

**CITY OF TWIN OAKS
BOARD OF ALDERMEN MEETING
VIDEO CONFERENCE MEETING
WEDNESDAY, June 3, 2020, 7:00 pm**

In view of the state of emergencies declared by the federal, state, county and City because of the global pandemic COVID-19, as well as the public health orders issued by the St. Louis County Health Department, in accord with the provisions of Twin Oaks Code §120.070 and §610.020, RSMo., the Board of Aldermen of City of Twin Oaks understands that it would be impossible and impractical—and possibly dangerous—for its meeting to be physically accessible to the public during this time.

To balance both the need for continuity of government and protection of the health and safety of our residents, business persons and employees, this meeting of the Board of Aldermen will not be open to public attendance *in person* but shall be accessible by the public by telephone (audio only) or by using their tablet/laptop/pc (audio/video) at:

Telephone: (312) 626-6799
Computer: <https://us02web.zoom.us/j/5197276201>
Webinar ID: 519-727-6201

The Board apologizes for any inconvenience the meeting format change may pose but it is extremely important all measures in compliance with the orders issued by public health authorities be taken to protect employees, residents, and elected officials during these extraordinary times.

Residents and others who wish to comment on any item not on the agenda may email their comments to City Clerk Frank Johnson, fjohnson@cityoftwinoaks.com, by 6:30 p.m. on June 2, 2020, and their comments will be shared with the Board at the appropriate time. There is also an ability to comment during the videoconference meeting by opening the participants tab and clicking “raise hand” during the meeting when the Board reaches the “Citizen Comment” agenda items. The Agenda Packet for this meeting is available for viewing and download on the City’s Website – www.cityoftwinoaks.com.

Tentative Agenda

- 1) REGULAR MEETING CALLED TO ORDER
- 2) PLEDGE OF ALLEGIANCE
- 3) ROLL CALL
- 4) APPROVAL OF AGENDA
- 5) APPROVAL OF CONSENT AGENDA
 - a) Board of Aldermen Regular Session Minutes from May 20, 2020
 - b) Bills List from May 16 to May 29, 2020
- 6) REPORT OF COMMITTEES/COMMISSIONS/CONTRACTORS
 - a) Police Report — Officer John Wehner

7) PRELIMINARY CITIZEN COMMENTS

8) NEW BUSINESS

- a) Resolution 20-09: A RESOLUTION OF THE TWIN OAKS BOARD OF ALDERMEN APPROVING AN AGREEMENT WITH CROWDER CONSTRUCTION, INC. FOR THE CONSTRUCTION OF CONCRETE SUPPORTS FOR A WOODEN FOOTBRIDGE.
- b) Resolution 20-10: A RESOLUTION OF THE TWIN OAKS BOARD OF ALDERMEN APPROVING AN AGREEMENT WITH OTTIGER TREE SERVICE LLC FOR THE REMOVAL OF FIVE TREES.
- c) Resolution 20-11: A RESOLUTION OF THE TWIN OAKS BOARD OF ALDERMEN APPROVING AN AGREEMENT WITH THE DAVEY TREE EXPERT COMPANY FOR THE TREATMENT OF A DAMAGED TREE AT THE INTERSECTION OF HIGHWAY 141 AND BIG BEND ROAD.
- d) Ordinance 20-06: AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF TWIN OAKS; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES; PROVIDING PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE

9) DISCUSSION ITEMS

- a) Striping for Meramec Station Road
- b) Boly Lighting
- c) Census Participation

10) ATTORNEY'S REPORT

11) CITY CLERK'S REPORT

12) MAYOR AND ALDERMEN COMMENTS

13) FINAL CITIZEN COMMENTS

(Remarks shall be limited to three (3) minutes on any one subject unless time is extended by the Board)

14) ADJOURNMENT

Frank Johnson
City Clerk

POSTED: June 1, 2020, 2:00 p.m.

Please note: Any person requiring physical or verbal accommodations should contact the city office 12 hours prior to meeting at 636-225-7873. Copies of public records for this agenda are available for public inspection before and at the time of the meeting.

**MINUTES OF THE REGULAR MEETING OF THE
BOARD OF ALDERMEN OF TWIN OAKS,
VIRTURAL MEETING
ST. LOUIS COUNTY, MISSOURI
WEDNESDAY, MAY 20, 2020**

The meeting of the Twin Oaks Board of Aldermen was called to order at 7:00 pm. Roll Call was taken:

Mayor: Russ Fortune-yea

Aldermen: April Milne –yea
Dennis Whitmore –yea

Lisa Eisenhauer – yea
Tim Stoeckl – yea

Also Present: Frank Johnson, City Clerk
Paul Rost, City Attorney
Jeff Blume, Financial Consultant

Permanent records are kept of all minutes and ordinances. Each ordinance is read a minimum of two times by title, unless otherwise noted.

APPROVAL OF THE AGENDA

Mayor Fortune asked if there were any changes to the agenda. Mayor Fortune added the Bills List as item (f) to the Agenda. Alderman Whitmore had a question concerning the Minutes which were listed on the Agenda. Hearing no other changes, Alderman Stoeckl motioned to approve the Agenda as amended, seconded by Alderman Milne. The motion passed by a voice vote.

APPROVAL OF THE CONSENT AGENDA

Mayor Fortune asked if there were any additional changes to the Consent Agenda consisting of the March 2, 2020 Special Session Minutes, the March 4, 2020 Special Session Minutes, March 10, 2020 Special Session Minutes, March 19, 2020 Special Session Minutes and the May 6, 2020 Regular Meeting Minutes. Alderman Milne had a question concerning the wording on the invoice from Another Wild Goose Chase. Alderman Whitmore had a question concerning the recording of the vote on the July 3rd fireworks. Alderman Milne motioned to approve the Consent Agenda seconded by Alderman Stoeckl. The motion passed by voice vote.

REPORT OF COMMITTEES/COMMISSIONS/CONTRACTORS

Park Report: Cindy Slama, Park Chairman, stated the Park Committee would like to recommend Joe Krewson and Douglas Tabachik for the openings on the Park Committee.

The Committee discussed the upcoming Park events and are recommending cancelling the concerts for June and July. They are also recommending cancelling Family Fun Day for October 3rd. They are going to wait and make a decision on the Winter Lighting as time gets closer.

Mayor Fortune stated that the June and July concerts have already been cancelled. Mayor Fortune asked the Board if they would like to consider having an August concert. Discussion ensued. The Board decided to wait and see how things are going this Summer.

Mayor Fortune asked the Board for a motion on the recommendation from the Park Committee for two new members. Alderman Whitmore motioned to appoint Joe Krewson and Douglas Tabachik to the Park Committee, seconded by Alderman Milne and the motion passed on a voice vote.

April Financials: Jeff Blume, Financial Consultant, reviewed the Financial Statements for April 2020 with the Board. Mr. Blume stated that at this time everything is looking good. The Board accepted the Financial Statements as submitted.

PRELIMINARY CITIZEN COMMENTS

There were no citizen comments.

UNFINISHED BUSINESS/ACTION ITEMS

Fourth of July Fireworks Display: Mayor Fortune stated that the July 3rd fireworks have been cancelled. City Clerk Johnson stated that he had talked with J&M Displays and they offered to refund the payment for this year. They also stated that we could make a deposit for next year. Discussion ensued.

Alderman Stoeckl motioned to have J&M refund all of the payment for this year's firework display except for \$5,000.00 to be used as a deposit for next year's display (2021) seconded by Alderman Whitmore and the motion passed on a voice vote. City Clerk Johnson will contact J&M to see if this is agreeable with them and report back to the Board.

Summer Police Patrols: City Clerk Johnson stated that to begin the patrols in the Park the City will need to give a 30 day notice to St. Louis County Police Department. Alderman Milne asked Cindy Slama if the Park Committee had discussed Pavilion reservations and

they had not. Alderman Milne does not feel the City needs to begin the patrols in the Park until we are allowing Pavilion reservations.

Mayor Fortune stated the City needs to follow the guidelines which have been set out by St. Louis County. Discussion ensued. The Board agreed not to have patrols in the Park at this time.

Wooden Footbridge for Crescent Road: City Clerk Johnson reviewed the proposals received from DJM Ecological Services, Crowder Construction and Tree Surgeons for the installation of the footbridge, gabion rock and grading of the area. The proposals from DJM and Tree Surgeons included removal of a large tree along with several additional trees in the area which should be removed for the installation of the bridge. Discussion ensued.

John Williams, Public Works, stated that the large tree, which is in close proximity of the bridge, should be removed since during the installation of the bridge some of the tree roots will be cut which may compromise the tree. Alderman Milne would like to get another bid on the removal of the trees. Mr. Williams said that he will get an additional bid.

Alderman Stoeckl stated that he thinks the creek is owned by MSD and the City may want to verify this.

Alderman Eisenhauer motioned to have Crowder Construction install the bridge only and to get clarification from MSD on the ownership of the creek as well as getting additional bids on the removal of the trees, seconded by Alderman Milne and the motion passed by voice vote.

NEW BUSINESS

Resolution 2020-09-A Resolution Of The Twin Oaks Board Of Aldermen Requesting That Municipalities Within St. Louis County Receive An Equitable Distribution Of The \$175 Million In Funding Received By St. Louis County From The Corona Virus Aid Relief And Economic Security Act To Reimburse Municipalities For Actual Public Safety Costs Incurred Related To COVID-19: Mayor Fortune asked for any questions concerning Resolution 2020-09. Mayor Fortune asked for a motion to approve Resolution 2020-09. Alderman Whitmore motioned to approve Resolution 2020-09, seconded by Alderman Milne. The motion passed by voice vote.

Resolution 2020-10-A Resolution Appropriating Additional Revenue And Amending The 2019 Road Fund, Sewer Lateral Fund, Park And Stormwater Fund And General Fund Budgets: Mr. Blume gave an explanation of this Resolution. Mayor Fortune asked for any questions concerning Resolution 2020-10. Mayor Fortune asked for a motion to approve Resolution 2020-10. Alderman Whitmore motioned to approve Resolution 2020-10, seconded by Alderman Milne. The motion passed by voice vote.

DISCUSSION ITEMS

Repair/Replacement of Damaged Cypress Tree: Mayor Fortune explained to the Board that the tree had been damaged during a traffic accident. City Clerk Johnson stated that Officer Wehner had provided information that the person involved in the accident did not provide proof of insurance.

Mayor Fortune discussed that the two options presented by Davey Tree were to do two treatments on the tree this Spring, however there is no guarantee these will work. The second option is to replace the tree. Discussion ensued. Alderman Stoeckl motioned to move forward with the treatments for the cypress tree, seconded by Alderman Milne and the motion passed by voice vote.

Reopening Plans for City Hall: Mayor Fortune stated that he was thinking that City Hall could be reopened on June 1 with limitations. He asked the Board if they agreed or if it was too soon. Discussion ensued. The Board agreed that City Hall would reopen on June 1 with limitations. Mayor Fortune and City Clerk Johnson will work together on creating a reopening opening plan for City Hall.

The Board agreed that the Community Room and Park Pavilion will remain closed. The City will try to reopen the basketball court and Robert Hartzog Lane June 15th. The City will reassess and make a final decision at that time. The playground will remain closed, however until further notice.

Mayor Fortune asked if the Mayor's Emergency Order which was enacted in March needs to be updated. Attorney Rost will review and see if this is necessary or since the County still has an Emergency Order in place we would let ours expire on its own.

Alternate Plans for Crescent Avenue Sidewalks: Mayor Fortune reviewed the Grant and what was included in the proposed plans. He stated that since the City did not receive the Grant it's important to get back to what is needed which is a safe walking area along Crescent Avenue.

An alternate plan has been proposed to begin the sidewalk on the Valley Park side of Crescent Avenue and run the sidewalk along the south side until the stop sign at Golden Oak Ct. The sidewalk would pick up on the Twin Oaks side, the south side, of Crescent Avenue and run along till the intersection with Crescent Road. Mayor Fortune stated he would like to contact the Fire Chief and see if it would be possible during the construction of the new fire house to install a sidewalk in front of the fire house. He would also like to contact Valley Park again and see if we can get their cooperation in this project.

Alderman Milne asked if we should engage engineers in this process. Mayor Fortune feels that we have in the past had BFA do plans for a sidewalk along Crescent Avenue. The office will contact BFA and Mayor Fortune will contact the Fire Chief.

Alderman Milne asked about the proposed striping along Meramec Station which was put on hold last Fall since the weather was getting colder. The office will check with Traffic Control and get an updated proposal on this project.

Boly Entrance Project: Mayor Fortune asked the Board their feelings on the Boly entrance project, if they would like to proceed or to put the project on hold. Alderman Milne stated that she would like to put the project on hold since she feels the sidewalks would be more beneficial for the Community. Alderman Eisenhauer was in agreement. Alderman Whitmore is concerned about the school buses and their difficulty it has entering and exiting the entrance. Also the difficulty in making a left hand turn out of the subdivision onto Big Bend.

Alderman Milne motioned to put the Boly Entrance project on hold, seconded by Alderman Eisenhauer. The motion passed on a voice vote, 3 yea and 1 nay.

Attorney's Report: Attorney Rost had nothing to report at this time.

City Clerk's Report:

Updates

- The city has received its order of plantings from Greenscapes for Twin Oaks Park. However, the order was only partially fulfilled due to issues with the growing season. The City only paid for what was received. The plantings for the Highway 141 intersection are due to be delivered by Fahr Greenhouse on May 21.
- Sauce on the Side is interested in setting up limited outdoor seating. Staff advised the business to submit an application for a conditional use permit.
- The Municipal League of Metro St. Louis has shared information from the St. Louis County Collector of Revenue on the property tax payments made under protest that will be released this week. Twin Oaks is expected to receive \$3,270.69.

Sidewalk Application for Surface Transportation Program Grant

- As noted at the last meeting, the City's application for the Surface Transportation Program distributed by East-West Gateway Council of Governments was not recommended for funding. The city was notified by email on May 14 and an official letter is expected later this month. The full list of projects is available [here](#).
- East-West Gateway will issue another call for projects for this program next year, so the city can try and apply again.
- The refund for the application fee will be issued approximately four to six weeks after the Transportation Improvement Program is approved by East-West Gateway's Board of Directors in August.

Damaged Cypress Tree

- On the evening of Wednesday, May 6, there was an accident on Highway 141 that damaged one of the city's cypress trees. We have two options:
 - We can try and treat the tree in order to save it, but there's no guarantee that it will be successful
 - We can remove the damage tree and replace it. However, the replacement tree will be smaller than the other older trees in the intersection.
- We have received a quote from Davey Tree for the work. The treatment would cost \$1,060 (\$840 for the bark tracing and \$220 for fertilizer). The replacement would cost \$1,680.

Mayor and Aldermen Comments: Mayor Fortune received notification that Dunkin Donuts is moving forward with the plans to build on the out lot in Big Bend Square. He has turned this over the City Clerk Johnson. He has not heard anything further from the gymnastics school which was proposed to build on the MoDOT property behind Schnucks.

Alderman Whitmore would like to notify the residents what the restaurants in Twin Oaks are doing as to dinning in or just carry out.

FINAL CITIZEN COMMENTS

There were no final citizen comments.

ADJOURNMENT

There being no further business, Alderman Milne motioned to adjourn the regular meeting at 8:51 p.m., seconded by Alderman Whitmore and the motion passed with the unanimous consent of the Board of those present.

Drafted By: _____
Theresa Gonzales,
Administrative Assistant

Date of Approval: _____

ATTEST:

Frank Johnson
City Clerk

Russ Fortune,
Mayor, Board of Aldermen

City of Twin Oaks
Bills and Applied Payments
May 16, 2020- May 29, 2020

Check No.	Invoice Date	Memo/Description	Invoice No.	Bill Amt	Check Amt
11629		Alternative Rain			
	5/23/2020	Repair to irrigation from bridge construction		\$643.75	\$643.75
11630		Ann Peters			
		Commercial Permit Reimbursement-COVID-19		\$100.00	\$100.00
11631		Fahr Greenhouses, Inc.			
	5/21/2020	Plants for intersection	62188	\$2,478.50	\$2,478.50
11632		Lake Management Services			
	5/18/2020	Treatment for Park lake	17550	\$350.00	\$350.00
11633		Michelle Hayden			
		Reimbursement for Pavilion Reservation		\$50.00	\$50.00
11634		Municipal League			
	5/27/2020	Employment Law Training-F. Johnson		\$20.00	\$20.00
11635		O.J. Laughlin			
	5/22/2020	Repair to men's restroom-park	3201900	\$481.00	\$481.00
11636		John Williams			
		Apartment Occupancy Inspections-6 apartments @ \$75.00 per apartment		\$450.00	\$450.00
11628		US Bank Trust NA			
		Annual Maintenance Fee		\$750.00	\$750.00
Online		Toshiba Financial			
	5/11/2020	Copy machine monthly rental		\$206.00	\$206.00
Online		The Brain Mill			
	5/17/2020	Monthly service	5287	\$922.00	\$922.00
Online		AT&T			
	5/7/2020	Monthly service-50 Crescent Avenue		\$82.29	\$82.29
Online		AT&T			
	5/6/2020	Monthly service-City Hall		\$95.72	\$95.72

		Alderman			

		Alderman			



CITY OF TWIN OAKS POLICE ACTIVITY REPORT May 2019

Radio CFS:	17
Self Initiated Assignments:	118
Police Reports Written:	8
Total Traffic Stops:	5

Arrests:

Felony	0
Misdemeanor	1 (DWI)
Summons (Arrest Notification)	0

Auto Accidents:

Injury	0
Non Injury	5

Locations: (2) HWY 141 and Big Bend Rd, 1393 Big Bend Rd, 1445 Big Bend Rd, Meramec Station and Big Bend Rd

Crimes Reported:	1 - Burglary in the 90 th block of Crescent Ave.
Patrol Bicycle Program:	17.95 hours

