time

Michelle Yancy
9015 Tudor Ave
St Louis County, Mo
63114

Outlook for Android

Karen Goodwin

From: cheryl genail <cgenail@hotmail.com>
Sent: Wednesday, December 14, 2016 3:09 PM
To: Karen Goodwin
Subject: To the city council as a whole

I am a Florissant resident and I am requesting repeal of the breed specific ban! The ban is wrong and unfair.

The FBA has provided several ideas to incorporate if the ban is lifted and ways to protect the residents of Florissant from the "aggressive dogs" instead of a specific breed. Banning specific breeds has not made a difference, only upsetting pet owners and turning them away from the city of Florissant. Any breed, if not cared for properly, trained and loved by their family, could be aggressive. Not just a specific breed. Just like one bad council member does not mean all council members are bad. Each one deserves a chance!

Please include my email on the next city council meeting agenda. I'd like a reply verifying that my email has been received and it will be included on the next agenda.

Thank you,

Cheryl Genail
2000 Thrush Dr.
Florissant, MO 63033

Karen Goodwin

From: Amber V <anvaradin@yahoo.com>
Sent: Wednesday, December 14, 2016 6:22 PM
To: Karen Goodwin
Subject: Pit bull ban

To the city council as whole ,
Please include me email on the next city council meeting agenda . I would like a reply verifying email has been received and will be used .

Please repeal of the pit bull ban !

Thank you
Amber Varadin
1480 Estes dr Florissant , MO 63032

Sent from my iPhone

Karen Goodwin

From: Connie Nolan <cnolanloveslife@gmail.com>
Sent: Sunday, December 18, 2016 7:48 AM
To: Karen Goodwin
Subject: BSL

To the entire Florissant City Council,

I am writing today to ask the city, once again, to repeal the breed ban in Florissant.

Moreover, if I may, Ms. Goodwin, will you please include this email in the "Communications" portion on the agenda.

Thank you for your time.

Sincerely,

Connie Nolan
170 Ruth Drive
Florissant, MO. 63031
Ward 2--Tim Jones

Karen Goodwin

From: Mandi Merlenbach <mandi.merlenbach@gmail.com>
Sent: Friday, December 23, 2016 5:58 PM
To: Karen Goodwin
Subject: BSL

To the city council as a whole.

I would like the pitbull ban repealed.

Sincerely, Mandi Sullivan

685 Madison LN Florissant Mo 63031

Please include my email on the next city council meeting agenda. I'd like a reply verifying that my email has been received and will be included on the agenda. Thank you

Karen Goodwin

From: Carl Hughes <chughes_1967@yahoo.com>
Sent: Friday, December 23, 2016 9:13 AM
To: Karen Goodwin
Subject: Stop BSL please!

From: Carl Hughes <chughes_1967@yahoo.com>;
To: <kgoodwin@florissantmo.com>;
Subject: Repeal BSL
Sent: Wed, Dec 14, 2016 5:29:24 AM

Dear Members of the City Council,
I'd like to make known that I would like the Pit Bull Ban repealed. Stop using my tax money to euthanize your dogs.
Please include my email to the council meeting agenda.

Thank you,
Carl Hughes
2615 Roseland Terrace
St. Louis, Mo 63143
314-366-2848

Karen Goodwin

From: Donna <dslem3@yahoo.com>
Sent: Friday, December 23, 2016 9:08 AM
To: Karen Goodwin
Subject: Request for REPEAL of BSL

Dear Members of the City Council,

I'd like to make known that I would like the Pit Bull Ban repealed.
Please include my email to the council meeting agenda.

Thank you.
Donna Slemmer
2612 Poe Ave
St. Louis, Mo
63114

Sent from my iPhone

Sent from my iPhone

Karen Goodwin

From: donna@slemspetcare.com
Sent: Friday, December 23, 2016 9:07 AM
To: Karen Goodwin
Subject: Repeal BSL

Dear Florissant City Council,

We at Slem's Pet Care respectfully ask that your city repeal BSL in your city. We have over 100 clients in your city that also ask that the ban is repealed. We would like to service more of your residents. Our tax dollars are being spent on a wasteful and inhumane action because of this ban in your city.

Please add our email to your meeting agenda.

Respectfully,
The Staff of Slem's Pet Care Service
2612 Poe Ave St. Louis, Mo. 63114
Michelle Stokes 63114
Brandy Henderson 63135
Cindy Basham 63114
Donna Slemmer 63114
Lisa Andris 63135
Miriam Atlee 63114
Cindy Fischer 63109
Kelly Georges 63109



CITY OF FLORISSANT

PUBLIC HEARING NOTICE

A Public Hearing will be held by the Florissant City Council in the Council Chambers, 955 rue St. Francois, Florissant, MO., on Tuesday, September 27, 2016 at 7:30 p.m. on the following proposition, to-wit:

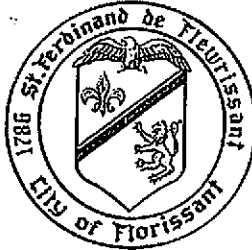
To rezone for Lyons Properties, LLC d/b/a Dunkin Donuts for the property located at 8115 N. Lindbergh from B-3, Extensive Commercial District to B-5, Planned Commercial District to allow for the construction of a new building.

Citizens will have an opportunity to be heard. Anyone with special needs should contact the City Clerk at least 5 days before said public hearing by calling 839-7630 or TDD 839-5142.

CITY OF FLORISSANT, Karen Goodwin, City Clerk MMC.

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MEMORANDUM



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CITY OF FLORISSANT- BUILDING DEPARTMENT

"Preserve and improve the health, safety, and welfare of our residents, businesses and the general public in the City of Florissant; while at the same time maintaining property values and improving the quality of life in the City of Florissant."

To: Planning and Zoning Commissioners Date: July 27, 2016 rev. 8/31/16

From: Philip E. Lum, AIA-Building Commissioner c: Louis B. Jearls, Jr. - P.E.,
PWL Director Public Works
Deputy City Clerk
Applicant
File

Subject: Request Recommended Approval of a Rezoning to a 'B-5' at 8115 N.
Lindbergh, Dunkin Donuts, in an existing 'B-3' Zoning District.

STAFF REPORT
CASE NUMBER PZ-080116-2

I. PROJECT DESCRIPTION:

The request before the commission is to rezone the property located at 8115 N. Lindbergh from the 'B-3' Extensive Business District to a 'B-5' Planned Commercial District to allow for the development of a sit-down, carryout restaurant with drive-up service. The property is approximately 0.47 acres. The proposed building will be 2,000 square feet.

BUILDING DESIGN:

The exterior of the building is proposed to be constructed of brick, cement siding and EIFS.

PARKING, DRIVEWAYS AND STACKING:

There are 14 parking spaces proposed, 9 feet wide by 19 feet long. Parking spaces will be provided primarily on the north side of the property. There is a dual drive proposed around the West and South sides of the building. One is a drive- up order lane and the other is a bypass lane. The drive up area shown contains 1 vehicle at the window and 6 vehicles stacked per code. There is a curb cut onto the highway and one right-out curb cut shown with shared access. Connection has been cut off between this property and the adjacent gas station as shown. The curb cut on the property is shown about 35 feet wide.

WALKWAYS:

There are no new proposed, however, front walkway in accord with the Lindbergh Improvement Program is existing and is shown to remain.

LANDSCAPING:

The Lindbergh Improvement Program plantings shown **outside the property lines**, There are landscaped areas at the corners of the main parking area. There are 100 shrubs shown. The perimeter of the building appears to contain a planting bed on the south and west sides of the building with no shrubs. Since the building is about 65x35, the required number of shrubs for building planting is about 40, also 3 frontage trees are required and 0 landscaped islands. **Sheet 1 of 1 shows 12 ornamental trees.** Therefore the proposed plan ~~exceeds is short of the requirements, for landscape without counting the Lindbergh Improvement Program area, again shown on the property with an additional 24 burning bush and 2 frontage trees. With the frontage plantings, the plan will comply.~~

STORMWATER AND SANITARY SEWER:

The proposed storm water management is now shown as inlets on the Sheet 1 of 1.

SITE LIGHTING:

As indicated on Sheet SP-2.0, There are 5 light poles provided on the site. The Photometric drawing indicates the light level range on site.

SIGNAGE:

23

The proposal includes a new post sign **17 feet from the property line, 33.6 feet from the curb.** Two directional signs are shown at 4'-10" high, **not near the property line (one has been omitted).** There will also be a menu board for the drive up order lane. There will also be wall signs at 10 feet tall x 8.5 feet wide = 85 s.f. x 0.67 = 57 s.f.

II. EXISTING SITE CONDITIONS:

The property is currently a vacant building to be removed and parking area which also must undergo demolition. The applicant has reviewed the project with MoDOT.

85
86 **III. SURROUNDING PROPERTIES:**
87

88 The property to the west 855 Southwell and three properties to the south, 860, 870 and
89 890 Loyola are zoned 'R-4' a single family residential. The property to the NE is 8123
90 N. Lindbergh, in a 'B-3' Zoning District.
91

92
93 **IV. STAFF ANALYSIS:**
94

95 The building is not in compliance with the masonry ordinance. Instead, the petitioner
96 proposes consideration of specific areas of cement siding that does have long lifespan and
97 EIFS. It is shown on the plans that a trash enclosure is proposed no material is called out.
98 The height of the building is a maximum of twenty one feet three inches in height.
99

100 The parking calculations are shown on 1 of 1, compliant with ordinance #8044 adopted
101 5/27/14 as well as the parking lot landscaping, which states:

102 1 space for every 2 seats plus 2 spaces for every 3 employees on the maximum shift and
103 5 stacking plus 1 at order station

104 ~~Therefore, the drive-through complies, however, parking calculations would need to~~
105 ~~indicate the number of seating.~~
106

107 The site plan indicates a cross access easement with the car lot at the right out entrance of
108 the gas station
109

110 Because this is a 'B-5' adjacent to residential districts, the zoning code requires
111 screening. There will be a need to screen this property from the adjacent residentially
112 zoned property to the south and west. A 6' vinyl fence is shown along these property
113 lines. ~~The zoning code will require a heavy duty vinyl privacy fence.~~
114

115 Because this property is not over one acre, an irrigation system is not required per section
116 405-250 of the zoning code.
117

118 The proposal includes locating one directional sign to within ten feet of the North
119 Lindbergh property line.
120

121 **VI. STAFF RECOMENDATIONS:**
122

- 123 1. Subject to Council Approval, that all exterior walls be constructed of masonry per
124 section 500.040 of the City Code or that P&Z endorse exterior materials with a
125 service life of 50 years minimum and consider a change in this section of Zoning
126 Code.

127 *SEPT 6 2016*

128 **July 27, 2016 Suggested Motion:**
129

130 I move to recommend approval to rezone 8115 N. Lindbergh, Dunkin Donuts
131 from 'B-3' to a 'B-5' Planned Commercial District to allow a sit-down, carryout

and drive-thru restaurant subject to the conditions set forth below with these conditions being part of the record:

- ~~2. All exterior walls be constructed of masonry per section 500.040 of the City Code.~~
~~3. Parking shall be based upon 'x' employees and 'x' customer seating.~~

~~② 23' OFF PROP LINE SIGN~~

1. PERMITTED USES

The use permitted in this 'B-5' Planned Commercial District shall be limited to a sit down, carry out and drive-thru restaurant.

2. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS

The building space shall be limited to a single story 2,000 square foot building with uses permitted within the B-3 "Extensive Business District" without a Special Permit.

3. PERFORMANCE STANDARDS

In addition to all other requirements, uses within the "B-5" Planned Commercial District shall conform to the most restrictive performance standards as follows:

1. Vibration. Every use shall be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the lot line of the lot on which the use is located.
2. Odor. Every use shall be so operated that no offensive or objectionable odor is perceptible at any point on the lot line on which the use is located.
3. Smoke. Every use shall be so operated that no smoke from any source shall be emitted of a greater density than the density described as No. 1 on the Ringelmann Chart as published by the United States Bureau of Mines.
4. Toxic gases. Every use shall be so operated that there is no emission of toxic, noxious or corrosive fumes or gases.
5. Emission of dirt, dust, fly ash and other forms of particulate matter. Emission of dirt, dust, fly ash and other forms of particulate matter shall not exceed eighty-five one-hundredths (0.85) pounds per one thousand (1,000) pounds of gases of which amount not to exceed five-tenths (0.5) pound per one thousand (1,000) pounds of gases shall be of such size as to be retained on a 325-mesh U.S. standard sieve. In the case of emission of fly ash or dust from a stationary furnace or a combustion device, these standards shall apply to a condition of fifty percent (50%) excess air in the stack at full load, which standards shall be varied in proportion to the deviation of the percentage of excess air from fifty percent (50%).
6. Radiation. Every use shall be so operated that there is no dangerous amount of radioactive emissions.

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7. Glare and heat. Any operation producing intense glare or heat shall be performed in an enclosure in such a manner as to be imperceptible along any lot line.
 8. Screening.
 - a. All mechanical equipment, air-handling units, cooling towers, condensers, etc., on roof or grade shall be screened architecturally in such a manner as to be a part of the design of the building.
 - b. Incinerators and stacks shall be enclosed in the same material as the main exterior building material.

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4. TRASH ENCLOSURES

Trash container shall be kept within a **metal gated** sight-proof fenced area.

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5. PLAN SUBMITTAL REQUIREMENTS

A final site development plan shall be submitted to the Building Commissioner to review for compliance to this ordinance and other city ordinances prior to issuance of land disturbance permits or building permits. Final Development Plan shall include improvements as shown on Drawings SP-1.0, SP-2.0 & A-5.0 by **Reinhardt & Associates, Architects** all dated 11/13/15 general revisions, and Sheet 1 of 2 and 2 of 2 dated 8/30/16 by Pickett, Ray & Silver, Inc.

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3. SITE DEVELOPMENT PLAN CRITERIA:

a. Height, Area And Bulk Restrictions:

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1. Height, Area And Bulk Regulations. The height, area and bulk regulations for uses in the "B-3" Extensive Commercial District
 - ② 2. There shall be a zero feet setback line abutting the adjacent commercial property to the northeast.

b. Internal Drives:

- (1) There shall be parking to be indicated on the Final Development Plan.

c. Minimum Parking/Loading Space Requirements.

- (1) There shall be a minimum of 15 parking spaces provided on the property.

d. Road Improvements, Access and Sidewalks

Final Development shall include Lindbergh Improvement Plan enhancements along the frontage.

225 e. Lighting Requirements.

226
227 Lighting of the property shall comply with the following standards and
228 requirements:

229
230 (1) The light level for parking lot lighting shall be 0.5 fc minimum as
231 indicated on SP-2.0 attached.

232
233 (2) All site lighting and exterior building lighting shall be directed down
234 and inward.

235
236 f. Sign Requirements.

237
238 → (1) There shall be one post sign, wall signs as shown on A-5.0 and two
239 *AS HERE IN AMENDMENTS AND*
240 **directional signs as shown located on the SP-1.0 Plan attached.**

241
242 (2) All other signage shall comply with the City of Florissant sign
243 ordinance for commercial districts.

244
245 g. Landscaping and Fencing.

246
247 (1) Landscaping indicated on the Final Development Plan shall be as
248 shown on the attached sheet 1 of 1.

249 (2) Any modifications to the landscaping shall be reviewed and approved
250 by the Planning and Zoning Commission.

251
252 h. Storm Water.

253
254 Storm Water and drainage facilities shall comply with the following
255 standards and requirements:

256
257 (1) The Director of Public Works shall review the storm water plans to
258 assure that storm water flow will have no adverse affect the
259 neighboring properties.

260
261 (2) No building permits shall be issued until the storm water plan has been
262 approved by the St. Louis Metropolitan Sewer District.

263
264 i. Miscellaneous Design Criteria.

265
266 (1) All applicable parking, circulation, sidewalks, and all other site design
267 features shall comply with the Florissant City Code.

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269 (2) All dumpsters and grease containers shall be contained within a trash
270 enclosure with gates, compatible with existing building.

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- (3) All storm water and drainage facilities shall be constructed, and all landscaping shall be installed, prior to occupancy of the building, unless remitted by the Director of Public Works due to weather related factors.
 - (4) All mechanical equipment, electrical equipment, and communication equipment shall be screened in accordance with the Florissant Zoning Code.
 - (5) The exterior design of the buildings shall be constructed in accordance with the renderings as approved by the Florissant Planning and Zoning Commission and attached hereto.
 - (6) All other requirements of the Florissant Municipal Code and other ordinances of the city shall be complied with unless otherwise allowed by this ordinance.

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7. FINAL SITE DEVELOPMENT PLAN

A final site development plan shall be submitted to the Building Commissioner to review for compliance with the applicable "B-5" Planned Commercial Development ordinance prior to recording. Any variations from the ordinance approved by the City Council and/or the conceptual plans attached to such ordinance shall be processed in accordance with the procedure established in the Florissant Zoning Code.

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8. AMENDMENTS TO THE SITE AND EXTERIOR BUILDING PLANS:

Any changes to the approved plans attached hereto must be reviewed by the Building Commissioner. The Building Commissioner must make a determination as to the extent of the changes per the following procedure:

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1. The property owner or designate representative shall submit in writing a request for an amendment to the approved plans. The building commissioner shall review the plans for consistency with the purpose and content of the proposal as originally or previously advertised for public hearing and shall make an advisory determination.
 2. If the building commissioner determines that the requested amendment is not consistent in purpose and content with the nature of the purpose as originally proposed or previously advertised for the public hearing, then an amendment to the special use permit shall be required and a review and recommendation by the planning and zoning commission shall be required and a new public hearing shall be required before the City Council.
 3. If the building commissioner determines that the proposed revisions are consistent with the purpose and content with the nature of the public

317 hearing then a determination of non-necessity of a public hearing shall be
318 made.

319 4. Determination of minor changes: If the building commissioner determines
320 that an amendment to the special use permit is not required and that the
321 changes to the plans are minor in nature the Building Commissioner may
322 approve said changes.

323 5. Determination of major changes: If the Building Commissioner
324 determines that an amendment to the B-5 is not required but the changes
325 are major in nature, then the owner shall submit an application for review
326 and approval by the Planning and Zoning commission.
327

328 **9. VERIFICATION PRIOR TO OCCUPANCY PERMIT**

329 a. Any new roadway improvements shall be completed prior to the issuance
330 of any final occupancy permit.
331

332 b. Any new stormwater detention shall be completed prior to the issuance of
333 any occupancy permit.
334

335 c. All fencing and/or landscaping intended as screening properties shall be
336 completed prior to the issuance of any occupancy permit, unless remitted
337 by the Director of Public Works due to weather related factors.
338

339 **10. GENERAL DEVELOPMENT CONDITIONS.**

340 a. Unless, and except to the extent, otherwise specifically provided herein,
341 development shall be effected only in accordance with all ordinances of
342 the City of Florissant.
343

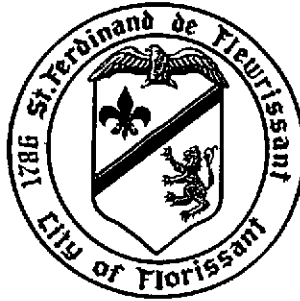
344 b. The Department of Public Works shall enforce the conditions of this
345 ordinance in accordance with the Final Site Development Plan approved
346 by the Planning & Zoning Commission and all other ordinances of the
347 City of Florissant.
348

349 **9. PROJECT COMPLETION.**

350 Construction shall start within 90 days of the issuance of building permits for
351 the project and shall be developed in accordance of the approved final
352 development plan within 12 months of start of construction.
353

354
355 (End of report and suggested motion 8/31/16)
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FLORISSANT PLANNING & ZONING COMMISSION APPLICATION



City Of Florissant – Public Works
314-839-7648

Application is hereby made to the Building Commissioner of the Department of Public works Office at the City of Florissant, Missouri, to appear before the Planning & Zoning Commission

Please Print or Type The Following Information

Property Address: 8115 N Lindbergh Blvd., Florissant, MO 63031

Property Owners Name: Lampe, LP Phone #: _____

Property Owners Address: 30 Westwood Country Club - St. Louis MO 63131

Business Owners Name: _____ Phone #: _____

Business Owners Address: _____

DBA (Doing Business As) Dunkin Donuts

Authorized Agents Name: Tim Kaufmann CO. Name: Lycors Group
(Authorized Agent to Appear Before The Commission)

7/28/16 New Address #4 Willow Hill Rd, St. Louis MO 63124
Agents Address: 8 Rio Vista St St. Louis MO 63124 Phone #: 314-280-2540

Request Change of zoning to B5. From B-3 to allow new building.

State complete request (print or type only).

IF A TRAFFIC STUDY IS REQUIRED FOR CERTAIN DEVELOPMENTS AND USES THE COST OF THE TRAFFIC STUDY SHALL BE PAID BY THE APPLICANT. PLEASE SUBMIT FOLDED PLANS

Applicant's Signature _____

Date

7-18-16

Received by: BD

Receipt #

593165

Amount Paid:

125

Date:

7/18/16

STAFF REMARKS: _____

DATE APPLICATION REVIEWED: _____

COMMISSION ACTION TAKEN:

SIGNATURE OF STAFF WHO REVIEWED APPLICATION

RECOMMENDED APPROVAL
PLANNING & ZONING
CHAIRMAN

SIGN. Paul Ste...

DATE: 9/6/2016

7-12-2016

Lampe, LP
30 Westwood Country Club
Saint Louis, MO 63131

Subject: Rezoning of 8115 N. Lindbergh Blvd.

Tim:

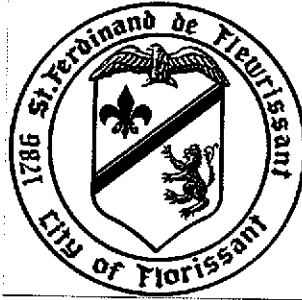
Pursuant to your request Lampe, LP hereby gives permission for Tim Kaufmann dba Lyons Properties, LLC to act as Owner's agent in rezoning of the parcels known as 8115 and 8115A N. Lindbergh Blvd. Florissant, MO 63031.

Sincerely,

A handwritten signature in black ink that reads "Jack Lampert". The signature is written in a cursive, flowing style.

Jack Lampert
Principal
Lampe, LP

APPLICATION TO THE CITY OF FLORISSANT PLANNING AND ZONING
COMMISSION TO ESTABLISH A B-5 PLANNED COMMERCIAL DISTRICT



PLANNING & ZONING ACTION:

Address of Property:

8115 N. Lindbergh Blvd.

RECOMMENDED APPROVAL
PLANNING & ZONING
CHAIRMAN

Council Ward 3 Zoning B3

SIGN.

DATE: 9/6/2016

Initial Date Petitioner Filed _____
Building Commissioner to complete
ward, zoning & date filed

PETITION FOR A B-5 RE-ZONING:

1) Comes Now Lyons Properties, LLC
(Individual's name, corporation, partnership, etc.)
Enter name of petitioner. If a corporation, state as such. If applicable include DBA (Doing Business As).

and states to the Planning and Zoning Commission that he (she) (they) has (have) the following legal interest in the tract of land located in the City of Florissant, State of Missouri, described on page 3 of this petition.

Legal interest in the Property owner under contract
State legal interest in the property. (i.e., owner of property, lease); also submit copy of deed or lease or letter of authorization from owner to seek a special use.

- A. The petitioner (s) hereby states that he (she) (they) is (are) submitting a description of the property for which the Permit is petitioned by giving bearings & distances (metes and bounds). Not required if description is identical to "B".
- B. The petitioner (s) hereby states that he (she) (they) is (are) submitting a survey or plat of the property drawn to a scale of 100 feet or less to the inch, referenced to a point easily located on the ground as street intersection, centerline of creek having a generally known name, etc., showing dimensions, bearings and distances of the property, north arrow and scale.
- C. Acreage to nearest tenth of an acre of the property for which rezoning is petitioned 0.47 Acres
2. The petitioner(s) hereby further state(s) that the property herein described in this petition is presently zoned in a B3 District and is presently being used for: Car stereo sales and installation.

State current use of property, (or, state: vacant).

3. The petitioner(s) hereby state(s) the following purpose to justify the re-zoning to a B-5:
To allow construction of Dunkin Donuts restaurant.

List purpose for this request.

4. The petitioner(s) further states(s) that they (he) (she) can comply with all of the requirements of the City of Florissant, including setback lines and off-street parking.
5. The petitioner(s) further state(s) that they (he) (she) further represent(s) and warrants that they (he) (she) has (have) not made any arrangement to pay any commission, gratuity or consideration, directly or indirectly, to any official employee or appointee of the City of Florissant, with respect to this application.

PRINT PETITIONER'S NAME

Tim Kaufmann
Print Name

PETITIONER(S) SIGNATURE (S)

FOR

Lyons Properties
(company, corporation, partnership)

Print and sign application. If applicant is a corporation or partnership signature must be a CORPORATE OFFICER or LLC Managing PARTNER. NOTE: Corporate officer is an individual named in corporate papers.

6. I (we) hereby certify that (indicate one of the following):
- ☐ I (we) have a legal interest in the herein above described property.
- ☒ I am (we are) the duly appointed agent(s) of the petitioner (s), and that all information given here is true and a statement of fact.

Petitioner may assign an agent to present petition to the Commission and Council. The agent must sign the petition in this section, and provide address and telephone number

SIGNATURE

ADDRESS

8 Rio Vista Dr.
STREET

Saint Louis
CITY

MO
STATE

63124
ZIP CODE

TELEPHONE NUMBER

314-280-2540
BUSINESS

I (we) the petitioner (s) do hereby appoint

Tim Kaufmann
Print name of agent.

as

my (our) duly authorized agent to represent me (us) in regard to this petition.

[Signature]
Signature of Petitioner(s) or Authorized Agent

NOTE: Be advised when the petitioner and/or his duly authorized agent appears before the Planning and Zoning Commission and make the presentation, the same individuals must also appear before the City Council for that presentation. Also if the descriptions of plats or surveys are incorrect, or if the petition form is not correctly and completely filled out it will be returned for corrections and may have to be re-submitted.

Please check the box for the appropriate type of operation then fill in applicable section (a), (b) or (c). Corporations are to submit copy of Missouri corporate papers with registration papers.

1) Type of Operation: Individual: ☐ Partnership: ☐ Corporation/LLC: ☒

(a) If an Individual:

(1) Name and Address _____

(2) Telephone Number _____

(3) Business Address _____

(4) Date started in business _____

(5) Name in which business is operated if different from (1) _____

(6) If operating under a fictitious name, provide the name and date registered with the State of Missouri, and a copy of the registration.

(b) If a Partnership:

(1) Names & addresses of all partners _____

(2) Telephone numbers _____

(3) Business address _____

(4) Name under which business is operated _____

(5) If operating under fictitious name, provide date the name was registered with the State of Missouri, and a copy of the registration.

(c) If a Corporation or LLC:

(1) Names & addresses of all partners Tim Kaufmann (8 Rio Vista Dr. 63124)

(2) Telephone numbers 314-280-2540

(3) Business address 8 Rio Vista Dr. St. Louis, MO 63124

(4) State of corporation & a photocopy of incorporation papers MO

(5) Date of corporation 10-21-14

(6) Missouri Corporate Number LC 001422693

(7) If operating under fictitious name, provide the name and date registered with the State of Missouri, and a copy of registration.

(8) Name in which business is operated _____

(9) If the property location is in a strip center, give dimensions of your space under square footage and do not give landscaping information.

Please fill in applicable information requested.

Name _____

Address _____

Property Owner _____

Location of property 8115 N Lindbergh Blvd., Florissant, MO 63031

Dimensions of property See Plan

Current Use of Property Car Stereo Sales and Installation

Proposed Use of Property Coffee and Donut Restaurant

Type of Sign _____ Height _____

Type of Construction Brick masonry & Concrete Brd. Number Of Stories One

Square Footage of Building 2,000 sf Number of Curb Cuts One

Number of Parking Spaces Fourteen Sidewalk Length _____

Landscaping: No. of Trees _____ Diameter _____

No. of Shrubs _____ Size _____

Fence: Type Vinyl or as Recommended Length 302.5 Feet Height 6 Feet

PLEASE SUBMIT NINE (9) FOLDED COPIES OF THE FOLLOWING:

1. Plan or drawing showing zoning of adjoining properties.
2. Plan or drawing showing location of property in relation to major streets and all adjoining properties.
3. Drawing showing measurement of tract and overall area of tract.
4. Plan or drawing showing proposed parking layout, landscaping, parking lighting, signage and trash enclosure.

1 INTRODUCED BY COUNCILMAN EAGAN
2 JANUARY 9, 2017
3

4 BILL NO. 9250

ORDINANCE NO.

5
6 **ORDINANCE TO REZONE FOR REGIONS BANK THE PROPERTY AT**
7 **100 N. HWY 67 TO RE-ESTABLISH THE EXISTING B-5 PLANNED**
8 **COMMERCIAL DISTRICT TO ALLOW FOR THE CONSTRUCTION OF**
9 **A BANK BRANCH WITH DRIVE-THRU FACILITY.**
10

11 WHEREAS, Ordinance No. 1625, as amended, establishes within the City of Florissant
12 district classifications for the purpose of regulating their construction and use of land, buildings
13 and property within the said various districts, and said Ordinance provides the nature, kind and
14 character of buildings that may be erected in each of the said districts and the use to which the
15 land and buildings may be put; and

16 WHEREAS, the Planning and Zoning Commission of the City of Florissant has
17 recommended to the City Council at their meeting of November 16, 2016 that Ordinance No.
18 1625 be amended to change the classification of the property at 100 N. Hwy 67 to allow for a
19 B-5 Planned Commercial District ; and

20 WHEREAS, due and lawful notice of a public hearing no. 16-12-035 on said proposed
21 zoning change was duly published, opened on December 12, 2016 at 7:30 P.M. by the Council
22 of the City of Florissant; and

23 WHEREAS, the Council, following said public hearing, and after due and careful
24 deliberation, has concluded that the amendment of Ordinance No. 1625, as amended, as
25 hereinafter set forth, to be in the best interest of the public health, safety and welfare of the City
26 of Florissant; and

27 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
28 FLORISSANT, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:
29

30 Section 1: Ordinance No. 1625, as amended, is hereby further amended by re-
31 establishing 100 N. Hwy 67 as a 'B-5' Planned Commercial District to allow for the construction
32 of a bank branch with drive-thru facility with the following stipulations:
33

34
35 **1. PERMITTED USES**

The use permitted in this 'B-5' Planned Commercial District shall be limited to a drive-thru bank.

2. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS

The building space shall be limited to a single story 2700 square foot building.