CALLS FOR SERVICE LEGEND

<u>Call Abbreviation</u>	<u>Explanation</u>
AANO	Auto Accident "No Injuries"
AARB	Auto Accident "Road Block"
AAINJ	Auto Accident "Injuries"
ADM	Administrative
ANCONF	Animal Confined
ASTINV	Assist an Invalid
ATSUI	Attempt Suicide
BGLARM	Burglar Alarm
BIKE	Bicycle Patrol
BUSCK	Business Check
CALL	Phone Call
CARE	Report Processing
CCONT	Citizen Contact
CIT	Crisis Intervention Team Deployment
CURFEW	Curfew Violation
DETECT	Detector Sounding
DOA	Death
DOMEST	Domestic Disturbance
DRUG	Drug Violation
DWI	Driving while Intoxicated
EXPAT	Extra Patrol
FALARM	Fire Alarm
FIRE	Fire Call
FPROP	Found Property
FTPAT	Foot Patrol
GARAGE	Open Garage door
INJURY	Accidental Injury
MAIN	Maintenance
MISJUV	Missing/Runaway Juvenile
MOTOR	Motorist Assist
MUNI	Muni Contract Patrol
PCR	Community Relations
RADAR	Traffic Enforcement Radar Assignment
SCNDRY	Secondary
SICK	Sick Case
SMOKE	Smoke Detector
STAT	Station Assignment
SUSVEH	Suspicious Vehicle
TRF	Traffic
VACCK	Vacation Check
VEHCON	Vehicle Conveyance
WRARST	Warrant Arrest

Comp. #	Nature	Received	Address	City	Zone	Car #/IDSN	Coordinates
NONE	BIKE	05/01/20 12:01:43	1 TWIN OAKS CT	TWO	5064	6760/3554	-90.49973, 38.56571
NONE	EXPAT	05/01/20 13:42:52	1346 BIG BEND RD	TWO	5064	6760/3554	-90.4975, 38.56647
NONE	EXPAT	05/01/20 15:01:58	1393 BIG BEND RD	TWO	5064	6760/3554	-90.49832, 38.56931
NONE	MUNI	05/01/20 18:04:43	84 TWO	TWO	5064	2703/4266	-90.50252, 38.56576
NONE	BUSCK	05/01/20 19:20:45	1393 BIG BEND RD	TWO	5064	2703/4266	-90.49832, 38.56931
NONE	MUNI	05/01/20 22:28:45	84 TWO	TWO	5064	2703/4266	-90.50252, 38.56576
NONE	STRUCK	05/01/20 22:32:10	1393 BIG BEND RD	TWO	5064	3703/3168	-90.49832, 38.56931
NONE	MUNI	05/02/20 00:17:51	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	MUNI	05/02/20 05:08:28	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	MUNI	05/02/20 07:16:26	84 TWO	TWO	5064	1703/3468	-90.50252, 38.56576
NONE	MUNI	05/02/20 09:40:58	84 TWO	TWO	5064	1703/3468	-90.50252, 38.56576
NONE	BUSCK	05/02/20 15:25:53	1393 BIG BEND RD	TWO	5064	2703/4266	-90.49832, 38.56931
NONE	BUSCK	05/02/20 15:26:37	1391 BIG BEND RD	TWO	5064	2703/4266	-90.49823, 38.56825
NONE	MUNI	05/02/20 17:07:02	84 TWO	TWO	5064	2703/4266	-90.50252, 38.56576
NONE	DIST	05/02/20 18:45:33	1393 BIG BEND RD	TWO	5064	2708/3848	-90.49832, 38.56931
NONE	MUNI	05/02/20 20:33:18	84 TWO	TWO	5064	2703/4266	-90.50252, 38.56576
NONE	SUSPER	05/03/20 00:21:37	1445 BIG BEND RD	TWO	5064	3702/4830	-90.49494, 38.56812
NONE	MUNI	05/03/20 02:16:26	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	MUNI	05/03/20 04:56:52	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
17246	BGALRM	05/03/20 07:12:42	1230 BIG BEND RD	TWO	5064	1703/3468	-90.50252, 38.56613
NONE	MUNI	05/03/20 08:05:24	84 TWO	TWO	5064	1703/3468	-90.50252, 38.56576
NONE	MUNI	05/03/20 09:14:39	84 TWO	TWO	5064	1703/3468	-90.50252, 38.56576
NONE	MUNI	05/03/20 11:05:37	84 TWO	TWO	5064	1703/3468	-90.50252, 38.56576
NONE	BUSCK	05/03/20 14:32:33	1393 BIG BEND RD	TWO	5064	2703/4266	-90.49832, 38.56931
NONE	BUSCK	05/03/20 14:33:55	1391 BIG BEND RD	TWO	5064	2703/4266	-90.49823, 38.56825
NONE	MUNI	05/03/20 16:13:48	84 TWO	TWO	5064	2703/4266	-90.50252, 38.56576
NONE	CAA	05/03/20 18:17:37	1393 BIG BEND RD	TWO	5064	2708/3848	-90.49832, 38.56931
NONE	MUNI	05/03/20 22:29:45	84 TWO	TWO	5064	2703/4266	-90.50252, 38.56576
NONE	MUNI	05/04/20 02:04:05	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	MUNI	05/04/20 05:24:50	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	EXPAT	05/04/20 08:08:02	1393 BIG BEND RD	TWO	5064	6760/3554	-90.49832, 38.56931
NONE	EXPAT	05/04/20 09:08:21	1230 BIG BEND RD	TWO	5064	6760/3554	-90.50252, 38.56613
NONE	EXPAT	05/04/20 09:08:23	1230 BIG BEND RD	TWO	5064	6760/3554	-90.50252, 38.56613
NONE	MUNI	05/04/20 09:16:28	84 TWO	TWO	5064	1703/4895	-90.50252, 38.56576
NONE	BIKE	05/04/20 10:07:28	1 TWIN OAKS CT	TWO	5064	6760/3554	-90.49973, 38.56571
NONE	EXPAT	05/04/20 14:56:05	1393 BIG BEND RD	TWO	5064	6760/3554	-90.49832, 38.56931
NONE	MUNI	05/04/20 18:29:47	84 TWO	TWO	5064	2703/4436	-90.50252, 38.56576
NONE	MUNI	05/05/20 01:58:39	84 TWO	TWO	5064	3703/4627	-90.50252, 38.56576
NONE	MUNI	05/05/20 03:50:53	84 TWO	TWO	5064	3703/4627	-90.50252, 38.56576

NONE	EXPAT	05/05/20 09:34:45	1230 BIG BEND RD	TWO	5064	6760/3554	-90.50252, 38.56613
NONE	BIKE	05/05/20 10:56:47	1 TWIN OAKS CT	TWO	5064	6760/3554	-90.49973, 38.56571
NONE	TRHAZ	05/05/20 12:16:42	MO141 HWY AND BIG BEND RD	TWO	5064	1702/2741	-90.50013, 38.56775
NONE	EXPAT	05/05/20 13:51:41	1346 BIG BEND RD	TWO	5064	6760/3554	-90.4975, 38.56647
NONE	MOTOR	05/05/20 18:50:04	MO141 HWY AND BIG BEND RD	TWO	5064	2703/4436	-90.50013, 38.56775
NONE	BUSCK	05/05/20 19:51:52	1393 BIG BEND RD	TWO	5064	7115/4259	-90.49832, 38.56931
NONE	BUSCK	05/05/20 19:52:31	1391 BIG BEND RD	TWO	5064	7115/4259	-90.49823, 38.56825
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NONE	MUNI	05/06/20 04:06:55	84 TWO	TWO	5064	3703/4627	-90.50252, 38.56576
NONE	EXPAT	05/06/20 08:38:01	1393 BIG BEND RD	TWO	5064	6760/3554	-90.49832, 38.56931
NONE	EXPAT	05/06/20 08:59:15	1346 BIG BEND RD	TWO	5064	6760/3554	-90.4975, 38.56647
NONE	ADM	05/06/20 09:20:46	232 VANCE RD	UNI	5051	6760/3554	-90.5029, 38.55173
NONE	BIKE	05/06/20 11:41:28	1 TWIN OAKS CT	TWO	5064	6760/3554	-90.49973, 38.56571
NONE	EXPAT	05/06/20 13:06:19	1393 BIG BEND RD	TWO	5064	7112/4012	-90.49832, 38.56931
NONE	EXPAT	05/06/20 13:41:03	1144 MERAMEC STATION RD	TWO	5064	6760/3554	-90.49534, 38.56853
NONE	BUSCK	05/06/20 14:35:50	1393 BIG BEND RD	TWO	5064	2703/4266	-90.49832, 38.56931
NONE	BUSCK	05/06/20 14:36:51	1391 BIG BEND RD	TWO	5064	2703/4266	-90.49823, 38.56825
NONE	EXPAT	05/06/20 14:56:49	1381 BIG BEND RD	TWO	5064	6760/3554	-90.49908, 38.5682
NONE	MUNI	05/06/20 16:17:05	84 TWO	TWO	5064	2703/4266	-90.50252, 38.56576
17608	AALS	05/06/20 20:54:02	MO141 HWY AND BIG BEND RD	TWO	5064	2706/3603	-90.50013, 38.56775
17610	DWI	05/06/20 21:46:24	MO141 HWY AND BIG BEND RD	TWO	5064	2703/	-90.50013, 38.56775
NONE	MUNI	05/06/20 21:51:49	84 TWO	TWO	5064	3703/4905	-90.50252, 38.56576
NONE	MUNI	05/07/20 00:02:56	84 TWO	TWO	5064	3703/4905	-90.50252, 38.56576
NONE	MUNI	05/07/20 03:46:51	84 TWO	TWO	5064	3703/4905	-90.50252, 38.56576
NONE	EXPAT	05/07/20 09:24:54	1381 BIG BEND RD	TWO	5064	6760/3554	-90.49908, 38.5682
NONE	EXPAT	05/07/20 10:12:29	1346 BIG BEND RD	TWO	5064	6760/3554	-90.4975, 38.56647
NONE	ADM	05/07/20 11:07:31	232 VANCE RD	UNI	5051	6760/3554	-90.5029, 38.55173
NONE	BIKE	05/07/20 12:13:10	1 TWIN OAKS CT	TWO	5064	6760/3554	-90.49973, 38.56571
NONE	MUNI	05/07/20 17:55:33	84 TWO	TWO	5064	2703/4266	-90.50252, 38.56576
NONE	BUSCK	05/07/20 18:46:41	1381 BIG BEND RD	TWO	5064	2790/2670	-90.49908, 38.5682
NONE	AAINJ	05/07/20 19:41:10	MO141 HWY AND BIG BEND RD	TWO	5064	2703/4266	-90.50013, 38.56775
NONE	MUNI	05/07/20 21:35:18	84 TWO	TWO	5064	2703/4266	-90.50252, 38.56576
NONE	MUNI	05/08/20 00:44:23	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	MUNI	05/08/20 05:07:38	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	EXPAT	05/08/20 08:14:22	1381 BIG BEND RD	TWO	5064	6760/3554	-90.49908, 38.5682
NONE	EXPAT	05/08/20 09:15:46	1230 BIG BEND RD	TWO	5064	6760/3554	-90.50252, 38.56613
NONE	EXPAT	05/08/20 10:52:06	1346 BIG BEND RD	TWO	5064	6760/3554	-90.4975, 38.56647
NONE	FTPAT	05/08/20 11:11:37	1 TWIN OAKS CT	TWO	5064	6760/3554	-90.49973, 38.56571
NONE	BUSCK	05/08/20 12:54:48	1230 BIG BEND RD	TWO	5064	1703/4895	-90.50252, 38.56613
NONE	EXPAT	05/08/20 14:01:11	1393 BIG BEND RD	TWO	5064	6760/3554	-90.49832, 38.56931

NONE	INV	05/08/20 16:33:16	1300 BIG BEND RD	TWO	5064	2709/4889	-90.4986, 38.56747
NONE	EXPAT	05/08/20 16:41:11	1300 BIG BEND RD	TWO	5064	2751/4640	-90.4986, 38.56747
NONE	BUSCK	05/08/20 18:28:13	1381 BIG BEND RD	TWO	5064	2790/2670	-90.49908, 38.5682
NONE	MUNI	05/08/20 19:27:48	84 TWO	TWO	5064	2703/4436	-90.50252, 38.56576
NONE	BUSCK	05/08/20 20:30:35	1393 BIG BEND RD	TWO	5064	2752/4266	-90.49832, 38.56931
NONE	BUSCK	05/08/20 20:31:23	1391 BIG BEND RD	TWO	5064	2752/4266	-90.49823, 38.56825
NONE	MUNI	05/09/20 03:17:46	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	MUNI	05/09/20 05:23:08	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	EXPAT	05/09/20 08:40:50	1393 BIG BEND RD	TWO	5064	6760/3554	-90.49832, 38.56931
NONE	BIKE	05/09/20 10:16:04	1 TWIN OAKS CT	TWO	5064	6760/3554	-90.49973, 38.56571
NONE	EXPAT	05/09/20 12:24:32	1381 BIG BEND RD	TWO	5064	6760/3554	-90.49908, 38.5682
NONE	EXPAT	05/09/20 12:45:45	1393 BIG BEND RD	TWO	5064	7101/3368	-90.49832, 38.56931
NONE	EXPAT	05/09/20 13:32:25	1230 BIG BEND RD	TWO	5064	1703/4895	-90.50252, 38.56613
NONE	MUNI	05/09/20 20:11:14	84 TWO	TWO	5064	2703/4436	-90.50252, 38.56576
NONE	EXPAT	05/10/20 12:39:08	1230 BIG BEND RD	TWO	5064	1703/4895	-90.50252, 38.56613
NONE	EXPAT	05/10/20 12:39:10	1230 BIG BEND RD	TWO	5064	1703/4895	-90.50252, 38.56613
NONE	MUNI	05/11/20 04:55:18	84 TWO	TWO	5064	3703/4627	-90.50252, 38.56576
NONE	MUNI	05/11/20 06:52:11	84 TWO	TWO	5064	1703/4895	-90.50252, 38.56576
NONE	EXPAT	05/11/20 09:32:59	1230 BIG BEND RD	TWO	5064	1703/4895	-90.50252, 38.56613
NONE	MUNI	05/11/20 15:13:01	84 TWO	TWO	5064	1703/4895	-90.50252, 38.56576
NONE	MUNI	05/11/20 16:16:06	84 TWO	TWO	5064	2703/4888	-90.50252, 38.56576
18071	AANO	05/11/20 16:22:22	MERAMEC STATION RD AND BIG BEND RD	TWO	5064	2703/4888	-90.49586, 38.5677
NONE	EXPAT	05/11/20 18:33:27	1300 BIG BEND RD	TWO	5064	2703/4888	-90.4986, 38.56747
NONE	MUNI	05/11/20 21:28:41	84 TWO	TWO	5064	2703/4888	-90.50252, 38.56576
NONE	MUNI	05/12/20 01:27:46	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	MUNI	05/12/20 05:17:31	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	EXPAT	05/12/20 08:40:52	1393 BIG BEND RD	TWO	5064	6760/3554	-90.49832, 38.56931
NONE	BIKE	05/12/20 11:04:12	1 TWIN OAKS CT	TWO	5064	6760/3554	-90.49973, 38.56571
NONE	EXPAT	05/12/20 12:48:37	1300 BIG BEND RD	TWO	5064	6760/3554	-90.4986, 38.56747
NONE	TRF	05/12/20 13:44:12	BIG BEND RD AND MO141 HWY	TWO	5064	6760/3554	-90.50029, 38.56775
NONE	MUNI	05/12/20 16:04:08	84 TWO	TWO	5064	2703/4266	-90.50252, 38.56576
NONE	BUSCK	05/12/20 17:04:20	1393 BIG BEND RD	TWO	5064	2703/4266	-90.49832, 38.56931
NONE	BUSCK	05/12/20 17:06:04	1391 BIG BEND RD	TWO	5064	2703/4266	-90.49823, 38.56825
NONE	SICK	05/12/20 20:47:21	1300 BIG BEND RD	TWO	5064	3703/3168	-90.4986, 38.56747
NONE	BUSCK	05/12/20 21:27:50	1393 BIG BEND RD	TWO	5064	2708/3848	-90.49832, 38.56931
NONE	MUNI	05/12/20 22:40:43	84 TWO	TWO	5064	2703/4266	-90.50252, 38.56576
NONE	MUNI	05/13/20 03:08:56	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	MUNI	05/13/20 05:18:50	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	EXPAT	05/13/20 09:50:53	1393 BIG BEND RD	TWO	5064	6760/3554	-90.49832, 38.56931
NONE	EXPAT	05/13/20 12:27:31	1346 BIG BEND RD	TWO	5064	6760/3554	-90.4975, 38.56647

NONE	BUSCK	05/13/20 14:16:00	1393 BIG BEND RD		TWO	5064	2703/4266	-90.49832, 38.56931
NONE	BUSCK	05/13/20 14:17:16	1391 BIG BEND RD		TWO	5064	2703/4266	-90.49823, 38.56825
NONE	EXPAT	05/13/20 14:52:44	1381 BIG BEND RD		TWO	5064	6760/3554	-90.49908, 38.5682
NONE	MUNI	05/13/20 16:07:53	84 TWO		TWO	5064	2703/4266	-90.50252, 38.56576
NONE	BUSCK	05/13/20 18:28:33	1393 BIG BEND RD		TWO	5064	2708/3848	-90.49832, 38.56931
NONE	MUNI	05/13/20 22:23:42	84 TWO		TWO	5064	2703/4266	-90.50252, 38.56576
NONE	CCONT	05/14/20 03:56:26	BIG BEND RD AND MO141 HWY		TWO	5064	3703/3168	-90.50029, 38.56775
NONE	MUNI	05/14/20 05:03:19	84 TWO		TWO	5064	3703/3168	-90.50252, 38.56576
NONE	BIKE	05/14/20 10:30:09	1 TWIN OAKS CT		TWO		6760/3554	-90.49973, 38.56571
NONE	ADM	05/14/20 12:01:53	232 VANCE RD		UNI		6760/3554	-90.5029, 38.55173
NONE	EXPAT	05/14/20 14:38:45	1300 BIG BEND RD		TWO		2703/4266	-90.4986, 38.56747
NONE	BUSCK	05/14/20 14:41:16	1393 BIG BEND RD		TWO		2703/4266	-90.49832, 38.56931
NONE	BUSCK	05/14/20 14:42:38	1391 BIG BEND RD		TWO		2703/4266	-90.49823, 38.56825
NONE	EXPAT	05/14/20 15:38:39	1393 BIG BEND RD		TWO		6760/3554	-90.49832, 38.56931
NONE	MUNI	05/14/20 15:49:26	84 TWO		TWO		2703/4266	-90.50252, 38.56576
NONE	BUSCK	05/14/20 16:50:46	1393 BIG BEND RD		TWO		2708/3848	-90.49832, 38.56931
NONE	MUNI	05/14/20 22:09:53	84 TWO		TWO		2703/4266	-90.50252, 38.56576
NONE	MUNI	05/14/20 23:56:32	84 TWO		TWO		3703/3168	-90.50252, 38.56576
NONE	MUNI	05/15/20 07:12:21	84 TWO		TWO	5064	1703/4895	-90.50252, 38.56576
NONE	EXPAT	05/15/20 09:26:40	1381 BIG BEND RD		TWO	5064	6760/3554	-90.49908, 38.5682
NONE	EXPAT	05/15/20 14:47:45	1393 BIG BEND RD		TWO	5064	6760/3554	-90.49832, 38.56931
NONE	EXPAT	05/15/20 14:57:11	1230 BIG BEND RD		TWO	5064	1703/4895	-90.50252, 38.56613
NONE	BUSCK	05/15/20 15:45:24	1391 BIG BEND RD		TWO	5064	6750/4266	-90.49823, 38.56825
NONE	BUSCK	05/15/20 15:46:36	1393 BIG BEND RD		TWO	5064	6750/4266	-90.49832, 38.56931
NONE	MUNI	05/15/20 17:29:52	84 TWO		TWO	5064	2703/3848	-90.50252, 38.56576
NONE	BUSCK	05/15/20 19:06:51	1391 BIG BEND RD		TWO	5064	2703/3848	-90.49823, 38.56825
NONE	EXPAT	05/15/20 19:10:47	1300 BIG BEND RD		TWO	5064	2703/3848	-90.4986, 38.56747
NONE	MUNI	05/16/20 00:39:32	84 TWO		TWO	5064	3703/4627	-90.50252, 38.56576
NONE	MUNI	05/16/20 03:32:08	84 TWO		TWO	5064	3703/4627	-90.50252, 38.56576
NONE	MUNI	05/16/20 07:12:37	84 TWO		TWO	5064	1703/4895	-90.50252, 38.56576
NONE	SICK	05/16/20 12:30:21	816 MERAMEC STATION RD		TWO	5064	1703/4895	-90.49651, 38.56539
NONE	EXPAT	05/16/20 12:41:31	1230 BIG BEND RD		TWO	5064	1703/4895	-90.50252, 38.56613
NONE	MUNI	05/16/20 13:41:59	84 TWO		TWO	5064	1703/4895	-90.50252, 38.56576
NONE	MUNI	05/16/20 17:09:52	84 TWO		TWO	5064	2703/4436	-90.50252, 38.56576
NONE	EXPAT	05/16/20 19:47:01	1300 BIG BEND RD		TWO	5064	2703/4888	-90.4986, 38.56747
NONE	MUNI	05/17/20 03:49:15	84 TWO		TWO	5064	3703/4627	-90.50252, 38.56576
NONE	EXPAT	05/17/20 07:08:15	1230 BIG BEND RD		TWO	5064	1703/4895	-90.50252, 38.56613
18640	BURG	05/17/20 09:48:56	98 CRESCENT AVE		TWO	5064	1703/4895	-90.50222, 38.56143
NONE	TRHAZ	05/17/20 12:57:30	BIG BEND RD AND MO141 HWY		TWO	5064	1701/4402	-90.50029, 38.56775
NONE	MUNI	05/17/20 15:18:59	84 TWO		TWO	5064	2703/4888	-90.50252, 38.56576

NONE	MUNI	05/17/20 20:25:11	84 TWO	TWO	5064	2703/4888	-90.50252, 38.56576
NONE	MUNI	05/17/20 23:00:59	84 TWO	TWO	5064	3703/4627	-90.50252, 38.56576
NONE	SUSPER	05/18/20 00:20:57	816 MERAMEC STATION RD	TWO	5064	3703/4627	-90.49651, 38.56539
NONE	MUNI	05/18/20 00:33:46	84 TWO	TWO	5064	3703/4627	-90.50252, 38.56576
NONE	EXPAT	05/18/20 09:06:02	1346 BIG BEND RD	TWO	5064	6760/3554	-90.4975, 38.56647
NONE	EXPAT	05/18/20 11:03:52	1230 BIG BEND RD	TWO	5064	6760/3554	-90.50252, 38.56613
NONE	EXPAT	05/18/20 11:26:19	1393 BIG BEND RD	TWO	5064	7101/3368	-90.49832, 38.56931
NONE	EXPAT	05/18/20 15:13:10	1393 BIG BEND RD	TWO	5064	6760/3554	-90.49832, 38.56931
NONE	MUNI	05/18/20 16:30:31	84 TWO	TWO	5064	2703/4266	-90.50252, 38.56576
NONE	BUSCK	05/18/20 17:25:16	1393 BIG BEND RD	TWO	5064	2703/4266	-90.49832, 38.56931
NONE	BUSCK	05/18/20 17:26:21	1391 BIG BEND RD	TWO	5064	2703/4266	-90.49823, 38.56825
18825	AANO	05/18/20 21:22:10	1445 BIG BEND RD	TWO	5064	3703/3168	-90.49494, 38.56812
NONE	MUNI	05/18/20 22:24:31	84 TWO	TWO	5064	2703/4266	-90.50252, 38.56576
NONE	MUNI	05/19/20 01:14:09	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	MUNI	05/19/20 05:18:46	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	EXPAT	05/19/20 09:43:30	1230 BIG BEND RD	TWO	5064	6760/3554	-90.50252, 38.56613
NONE	BIKE	05/19/20 10:50:46	1 TWIN OAKS CT	TWO	5064	6760/3554	-90.49973, 38.56571
NONE	EXPAT	05/19/20 11:24:33	1393 BIG BEND RD	TWO	5064	7318/4343	-90.49832, 38.56931
NONE	BUSCK	05/19/20 15:58:45	1393 BIG BEND RD	TWO	5064	2703/4266	-90.49832, 38.56931
NONE	BUSCK	05/19/20 15:59:29	1391 BIG BEND RD	TWO	5064	2703/4266	-90.49823, 38.56825
NONE	NOTIFY	05/19/20 17:11:57	1541 AUTUMN LEAF DR	TWO	5064	2703/4266	-90.50461, 38.56216
NONE	MUNI	05/19/20 18:01:14	84 TWO	TWO	5064	2703/4266	-90.50252, 38.56576
NONE	TRF	05/19/20 21:13:23	CRESCENT RD AND CRESCENT AVE	TWO	5064	3731/4738	-90.50223, 38.56118
NONE	MUNI	05/19/20 22:18:40	84 TWO	TWO	5064	2703/4266	-90.50252, 38.56576
NONE	MUNI	05/20/20 01:12:58	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	MUNI	05/20/20 04:29:21	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	MUNI	05/20/20 06:50:36	84 TWO	TWO	5064	1703/4895	-90.50252, 38.56576
NONE	EXPAT	05/20/20 07:07:16	1230 BIG BEND RD	TWO	5064	1703/4895	-90.50252, 38.56613
NONE	SICK	05/20/20 07:14:28	816 MERAMEC STATION RD	TWO	5064	1703/4895	-90.49651, 38.56539
NONE	EXPAT	05/20/20 11:01:23	1346 BIG BEND RD	TWO	5064	6760/3554	-90.4975, 38.56647
NONE	ILPARK	05/20/20 12:35:05	1311 BOLY LN	TWO	5064	6760/3554	-90.50499, 38.56722
NONE	BIKE	05/20/20 12:44:03	1 TWIN OAKS CT	TWO	5064	6760/3554	-90.49973, 38.56571
NONE	EXPAT	05/20/20 12:52:02	1 TWIN OAKS CT	TWO	5064	6760/3554	-90.49973, 38.56571
NONE	MUNI	05/21/20 03:04:39	84 TWO	TWO	5064	3752/3168	-90.50252, 38.56576
NONE	MUNI	05/21/20 06:57:14	84 TWO	TWO	5064	1703/4895	-90.50252, 38.56576
NONE	EXPAT	05/21/20 08:58:23	1230 BIG BEND RD	TWO	5064	1703/4895	-90.50252, 38.56613
NONE	EXPAT	05/21/20 09:00:29	1393 BIG BEND RD	TWO	5064	6760/3554	-90.49832, 38.56931
NONE	BIKE	05/21/20 10:00:37	1 TWIN OAKS CT	TWO	5064	6760/3554	-90.49973, 38.56571
NONE	MUNI	05/21/20 13:07:04	84 TWO	TWO	5064	1703/4895	-90.50252, 38.56576
NONE	EXPAT	05/21/20 14:35:16	1393 BIG BEND RD	TWO	5064	6760/3554	-90.49832, 38.56931

NONE	TRHAZ	05/21/20 15:29:31	MO141 HWY AND BIG BEND RD	TWO	5064	2703/4436	-90.50013, 38.56775
NONE	MUNI	05/21/20 16:20:28	84 TWO	TWO	5064	2703/4436	-90.50252, 38.56576
NONE	BUSCK	05/21/20 16:34:28	1393 BIG BEND RD	TWO	5064	7115/4259	-90.49832, 38.56931
NONE	EXPAT	05/21/20 16:44:11	1393 BIG BEND RD	TWO	5064	7103/3236	-90.49832, 38.56931
NONE	BUSCK	05/21/20 16:55:03	1391 BIG BEND RD	TWO	5064	7115/4259	-90.49823, 38.56825
NONE	SICK	05/22/20 00:47:28	1300 BIG BEND RD	TWO	5064	3703/4627	-90.4986, 38.56747
NONE	MUNI	05/22/20 03:45:02	84 TWO	TWO	5064	3703/4627	-90.50252, 38.56576
NONE	BIKE	05/22/20 09:21:23	1 TWIN OAKS CT	TWO	5064	6760/3554	-90.49973, 38.56571
NONE	BIKE	05/22/20 09:50:16	1 TWIN OAKS CT	TWO	5064	6760/3554	-90.49973, 38.56571
NONE	EXPAT	05/22/20 12:48:34	1230 BIG BEND RD	TWO	5064	1702/4895	-90.50252, 38.56613
NONE	EXPAT	05/22/20 16:11:20	1230 BIG BEND RD	TWO	5064	2703/4889	-90.50252, 38.56613
NONE	MUNI	05/22/20 16:25:51	84 TWO	TWO	5064	2703/4889	-90.50252, 38.56576
NONE	EXPAT	05/22/20 20:16:21	1230 BIG BEND RD	TWO	5064	2703/4889	-90.50252, 38.56613
NONE	MUNI	05/23/20 00:59:45	84 TWO	TWO	5064	3703/4627	-90.50252, 38.56576
NONE	MUNI	05/23/20 03:46:03	84 TWO	TWO	5064	3703/4627	-90.50252, 38.56576
NONE	MUNI	05/23/20 06:54:23	84 TWO	TWO	5064	1703/3468	-90.50252, 38.56576
NONE	MUNI	05/23/20 08:38:24	84 TWO	TWO	5064	1703/3468	-90.50252, 38.56576
NONE	MUNI	05/23/20 12:31:37	84 TWO	TWO	5064	1703/3468	-90.50252, 38.56576
NONE	MUNI	05/23/20 16:36:15	84 TWO	TWO	5064	2703/4266	-90.50252, 38.56576
NONE	BUSCK	05/23/20 17:35:49	1393 BIG BEND RD	TWO	5064	2703/4266	-90.49832, 38.56931
NONE	BUSCK	05/23/20 17:37:16	1391 BIG BEND RD	TWO	5064	2703/4266	-90.49823, 38.56825
NONE	MUNI	05/23/20 22:25:53	84 TWO	TWO	5064	2703/4266	-90.50252, 38.56576
NONE	MUNI	05/24/20 04:18:18	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	MUNI	05/24/20 05:20:55	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	MUNI	05/24/20 07:05:51	84 TWO	TWO	5064	1703/3468	-90.50252, 38.56576
NONE	MUNI	05/24/20 09:17:56	84 TWO	TWO	5064	1703/3468	-90.50252, 38.56576
NONE	MUNI	05/24/20 11:43:27	84 TWO	TWO	5064	1703/3468	-90.50252, 38.56576
NONE	MUNI	05/24/20 15:54:47	84 TWO	TWO	5064	2703/4889	-90.50252, 38.56576
NONE	MOTOR	05/24/20 21:49:26	BIG BEND RD AND MO141 HWY	TWO	5064	3703/3168	-90.50029, 38.56775
NONE	MUNI	05/25/20 02:43:07	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	GO	05/25/20 04:21:03	1230 BIG BEND RD	TWO	5064	3703/3168	-90.50252, 38.56613
NONE	MUNI	05/25/20 05:16:22	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	MUNI	05/25/20 07:39:45	84 TWO	TWO	5064	1703/3468	-90.50252, 38.56576
NONE	MUNI	05/25/20 09:39:41	84 TWO	TWO	5064	1703/3468	-90.50252, 38.56576
NONE	MUNI	05/25/20 11:19:41	84 TWO	TWO	5064	1703/3468	-90.50252, 38.56576
19621	AANO	05/25/20 11:56:20	BIG BEND RD AND MO141 HWY	TWO	5064	1703/3468	-90.50029, 38.56775
NONE	MUNI	05/25/20 16:17:05	84 TWO	TWO	5064	2703/4266	-90.50252, 38.56576
NONE	MUNI	05/25/20 22:23:15	84 TWO	TWO	5064	2703/4266	-90.50252, 38.56576
NONE	MUNI	05/26/20 03:58:07	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576
NONE	MUNI	05/26/20 05:14:59	84 TWO	TWO	5064	3703/3168	-90.50252, 38.56576

NONE	MUNI	05/26/20 07:40:16	84 TWO		TWO	5064	1703/4895	-90.50252, 38.56576
NONE	EXPAT	05/26/20 08:01:44	1230 BIG BEND RD		TWO	5064	1703/4895	-90.50252, 38.56613
NONE	EXPAT	05/26/20 09:03:15	1144 MERAMEC STATION RD		TWO	5064	6760/3554	-90.49534, 38.56853
NONE	TRF	05/26/20 09:33:28	CRESCENT AVE AND GOLDEN OAK CT		VAL	5064	6760/3554	-90.5012, 38.56233
NONE	EXPAT	05/26/20 14:19:01	1393 BIG BEND RD		TWO	5064	7101/3368	-90.49832, 38.56931
NONE	EXPAT	05/26/20 14:29:29	1391 BIG BEND RD		TWO	5064	7101/3368	-90.49823, 38.56825
NONE	MOTOR	05/26/20 23:37:43	BIG BEND RD AND MO141 HWY		TWO	5064	3703/4627	-90.50029, 38.56775
NONE	MUNI	05/27/20 06:52:20	84 TWO		TWO	5064	1703/4895	-90.50252, 38.56576
NONE	EXPAT	05/27/20 10:30:38	1230 BIG BEND RD		TWO	5064	6760/3554	-90.50252, 38.56613
NONE	DIST	05/27/20 11:58:15	1346 BIG BEND RD		TWO	5064	6760/3554	-90.4975, 38.56647
NONE	EXPAT	05/27/20 14:00:38	1144 MERAMEC STATION RD		TWO	5064	6760/3554	-90.49534, 38.56853
NONE	EXPAT	05/27/20 14:29:34	1391 BIG BEND RD		TWO	5064	7101/3368	-90.49823, 38.56825
NONE	EXPAT	05/27/20 14:38:37	1300 BIG BEND RD		TWO	5064	7101/3368	-90.4986, 38.56747
NONE	EXPAT	05/27/20 15:04:53	1381 BIG BEND RD		TWO	5064	6760/3554	-90.49908, 38.5682
NONE	EXPAT	05/27/20 15:51:09	1393 BIG BEND RD		TWO	5064	7101/3368	-90.49832, 38.56931
NONE	MUNI	05/28/20 00:43:00	84 TWO		TWO	5064	3703/4627	-90.50252, 38.56576
NONE	SICK	05/28/20 01:51:47	816 MERAMEC STATION RD		TWO	5064	3703/4627	-90.49651, 38.56539
NONE	MUNI	05/28/20 02:41:23	84 TWO		TWO	5064	3703/4627	-90.50252, 38.56576
NONE	MUNI	05/28/20 06:57:06	84 TWO		TWO	5064	1703/4895	-90.50252, 38.56576
NONE	ANINJ	05/28/20 08:28:41	1 TWIN OAKS CT		TWO	5064	6760/3554	-90.49973, 38.56571
NONE	BIKE	05/28/20 09:35:31	1 TWIN OAKS CT		TWO	5064	6760/3554	-90.49973, 38.56571
19969	AANO	05/28/20 10:04:50	1393 BIG BEND RD		TWO	5064	6760/3554	-90.49832, 38.56931
NONE	ILPARK	05/28/20 12:00:52	1300 BIG BEND RD		TWO	5064	6760/3554	-90.4986, 38.56747
NONE	BIKE	05/28/20 12:42:13	1 TWIN OAKS CT		TWO	5064	6760/3554	-90.49973, 38.56571
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NONE	MUNI	05/29/20 03:17:46	84 TWO		TWO	5064	3703/4627	-90.50252, 38.56576

RESOLUTION NO. 20-09

**A RESOLUTION OF THE TWIN OAKS BOARD OF ALDERMEN
APPROVING AN AGREEMENT WITH CROWDER CONSTRUCTION,
INC. FOR THE CONSTRUCTION OF CONCRETE SUPPORTS FOR A
WOODEN FOOTBRIDGE.**

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, AS FOLLOWS:

Section 1. The Board of Aldermen hereby approves, and the Mayor is hereby authorized to execute, a contract substantially in the form of “Exhibit 1” attached hereto and incorporated herein, on behalf of Twin Oaks with Crowder Construction, Inc. for construction services to be provided under the terms set forth in Exhibit 1.

Section 2. This Resolution is adopted and shall be in full force and effect on and after its passage and approval.