3. PERFORMANCE STANDARDS

In addition to all other requirements, uses within the "B-5" Planned Commercial District shall conform to the most restrictive performance standards as follows:

1. Vibration. Every use shall be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the lot line of the lot on which the use is located.
2. Odor. Every use shall be so operated that no offensive or objectionable odor is perceptible at any point on the lot line on which the use is located.
3. Smoke. Every use shall be so operated that no smoke from any source shall be emitted of a greater density than the density described as No. 1 on the Ringelmann Chart as published by the United States Bureau of Mines.
4. Toxic gases. Every use shall be so operated that there is no emission of toxic, noxious or corrosive fumes or gases.
5. Emission of dirt, dust, fly ash and other forms of particulate matter. Emission of dirt, dust, fly ash and other forms of particulate matter shall not exceed eighty-five one-hundredths (0.85) pounds per one thousand (1,000) pounds of gases of which amount not to exceed five-tenths (0.5) pound per one thousand (1,000) pounds of gases shall be of such size as to be retained on a 325-mesh U.S. standard sieve. In the case of emission of fly ash or dust from a stationary furnace or a combustion device, these standards shall apply to a condition of fifty percent (50%) excess air in the stack at full load, which standards shall be varied in proportion to the deviation of the percentage of excess air from fifty percent (50%).
6. Radiation. Every use shall be so operated that there is no dangerous amount of radioactive emissions.
7. Glare and heat. Any operation producing intense glare or heat shall be performed in an enclosure in such a manner as to be imperceptible along any lot line.
8. Screening.
 - a. All mechanical equipment, air-handling units, cooling towers, condensers, etc., on roof or grade shall be screened architecturally in such a manner as to be a part of the design of the building.
 - b. Incinerators and stacks shall be enclosed in the same material as the main exterior building material.

4. TRASH ENCLOSURES

None proposed or required. Cleaning crew removes trash periodically.

5. PLAN SUBMITTAL REQUIREMENTS

A final site development plan shall be submitted to the Building Commissioner to review for compliance to this ordinance and other city ordinances prior to issuance of land disturbance permits or building permits. Final Development Plan shall include improvements as shown on G-000, C-106, C-107, C-109, L-110, A-110, A-200, A-201, and E-011 (balance of sheets are all dated 10/20/16) and C-0 and C-1.

3. SITE DEVELOPMENT PLAN CRITERIA:

a. Height, Area And Bulk Restrictions:

1. Height, Area And Bulk Regulations. The height, area and bulk regulations for uses in the "B-3" Extensive Commercial District

b. Internal Drives:

(1) There shall be parking to be indicated on the Final Development Plan.

c. Minimum Parking/Loading Space Requirements.

(1) There shall be a maximum of 20 parking spaces provided on the property.

d. Road Improvements, Access and Sidewalks

Final Development shall include Lindbergh (Lin-Cor) Improvement Plan enhancements along the entire frontage.

e. Lighting Requirements.

Lighting of the property shall comply with the following standards and requirements:

(1) The light level for parking lot lighting shall be 0.5 fc minimum.

(2) All site lighting and exterior building lighting shall be directed down and inward.

f. Sign Requirements.

(1) There shall be one monument sign as shown located on C-107 dated 10/20/16 attached, with a 40 foot setback.

(2) There shall be wall signage as shown on the Elevations A-200 and A-201 dated 10/20/16 attached.

(3) All signage shall comply with the City of Florissant sign ordinance for commercial districts.

g. Landscaping and Fencing.

Any modifications to the landscaping shall be reviewed and approved by the Building Commissioner.

h. Storm Water.

Storm Water and drainage facilities shall comply with the following standards and requirements:

- (1) The Director of Public Works shall review the storm water plans to assure that storm water flow will have no adverse affect the neighboring properties.
- (2) No building permits shall be issued until the storm water plan has been approved by the St. Louis Metropolitan Sewer District.

i. Miscellaneous Design Criteria.

- (1) All applicable parking, circulation, sidewalks, and all other site design features shall comply with the Florissant City Code.
- (2) All dumpsters and grease containers shall be contained within a trash enclosure with gates, compatible with existing building.
- (3) All storm water and drainage facilities shall be constructed, and all landscaping shall be installed, prior to occupancy of the building, unless remitted by the Director of Public Works due to weather related factors.
- (4) All mechanical equipment, electrical equipment, and communication equipment shall be screened in accordance with the Florissant Zoning Code.
- (5) The exterior design of the buildings shall be constructed in accordance with the renderings as approved by the Florissant Planning and Zoning Commission and attached hereto.
- (6) All other requirements of the Florissant Municipal Code and other ordinances of the city shall be complied with unless otherwise allowed by this ordinance.

7. FINAL SITE DEVELOPMENT PLAN

A final site development plan shall be submitted to the Building Commissioner to review for compliance with the applicable "B-5" Planned Commercial Development ordinance prior to recording. Any variations from the ordinance approved by the City Council and/or the conceptual plans attached to such ordinance shall be processed in accordance with the procedure established in the Florissant Zoning Code.

8. AMENDMENTS TO THE SITE AND EXTERIOR BUILDING PLANS:

Any changes to the approved plans attached hereto must be reviewed by the Building Commissioner. The Building Commissioner must make a determination as to the extent of the changes per the following procedure:

1. The property owner or designate representative shall submit in writing a request for an amendment to the approved plans. The building commissioner shall review the plans for consistency with the purpose and content of the proposal as originally or previously advertised for public hearing and shall make an advisory determination.
2. If the building commissioner determines that the requested amendment is not consistent in purpose and content with the nature of the purpose as originally proposed or previously advertised for the public hearing, then an amendment to the special use permit shall be required and a review and recommendation by the planning and zoning commission shall be required and a new public hearing shall be required before the City Council.
3. If the building commissioner determines that the proposed revisions are consistent with the purpose and content with the nature of the public hearing then a determination of non-necessity of a public hearing shall be made.
4. Determination of minor changes: If the building commissioner determines that an amendment to the special use permit is not required and that the changes to the plans are minor in nature the Building Commissioner may approve said changes.
5. Determination of major changes: If the Building Commissioner determines that an amendment to the B-5 is not required but the changes are major in nature, then the owner shall submit an application for review and approval by the Planning and Zoning commission.

9. VERIFICATION PRIOR TO OCCUPANCY PERMIT

- a. Any new roadway improvements shall be completed prior to the issuance of any final occupancy permit.
- b. Any new stormwater detention shall be completed prior to the issuance of any occupancy permit.
- c. All fencing and/or landscaping intended as screening properties shall be completed prior to the issuance of any occupancy permit, unless remitted by the Director of Public Works due to weather related factors.

10. GENERAL DEVELOPMENT CONDITIONS.

- a. Unless, and except to the extent, otherwise specifically provided herein, development shall be effected only in accordance with all ordinances of the City of Florissant.

b. The Department of Public Works shall enforce the conditions of this ordinance in accordance with the Final Site Development Plan approved by the Planning & Zoning Commission and all other ordinances of the City of Florissant.

9. PROJECT COMPLETION.

Construction shall start within 90 days of the issuance of building permits for the project and shall be developed in accordance of the approved final development plan within 12 months of start of construction.

Section 2: The application and preliminary plans are returned to the Building Commissioner for consideration of a Final Site Development Plan, pursuant to Title IV of the Florissant Zoning Ordinance.

Section 3: Failure to develop the said Planned Commercial District in accordance with the above-described procedures and restrictions shall be cause for revision of the zoning of said property back to the previous zoning classification, in accordance with Title IV of the Florissant Zoning Ordinance.

Section 4: This ordinance shall become in full force and effect immediately upon its passage and approval.

Adopted this ____ day of _____, 2017.

Jackie Pagano
President of the Council
City of Florissant

Approved this ____ day of _____, 2017.

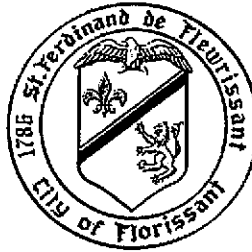
Thomas P. Schneider
Mayor, City of Florissant

ATTEST:

Karen Goodwin, MMC/MRCC
City Clerk

1

MEMORANDUM



2

3

4

5

6

CITY OF FLORISSANT

"Preserve and improve the health, safety, and welfare of our residents, businesses and the general public in the City of Florissant; while at the same time maintaining property values and improving the quality of life in the City of Florissant."

7 To: Planning and Zoning Commissioners Date: November 16, 2016

8

9 From: Philip E. Lum, AIA-Building Commissioner cc: Louis B. Jearls, Jr.- P.E., PWLF

10 Director of Public Works

11 Applicant

12 File

13

14 Subject: **100 N Highway 67 (Regions Bank)- Request recommended approval for**

15 **a 'B-5' to allow for a new drive-through Bank at 100 N Highway 67.**

16

17

18 **STAFF REPORT**

19 **CASE NUMBER PZ-112116-1**

20

21 **I. PROJECT DESCRIPTION:**

22

23 This is a request for recommended approval for a 'B-5' to allow for a new drive-through

24 **Regions Bank at 100 N Highway 67.**

25

26

27 **II. EXISTING SITE CONDITIONS:**

28

29 The existing property at 100 N Highway 67 has been vacant land following demolition

30 of a pre-owned auto sales establishment for approximately 6 years. The site is owned by

31 Regions Bank. The site is cleared. The Special Use no longer in use to allow used auto

32 sales and the 'B-5' re-zoning was never abandoned, therefore the property is currently

33 zoned 'B-5'.

34

35

36 **III. SURROUNDING PROPERTIES:**

37

38 The property to the North is Dierberg's in a B-5 District, the properties to the West are in

39 an 'R-5' District. The West and South are bounded by Highway 67 and Bruce Drive.

40

41 **IV. STAFF ANALYSIS:**

42
43 The application is accompanied by professional plans G-000, Alta Survey 01 dated rev.
44 3/24/16, C-106, C-107, C-109, L-110, A-110, A-200, A-201 and E-011 (balance of
45 sheets are all dated 10/20/16).

46
47
48 1. Building proposed is 2700 s.f. with covered drive-through canopy. The building
49 meets setback of 40 feet and height requirements at 15-3 ½" tall.

50
51 2. Signage. There are no signs proposed in this package.

52
53 3. Parking: The parking requirements for Financial institutions within the "B-5" District
54 are 3.6/1000 s.f. is exceeded by the number shown, total of 10 parking are required and a
55 total of 20 stalls are shown which includes 2 accessible parking. Employee parking is not
56 specifically designated. There is no parking lighting shown on drawings nor
57 photometrics.

58
59 4. Landscape: The landscape proposed will far exceed the landscape ordinance.
60 Irrigation system will be required as noted in the general notes on the plan. Additionally,
61 the Lin-Cor Improvement plans will be required for this site.

62
63 5. Fence: The petitioner shows an existing 6 foot tall, vinyl box fence along the east
64 property line.

65
66 6. Exterior materials consist of ACM (aluminum composite panels), brick and EIFS trim.

67
68 **VI. STAFF RECOMMENDATIONS:**

- 69
70
71 1. Staff conversed with the petitioner to obtain items which were adjusted and
72 additional submissions were made.
73 2. Petitioner will need to include Lin-Cor improvements in the r.o.w. and site
74 sections.
75 3. New site lighting plan is required for lighting levels and cutoffs for residential
76 property.

77
78
79 **Suggested Motion**

80 I move to recommended approval for a 'B-5' to allow for a new drive-through
81 **Regions Bank** at 100 N Highway 67, subject to the conditions set forth below
82 with these conditions being part of the record:

- 83
84 1. The landscaping along the North Highway 67 property line shall be revised to
85 conform to the Lin-Cor Enhancement Project.

86
87 **1. PERMITTED USES**

88 The use permitted in this 'B-5' Planned Commercial District shall be limited
89 to a drive-thru bank.
90

91 **2. FLOOR AREA, HEIGHT AND BUILDING REQUIREMENTS**

92 The building space shall be limited to a single story 2700 square foot building.
93

94 **3. PERFORMANCE STANDARDS**

95 In addition to all other requirements, uses within the "B-5" Planned
96 Commercial District shall conform to the most restrictive performance
97 standards as follows:

- 98 1. Vibration. Every use shall be so operated that the maximum
99 ground vibration generated is not perceptible without instruments
100 at any point on the lot line of the lot on which the use is located.
- 101 2. Odor. Every use shall be so operated that no offensive or
102 objectionable odor is perceptible at any point on the lot line on
103 which the use is located.
- 104 3. Smoke. Every use shall be so operated that no smoke from any
105 source shall be emitted of a greater density than the density
106 described as No. 1 on the Ringelmann Chart as published by the
107 United States Bureau of Mines.
- 108 4. Toxic gases. Every use shall be so operated that there is no
109 emission of toxic, noxious or corrosive fumes or gases.
- 110 5. Emission of dirt, dust, fly ash and other forms of particulate matter.
111 Emission of dirt, dust, fly ash and other forms of particulate matter
112 shall not exceed eighty-five one-hundredths (0.85) pounds per one
113 thousand (1,000) pounds of gases of which amount not to exceed
114 five-tenths (0.5) pound per one thousand (1,000) pounds of gases
115 shall be of such size as to be retained on a 325-mesh U.S. standard
116 sieve. In the case of emission of fly ash or dust from a stationary
117 furnace or a combustion device, these standards shall apply to a
118 condition of fifty percent (50%) excess air in the stack at full load,
119 which standards shall be varied in proportion to the deviation of
120 the percentage of excess air from fifty percent (50%).
- 121 6. Radiation. Every use shall be so operated that there is no
122 dangerous amount of radioactive emissions.
- 123 7. Glare and heat. Any operation producing intense glare or heat
124 shall be performed in an enclosure in such a manner as to be
125 imperceptible along any lot line.
- 126 8. Screening.
127 a. All mechanical equipment, air-handling units, cooling towers,
128 condensers, etc., on roof or grade shall be screened architecturally
129 in such a manner as to be a part of the design of the building.
130 b. Incinerators and stacks shall be enclosed in the same material as
131 the main exterior building material.

132
133 **4. TRASH ENCLOSURES**

None proposed or required. Cleaning crew removes trash periodically.

5. PLAN SUBMITTAL REQUIREMENTS

A final site development plan shall be submitted to the Building Commissioner to review for compliance to this ordinance and other city ordinances prior to issuance of land disturbance permits or building permits. Final Development Plan shall include improvements as shown on G-000, C-106, C-107, C-109, L-110, A-110, A-200, A-201, and E-011 (balance of sheets are all dated 10/20/16). *Aug. C-0 & C-1*

6. SITE DEVELOPMENT PLAN CRITERIA:

a. Height, Area And Bulk Restrictions:

1. Height, Area And Bulk Regulations. The height, area and bulk regulations for uses in the "B-3" Extensive Commercial District

b. Internal Drives:

(1) There shall be parking to be indicated on the Final Development Plan.

c. Minimum Parking/Loading Space Requirements.

(1) There shall be a ~~minimum~~ ^{maximum} of 20 parking spaces provided on the property.

d. Road Improvements, Access and Sidewalks

Final Development shall include Lindbergh (Lin-Cor) Improvement Plan enhancements along the entire frontage.

e. Lighting Requirements.

Lighting of the property shall comply with the following standards and requirements:

(1) The light level for parking lot lighting shall be 0.5 fc minimum.

(2) All site lighting and exterior building lighting shall be directed down and inward.

f. Sign Requirements.

(1) There shall be one monument sign as shown located on C-107 dated 10/20/16 attached. *with a 40' setback.*

- 179 (2) There shall be wall signage as shown on the Elevations A-200 and
180 A-201 dated 10/20/16 attached.. *all wall signs shall meet*
181 *regs of cdf.*
182 (3) All signage shall comply with the City of Florissant sign ordinance for
183 commercial districts.
184
185

186 g. Landscaping and Fencing.
187

- 188 (1) Landscaping indicated on Landscape Plan for the restaurant shall be
189 as shown on the attached L-110 dated 10/20/16 attached.
190 (2) ~~Lin-Cor~~ Improvements in the r.o.w. shall be submitted to the
191 Building Commissioner for approval.
192 (1) Any modifications to the landscaping shall be reviewed and approved
193 by the Building Commissioner.
194

195 h. Storm Water.
196

197 Storm Water and drainage facilities shall comply with the following
198 standards and requirements:
199

- 200 (1) The Director of Public Works shall review the storm water plans to
201 assure that storm water flow will have no adverse affect the
202 neighboring properties.
203
204 (2) No building permits shall be issued until the storm water plan has been
205 approved by the St. Louis Metropolitan Sewer District.
206

207 i. Miscellaneous Design Criteria.
208

- 209 (1) All applicable parking, circulation, sidewalks, and all other site design
210 features shall comply with the Florissant City Code.
211
212 (2) All dumpsters and grease containers shall be contained within a trash
213 enclosure with gates, compatible with existing building.
214
215 (3) All storm water and drainage facilities shall be constructed, and all
216 landscaping shall be installed, prior to occupancy of the building,
217 unless remitted by the Director of Public Works due to weather related
218 factors.
219
220 (4) All mechanical equipment, electrical equipment, and communication
221 equipment shall be screened in accordance with the Florissant Zoning
222 Code.
223

224 (5) The exterior design of the buildings shall be constructed in accordance
225 with the renderings as approved by the Florissant Planning and Zoning
226 Commission and attached hereto.
227

228 (6) All other requirements of the Florissant Municipal Code and other
229 ordinances of the city shall be complied with unless otherwise allowed
230 by this ordinance.
231

232 233 **7. FINAL SITE DEVELOPMENT PLAN**

234 A final site development plan shall be submitted to the Building
235 Commissioner to review for compliance with the applicable "B-5"
236 Planned Commercial Development ordinance prior to recording. Any
237 variations from the ordinance approved by the City Council and/or the
238 conceptual plans attached to such ordinance shall be processed in
239 accordance with the procedure established in the Florissant Zoning Code.
240

241 **8. AMENDMENTS TO THE SITE AND EXTERIOR BUILDING PLANS:**

242 Any changes to the approved plans attached hereto must be reviewed by the
243 Building Commissioner. The Building Commissioner must make a determination
244 as to the extent of the changes per the following procedure:
245

- 246 1. The property owner or designate representative shall submit in writing a
247 request for an amendment to the approved plans. The building
248 commissioner shall review the plans for consistency with the purpose and
249 content of the proposal as originally or previously advertised for public
250 hearing and shall make an advisory determination.
- 251 2. If the building commissioner determines that the requested amendment is
252 not consistent in purpose and content with the nature of the purpose as
253 originally proposed or previously advertised for the public hearing, then
254 an amendment to the special use permit shall be required and a review
255 and recommendation by the planning and zoning commission shall be
256 required and a new public hearing shall be required before the City
257 Council.
- 258 3. If the building commissioner determines that the proposed revisions are
259 consistent with the purpose and content with the nature of the public
260 hearing then a determination of non-necessity of a public hearing shall be
261 made.
- 262 4. Determination of minor changes: If the building commissioner determines
263 that an amendment to the special use permit is not required and that the
264 changes to the plans are minor in nature the Building Commissioner may
265 approve said changes.
- 266 5. Determination of major changes: If the Building Commissioner
267 determines that an amendment to the B-5 is not required but the changes
268 are major in nature, then the owner shall submit an application for review
269 and approval by the Planning and Zoning commission.

270
271 **9. VERIFICATION PRIOR TO OCCUPANCY PERMIT**

- 272 a. Any new roadway improvements shall be completed prior to the issuance
273 of any final occupancy permit.
274
275 b. Any new stormwater detention shall be completed prior to the issuance of
276 any occupancy permit.
277
278 c. All fencing and/or landscaping intended as screening properties shall be
279 completed prior to the issuance of any occupancy permit, unless remitted
280 by the Director of Public Works due to weather related factors.
281

282 **10. GENERAL DEVELOPMENT CONDITIONS.**

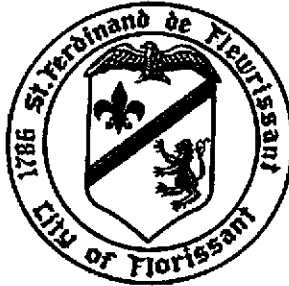
- 283 a. Unless, and except to the extent, otherwise specifically provided herein,
284 development shall be effected only in accordance with all ordinances of
285 the City of Florissant.
286
287 b. The Department of Public Works shall enforce the conditions of this
288 ordinance in accordance with the Final Site Development Plan approved
289 by the Planning & Zoning Commission and all other ordinances of the
290 City of Florissant.
291

292 **9. PROJECT COMPLETION.**

293 Construction shall start within 90 days of the issuance of building permits for
294 the project and shall be developed in accordance of the approved final
295 development plan within 12 months of start of construction.
296

297
298 (End of report and suggested motion)
299

FLORISSANT PLANNING & ZONING COMMISSION APPLICATION



City Of Florissant – Public Works
314-839-7648

Application is hereby made to the Building Commissioner of the Department of Public works Office at the City of Florissant, Missouri, to appear before the Planning & Zoning Commission

Please Print or Type The Following Information

Property Address: 100 Highway 67

Property Owners Name: Regions Bank Phone #: 205-560-5348

Property Owners Address: 250 Riverchase Parkway, Suite 600, Birmingham, AL 35244

Business Owners Name: John Earley, VP-Regions Bank Phone #: 205-560-5348

Business Owners Address: 250 Riverchase Parklway, suite 600, Birmingham, AL 35244

DBA (Doing Business As) _____

Authorized Agents Name: Jill Bryan CO. Name: _____
(Authorized Agent to Appear Before The Commission) jill.bryan@bdgllp.com

Agents Address: 2100 First Avenue North, Suite 100, Birmingham, AL 35203 Phone #: 205-252-8222

Request Establish B-5 zoning to allow for the construction of a bank branch with drive-thru facility.

State complete request (print or type only).

IF A TRAFFIC STUDY IS REQUIRED FOR CERTAIN DEVELOPMENTS AND USES THE COST OF THE TRAFFIC STUDY SHALL BE PAID BY THE APPLICANT. PLEASE SUBMIT FOLDED PLANS

Applicant's Signature

11/8/2016
Date

Received by: Ct Receipt # 597225 OFFICE USE ONLY Amount Paid: 125.00 Date: 11/8/16

STAFF REMARKS: _____

DATE APPLICATION REVIEWED: _____

COMMISSION ACTION TAKEN:

SIGNATURE OF STAFF WHO REVIEWED APPLICATION

RECOMMENDED APPROVAL

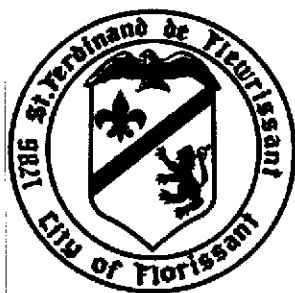
PLANNING & ZONING

CHAIRMAN

SIGN.

DATE: 11/17/2016

**APPLICATION TO THE CITY OF FLORISSANT PLANNING AND ZONING
COMMISSION TO ESTABLISH A B-5 PLANNED COMMERCIAL DISTRICT**



PLANNING & ZONING ACTION:

Address of Property:

100 Highway 67

RECOMMENDED APPROVAL
PLANNING & ZONING
CHAIRMAN

Council Ward _____ Zoning _____

SIGN:

DATE: 11/17/2016

Initial Date Petitioner Filed _____
Building Commissioner to complete
ward, zoning & date filed

PETITION FOR A B-5 RE-ZONING:

1) Comes Now Regions Bank

(Individual's name, corporation, partnership, etc.)

Enter name of petitioner. If a corporation, state as such. If applicable include DBA (Doing Business As).

and states to the Planning and Zoning Commission that he (she) (they) has (have) the following legal interest in the tract of land located in the City of Florissant, State of Missouri, described on page 3 of this petition.

Legal interest in the Property Owner of Property

State legal interest in the property. (i.e., owner of property, lease); also submit copy of deed or lease or letter of authorization from owner to seek a special use.

A. The petitioner (s) hereby states that he (she) (they) is (are) submitting a description of the property for which the Permit is petitioned by giving bearings & distances (metes and bounds). Not required if description is identical to "B".

B. The petitioner (s) hereby states that he (she) (they) is (are) submitting a survey or plat of the property drawn to a scale of 100 feet or less to the inch, referenced to a point easily located on the ground as street intersection, centerline of creek having a generally known name, etc., showing dimensions, bearings and distances of the property, north arrow and scale.

C. Acreage to nearest tenth of an acre of the property for which rezoning is petitioned 1.11 acres

2. The petitioner(s) hereby further state(s) that the property herein described in this petition is presently zoned in a B-5 District and is presently being used for: vacant

State current use of property, (or, state: vacant).

3. The petitioner(s) hereby state(s) the following purpose to justify the re-zoning to a B-5:
To build a Regions Bank with drive-thru facility.

List purpose for this request.

4. The petitioner(s) further states(s) that they (he) (she) can comply with all of the requirements of the City of Florissant, including setback lines and off-street parking.
5. The petitioner(s) further state(s) that they (he) (she) further represent(s) and warrants that they (he) (she) has (have) not made any arrangement to pay any commission, gratuity or consideration, directly or indirectly, to any official employee or appointee of the City of Florissant, with respect to this application.

PRINT PETITIONER'S NAME Jill Bryan

PETITIONER(S) SIGNATURE (S) *Jill Bryan*
Print Name

FOR Regions Bank

(company, corporation, partnership)

Print and sign application. If applicant is a corporation or partnership signature must be a CORPORATE OFFICER or LLC Managing PARTNER. NOTE: Corporate officer is an individual named in corporate papers.

6. I (we) hereby certify that (indicate one of the following):
- () I (we) have a legal interest in the herein above described property.
- (X) I am (we are) the duly appointed agent(s) of the petitioner (s), and
that all information given here is true and a statement of fact.

Petitioner may assign an agent to present petition to the Commission and Council. The agent must sign the petition in this section, and provide address and telephone number

SIGNATURE *Jill Bryan*

ADDRESS 2100 First Avenue North, Suite 100, Birmingham, AL 35203

STREET

CITY

STATE

ZIP CODE

TELEPHONE NUMBER 205-252-8222

BUSINESS

I (we) the petitioner (s) do hereby appoint Jill Bryan as
Print name of agent.

my (our) duly authorized agent to represent me (us) in regard to this petition.

Jill Bryan
Signature of Petitioner(s) or Authorized Agent

NOTE: Be advised when the petitioner and/or his duly authorized agent appears before the Planning and Zoning Commission and make the presentation, the same individuals must also appear before the City Council for that presentation. Also if the descriptions of plats or surveys are incorrect, or if the petition form is not correctly and completely filled out it will be returned for corrections and may have to be re-submitted.

Please check the box for the appropriate type of operation then fill in applicable section (a), (b) or (c). Corporations are to submit copy of Missouri corporate papers with registration papers.

1) Type of Operation: Individual: ☐ Partnership: ☐ Corporation/LLC: ☒

(a) If an Individual:

- (1) Name and Address _____
- (2) Telephone Number _____
- (3) Business Address _____
- (4) Date started in business _____
- (5) Name in which business is operated if different from (1) _____
- (6) If operating under a fictitious name, provide the name and date registered with the State of Missouri, and a copy of the registration.

(b) If a Partnership:

- (1) Names & addresses of all partners _____
- (2) Telephone numbers _____
- (3) Business address _____
- (4) Name under which business is operated _____
- (5) If operating under fictitious name, provide date the name was registered with the State of Missouri, and a copy of the registration.

(c) If a Corporation or LLC:

- (1) Names & addresses of all partners Attached is a copy of the Corporate Officers for Regions Bank
- (2) Telephone numbers _____
- (3) Business address 1900 Fifth Avenue North, Birmingham, AL
- (4) State of corporation & a photocopy of incorporation papers State of Alabama
- (5) Date of corporation 11-03-2014
- (6) Missouri Corporate Number MO Tax I.D. Number 17336473
- (7) If operating under fictitious name, provide the name and date registered with the State of Missouri, and a copy of registration. _____
- (8) Name in which business is operated _____
- (9) If the property location is in a strip center, give dimensions of your space under square footage and do not give landscaping information.



CITY OF FLORISSANT

PUBLIC HEARING NOTICE

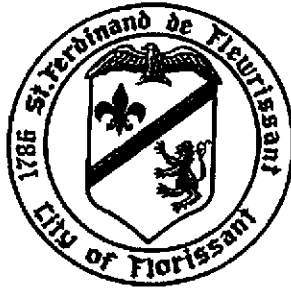
A Public Hearing will be held by the Florissant City Council in the Council Chambers, 955 rue St. Francois, Florissant, MO., on Monday, December 12, 2016 at 7:30 p.m. on the following proposition, to-wit:

To rezone for Regions Bank the property located at 100 N. Highway 67 to re-establish the existing B-5 Planned Commercial District to allow for the construction of a bank branch with drive-thru facility.

Citizens will have an opportunity to be heard. Anyone with special needs should contact the City Clerk at least 5 days before said public hearing by calling 839-7630 or TDD 839-5142.

CITY OF FLORISSANT, Karen Goodwin, City Clerk MMC.

FLORISSANT PLANNING & ZONING COMMISSION APPLICATION



City Of Florissant – Public Works
314-839-7648

Application is hereby made to the Building Commissioner of the Department of Public works Office at the City of Florissant, Missouri, to appear before the Planning & Zoning Commission

Please Print or Type The Following Information

Property Address: 100 Highway 67

Property Owners Name: Regions Bank Phone #: 205-560-5348

Property Owners Address: 250 Riverchase Parkway, Suite 600, Birmingham, AL 35244

Business Owners Name: John Earley, VP-Regions Bank Phone #: 205-560-5348

Business Owners Address: 250 Riverchase Parkway, suite 600, Birmingham, AL 35244

DBA (Doing Business As) _____

Authorized Agents Name: Jill Bryan CO. Name: _____
(Authorized Agent to Appear Before The Commission) jill.bryan@bdgllp.com

Agents Address: 2100 First Avenue North, Suite 100, Birmingham, AL 35203 Phone #: 205-252-8222

Request Establish B-5 zoning to allow for the construction of a bank branch with drive-thru facility.

State complete request (print or type only). _____

IF A TRAFFIC STUDY IS REQUIRED FOR CERTAIN DEVELOPMENTS AND USES THE COST OF THE TRAFFIC STUDY SHALL BE PAID BY THE APPLICANT. PLEASE SUBMIT FOLDED PLANS

Applicant's Signature Jill Bryan Date 11/8/2016

Received by: Ct Receipt # 597225 OFFICE USE ONLY Amount Paid: 125.00 Date: 11/8/16

STAFF REMARKS: _____

DATE APPLICATION REVIEWED: _____ COMMISSION ACTION TAKEN: _____

SIGNATURE OF STAFF WHO REVIEWED APPLICATION

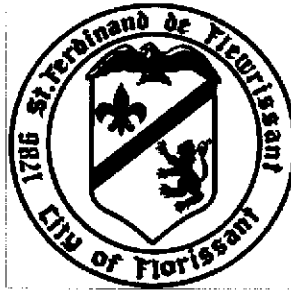
Planning & Zoning Application
Page 1 of 1 - Revised 9/28/10

RECOMMENDED APPROVAL
PLANNING & ZONING
CHAIRMAN

SIGN.

DATE: 11/17/2016

**APPLICATION TO THE CITY OF FLORISSANT PLANNING AND ZONING
COMMISSION TO ESTABLISH A B-5 PLANNED COMMERCIAL DISTRICT**



PLANNING & ZONING ACTION:

Address of Property:

100 Highway 67

**RECOMMENDED APPROVAL
PLANNING & ZONING**

CHAIRMAN

SIGN:

DATE: 11/17/2016

Council Ward _____ Zoning _____

Initial Date Petitioner Filed _____
**Building Commissioner to complete
ward, zoning & date filed**

PETITION FOR A B-5 RE-ZONING:

1) Comes Now Regions Bank

(Individual's name, corporation, partnership, etc.)

Enter name of petitioner. If a corporation, state as such. If applicable include DBA (Doing Business As).

and states to the Planning and Zoning Commission that he (she) (they) has (have) the following legal interest in the tract of land located in the City of Florissant, State of Missouri, described on page 3 of this petition.