THIS RESOLUTION WAS PASSED AND APPROVED THE 3RD DAY OF JUNE, 2020, BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI.

Russ Fortune, Mayor

Attest:

Frank Johnson, City Clerk

Exhibit 1

Twin Oaks, Missouri CONTRACTOR SERVICES CONTRACT

THIS AGREEMENT, made and effective as of _____, 2020, by and between the **City of Twin Oaks, Missouri**, a municipal corporation hereinafter referred to as the "City," and Crowder Construction, Inc., a Missouri corporation, hereinafter referred to as "Contractor," with a business mailing address of 28 Front St., Valley Park, MO 63088.

WHEREAS, the Contractor provided the City with the proposal, attached hereto as **Exhibit A** and incorporated herein by reference, for certain construction services in an area on the north side of Crescent Road between Crescent Valley Court and Laws Court, as described on Exhibit A (the "Proposal"), and the City wishes to engage the Contractor as provider of those services to the City, in accordance with the terms of this Agreement;

WITNESSETH: That the parties hereto for the considerations hereinafter set forth agree as follows:

I. SCOPE OF SERVICES

Contractor's services are necessary for the following Project of City: *Bridge Supports Installation — North side of Crescent Road between Crescent Valley Court and Laws Court.*

Except as expressly specified herein, Contractor hereby agrees to provide the expertise, supplies, supervision, labor, skill, materials, equipment, and apparatus to perform all the services and do all the things necessary for the proper completion of the scope of services for the Project listed above and which construction services are particularly described in the attached **Exhibit A**.

The above-referenced services (hereinafter referred to as the "Work") shall be provided by the Contractor in accordance with all the provisions of the Proposal and the attached **Twin Oaks General Conditions** which are incorporated herein by reference, and the terms of the General Conditions shall prevail over any conflicting terms that may otherwise be adopted herein as part of any attachment, including the Proposal. If there is any conflict between the City's General Conditions (attached hereto and incorporated herein by reference) and the Proposal, this Agreement and its General Conditions shall prevail.

II. COMPENSATION

Upon completion of the Work to the satisfaction of the City, and within thirty days (30) days of final written invoice by the Contractor, the City hereby agrees to pay the Contractor an amount not to exceed \$1,940.00 for the Work as set forth in the Proposal as full compensation for the complete and satisfactory performance of the Work.

III. TIME AND MANNER OF PAYMENTS

All invoices complete with necessary support documentation shall be submitted to the City and payment shall be made by City within thirty (30) days of receipt of an invoice received after satisfactory performance of the Work for the fees, prices, rates, or schedule of values set forth below.

IV. CONTRACT SCHEDULE

Time is of the essence. The Work shall be commenced on _____, 2020, and shall be completed in a reasonable manner no later than _____, 2020. Failure to complete the Work by the completion date shall result in a reduction in the amount due to the Contractor under this Contract in the

amount of \$50.00 per day as liquated damages, herein acknowledged to be reasonable compensation for such delay, in addition to any other remedy that the City may have hereunder.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement as of the effective date of Contract first above written.

CROWDER CONSTRUCTION, INC.
Full Legal Name of Contractor

CITY OF TWIN OAKS

By _____

By _____

Title _____

Title _____

DATED: _____

DATED: _____

ATTEST: _____

City Clerk

GENERAL CONDITIONS
CITY OF TWIN OAKS, MISSOURI
CONTRACTOR SERVICES AGREEMENT

Independent Contractor. The Contractor shall be and operate as an independent contractor in the performance of this Contract. The Contractor shall have complete charge of the personnel engaged in the performance of the Work, and all persons employed by the Contractor shall be employees of said Contractor and not employees of the City in any respect.

Compliance with Laws. The Contractor shall comply with all applicable City ordinances and other laws and regulations, Federal, State, and any political subdivision thereof, including but not limited to, unemployment and workers' compensation, occupational safety, equal employment and affirmative action and wage and price laws insofar as applicable to the performance of the Contract. Specifically, Contractor shall comply with the following state law requirements:

- *Work Authorization Program.* If the Contract is for services expected to cost more than \$5,000.00, the Contractor shall comply with Section 285.530 RSMo., pertaining to enrollment and participation in a federal work authorization program (as defined therein) and shall provide verification through an affidavit (attached as **Exhibit B**) that the Contractor (1) does not knowingly employ any person who is an unauthorized alien in connection with the Contract and (2) is enrolled in a federal work authorization program and provide documentary proof thereof. The affidavit shall contain the notarized signature of the registered agent, legal representative or corporate officer of the business entity including but not limited to the human resources director or their equivalent.
- *Proof of Lawful Presence.* Section 208.009 RSMo., requires that all applicants *at the time of application* for any contract provided by a local government provide "affirmative proof that the applicant is a citizen or a permanent resident of the United States or is lawfully present in the United States." Contractor's affirmative proof must be established through (i) a Missouri driver's license, (ii) any "documentary evidence recognized by the department of revenue when processing an application for a driver's license," or (iii) "any document issued by the federal government that confirms an alien's lawful presence in the United States." §208.009.3.
- *Prevailing Wage.* If the work is estimated to cost more than \$75,000, Contractor further agrees to pay not less than the prevailing hourly wage of wages set out on the wage order attached hereto as **Exhibit C** (if applicable) and made part of the specification for Work under this Agreement, to all workers performing any work under this Contract. The Contractor will forfeit a penalty to the City of \$100 per day for each worker that is paid less than the prevailing rate for any Work done under the contract by the Contractor.

Subcontracts. The Contractor shall not subcontract any of the Work to be performed by it hereunder without the express written consent of the City. In addition, this Contract shall not be assigned by the Contractor.

Indemnification. To the fullest extent permitted by law, the Contractor agrees to defend with counsel selected by the City, and indemnify and hold harmless the City, its officers, engineers, representatives, agents and employees from and against any and all liabilities, damages, losses, claims or suits, including costs and attorneys' fees, for or on account of any kind of injury to person, bodily or otherwise, or death, or damage to or destruction of property, or any other circumstances, sustained by the City or others, arising from Contractor's breach of the Contract or out of services and operations performed hereunder by the Contractor, including the City's reliance on or use of the services or products provided by the Contractor under the terms of this agreement. The Contractor shall not be liable for any loss or damage attributable solely to the negligence of the City. To the extent required by law to enforce this provision, Contractor agrees that this indemnification requires Contractor to obtain insurance in amounts specified herein and that Contractor has had the opportunity to recover the costs of such insurance in the Compensation set forth in this Agreement.

Insurance. Contractor shall furnish the City the certificates of insurance for workers' compensation, public liability, and property damage, including automobile coverage in the amounts specified by the City in the request for proposals, if any, otherwise in the amounts stated on **Exhibit D**, but unless otherwise provided shall be no less than the maximum amounts of liability set forth in Chapter 537.610 RSMo., applicable to political subdivisions. The policies of insurance shall be in such form and shall be issued by such company or companies as may be satisfactory to the City. The City, and such additional persons and entities as may be deemed to have an exposure to liability as a result of the performance of the Contractor's work, as determined by the City, shall be named as additional insured and the applicable insurer shall owe the City a duty of defense on all insurance policies required hereunder. The Contractor shall provide an Additional Insured Endorsement to the City that shall be approved by the City prior to commencement of any Work.

In addition to the foregoing, the Contractor shall maintain Professional Liability "errors and omissions" insurance in the form for the coverages satisfactory to City as indicated in the request for proposals, if any, otherwise as stated on attached **Exhibit D**, if any, but in no event less than the maximum amounts of liability set forth in Chapter 537.610 RSMo. applicable to political subdivisions. The City and Contractor waive all rights against each other for damages caused by fire or other perils to the extent covered by Builder's Risk or any other property insurance, except such rights as they may have to the proceeds of such insurance; provided that nothing herein shall be deemed a waiver of the City's sovereign immunity relative to any claim against the City.

Nondisclosure. The Contractor agrees that it will not divulge to third parties without the written consent of the City any information obtained from or through the City in connection with the performance of this Contract. Nothing herein shall preclude disclosure of information by the City.

Changes. No change in this Contract shall be made except in writing prior to the change in the Work or terms being performed. The Contractor shall make any and all changes in the Work without invalidating this Contract when specifically ordered to do so in writing by the City. The Contractor, prior to the commencement of such changed or revised Work, shall submit promptly to the City, a written cost or credit proposal for such revised Work. If the City and Contractor shall not be able to agree as to the amount, either in consideration of time or money to be allowed or deducted, it shall nevertheless be the duty of Contractor, upon written notice from the City, to immediately proceed with such alteration or change, and Contractor shall be compensated the reasonable value of such Work. **No Work or change shall be undertaken or compensated for without prior written authorization from the City.**

Termination. The City shall have the right to terminate the Contract at any time for any reason by giving the Contractor written notice to such effect. The City shall pay to the Contractor in full satisfaction and discharge of all amounts owing to the Contractor under the Contract an amount equal to the cost of all Work performed by the Contractor up to such termination date, less all amounts previously paid to the Contractor on account of the Contract Price. The Contractor shall submit to the City its statement for the aforesaid amount, in such reasonable detail as the City shall request, within thirty (30) days after such date of termination. The City shall not be liable to the Contractor for any damages on account of such termination for loss of anticipated future profits with respect to the remainder of the Work.

Multi-year contracts; Non-appropriation. Notwithstanding any provision herein to the contrary, the City is obligated only to make the payments set forth in the attached Contract as may lawfully be made from funds budgeted and appropriated for that purpose during the City's then current fiscal year at the discretion of the City. If no funds are appropriated or otherwise made legally available to make the required payments for this Agreement during the next occurring fiscal year (an "Event of Nonappropriation"), this Agreement will terminate at the end of the then current fiscal year as if terminated expressly. The failure or inability of the City to appropriate funds for this Agreement in any subsequent fiscal year shall not be deemed a breach of this Agreement by any party. If applicable, this Agreement may be annually renewed at each fiscal year by inclusion of specific appropriation for this Agreement, from year to year not to exceed the maximum renewal period or term as set forth in the Agreement.

Accounting. During the period of this Contract, the Contractor shall maintain books of accounts of its expenses and charges in connection with this Contract in accordance with generally accepted accounting principles and practices. The City shall at reasonable times have access to these books and accounts to the extent required to verify all invoices submitted hereunder by the Contractor.

Correction Period. Contractor hereby expressly guarantees the aforesaid Work as to workmanship and quality of materials used in connection herewith for a term of one (1) year, commencing on the date of final acceptance by the City, and binds itself, its successors or assigns, to make all repairs or replacements which may become necessary within said period due to construction defects and nonconformity with the City specifications or contract. The Contractor warrants to the City that all materials and equipment furnished under the Contract and incorporated in the Work will be new unless otherwise specified, and that all Work will be of good quality, free from faults and defects and in conformance with the Contract. The Contractor's general warranty and any additional or special warranties are not limited by the Contractor's obligations to specifically correct defective or nonconforming Work as set forth herein, nor are they limited by any other remedies provided in the Contract.

Request for Proposals. If the City issued a request for proposals in connection with the Work, such request for proposals and the proposal of the Contractor in response thereto are incorporated herein by reference and made a part of this Contract. In case of any conflicts between the request for proposals and the executed Contractor Services Contract or proposal of the Contractor, the requirements of the City's Request for Proposal and this executed Contract shall control and supersede unless a change thereto is specifically stated in this Contract (including **Exhibit A**, "Scope of Work").

Project Records and Work Product. The Contractor shall provide the City with copies of all documents pertinent to the Work which shall include, without limitation, reports, correspondence, meeting minutes, and originals of all deliverables. The City shall own all right, title and interest, including without limitations, all copyrights and intellectual property rights, to all documents and Work Product of the Contractor created in performance of or relating to this Contract. Contractor agrees to take all steps reasonably requested by the City to evidence, maintain, and defend the City's ownership rights in the Work Product.

Site Operations. Where appropriate, the City will arrange for right of entry to any property at the request of the Contractor for the purpose of performing studies, tests and evaluations in connection with the Work.

Personnel. The Work shall be performed exclusively by the personnel of the Contractor identified in the Contractor's proposal and no other personnel of the Contractor shall perform any of the Work without the express written approval of the City.

Representations. Contractor agrees that it has not relied on any representations or warranties of the City, oral or written, other than expressly identified in this Contract. The parties agree the Contract represents the entire agreement between the parties.

Governing/Choice of Law. This Agreement shall be governed by and construed and interpreted in accordance with the internal laws of the State of Missouri, without regard to its principles of conflict of laws.

Other Special Provisions. The special provisions set forth on **Exhibit A** are incorporated herein by reference and made a part hereof.

EXHIBIT A
Proposal



28 Front St., Valley Park, MO 63088
636-861-9095
www.CrowderConstruction.net

May 22, 2020

Mr. John Williams
City of Twin Oaks
1381 Big Bend Road
Twin Oaks, MO 63021

Revised

Estimate to install two bridge supports on the creek banks in the walking path area on the south side of the condominiums. The piers would be 6' long and 3' below grade with approximately 1' above grade. The piers would be 1' wide and would be reinforced with steel rebar. Two 16' long 6"x6" treated timbers would be installed on top of the concrete piers for bridge installation by others. The concrete slabs below the bridge would be removed. The creek bed under the bridge would be excavated to maximize flow. The creek bank below the large tree immediately above the bridge would be packed with large rock to reduce erosion.

Project total.....\$1,940.00

Hope we may be of service!

Retaining wall design, engineering & construction ♦ Natural stone & boulder work ♦ Concrete driveways, patios & walks ♦ Stamped & dyed concrete ♦ Mortared flagstone & pavers ♦ Storm water control & creek bank stabilization ♦ Drainage systems & erosion control ♦ Lighting systems

LIKE us on Facebook!

Member BBB with A+ rating ♦ 39 years' experience in landscape construction ♦ Fully insured

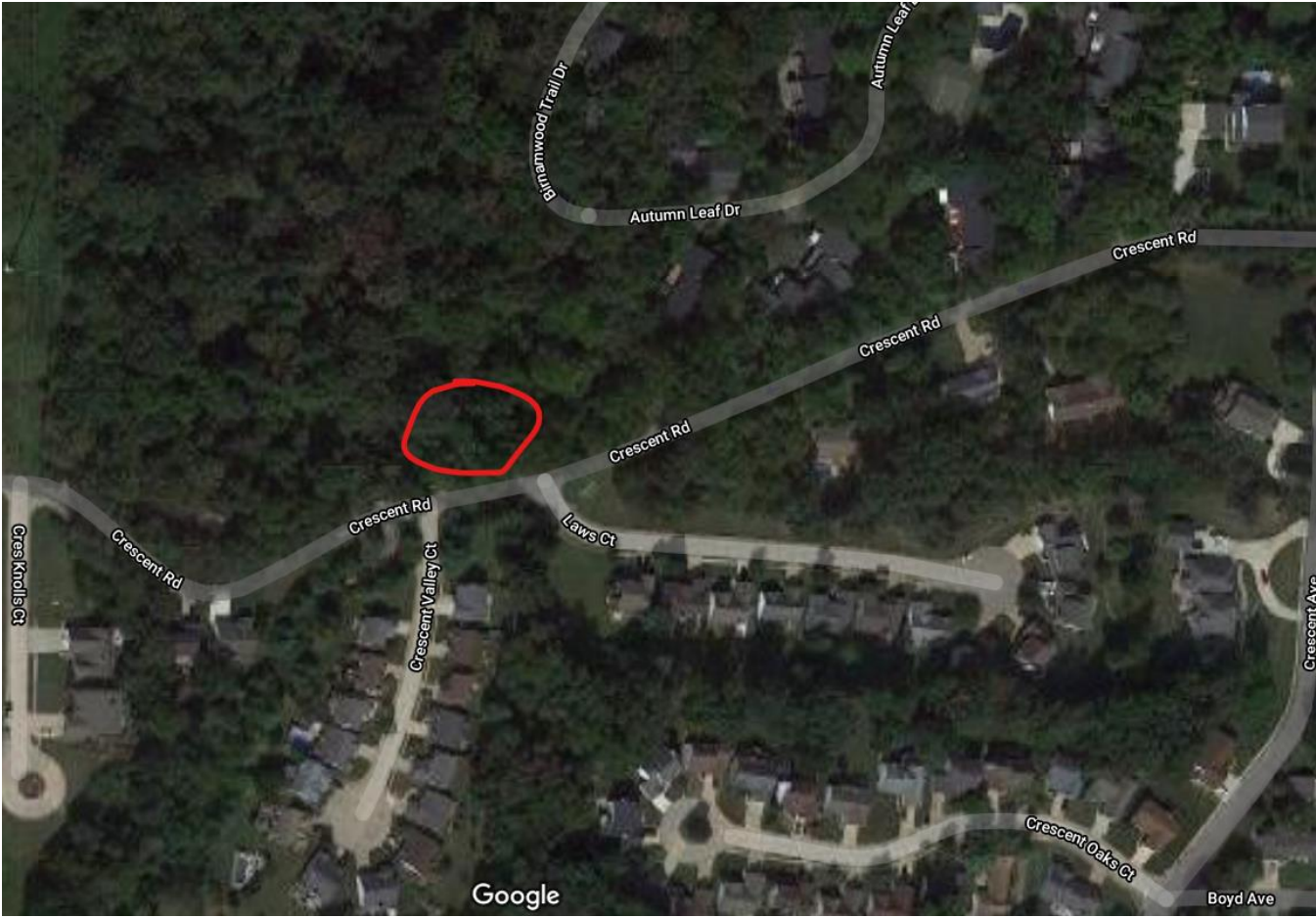


EXHIBIT B
Work Authorization Program

Not applicable.

EXHIBIT C
Prevailing Wage

Not applicable.

**Exhibit D
Insurance**

Unless otherwise instructed in writing by the City, the Contractor shall obtain and maintain during the term of the Project and the Contractor Services Contract the insurance coverages at least equal to the coverages below, and as further provided in the General Conditions, but no event less than the individual and combined sovereign immunity limits established by Section 537.610 R.S.Mo. Insurance policies providing required coverages shall be with companies licensed to do business in the State of Missouri and rated no less than AA by Best or equivalent. All costs of obtaining and maintaining insurance coverages are included in the proposal and no additional payment will be made therefor by the City.