Legal interest in the Property Owner of Property

State legal interest in the property. (i.e., owner of property, lease); also submit copy of deed or lease or letter of authorization from owner to seek a special use.

- A. The petitioner (s) hereby states that he (she) (they) is (are) submitting a description of the property for which the Permit is petitioned by giving bearings & distances (metes and bounds). Not required if description is identical to "B".
- B. The petitioner (s) hereby states that he (she) (they) is (are) submitting a survey or plat of the property drawn to a scale of 100 feet or less to the inch, referenced to a point easily located on the ground as street intersection, centerline of creek having a generally known name, etc., showing dimensions, bearings and distances of the property, north arrow and scale.
- C. Acreage to nearest tenth of an acre of the property for which rezoning is petitioned 1.11 acres
2. The petitioner(s) hereby further state(s) that the property herein described in this petition is presently zoned in a B-5 District and is presently being used for: vacant

State current use of property, (or, state: vacant).

3. The petitioner(s) hereby state(s) the following purpose to justify the re-zoning to a B-5:
To build a Regions Bank with drive-thru facility.

List purpose for this request.

4. The petitioner(s) further states(s) that they (he) (she) can comply with all of the requirements of the City of Florissant, including setback lines and off-street parking.
5. The petitioner(s) further state(s) that they (he) (she) further represent(s) and warrants that they (he) (she) has (have) not made any arrangement to pay any commission, gratuity or consideration, directly or indirectly, to any official employee or appointee of the City of Florissant, with respect to this application.

PRINT PETITIONER'S NAME Jill Bryan

PETITIONER(S) SIGNATURE (S) *Jill Bryan*
Print Name

FOR Regions Bank

(company, corporation, partnership)

Print and sign application. If applicant is a corporation or partnership signature must be a CORPORATE OFFICER or LLC Managing PARTNER. NOTE: Corporate officer is an individual named in corporate papers.

6. I (we) hereby certify that (indicate one of the following):
- () I (we) have a legal interest in the herein above described property.
- (X) I am (we are) the duly appointed agent(s) of the petitioner (s), and that all information given here is true and a statement of fact.

Petitioner may assign an agent to present petition to the Commission and Council. The agent must sign the petition in this section, and provide address and telephone number

SIGNATURE *Jill Bryan*

ADDRESS 2100 First Avenue North, Suite 100, Birmingham, AL 35203

STREET

CITY

STATE

ZIP CODE

TELEPHONE NUMBER 205-252-8222

BUSINESS

I (we) the petitioner (s) do hereby appoint Jill Bryan as

Print name of agent.

my (our) duly authorized agent to represent me (us) in regard to this petition.

Jill Bryan
Signature of Petitioner(s) or Authorized Agent

NOTE: Be advised when the petitioner and/or his duly authorized agent appears before the Planning and Zoning Commission and make the presentation, the same individuals must also appear before the City Council for that presentation. Also if the descriptions of plats or surveys are incorrect, or if the petition form is not correctly and completely filled out it will be returned for corrections and may have to be re-submitted.

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- (6) Missouri Corporate Number MO Tax I.D. Number 17336473
- (7) If operating under fictitious name, provide the name and date registered with the State of Missouri, and a copy of registration. _____
- (8) Name in which business is operated _____
- (9) If the property location is in a strip center, give dimensions of your space under square footage and do not give landscaping information.

Please fill in applicable information requested.

Name Regions Bank

Address 250 Riverchase Parkway, Suite 600, Birmingham, AL 35242

Property Owner Regions Bank

Location of property 100 Highway 67

Dimensions of property 246.24' front, 185.88' north side, 243048'rear, 175'south side

Current Use of Property vacant

Proposed Use of Property bank branch with drive-thru facility

Type of Sign unknown at this time Height

Type of Construction V-B Number Of Stories 1

Square Footage of Building 2,645 Square Feet Number of Curb Cuts 2

Number of Parking Spaces 20 parking space (2 HC Accessible) Sidewalk Length 378 L.F.

Landscaping: No. of Trees 11 Shade Trees Diameter 3"Caliper

No. of Shrubs 11 small or understory trees Size size varies

Fence: Type Length Height

PLEASE SUBMIT NINE (9) FOLDED COPIES OF THE FOLLOWING:

1. Plan or drawing showing zoning of adjoining properties.
2. Plan or drawing showing location of property in relation to major streets and all adjoining properties.
3. Drawing showing measurement of tract and overall area of tract.
4. Plan or drawing showing proposed parking layout, landscaping, parking lighting, signage and trash enclosure.

**PROVIDE LEGAL DESCRIPTION OF PROPERTY PERTAINING TO THIS
PETITION**

(Close legal description with acreage to the nearest tenth of an acre).

Provide a legal description of the property. If part of a shopping center list address and state part of what shopping center (i.e.: 351 N. Highway 67 part of Florissant Meadows Shopping Center). If property is a single lot, list full written legal description with bearings and distances.

Survey of site is included with the construction drawings.

PROVIDE LOCATION MAP SHOWING AREA INVOLVING THIS PETITION

Provide a drawing of a location map showing the nearest major intersection or include on plans.

Location Map is shown on Sheet G-000- Cover Sheet

REGIONS FLORISSANT BRANCH

100 HIGHWAY 67
 FLORISSANT, MO 63031

REGIONS PROJECT NUMBER
 MOMW152794IN

bdg
 architects

100 Highway 67
 Florissant, MO 63031
 Tel: 314.221.1600
 Fax: 314.221.1600
 www.bdgarchitects.com

REGIONS

**REGIONS FLORISSANT
 BRANCH**
 100 HIGHWAY 67
 FLORISSANT MISSOURI 63031
 REGIONS PROJECT # MOMW152794IN

SPECIFICATION INDEX

SECTION	PART
BUILDING AND PROJECT INFORMATION NEXUS CORE BRANCH PROTOTYPE 1,700 SQUARE FEET	

OWNER & CONSULTANTS

OWNER
 PROGRESS FINANCIAL
 PROPERTIES DEPARTMENT
 250 RIVERCHASE
 PARKWAY
 BIRMINGHAM, AL 35244
 205.565.5277

ARCHITECT
 BDI ARCHITECTS
 2105 FIRST AVENUE NORTH
 SUITE 200
 BIRMINGHAM, AL 35203
 CONTACT: JACK
 MARSHALL
 205.565.5277
 205.337.8899 FAX

CIVIL ENGINEER
 EDWARDS ENGINEERING
 ASSOCIATES
 1935 TWENTY FIRST AVE.
 SOUTH
 SUITE 105, TN 37112
 CONTACT: ELIZABETH
 HILL
 615.382.4144
 615.382.4600 FAX

LANDSCAPE ARCHITECT
 JOHNSON & CO.
 2000 W. WILSON AVENUE NORTH
 BIRMINGHAM, AL 35203
 CONTACT: WILLIAM
 JOHNSON
 205.334.8847
 205.334.8848 FAX

STRUCTURAL ENGINEER
 J. H. HARRIS
 716 SOUTH 30TH STREET
 BIRMINGHAM, AL 35235
 CONTACT: JOHN PERDUE
 205.251.6606

MECHANICAL ENGINEER
 EDWARDS ENGINEERING
 2105 FIRST AVENUE NORTH
 OFFICE PLAZA - SUITE 205
 HOOPER, AL 35344
 CONTACT: DAN T.
 BRYANT
 205.588.2069

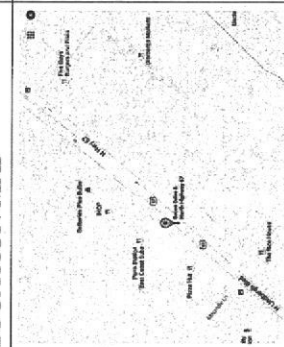
PLUMBING ENGINEER
 EDWARDS ENGINEERING
 2105 FIRST AVENUE NORTH
 OFFICE PLAZA - SUITE 205
 HOOPER, AL 35344
 205.588.2069

ELECTRICAL ENGINEER
 EDWARDS ENGINEERING
 2105 FIRST AVENUE NORTH
 OFFICE PLAZA - SUITE 205
 HOOPER, AL 35344
 CONTACT: JIM TESSIERE
 205.588.2069 EXT 113

REVISION AND ISSUE LOG

REV #	ISSUE DATE	DESCRIPTION	AFFECTED SHEETS	REMARKS	BY

LOCATION MAP



VICINITY MAP



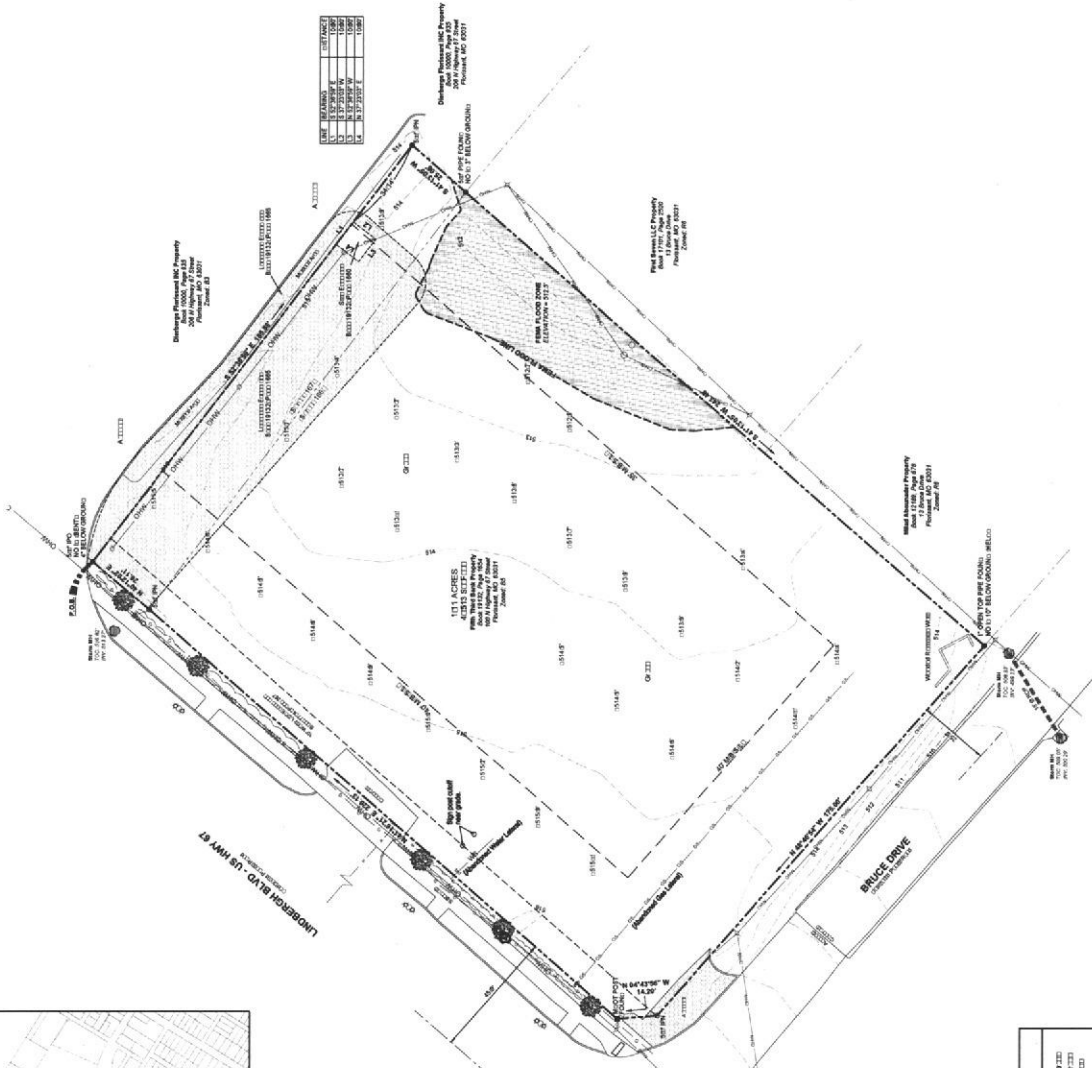
PROJECT INFORMATION BLOCK
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 DRAWING BY
 CHECKED BY
 SHEET TOTAL
 COVER SHEET
 SHEET NUMBER

G-000

10-EXEMPTED FROM AUTOMATIC DECLASSIFICATION
(CLASSIFIED UNTIL 07/17/21) (U)
(AFFECTS, SHOWN HEREIN)

[illegible]

TA ID: 00610232
BOO 19132 PAGE 1654
ST LOUIS COUNTY MISSOURI



Tel: +966 7 800 0000 | Email: info@alansgo.com



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Regions

SCALE 0 10 20
1" = 20 FEET
DRAWN BY: JMC
CHECKED BY: JMW
PROJECT MANAGER: ---
JOB #: 15-416
CADD FILE:
FILE CODE: ---
SHEET NO:

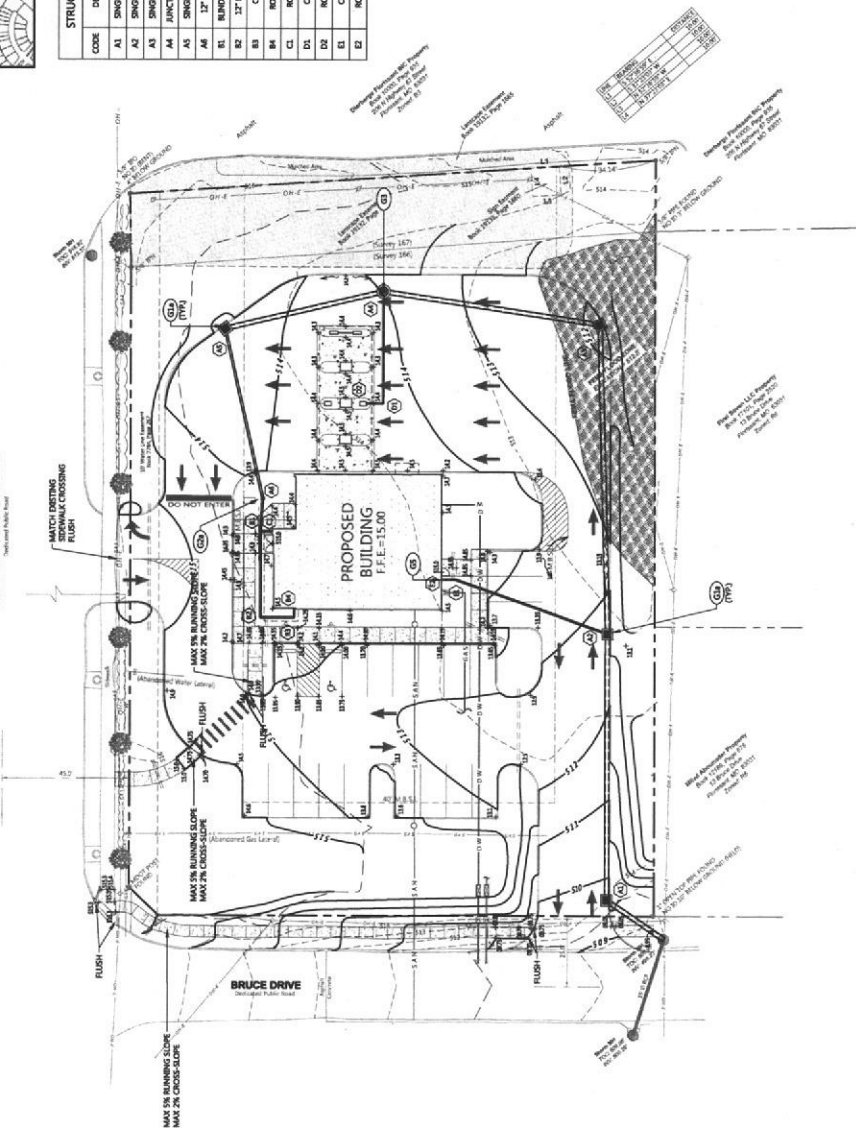
WEAKLEY BROTHERS
100 CEDAR POINT DR
CENTERTON 37040 931-264-1945
LAND SURVEYING

FIFTH THIRD BAND	OWNER INFORMATION
ALTAOSM LAND TITLE	FIFTH THIRD BAND
TITLE BOUNDARY SURVEY	
CITY OF FLOERISSANT	
ST LOUIS COUNTY MISSOURI	
US HIGHWAY 67	
BRUCE DRIVE	
CITY OF FLOERISSANT	
ST LOUIS COUNTY MISSOURI	
RECORDED IN 03 1923 PAGE 1654	
CITY OF FLOERISSANT	
ST LOUIS COUNTY MISSOURI	



CONTRACTOR SHALL BE FAMILIAR WITH THE GEOTECHNICAL REPORT, BY GEO SERVICES DATED JANUARY 15, 2018. THE CONTRACTOR SHALL PROVIDE A UNIT COST PER CUBIC YARD FOR REMOVAL AND REPLACEMENT WITH APPROVED SUITABLE FILL.

LINDBERGH BLVD - US HWY 67



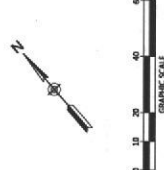
STRUCTURE TABLE			
CODE	DESCRIPTION	TOP OF GATE	TYPE
A1	SINGLE CURB INLET	509.50	PCP
A2	SINGLE CURB INLET	512.65	PCP
A3	SINGLE CURB INLET	513.80	PCP
A4	JUNCTION MANHOLE	514.15	PCP
A5	SINGLE CURB INLET	514.40	PCP
A6	12" AREA DRAIN	514.20	PCP
B1	BLIND CONNECTION	514.85	PCP
B2	12" DRAIN BURN	513.34	PCP
B3	CLEANOUT	514.48	PCP
B4	ROOF DRAIN	N/A	PCP
C1	ROOF DRAIN	N/A	PCP
D1	CLEANOUT	514.80	PCP
D2	ROOF DRAIN	N/A	PCP
E1	CLEANOUT	514.80	PCP
E2	ROOF DRAIN	N/A	PCP

PIPE TABLE			
FROM CODE	TO CODE	SIZE (INCHES)	TYPE
A1	504.68	15"	PCP
A2	506.25	15"	PCP
A3	508.74	15"	PCP
A4	509.29	15"	PCP
A5	509.39	15"	PCP
A6	511.37	15"	PCP
B1	511.48	15"	PCP
B2	511.42	15"	PCP
B3	511.48	15"	PCP
B4	511.48	15"	PCP
C1	511.08	15"	PCP
D1	511.08	15"	PCP
E1	511.08	15"	PCP
E2	511.08	15"	PCP

GRADING & DRAINAGE KEYNOTES	
CODE	DESCRIPTION
(S1)	CURB INLET
(S2)	CATCH BASIN
(S3)	JUNCTION MANHOLE
(S4)	CLEANOUT

PROPOSED FEATURES LEGEND

- STORM PIPE & INLET
- SPOT ELEVATION
- PROPOSED CONTOUR
- DRAINAGE STRUCTURE
- BASIS OF BEARING
- THE BASIS OF BEARING FOR THIS SURVEY IS THE LAST STATE PLANE COORDINATE - NAD 83
- BASIS OF ELEVATION
- BASED ON THE NORTH AMERICAN DATUM OF 1988



PROJECT INFORMATION BLOCK

DATE	DESCRIPTION
10/20/2018	ISSUED FOR PERMIT
10/20/2018	ISSUED FOR PERMIT
10/20/2018	ISSUED FOR PERMIT

PROJECT INFORMATION BLOCK

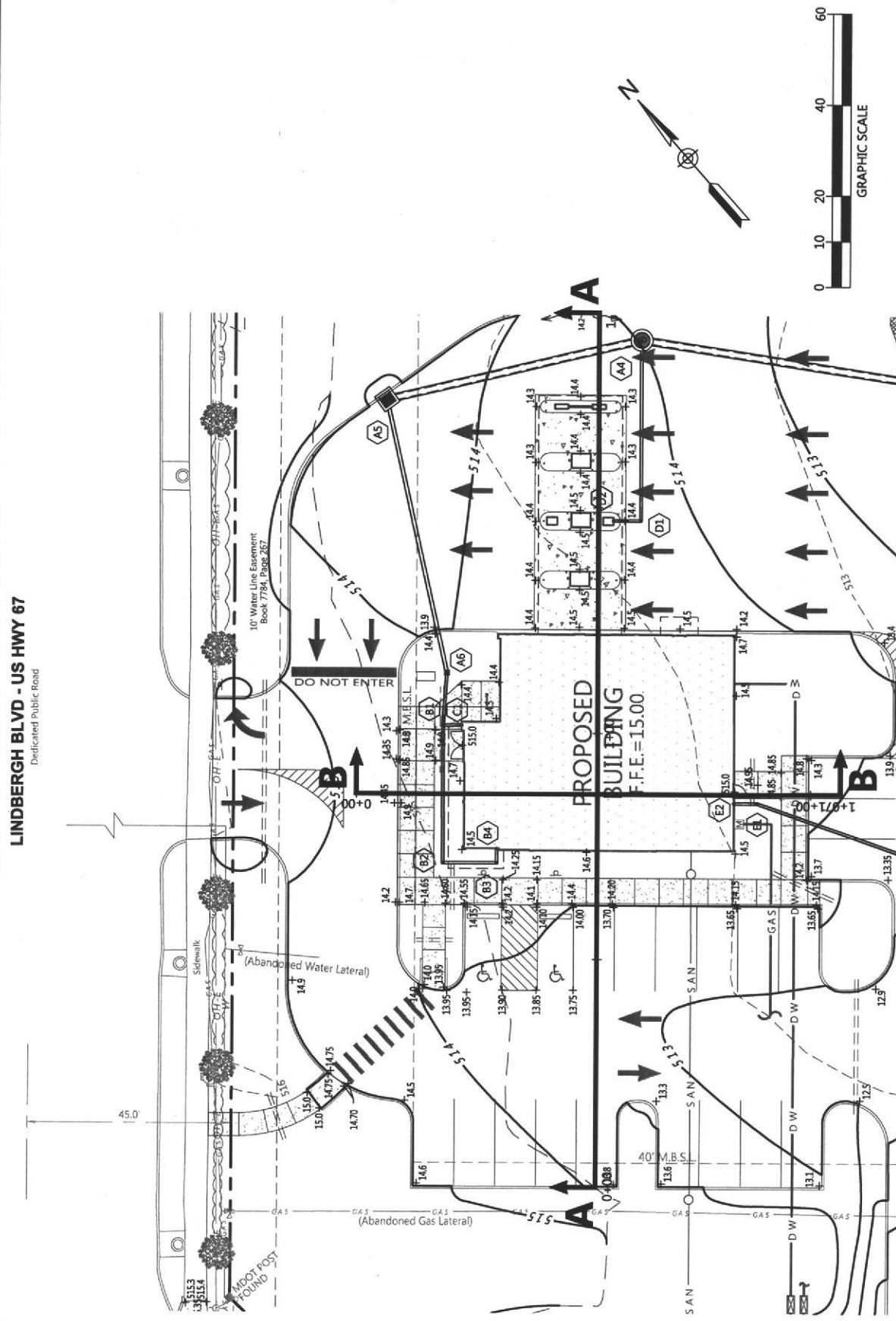
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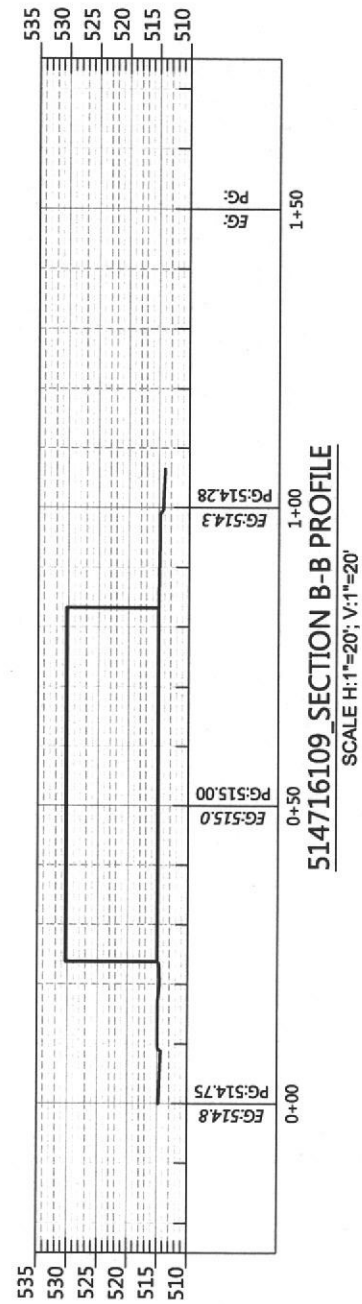
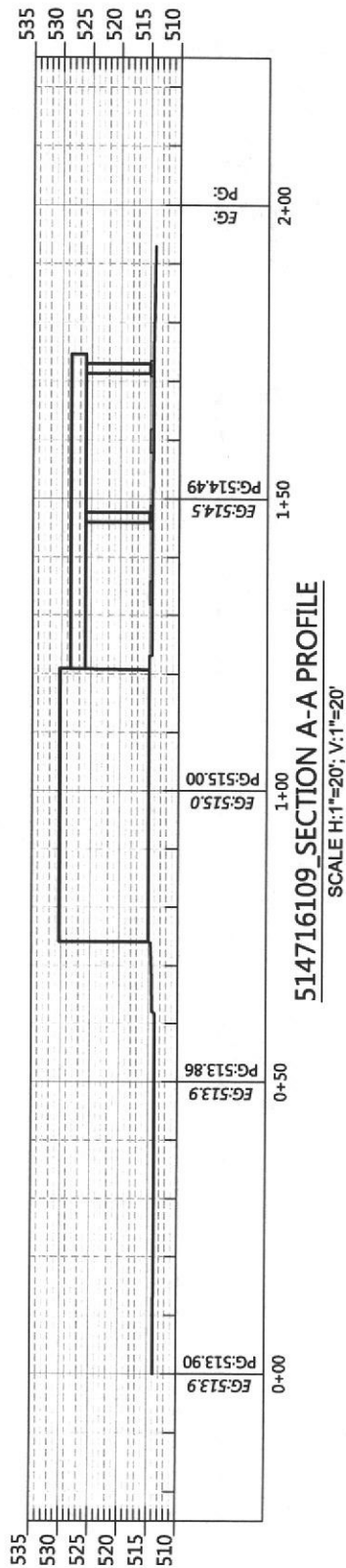
PROJECT INFORMATION BLOCK

811
 Before you dig.
 Know what's below.
 Call before you dig.

Littlejohn
 An S&ME Company
 1501 12th Avenue South, Nashville, Tennessee 37203
 615.259.1100 / littlejohn.com

GRADING AND DRAINAGE PLAN
 SHEET NUMBER
C-107



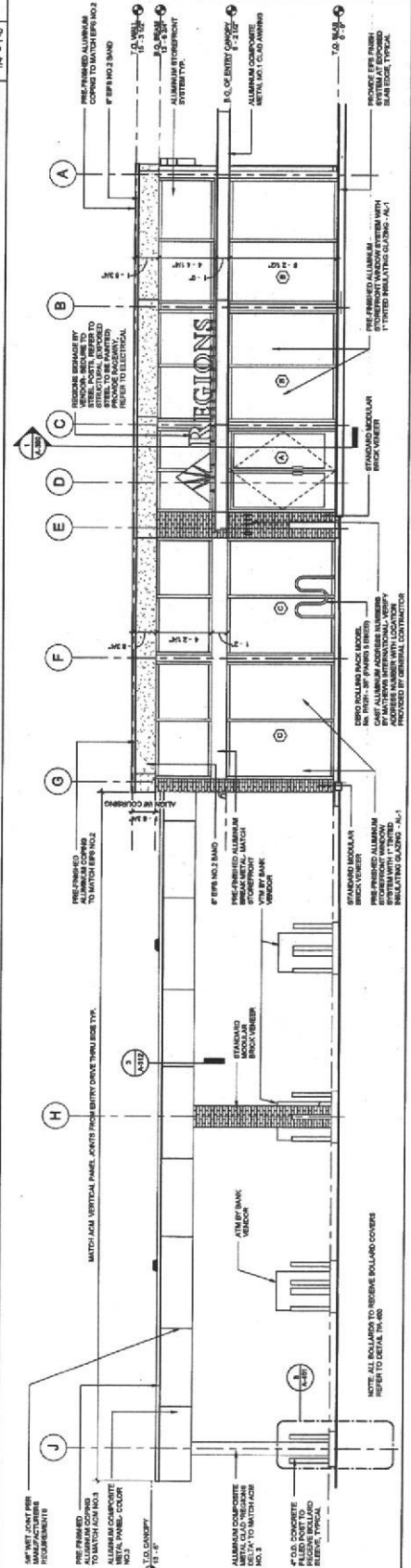
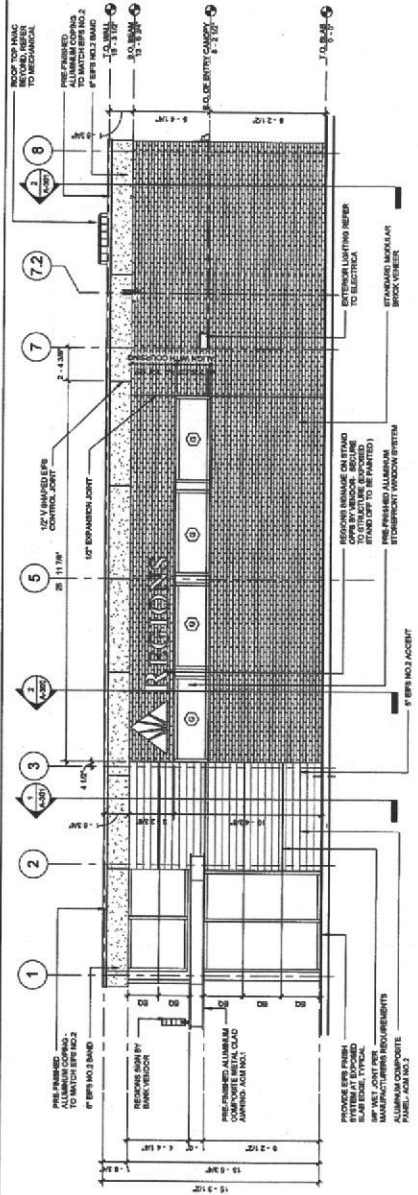


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100 1st Ave. North
Birmingham, AL 35203



REGIONS FLORISSANT
BRANCH
100 HIGHWAY 67
FLORISSANT MISSOURI 63031
REGIONS PROJECT # MOWW1457941

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PROJECT INFORMATION BLOCK	
SHEET NO.	01
DRAWN BY:	AC
CHECKED BY:	NO
DATE	10/26/2011
TITLE	MASONRY
ISSUE #	
REVISIONS	

A-200

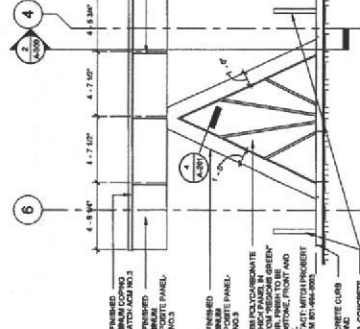
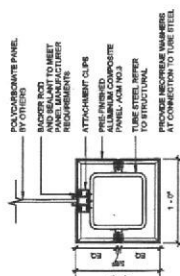
FINISH SCHEDULE - EXTERIOR

EXTERIOR FINISH		IDENTIFICATION	MANUFACTURER	COLOR	COMMENTS
ALUMINUM COMPOSITE METAL PANEL	ACM NO. 1	ALCOA ARCHITECTURAL, REYNOLDS	CHARCOAL		
ALUMINUM COMPOSITE METAL PANEL	ACM NO. 2	ALCOA ARCHITECTURAL, REYNOLDS	ROSTIER OAK		
ALUMINUM COMPOSITE METAL PANEL	ACM NO. 3	ALCOA ARCHITECTURAL, REYNOLDS	SOUTHERN REDDISH GREEN		SHADE 1/2" HIGHER GREEN
PAINTED STEEL ALUMINUM CLAD SYSTEM	FFB NO. 1	ARMSTRONG	BLACK		
EXTERIOR INSULATION FINISH SYSTEM	FFB NO. 2	SPURVEY	CHARCOAL TO MATCH ACM NO. 1		PAINTED COLOR MATCH BY VOLUMIN MOORE, 2P
EXTERIOR PAINT	EX-1	BEULAH MOORE	CHARCOAL GRAY - DATE 1985-2105-30		FFB NO. 1
EXTERIOR PAINT	EX-1	SHOOTING STAR PRODUCTS	MANOUESE FOR ROOF		FFB NO. 1

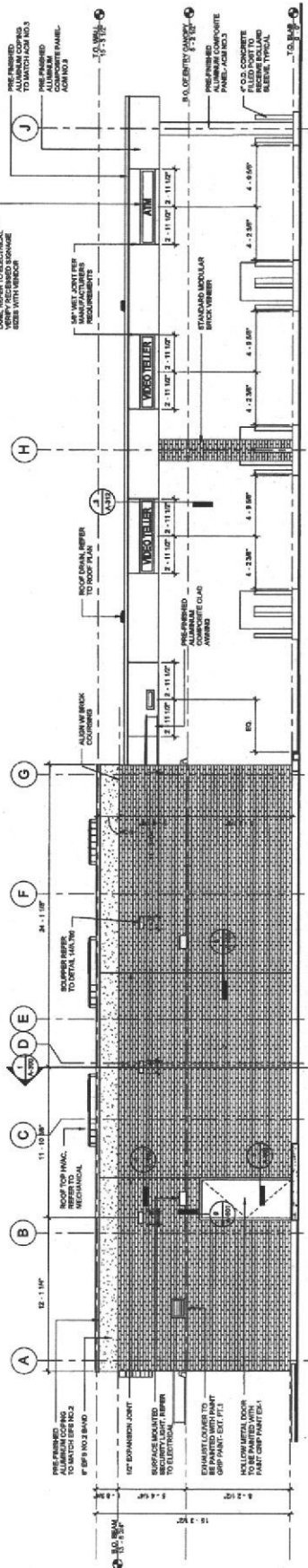
ACM PANEL GENERAL NOTES

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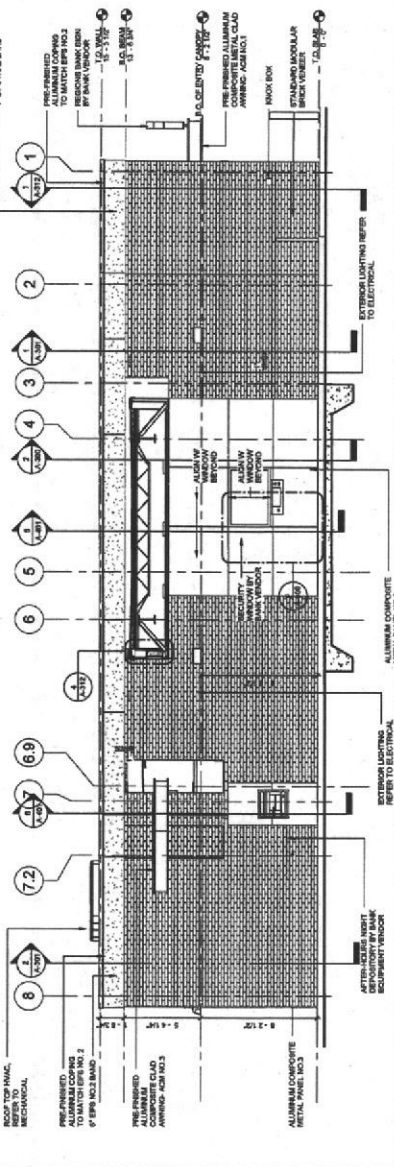
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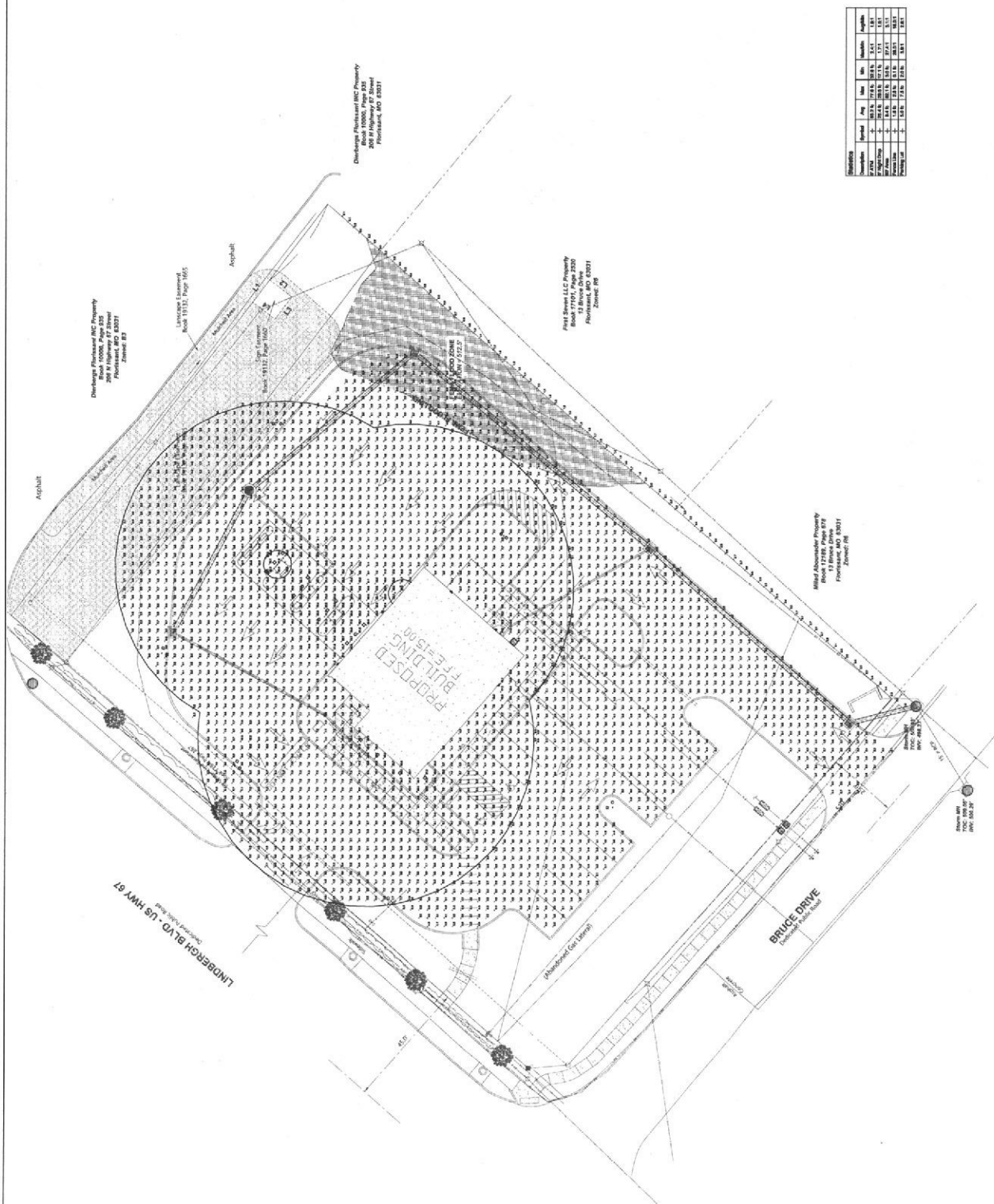


DRIVE THRU CANOPY WEST ELEVATION



WEST ELEVATION [





Statistics		Symbol	Avg	Mean	Stds	Max/mins	Amplitude
+	+	+	103.3%	77.8%	128.8%	3.4:1	1.8:1
+	+	+	104.4%	103.3%	117.1%	1.7:1	1.6:1
+	+	+	104.8%	105.1%	110.9%	17.4:1	5.1:1
+	+	+	108.0%	108.1%	111.1%	208.5:1	162.5:1
+	+	+	110.8%	72.8%	27.0%	3.8:1	2.8:1



CITY OF FLORISSANT

PUBLIC HEARING NOTICE

A Public Hearing will be held by the Florissant City Council in the Council Chambers, 955 rue St. Francois, Florissant, MO., on Monday, December 12, 2016 at 7:30 p.m. on the following proposition, to-wit:

To rezone for Regions Bank the property located at 100 N. Highway 67 to re-establish the existing B-5 Planned Commercial District to allow for the construction of a bank branch with drive-thru facility.

Citizens will have an opportunity to be heard. Anyone with special needs should contact the City Clerk at least 5 days before said public hearing by calling 839-7630 or TDD 839-5142.

CITY OF FLORISSANT, Karen Goodwin, City Clerk MMC.

1 INTRODUCED BY COUNCIL AS A WHOLE
2 JANUARY 9, 2017

3
4 BILL NO. 9251

ORDINANCE NO.

5
6
7 AN ORDINANCE DELETING CHAPTER 210 "OFFENSES" OF THE FLORISSANT CODE
8 OF ORDINANCES IN ITS ENTIRETY AND REPLACING IT WITH A REVISED CHAPTER 210.
9

10 WHEREAS, SB491 will go into effect on January 1, 2017 and affects Chapter 210 "Offenses" of
11 the Florissant Code of Ordinances, and
12

13 WHEREAS, staff worked with the City Attorney and General Code and determined what needed
14 to change in Chapter 210 to be compliant with state law, and
15

16 WHEREAS, during the review process it was discovered that there were some sections in
17 Chapter 210 that are obsolete and need to be deleted, and
18

19 WHEREAS, staff recommends that a revised Chapter 210 "Offenses" of the Florissant Code of
20 Ordinances be adopted, and
21

22 WHEREAS, the City Council believes it to be in the best interest of the citizens of Florissant to
23 adopt a new Chapter 210 "Offenses" of the Florissant Code of Ordinances.
24

25 NOW, THEREFORE, IT ORDAINED BY THE COUNCIL OF THE CITY OF KIRKWOOD,
26 MISSOURI, AS FOLLOWS:
27

28 SECTION 1. Chapter 210 "Offenses" of the Florissant Code of Ordinances is hereby deleted in
29 its entirety and replaced with a new chapter attached hereto.
30

31
32 SECTION 2. This Ordinance shall be in full force and effect after its passage and approval, as
33 provided by law.
34

35 PASSED AND APPROVED THIS

36
37 Adopted this ____ day of _____, 2017.
38
39

Jackie Pagano
President of the Council
City of Florissant

40
41
42
43 Approved this ____ day of _____, 2017.
44
45

Thomas P. Schneider
Mayor, City of Florissant

46
47
48 ATTEST:
49

50
51 _____
52 Karen Goodwin, MMC/MRCC
City Clerk

Chapter 210

OFFENSES

ARTICLE I **General Provisions**

- Section 210.010. Definitions.**
Section 210.020. Attempt.
Section 210.030. Conspiracy.
Section 210.040. through Section 210.100. (Reserved)

ARTICLE II **Offenses Against the Person**

- Section 210.110. Assault.**
Section 210.125. Definitions.
Section 210.127. Arrest for Violation of Order — Penalties — Good Faith Immunity for Law Enforcement Officials.
Section 210.130. Domestic Assault.
Section 210.140. (Reserved)
Section 210.150. Harassment.

Section 210.160. Stalking — Definitions.
Section 210.170. Kidnapping.
Section 210.180. Endangering the Welfare of a Child.
Section 210.190. Leaving a Child Unattended in a Motor Vehicle — Definitions.
Section 210.200. through Section 210.290. (Reserved)

ARTICLE III **Offenses Concerning Administration of Justice**

- Section 210.300. Concealing an Offense.**
Section 210.310. Hindering Prosecution.
Section 210.320. Refusal To Identify as a Witness.
Section 210.330. Disturbing a Judicial Proceeding.
Section 210.340. Tampering With a Witness or Victim.
Section 210.350. Tampering With Physical Evidence.
Section 210.360. Improper Communication.
Section 210.370. False Impersonation.
Section 210.380. False Reports.
Section 210.390. Resisting or Interfering With Arrest, Detention or Stop.
Section 210.400. Escape or Attempted Escape From Custody.
Section 210.410. Interference With Legal Process.
Section 210.420. Obstructing Government Operations.
Section 210.425. False Affidavit.
Section 210.430. False Declarations.
Section 210.435. Proof of Falsity of Statements.
Section 210.440. Tampering With A Public Record.
Section 210.445. Simulating Legal Process.

FLORISSANT CITY CODE

Section 210.450. Refusing To Make an Employee Available for Service of Process.

Section 210.455. Escape or Attempted Escape From Confinement.

Section 210.460. through Section 210.510. (Reserved)

ARTICLE IV

Offenses Concerning Public Health and Safety

Section 210.520. Abandonment of Airtight or Semi-Airtight Containers.

Section 210.530. Littering.

Section 210.540. Littering Via Carcasses.

Section 210.550. Tampering With a Water Supply.

Section 210.560. Smoking in City-Owned Buildings Is Prohibited.

Section 210.570. Abandoning Motor Vehicle, Vessel or Trailer.

Section 210.580. Use of Hand-Held Electronic Wireless Communications Devices While Driving Prohibited For Persons Over The Age of 21.

Section 210.590. through Section 210.650. (Reserved)

ARTICLE V

Offenses Concerning Public Peace

Section 210.660. Definitions.

Section 210.670. Peace Disturbance.

Section 210.680. Private Peace Disturbance.

Section 210.690. Unlawful Assembly.

Section 210.700. Rioting.

Section 210.710. Refusal To Disperse.

Section 210.720. Obstructing Public Places.

Section 210.730. Disrupting a House of Worship.

Section 210.740. Unlawful Funeral Protests Prohibited — Definitions.

Section 210.750. Noises Prohibited Generally.

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ARTICLE VI

Offenses Concerning Weapons and Firearms

Section 210.830. Definitions.

Section 210.840. Weapons — Carrying Concealed — Other Unlawful Use.

Section 210.850. Possession, Manufacture, Transport, Repair, Sale of Certain Weapons.

Section 210.860. Defacing Firearm.

Section 210.870. Purchase in Another State by Missouri Residents, Permitted When.

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Section 210.890. Unlawful Transfer of Weapons.

Section 210.900. Concealed Weapons.

Section 210.910. Open Display of Firearm Permitted, When.

OFFENSES

Section 210.920. Discharging Air Gun, Etc.

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Section 210.1090. Reckless Burning or Exploding.

Section 210.1100. Negligent Burning or Exploding.

Section 210.1110. Stealing.

Section 210.1120. Theft of Motor Fuel.

Section 210.1130. (Reserved)

Section 210.1140. Financial Exploitation of an Elderly Person or Person With a Disability — Certain Defense Prohibited.

Section 210.1150. Fraudulent Use of a Credit or Debit Device.

Section 210.1160. Deceptive Business Practice.

Section 210.1170. Alteration or Removal of Item Numbers With

Intent To Deprive Lawful Owner.

Section 210.1180. Stealing Leased or Rented Personal Property — Enforcement Procedure — Penalty — Venue.

Section 210.1190. Passing Bad Checks.

Section 210.1200. Shoplifting — Detention of Suspect by Merchant — Liability Presumption.

Section 210.1210. Copper Wire or Cable, Catalytic Converters, Collectors and Dealers To Keep Register, Information Required — Penalty — Exempt Transactions.

Section 210.1220. Metal Beer Keg, Prohibition on Purchase or Possession by Scrap Metal Dealer — Violation, Penalty.

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FLORISSANT CITY CODE

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Section 210.1360. Prostitution.

**Section 210.1370. Patronizing
Prostitution.**

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**Section 210.1390. Prostitution Houses
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**Section 210.1550. Halloween, Restrictions
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**Section 210.1680. Promoting
Pornography for
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**Section 210.1690. Furnishing
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Certain Reactions,
Prohibited —
Exceptions.**

OFFENSES

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Section 210.1860. Possession or Purchase of Solvents To Aid Others in Violations, Prohibited — Violations of Sections 210.1840 to 210.1850 — Penalty.

Section 210.1870. Selling or Transferring Solvents To Cause Certain Symptoms, Penalty — Certain Alcoholic Beverage Sellers Prohibited From Selling, Penalty.

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**Section 210.2260. Registration Under
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House and Rooming
House.**

**Section 210.2270. Security Regulations
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Required For
Convenience Businesses
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Stores.**

**Section 210.2280. Delivery Trucks
Prohibited Between
Certain Hours.**

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in Public Right-Of-Way
Prohibited.**

**ARTICLE I
General Provisions**

Section 210.010. Definitions.

In this Chapter, unless the context requires a different definition, the following shall apply:

ACCESS — To instruct, communicate with, store data in, retrieve or extract data from, or otherwise make any use of any resources of, a computer, computer system, or computer network.

AFFIRMATIVE DEFENSE —

1. The defense referred to is not submitted to the trier of fact unless supported by evidence; and
2. If the defense is submitted to the trier of fact the defendant has the burden of persuasion that the defense is more probably true than not.

BURDEN OF INJECTING THE ISSUE —

1. The issue referred to is not submitted to the trier of fact unless supported by evidence; and
2. If the issue is submitted to the trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue.

COMMERCIAL FILM AND PHOTOGRAPHIC PRINT PROCESSOR — Any person who develops exposed photographic film into negatives, slides or prints, or who makes prints from negatives or slides, for compensation. The term commercial film and photographic print processor shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency.

COMPUTER — The box that houses the central processing unit (CPU), along with any internal storage devices, such as internal hard drives, and internal communication devices, such as internal modems capable of sending or receiving electronic mail or fax cards, along with any other hardware stored or housed internally. Thus, "computer" refers to hardware, software and data contained in the main unit. Printers, external modems attached by cable to the main unit, monitors, and other external attachments will be referred to collectively as "peripherals" and discussed individually when appropriate. When the computer and all peripherals are referred to as a package, the term "computer system" is used. "Information" refers to all the information on a computer system, including both software applications and data.

COMPUTER EQUIPMENT — Computers, terminals, data storage devices, and all other computer hardware associated with a computer system or network.

COMPUTER HARDWARE — All equipment which can collect, analyze, create, display, convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or data. "Hardware" includes, but is not limited to, any data processing devices, such as central processing units, memory typewriters and self-contained laptop or notebook computers; internal and peripheral storage devices, transistor-like binary devices and other memory storage devices, such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two (2) or more computers connected together to a central computer server via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and optical readers; and related communication devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices and electronic tone-generating devices; as well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, such as physical keys and locks.

COMPUTER NETWORK — Two (2) or more interconnected computers or computer systems.

COMPUTER PROGRAM — A set of instructions, statements, or related data that directs or is intended to direct a computer to perform certain functions.

COMPUTER SOFTWARE — Digital information which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical or other digital form. The term commonly includes programs to run operating systems and applications, such as word processing, graphic, or spreadsheet programs, utilities, compilers, interpreters and communications programs.

COMPUTER SYSTEM — A set of related, connected or unconnected, computer equipment, data, or software.

COMPUTER-RELATED DOCUMENTATION — Written, recorded, printed or electronically stored material which explains or illustrates how to configure or use computer hardware, software or other related items.

CONFINEMENT —

1. A person is in confinement when such person is held in a place of confinement pursuant to arrest or order of a court and remains in confinement until:
 - a. A court orders the person's release; or
 - b. The person is released on bail, bond or recognizance, personal or otherwise; or
 - c. A public servant having the legal power and duty to confine the person authorizes his/her release without guard and without condition that he/she return to confinement.
2. A person is not in confinement if:
 - a. The person is on probation or parole, temporary or otherwise; or
 - b. The person is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport the person to or from a place of confinement.

CONSENT — Consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

1. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor; or
2. It is given by a person who by reason of youth, mental disease or defect, intoxication, a drug-induced state, or any other reason is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
3. It is induced by force, duress or deception.

CONTROLLED SUBSTANCE — A drug, substance, or immediate precursor in Schedules I through V as defined in Chapter 195, RSMo.

CRIMINAL NEGLIGENCE — Failure to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

CUSTODY — A person is in custody when he/she has been arrested but has not been delivered to a place of confinement.

DAMAGE — When used in relation to a computer system or network, means any alteration, deletion, or destruction of any part of the computer system or network.

DANGEROUS FELONY — The felonies of arson in the first degree, assault in the first degree, attempted rape in the first degree if physical injury results, attempted forcible rape if physical injury results, attempted sodomy in the first degree if physical injury results, attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, assault in the second degree if the victim of such assault is a special victim as defined in Subdivision (14) of Section 565.002, RSMo., kidnapping in the first degree, kidnapping, murder in the second degree, assault of a Law Enforcement Officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, child molestation in the first or second degree, abuse of a child if the child dies as a result of injuries sustained from conduct chargeable under Section 568.060, RSMo., child kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty (120) days under Section 565.153, RSMo., and an "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is found to be an "habitual offender" or "habitual boating offender" as such terms are defined in Section 577.001, RSMo.

DANGEROUS INSTRUMENT — Any instrument, article or substance which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.

DATA — A representation of information, facts, knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer or computer network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic storage media, punched cards and as may be stored in the memory of a computer.

DEADLY WEAPON — Any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged; or a switchblade knife, dagger, billy club, blackjack or metal knuckles.

DIGITAL CAMERA — A camera that records images in a format which enables the images to be downloaded into a computer.

DISABILITY — A mental, physical, or developmental impairment that substantially limits one (1) or more major life activities or the ability to provide adequately for one's care or protection, whether the impairment is congenital or acquired by accident, injury or disease, where such impairment is verified by medical findings.

ELDERLY PERSON — A person sixty (60) years of age or older.

FELONY — An offense so designated or an offense for which persons found guilty thereof may be sentenced to death or imprisonment for a term of more than one (1) year.

FORCIBLE COMPULSION — Either:

1. Physical force that overcomes reasonable resistance; or

2. A threat, express or implied, that places a person in reasonable fear of death, serious physical injury, or kidnapping of such person or another person.

INCAPACITATED — A temporary or permanent physical or mental condition in which a person is unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act.

INFRACTION — A violation defined by this Code or by any other Statute of this state if it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction.

INHABITABLE STRUCTURE —

1. A vehicle, vessel or structure:
 - a. Where any person lives or carries on business or other calling; or
 - b. Where people assemble for purposes of business, government, education, religion, entertainment, or public transportation; or
 - c. Which is used for overnight accommodation of persons.
2. Any such vehicle, vessel, or structure is inhabitable regardless of whether a person is actually present.
3. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an inhabitable structure of another.

KNOWINGLY —

1. When used with respect to conduct or attendant circumstances, means a person is aware of the nature of his or her conduct or that those circumstances exist; or
2. When used with respect to a result of conduct, means a person is aware that his or her conduct is practically certain to cause that result.

LAW ENFORCEMENT OFFICER — Any public servant having both the power and duty to make arrests for violations of the laws of this State, and Federal Law Enforcement Officers authorized to carry firearms and to make arrests for violations of the laws of the United States.

MISDEMEANOR — An offense so designated or an offense for which persons found guilty thereof may be sentenced to imprisonment for a term of which the maximum is one (1) year or less.

OF ANOTHER — Property that any entity, including but not limited to any natural person, corporation, limited liability company, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement.

OFFENSE — Any felony, ordinance violation, misdemeanor or infraction.

PHYSICAL INJURY — Slight impairment of any function of the body or temporary loss of use of any part of the body.

PLACE OF CONFINEMENT — Any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a offense or crime be held.

POSSESS or POSSESSED — Having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if such person has the object on his/her person or within easy reach and convenient control. A person has constructive possession if such person has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one (1) person alone has possession of an object, possession is sole. If two (2) or more persons share possession of an object, possession is joint.

PROPERTY — Anything of value, whether real or personal, tangible or intangible, in possession or in action.

PUBLIC SERVANT — Any person employed in any way by a government of this State who is compensated by the government by reason of such person's employment, any person appointed to a position with any government of this State, or any person elected to a position with any government of this State. It includes, but is not limited to, legislators, jurors, members of the judiciary and Law Enforcement Officers. It does not include witnesses.

PURPOSELY — When used with respect to a person's conduct or to a result thereof, means when it is his/her conscious object to engage in that conduct or to cause that result.

RECKLESSLY — Consciously disregarding a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

SERIOUS EMOTIONAL INJURY — An injury that creates a substantial risk of temporary or permanent medical or psychological damage, manifested by impairment of a behavioral, cognitive or physical condition. Serious emotional injury shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty.

SERIOUS PHYSICAL INJURY — Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

SERVICES — When used in relation to a computer system or network, means use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage or retrieval functions.

SEXUAL ORIENTATION — Male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's gender.

SPECIAL VICTIM — Any of the following:

1. A Law Enforcement Officer assaulted in the performance of his or her official duties or as a direct result of such official duties;
2. Emergency personnel, any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician, assaulted in the performance of his or her official duties or as a direct result of such official duties;
3. A probation and parole officer assaulted in the performance of his/her official duties or as a direct result of such official duties;
4. An elderly person;
5. A person with a disability;
6. A vulnerable person;
7. Any jailer or corrections officer of the State or one (1) of its political subdivisions assaulted in the performance of his/her official duties or as a direct result of such official duties;
8. A highway worker in a construction or work zone as the terms "highway worker," "construction zone" and "work zone" are defined under Section 304.580, RSMo.;
9. Any utility worker, meaning any employee of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned, while in the performance of his/her job duties, including any person employed under a contract;
10. Any cable worker, meaning any employee of a cable operator, as such term is defined in Section 67.2677, RSMo., including any person employed under contract, while in the performance of his/her job duties; and
11. Any employee of a mass transit system, including any employee of public bus or light rail companies, while in the performance of his/her job duties.

VEHICLE — A self-propelled mechanical device designed to carry a person or persons, excluding vessels or aircraft.

VESSEL — Any boat or craft propelled by a motor or by machinery, whether or not such motor or machinery is a principal source of propulsion used or capable of being used as a means of transportation on water, or any boat or craft more than twelve (12) feet in length which is powered by sail alone or by a combination of sail and machinery, and used or capable of being used as a means of transportation on water, but not any boat or craft having, as the only means of propulsion, a paddle or oars.

VOLUNTARY ACT —

1. A bodily movement performed while conscious as a result of effort or determination. Possession is a voluntary act if the possessor knowingly procures or receives the thing

possessed, or having acquired control of it was aware of his/her control for a sufficient time to have enabled him or her to dispose of it or terminate his/her control; or

2. An omission to perform an act of which the actor is physically capable. A person is not guilty of an offense based solely upon an omission to perform an act unless the law defining the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by law.

VULNERABLE PERSON — Any person in the custody, care, or control of the Department of Mental Health who is receiving services from an operated, funded, licensed, or certified program.

Section 210.020. Attempt.

- A. Guilt for an offense may be based upon an attempt to commit an offense if, with the purpose of committing the offense, a person performs any act which is a substantial step towards the commission of the offense. A "substantial step" is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.
- B. It is no defense to a prosecution under this Section that the offense attempted was, under the actual attendant circumstances, factually or legally impossible of commission, if such offense could have been committed had the attendant circumstances been as the actor believed them to be.

Section 210.030. Conspiracy. ¹

- A. Guilt for an offense may be based upon a conspiracy to commit an offense when a person, with the purpose of promoting or facilitating the commission of an offense, agrees with another person or persons that they or one or more of them will engage in conduct which constitutes such offense.
- B. It is no defense to a prosecution for conspiring to commit an offense that a person, who knows that a person with whom he or she conspires to commit an offense has conspired with another person or persons to commit the same offense, does not know the identity of such other person or persons.
- C. If a person conspires to commit a number of offenses, he or she can be found guilty of only one offense so long as such multiple offenses are the object of the same agreement.
- D. No person may be convicted of an offense based upon a conspiracy to commit an offense unless an overt act in pursuance of such conspiracy is alleged and proved to have been done by him or her or by a person with whom he or she conspired.
- E. *Exceptions.*

1. **Note:** Under certain circumstances this offense can be a felony under state law.

1. No person shall be convicted of an offense based upon a conspiracy to commit an offense if, after conspiring to commit the offense, he/she prevented the accomplishment of the objectives of the conspiracy under circumstances manifesting a renunciation of his/her criminal purpose.
 2. The defendant shall have the burden of injecting the issue of renunciation of criminal purpose under Subsection (E)(1).
- F. For the purpose of time limitations on prosecutions:
1. A conspiracy to commit an offense is a continuing course of conduct which terminates when the offense or offenses which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he or she conspired;
 2. If an individual abandons the agreement, the conspiracy is terminated as to him/her only if he/she advises those with whom he/she has conspired of his/her abandonment or he/she informs the law enforcement authorities of the existence of the conspiracy and of his/her participation in it.
- G. A person shall not be charged, convicted or sentenced on the basis of the same course of conduct of both the actual commission of an offense and a conspiracy to commit that offense.

Section 210.040. through Section 210.100. (Reserved)

ARTICLE II
Offenses Against the Person

Section 210.110. Assault. ²

- A. A person commits the offense of assault if:
1. The person attempts to cause or recklessly causes physical injury, physical pain or illness to another person;
 2. With criminal negligence the person causes physical injury to another person by means of a firearm;
 3. The person purposely places another person in apprehension of immediate physical injury;
 4. The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person;

2. Editor's Note: As to assault of certain other persons, see the definition of "special victim" as set out in Section 210.010 of this Chapter.

5. The person knowingly causes or attempts to cause physical contact with a person with a disability, which a reasonable person, who does not have a disability, would consider offensive or provocative; or
6. The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.

Section 210.125. Definitions.

As used in this Sections 210.127 and 210.130, unless the context clearly indicates otherwise, the following terms shall have the meanings indicated:

ABUSE — Includes but is not limited to the occurrence of any of the following acts, attempts or threats against a person who may be protected pursuant to this Chapter, except "abuse" shall not include abuse inflicted on a child by accidental means by an adult household member or discipline of a child, including spanking, in a reasonable manner:

1. **ASSAULT** — Purposely or knowingly placing or attempting to place another in fear of physical harm.
2. **BATTERY** — Purposely or knowingly causing physical harm to another with or without a deadly weapon.
3. **COERCION** — Compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage.
4. **HARASSMENT** — Engaging in a purposeful or knowing course of conduct involving more than one (1) incident that alarms or causes distress to an adult or child and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable adult or child to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner or child. Such conduct might include, but is not limited to:
 - a. Following another about in a public place or places;
 - b. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity.
5. **SEXUAL ASSAULT** — Causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, duress, or without that person's consent,
6. **UNLAWFUL IMPRISONMENT** — Holding, confining, detaining or abducting another person against that person's will.