Comprehensive General Liability Insurance (including coverage for Bodily Injury and Property Damage)	\$435,849 per occurrence \$2,905,664 aggregate
Comprehensive Automobile Liability Insurance (including coverage for Bodily Injury and Property Damage)	\$435,849 per occurrence \$2,905,664 aggregate

In addition, the Contractor and all subcontractors shall provide Worker's Compensation Insurance in at least statutory amounts for all workers employed at the Project site. Unless instructed otherwise, the Contractor shall also provide a policy of Builder's Risk Insurance in the amount of 100% of the complete insurable value of the Project, which policy shall protect the Contractor and the City, as their respective interests shall appear. Before commencing any work, the Contractor shall provide to the City certificates of insurance evidencing the issuance and maintenance in force of the coverages required by this Exhibit D. Each such certificate shall show the City, and such other governmental agencies as may be required by the City to be insured by underlying grant or contract relating to the Project, as an additional insured, and shall bear an endorsement precluding cancellation of or change in coverage without at least thirty (30) days written notice to the City. Any self-insurance or deductible above \$50,000.00 is not permitted.

RESOLUTION NO. 20-10

**A RESOLUTION OF THE TWIN OAKS BOARD OF ALDERMEN
APPROVING AN AGREEMENT WITH OTTIGER TREE SERVICE, LLC
FOR THE REMOVAL OF FIVE TREES.**

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, AS FOLLOWS:

Section 1. The Board of Aldermen hereby approves, and the Mayor is hereby authorized to execute, a contract substantially in the form of “Exhibit 1” attached hereto and incorporated herein, on behalf of Twin Oaks with Ottiger Tree Service, LLC for tree removal services to be provided under the terms set forth in Exhibit 1.

Section 2. This Resolution is adopted and shall be in full force and effect on and after its passage and approval.

THIS RESOLUTION WAS PASSED AND APPROVED THE 3RD DAY OF JUNE, 2020, BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI.

Russ Fortune, Mayor

Attest:

Frank Johnson, City Clerk

Exhibit 1

Twin Oaks, Missouri

CONTRACTOR SERVICES CONTRACT

THIS AGREEMENT, made and effective as of _____, 2019, by and between the **City of Twin Oaks, Missouri**, a municipal corporation hereinafter referred to as the "City," and Ottiger Tree Service LLC, a Missouri corporation, hereinafter referred to as "Contractor," with a business mailing address of 3801 Byrnesville Road, House Springs, MO 63051.

WHEREAS, the Contractor provided the City with the proposal, attached hereto as **Exhibit A** and incorporated herein by reference, for tree removal services in a greenspace area north of the intersection of Laws Court and Crescent Road, as described on Exhibit A (the "Proposal"), and the City wishes to engage the Contractor as provider of those services to the City, in accordance with the terms of this Agreement;

WITNESSETH: That the parties hereto for the considerations hereinafter set forth agree as follows:

I. SCOPE OF SERVICES

Contractor's services are necessary for the following Project of City: *Removal of Five Specified Trees - Greenspace Area North of the Intersection of Laws Court and Crescent Drive.*

Except as expressly specified herein, Contractor hereby agrees to provide the expertise, supplies, supervision, labor, skill, materials, equipment, and apparatus to perform all the services and do all the things necessary for the proper completion of the scope of services for the Project listed above and as more particularly described in the attached **Exhibit A**. The specific trees to be removed will be marked by the City and the manner of this marking will be described to the Contractor.

The above-referenced services (hereinafter referred to as the "Work") shall be provided by the Contractor in accordance with all the provisions of the Proposal and the attached **Twin Oaks General Conditions** which are incorporated herein by reference, and the terms of the General Conditions shall prevail over any conflicting terms that may otherwise be adopted herein as part of any attachment, including the Proposal. If there is any conflict between the City's General Conditions (attached hereto and incorporated herein by reference) and the Proposal, this Agreement and its General Conditions shall prevail.

II. COMPENSATION

Upon completion of the Work to the satisfaction of the City, and within thirty days (30) days of final written invoice by the Contractor, the City hereby agrees to pay the Contractor an amount not to exceed \$2,800.00 for the Work as set forth in the Proposal as full compensation for the complete and satisfactory performance of the Work.

III. TIME AND MANNER OF PAYMENTS

All invoices complete with necessary support documentation shall be submitted to the City and payment shall be made by City within thirty (30) days of receipt of an invoice received after satisfactory performance of the Work for the fees, prices, rates, or schedule of values set forth below.

IV. CONTRACT SCHEDULE

Time is of the essence. The Work shall be commenced on _____, 2020, and shall be completed in a reasonable manner no later than _____, 2020. Failure to complete the Work by the completion date shall result in a reduction in the amount due to the Contractor under this Contract in the

amount of \$50.00 per day as liquated damages, herein acknowledged to be reasonable compensation for such delay, in addition to any other remedy that the City may have hereunder.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement as of the effective date of Contract first above written.

Ottiger Tree Service LLC

CITY OF TWIN OAKS

By _____

By _____

Title _____

Title _____

DATED: _____

DATED: _____

ATTEST: _____

City Clerk

GENERAL CONDITIONS
CITY OF TWIN OAKS, MISSOURI
CONTRACTOR SERVICES AGREEMENT

Independent Contractor. The Contractor shall be and operate as an independent contractor in the performance of this Contract. The Contractor shall have complete charge of the personnel engaged in the performance of the Work, and all persons employed by the Contractor shall be employees of said Contractor and not employees of the City in any respect.

Compliance with Laws. The Contractor shall comply with all applicable City ordinances and other laws and regulations, Federal, State, and any political subdivision thereof, including but not limited to, unemployment and workers' compensation, occupational safety, equal employment and affirmative action and wage and price laws insofar as applicable to the performance of the Contract. Specifically, Contractor shall comply with the following state law requirements:

- *Proof of Lawful Presence.* Section 208.009 RSMo., requires that all applicants *at the time of application* for any contract provided by a local government provide "affirmative proof that the applicant is a citizen or a permanent resident of the United States or is lawfully present in the United States." Contractor's affirmative proof must be established through (i) a Missouri driver's license, (ii) any "documentary evidence recognized by the department of revenue when processing an application for a driver's license," or (iii) "any document issued by the federal government that confirms an alien's lawful presence in the United States." §208.009.3.

Subcontracts. The Contractor shall not subcontract any of the Work to be performed by it hereunder without the express written consent of the City. In addition, this Contract shall not be assigned by the Contractor.

Indemnification. To the fullest extent permitted by law, the Contractor agrees to defend with counsel selected by the City, and indemnify and hold harmless the City, its officers, engineers, representatives, agents and employees from and against any and all liabilities, damages, losses, claims or suits, including costs and attorneys' fees, for or on account of any kind of injury to person, bodily or otherwise, or death, or damage to or destruction of property, or any other circumstances, sustained by the City or others, arising from Contractor's breach of the Contract or out of services and operations performed hereunder by the Contractor, including the City's reliance on or use of the services or products provided by the Contractor under the terms of this agreement. The Contractor shall not be liable for any loss or damage attributable solely to the negligence of the City. To the extent required by law to enforce this provision, Contractor agrees that this indemnification requires Contractor to obtain insurance in amounts specified herein and that Contractor has had the opportunity to recover the costs of such insurance in the Compensation set forth in this Agreement.

Insurance. Contractor shall furnish the City the certificates of insurance for workers' compensation, public liability, and property damage, including automobile coverage in the amounts specified by the City in the request for proposals, if any, otherwise in the amounts stated on **Exhibit B**, but unless otherwise provided shall be no less than the maximum amounts of liability set forth in Chapter 537.610 RSMo., applicable to political subdivisions. The policies of insurance shall be in such form and shall be issued by such company or companies as may be satisfactory to the City. The City, and such additional persons and entities as may be deemed to have an exposure to liability as a result of the performance of the Contractor's work, as determined by the City, shall be named as additional insured and the applicable insurer shall owe the City a duty of defense on all insurance policies required hereunder. The Contractor shall provide an Additional Insured Endorsement to the City that shall be approved by the City prior to commencement of any Work.

In addition to the foregoing, the Contractor shall maintain Professional Liability "errors and omissions" insurance in the form for the coverages satisfactory to City as indicated in the request for proposals, if any, otherwise as stated on attached **Exhibit B**, if any, but in no event less than the maximum amounts of liability set forth in Chapter 537.610 RSMo. applicable to political subdivisions. The City and Contractor waive all rights against each other for damages caused by fire or other perils to the extent covered by Builder's Risk or any other property insurance, except such rights as they may have to the proceeds of such insurance; provided that nothing herein shall be deemed a waiver of the City's sovereign immunity relative to any claim against the City.

Nondisclosure. The Contractor agrees that it will not divulge to third parties without the written consent of the City any information obtained from or through the City in connection with the performance of this Contract. Nothing herein shall preclude disclosure of information by the City.

Changes. No change in this Contract shall be made except in writing prior to the change in the Work or terms being performed. The Contractor shall make any and all changes in the Work without invalidating this Contract when specifically ordered to do so in writing by the City. The Contractor, prior to the commencement of such changed or revised Work, shall submit promptly to the City, a written cost or credit proposal for such revised Work. If the City and Contractor shall not be able to agree as to the amount, either in consideration of time or money to be allowed or deducted, it shall nevertheless be the duty of Contractor, upon written notice from the City, to immediately proceed with such alteration or change, and Contractor shall be compensated the reasonable value of such Work. **No Work or change shall be undertaken or compensated for without prior written authorization from the City.**

Termination. The City shall have the right to terminate the Contract at any time for any reason by giving the Contractor written notice to such effect. The City shall pay to the Contractor in full satisfaction and discharge of all amounts owing to the Contractor under the Contract an amount equal to the cost of all Work performed by the Contractor up to such termination date, less all amounts previously paid to the Contractor on account of the

Contract Price. The Contractor shall submit to the City its statement for the aforesaid amount, in such reasonable detail as the City shall request, within thirty (30) days after such date of termination. The City shall not be liable to the Contractor for any damages on account of such termination for loss of anticipated future profits with respect to the remainder of the Work.

Multi-year contracts; Non-appropriation. Notwithstanding any provision herein to the contrary, the City is obligated only to make the payments set forth in the attached Contract as may lawfully be made from funds budgeted and appropriated for that purpose during the City's then current fiscal year at the discretion of the City. If no funds are appropriated or otherwise made legally available to make the required payments for this Agreement during the next occurring fiscal year (an "Event of Nonappropriation"), this Agreement will terminate at the end of the then current fiscal year as if terminated expressly. The failure or inability of the City to appropriate funds for this Agreement in any subsequent fiscal year shall not be deemed a breach of this Agreement by any party. If applicable, this Agreement may be annually renewed at each fiscal year by inclusion of specific appropriation for this Agreement, from year to year not to exceed the maximum renewal period or term as set forth in the Agreement.

Accounting. During the period of this Contract, the Contractor shall maintain books of accounts of its expenses and charges in connection with this Contract in accordance with generally accepted accounting principles and practices. The City shall at reasonable times have access to these books and accounts to the extent required to verify all invoices submitted hereunder by the Contractor.

Correction Period. Contractor hereby expressly guarantees the aforesaid Work as to workmanship and quality of materials used in connection herewith for a term of one (1) year, commencing on the date of final acceptance by the City, and binds itself, its successors or assigns, to make all repairs or replacements which may become necessary within said period due to construction defects and nonconformity with the City specifications or contract. The Contractor warrants to the City that all materials and equipment furnished under the Contract and incorporated in the Work will be new unless otherwise specified, and that all Work will be of good quality, free from faults and defects and in conformance with the Contract. The Contractor's general warranty and any additional or special warranties are not limited by the Contractor's obligations to specifically correct defective or nonconforming Work as set forth herein, nor are they limited by any other remedies provided in the Contract.

Request for Proposals. If the City issued a request for proposals in connection with the Work, such request for proposals and the proposal of the Contractor in response thereto are incorporated herein by reference and made a part of this Contract. In case of any conflicts between the request for proposals and the executed Contractor Services Contract or proposal of the Contractor, the requirements of the City's Request for Proposal and this executed Contract shall control and supersede unless a change thereto is specifically stated in this Contract (including **Exhibit A**, "Scope of Work").

Project Records and Work Product. The Contractor shall provide the City with copies of all documents pertinent to the Work which shall include, without limitation, reports, correspondence, meeting minutes, and originals of all deliverables. The City shall own all right, title and interest, including without limitations, all copyrights and intellectual property rights, to all documents and Work Product of the Contractor created in performance of or relating to this Contract. Contractor agrees to take all steps reasonably requested by the City to evidence, maintain, and defend the City's ownership rights in the Work Product.

Site Operations. Where appropriate, the City will arrange for right of entry to any property at the request of the Contractor for the purpose of performing studies, tests and evaluations in connection with the Work.

Personnel. The Work shall be performed exclusively by the personnel of the Contractor identified in the Contractor's proposal and no other personnel of the Contractor shall perform any of the Work without the express written approval of the City.

Representations. Contractor agrees that it has not relied on any representations or warranties of the City, oral or written, other than expressly identified in this Contract. The parties agree the Contract represents the entire agreement between the parties.

Governing/Choice of Law. This Agreement shall be governed by and construed and interpreted in accordance with the internal laws of the State of Missouri, without regard to its principles of conflict of laws.

Other Special Provisions. There are no additional special provisions set forth in the Contractor Services Agreement.

EXHIBIT A
Proposal

OTTIGER TREE SERVICE LLC
3801 Byrnesville Road
House Springs, MO 63051 US
(636) 225-3292
info@ottigertreeservice.com
http://www.ottigertreeservice.com

Estimate

ADDRESS

JOHN WILLIAMS
CITY OF TWIN OAKS
1381 BIG BEND
TWIN OAKS, MO

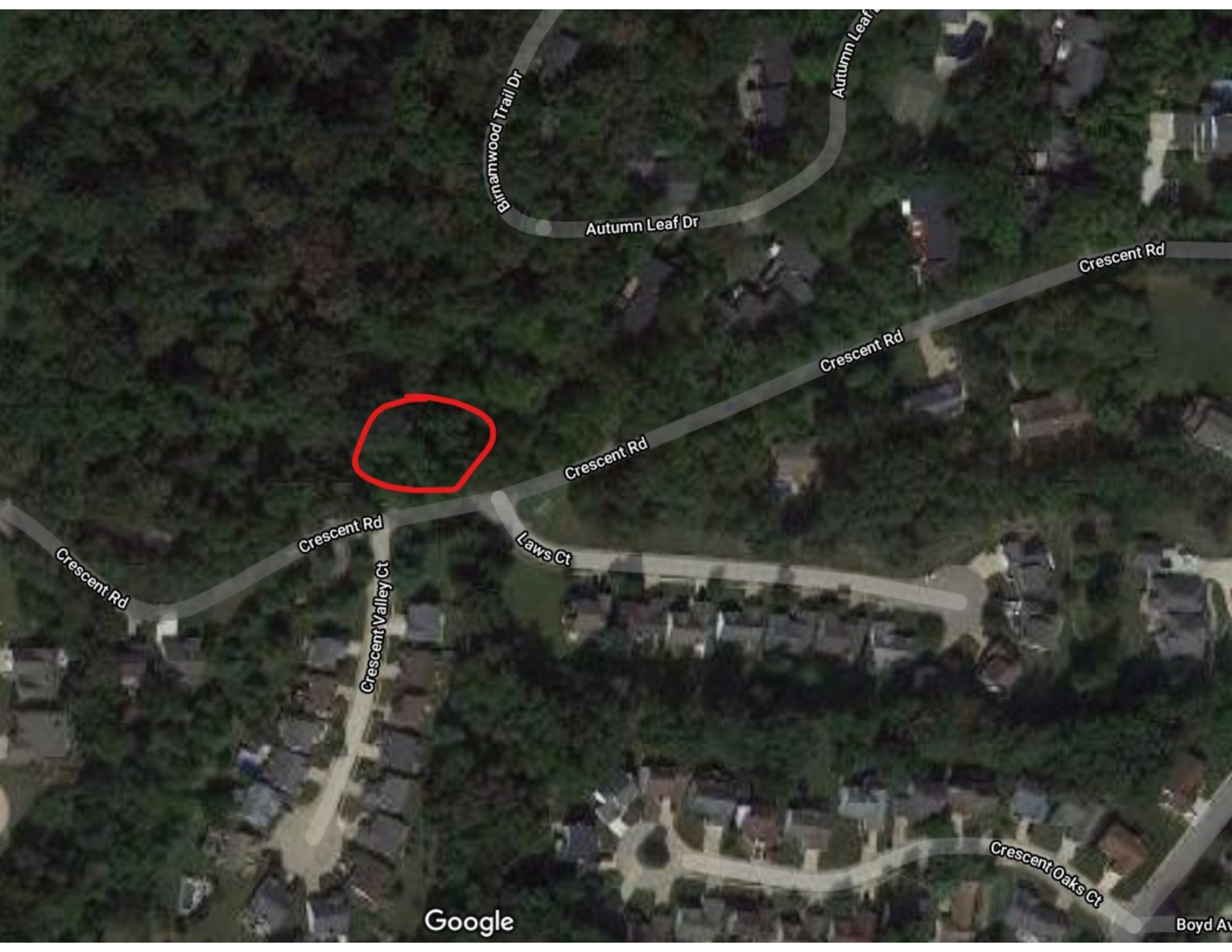
ESTIMATE #	DATE
1619	05/21/2020

ACTIVITY	QTY	RATE	AMOUNT
Removal REMOVAL OF 5 SPECIFIED TREES IN GREENSPACE AT INTERSECTION OF LAWS CT AND CRESCENT DR ALL BRUSH CHIPPED INTO GREENSPACE, ALL UNCHIPPABLE MATERIAL REMOVED	1	2,800.00	2,800.00

TOTAL **\$2,800.00**

Accepted By

Accepted Date



Binamwood Trail Dr

Autumn Leaf Dr

Autumn Leaf

Crescent Rd

Crescent Rd

Crescent Rd

Laws Ct

Crescent Rd

Crescent Rd

Crescent Valley Ct

Crescent Oaks Ct

Boyd Av

Google

**Exhibit B
Insurance**

Unless otherwise instructed in writing by the City, the Contractor shall obtain and maintain during the term of the Project and the Contractor Services Contract the insurance coverages at least equal to the coverages below, and as further provided in the General Conditions, but no event less than the individual and combined sovereign immunity limits established by Section 537.610 R.S.Mo. Insurance policies providing required coverages shall be with companies licensed to do business in the State of Missouri and rated no less than AA by Best or equivalent. All costs of obtaining and maintaining insurance coverages are included in the proposal and no additional payment will be made therefor by the City.