ADULT — Any person seventeen (17) years of age or older or otherwise emancipated.

CHILD — Any person under seventeen (17) years of age unless otherwise emancipated.

COURT — The Circuit or Associate Circuit Judge or a Family Court Commissioner.

DOMESTIC VIOLENCE — Abuse or stalking committed by a family or household member, as such terms are defined in this Section.

EX PARTE ORDER OF PROTECTION — An order of protection issued by the Court before the respondent has received notice of the petition or an opportunity to be heard on it.

FAMILY OR HOUSEHOLD MEMBER — Spouses, former spouses, any person related by blood or marriage, persons who are presently residing together or have resided together in the past, any person who is or has been in a continuing social relationship of a romantic or intimate nature with the victim, and anyone who has a child in common regardless of whether they have been married or have resided together at any time.

FULL ORDER OF PROTECTION — An order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard.

ORDER OF PROTECTION — Either an ex parte order of protection or a full order of protection.

PENDING — Exists or for which a hearing date has been set.

PETITIONER — A family or household member who has been a victim of domestic violence, or any person who has been the victim of stalking or sexual assault, or a person filing on behalf of a child pursuant to Section 455.503, RSMo., who has filed a verified petition pursuant to the provisions of Section 455.020 or 455.505, RSMo.

RESPONDENT — The family or household member alleged to have committed an act of domestic violence, or person alleged to have committed an act of stalking or sexual assault, against whom a verified petition has been filed or a person served on behalf of a child pursuant to Section 455.503, RSMo.

SEXUAL ASSAULT — As defined under the definition of "abuse" in this Section.

STALKING — Is when any person purposely engages in an unwanted course of conduct that causes alarm to another person, or a person who resides together in the same household with the person seeking the order of protection when it is reasonable in that person's situation to have been alarmed by the conduct. As used in this definition:

1. **ALARM** — Means to cause fear of danger of physical harm; and
2. **COURSE OF CONDUCT** — Means a pattern of conduct composed of two (2) or more acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact.

Section 210.127. Arrest for Violation of Order — Penalties — Good Faith Immunity for Law Enforcement Officials.

- A. When a Law Enforcement Officer has probable cause to believe a party has committed a violation of law amounting to domestic violence, as defined in Section 455.010, RSMo., against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting Officer. When the Officer declines to make arrest pursuant to this Subsection, the Officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information. Any Law Enforcement Officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation as stated in this Subsection against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of non-arrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this Subsection.
- B. When a Law Enforcement Officer has probable cause to believe that a party, against whom a protective order has been entered and who has notice of such order entered, has committed an act of abuse in violation of such order, the Officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting Officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this Subsection.
- C. When an Officer makes an arrest, the officer is not required to arrest two (2) parties involved in an assault when both parties claim to have been assaulted. The arresting Officer shall attempt to identify and shall arrest the party the Officer believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor.
1. The Law Enforcement Officer shall consider any or all of the following in determining the primary physical aggressor:
 - a. The intent of the law to protect victims from continuing domestic violence;
 - b. The comparative extent of injuries inflicted or serious threats creating fear of physical injury;
 - c. The history of domestic violence between the persons involved.
 2. No Law Enforcement Officer investigating an incident of domestic violence shall threaten the arrest of all parties for the purpose of discouraging requests or law enforcement intervention by any party. Where complaints are received from two (2) or more opposing parties, the Officer shall evaluate each complaint separately to determine whether the Officer should seek a warrant for an arrest.
- D. In an arrest in which a Law Enforcement Officer acted in good faith reliance on this Section, the arresting and assisting Law Enforcement Officers and their employing

entities and superiors shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.

- E. When a person against whom an order of protection has been entered fails to surrender custody of minor children to the person to whom custody was awarded in an order of protection, the Law Enforcement Officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.
- F. The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.
- G. A violation of the terms and conditions, with regard to domestic violence, stalking, sexual assault, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of an ex parte order of protection of which the respondent has notice, shall be a Class A misdemeanor unless the respondent has previously pleaded guilty to or has been found guilty in any Division of the Circuit Court of violating an ex parte order of protection or a full order of protection within five (5) years of the date of the subsequent violation, in which case the subsequent violation shall be a Class E felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the Court out of the presence of the jury prior to submission of the case to the jury. If the Court finds the existence of such prior pleas of guilty or finding of guilt beyond a reasonable doubt, the Court shall decide the extent or duration of sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict.
- H. A violation of the terms and conditions, with regard to domestic violence, stalking, sexual assault, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit or place of employment or school, or being within a certain distance of the petitioner or a child of the petitioner, of a full order of protection shall be a Class A misdemeanor, unless the respondent has previously pleaded guilty to or has been found guilty in any Division of the Circuit Court of violating an ex parte order of protection or a full order of protection within five (5) years of the date of the subsequent violation, in which case the subsequent violation shall be a Class E felony. Evidence of prior pleas of guilty or findings of guilt shall be heard by the Court out of the presence of the jury prior to submission of the case to the jury. If the Court finds the existence of such prior plea of guilty or finding of guilt beyond a reasonable doubt, the Court shall decide the extent or duration of the sentence or other disposition and shall not instruct the jury as to the range of punishment or allow the jury to assess and declare the punishment as a part of its verdict. For the purposes of this Subsection, in addition to the notice provided by actual service of the order, a party is deemed to have notice of an order of protection if the Law Enforcement Officer responding to a call of a reported incident of domestic violence, stalking, sexual assault, or violation of an order of protection presented a copy of the order of protection to the respondent.
- I. Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering under Section 575.270, RSMo.

- J. Nothing in this Section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.

Section 210.130. Domestic Assault. ³

- A. A person commits the offense of domestic assault if the act involves a domestic victim, as the term "domestic victim" is defined under Section 565.002, RSMo., and:
1. The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim;
 2. With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument;
 3. The person purposely places such domestic victim in apprehension of immediate physical injury by any means;
 4. The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim;
 5. The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or
 6. The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.

Section 210.140. (Reserved) ⁴

Section 210.150. Harassment.

A person commits the offense of harassment if he/she, without good cause, engages in any act with the purpose to cause emotional distress to another person.

Section 210.160. Stalking — Definitions. ⁵

- A. *Definitions.* As used in this Section:

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3. **Note:** Under certain circumstances this offense can be a felony under state law.
4. **Editor's Note:** This Section previously pertained to assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer. However, the authorizing statute, former RSMo. §565.083, was repealed without replacement by SB 491 in the 2014 Legislative Session, effective 1-1-2017. See Section 210.120, Assault, as it relates to a "special victim."
5. **Note:** Under certain circumstances this offense can be a felony under state law.

DISTURBS — Shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.

- B. A person commits the offense of stalking if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person.
- C. This Section shall not apply to activities of Federal, State, County, or Municipal Law Enforcement Officers conducting investigations of any violation of Federal, State, County, or Municipal Law.
- D. Any Law Enforcement Officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this Section.

Section 210.170. Kidnapping. ⁶

A person commits the offense of kidnapping if he or she knowingly restrains another unlawfully and without consent so as to interfere substantially with his or her liberty.

Section 210.180. Endangering the Welfare of a Child. ⁷

- A. A person commits the offense of endangering the welfare of a child if he/she:
 - 1. With criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old; or
 - 2. Knowingly encourages, aids or causes a child less than seventeen (17) years of age to engage in any conduct which causes or tends to cause the child to come within the provisions of Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.; or
 - 3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years of age, recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him/her from coming within the provisions of Paragraph (c) of Subdivision (1) of Subsection (1) or Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.; or
 - 4. Knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 579.105, RSMo.
- B. Nothing in this Section shall be construed to mean the welfare of a child is endangered for the sole reason that he/she is being provided non-medical remedial treatment recognized and permitted under the laws of this State.

6. Note: Under certain circumstances this offense can be a felony under state law.

7. Note: Under certain circumstances this offense can be a felony under state law.

Section 210.190. Leaving a Child Unattended in a Motor Vehicle — Definitions. ⁸

A. *Definitions.* As used in this Section, the following terms mean:

COLLISION — The act of a motor vehicle coming into contact with an object or a person.

INJURES — To cause physical harm to the body of a person.

MOTOR VEHICLE — Any automobile, truck, truck-tractor, or any motor bus or motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks.

UNATTENDED — Not accompanied by an individual fourteen (14) years of age or older.

B. A person commits the offense of leaving a child unattended in a motor vehicle if such person knowingly leaves a child less than eleven (11) years of age unattended in a motor vehicle and such child injures another person by causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian.

C. The offense of leaving a child unattended in a motor vehicle is an ordinance violation.

Section 210.200. through Section 210.290. (Reserved)

ARTICLE III
Offenses Concerning Administration of Justice

Section 210.300. Concealing an Offense. ⁹

A. A person commits the offense of concealing an offense if he or she:

1. Confers or agrees to confer any pecuniary benefit or other consideration to any person in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof; or
2. Accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his/her concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof.

8. **Note:** Under certain circumstances this offense can be a felony under state law.

9. **Note:** Under certain circumstances this offense can be a felony under state law.

Section 210.310. Hindering Prosecution. ¹⁰

- A. A person commits the offense of hindering prosecution if, for the purpose of preventing the apprehension, prosecution, conviction or punishment of another person for conduct constituting an offense, he or she:
1. Harbors or conceals such person; or
 2. Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law; or
 3. Provides such person with money, transportation, weapon, disguise or other means to aid him/her in avoiding discovery or apprehension; or
 4. Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

Section 210.320. Refusal To Identify as a Witness.

A person commits the offense of refusal to identify as a witness if, knowing he or she has witnessed any portion of an offense, or of any other incident resulting in physical injury or substantial property damage, he or she refuses to report or gives a false report of his or her name and present address to a Law Enforcement Officer engaged in the performance of his or her duties.

Section 210.330. Disturbing a Judicial Proceeding.

A person commits the offense of disturbing a judicial proceeding if, with the purpose to intimidate a judge, attorney, juror, party or witness and thereby influence a judicial proceeding, he or she 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.

Section 210.340. Tampering With a Witness or Victim. ¹¹

- A. A person commits the offense of tampering with a witness or victim if:
1. With the purpose to induce a witness or a prospective witness to disobey a subpoena or other legal process, absent himself or herself, avoid subpoena or other legal process, withhold evidence, information, or documents, or testify falsely, he or she:

10. Note: Under certain circumstances this offense can be a felony under state law.

11. Note: Under certain circumstances this offense can be a felony under state law.

- a. Threatens or causes harm to any person or property; or
 - b. Uses force, threats or deception; or
 - c. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or
 - d. Conveys any of the foregoing to another in furtherance of a conspiracy; or
2. He or she purposely 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:
 - a. Making any report of such victimization to any peace officer, State, Local or Federal Law Enforcement Officer, prosecuting agency, or judge;
 - b. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof;
 - c. Arresting or causing or seeking the arrest of any person in connection with such victimization.

Section 210.350. Tampering With Physical Evidence. ¹²

- A. A person commits the offense of tampering with physical evidence if he/she:
1. Alters, destroys, suppresses or conceals any record, document or thing with the purpose to impair its verity, legibility or availability in any official proceeding or investigation; or
 2. Makes, presents or uses any record, document or thing knowing it to be false with the purpose to mislead a public servant who is or may be engaged in any official proceeding or investigation.

Section 210.360. Improper Communication.

A person commits the offense of improper communication if he/she communicates, directly or indirectly, with any juror, special master, referee or arbitrator in a judicial proceeding, other than as part of the proceedings in a case, for the purpose of influencing the official action of such person.

Section 210.370. False Impersonation.

- A. A person commits the offense of false impersonation if such person:

12. Note: Under certain circumstances this offense can be a felony under state law.

1. Falsely represents himself/herself to be a public servant with the purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts, and
 - a. Performs an act in that pretended capacity; or
 - b. Causes another to act in reliance upon his/her pretended official authority.
 2. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and
 - a. Performs an act in that pretended capacity; or
 - b. Causes another to act in reliance upon such representation; or
 3. Upon being arrested, falsely represents himself/herself, to a Law Enforcement Officer, with the first and last name, date of birth or social security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction or offense that contains the first and last name, date of birth and social security number, or a substantial number of identifying factors or characteristics to that of such other person as to cause such other person to be identified as the actual person arrested or convicted.
- B. If a violation of Subsection (A)(3) hereof is discovered prior to any conviction of the person actually arrested for an underlying charge, then the prosecuting attorney bringing any action on the underlying charge shall notify the court thereof, and the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.
- C. Any person who is the victim of a false impersonation and whose identity has been falsely reported in arrest or conviction records may move for expungement and correction of said records under the procedures set forth in Section 610.123, RSMo. Upon a showing that a substantial number of identifying factors of the victim was falsely ascribed to the person actually arrested or convicted, the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and court records.

Section 210.380. False Reports.

- A. A person commits the offense of making a false report if he/she knowingly:
1. Gives false information to any person for the purpose of implicating another person in an offense; or

2. Makes a false report to a Law Enforcement Officer that an offense 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 person 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.

Section 210.390. Resisting or Interfering With Arrest, Detention or Stop. ¹³

- A. A person commits the offense of resisting or interfering with arrest, detention, or stop if he or she knows or reasonably should know that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, and for the purpose of preventing the Officer from effecting the arrest, stop or detention, he or she:
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:
1. Arrests, stops or detentions with or without warrants;
 2. Arrests, stops or detentions for any offense, infraction or ordinance violation; and
 3. Arrests for warrants issued by a court or a probation and parole officer.
- C. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a motor vehicle after he or she 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 him or her.
- D. It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.

13. Note: Under certain circumstances this offense can be a felony under state law.

Section 210.400. Escape or Attempted Escape From Custody. ¹⁴

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

Section 210.410. Interference With Legal Process.

- A. A person commits the offense of interference with legal process if, knowing another person is authorized by law to serve process, he or she interferes with or obstructs such person for the purpose of preventing such person from effecting the service of any process.
- B. "Process" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.

Section 210.420. Obstructing Government Operations.

A person commits the offense of obstructing government operations if he/she purposely obstructs, impairs, hinders or perverts the performance of a governmental function by the use or threat of violence, force or other physical interference or obstacle.

Section 210.425. False Affidavit.

- A. A person commits the offense of making a false affidavit if, with the purpose to mislead any person, he/she, in any affidavit swears falsely to a fact which is material to the purpose for which such affidavit is made.
- B. A fact is material, regardless of its admissibility under rules of evidence, if it could substantially affect or did substantially affect the course or outcome of the cause, matter or proceeding.
- C. Knowledge of the materiality of the statement is not an element of this crime and it is no defense that:
 - 1. The person mistakenly believed the fact to be immaterial; or
 - 2. The person was not competent, for reasons other than mental disability or immaturity, to make the statement.

Section 210.430. False Declarations.

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

14. Note: Under certain circumstances this offense can be a felony under state law.

1. Submits any written false statement, which he/she does not believe to be true
 - a. In an application for any pecuniary benefit or other consideration; or
 - b. On a form bearing notice, authorized by law, that false statements made therein are punishable; or
 2. Submits or invites reliance on
 - a. Any writing which he/she knows to be forged, altered or otherwise lacking in authenticity; or
 - b. Any sample, specimen, map, boundary mark, or other object which he/she knows to be false.
- B. The falsity of the statement or the item under Subsection (A) of this Section must be as to a fact which is material to the purposes for which the statement is made or the item submitted; and the provisions of Subsections (2) and (3) of Section 575.040, RSMo., shall apply to prosecutions under Subsection (A) of this Section.
- C. For the purpose of this Section, "*written*" shall include filings submitted in an electronic or other format or medium approved or prescribed by the Secretary of State.

Section 210.435. Proof of Falsity of Statements.

- A. No person shall be convicted of a violation of Section 210.425 or 210.430 based upon the making of a false statement except upon proof of the falsity of the statement by:
1. The direct evidence of two (2) witnesses; or
 2. The direct evidence of one (1) witness together with strongly corroborating circumstances; or
 3. Demonstrative evidence which conclusively proves the falsity of the statement; or
 4. A directly contradictory statement by the defendant under oath together with:
 - a. The direct evidence of one (1) witness; or
 - b. Strongly corroborating circumstances; or
 5. A judicial admission by the defendant that he/she made the statement knowing it was false. An admission, which is not a judicial admission, by the defendant that he/she made the statement knowing it was false may constitute strongly corroborating circumstances.

Section 210.440. Tampering With A Public Record.

- A. A person commits the offense of tampering with a public record if, with the purpose to impair the verity, legibility or availability of a public record, he/she:

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

Section 210.445. Simulating Legal Process.

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

Section 210.450. Refusing To Make an Employee Available for Service of Process.

An employer, or agent who is in charge of a business establishment, commits the offense of refusing to make an employee available for service of process if he or she 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.

Section 210.455. Escape or Attempted Escape From Confinement.

A person commits the offense of escape or attempted escape from confinement if, while being held in confinement after arrest for any offense, while serving a sentence after conviction for any offense, or while at an institutional treatment center operated by the Department of Corrections as a condition of probation or parole, he or she escapes or attempts to escape from confinement.

Section 210.460. through Section 210.510. (Reserved)

ARTICLE IV
Offenses Concerning Public Health and Safety

Section 210.520. Abandonment of Airtight or Semi-Airtight Containers.

- A. A person commits the offense of abandonment of an airtight or semi-airtight container if he or she knowingly abandons, discards, or permits to remain on premises under his or her 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 (1 1/2) 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, warehouse operator or repair person.
- C. The defendant shall have the burden of injecting the issue under Subsection (B) of this Section.
- D. The offense of abandonment of an airtight or semi-airtight container is an ordinance violation.

Section 210.530. Littering.

A person commits the offense of littering if he or she places, deposits, or causes to be placed or deposited, 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 City 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 the City, or on any private real property owned by another without the owner's consent.

Section 210.540. Littering Via Carcasses.

- A. A person commits the offense of unlawful disposition of a dead animal if he or she knowingly places or causes to be placed the carcass or offal of any dead animal:
 - 1. Into any well, spring, brook, branch, creek, pond, or lake; or
 - 2. On any public road or highway, river, stream, or watercourse or upon premises not his or her own for the purpose of annoying another or others.

Section 210.550. Tampering With a Water Supply.

- A. A person commits the offense of tampering with a water supply if he or she purposely:
 - 1. Poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes; or
 - 2. Diverts, dams up and holds back from its natural course and flow any spring, brook or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, town or city for his/her, their or its use.
- B. The offense of tampering with a water supply is an ordinance violation.

Section 210.560. Smoking in City-Owned Buildings Is Prohibited.**[CC 1990 §16-292; Ord. No. 5416, 11-9-1992]**

- A. No person shall smoke in City-owned buildings except in a designated smoking area.
- B. Any person who violates this Section shall be guilty of an infraction.

Section 210.570. Abandoning Motor Vehicle, Vessel or Trailer.

- A. A person commits the offense of abandoning a vehicle, vessel, or trailer if he or she knowingly abandons any vehicle, vessel, or trailer on:
 - 1. The right-of-way of any public road or State highway;
 - 2. On or in any of the waters in this State;
 - 3. On the banks of any stream;
 - 4. On any land or water owned, operated or leased by the State, any board, department, agency or commission thereof, or any political subdivision thereof;
 - 5. On any land or water owned, operated or leased by the Federal government; or
 - 6. On any private real property owned by another without his or her consent.
- B. For purposes of this Section, the last owner of record of a vehicle, vessel, or trailer found abandoned and not shown to be transferred pursuant to Sections 301.196 and 301.197, RSMo., shall be deemed prima facie evidence of ownership of such vehicle, vessel, or trailer at the time it was abandoned and the person who abandoned the vehicle, vessel, or trailer or caused or procured its abandonment. The registered owner of the abandoned vehicle, vessel, or trailer shall not be subject to the penalties provided by this Section if the vehicle, vessel, 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 vehicle, vessel, 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 vehicle, vessel, 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 vehicle, vessel, or trailer is alleged to have been stolen, the owner of the vehicle, vessel, or trailer shall submit proof that a police report was filed in a timely manner indicating that the vehicle or vessel was stolen at the time of the alleged violation.
- C. The offense of abandoning a vehicle, vessel, or trailer is an ordinance violation.
- 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 vehicle, vessel, or trailer. Any reasonable towing, storage, and administrative costs in excess of

the value of the abandoned vehicle, vessel, or trailer that exist at the time the property 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, a notice within the time frame and in the form as described in Subsection 1 of Section 304.156, RSMo.

Section 210.580. Use of Hand-Held Electronic Wireless Communications Devices While Driving Prohibited For Persons Over The Age of 21. ¹⁵

[Ord. No. 7642 §1, 10-14-2009]

- A. Except as otherwise provided in this Section, no person over the age of twenty-one (21) operating a moving motor vehicle on roads exclusively within the jurisdiction of the City of Florissant, Missouri, by means of a hand-held electronic wireless communications device shall send, read or write a text message or electronic message.
- B. The provisions of Subsection (A) of this Section shall not apply to a person operating:
 - 1. An authorized emergency vehicle; or
 - 2. A moving motor vehicle while using a hand-held electronic wireless communications device to:
 - a. Report illegal activity;
 - b. Summon medical or other emergency help;
 - c. Relay information between a transit or for-hire operator and that operator's dispatcher, in which the device is permanently affixed to the vehicle.
- C. Nothing in this Section shall be construed or interpreted as prohibiting a person from making or taking part in a telephone call, by means of a hand-held electronic wireless communications device, while operating a motor vehicle on roads exclusively within the jurisdiction of the City.
- D. As used in this Section, "*electronic message*" means a self-contained piece of digital communication that is designed or intended to be transmitted between hand-held electronic wireless communication devices. "*Electronic message*" includes, but is not limited to, electronic mail, a text message, an instant message or a command or request to access an Internet site.
- E. As used in this Section, "*hand-held electronic wireless communications device*" includes any hand-held cellular phone, Palm Pilot, Blackberry or other mobile electronic device used to communicate verbally or by text or electronic messaging, but shall not apply to any device that is permanently embedded into the architecture and design of the motor vehicle.

15. Cross Reference — As to similar restrictions on drivers 21 years of age and younger, §340.290.

- F. As used in this Section, "*making or taking part in a telephone call*" means listening to or engaging in verbal communication through a hand-held electronic wireless communication device.
- G. As used in this Section, "*send, read or write a text message or electronic message*" means using a hand-held electronic wireless telecommunications device to manually communicate with any person by using an electronic message. Sending, reading or writing a text message or electronic message does not include reading, selecting or entering a phone number or name into a hand-held electronic wireless communications device for the purpose of making a telephone call.
- H. The provisions of this Section shall not apply to:
1. The operator of a vehicle that is lawfully parked or stopped;
 2. The use of factory-installed or aftermarket global positioning systems (GPS) or wireless communications devices used to transmit or receive data as part of a digital dispatch system;
 3. The use of voice-operated technology;
 4. The use of two-way radio transmitters or receivers by a licensee of the Federal Communications Commission in the Amateur Radio Service.

Section 210.590. through Section 210.650. (Reserved)

ARTICLE V
Offenses Concerning Public Peace

Section 210.660. Definitions.

As used in this Article, the following terms mean:

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

PROPERTY OF ANOTHER — Any property in which the person does not have a possessory interest.

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

Section 210.670. Peace Disturbance.

- A. A person commits the offense of peace disturbance if he or she:

1. 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. Is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:
 - a. Vehicular or pedestrian traffic; or
 - b. The free ingress or egress to or from a public or private place.

Section 210.680. Private Peace Disturbance.

- A. A person commits the offense of private peace disturbance if he/she is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:
1. Threatening to commit an offense against any person; or
 2. Fighting.
- B. For purposes of this Section, if a building or structure is divided into separately occupied units, such units are separate premises.

Section 210.690. Unlawful Assembly.

A person commits the offense of unlawful assembly if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence.

Section 210.700. Rioting.

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

Section 210.710. Refusal To Disperse.

A person commits the offense of refusal to disperse if, being present at the scene of an unlawful assembly or at the scene of a riot, he/she 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.

Section 210.720. Obstructing Public Places.

A. *Definition.* The following term shall be defined as follows:

PUBLIC PLACE — Any place to which the general public has access and a right of resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

- B. It shall be unlawful for any person to stand or remain idle either alone or in consort with others in a public place in such manner so as to:
1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;
 2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk, or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto;
 3. Obstruct the entrance to any business establishment, without so doing for some lawful purpose, if contrary to the expressed wish of the owner, lessee, managing agent or person in control or charge of the building or premises.
- C. When any person causes or commits any of the conditions in this Section, a Police Officer or any Law Enforcement Officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this Section.

Section 210.730. Disrupting a House of Worship. ¹⁶

- A. For purposes of this Section, "house of worship" means any church, synagogue, mosque, other building or structure, or public or private place used for religious worship, religious instruction, or other religious purpose.

16. Note: Under certain circumstances this offense can be a felony under state law.

- B. A person commits the offense of disrupting a house of worship if such person:
1. Intentionally and unreasonably disturbs, interrupts, or disquiets any house of worship by using profane discourse, rude or indecent behavior, or making noise either within the house of worship or so near it as to disturb the order and solemnity of the worship services; or
 2. Intentionally injures, intimidates, or interferes with or attempts to injure, intimidate, or interfere with any person lawfully exercising the right of religious freedom in or outside of a house of worship or seeking access to a house of worship, whether by force, threat, or physical obstruction.

Section 210.740. Unlawful Funeral Protests Prohibited — Definitions.

- A. A person commits the offense of unlawful funeral protest if he or she pickets or engages in other protest activities within three hundred (300) feet of any residence, cemetery, funeral home, church, synagogue or other establishment during or within one (1) hour before or one (1) hour after the conducting of any actual funeral or burial service at that place.
- B. *Definitions.* As used in this Section, the following terms mean:
- FUNERAL and BURIAL SERVICE — The ceremonies and memorial services held in conjunction with the burial or cremation of the dead, but this Section does not apply to processions while they are in transit beyond any three-hundred-foot zone that is established under Subsection (A) above.
- OTHER PROTEST ACTIVITIES — Any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service.
- C. The offense of unlawful funeral protest shall be an ordinance violation.

Section 210.750. Noises Prohibited Generally.

[CC 1990 §16-362; Ord. No. 6274, 7-12-1999]

- A. It shall be unlawful for any person to willfully make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the neighborhood peace, comfort or repose of persons.

The standards which shall be considered in determining whether a violation of the provisions of this Section exist shall include, but not limited to, the following:

1. The volume of the noise;
2. The intensity of the noise;
3. Whether the nature of the noise is usual or unusual;
4. Whether the origin of the noise is natural or unnatural;

5. The volume and intensity of the background noise, if any;
 6. The proximity of the noise to the residential sleeping facility;
 7. The nature and zoning of the area in which the noise emanates;
 8. The density of the inhabitation of the area within which the noise emanates;
 9. The time of day or night in which the noise occurs;
 10. The duration of the noise;
 11. Whether the noise is recurrent, intermittent or constant;
 12. Whether or not the noise is produced by commercial or non-commercial activity.
- B. The type of activity that shall be deemed to be prohibited shall include, but is not limited to, the following:
1. *Horns, signaling devices, etc.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the City except as a danger warning or during an approved parade; the creation of any unreasonably loud or harsh sound by means of any such signaling device and the sounding of any such device for an unreasonable period of time; the use of any signaling device, except a Police whistle or one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any such signaling device when traffic is held up for any reason.
 2. *Radios, televisions, phonographs, etc.* The using, operating or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or chamber in which such machine or device is operated and who is a voluntary listener thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 P.M. and 7:00 A.M. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
 3. *Loudspeakers, amplifiers, etc., for advertising.* The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure unless otherwise legally authorized. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
 4. *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M. or at any time

or place so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity.

5. *Animals, birds, etc.* The keeping of any animal or bird which will disturb the comfort or repose of any persons in the vicinity by making long, continual or frequent noise.
6. *Steam whistle or horn.* The blowing of any train whistle, steam whistle or horn attached to any stationary boiler or locomotive except to give notice of the time to begin or stop work or as warning of fire or danger or upon request of proper City authorities.
7. *Exhaust.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
8. *Defect in vehicle or load.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.
9. *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
10. *Construction and repair work.* The exterior construction, demolition, alteration or repair of buildings involving the operation of machinery or equipment which causes loud or disturbing noise except between the hours of 7:00 A.M. and 8:00 P.M. on Monday through Saturday and between 9:00 A.M. and 8:00 P.M. on Sunday and except for activities by governmental authorities or public utilities when the activities are in response to emergencies or otherwise in the interest of public health and safety.
11. *Schools, courts, churches, hospitals, residences.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in session or adjacent to any hospital or in the residential area and which unreasonably interferes with the work of such institution or which disturbs or unduly annoys patients in the hospital; provided, that conspicuous signs are displayed about such institutions indicating the presence of such institutions.
12. *Hawkers, peddlers, etc.* The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.
13. *Noises to attract attention.* The use of any drum or other instrument or device for the purpose of attracting attention to any performance, show or sale by creation of noise.
14. *Transportation of metal rails, etc.* The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.

15. *Pile drivers, hammers, etc.* The operation from 6:00 P.M. to 7:00 A.M. on any pile drive, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise without a special permit from the Mayor or Council.
16. *Blowers.* The operation of any noise-creating blower and power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
17. *Sound trucks.* The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other commercial purposes; the use of sound trucks for non-commercial purposes during such hours or in such places or with such volume as would constitute such use a public nuisance.
18. *Automobile repair.* The doing of any activity in the course of repairing or altering a motor vehicle or equipment thereof in the nighttime which creates any disturbing noise audible on the premises of another.

Section 210.760. through Section 210.820. (Reserved)

ARTICLE VI
Offenses Concerning Weapons and Firearms

Section 210.830. Definitions.

The following words, when used in this Article, shall have the meanings set out herein:

ANTIQUE, CURIO OR RELIC FIREARM — Any firearm so defined by the National Gun Control Act, 18 U.S.C. Title 26, §5845, and the United States Treasury/Bureau of Alcohol, Tobacco and Firearms, 27 CFR 178.11:

1. "Antique firearm" is any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said ammunition not being manufactured any longer; this includes any matchlock, wheel lock, flintlock, percussion cap or similar type ignition system, or replica thereof;
2. Curio or relic firearm is any firearm deriving value as a collectible weapon due to its unique design, ignition system, operation or at least fifty (50) years old, associated with a historical event, renown personage or major war.

BLACKJACK — Any instrument that is designed or adapted for the purpose of stunning or inflicting physical injury by striking a person, and which is readily capable of lethal use.

BLASTING AGENT — Any material or mixture, consisting of fuel and oxidizer that is intended for blasting, but not otherwise defined as an explosive under this Section, provided that the finished product, as mixed for use of shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined.

CONCEALABLE FIREARM — Any firearm with a barrel less than sixteen (16) inches in length, measured from the face of the bolt or standing breech.

DEFACE — To alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark.

DETONATOR — Any device containing a detonating charge that is used for initiating detonation in an explosive, including but not limited to, electric blasting caps of instantaneous and delay types, non-electric blasting caps for use with safety fuse or shock tube and detonating cord delay connectors.