Comprehensive General Liability Insurance (including coverage for Bodily Injury and Property Damage)	\$435,849 per occurrence \$2,905,664 aggregate
Comprehensive Automobile Liability Insurance (including coverage for Bodily Injury and Property Damage)	\$435,849 per occurrence \$2,905,664 aggregate

In addition, the Contractor and all subcontractors shall provide Worker's Compensation Insurance in at least statutory amounts for all workers employed at the Project site. Unless instructed otherwise, the Contractor shall also provide a policy of Builder's Risk Insurance in the amount of 100% of the complete insurable value of the Project, which policy shall protect the Contractor and the City, as their respective interests shall appear. Before commencing any work, the Contractor shall provide to the City certificates of insurance evidencing the issuance and maintenance in force of the coverages required by this Exhibit D. Each such certificate shall show the City, and such other governmental agencies as may be required by the City to be insured by underlying grant or contract relating to the Project, as an additional insured, and shall bear an endorsement precluding cancellation of or change in coverage without at least thirty (30) days written notice to the City. Any self-insurance or deductible above \$50,000.00 is not permitted.

The City may waive any insurance coverages or amounts required by this Exhibit when the City deems such waiver may be in the interest of the public health, safety, and general welfare.

RESOLUTION NO. 20-11

**A RESOLUTION OF THE TWIN OAKS BOARD OF ALDERMEN
APPROVING AN AGREEMENT WITH THE DAVEY TREE EXPERT
COMPANY FOR THE TREATMENT OF A DAMAGED TREE AT THE
INTERSECTION OF HIGHWAY 141 AND BIG BEND ROAD.**

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, AS FOLLOWS:

Section 1. The Board of Aldermen hereby approves, and the Mayor is hereby authorized to execute, a contract substantially in the form of “Exhibit 1” attached hereto and incorporated herein, on behalf of Twin Oaks with The Davey Tree Expert Company for tree treatment services to be provided under the terms set forth in Exhibit 1.

Section 2. This Resolution is adopted and shall be in full force and effect on and after its passage and approval.

THIS RESOLUTION WAS PASSED AND APPROVED THE 3RD DAY OF JUNE, 2020, BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI.

Russ Fortune, Mayor

Attest:

Frank Johnson, City Clerk

Exhibit 1

Twin Oaks, Missouri

CONTRACTOR SERVICES CONTRACT

THIS AGREEMENT, made and effective as of _____, 2019, by and between the **City of Twin Oaks, Missouri**, a municipal corporation hereinafter referred to as the "City," and The Davey Tree Expert Company, a Missouri corporation, hereinafter referred to as "Contractor," with a business mailing address of 6264 Lemay Ferry Rd.

WHEREAS, the Contractor provided the City with the proposal, attached hereto as **Exhibit A** and incorporated herein by reference, for certain tree care services, as described on Exhibit A (the "Proposal"), and the City wishes to engage the Contractor as provider of those services to the City, in accordance with the terms of this Agreement;

WITNESSETH: That the parties hereto for the considerations hereinafter set forth agree as follows:

I. SCOPE OF SERVICES

Contractor's services are necessary for the following Project of City: *Bark Tracing and Deep Root Fertilization for Damaged Cypress Tree — Northwest portion of Big Bend Road and Highway 141 intersection.*

Except as expressly specified herein, Contractor hereby agrees to provide the expertise, supplies, supervision, labor, skill, materials, equipment, and apparatus to perform all the services and do all the things necessary for the proper completion of the scope of services for the Project listed above and which tree care services are particularly described in the attached **Exhibit A**. The specific tree to be treated will be marked by the City and the manner of this marking will be described to the Contractor.

The above-referenced services (hereinafter referred to as the "Work") shall be provided by the Contractor in accordance with all the provisions of the Proposal and the attached **Twin Oaks General Conditions** which are incorporated herein by reference, and the terms of the General Conditions shall prevail over any conflicting terms that may otherwise be adopted herein as part of any attachment, including the Proposal. If there is any conflict between the City's General Conditions (attached hereto and incorporated herein by reference) and the Proposal, this Agreement and its General Conditions shall prevail.

II. COMPENSATION

Upon completion of the Work to the satisfaction of the City, and within thirty days (30) days of final written invoice by the Contractor, the City hereby agrees to pay the Contractor an amount not to exceed \$1,060.00 for the Work as set forth in the Proposal as full compensation for the complete and satisfactory performance of the Work.

III. TIME AND MANNER OF PAYMENTS

All invoices complete with necessary support documentation shall be submitted to the City and payment shall be made by City within thirty (30) days of receipt of an invoice received after satisfactory performance of the Work for the fees, prices, rates, or schedule of values set forth below.

IV. CONTRACT SCHEDULE

Time is of the essence. The Work shall be commenced upon execution of this agreement, and shall be completed in a reasonable manner no later than June 16, 2020. Failure to complete the Work by the completion date shall result in a reduction in the amount due to the Contractor under this Contract in the

amount of \$50.00 per day as liquated damages, herein acknowledged to be reasonable compensation for such delay, in addition to any other remedy that the City may have hereunder.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement as of the effective date of Contract first above written.

THE DAVEY TREE EXPERT COMPANY

CITY OF TWIN OAKS

By _____

By _____

Title _____

Title _____

DATED: _____

DATED: _____

ATTEST: _____

City Clerk

GENERAL CONDITIONS
CITY OF TWIN OAKS, MISSOURI
CONTRACTOR SERVICES AGREEMENT

Independent Contractor. The Contractor shall be and operate as an independent contractor in the performance of this Contract. The Contractor shall have complete charge of the personnel engaged in the performance of the Work, and all persons employed by the Contractor shall be employees of said Contractor and not employees of the City in any respect.

Compliance with Laws. The Contractor shall comply with all applicable City ordinances and other laws and regulations, Federal, State, and any political subdivision thereof, including but not limited to, unemployment and workers' compensation, occupational safety, equal employment and affirmative action and wage and price laws insofar as applicable to the performance of the Contract. Specifically, Contractor shall comply with the following state law requirements:

- *Work Authorization Program.* If the Contract is for services expected to cost more than \$5,000.00, the Contractor shall comply with Section 285.530 RSMo., pertaining to enrollment and participation in a federal work authorization program (as defined therein) and shall provide verification through an affidavit (attached as **Exhibit B**) that the Contractor (1) does not knowingly employ any person who is an unauthorized alien in connection with the Contract and (2) is enrolled in a federal work authorization program and provide documentary proof thereof. The affidavit shall contain the notarized signature of the registered agent, legal representative or corporate officer of the business entity including but not limited to the human resources director or their equivalent.
- *Proof of Lawful Presence.* Section 208.009 RSMo., requires that all applicants *at the time of application* for any contract provided by a local government provide "affirmative proof that the applicant is a citizen or a permanent resident of the United States or is lawfully present in the United States." Contractor's affirmative proof must be established through (i) a Missouri driver's license, (ii) any "documentary evidence recognized by the department of revenue when processing an application for a driver's license," or (iii) "any document issued by the federal government that confirms an alien's lawful presence in the United States." §208.009.3.
- *Prevailing Wage.* If the work is estimated to cost more than \$75,000, Contractor further agrees to pay not less than the prevailing hourly wage of wages set out on the wage order attached hereto as **Exhibit C** (if applicable) and made part of the specification for Work under this Agreement, to all workers performing any work under this Contract. The Contractor will forfeit a penalty to the City of \$100 per day for each worker that is paid less than the prevailing rate for any Work done under the contract by the Contractor.

Subcontracts. The Contractor shall not subcontract any of the Work to be performed by it hereunder without the express written consent of the City. In addition, this Contract shall not be assigned by the Contractor.

Indemnification. To the fullest extent permitted by law, the Contractor agrees to defend with counsel selected by the City, and indemnify and hold harmless the City, its officers, engineers, representatives, agents and employees from and against any and all liabilities, damages, losses, claims or suits, including costs and attorneys' fees, for or on account of any kind of injury to person, bodily or otherwise, or death, or damage to or destruction of property, or any other circumstances, sustained by the City or others, arising from Contractor's breach of the Contract or out of services and operations performed hereunder by the Contractor, including the City's reliance on or use of the services or products provided by the Contractor under the terms of this agreement. The Contractor shall not be liable for any loss or damage attributable solely to the negligence of the City. To the extent required by law to enforce this provision, Contractor agrees that this indemnification requires Contractor to obtain insurance in amounts specified herein and that Contractor has had the opportunity to recover the costs of such insurance in the Compensation set forth in this Agreement.

Insurance. Contractor shall furnish the City the certificates of insurance for workers' compensation, public liability, and property damage, including automobile coverage in the amounts specified by the City in the request for proposals, if any, otherwise in the amounts stated on **Exhibit D**, but unless otherwise provided shall be no less than the maximum amounts of liability set forth in Chapter 537.610 RSMo., applicable to political subdivisions. The policies of insurance shall be in such form and shall be issued by such company or companies as may be satisfactory to the City. The City, and such additional persons and entities as may be deemed to have an exposure to liability as a result of the performance of the Contractor's work, as determined by the City, shall be named as additional insured and the applicable insurer shall owe the City a duty of defense on all insurance policies required hereunder. The Contractor shall provide an Additional Insured Endorsement to the City that shall be approved by the City prior to commencement of any Work.

In addition to the foregoing, the Contractor shall maintain Professional Liability "errors and omissions" insurance in the form for the coverages satisfactory to City as indicated in the request for proposals, if any, otherwise as stated on attached **Exhibit D**, if any, but in no event less than the maximum amounts of liability set forth in Chapter 537.610 RSMo. applicable to political subdivisions. The City and Contractor waive all rights against each other for damages caused by fire or other perils to the extent covered by Builder's Risk or any other property insurance, except such rights as they may have to the proceeds of such insurance; provided that nothing herein shall be deemed a waiver of the City's sovereign immunity relative to any claim against the City.

Nondisclosure. The Contractor agrees that it will not divulge to third parties without the written consent of the City any information obtained from or through the City in connection with the performance of this Contract. Nothing herein shall preclude disclosure of information by the City.

Changes. No change in this Contract shall be made except in writing prior to the change in the Work or terms being performed. The Contractor shall make any and all changes in the Work without invalidating this Contract when specifically ordered to do so in writing by the City. The Contractor, prior to the commencement of such changed or revised Work, shall submit promptly to the City, a written cost or credit proposal for such revised Work. If the City and Contractor shall not be able to agree as to the amount, either in consideration of time or money to be allowed or deducted, it shall nevertheless be the duty of Contractor, upon written notice from the City, to immediately proceed with such alteration or change, and Contractor shall be compensated the reasonable value of such Work. **No Work or change shall be undertaken or compensated for without prior written authorization from the City.**

Termination. The City shall have the right to terminate the Contract at any time for any reason by giving the Contractor written notice to such effect. The City shall pay to the Contractor in full satisfaction and discharge of all amounts owing to the Contractor under the Contract an amount equal to the cost of all Work performed by the Contractor up to such termination date, less all amounts previously paid to the Contractor on account of the Contract Price. The Contractor shall submit to the City its statement for the aforesaid amount, in such reasonable detail as the City shall request, within thirty (30) days after such date of termination. The City shall not be liable to the Contractor for any damages on account of such termination for loss of anticipated future profits with respect to the remainder of the Work.

Multi-year contracts; Non-appropriation. Notwithstanding any provision herein to the contrary, the City is obligated only to make the payments set forth in the attached Contract as may lawfully be made from funds budgeted and appropriated for that purpose during the City's then current fiscal year at the discretion of the City. If no funds are appropriated or otherwise made legally available to make the required payments for this Agreement during the next occurring fiscal year (an "Event of Nonappropriation"), this Agreement will terminate at the end of the then current fiscal year as if terminated expressly. The failure or inability of the City to appropriate funds for this Agreement in any subsequent fiscal year shall not be deemed a breach of this Agreement by any party. If applicable, this Agreement may be annually renewed at each fiscal year by inclusion of specific appropriation for this Agreement, from year to year not to exceed the maximum renewal period or term as set forth in the Agreement.

Accounting. During the period of this Contract, the Contractor shall maintain books of accounts of its expenses and charges in connection with this Contract in accordance with generally accepted accounting principles and practices. The City shall at reasonable times have access to these books and accounts to the extent required to verify all invoices submitted hereunder by the Contractor.

Correction Period. Contractor hereby expressly guarantees the aforesaid Work as to workmanship and quality of materials used in connection herewith for a term of one (1) year, commencing on the date of final acceptance by the City, and binds itself, its successors or assigns, to make all repairs or replacements which may become necessary within said period due to construction defects and nonconformity with the City specifications or contract. The Contractor warrants to the City that all materials and equipment furnished under the Contract and incorporated in the Work will be new unless otherwise specified, and that all Work will be of good quality, free from faults and defects and in conformance with the Contract. The Contractor's general warranty and any additional or special warranties are not limited by the Contractor's obligations to specifically correct defective or nonconforming Work as set forth herein, nor are they limited by any other remedies provided in the Contract.

Request for Proposals. If the City issued a request for proposals in connection with the Work, such request for proposals and the proposal of the Contractor in response thereto are incorporated herein by reference and made a part of this Contract. In case of any conflicts between the request for proposals and the executed Contractor Services Contract or proposal of the Contractor, the requirements of the City's Request for Proposal and this executed Contract shall control and supersede unless a change thereto is specifically stated in this Contract (including **Exhibit A**, "Scope of Work").

Project Records and Work Product. The Contractor shall provide the City with copies of all documents pertinent to the Work which shall include, without limitation, reports, correspondence, meeting minutes, and originals of all deliverables. The City shall own all right, title and interest, including without limitations, all copyrights and intellectual property rights, to all documents and Work Product of the Contractor created in performance of or relating to this Contract. Contractor agrees to take all steps reasonably requested by the City to evidence, maintain, and defend the City's ownership rights in the Work Product.

Site Operations. Where appropriate, the City will arrange for right of entry to any property at the request of the Contractor for the purpose of performing studies, tests and evaluations in connection with the Work.

Personnel. The Work shall be performed exclusively by the personnel of the Contractor identified in the Contractor's proposal and no other personnel of the Contractor shall perform any of the Work without the express written approval of the City.

Representations. Contractor agrees that it has not relied on any representations or warranties of the City, oral or written, other than expressly identified in this Contract. The parties agree the Contract represents the entire agreement between the parties.

Governing/Choice of Law. This Agreement shall be governed by and construed and interpreted in accordance with the internal laws of the State of Missouri, without regard to its principles of conflict of laws.

Other Special Provisions. The special provisions set forth on **Exhibit A** are incorporated herein by reference and made a part hereof.

EXHIBIT A
Proposal




Client	5/12/2020
VILLAGE OF TWIN OAKS PARK 1 TWIN OAKS CT TWIN OAKS, MO 63088-1179	Proposal #: 1070267-1589301168 Account #: 1149067 Ship To #: 1149067

<input checked="" type="checkbox"/> Bark Tracing	Early Sprg	\$840.00	\$840.00
Bark Trace and seal Cypress Damaged by car at Intersection South Bound 141.			
<input type="checkbox"/> Services Performed - Landscape	Late Sprg	\$1,680.00	\$1,680.00
Install New Bald Cypress to replace Damaged Tree. The Value of the tree damaged is Approx: \$3,000.00 but we will not be able to get a tree spayed to area.			
<input checked="" type="checkbox"/> Fert w/ Arbor GreenPRO (1yr) (*)	Early Sprg	\$220.00	\$220.00
Deep Root Fertilize Cypress Damaged by car.			
Total of All Services:		\$2,740.00	\$2,740.00

(*) Please note these services continue year after year. By signing you agree to the terms appended to this form.

Yes, please schedule the services marked above.

No Deposit may be required upon acceptance	Deposit payment options we accept are check or credit card
\$ _____ Deposit Required / \$ _____ Deposit Received	To pay by check mail to To pay by credit card call
Upon completion of work, please charge balance to credit card ___Yes ___No	The Davey Tree Expert Company (314) 961-5440 6264 Lemay Ferry Rd. St Louis, MO 63129-2806
	

ACCEPTANCE OF PROPOSAL: The above prices and conditions are hereby accepted. You are authorized to do this work as specified. I am familiar with and agree to the terms and conditions appended to this form. All deletions have been noted. I understand that once accepted, this proposal constitutes a binding contract. This proposal may be withdrawn if not accepted within 30 days.

<i>Thomas Beshoar</i>		
Thomas Beshoar ISA Certified Arborist OH-0958A	Authorizing Signature	Date



Eagleshire Dr

Eagleshire Dr

Bend Rd

Big Bend Rd

Google

Big Bend Rd

141

141

Hwy 141

Hwy 141

Hwy 141



EXHIBIT B
Work Authorization Program

Not applicable.

EXHIBIT C
Prevailing Wage

Not applicable.

**Exhibit D
Insurance**

Unless otherwise instructed in writing by the City, the Contractor shall obtain and maintain during the term of the Project and the Contractor Services Contract the insurance coverages at least equal to the coverages below, and as further provided in the General Conditions, but no event less than the individual and combined sovereign immunity limits established by Section 537.610 R.S.Mo. Insurance policies providing required coverages shall be with companies licensed to do business in the State of Missouri and rated no less than AA by Best or equivalent. All costs of obtaining and maintaining insurance coverages are included in the proposal and no additional payment will be made therefor by the City.