EXPLOSIVE WEAPON — Any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon. For the purposes of this Article, the term "explosive" shall mean any chemical compound mixture or device, the primary or common purpose of which is to function by explosion, including but not limited to, dynamite and other high explosives, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords, and igniters or blasting agents.

FIREARM — Any weapon that is designed or adapted to expel a projectile by the action of an explosive.

FIREARM SILENCER — Any instrument, attachment or appliance that is designed or adapted to muffle the noise made by the firing of any firearm.

GAS GUN — Any gas ejection device, weapon, cartridge, container or contrivance, other than a gas bomb, that is designed or adapted for the purpose of ejecting any poison gas that will cause death or serious physical injury, but not any device that ejects a repellent or temporary incapacitating substance.

INTOXICATED — Substantially impaired mental or physical capacity resulting from introduction of any substance into the body.

KNIFE — Any dagger, dirk, stiletto, or bladed hand instrument that is readily capable of inflicting serious physical injury or death by cutting or stabbing a person. For purposes of this Article, "knife" does not include any ordinary pocketknife with no blade more than four (4) inches in length.

KNUCKLES — Any instrument that consists of finger rings or guards made of a hard substance that is designed or adapted for the purpose of inflicting serious physical injury or death by striking a person with a fist enclosed in the knuckles.

MACHINE GUN — Any firearm that is capable of firing more than one (1) shot automatically, without manual reloading, by a single function of the trigger.

PROJECTILE WEAPON — Any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.

RIFLE — Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

SHORT BARREL — A barrel length of less than sixteen (16) inches for a rifle and eighteen (18) inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall rifle or shotgun length of less than twenty-six (26) inches.

SHOTGUN — Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger.

SPRING GUN — Any fused, timed or non-manually controlled trap or device designed or adapted to set off an explosion for the purpose of inflicting serious physical injury or death.

SWITCHBLADE KNIFE — Any knife which has a blade that folds or closes into the handle or sheath, and

1. That opens automatically by pressure applied to a button or other device located on the handle; or
2. That opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force.

Section 210.840. Weapons — Carrying Concealed — Other Unlawful Use. ¹⁷

- A. A person commits the offense of unlawful use of weapons, except as otherwise provided by Sections 571.101 to 571.121, RSMo., if he/she knowingly:
1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use into any area where firearms are restricted under Section 571.107, RSMo.; or
 2. Sets a spring gun; or
 3. Discharges or shoots a firearm within the City limits;¹⁸ or
 4. Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
 5. Has a firearm or projectile weapon readily capable of lethal use on his/her person, while he/she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self defense; or

¹⁷ Note: Under certain circumstances this offense can be a felony under state law.

¹⁸ State Law Reference: §252.243.3, RSMo., limits the discharge of firearms in certain areas known as "Hunting Heritage Protection Areas," which are defined therein.

6. Openly carries a firearm or any other weapon readily capable of lethal use within the City limits; or
 7. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.
 8. Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of Section 579.015, RSMo.
- B. Subsections (A)(1) and (7) of this Section shall not apply to the persons described in this Subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this Subsection. Subsections (A)(3) and (4) of this Section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this Subsection:
1. All State, County and Municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and who possess the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or Municipalities of the State, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in Subsection (11) of Section 571.030, RSMo., and who carry the identification defined in Subsection (12) of Section 571.030, RSMo., or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
 2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
 3. Members of the Armed Forces or National Guard while performing their official duty;
 4. Those persons vested by Article V, Section 1, of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal judiciary;
 5. Any person whose bona fide duty is to execute process, civil or criminal;
 6. Any Federal Probation Officer or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. §44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;
 7. Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;

8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Department of Public Safety under Section 590.750, RSMo.;
 9. Any coroner, deputy coroner, medical examiner or assistant medical examiner;
 10. Any municipal or county prosecuting attorney or assistant prosecuting attorney, circuit attorney or assistant circuit attorney, municipal, associate or circuit judge; or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under Subsection (2) of Section 571.111, RSMo.;
 11. Any member of a Fire Department or Fire Protection District who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or valid concealed carry permit under Section 571.111, RSMo., when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and
 12. Upon the written approval of the Governing Body of a Fire Department or Fire Protection District, any paid Fire Department or Fire Protection District member who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.
- C. Subsections (A)(1), (5) and (7) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subsection (A)(1) of this Section does not apply to any person nineteen (19) years of age or older or eighteen (18) years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subsection (A)(7) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.
- D. Subsections (A)(1) and (7) of this Section shall not apply to any person who has a valid concealed carry permit issued pursuant to Sections 571.101 to 571.121, RSMo., a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State.
- E. Subsections (A)(3), (4), (5) and (7) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.

- F. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

Section 210.850. Possession, Manufacture, Transport, Repair, Sale of Certain Weapons.

¹⁹

- A. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells:
1. An explosive weapon;
 2. An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;
 3. A gas gun;
 4. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm;
 5. Knuckles; or
 6. Any of the following in violation of Federal law:
 - a. A machine gun;
 - b. A short-barreled rifle or shotgun;
 - c. A firearm silencer; or
 - d. A switchblade knife.
- B. A person does not commit an offense pursuant to this Section if his/her conduct involved any of the items in Subsections (A)(1) through (5), the item was possessed in conformity with any applicable Federal law, and the 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 Subparagraph (1) of this Subsection; 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

19. Note: Under certain circumstances this offense can be a felony under state law.

5. Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance.

Section 210.860. Defacing Firearm.

A person commits the offense of defacing a firearm if he/she knowingly defaces any firearm.

Section 210.870. Purchase in Another State by Missouri Residents, Permitted When.

Residents of the State of Missouri may purchase firearms in any State, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, 18 U.S.C. §921 et seq., and regulations thereunder, and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Missouri and in the State in which the purchase is made.

Section 210.880. Purchase in Missouri by Non-Resident, Permitted When.

Residents of any State may purchase firearms in the State of Missouri, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, 18 U.S.C. §921 et seq., and regulations thereunder, and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Missouri and in the State in which such persons reside.

Section 210.890. Unlawful Transfer of Weapons. ²⁰

A. A person commits the offense of unlawful transfer of weapons if he/she:

1. Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian or recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers any firearm to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian; provided that this does not prohibit the delivery of such weapons to any Peace Officer or member of the Armed Forces or National Guard while performing his/her official duty; or
2. Recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

Section 210.900. Concealed Weapons.

[Ord. No. 6998 §16-216, 4-13-2004]

- A. No person who has been issued a concealed carry endorsement by the Missouri Director of Revenue under Sections 571.101 — 571.121, RSMo., or who has been issued a valid permit or endorsement to carry concealed firearms issued by another State or political

²⁰. Note: Under certain circumstances this offense can be a felony under state law.

subdivision of another State, shall, by authority of that endorsement or permit, be allowed to carry a concealed firearm or to openly carry a firearm into:

1. Any Police station without the consent of the Chief of Police of the City of Florissant. Possession of a firearm in a vehicle on the premises of the Police station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
2. Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
3. The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
4. Any meeting of the Florissant City Council, except that nothing in this Subsection shall preclude a member of the Florissant City Council, holding a valid concealed carry permit or endorsement, from carrying a concealed firearm at the meeting of the City Council provided that it is not otherwise prohibited herein. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
5. Any building owned, leased or controlled by the City of Florissant which is clearly identified by signs posted at the entrance to the building or at the restricted area to indicate that carrying a concealed weapon in the building or in a restricted area is prohibited. However, firing ranges, any building used for public housing by private persons and any private dwellings owned, leased or controlled by the City of Florissant are exempted from this restriction unless carrying of a firearm is otherwise prohibited by Federal law. All persons violating this Subsection shall be denied entrance to the building, ordered to leave the building, and if any person refuses to leave the premises, such person shall be deemed to be trespassing upon City property and shall be subject to the penalties prescribed under Section 100.080 of the Florissant Code of Ordinances in addition to being issued a citation for violation of this Section as provided for herein. If such persons are employees of the City of Florissant, they may also be subjected to disciplinary measures.
6. Any establishment licensed to dispense intoxicating liquor for consumption of the premises, which portion is primarily devoted to that purpose without the consent of the owner or manager. The provisions of this Subsection shall not apply to the licensee of said establishment. The provisions of this Subsection shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and that receives at least fifty-one percent (51%) of its gross annual income from the dining facilities by the sale of food. This Subsection does not prohibit the possession of a firearm in a vehicle on the premises of the

establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this Subsection authorizes any individual who has been issued a concealed carry endorsement to possess any firearm while intoxicated.

7. Any place where the carrying of a firearm is prohibited by Federal law.
8. Any higher education institution or elementary or secondary school facility without the consent of the Governing Body of the higher education institution or a school official or the district school board, unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
9. Any portion of a building used as a child care facility without the consent of the manager. Nothing in this Subsection shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a concealed carry permit or endorsement;
10. Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
11. Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
12. Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one (1) or more signs displayed in a conspicuous place of a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity or person may prohibit persons holding a concealed carry permit or endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry permit or endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry permit or

endorsement from carrying a concealed firearm in vehicles owned by the employer;

13. Any sports arena or stadium with a seating capacity of five thousand (5,000) or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 14. Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- B. Any person violating any of the provisions of Subsection (A) of this Section shall be punished as follows:
1. If the violator holds a concealed carry permit or endorsement issued pursuant to State law, the violator may be subject to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Peace Officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars (\$100.00) for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00). If a third citation for a similar violation is issued within one (1) year of the first citation, such person shall be fined an amount not to exceed five hundred dollars (\$500.00). Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the Sheriff of the County which issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the Sheriff of the County which issued the certificate of qualification for a concealed carry permit or endorsement and the Department of Revenue.
 2. If the violator does not hold a current valid concealed carry permit or endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section 100.080 of this Code of Ordinances.
 3. Employees of the City of Florissant may, in addition to any other punishment hereby, be subject to disciplinary action.
- C. It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty-five dollars (\$35.00), for any person issued a concealed carry permit or endorsement pursuant to State law to fail to carry the concealed carry permit or endorsement at all times the person is carrying a concealed firearm, or to fail to display the concealed carry permit or endorsement upon the request of any Peace Officer.

Section 210.910. Open Display of Firearm Permitted, When.

Any person who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, and who is lawfully carrying a firearm in a concealed manner,

may briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.

Section 210.920. Discharging Air Gun, Etc.

Any person within the limits of this City who shall discharge any BB gun which expels a projectile by means of a spring, air or any other means, paintball gun or air gun or shall shoot any pebble, bullet, slug, arrow or other hard substance by means of a sling, crossbow, rubber band or bow or any other means shall be deemed guilty of an ordinance violation.

Section 210.930. Discharging Firearms Within The City.

[Code 1980 §16-121; CC 1990 §16-217]

- A. No person shall discharge firearms of any kind within the City without first having obtained a permit from the Mayor under conditions set out below.
- B. The Mayor may issue a permit to any not-for-profit, benevolent or fraternal organization to hold a turkey shoot under the conditions that:
 - 1. Satisfactory proof of the corporate status of the organization as a not-for-profit, benevolent or fraternal organization be filed with the Mayor's office;
 - 2. The permit be issued only for a location which shall be at least three hundred (300) feet from the nearest residence or other dwelling in which persons may be located on all sides;
 - 3. The permit be issued in the names of designated persons within the not-for-profit, benevolent or fraternal organization who have received from the Police Department a statement indicating that to the satisfaction of the range officer of the City that they are fully familiar with the requirements for the safe use of firearms to be used;
 - 4. At least one (1) person to whom the permit is issued be present at all times during which the turkey shoot is held;
 - 5. When the permit is issued by the Mayor, that the same shall be valid only after an inspection has been made by the range officer of the Police Department and he/she has indicated on such permit that he/she has found the area on which the turkey shoot is to be held meets all requirements for the safe and orderly conducting of the turkey shoot and that the equipment to be used, including the turkey shoot stand, has been erected in a safe and secure manner.

Section 210.940. Medical Deception — Penalty — Immunity, When.

- A. A person licensed under Chapter 334 or 335, RSMo., who treats a person for a wound inflicted by gunshot commits the infraction of medical deception if he or she knowingly fails to immediately report to a local Law Enforcement Official the name and address of

the person, if known, and if unknown, a description of the person, together with an explanation of the nature of the wound and the circumstances under which the treatment was rendered.

- B. A person licensed under Chapter 334 or 335, RSMo., who, in good faith, makes a report under this Section shall have immunity from civil liability that otherwise might result from such report and shall have the same immunity with respect to any good faith participation in any judicial proceeding in which the reported gunshot wound is an issue. Notwithstanding the provisions of Subdivision (5) of Section 491.060, RSMo., the existence of a physician-patient relationship shall not prevent a physician from submitting the report required in this Section, or testifying regarding information acquired from a patient treated for a gunshot wound if such testimony is otherwise admissible.

Section 210.950. through Section 210.1010. (Reserved)

**ARTICLE VII
Offenses Concerning Property**

Section 210.1020. Definitions. ²¹

As used in this Article, the following terms mean:

APPROPRIATE — To take, obtain, use, transfer, conceal, retain, or dispose.

COERCION — A threat, however communicated:

1. To commit any offense; or
2. To inflict physical injury in the future on the person threatened or another; or
3. To accuse any person of any offense; or
4. To expose any person to hatred, contempt or ridicule; or
5. To harm the credit or business reputation of any person; or
6. To take or withhold action as a public servant or to cause a public servant to take or withhold action; or
7. To inflict any other harm which would not benefit the actor.

21. Cross Reference — Definitions and rules of construction generally, §100.020; Definitions concerning offenses generally, §210.010.

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

CREDIT DEVICE — A writing, card, code, number or other device purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer.

DEALER — A person in the business of buying and selling goods.

DEBIT DEVICE — A writing, card, code, number or other device, other than a check, draft or similar paper instrument, by the use of which a person may initiate an electronic fund transfer, including but not limited to devices that enable electronic transfers of benefits to public assistance recipients.

DECEIT OR DECEIVE — Making a representation which is false and which the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or other state of mind or concealing a material fact as to the terms of a contract or agreement. The term "*deceit*" does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to the actor's intention to perform a promise shall not be inferred from the fact alone that he/she did not subsequently perform the promise.

DEPRIVE —

1. Withhold property from the owner permanently; or
2. Restore property only upon payment of reward or other compensation; or
3. Use or dispose of property in a manner that makes recovery of the property by the owner unlikely.

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

PROPERTY — Any thing of value whether real or personal, tangible or intangible, in possession or in action and shall include, but not be limited to, the evidence of a debt actually executed but not delivered or issued as a valid instrument.

SERVICES — Includes transportation, telephone, electricity, gas, water or other public service; cable television service, video service, voice-over internet protocol service, or internet

service; accommodation in hotels, restaurants or elsewhere; admission to exhibitions; and use of vehicles.

STEALING-RELATED OFFENSE — Federal and state violations of criminal Statutes against stealing, robbery, or buying or receiving stolen property and shall also include municipal ordinances against the same if the offender was either represented by counsel or knowingly waived counsel in writing and the judge accepting the plea or making the findings was a licensed attorney at the time of the court proceedings.

TO TAMPER — To interfere with something improperly, to meddle with it, displace it, make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor of that thing.

UTILITY — An enterprise which provides gas, electric, steam, water, sewage disposal, or communication, video, internet, or voice over internet protocol services, and any common carrier. It may be either publicly or privately owned or operated.

WRITING — Includes printing, any other method of recording information, money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other symbols of value, right, privilege or identification.

Section 210.1030. Tampering. ²²

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

1. Tamper 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. Tamper or makes connection with property of a utility; or
4. Tamper 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 Subsection (A)(4), 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 Subsection (A)(4), shall be sufficient to support an inference which the trial court may submit to the trier of fact from which the trier of fact may conclude that there has been a violation of such Subsection by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

²². Note: Under certain circumstances this offense can be a felony under state law.

Section 210.1040. Property Damage. ²³

- A. A person commits the offense of property damage if he/she:
 - 1. Knowingly damages property of another; or
 - 2. Damages property for the purpose of defrauding an insurer.

Section 210.1050. Claim of Right.

- A. A person does not commit an offense by damaging, tampering with, operating, riding in or upon or making connection with property of another if he/she does so under a claim of right and has reasonable grounds to believe he/she has such a right.
- B. The defendant shall have the burden of injecting the issue of claim of right.
- C. No person who, as a tenant, willfully or wantonly destroys, defaces, damages, impairs or removes any part of a leased structure or dwelling unit, or the facilities, equipment or appurtenances thereof, may inject the issue of claim of right.

Section 210.1060. Trespass in the First Degree.

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

Section 210.1070. Trespass in the Second Degree.

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

Section 210.1080. Trespass of a School Bus.

- A. A person commits the offense of trespass of a school bus if he or she knowingly and unlawfully enters any part of or unlawfully operates any school bus.

23. Note: Under certain circumstances this offense can be a felony under state law.

- B. For the purposes of this Section, the terms "unlawfully enters" and "unlawfully operates" refer to any entry or operation of a school bus which is not:
1. Approved of and established in a school district's written policy on access to school buses; or
 2. Authorized by specific written approval of the school board.
- C. In order to preserve the public order, any district which adopts the policies described in Subsection (B) of this Section shall establish and enforce a student behavior policy for students on school buses.

Section 210.1090. Reckless Burning or Exploding.

A person commits the offense of reckless burning or exploding if he/she recklessly starts a fire or causes an explosion and thereby damages or destroys the property of another.

Section 210.1100. Negligent Burning or Exploding.

- A. A person commits the offense of negligent burning or exploding if he/she with criminal negligence causes damage to property or to the woodlands, cropland, grassland, prairie, or marsh of another by:
1. Starting a fire or causing an explosion; or
 2. Allowing a fire burning on lands in his or her possession or control onto the property of another.

Section 210.1110. Stealing.²⁴

- A. A person commits the offense of stealing if he or she:
1. Appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion;
 2. Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or
 3. For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

Section 210.1120. Theft of Motor Fuel.

- A. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank

24. Note: Under certain circumstances this offense can be a felony under state law.

of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made.

- B. A person found guilty or pleading guilty to stealing pursuant to Section 210.1110 for the theft of motor fuel as described in Subsection (A) shall have his/her driver's license suspended by the court beginning on the date of the court's order of conviction. The person shall submit all of his/her operator's and chauffeur's licenses to the court upon conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the Department of Revenue for administration of such order.

Section 210.1130. (Reserved) ²⁵

Section 210.1140. Financial Exploitation of an Elderly Person or Person With a Disability — Certain Defense Prohibited. ²⁶

- A. A person commits the offense of financial exploitation of an elderly person or a person with a disability if such person knowingly obtains control over the property of the elderly person or person with a disability with the intent to permanently deprive the person of the use, benefit or possession of his or her property thereby benefitting the offender or detrimentally affecting the elderly person or person with a disability by:
1. Deceit;
 2. Coercion;
 3. Creating or confirming another person's impression which is false and which the offender does not believe to be true;
 4. Failing to correct a false impression which the offender previously has created or confirmed;
 5. Preventing another person from acquiring information pertinent to the disposition of the property involved;
 6. Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record;
 7. Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform; or

25. Editor's Note: This Section previously pertained to receiving stolen property. However, the authorizing statute, former RSMo. §570.080, was repealed without replacement by SB 491 in the 2014 Legislative Session, effective 1-1-2017.

26. Note: Under certain circumstances this offense can be a felony under state law.

8. Undue influence, which means the use of influence by someone who exercises authority over an elderly person or person with a disability in order to take unfair advantage of that person's vulnerable state of mind, neediness, pain, or agony. "Undue influence" includes, but is not limited to, the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority.
- B. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.
- C. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good-faith effort to assist the elderly person or person with a disability in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance.
- D. Nothing in this Section shall limit the ability to engage in bona fide estate planning, to transfer property and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly person or person with a disability has become accustomed at the time of such actions.
- E. It shall not be a defense to financial exploitation of an elderly person or person with a disability that the accused reasonably believed that the victim was not an elderly person or person with a disability.
- F. *Medicaid Funds.* It shall be unlawful in violation of this Section for any person receiving or in the possession of funds of a Medicaid-eligible elderly person or person with a disability residing in a facility licensed under Chapter 198, RSMo., to fail to remit to the facility in which the Medicaid-eligible person resides all money owing the facility resident from any source, including, but not limited to, social security, railroad retirement, or payments from any other source disclosed as resident income contained in the records of the Department of Social Services, Family Support Division, or its successor. The Department of Social Services, Family Support Division, or its successor is authorized to release information from its records containing the resident's income or assets to any prosecuting or circuit attorney in the State of Missouri for purposes of investigating or prosecuting any suspected violation of this Section.
- G. The offense of financial exploitation of an elderly person or person with a disability is an ordinance violation.

Section 210.1150. Fraudulent Use of a Credit or Debit Device. ²⁷

- A. A person commits the offense of fraudulent use of a credit device or debit device if he or she uses a credit device or debit device for the purpose of obtaining services or property, knowing that:
 1. The device is stolen, fictitious or forged; or
 2. The device has been revoked or canceled; or

²⁷ Note: Under certain circumstances this offense can be a felony under state law.

3. For any other reason his or her use of the device is unauthorized; or
- B. A person commits the offense of fraudulent use of a credit device or debit device if he or she uses a credit device or debit device for the purpose of paying property taxes and knowingly cancels such charges or payment without just cause. It shall be prima facie evidence of a violation of this Section if a person cancels such charges or payment after obtaining a property tax receipt to obtain license tags from the Missouri Department of Revenue.

Section 210.1160. Deceptive Business Practice.

- A. A person commits the offense of deceptive business practice if in the course of engaging in a business, occupation or profession, he or she recklessly:
1. Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity;
 2. Sells, offers, displays for sale, or delivers less than the represented quantity of any commodity or service;
 3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he or she furnishes the weight or measure;
 4. Sells, offers, or exposes for sale adulterated or mislabeled commodities;
 5. Makes a false or misleading written statement for the purpose of obtaining property or credit;
 6. Promotes the sale of property or services by a false or misleading statement in any advertisement; or
 7. Advertises in any manner the sale of property or services with the purpose not to sell or provide the property or services:
 - a. At the price which he or she offered them;
 - b. In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement; or
 - c. At all.

Section 210.1170. Alteration or Removal of Item Numbers With Intent To Deprive Lawful Owner. ²⁸

- A. A person commits the offense of alteration or removal of item numbers if he/she with the purpose of depriving the owner of a lawful interest therein:

²⁸ Note: Under certain circumstances this offense can be a felony under state law.

1. Destroys, removes, covers, conceals, alters, defaces or causes to be destroyed, removed, covered, concealed, altered or defaced the manufacturer's original serial number or other distinguishing owner-applied number or mark on any item which bears a serial number attached by the manufacturer or distinguishing number or mark applied by the owner of the item for any reason whatsoever;
2. Sells, offers for sale, pawns or uses as security for a loan any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced; or
3. Buys, receives as security for a loan or in pawn, or in any manner receives or has in his/her possession any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced.

Section 210.1180. Stealing Leased or Rented Personal Property — Enforcement Procedure — Penalty — Venue. ²⁹

- A. A person commits the offense of stealing leased or rented property if, with the intent to deprive the owner thereof, such person:
1. 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;
 2. Conceals or aids or abets the concealment of the property from the owner;
 3. Sells, encumbers, conveys, pawns, loans, abandons or gives away the leased or rented property or any part thereof, without the written consent of the lessor, or without informing the person to whom the property is transferred to, that the property is subject to a lease;
 4. Returns the property to the lessor at the end of the lease term, plus any agreed upon extensions, but does not pay the lease charges agreed upon in the written instrument, with the intent to wrongfully deprive the lessor of the agreed upon charges.
- B. 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.

²⁹. Note: Under certain circumstances this offense can be a felony under state law.

- C. Evidence that a lessee used a false, fictitious, or not current name, address, or place of employment in obtaining the property or that a lessee fails or refuses to return the property or pay the lease charges to the lessor within seven (7) days after written demand for the return has been sent by certified mail, return receipt requested, to the address the person set forth in the lease agreement, or in the absence of the address, to the person's last known place of residence, shall be evidence of intent to violate the provisions of this Section, except that if a 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 offense of stealing 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 which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she 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 seven-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.
- D. 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.
- 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 commits the offense of property damage pursuant to Section 569.100, RSMo., or Section 210.1040 of this Code 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.

Section 210.1190. Passing Bad Checks. ³⁰

- A. A person commits the offense of passing a bad check when he/she:
1. With the purpose to defraud, makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account

³⁰. Note: Under certain circumstances this offense can be a felony under state law.

information for the payment of money knowing that it will not be paid by the drawee or that there is no such drawee; or

2. Makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that there are insufficient funds in or on deposit with that account for the payment of such check, sight order or other form of presentment involving the transmission of account information in full and all other checks, sight orders or other forms of presentment involving the transmission of account information upon such funds then outstanding, or that there is no such account or no drawee and fails to pay the check or sight order or other form of presentment involving the transmission of account information within ten (10) days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.
- B. As used in Subsection (A)(2) of this Section, "actual notice in writing" means notice of the non-payment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten-day period during which the instrument may be paid and that payment of the instrument within such ten-day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

Section 210.1200. Shoplifting — Detention of Suspect by Merchant — Liability Presumption.

- A. *Definitions.* As used in this Section, the following definitions shall apply:

MERCANTILE ESTABLISHMENT — Any mercantile place of business in, at or from which goods, wares and merchandise are sold, offered for sale or delivered from and sold at retail or wholesale.

MERCHANDISE — All goods, wares and merchandise offered for sale or displayed by a merchant.

MERCHANT — Any corporation, partnership, association or person who is engaged in the business of selling goods, wares and merchandise in a mercantile establishment.

WRONGFUL TAKING — Includes stealing of merchandise or money and any other wrongful appropriation of merchandise or money.

- B. Any merchant, his/her agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money from a mercantile establishment, may detain such person in a reasonable manner and for a reasonable length of time for the purpose of investigating whether there has been a wrongful taking of such merchandise or money. Any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it

render the merchant, his/her agent or employee criminally or civilly liable to the person so detained.

- C. Any person willfully concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of Subsection (A), and the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time of such person by a merchant, his/her agent or employee in order that recovery of such merchandise may be effected, and any such reasonable detention shall not be deemed to be unlawful nor render such merchant, his/her agent or employee criminally or civilly liable.

Section 210.1210. Copper Wire or Cable, Catalytic Converters, Collectors and Dealers To Keep Register, Information Required — Penalty — Exempt Transactions.

- A. Every purchaser or collector of, or dealer in, junk, scrap metal or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this Section is obtained for value. There shall be a separate record for each transaction involving any:
1. Copper, brass or bronze;
 2. Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting or fastener;
 3. Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in Section 350.010, RSMo.; whatever may be the condition or length of such metal; or
 4. Catalytic converter.
- B. The record required by this Section shall contain the following data:
1. A copy of the driver's license or photo identification issued by the State or by the United States Government or agency thereof to the person from whom the material is obtained;
 2. The current address, gender, birth date, and a photograph of the person from whom the material is obtained if not included or are different from the identification required in Subsection (B)(1) of this Subsection;
 3. The date, time and place of the transaction;
 4. The license plate number of the vehicle used by the seller during the transaction;
 5. A full description of the metal, including the weight and purchase price.

- C. The records required under this Section shall be maintained for a minimum of twenty-four (24) months from when such material is obtained and shall be available for inspection by any Law Enforcement Officer.
- D. Anyone convicted of violating this Section shall be guilty of an ordinance violation.
- E. This Section shall not apply to any of the following transactions:
 - 1. Any transaction for which the total amount paid for all regulated scrap metal purchased or sold does not exceed fifty dollars (\$50.00), unless the scrap metal is a catalytic converter;
 - 2. Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or
 - 3. Any transaction for which the type of metal subject to Subsection (A) of this Section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.

Section 210.1220. Metal Beer Keg, Prohibition on Purchase or Possession by Scrap Metal Dealer — Violation, Penalty.

- A. No scrap metal dealer shall knowingly purchase or possess a metal beer keg, whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store, shred, melt, cut or otherwise alter scrap metal except when the purchase is from the brewer or its authorized representative. For purposes of this Section, "keg" shall have the same meaning as in Section 311.082, RSMo.
- B. Anyone who is found guilty of, or pleads guilty to, violating this Section shall be guilty of an ordinance violation punishable only by fine. Nothing in this Section shall be construed to preclude a person violating this Section from also being prosecuted for any applicable criminal offense.

Section 210.1230. Metal Belonging to Various Entities — Scrap Yard Not To Purchase — Violation, Penalty.

- A. No scrap yard shall purchase any metal that can be identified as belonging to a public or private cemetery, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility or utility regulated under Chapters 386 or 393, RSMo., including bleachers, guardrails, signs, street and traffic lights or signals, and manhole cover or covers, whether broken or unbroken, from anyone other than the cemetery or monument owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility,

municipal utility, utility regulated under Chapter 386 or 393, RSMo., or manufacturer of the metal or item described in this Section unless such person is authorized in writing by the cemetery or monument owner, political subdivision, telecommunications provider, cable provider, wireless service or other communications-related provider, electrical cooperative, water utility, municipal utility, utility regulated under Chapter 386 or 393, RSMo., or manufacturer to sell the metal.

- B. Anyone convicted of violating this Section shall be guilty of an ordinance violation.

Section 210.1240. Scrap Metal Dealers — Payments in Excess of \$500.00 To Be Made by Check — Exceptions.

- A. Any scrap metal dealer paying out an amount that is five hundred dollars (\$500.00) or more shall make such payment by issuing a prenumbered check drawn on a regular bank account in the name of the licensed scrap metal dealer and with such check made payable to the person documented as the seller in accordance with this Section, or by using a system for automated cash or electronic payment distribution which photographs or videotapes the payment recipient and identifies the payment with a distinct transaction in the register maintained in accordance with Chapter 407, RSMo.
- B. Any scrap metal dealer that purchases scrap metal from a seller and pays in the form of cash is required to obtain a copy of the seller's driver's license or non-driver's license if the metal is copper or a catalytic converter. This Section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.
- C. Any person in violation of Sections 210.1210 to 210.1240 by selling stolen scrap metal shall be responsible for consequential damages related to obtaining the scrap metal.

Section 210.1250. Throwing Objects At Automobiles or Pedestrians.

[Code 1980 §16-78; CC 1990 §16-156]

- A. *Prohibited.* It shall be unlawful for any person to throw or otherwise propel firecrackers, explosives, eggs, water balloons or any other substance at or against any pedestrian or automobile, whether the same be moving or stationary, or against the occupants of any automobile.
- B. *From Automobiles — Liability Of Driver.* It shall be unlawful for any person to throw or otherwise propel firecrackers, explosives, eggs, water balloons or any other substance against any person, automobile or occupant thereof from an automobile whether the same be stationary or moving and it shall be unlawful for any person to drive an automobile from which such objects or substances are thrown. The fact that such person is driving an automobile from which such objects or substances are thrown and the fact that such person is driving an automobile from which firecrackers or explosives or eggs, water

balloons or other substances are thrown at another automobile or pedestrian shall be prima facie evidence that the driver of such automobile has violated this Section.

- C. *Liability Of Occupants.* Each occupant of an automobile, whether moving or stationary, from which firecrackers, explosives, eggs, water balloons or other substances have been thrown or propelled against pedestrians or other automobiles upon the public highways in the City, who shall fail to prevent other occupants from hurling such eggs, water balloons, firecrackers or explosives or other substances as aforesaid, shall be guilty of an ordinance violation. The fact that such objects or substances were hurled or propelled, as aforesaid, by any occupant of an automobile shall be prima facie evidence against all occupants of such automobile of a violation of the provisions of this Section.
- D. *Declared An Ordinance Violation — Exception.* Both the driver and all other occupants of any automobile from which firecrackers, explosives, eggs, water balloons or other substances have been thrown against pedestrians or other automobiles upon the public highways of the City shall be equally guilty of an ordinance violation unless the driver and other occupants of such automobile shall immediately stop such automobile or cause the same to be stopped and report such action to the Police; and the failure of such driver and other occupants to stop such automobile or cause the same to be stopped and to report such violation shall be prima facie proof of a violation of the provisions of this Section.

Section 210.1260. Blocking or Obstructing Water Flow.

[CC 1990 §16-157; Ord. No. 6435, 8-28-2000]

It shall be unlawful for any person to block or otherwise obstruct the free passage of water for any natural and/or dedicated draining swale, storm sewer inlet structure, gutter, trench or channel made or used for the purpose of carrying off water or draining any property or street.

Section 210.1270. Diverting or Altering Water Flow Prohibited.

[CC 1990 §16-158; Ord. No. 6435, 8-28-2000]

It shall be unlawful for any person to alter or cause to be altered the surface of the ground so as to divert or alter the free passage of water which creates or causes ponding, erosion or damage to their own or other properties.

Section 210.1280. Regulation of Portable Outdoor Storage Containers.

[Ord. No. 7580 §1, 3-11-2009]

- A. *Definitions.* As used in this Article, the term "*portable outdoor storage container*" shall mean any container, storage unit, storage trailer, shed-like container or other portable structure that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building, other than an accessory building, structure or shed complying with the City of Florissant's Zoning Code.

- B. *Use Of Portable Outdoor Storage Containers.* No portable outdoor storage containers may be used within the City except as follows:
1. No more than one (1) portable outdoor storage container may be placed on any parcel, lot or real property at any one time;
 2. In no event shall any portable outdoor storage container be placed in any public right-of-way or easement, including sidewalks;
 3. It shall be unlawful for any person to park, place, cause the placement of or allow the placement of a portable outdoor storage container on any single-family residential lot or property in the City of Florissant other than on a concrete, asphalt or other improved surface;
 4. In non-residential zoning districts, portable outdoor storage containers may only be placed in a location approved by the Director of Public Works or his/her designee;
 5. In no event may any parcel, lot or real property have located thereon a portable outdoor storage container for a period exceeding thirty (30) consecutive days or for more than thirty (30) days during any twelve (12) month period without the written consent of the Director of Public Works or his/her designee;
 6. Portable outdoor storage containers shall be locked and secured by the property owner or tenant at all times when loading or unloading is not taking place;
 7. No portable outdoor storage container located within the City shall contain toxic or hazardous materials;
 8. Signage painted on a portable outdoor storage container advertising the owner or provider is permitted, but all other signage, including, but not limited to, the advertisement of any other product or service, is prohibited and shall be deemed a violation of this Article and a violation of Chapter 520 of the Florissant Code of Ordinances.
- C. *Permit.* Any owner or occupant who causes or permits a portable outdoor storage container of any size to be placed on any parcel, lot or real property owned or occupied by such owner or occupant shall pay a fee in the amount of twenty-five dollars (\$25.00) to obtain a permit authorizing the placement of the portable outdoor storage container and upon expiration of the thirty (30) day permit, the owner and/or occupant shall remove or have the portable outdoor storage container removed. Failure to remove the portable outdoor storage container upon the expiration of the permit shall constitute a violation of this Article.
- D. *Penalties.* Any owner or occupant of any parcel, lot or real property upon which a portable outdoor storage container is placed or is permitted to remain in violation of this Article shall, upon conviction thereof, be guilty of an offense and shall be subject to punishment as provided for in Section 100.080 of the Florissant Code and each day that the portable outdoor storage container is allowed to remain in violation of this Article shall constitute a separate offense.

Section 210.1290. Issuing A False Instrument or Certificate.**[Code 1980 §16-97; CC 1990 §16-178]**

- A. A person commits the offense of issuing a false instrument or certificate when, being authorized by law to take proof or acknowledgment of any instrument which by law may be recorded or being authorized by law to make or issue official certificates or other official written instruments, he/she issues such an instrument or certificate or makes the same with the purpose that it be issued, knowing:
1. That it contains a false statement of false information; or
 2. That it is wholly or partly blank.

Section 210.1300. Graffiti.**[Ord. No. 7572 §1, 1-13-2009]**

- A. As used in this Section, the word "*graffiti*" shall mean and refer to any unauthorized inscription, word, phrase, motto, name, figure, symbol, picture or design which is written, scribbled, marked, etched, scratched, burned, carved, drawn or painted on any exterior surface or structural component of any building, structure or other facility regardless of the nature of the material of that structural component. Graffiti shall constitute a nuisance.
- B. No person shall cause graffiti to be placed upon any public or private building, fence, wall, bridge, sidewalk, road, parking area, street or road signs, utility structures or traffic light standards, driveway or similar structure or surface, nor shall the owner thereof suffer the same to remain thereon for a period exceeding ten (10) days after the date notice is mailed by the City to such person by U.S. mail, postage prepaid.
- C. No person may be in the possession of any spray paint or any container thereof nor any permanent or semi-permanent paint pens or similar device while in or upon any public or private road or upon any public sidewalk, parking area, driveway, park or premises, with the intent of causing graffiti as defined in Subsection (A) above. Possession of a spray paint can in a public building, park, facility or alley shall create a rebuttable presumption of intent to use the spray paint to cause graffiti in violation of this Section.
- D. In addition to the abatement provisions of this Division, any person found guilty of violating any provision of this Section may, upon conviction, be punished as provided in Section 100.080 of this Code.
- E. *Declaration Of Nuisance — Prohibited Acts.*
1. The presence of graffiti upon public or private property within the City is hereby declared to constitute a public nuisance. No person shall create graffiti on any public or private building, structure, place or personal property affixed to any real property within the City.
 2. *Definition.* As used in this Division, "*graffiti*" shall mean either or both of the following, as the context requires:

- a. The intentional act of defacing, damaging or destroying any public or private building, structure, place or personal property affixed to real property, within the City, by spraying or marking with paint, ink, chalk, dye or other similar substance any drawing, inscription, figure or mark of the type commonly known and referred to as graffiti; or
- b. Any such drawing, inscription, figure or mark so sprayed or marked.

3. *Abatement.*

- a. *Notice to abate.* Whenever the Director of Public Works is informed and believes that a public nuisance by reason of the presence of graffiti exists on any private property within the City, he shall give written notice to the owner, possessor or occupant of such property of the graffiti and the duty to abate the graffiti within ten (10) days from the date the notice is given. The notice to abate shall also include notice of a date, time and place for a hearing to determine whether the City shall be entitled to enter onto the property to abate the graffiti if the graffiti is not fully abated in a timely manner.
- b. *Removal by property owner or occupant.* Upon receipt of notice to abate graffiti, it shall be the duty of the owner, possessor or occupant of private property upon which graffiti has been affixed to remove, obliterate or otherwise abate the graffiti existing on the property within the time specified in the notice. The owner, possessor or occupant may satisfy the duty to abate the graffiti by permitting authorized agents of the City or authorized community volunteers to enter onto the property in order to remove, obliterate or otherwise abate the graffiti.
- c. *Removal by City upon failure to comply with notice.* Upon failure of the owner, possessor or occupant of private property to abate or permit the abatement of graffiti within the time specified in the notice to abate, the Director of Public Works shall, at the time, date and place specified in the notice to abate, conduct an informal hearing to determine whether there is probable cause to believe that graffiti is present on the property in question and whether notice to abate has been given as required in this Section. If the Director of Public Works finds there is probable cause to believe that graffiti is present on the property and that proper notice to abate has been given, the Director of Public Works shall forthwith enter an order authorizing the City to enter onto the property in order to abate the graffiti. Any person aggrieved by an order of the hearing officer may appeal from the order in accordance with the appeal procedures set forth herein.
- d. Upon completion of abatement by or at the request of the Director, the cost of such abatement shall be certified to the administration and finance manager who shall upon approval transmit the certification to the Collector of Revenue for inclusion of the certified cost in a special tax bill or with the annual real estate tax bill for the property. If the certified cost is not paid, the tax bill shall be considered delinquent and collection of the delinquent bill

shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall be a lien on the property until paid.

4. *Procedure for hearing.*

- a. Upon the filing of a request for hearing under Subsection (E)(3)(a) above, the Director shall hold a hearing within five (5) days thereof. Formal rules of evidence shall not apply, however the parties shall have the right to have an attorney present, present evidence, confront and cross-examine witnesses and receive a written decision based upon the facts adduced at the hearing.
- b. The purpose of the hearing shall be to determine whether the condition as to which the owner was notified constitutes a public nuisance as defined by Subsection (E)(1).
- c. If the Director is satisfied that there are reasonable grounds to believe that a violation exists which affects public health or safety, he shall order abatement of the violation under such conditions and within such time period as is deemed appropriate under the circumstances. Alternatively, the Director may enter an order allowing the condition of the property to remain if no violation is found to have occurred.

5. *Penalty.* Any person convicted of a violation of this Section shall be subject to a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed thirty (30) days, or to both such fine and imprisonment. When appropriate, in addition to such fine and/or imprisonment, the court shall require those convicted of violation of Subsection (E)(1) to remove the graffiti and restore to its original condition the property on which the graffiti was created.

6. Any person who provides information identifying any individual or group of individuals who are responsible for creating graffiti on private or public property which results in a conviction of such individual or individuals under this Division shall receive as a reward one-half (1/2) of the total fine collected from the convicted individual or individuals.

Section 210.1310. through Section 210.1340. (Reserved)

ARTICLE VIII
Offenses Concerning Prostitution

Section 210.1350. Article Definitions.

As used in this Article, the following terms mean:

DEVIATE SEXUAL INTERCOURSE — Any sexual act involving the genitals of one (1) person and the mouth, hand, tongue, or anus of another person; or any act involving the penetration, however slight, of the penis, the female genitalia, or the anus by a finger,

instrument, or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

PERSISTENT PROSTITUTION OFFENDER — A person who has been found guilty of two (2) or more prostitution-related offenses.

PROSTITUTION-RELATED OFFENSE — Any violation of State law for prostitution, patronizing prostitution, or promoting prostitution.

SEXUAL CONDUCT — Sexual intercourse, deviate sexual intercourse, or sexual contact.

SEXUAL CONTACT — Any touching of another person with the genitals or any touching of the genitals or anus of another person or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person or for the purpose of terrorizing the victim.

SEXUAL INTERCOURSE — Any penetration, however slight, of the female genitalia by the penis.

SOMETHING OF VALUE — Any money or property, or any token, object or article exchangeable for money or property.

Section 210.1360. Prostitution. ³¹

A person commits the offense of prostitution if he or she engages in or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by any person.

Section 210.1370. Patronizing Prostitution. ³²

A. A person commits the offense of patronizing prostitution if he or she:

1. Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or
2. Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or
3. Solicits or requests another person to engage in sexual conduct with any person in return for something of value.

B. It shall not be a defense that the person believed that the individual he or she patronized for prostitution was eighteen (18) years of age or older.

31. Note: Under certain circumstances this offense can be a felony under state law.

32. Note: Under certain circumstances this offense can be a felony under state law.

Section 210.1380. (Reserved) ³³**Section 210.1390. Prostitution Houses Deemed Public Nuisances.**

- A. Any room, building or other structure regularly used for any prostitution activity prohibited by this Article is a public nuisance.
- B. The City Prosecuting Attorney may, in addition to all criminal sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one (1) year.
- C. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any prostitution activity anywhere within the jurisdiction of the court.
- D. Appeals shall be allowed from the judgment of the court as in other civil actions.

Section 210.1400. through Section 210.1490. (Reserved)

ARTICLE IX

Sexual Offenses

Section 210.1500. Article Definitions.

As used in this Article, the following terms shall have the meanings set forth herein:

DEVIATE SEXUAL INTERCOURSE — Any act involving the genitals of one person and the hand, mouth, tongue or anus of another person or a sexual act involving the penetration, however slight, of the penis, female genitalia, or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

SEXUAL CONDUCT — Sexual intercourse, deviate sexual intercourse or sexual contact.

SEXUAL CONTACT — Any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

SEXUAL INTERCOURSE — Any penetration, however slight, of the female genitalia by the penis.

33. Editor's Note: This Section previously noted that in prosecutions of prostitution and patronizing prostitution, the sex (gender) of the parties was no defense. However, the authorizing statute, former RSMo. §567.040, was repealed without replacement by SB 491 in the 2014 Legislative Session, effective 1-1-2017.

Section 210.1510. Sexual Misconduct.

- A. A person commits the offense of sexual misconduct in the first degree if such person:
1. Exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm;
 2. Has sexual contact in the presence of a third person or persons under circumstances in which he/she knows that such conduct is likely to cause affront or alarm; or
 3. Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

Section 210.1520. Sexual Abuse. ³⁴

A person commits the offense of sexual abuse in the second degree if he/she purposely subjects another person to sexual contact without that person's consent.

Section 210.1530. Registration of Certain Offenders With Chief of Police — Time Limitation.

- A. Within ten (10) days of coming into the City of Florissant, the following persons shall register with the Chief of Police of the City of Florissant and the Chief Law Enforcement Officer of St. Louis County:
1. Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, or attempting to commit, a felony offense of Chapter 566, RSMo., or any offense of Chapter 566, RSMo., where the victim is a minor;
 2. Any person who, since July 1, 1979, has been or is hereafter convicted of, been found guilty of, or pled guilty or nolo contendere to committing, or attempting to commit one or more of the following offenses: kidnapping, pursuant to Section 565.110, RSMo.; felonious restraint; promoting prostitution in the first degree; promoting prostitution in the second degree; promoting prostitution in the third degree; sexual exploitation of a minor; promoting child pornography in the first degree; promoting child pornography in the second degree; possession of child pornography; furnishing pornographic material to minors; public display of explicit sexual material; coercing acceptance of obscene material; promoting obscenity in the first degree; promoting pornography for minors or obscenity in the second degree; incest; abuse of a child, pursuant to Section 568.060, RSMo.; use of a child in a sexual performance; or promoting sexual performance by a child; and committed or attempted to commit the offense against a victim who is a minor, defined for the purposes of Sections 589.400 to 589.425, RSMo., as a person under eighteen (18) years of age;

³⁴. Note: Under certain circumstances this offense can be a felony under state law.

3. Any person who, since July 1, 1979, has been committed to the Department of Mental Health as a criminal sexual psychopath;
 4. Any person who, since July 1, 1979, has been found not guilty as a result of mental disease or defect of any offense listed in Subdivision (1) or (2) of this Subsection;
 5. Any person who is a resident of this State who has, since July 1, 1979, or is hereafter convicted of, been found guilty of, or pled guilty to or nolo contendere in any other State, Foreign Country, or under Federal or Military Jurisdiction to committing, or attempting to commit, an offense which, if committed in this State, would be a violation of Chapter 566, RSMo., or a felony violation of any offense listed in Subdivision (2) of this Subsection or has been or is required to register in another State or has been or is required to register under Federal or Military Law; or
 6. Any person who has been or is required to register in another State or has been or is required to register under Federal or Military Law and who works or attends school or training on a full-time or on a part-time basis in Missouri. "*Part-time*" in this Subdivision means for more than fourteen (14) days in any twelve (12) month period.
- B. A registration required herein shall consist of:
1. A statement in writing signed by the person giving the name, address and phone number of the person, place of employment of such person and the crime which requires registration, the date and place of such crime and the date and place of the conviction or plea regarding such crime; and
 2. The fingerprints and a photograph of the person.
- C. The Chief of Police registering the persons who are required to register pursuant to this Article shall complete a Sex Offenders Fingerprint Card provided by the Missouri State Highway Patrol Central Repository. The completed card shall be forwarded to the Central Repository within ten (10) days. The Patrol shall enter the information into the Missouri Uniform Law Enforcement System (MULES) where it is available to the members of the criminal justice system upon inquiry.
- D. If any person required to register herein changes residence or address, the person shall inform in writing within ten (10) days a law enforcement agency with whom the person last registered of the new address and the person shall inform in writing within ten (10) days the law enforcement agency having jurisdiction over the new residence or address.
- E. The registration requirements of this Section are lifetime registration requirements unless all offenses requiring registration are reversed, vacated or set aside or unless the registrant is pardoned of the offenses requiring registration.
- F. For processing an initial sex offender registration the Chief of Police may charge the offender registering a fee of up to ten dollars (\$10.00).

- G. For processing any change in registration required by this Section the Chief of Police may charge the person changing their registration a fee of five dollars (\$5.00) for each change made after the initial registration.

Section 210.1540. Residency and Loitering Limitations For Sex Offenders.

[Ord. No. 7373, 1-9-2007; Ord. No. 7483 §1, 1-29-2008]

A. Any person who:

1. Since July 1, 1979, has been or hereafter has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the provisions of:
 - a. Chapter 566, RSMo.; or
 - b. The provisions of Subsection (2) of Section 568.020, RSMo., incest; or
 - c. Section 568.045, RSMo., endangering the welfare of a child in the first degree; or
 - d. Subsection (2) of Section 568.080, RSMo., use of a child in a sexual performance; or
 - e. Section 568.090, RSMo., promoting a sexual performance by a child; or
 - f. Section 573.023, RSMo., sexual exploitation of a minor; or
 - g. Section 573.025, RSMo., promoting child pornography in the first degree; or
 - h. Section 573.035, RSMo., promoting child pornography in the second degree; or
 - i. Section 573.037, RSMo., possession of child pornography; or
 - j. Section 573.040, RSMo., furnishing pornographic material to minors; and
2. Any person 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.,

shall not reside within three thousand (3,000) feet of any public school as defined in Section 160.011, RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth (12th) grade or public library or public park or pool open to the general public or within two thousand (2,000) feet of any child care facility as defined in Section 210.201, RSMo., which is in existence at the time the individual begins to reside at the location.

- B. If such person has already established a residence and a public school, a private school, a child care facility, a public library, a public park or a pool open to the general public is subsequently built or placed within the requisite distance of such person's residence, then

such person shall, within one (1) week of the opening of such public school, private school, public library, public park, pool or child care facility, notify the Chief of Police that he or she is now residing within three thousand (3,000) feet of such public school, private school, public library, public park or pool or within two thousand (2,000) feet of such child care facility and shall provide verifiable proof to the Chief that he or she resided there prior to the opening of such public school, private school, public library, public park, pool or child care facility.

C. For purposes of this Section:

1. *"Resides"* means sleeps in a residence, which may include more than one (1) location and may be mobile or transitory; and
2. The requisite distance between the relevant facility and the residence in question shall be measured by the straight line distance between the nearest point on the property boundary line of the property upon which the relevant facility is located and the nearest point on the boundary line of the property upon which the residence is located.

D. Any person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the provisions of Chapter 566, RSMo., or the provisions of Subsection (2) of Section 568.020, RSMo., incest; Section 568.045, RSMo., endangering the welfare of a child in the first degree; Subsection (2) of Section 568.080, RSMo., use of a child in a sexual performance; Section 568.090, RSMo., promoting a sexual performance by a child; Section 573.023, RSMo., sexual exploitation of a minor; Section 573.025, RSMo., promoting child pornography; or Section 573.040, RSMo., furnishing pornographic material to minors shall not be present in or loiter within five hundred (500) feet of any school building, recreational center or recreational facility, or on any real property comprising any school, park, recreational center or recreational facility, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building or on the grounds or in the conveyance, unless the offender is a parent, legal guardian or custodian of a student or participant present in the building and has met the conditions set forth in Subsection (E) of this Section.

E. No parent, legal guardian or custodian who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the offenses listed in Subsection (D) of this Section shall be present in any school building, recreational center or recreational facility, on any real property comprising any school, park, recreational center or recreational facility, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance unless the parent, legal guardian or custodian has permission to be present on the aforementioned school properties from the superintendent or school board or in the case of a private school from the principal, or has permission to be from the Florissant Chief of Police to be present on park property or in or near a recreational center or recreational facility property. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Permission may be granted by the superintendent,

school board or in the case of a private school from the principal for more than one (1) event at a time, such as a series of events, however, the parent, legal guardian or custodian must obtain permission for any other event he or she wishes to attend for which he or she has not yet had permission granted. In the case of a park, recreational center or recreational facility, if permission is granted, then the Florissant Chief of Police or his designee must inform the Parks Director or his designee when the sex offender will be present and how long he or she is permitted on the property.

- F. Any person violating any of the provisions of this Section shall be punished as provided in Section 100.080 of this Code of Ordinances.

Section 210.1550. Halloween, Restrictions on Conduct — Violations.

- A. Any person required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., shall be required on October 31st of each year to:
1. Avoid all Halloween-related contact with children;
 2. Remain inside his or her residence between the hours of 5:00 P.M. and 10:30 P.M. unless required to be elsewhere for just cause including, but not limited to, employment or medical emergencies;
 3. Post a sign at his or her residence stating "No candy or treats at this residence"; and
 4. Leave all outside residential lighting off during the evening hours after 5:00 P.M.
- B. Any person required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., who violates the provisions of Subsection (A) of this Section shall be guilty of an ordinance violation.

Section 210.1560. Urinating in Public.

It shall be unlawful for any person within the City to urinate in or upon any street, park, any public place open to the public or private place open to public view other than in the restroom facilities provided for such activity.

Section 210.1570. through Section 210.1660. (Reserved)

**ARTICLE X
Offenses Concerning Pornography**

Section 210.1670. Definitions.

When used in this Article, the following terms shall have the meanings set out herein:

EXPLICIT SEXUAL MATERIAL — Any pictorial or three-dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation

of unclothed genitals, sadomasochistic abuse or emphasizing the depiction of postpubertal human genitals; provided however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition.

FURNISH — To issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide.

MATERIAL — Anything printed or written, or any picture, drawing, photograph, motion-picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. "Material" includes undeveloped photographs, molds, printing plates, stored computer data, and other latent representational objects.

MINOR — Any person less than eighteen (18) years of age.

NUDITY or STATE OF NUDITY — The showing of the human genitals, pubic area, vulva, anus, anal cleft, or the female breast with less than a fully opaque covering of any part of the nipple or areola.

OBSCENE — Any material or performance if, taken as a whole:

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and
2. The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and
3. A reasonable person would find the material lacks serious literary, artistic, political or scientific value.

PERFORMANCE — Any play, motion-picture film, videotape, dance or exhibition performed before an audience of one (1) or more.

PORNOGRAPHIC FOR MINORS — Any material or performance if the following apply:

1. The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; and
2. The material or performance depicts or describes nudity, sexual conduct, the condition of human genitals when in a state of sexual stimulation or arousal or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and
3. The material or performance, taken as a whole, lacks serious literary, artistic, political or scientific value for minors.

PROMOTE — To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same, by any means including a computer.

SADOMASOCHISTIC ABUSE — Flagellation or torture by or upon a person as an act of sexual stimulation or gratification.

SEXUAL CONDUCT — Actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

SEXUAL EXCITEMENT — The condition of human male or female genitals when in a state of sexual stimulation or arousal.

Section 210.1680. Promoting Pornography for Minors or Obscenity. ³⁵

- A. A person commits the offense of promoting pornography for minors or obscenity if, knowing of its content and character, he/she:
1. Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain; or
 2. Produces, presents, directs or participates in any obscene performance for pecuniary gain; or
 3. Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain; or
 4. Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; or
 5. Promotes, possesses with the purpose to promote, produces, presents, directs or participates in any performance that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

Section 210.1690. Furnishing Pornographic Materials to Minors. ³⁶

- A. A person commits the offense of furnishing pornographic material to minors if, knowing of its content and character, he/she:
1. Furnishes any material pornographic for minors knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor; or
 2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such

35. Note: Under certain circumstances this offense can be a felony under state law.

36. Note: Under certain circumstances this offense can be a felony under state law.

performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or

3. Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.
- B. It is not a defense to a prosecution for a violation of this Section that the person being furnished the pornographic material is a Peace Officer masquerading as a minor.
- C. The offense of furnishing pornographic material to minors or attempting to furnish pornographic material to minors is an ordinance violation.

Section 210.1700. Public Display of Explicit Sexual Material.

- A. A person commits the offense of public display of explicit sexual material if he or she recklessly:
1. Exposes, places, exhibits, or in any fashion displays explicit sexual material in any location, whether public or private, and in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision as viewed from a street, highway, public sidewalk, or the property of others, or from any portion of the person's store, the exhibitor's store or property when items and material other than this material are offered for sale or rent to the public; or
 2. Fails to take prompt action to remove such a display from property in his or her possession after learning of its existence.
- B. The offense of public display of explicit sexual material is an ordinance violation.
- C. For purposes of this Section, each day there is a violation of this Section shall constitute a separate offense.

Section 210.1710. through Section 210.1790. (Reserved)

ARTICLE XI
Offenses Concerning Drugs

Section 210.1800. Possession of Marijuana or Synthetic Cannabinoid. ³⁷

A person commits the offense of possession of marijuana or any synthetic cannabinoid, as both terms are defined in Section 195.010, RSMo., if he or she knowingly possesses

37. Note: Under certain circumstances this offense can be a felony under state law.

marijuana or any synthetic cannabinoid, except as authorized by Chapter 579 or Chapter 195, RSMo.³⁸

Section 210.1810. Possession of a Controlled Substance. ³⁹

A person commits the offense of possession of a controlled substance, as defined in Section 195.010, RSMo., if he or she knowingly possesses a controlled substance, except as authorized by Chapter 579, RSMo., or Chapter 195, RSMo.⁴⁰

Section 210.1815. Limit on Sale or Dispensing of Certain Drugs — Exceptions — Violations and Penalties.

- A. The limits specified in this Section shall not apply to any quantity of such product, mixture, or preparation which must be dispensed, sold, or distributed in a pharmacy pursuant to a valid prescription.
- B. Within any thirty-day period, no person shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as: a) the sole active ingredient; or b) one (1) of the active ingredients of a combination drug; or c) a combination of any of the products specified in items a) and b) of this Subsection; in any total amount greater than nine (9) grams, without regard to the number of transactions.
- C. Within any twenty-four-hour period, no pharmacist, intern pharmacist, or registered pharmacy technician shall sell, dispense, or otherwise provide to the same individual, and no person shall purchase, receive, or otherwise acquire more than the following amount: any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, either as: a) the sole active ingredient; or b) one (1) of the active ingredients of a combination drug; or c) a combination of any of the products specified in items a) and b) of this Subsection; in any total amount greater than three and six-tenths (3.6) grams without regard to the number of transactions.
- D. All packages of 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 those that are excluded from Schedule V in Subsection 17 or 18 of Section 195.017, RSMo., shall be offered for sale only from behind a pharmacy counter where the public is not permitted, and only by a registered pharmacist or registered pharmacy technician under Section 195.017, RSMo.

38. State Law Reference: For similar statutory provisions and the elements setting the levels of this offense, see §§195.010, 195.017 and 579.015, RSMo.

39. Note: Under certain circumstances this offense can be a felony under state law.

40. State Law Reference: For similar statutory provisions and the elements setting the levels of this offense, see §§195.010, 195.017 and 579.015, RSMo.

- E. Each pharmacy shall submit information regarding sales of any compound, mixture, or preparation as specified in this Section in accordance with transmission methods and frequency established by the Department by regulation.
- F. This Section shall not apply to the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.
- G. All logs, records, documents, and electronic information maintained for the dispensing of these products shall be open for inspection and copying by Municipal, County, and State or Federal Law Enforcement Officers whose duty it is to enforce the controlled substances laws of this State or the United States.
- H. All persons who dispense or offer for sale pseudoephedrine and ephedrine products, except those that are excluded from Schedule V in Subsection 17 or 18 of Section 195.017, RSMo., shall ensure that all such products are located only behind a pharmacy counter where the public is not permitted.
- I. The penalty for a knowing or reckless violation of this Section is found in Section 579.060, RSMo.

Section 210.1820. Limitations on the Retail Sale of Methamphetamine Precursor Drugs.

- A. The retail sale of methamphetamine precursor drugs shall be limited to:
 - 1. Sales in packages containing not more than a total of three (3) grams of one (1) or more methamphetamine precursor drugs calculated in terms of ephedrine base, pseudoephedrine base and phenylpropanolamine base; and
 - 2. For non-liquid products, sales in blister packs, each blister containing not more than two (2) dosage units, or where the use of blister packs is technically infeasible, sales in unit dose packets or pouches.
- B. The penalty for a knowing violation of Subsection (A) of this Section is found in Section 569.060, RSMo.

Section 210.1830. Unlawful Possession of Drug Paraphernalia. ⁴¹

A person commits the offense of unlawful possession of drug paraphernalia if he or she knowingly uses, or possesses with intent to use, drug paraphernalia, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, a controlled substance or an imitation controlled substance in violation of Chapter 579, RSMo., or Chapter 195, RSMo.

41. Note: Under certain circumstances this offense can be a felony under state law.

Section 210.1840. Inhalation or Inducing Others To Inhale Solvent Fumes to Cause Certain Reactions, Prohibited — Exceptions.

No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues 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.

Section 210.1850. Inducing, or Possession With Intent To Induce, Symptoms by Use of Solvents and Other Substances, Prohibited.

- A. As used in this Section, "alcoholic beverage vaporizer" means any device which, by means of heat, a vibrating element, or any method, is capable of producing a breathable mixture containing one (1) or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.
- B. 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 or abuse of any of the following substances:
 - 1. Solvents, particularly toluol;
 - 2. Ethyl alcohol;
 - 3. Amyl nitrite and its iso-analogues;
 - 4. Butyl nitrite and its iso-analogues;
 - 5. Cyclohexyl nitrite and its iso-analogues;
 - 6. Ethyl nitrite and its iso-analogues;
 - 7. Pentyl nitrite and its iso-analogues; and
 - 8. Propyl nitrite and its iso-analogues.
- C. This Section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.
- D. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by Section 210.1840 and this Section.
- E. No person shall possess or use an alcoholic beverage vaporizer.

- F. Nothing in this Section shall be construed to prohibit the legal consumption of intoxicating liquor.

Section 210.1860. Possession or Purchase of Solvents To Aid Others in Violations, Prohibited — Violations of Sections 210.1840 to 210.1850 — Penalty. ⁴²

- A. No person shall intentionally possess or buy any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of inducing or aiding any other person to violate the provisions of Sections 210.1840 and 210.1850 hereof.
- B. Any person who violates any provision of Sections 210.1840 through 210.1860 is guilty of an ordinance violation for the first violation.

Section 210.1870. Selling or Transferring Solvents To Cause Certain Symptoms, Penalty — Certain Alcoholic Beverage Sellers Prohibited From Selling, Penalty.

- A. No person shall knowingly and intentionally sell or otherwise transfer possession of any solvent, particularly toluol, to any person 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.
- B. No person who owns or operates any business which receives over fifty percent (50%) of its gross annual income from the sale of alcoholic beverages or beer shall sell or offer for sale toluol or any toxic glue.