Comprehensive General Liability Insurance (including coverage for Bodily Injury and Property Damage)	\$435,849 per occurrence \$2,905,664 aggregate
Comprehensive Automobile Liability Insurance (including coverage for Bodily Injury and Property Damage)	\$435,849 per occurrence \$2,905,664 aggregate

In addition, the Contractor and all subcontractors shall provide Worker's Compensation Insurance in at least statutory amounts for all workers employed at the Project site. Unless instructed otherwise, the Contractor shall also provide a policy of Builder's Risk Insurance in the amount of 100% of the complete insurable value of the Project, which policy shall protect the Contractor and the City, as their respective interests shall appear. Before commencing any work, the Contractor shall provide to the City certificates of insurance evidencing the issuance and maintenance in force of the coverages required by this Exhibit D. Each such certificate shall show the City, and such other governmental agencies as may be required by the City to be insured by underlying grant or contract relating to the Project, as an additional insured, and shall bear an endorsement precluding cancellation of or change in coverage without at least thirty (30) days written notice to the City. Any self-insurance or deductible above \$50,000.00 is not permitted.

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE OF ORDINANCES OF THE CITY OF TWIN OAKS; ESTABLISHING THE SAME; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREIN EXPRESSLY PROVIDED; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE OF ORDINANCES; PROVIDING PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, AS FOLLOWS:

Section 1. Approval, Adoption and Enactment of Code.

Pursuant to and in conformity with Section 71.943 (“Codification of municipal general ordinances, contents--supplements authorized--code to be evidence in all courts”) of the Revised Statutes of Missouri, the codification of ordinances, as set out in Titles I through VI, each inclusive, of the "The Municipal Code of the City of Twin Oaks, the General Ordinances" (attached hereto as **Exhibit A** and incorporated herein by reference) is hereby adopted and enacted as the "Municipal Code of the City of Twin Oaks, Missouri"; which shall supersede all other general and permanent ordinances of the City passed on or before April 7, 2020, to the extent provided in Section 3 hereof.

Section 2. When Code Provisions Effective.

All provisions of such Code shall be in full force and effect from and after the effective date of this ordinance as set forth herein.

Section 3. Repeal of Legislation Not Contained in Code; Legislation Saved From Repeal; Matters Not Affected By Repeal.

- A. All ordinances of a general and permanent nature of the City adopted on final passage on or before April 7, 2020, and not included in such Code or recognized and continued in force by reference therein, are hereby repealed from and after the effective date of this ordinance, except those which may be specifically excepted by separate ordinance, and except for those not of a general and permanent nature including the following which are hereby continued in full force and effect, unless specifically repealed by separate ordinance:
1. Ordinances promising or guaranteeing the payment of money for the City, or authorizing the issuance of any bonds or notes of the City or any other evidence of the City 's indebtedness, or authorizing any contract or obligation assumed by the City.
 2. Ordinances levying taxes or making special assessments.
 3. Ordinances appropriating funds or establishing salaries and compensation, and providing for expenses.
 4. Ordinances granting franchises or rights to any person, firm or corporation.

5. Ordinances relating to the dedication, opening, closing, naming, establishment of grades, improvement, altering, paving, widening or vacating of streets, alleys, sidewalks or public places.
 6. Ordinances authorizing or relating to particular public improvements.
 7. Ordinances respecting the conveyances or acceptance of real property or easements in real property.
 8. Ordinances dedicating, accepting or vacating any plat or subdivision in the City or any part thereof, or providing regulations for the same.
 9. Ordinances annexing property to the City.
 10. All zoning and subdivision ordinances not specifically repealed and not included herein.
 11. Ordinances establishing TIF districts or redevelopment districts.
 12. Ordinances relating to traffic schedules (e.g., stop signs, parking limits, etc.).
 13. All ordinances relating to personnel regulations (e.g., pensions, retirement, job descriptions and insurance, etc.).
 14. Ordinances authorizing the establishment of industrial development corporations.
 15. Ordinances establishing tax rates for the City.
- B. The repeal provided for in this Section shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this ordinance.
- C. The repeal provided for in this Section shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance, nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to such date.

Section 4. Amendments to Code.

Any and all additions and amendments to such Code when passed in such form as to indicate the intention of the Board of Aldermen to make the same a part thereof shall be deemed to be incorporated in such Code so that reference to the "Code of Ordinances of the City of Twin Oaks" shall be understood and intended to include such additions and amendments.

Section 5. Violations and Penalties.

- A. Except as hereinafter provided, whenever in any rule, regulation or order promulgated pursuant to such ordinances of the City, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such City ordinance, rule, regulation or order doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such ordinance of the City, or of any rule, regulation or order promulgated pursuant to such City ordinance, shall be punished by a fine of not less than five dollars

(\$5.00) and not more than one thousand dollars (\$1,000.00) or by imprisonment for a period not to exceed three (3) months, or by both such fine and imprisonment.

- B. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State limits the authority of the City to punish the violation of any particular provision of these ordinances or rules, regulations or orders promulgated pursuant thereto to a fine of less amount than that provided in this Section or imprisonment for a shorter term than that provided in this Section, the violation of such particular provision of these ordinances or rules, regulations or orders shall be punished by the imposition of not more than the maximum fine or imprisonment so authorized, or by both such fine and imprisonment.
- C. Whenever any provision of the Revised Statutes of Missouri or other Statute of the State establishes a penalty differing from that provided by this Section for an offense similar to any offense established by these ordinances, rules, regulations or other orders of the City, the violation of such City law, ordinance, rule, regulation or order shall be punished by the fine or imprisonment established for such similar offense by such State law.
- D. Each day any violation of these ordinances, rules, regulations or orders promulgated pursuant thereto shall continue shall constitute a separate offense, unless otherwise provided.
- E. Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Code, an attempt to do the act is likewise prohibited.

Section 6. Applicability of General Penalty.

In case of the amendment by the Board of Aldermen of any Section of such Code for which a penalty is not provided, the general penalty as provided in Section 5 of this ordinance shall apply to the Section as amended; or in case such amendment contains provisions for which a penalty other than the aforementioned general penalty is provided in another Section in the same Chapter, the penalty so provided in such other Section shall be held to relate to the Section so amended, unless such penalty is specifically repealed therein.

Section 7. Filing of Copy of Code; Codes to be Kept Up to Date.

A copy of such Code shall be kept on file in the office of the City Clerk, preserved in loose-leaf form or in such other form as the City Clerk may consider most expedient. It shall be the express duty of the City Clerk, or someone authorized by said officer, to insert in their designated places all amendments and all ordinances or resolutions which indicate the intention of the Board of Aldermen to make the same part of such Code when the same have been printed or reprinted in page form and to extract from such Code all provisions which from time to time may be repealed by the Board of Aldermen. This copy of such Code shall be available for all persons desiring to examine the same.

Section 8. Altering or Tampering With Code; Violations and Penalties.

It shall be unlawful for any person to change or alter by additions or deletions any part or portion of such Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Twin Oaks to be misrepresented thereby. Any person violating this Section shall be punished as provided in Section 5 of this ordinance.

Section 9. Severability.

It is hereby declared to be the intention of the Board of Aldermen that the Sections, paragraphs, sentences, clauses and phrases of this ordinance and the Code hereby adopted are severable, and if any phrase, clause, sentence, paragraph or Section of this ordinance or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of this ordinance or the Code hereby adopted.

Section 10. Effective Date.

This Ordinance shall be in full force and effect on and after its passage and approval by the Mayor.

PASSED AFTER HAVING BEEN READ IN FULL OR BY TITLE TWO TIMES PRIOR TO PASSAGE BY THE BOARD OF ALDERMEN OF THE CITY OF TWIN OAKS, MISSOURI, THIS ___ DAY OF JUNE 2020.

Russ Fortune, Mayor

Attest:

Frank Johnson, City Clerk

Exhibit A
The Municipal Code of the City of Twin Oaks

GENERAL CODE

INSTRUCTIONS

City of Twin Oaks Code Supplement No. 2

The enclosed new and/or replacement pages should be placed in your Code volume immediately! The dateline, on the bottom of the page, shows the supplement number and the month and year in which the last piece of legislation reviewed for this supplement was adopted. This instruction page should be placed in the front of your Code volume.

REMOVE	INSERT
—	Insert Code Adoption Disclaimer page
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**THIS COPY SHOULD NOT
BE USED UNTIL
PROPERLY ADOPTED BY
THE BOARD OF ALDERMEN**

GENERAL CODE
WWW.GENERALCODE.COM

THE MUNICIPAL CODE

OF

THE CITY OF TWIN OAKS

THE GENERAL ORDINANCES

PUBLISHED BY ORDER OF THE BOARD OF ALDERMEN

Mayor

Russ Fortune

Board of Aldermen

Lisa Eisenhauer

April Milne

Tim Stoeckl

Dennis Whitmore

City Clerk

Frank Johnson

City Attorney

Paul Rost

GENERAL CODE

www.generalcode.com

Supp 2, Apr 2020

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ARTICLE I City Incorporation And Seal

Section 100.010. Municipal Incorporation.

The inhabitants of the City of Twin Oaks, as its limits now are or may hereafter be defined by law, shall be and continue a body corporate by the name of "The City of Twin Oaks" and as such shall have perpetual succession, may sue and be sued, implead and be impleaded, defend and be defended in all courts of law and equity and in all actions whatever; may receive and hold property, both real and personal, within such City and may purchase, receive and hold real estate within or without such City for the burial of the dead; and may purchase, hold, lease, sell or otherwise dispose of any property, real or personal, it now owns or may hereafter acquire; may receive bequests, gifts and donations of all kinds of property; and may have and hold one (1) common Seal and may break, change or alter the same at pleasure; and

may do any act, exercise any power and render any service which contributes to the general welfare, and all courts of this State shall take judicial notice thereof.

Section 100.020. City Seal.

- A. The Seal of the City of Twin Oaks shall be circular in form, one and seven-eighths (1 7/8) inches in diameter, with the words "St. Louis County, Missouri" engraved across the face thereof, and the words "Seal of the City of Twin Oaks" engraved on the face thereof and near the outer edge of said Seal, and the same is hereby declared to be adopted as the Seal of the City of Twin Oaks.
- B. The City Clerk shall be the keeper of the common Seal of the City of Twin Oaks, and any impression of said Seal to any contract or other writing shall have no validity or binding obligation upon the City unless such impression be accompanied by the attestation and signature of the City Clerk, and then only in cases authorized by law or the ordinances of this City.

ARTICLE II

General Code Provisions

Section 100.030. Contents Of Code.

This Code contains all ordinances of a general and permanent nature of the City of Twin Oaks, Missouri, and includes ordinances dealing with municipal administration, municipal elections, building and property regulation, business and occupations, health and sanitation, public order and similar subjects.

Section 100.040. Citation Of Code.

This Code may be known and cited as the "Municipal Code of the City of Twin Oaks, Missouri."

Section 100.050. Official Copies Of Code.

At least three (3) copies of the published book shall be kept on file in the office of the City Clerk and kept available for inspection by the public at all reasonable business hours.

Section 100.055. Official Copy Of Code.

[R.O. 2016 § 100.050; R.O. 2011 § 100.050; Ord. No. 389, 3-6-2013]

The Official Copy of this Code, bearing the signature of the Mayor and attestation of the City Clerk as to its adoption, shall be kept on file in the office of the City Clerk. Extra copies of this Code shall be kept in the City Clerk's office and the St. Louis County Grand Glaize Library for public inspection.

Section 100.060. Altering Or Amending Code.

- A. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Official Copy of the Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby. Any person, firm or corporation violating this Section shall be punished as provided in Section 100.220 of this Code.
- B. This provision shall not apply to amendments, additions or deletions to this Code, duly passed by the Board of Aldermen, which may be prepared by the City Clerk for insertion in this Code.

Section 100.070. Numbering Of Code.

Each Section number of this Code shall consist of two (2) parts separated by a period; the figure before the period referring to the Chapter number, and the figure after the period referring to the position of the Section in the Chapter.

Section 100.080. Definitions And Rules Of Construction.

- A. In the construction of this Code and of all other ordinances of the City, the following definitions shall be observed, unless it shall be otherwise expressly provided in any Section or ordinance, or unless inconsistent with the manifest intent of the Board of Aldermen, or unless the context clearly requires otherwise:

BOARD OF ALDERMEN — The Board of Aldermen of the City of Twin Oaks, Missouri.

CERTIFIED MAIL or CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED — Includes certified mail carried by the United States Postal Service or any parcel or letter carried by an overnight, express or ground delivery service that allows a sender or recipient to electronically track its location and provides a record of the signature of the recipient.

CITY — The words "the City" or "this City" or "City" shall mean the City of Twin Oaks, Missouri.

COUNTY — The words "the County" or "this County" or "County" shall mean the County of St. Louis, Missouri.

DAY — A day of twenty-four (24) hours beginning at 12:00 Midnight.

MAY — Is permissive.

MAYOR — An officer of the City known as the "Mayor of the Board of Aldermen of the City of Twin Oaks, Missouri."

MONTH — A calendar month.

OATH — Includes an affirmation in all cases in which an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

OFFENSE — Shall mean and be the same as ordinance violation and is punishable as provided in Section 100.220 of this Code.

OWNER — The word "owner," as applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

PERSON — May extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations.

PERSONAL PROPERTY — Includes money, goods, chattels, things in action and evidences of debt.

PRECEDING or FOLLOWING — When used by way of reference to any Section of this Code, shall mean the Section next preceding or next following that in which the reference is made, unless some other Section is expressly designated in the reference.

PROPERTY — Includes real and personal property.

PUBLIC WAY — Includes any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

REAL PROPERTY — The terms "real property," "premises," "real estate" or "lands" shall be deemed to be coextensive with lands, tenements and hereditaments.

SHALL — Is mandatory.

SIDEWALK — That portion of the street between the curblin and the adjacent property line which is intended for the use of pedestrians.

STATE — The words "the State" or "this State" or "State" shall mean the State of Missouri.

STREET — Includes any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.

TENANT or OCCUPANT — The words "tenant" or "occupant," applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

WRITTEN, IN WRITING and WRITING WORD FOR WORD — Includes printing, lithographing, or other mode of representing words and letters, but in all cases where the signature of any person is required, the proper handwriting of the person, or his/her mark, is intended.

YEAR — A calendar year, unless otherwise expressed, and the word "year" shall be equivalent to the words "year of our Lord."

- B. Newspaper. Whenever in this Code or other ordinance of the City it is required that notice be published in the "official newspaper" or a "newspaper of general circulation published in the City," and if there is no newspaper published within the City, the said notice shall be published in a newspaper of general circulation within the City, regardless of its place of publication. Such newspaper shall not include an advertising circular or other medium for which no subscription list is maintained.

Chapter 105

ELECTIONS

Section 105.010. Conformance Of City Elections With State Law.	Participation In Election, When — Affidavit To Be Filed, Requirements — Investigation Of Alleged Delinquency.
Section 105.020. Date Of Municipal Election — Elected Officials.	
Section 105.030. Declaration Of Candidacy — Dates For Filing.	Section 105.040. Declaration Of Candidacy — Notice To Public.
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Section 105.010. Conformance Of City Elections With State Law.

All City elections shall be conducted and held in conformance with the provisions of Chapter 115, RSMo.

Section 105.020. Date Of Municipal Election — Elected Officials.

- A. A municipal election for the qualified voters of this City shall be held on the first Tuesday after the first Monday in April of each year.
- B. On the first Tuesday after the first Monday in April of odd-numbered years, a municipal election of the qualified voters of the City of Twin Oaks shall be held for the purpose of electing a Mayor who shall hold his/her office for a term of two (2) years and until his/her successor is elected and qualified.
- C. The City of Twin Oaks hereby chooses to elect City Aldermen at large as authorized in Section 79.060.2, RSMo. Under this option, the seats of Aldermen shall be filled at large as soon as the current terms expire. Each year thereafter, one-half (1/2) of the Board of Aldermen shall stand for election at large for a two-year term. **[Ord. No. 16-01, 12-7-2016]**

Section 105.030. Declaration Of Candidacy — Dates For Filing.

Any person who desires to become a candidate for an elective City office at the general City election shall file with the City Clerk, not prior to the hour of 8:00 A.M., on the 16th Tuesday prior to, nor later than 5:00 P.M., on the 11th Tuesday prior to the next City municipal election, a written declaration of his/her intent to become a candidate at said

election. The City Clerk shall keep a permanent record of the names of the candidates, the offices for which they seek election, and the date of their filing, and their names shall appear on the ballots in that order.

Section 105.035. Disqualification As Candidate For Elective Public Office, When — Disqualification From Participation In Election, When — Affidavit To Be Filed, Requirements — Investigation Of Alleged Delinquency.

- A. No person shall qualify as a candidate for elective public office in the State of Missouri who has been found guilty of or pled guilty to a felony under the Federal laws of the United States of America or to a felony under the laws of this State or an offense committed in another state that would be considered a felony in this State.
- B. Any person who files as a candidate for election to a public office shall be disqualified from participation in the election for which the candidate has filed if such person is delinquent in the payment of any State income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the State.
- C. Each potential candidate for election to a public office shall file an affidavit with the Department of Revenue and include a copy of the affidavit with the declaration of candidacy required under Section 115.349, RSMo. Such affidavit shall be in substantially the form as set out in Section 115.306, RSMo.
- D. Upon receipt of a complaint alleging a delinquency of the candidate in the filing or payment of any State income taxes, personal property taxes, municipal taxes, real property taxes on the place of residence, as stated on the declaration of candidacy, or if the person is a past or present corporate officer of any fee office that owes any taxes to the State, the Department of Revenue shall investigate such potential candidate to verify the claim contained in the complaint. If the Department of Revenue finds a positive affirmation to be false, the Department shall contact the Secretary of State, or the election official who accepted such candidate's declaration of candidacy, and the potential candidate. The Department shall notify the candidate of the outstanding tax owed and give the candidate thirty (30) days to remit any such outstanding taxes owed which are not the subject of dispute between the Department and the candidate. If the candidate fails to remit such amounts in full within thirty (30) days, the candidate shall be disqualified from participating in the current election and barred from refiling for an entire election cycle even if the individual pays all of the outstanding taxes that were the subject of the complaint.

Section 105.040. Declaration Of Candidacy — Notice To Public.

The City Clerk shall, on or before the 16th Tuesday prior to any election at which City offices are to be filled by said election, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing, and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one (1) newspaper of general circulation in the City.

Section 105.050. Notice Of Elections.