Section 210.1880. Reporting Theft of Ephedrine Products.

- A. Any person who sells ephedrine products and who discovers a theft, disappearance or other loss of an ephedrine product shall report the theft, disappearance or loss in writing to the Florissant Police Department within three (3) calendar days of such discovery.
- B. Any person who sells ephedrine products shall report to the Florissant Police Department any difference between the quantity of ephedrine products shipped and the quantity of ephedrine products received within three (3) calendar days of discovery.

Section 210.1890. Salvia Divinorum a/k/a Salvinorin A.

[Ord. No. 7030 §16.369, 6-29-2004]

It shall be unlawful for any business enterprise located within the City to sell Salvia Divinorum, a/k/a/ Salvinorin A or any variation thereof to an individual who is seventeen (17) years of age or younger.

⁴². Note: Under certain circumstances this offense can be a felony under state law.

Section 210.1900. through Section 210.1960. (Reserved)**ARTICLE XII
Offenses Concerning Minors ⁴³****Section 210.1970. Article Definitions.**

For the purposes of this Article, the following words and phrases are defined as follows:

GUARDIAN — Guardian appointed by court of competent jurisdiction.

MINOR — Any person under the age of seventeen (17).

PARENT — The natural or adoptive father or mother, legal guardian or any other person having the care or custody of a minor child.

PARENTAL NEGLECT — Any act or omission by which a parent fails to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit any offense.

Section 210.1980. Curfew for Persons Under Seventeen.

- A. It shall be unlawful for any person under the age of seventeen (17) years to be in or upon any public place or way within the City of Florissant between the hours of 12:01 A.M. and 6:00 A.M. The provisions of this Section shall not apply to any such persons accompanied by a parent or guardian, to any such person upon an errand or other legitimate business directed by such person's parent or guardian, to any such person who is engaged in gainful, lawful employment during said time period, or who is returning or in route to said employment, or to any such person who is attending or in route to or from any organized religious or school activity.
- B. *Responsibility Of Parent.* The parent, guardian or other adult person having the care and custody of a person under the age of seventeen (17) years shall not knowingly permit such person to violate this Section.
- C. *Notice To Parent.* Any Law Enforcement Officer finding any person under the age of seventeen (17) years violating the provisions of this Section shall warn such person to desist immediately from such violation and shall promptly report the violation to his/her superior officer who shall cause a written notice to be served upon the parent, guardian or person in charge of such person setting forth the manner in which this Section has been violated. Any parent, guardian or person in charge of such person who shall knowingly permit such person to violate the provisions of this Section, after receiving notice of the first violation, shall be guilty of an offense.
- D. *Service Of Notice.* The written notice provided in Subsection (C) may be served by leaving a copy thereof at the residence of such parent, guardian or person in charge of the person in violation of this Section with any person found at such residence over the

43. Cross Reference: As to alcohol-related offenses involving minors, §600.060.

age of seventeen (17) years or by mailing such notice to the last known address of such parent, guardian or person in charge of such person, wherever such person may be found.

Section 210.1990. Parental Responsibility.

- A. Whenever a minor shall be arrested or detained for the commission of any offense within the City, the Police Department shall, as soon as possible thereafter, deliver written notice to the minor's parent of the arrest or detention, and such notice shall advise the parent of his/her responsibility under this Section. The notice shall be in such a form as to be signed by the notified parent signifying receipt thereof. If the parent refuses to sign said notice, the notifying Law Enforcement Officer shall indicate such refusal on the notice.
- B. No parent shall fail to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit any offense. Written parental notice as defined in Subsection (A) of this Section shall be prima facie evidence of parental neglect if the minor commits a second or successive violation of any offense.
- C. Each violation of the provisions of this Section shall constitute a separate offense. Any person who shall violate this Section shall be subject to a penalty as set forth in Section 100.080 of this Code. In addition, the court may, as a condition of any probation granted to any parent found guilty of violating Subsection (B) of this Section, order the defendant to make restitution to any person who has been damaged by the misconduct of the minor in an amount not to exceed two thousand dollars (\$2,000.00).

Section 210.2000. through Section 210.2090. (Reserved)

ARTICLE XIII

Offenses Concerning Tobacco, Alternative Nicotine Products or Vapor Products

Section 210.2100. Definitions.

For purposes of this Article, the following definitions shall apply:

ALTERNATIVE NICOTINE PRODUCT — Any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means. "Alternative nicotine product" does not include any vapor product, tobacco product or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.⁴⁴

CENTER OF YOUTH ACTIVITIES — Any playground, school or other facility, when such facility is being used primarily by persons under the age of eighteen (18) for recreational, educational or other purposes.

DISTRIBUTE — A conveyance to the public by sale, barter, gift or sample.

44. Editor's Note: See 21 U.S.C. § 351 et seq.

MINOR — A person under the age of eighteen (18).

PROOF OF AGE — A driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

ROLLING PAPERS — Paper designed, manufactured, marketed or sold for use primarily as a wrapping or enclosure for tobacco which enables a person to roll loose tobacco into a smokeable cigarette.

SAMPLE — A tobacco product, alternative nicotine product or vapor product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

SAMPLING — The distribution to members of the general public of tobacco product, alternative nicotine product or vapor product samples.

TOBACCO PRODUCTS — Any substance containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco, but does not include alternative nicotine products or vapor products.

VAPOR PRODUCT — Any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor product" does not include any alternative nicotine product or tobacco product.

VENDING MACHINE — Any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products, alternative nicotine products or vapor products.

Section 210.2105. No Tobacco Sales to Minors — Alternative Nicotine Products, Vapor Products and Nicotine Liquid Containers — Sale to Minors Prohibited.

- A. Any person or entity who sells tobacco products, alternative nicotine products, or vapor products shall deny the sale of such tobacco products to any person who is less than eighteen (18) years of age.
- B. Any person or entity who sells or distributes tobacco products, alternative nicotine products, or vapor products by mail or through the Internet in this State in violation of Subsection (A) of this Section shall be assessed a fine of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each subsequent violation.
- C. Alternative nicotine products and vapor products shall only be sold to persons eighteen (18) years of age or older, shall be subject to local and State sales tax, but shall not be otherwise taxed or regulated as tobacco products.
- D. *Nicotine Liquid Containers — Regulations.*

1. Any nicotine liquid container that is sold at retail in this State shall satisfy the child-resistant effectiveness standards set forth in 16 CFR 1700.15(b) as in effect on the effective date of this Section when tested in accordance with the method described in 16 CFR 1700.20 as in effect on the effective date of this Section.
2. For the purposes of this Subsection, “nicotine liquid container” shall mean a bottle or other container of liquid or other substance containing nicotine if the liquid or substance is sold, marketed, or intended for use in a vapor product. A “nicotine liquid container” shall not include a liquid or other substance containing nicotine in a cartridge that is sold, marketed, or intended for use in a vapor product, provided that such cartridge is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.
3. Any person who engages in retail sales of liquid nicotine containers in this State in violation of this Subsection shall be assessed a fine of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each subsequent violation.
4. The Department of Health and Senior Services may adopt rules necessary to carry out the provisions of this Subsection. Any rule or portion of a rule, as that term is defined in Section 536.010, RSMo., that is created under the authority delegated in that Section shall become effective only if it complies with and is subject to all of the provisions of Chapter 536, RSMo., and, if applicable, Section 536.028, RSMo. This Section and Chapter 536, RSMo., are non-severable, and if any of the powers vested with the General Assembly under Chapter 536, RSMo., to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.
5. The provisions of this Subsection and any rules adopted hereunder shall be null, void, and of no force and effect upon the effective date of the final regulations issued by the Federal Food and Drug Administration or from any other Federal agency if such regulations mandate child-resistant effectiveness standards for nicotine liquid containers.

Section 210.2110. Unlawful To Sell or Distribute Tobacco Products, Alternative Nicotine Products or Vapor Products to Minors — Vending Machine Requirements.

- A. It shall be unlawful for any person to sell, provide or distribute tobacco products, alternative nicotine products or vapor products to persons under eighteen (18) years of age.
- B. All vending machines that dispense tobacco products, alternative nicotine products or vapor products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than eighteen (18) years of age from purchasing any tobacco product, alternative nicotine product or vapor product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from

being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than eighteen (18) years of age are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this Subsection shall be subject to the penalties contained in Subsection (D) of this Section. A determination of non-compliance may be made by a local law enforcement agency or the Division of Alcohol and Tobacco Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.

- C. No person or entity shall sell, provide or distribute any tobacco product, alternative nicotine product or vapor 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.
- D. Any person, including, but not limited to, a sales clerk, owner or operator, who violates Subsection (A), (B) or (C) of this Section or Section 210.2140 of this Article shall be penalized as follows:
 - 1. For the first offense, twenty-five dollars (\$25.00);
 - 2. For the second offense, one hundred dollars (\$100.00); and
 - 3. For a third and subsequent offense, two hundred fifty dollars (\$250.00).
- E. Any owner of the establishment where tobacco products, alternative nicotine products or vapor products are available for sale who violates Subsection (C) of this Section shall not be penalized pursuant to this Section if such person documents the following:
 - 1. An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the State and Federal regulations regarding sales of tobacco products, alternative nicotine products or vapor products to minors. Such training program must be attended by all employees who sell tobacco products, alternative nicotine products or vapor products to the general public;
 - 2. A signed statement by the employee stating that the employee has been trained and understands the State laws and Federal regulations regarding the sale of tobacco to minors products, alternative nicotine products or vapor products; and
 - 3. Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety (90) minutes in length, established by the Division of Alcohol and Tobacco Control.
- F. The exemption in Subsection (E) of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products, alternative nicotine products or vapor products are available for sale if:
 - 1. Four (4) or more violations per location of Subsection (C) of this Section occur within a one-year period; or

2. Such person knowingly violates or knowingly allows his/her employees to violate Subsection (C) of this Section.
- G. If a sale is made by an employee of the owner of an establishment in violation of this Article, the employee shall be guilty of an offense established in Subsections (A), (B) and (C) of this Section. If a vending machine is in violation of Section 210.2140, the owner of the establishment shall be guilty of an offense established in Subsections (C) and (D) of this Section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subsections (C) and (D) of this Section.
- H. A person cited for selling, providing or distributing any tobacco product, alternative nicotine product or vapor product to any individual less than eighteen (18) years of age in violation of Subsection (A), (B) or (C) of this Section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older.
- I. Any person adversely affected by this Section may file an appeal with the Administrative Hearing Commission which shall be adjudicated pursuant to the procedures established in Chapter 621, RSMo.

Section 210.2120. Minors Prohibited From Purchase or Possession of Tobacco Products, Alternative Nicotine Products or Vapor Products — Misrepresentation of Age.

- A. No person less than eighteen (18) years of age shall purchase, attempt to purchase or possess cigarettes, tobacco products, alternative nicotine products or vapor products unless such person is an employee of a seller of cigarettes, tobacco products, alternative nicotine products or vapor products and is in such possession to effect a sale in the course of employment or an employee of the Division of Alcohol and Tobacco 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/her age to purchase cigarettes, tobacco products, alternative nicotine products or vapor products.
- C. Any person who violates the provisions of this Section shall be penalized as follows:
 1. For the first violation, the person is guilty of an infraction and shall have any cigarettes, tobacco products, alternative nicotine products or vapor products confiscated;
 2. For a second violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes, tobacco products, alternative nicotine products or vapor products confiscated and shall complete a tobacco education or smoking cessation program, if available.

Section 210.2130. Retail Sales Tax License Required for Sale of Tobacco Products, Alternative Nicotine Products or Vapor Products.

No person shall sell cigarettes, tobacco products, alternative nicotine products or vapor products unless the person has a retail sales tax license.

Section 210.2140. Required Sign Stating Violation of State Law To Sell Tobacco Products, Alternative Nicotine Products or Vapor Products to Minors Under Age 18 — Display of Sign Required, Where.

- A. The owner of an establishment at which tobacco products, alternative nicotine products, vapor products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products, alternative nicotine products, vapor products are sold and on every vending machine where tobacco products, alternative nicotine products, vapor products are purchased a sign that shall:
1. Contain in red lettering at least one-half (1/2) inch high on a white background the following:

IT IS A VIOLATION OF STATE LAW FOR CIGARETTES, OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS TO BE SOLD OR OTHERWISE PROVIDED TO ANY PERSON UNDER THE AGE OF EIGHTEEN OR FOR SUCH PERSON TO PURCHASE, ATTEMPT TO PURCHASE OR POSSESS CIGARETTES, OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS; and
 2. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle and the words "Under 18."

Section 210.2150. Restrictions on Sales of Individual Packs of Cigarettes.

- A. No person or entity shall sell individual packs of cigarettes or smokeless tobacco products unless such packs satisfy one (1) of the following conditions prior to the time of sale:
1. It is sold through a vending machine; or
 2. It is displayed behind the checkout counter or it is within the unobstructed line of sight of the sales clerk or store attendant from the checkout counter.

Section 210.2160. Proof of Age Required, When Defense to Action for Violation Is Reasonable Reliance on Proof — Liability.

- A. A person or entity selling tobacco products, alternative nicotine products or vapor products or rolling papers or distributing tobacco product, alternative nicotine product or vapor product samples shall require proof of age from a prospective purchaser or

recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).

- B. The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the Division of Alcohol and Tobacco Control or any owner or employee of an establishment that sells tobacco products, alternative nicotine products or vapor products for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least eighteen (18) years of age when such person desires to purchase or possess tobacco products, alternative nicotine products or vapor products procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.
- C. Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of an ordinance violation.
- D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections (A), (B) and (C) of Section 210.2110 of this Article. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section 210.2110 on any single day.

Section 210.2170. Proximity To Certain Institutions — Penalty.

[CC 1990 §16-319; Ord. No. 6393, 4-10-2000]

It shall be unlawful for any person to sell, offer for sale, give away or deliver tobacco products within one hundred (100) feet of any school, child care facility or other building used for education or recreational programs for persons under the age of eighteen (18) years.

Section 210.2180. through Section 210.2200. (Reserved)

**ARTICLE XIV
Miscellaneous Offenses**

Section 210.2210. Posting, Etc., Notices, Etc., On Trees, Poles, Etc. — Exception.

[Code 1980 §16-241; CC 1990 §16-355]

It shall be unlawful for any person to stick, post, place or maintain upon any traffic or street sign, pole, tree, post, bridge or structure located on any street, alley, parkway, park or public place any bill, sign, poster, notice, placard, advertisement or printed or written matter of any

kind. Nothing herein contained shall be construed to apply to notices required by law to be posted or to official notices given by public authority.

Section 210.2220. Selling, Etc., Confections From Mobile Vehicles.

[Code 1980 §16-243; CC 1990 §16-357; Ord. No. 6508, 3-5-2001]

- A. *Prohibited During Certain Hours.* It shall be unlawful for any person to sell, expose for sale, offer for sale at retail, give away or otherwise dispense or distribute in the City any ice cream, popcorn, candy, soda, snow cones, hot dogs, hamburgers, hot tamales or other food confections in any quantity from a mobile vehicle of any type whatsoever between the period of time from one-half (½) hour before sunset to 10:30 A.M. the following day.
- B. *Prohibited In Public Parks.* Except for persons who receive a permit to operate as a park vendor in Koch Park, it shall be unlawful for any person to sell, expose for sale, offer for sale or otherwise dispense or distribute any food or beverage in any quantity from a mobile vehicle of any type whatsoever in any public park within the City or owned by the City. However, mobile park vendors who receive a permit shall not be permitted to operate within two hundred (200) feet of the JFK Community Center or the Family Aquatic Center and the mobile park vendors may be restricted from operating by the Director of Parks and Recreation when certain events are being held at Koch Park.

Section 210.2230. False Alarms.

[Code 1980 §16-247; CC 1990 §16-361; Ord. No. 6397, 4-24-2000]

- A. *Definitions.* For the purposes of this Section, the following definitions shall apply:

ALARM SYSTEM — Any mechanical or electrical device which is designed to be actuated manually or automatically upon the detection of an unauthorized entry, intrusion or other emergency in or on any building, structure, facility or premises through the emission of a sound or transmission of a signal or message.

ALARM USER — A person who uses an alarm system to protect any building, structure, facility or premises.

AUTOMATIC DIALING DEVICE — An alarm system that automatically dials a specific telephone number and transmits an emergency message by a recording over regular telephone lines when actuated.

DIRECT SIGNAL ALARM SYSTEM — An alarm system which provides for a special telephone line that is directly connected to the Police Department and has an outlet at the Police Department which emits a sound or transmits a signal or both when activated.

FALSE ALARM — Any activation of an alarm system intentionally or by inadvertence, negligence or unintentional act to which the City Police Department responds, including

activation caused by the malfunction of the alarm system; except that the following shall not be considered false alarms:

1. When the Chief of Police determines that an alarm has been caused by the malfunction of the indicator at the Police Department;
2. When the Chief of Police determines that an alarm has been caused by damage, testing or repair of telephone equipment or lines by the telephone company, provided that such incidents are promptly reported to the telephone company;
3. When an alarm is caused by an attempted and unauthorized or illegal entry, of which there is visible evidence;
4. When an alarm is followed by a call to the Police Department canceling the alarm by giving proper information, prior to the arrival of the Police Department at the source of the alarm user;
5. When the Chief of Police determines that an alarm has been caused by a malfunction of electrical power beyond the control of the alarm user.

B. *Charges For False Alarms.*

1. All false alarms to which the Police Department responds shall result in the following charges to the alarm user:
 - a. A warning for the first (1st) false alarm in any calendar year;
 - b. A thirty-five dollar (\$35.00) service charge for any other false alarm in any calendar year.
2. Upon determination by the Police Department that a false alarm has occurred, the Police Department shall send a notice to the alarm user notifying the alarm user of the determination and directing payment within ten (10) days of any service charge that may be due.
3. The Police Department shall cancel any notice or service charge upon satisfactory proof by the alarm user that a particular alarm falls within the exceptions enumerated in Subsection (A) hereof.
4. Refusal to pay any such service charge within ten (10) days of such notice shall constitute a violation of this Section.

C. *Automatic Dialing Of Police Department Number.* No person shall install or use an automatic dialing device which is programmed to dial the Police Department's telephone number. Within ninety (90) days from April 18, 1980, all automatic dialing devices programmed to dial the Police Department's telephone number shall be reprogrammed to dial any consenting person who may relay the emergency message to the Police Department by live voice. The alarm user of such device shall be responsible for having his/her alarm system reprogrammed within the ninety (90) day time period.

- D. *Fifteen Minute Timer Required.* No person shall install or use an audible alarm which is equipped with an exterior sound-producing device such as a gong, buzzer, siren, bell or horn unless the same shall be equipped with a fifteen (15) minute timer.
- E. *License For Installation Required.* Any person who installs, maintains, sells, leases, services, repairs, alters, replaces, moves or installs any alarm system or causes the same to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure, facility or premises shall be properly licensed under County ordinances as they pertain to the licensing and regulation for the installation of and use of alarm systems.
- F. *Registration.* Any alarm user shall register such alarm system with the Police Department of the City within one (1) week after installation. No charge for any false alarm shall be made during the first (1st) two (2) weeks after the registration of the alarm.
- G. *Penalty For Violation Of Section.* Any person who violates or causes a violation of any provision of this Section shall be punishable upon conviction as provided in Section 100.080 of this Code.

Section 210.2240. Manufacture, Alteration or Possession of False Identification Prohibited.

[CC 1990 §16-363; Ord. No. 5949, 3-24-1997]

- A. No person shall, with the purpose to defraud, manufacture, make, alter, possess, use, sell, give away, barter or trade any identification which misrepresents the age or identity of a person under twenty-one (21) years of age who is the intended subject of the identification.
- B. Any person who violates or causes a violation of any provision of this Section shall be punishable upon conviction as provided in Section 100.080 of this Code.

Section 210.2250. Registration For Any Hotel, Motel, Lodging House and Rooming House.

[CC 1990 §16-364; Ord. No. 5594, 2-28-1994]

The owner, proprietor, manager or other person in charge of any hotel, motel, lodging house, rooming house or other place where transients are accommodated shall at all times keep a register in which shall be ascribed the names of all of the guests or persons renting or occupying rooms in such house, which register shall be signed by the person renting a room or by someone under his/her direction. The register shall include the full name of the person, their home or business address, driver's license number, a complete description of their vehicle including the license plate number of the vehicle and the State issuing the license plate. Such registration shall be made and after the names and information is ascribed in the register, the manager or other person in charge or his/her agent shall write the number of the room such guests or person is to occupy, together with the time when such room is rented so as to identify the room occupied by the person registering. All of the foregoing shall be done

before any guest is permitted to occupy a room. Such register shall at all times be open to inspection by any Police Officer of the City, County, State or Federal Government.

Section 210.2260. Registration Under Fictitious Name in A Hotel, Motel, Lodging House and Rooming House.

[CC 1990 §16-365; Ord. No. 5594, 2-28-1994]

No person shall write or cause to be written or knowingly permit to be written, in any register in any hotel, motel, lodging house, rooming house or other place whatsoever where transients are accommodated in the City, any other or different name or designation than the true name of the person so registered therein or the name by which the person is generally known.

Section 210.2270. Security Regulations and Equipment Required For Convenience Businesses and Package Liquor Stores.

[CC 1990 §16-366; Ord. No. 6159, 9-28-1998; Ord. No. 7197 §1, 8-27-2005; Ord. No. 7277 §1, 3-14-2006]

- A. For purposes of this Section, the term "*convenience business*" means any place of business that is primarily engaged in the retail sale of groceries or both groceries and gasoline. The term "*convenience business*" does not include:
 - 1. A business that is solely or primarily a restaurant; or
 - 2. A business that has at least ten thousand (10,000) square feet of retail floor space.
- B. For the protection of employees and the consumer public at late-night convenience businesses, every operator of a convenience business shall ensure that such operator's convenience business is equipped with the following:
 - 1. A fully operational security camera system capable of recording images at high quality so that the tapes will produce an image that will allow law enforcement officials to identify and apprehend criminal offenders. Such system shall have at least one (1) camera focused on the cash register and shall maintain enough tapes or digital storage capacity so that there is a recording for at least thirty (30) days;
 - 2. A drop safe or cash-management device for restricted access to cash receipts;
 - 3. Lighting for parking areas and entrances at an intensity to provide clear visibility under normal conditions which can be satisfied by canopy lighting within ten (10) feet of the building;
 - 4. A conspicuous notice at the entrance which states that the cash register contains limited funds;
 - 5. Height markers at the entrance of the convenience business which display height measures;
 - 6. A cash management policy to limit the cash on hand at all times;

7. A silent alarm system which shall be connected to a security company; or a telephone, other than a pay telephone, accessible to employees at all times;
 8. No more than ten percent (10%) of window can be obstructed with signs that would interfere with visibility into the business;
 9. No window tinting that significantly reduces exterior or interior view in a normal line of sight.
- C. The operator of a convenience business shall provide each employee with training in proper robbery deterrence and safety within sixty (60) days of an employee's date of employment.
- D. For purposes of this Section, "*operator*" means any individual proprietor or business entity responsible for the daily operation of the convenience business.
- E. Any person, firm or corporation violating any provision, Section or paragraph of this Section shall be guilty of an infraction and upon conviction thereof shall be subject to a fine of not more than five hundred dollars (\$500.00) or be imprisoned for not more than ninety (90) days. Each day a violation occurs shall constitute a separate offense.

Section 210.2280. Delivery Trucks Prohibited Between Certain Hours.

[Ord. No. 7420 §1, 6-13-2007]

Delivery trucks shall be prohibited from arriving, idling or engaging in any deliveries at any shopping center or business between certain hours, as posted on signs located on the property reflecting that deliveries are restricted or prohibited, in accordance with any restrictions or prohibitions that are included in any business license or permit for the shopping center or business.

Section 210.2290. Playing Sports or Recreational Activities in Public Right-Of-Way Prohibited.

[Ord. No. 7994 §1, 9-23-2013]

No person shall engage in sporting or recreational activities, except jogging, walking or biking, in any street or public right-of-way, and no person shall place or permit to be placed on their property any sport or recreational equipment in the street or a public right-of-way, or within 12 feet of any street or public right-of-way.

1 INTRODUCED BY COUNCILWOMAN PAGANO
2 JANUARY 9, 2017
3

4 BILL NO. 9252

ORDINANCE NO.

5
6 **AN ORDINANCE AUTHORIZING THE ASSIGNMENT OF 5% OF THE**
7 **SETTLEMENT OF THE CLASS ACTION SUIT WITH TRACFONE TO**
8 **THE ST. LOUIS COUNTY MUNICIPAL LEAGUE.**
9

10 WHEREAS, The City of Florissant, like many other cities in St. Louis County, is
11 involved in a lawsuit with TracFone and agreed to accept the class action suit settlement; and

12 WHEREAS, cities in St. Louis County have determined that the St. Louis County
13 Municipal League should be compensated for their effort in the TracFone class action lawsuit
14 and for future services to be provided to the city; and

15 WHEREAS, the City Council has determined that it is in the best interest of the City to
16 assign 5% of its proposed settlement (estimated to be \$86,981.87) to the St. Louis County
17 Municipal League.
18

19 NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
20 FLORISSANT, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:
21

22 Section 1: The City of Florissant herein agrees to assign 5% of the proposed class action
23 settlement amount with TracFone to the St. Louis County Municipal League and authorizes the
24 Mayor to execute the assignment attached hereto and incorporated herein.

25 Section 2: This ordinance shall become in force and effect immediately upon its
26 passage and approval.
27

28 Adopted this ____ day of _____, 2017.
29

30 _____
31 Jackie Pagano
32 President of the Council
33 City of Florissant
34

35 Approved this ____ day of _____, 2017.
36

37 _____
38 Thomas P. Schneider
39 Mayor, City of Florissant
40

41 ATTEST:
42 _____
43

42 Karen Goodwin, MMC/MRCC
43 City Clerk

NOTICE EXHIBIT 3

**ASSIGNMENT TO MISSOURI MUNICIPAL LEAGUE OR MUNICIPAL LEAGUE OF
METRO ST. LOUIS**

If you wish to assign part of your Past Tax payment to the Missouri Municipal League or the Municipal League of Metro St. Louis (if you are located within St. Louis or St. Louis County), please complete, sign and mail this form to TracFone's attorneys, postmarked on or before _____. The amount of your Past Tax payment will be reduced by the amount assigned.

Political Subdivision: _____

Name of Authorized Representative: _____

Title: _____

Address: _____

Assignment Amount: \$ _____ or % _____

Signature: _____

Date: _____

Mail to the TracFone Settlement Administrator:

Thompson Coburn LLP
Attn: TracFone Settlement Administrator
One US Bank Plaza
Suite 3500
St. Louis, MO 63101

1 INTRODUCED BY COUNCIL AS A WHOLE
2 JANUARY 9, 2017

3
4 BILL NO. 9253

ORDINANCE NO.

5
6 **AN ORDINANCE AMENDING SECTION 125.065.A “JOB**
7 **CLASSIFICATION AND GRADE LEVEL” BY ADDING A JOB**
8 **CLASSIFICATION.**
9

10 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
11 FLORISSANT, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:
12

13 Section 1: That Chapter 125.065 “Wage Increase and Schedule,” subsection A “Job
14 Classification And Grade Level,” is hereby amended by adding the following job
15 classification as so indicated:
16

<u>Job Classification</u>	<u>Grade Level</u>
Code Enforcement	6

17
18 Section 2: This ordinance shall become in force and effect upon its passage and
19 approval as provided by law.
20

21 Adopted this ____ day of _____, 2017.
22
23

24 _____
25 Jackie Pagano
26 President of the Council
27 City of Florissant
28

29 Approved this ____ day of _____, 2017.
30
31

32 _____
33 Thomas P. Schneider
34 Mayor, City of Florissant
35

36 ATTEST:

37 _____
38 Karen Goodwin, MMC/MRCC
City Clerk

1 INTRODUCED BY COUNCIL AS A WHOLE
2 JANUARY 9, 2017
3

4 BILL NO. 9254

ORDINANCE NO.

5
6 **AN ORDINANCE AMENDING ORDINANCE NO. 8182 ESTABLISHING A**
7 **LENGTH OF SERVICE COMPENSATION PLAN FOR PART-TIME**
8 **EMPLOYEES BY ADDING A CODE ENFORCEMENT POSITION.**
9

10 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
11 FLORISSANT, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:
12

13 Section 1: Ordinance no. 8182 is hereby amended by adding the title of the “Code
14 Enforcement” with a starting rate of \$16.13 per hour and a pay rate after 12 months of
15 \$18.33 per hour.
16

17 Section 2: This ordinance shall become in force and effect upon its passage and
18 approval as provided by law.
19

20 Adopted this _____ day of _____, 2017.
21
22

23 _____
24 Jackie Pagano
25 President of the Council
26 City of Florissant
27

28 Approved this _____ day of _____, 2017.
29
30

31 _____
32 Thomas P. Schneider
33 Mayor, City of Florissant
34

35 ATTEST:

36 _____
37 Karen Goodwin, MMC/MRCC
City Clerk

FLORISSANT CITY COUNCIL AGENDA REQUEST FORM

Date: 1/4/2017

Mayor's Approval:

Agenda Date Requested:

01/09/2017

Description of request: Pay Scale for FT & PT
Code Enforcement
positions

Transfer of Funds from

(See Attached Memo)

Department: Public Works

R. J. G. S.

Recommending Board or Commission: N/A

Type of request:

Ordinances	X	Other	
Appropriation	X	Liquor License	
Transfer		Hotel License	
Zoning Amendment		Special Presentations	
Amendment	X	Resolution	
Special Use Transfer		Proclamation	
Special Use		Subdivision	
Budget Amendment			

Y/N

Y/N

Public Hearing needed: Yes / No

No

3 readings? : Yes / No

Yes

Back up materials
attached:

Minutes	
Maps	
Memo	X
Draft Ord.	

Back up materials
needed:

Minutes	
Maps	
Memo	
Draft Ord.	

Note: Please include all attachments necessary for documents to be generated for inclusion on the Agenda. All agenda requests are to be turned in to the City Clerk by 5pm on Tuesday prior to the Council meeting.

For City Clerk Use Only:

Introduced by: _____

PH Speaker: _____

*Approved
1/4/17*

**City of Florissant
Public Works Department
Interoffice Memo**

Memo To: City Council

Date: January 3, 2017

Thru: Mayor Thomas P. Schneider

Copy: Randy McDaniel

From: Lou Jearls, Director of Public Works

Subject: Pay Scales for FT and PT Code Enforcement positions

During the budget process for FY 2017, these two new positions were added to the Public Works Department; however, pay scales for the fulltime and part-time Code Enforcement positions were inadvertently omitted. Consequently, we are not able to fill these positions until the City Council approves a pay scale for each position.

After reviewing these positions with Randy McDaniel, we recommend the following:

- Amend Ord. No. 8059, Section 125.065 to add the fulltime Code Enforcement position ... with a pay scale of Grade 6 (\$19.93/hour to \$26.40/hour) ...
- Amend Ord. No. 8182 to add the part-time Code Enforcement position ... with a pay scale of \$16.13 per hour to start ... \$18.33 per hour after 12 months ...

Further, since we are not able to fill these positions until pay scales have been approved, I **respectfully request three readings.**

Thankyou in advance,



Louis B. Jearls, Jr., P.E., PWLF
Director of Public Works