In City elections, the City Clerk shall notify the St. Louis County Board of Election Commissioners prior to 5:00 P.M. on the 10th Tuesday prior to any City election except as noted in Section 115.125, RSMo. The notice shall be in writing, shall specify that the Board of Aldermen is calling the election, the purpose of the election, the date of the election, and shall include a certified copy of the legal notice to be published including the sample ballot. The notice and any other information required by Section 115.125, RSMo., may, with the prior notification to the election authority receiving the notice, be accepted by facsimile transmission prior to 5:00 P.M. on the 10th Tuesday prior to the election, provided that the original copy of the notice and a certified copy of the legal notice to be published shall be received in the office of the election authority within three (3) business days from the date of the facsimile transmission.

Section 105.060. Procedure Following Election.

[R.O. 2016 § 105.070; R.O. 2011 § 105.100; Ord. No. 306 § 1, 11-18-2009]

- A. Returns. On certification of the election returns by the St. Louis County Board of Election Commissioners, the results of any election, whether regular or special, shall be declared by the City Clerk at the next regular Board of Aldermen meeting following the certification and in no event later than twenty (20) days following certification. Those candidates receiving the highest number of votes for the positions to be filled shall be declared elected and shall be inducted into office following such declaration.
- B. If two (2) or more persons receive an equal number of votes for nomination or election to any office not otherwise provided for in Section 115.515, RSMo., or this Section and a higher number of votes than any other candidate for nomination or election to the same office, the officer with whom such candidates filed their declarations of candidacy shall, immediately after the results of the election have been certified, issue a proclamation stating the fact and ordering a special election to determine which candidate is elected to the office. The proclamation shall set the date of the election and shall be sent by the officer to each election authority responsible for conducting the special election. In his/her proclamation, the officer shall specify the name of each candidate for the office to be voted on at the election, and the special election shall be conducted and the votes counted as in other elections.
- C. As an alternative to the procedure prescribed in Subsections (A) and (B) of this Section, if the candidates who received an equal number of votes in such election agree to the procedure prescribed in this Subsection, the officer with whom such candidates filed their declarations of candidacy may, after notification of the time and place of such drawing given to each such candidate at least five (5) days before such drawing, determine the winner of such election by lot. Any candidate who received an equal number of votes may decline to have his or her name put into such drawing.

affairs of the City and shall take care that the ordinances of the City, and the State laws relating to such City, are complied with.

Section 110.070. Ordinances — Procedure To Enact.

The style of the ordinances of the City shall be "Be it ordained by the Board of Aldermen of the City of Twin Oaks, as follows:". No ordinance shall be passed except by bill, and no bill shall become an ordinance unless on its final passage a majority of the members elected to the Board of Aldermen shall vote for it, and the "ayes" and "nays" be entered on the journal. Every proposed ordinance shall be introduced to the Board of Aldermen in writing and shall be read by title or in full two (2) times prior to passage; both readings may occur at a single meeting of the Board of Aldermen. If the proposed ordinance is read by title only, copies of the proposed ordinance shall be made available for public inspection prior to the time the bill is under consideration by the Board of Aldermen. No bill shall become an ordinance until it shall have been signed by the Mayor, or person exercising the duties of the Mayor's office, or shall have been passed over the Mayor's veto as herein provided.

Section 110.080. Bills Must Be Signed — Mayor's Veto.

Every bill duly passed by the Board of Aldermen and presented to the Mayor and by him/her approved shall become an ordinance, and every bill presented as aforesaid, but returned with the Mayor's objections thereto, shall stand reconsidered. The Board of Aldermen shall cause the objections of the Mayor to be entered at large upon the journal and proceed at its convenience to consider the question pending, which shall be in this form: "Shall the bill pass, the objections of the Mayor thereto notwithstanding?" The vote on this question shall be taken by "ayes" and "nays" and the names entered upon the journal, and if two-thirds (2/3) of all the members-elect shall vote in the affirmative, the City Clerk shall certify the fact on the roll, and the bill thus certified shall be deposited with the proper officer and shall become an ordinance in the same manner and with like effect as if it had received the approval of the Mayor. The Mayor shall have power to sign or veto any ordinance passed by the Board of Aldermen; provided that should he/she neglect or refuse to sign any ordinance and return the same with his/her objections, in writing, at the next regular meeting of the Board of Aldermen, the same shall become a law without his/her signature.

Section 110.090. Board Of Aldermen To Keep Journal Of Proceedings.

The Board of Aldermen shall cause to be kept a journal of its proceedings, and the "ayes" and "nays" shall be entered on any question at the request of any two (2) members. The Board of Aldermen may prescribe and enforce such rules as it may find necessary for the expeditious transaction of its business.

Section 110.100. Board Of Aldermen Shall Publish Semiannual Statements.

The Board of Aldermen shall semiannually each year, at times to be set by the Board of Aldermen, make out and spread upon their records a full and detailed account and statement of the receipts and expenditures and indebtedness of the City for the half year ending with

the last day of the month immediately preceding the date of such report, which account and statement shall be published in some newspaper in the City.

Section 110.110. No Money Of City To Be Disbursed Until Statement Is Published — Penalty.

In the event the financial statement of the City is not published as required by Section 110.100, the Treasurer of the City shall not pay out any money of the City on any warrant or order of the Board of Aldermen after the end of the month in which such financial statement should have been published until such time as such financial statement is published. Any Treasurer violating the provisions of this Section shall be deemed guilty of an ordinance violation.

Section 110.120. Board Of Aldermen May Compel Attendance Of Witnesses — Mayor To Administer Oaths.

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

Section 110.130. Mayor To Sign Commissions.

The Mayor shall sign the commissions and appointments of all City Officers elected or appointed in the City and shall approve all official bonds unless otherwise prescribed by ordinance.

Section 110.140. Mayor Shall Have The Power To Enforce Laws.

The Mayor shall be active and vigilant in enforcing all laws and ordinances for the government of the City, and he/she shall cause all subordinate officers to be dealt with promptly for any neglect or violation of duty; and he/she is hereby authorized to call on every male inhabitant of the City over eighteen (18) years of age and under fifty (50) to aid in enforcing the laws.

Section 110.150. Mayor — Communications To Board Of Aldermen.

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

Section 110.160. Mayor May Remit Fine — Grant Pardon.

The Mayor shall have power to remit fines and forfeitures and to grant reprieves and pardons for offenses arising under the ordinances of the City; but this Section shall not be so construed as to authorize the Mayor to remit any costs which may have accrued to any officer of said City by reason of any prosecution under the laws or ordinances of such City.

Section 110.170. Separation Of Responsibility Between Elected And Appointed Officials.

[R.O. 2016 § 110.110; Ord. No. 16-02 § 2, 12-7-2016]

No elected official may hold an appointed position as a salaried City Official, nor while serving in an elected office do the work assigned to an appointed official for which compensation other than reimbursable expenses is paid.

Section 110.180. Mayor And Board — Compensation.

[R.O. 2016 § 110.120; Ord. No. 16-02 § 2, 12-7-2016]

- A. Duly elected or appointed Aldermen or the Mayor shall be entitled to compensation for services in a monthly sum as set by the Board from time to time. Compensation is to be paid during the next staff normal pay period following a full month of service. When Board membership changes occur during a month, the rate of pay for the incoming and outgoing Aldermen and Mayor will be determined by the number of days in the month divided by the monthly rate to determine a daily rate and then each Alderman (or Mayor) shall be paid for the number of days served with each Alderman (or Mayor) receiving pay for the day of transition.
- B. In addition to the compensation set forth in Subsection (A), an Alderman (or Mayor) may be reimbursed for reasonable expenses incurred in the conduct of Twin Oaks business as authorized by the Board.

ARTICLE II**Board Of Aldermen Meetings****Section 110.190. Meetings Of The Board — Regular, Work Session And Special, When.**

[R.O. 2016 § 110.040; Ord. No. 16-02 § 2, 12-7-2016]

- A. Regular monthly meetings of the Board shall be held at the City office on the first and third Wednesdays of each month beginning at 7:00 P.M. Such regularly scheduled meetings may be rescheduled or convened by the Mayor at a different time or place, provided that all meetings shall be held in conformance with Chapter 610, RSMo.
- B. Generally, work session meetings of the Board shall precede regular meetings of the Board and thus shall be regularly held on the first and third Wednesdays of each month beginning at 6:15 P.M., or such other time as may be duly noticed and posted. As with the regularly scheduled meetings, work sessions may be rescheduled or convened by the Mayor at a different time or place depending on the nature and number of topics,

provided all meetings shall be held in conformance with Chapter 610, RSMo. **[Ord. No. 18-20, 6-6-2018]**

- C. Special meetings of the Board may be called by any two (2) members of the Board by requesting such special meeting with the City Clerk, who shall thereupon prepare a notice of such special meeting. Special meetings may also be called by the Mayor in the same manner. The notice of such special meeting shall state the date and hour of the meeting and the purpose for which the meeting is called, and no business shall be transacted thereat except such as is stated in the notice. Said notice of the time and object of the special meeting shall be given to each member of the Board by the City Clerk causing such notice to be delivered to the members' official City-provided e-mail address at least twenty-four (24) hours before stated special meeting. Such notice shall also be posted within the City Hall in a manner visible to the general public and shall be made available to any representative of the news media who requests notice of meetings of the Board at least twenty-four (24) hours before said special meeting. By unanimous consent, a special meeting may be held at any time; provided, however, that when twenty-four-hour notice cannot be given or when the time or place is not convenient or accessible to the public, the nature of the good cause justifying that departure from the normal requirements shall be stated in the minutes.

Section 110.200. Quorum Must Be Present.

At the hour appointed, the Mayor, or in his/her absence the Acting President of the Board of Aldermen, shall call the Board of Aldermen to order, and the Clerk shall call the roll of members and announce whether or not a quorum is present. A majority of the members elected to the Board of Aldermen shall constitute a quorum. If a quorum not be present, a smaller number may lawfully adjourn the meeting from day to day until a quorum is present.

Section 110.210. Robert's Rules Of Order To Govern.

[R.O. 2016 § 110.050; Ord. No. 16-02 § 2, 12-7-2016]

Robert's Rules of Order shall govern the proceedings of the Board, except when otherwise provided by ordinance, and any question arising thereunder shall be decided by the Mayor subject to appeal to the Board by any member.

Chapter 115
CITY OFFICIALS

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ARTICLE I
General Provisions

Section 115.010. Elective Officers — Terms.

The elective officers of the City and their terms shall be those set out in Section 105.020 of this Code.

Section 115.020. Appointive Officers.

[R.O. 2016 § 105.027; Ord. No. 16-03 §§ 1 — 2, 12-7-2016]

The Mayor, with the consent and approval of the majority of the members of the Board of Aldermen, shall have power to appoint a City Treasurer, City Attorney, City Assessor, Street Commissioner, Night Watchman, Collector, Chief of Police and such other officers as he/she may be authorized by ordinance to appoint, and if deemed for the best interests of the City, the Mayor and Board of Aldermen may, by ordinance, employ special counsel to represent the City, either in a case of a vacancy in the office of City Attorney or to assist the City Attorney, and pay reasonable compensation therefor.

Section 115.030. Removal Of Officers.

- A. The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office, for cause shown, any elective officer of the City, such officer being first given opportunity, together with his/her witnesses, to be heard before the Board of Aldermen sitting as a Board of Impeachment. Any elective officer, including the Mayor, may in like manner, for cause shown, be removed from office by a two-thirds vote of all members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, remove from office any appointive officer of the City at will, and any such appointive officer may be so removed by a two-thirds vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation. The Board of Aldermen may pass ordinances regulating the manner of impeachments and removals.
- B. Nothing in this Section shall be construed to authorize the Mayor, with the consent of the majority of all the members elected to the Board of Aldermen, or the Board of Aldermen by a two-thirds vote of all its members, to remove or discharge any chief, as that term is defined in Section 106.273, RSMo.

Section 115.040. Officers To Be Voters And Residents — Exceptions.

All officers elected to offices or appointed to fill a vacancy in any elective office under the City Government shall be voters under the laws and Constitution of this State and the ordinances of the City except that appointed officers need not be voters of the City. No person shall be elected or appointed to any office who shall at the time be in arrears for any unpaid City taxes or forfeiture or defalcation in office. All officers, except appointed officers, shall be residents of the City.

Section 115.050. Officers' Oath — Bond.

Every officer of the City and his/her assistants and every Alderman, before entering upon the duties of his/her office, shall take and subscribe to an oath or affirmation before some court of record in the County, or the City Clerk, that he/she possesses all the qualifications prescribed for his/her office by law; that he/she will support the Constitution of the United States and of the State of Missouri, the provisions of all laws of this State affecting Cities of this class, and the ordinances of the City, and faithfully demean himself/herself while in office; which official oath or affirmation shall be filed with the City Clerk. Every officer of the City, when required by law or ordinance, shall, within fifteen (15) days after his/her appointment or election, and before entering upon the discharge of the duties of his/her office, give bond to the City in such sum and with such sureties as may be designated by ordinance, conditioned upon the faithful performance of his/her duty, and that he/she will pay over all monies belonging to the City, as provided by law, that may come into his/her hands. If any person elected or appointed to any office shall fail to take and subscribe such oath or affirmation or to give bond as herein required, his/her office shall be deemed vacant. For any breach of condition of any such bond, suit may be instituted thereon by the City, or by any person in the name of the City, to the use of such person. The bond provisions of this Section may be satisfied by the securing of a blanket bond or blanket bonds, approved by the Board of Aldermen, covering such officers by name or position.

Section 115.060. Salaries Fixed By Ordinance.

The Board of Aldermen shall fix the compensation of all the officers and employees of the City by ordinance. The salary of an officer shall not be changed during the time for which he/she was elected or appointed.

Section 115.070. Vacancies In Certain Offices — How Filled.

If a vacancy occurs in any elective office, the Mayor or the person exercising the duties of the Mayor shall cause a special meeting of the Board of Aldermen to convene where a successor to the vacant office shall be selected by appointment by the Mayor with the advice and consent of a majority of the remaining members of the Board of Aldermen. If the vacancy is in the office of Mayor, nominations of a successor may be made by any member of the Board of Aldermen and selected with the consent of a majority of the members of the Board of Aldermen. The Board of Aldermen may adopt procedures to fill vacancies consistent with this Section. The successor shall serve until the next regular municipal election. If a vacancy occurs in any office not elective, the Mayor shall appoint a suitable person to discharge the duties of such office until the first regular meeting of the Board of Aldermen thereafter, at which time such vacancy shall be permanently filled.

Section 115.080. Powers And Duties Of Officers To Be Prescribed By Ordinance.

The duties, powers and privileges of officers of every character in any way connected with the City Government, not herein defined, shall be prescribed by ordinance. Bonds may be required of any such officers for faithfulness in office in all respects.

ARTICLE II

City Clerk**Section 115.090. City Clerk — Appointment, Duties, Qualifications, Compensation, Term.**

[R.O. 2016 § 110.130; R.O. 2011 § 110.130; Ord. No. 94-18 §§ 1 — 2, 9-21-1994; Ord. No. 97-6 § 1, 3-19-1997; Ord. No. 01-61 § 1, 9-5-2001; Ord. No. 89 § 110.130, 6-19-2002; Ord. No. 358 § 1, 3-14-2012; Ord. No. 432 § 1, 6-18-2014; Ord. No. 16-04 § 1, 12-7-2016; Ord. No. 20-02, 2-5-2020]

- A. Appointment. The Board of Aldermen shall elect a clerk for such Board, to be appointed as "the City Clerk of the City of Twin Oaks."
- B. Duties. Among other things, the City Clerk shall keep a journal of the proceedings of the Board of Aldermen. The City Clerk shall: (1) safely and properly keep all the records and papers belonging to the City which may be entrusted to the Clerk's care; (2) be the general accountant of the City; and (3) be empowered to administer official oaths and oaths to persons certifying to demands or claims against the City. In addition to performing the duties as may be directed by the Board of Aldermen from time to time, the City Clerk shall also be responsible for performing those duties set forth in the job description for the City Clerk as adopted by the Board of Aldermen, same is held on file in the City offices.
- C. Qualifications. The City Clerk shall possess the qualifications for the position as set forth in the job description as adopted by the Board of Aldermen from time to time.
- D. Compensation. The City Clerk's salary shall be set pursuant to Section 115.060 of the Twin Oaks Municipal Code.
- E. Term. The City Clerk shall serve for an indefinite term at the pleasure of the Mayor and Board of Aldermen. The Mayor may, with the consent of a majority of all the members elected to the Board of Aldermen, terminate the City Clerk at will; and the City Clerk may be terminated by a two-thirds (2/3) vote of all the members elected to the Board of Aldermen, independently of the Mayor's approval or recommendation.

ARTICLE III

City Treasurer**Section 115.100. Treasurer — Duties — Bond.**

The Treasurer shall receive and safely keep all monies, warrants, books, bonds and obligations entrusted to his/her care and shall pay over all monies, bonds or other obligations of the City on warrants or orders duly drawn, passed or ordered by the Board of Aldermen and signed by the Mayor and attested by the City Clerk and having the Seal of the City affixed thereto and not otherwise and shall perform such other duties as may be required of

1. Editor's Note: Ord. No. 20-02 also changed the title of this Section from "Administrator/Clerk — Appointment, Qualifications, Duties, Compensation, Removal" to "City Clerk — Appointment, Duties, Qualifications, Compensation, Term." Additionally, the entire City Code has been amended to change "City Administrator/Clerk" to "City Clerk."

him/her by ordinance. Before entering upon the duties of his/her office, he/she shall give bond in the amount of ____.

ARTICLE IV
City Collector

Section 115.110. Duties Generally.

The Collector shall perform all the duties specified in this Code and shall perform such other duties as may be directed by the City Clerk and/or Mayor.

Section 115.120. Collector To Make Annual Report.

The Collector shall annually, at such times as may be designated by ordinance, make a detailed report to the Board of Aldermen stating the various monies collected by him/her during the year, and the amounts uncollected, and the names of the persons from which he/she failed to collect, and the causes therefor.

Section 115.130. Deputy Collector.

The Mayor may appoint a Deputy Collector to be approved by the Board of Aldermen, and when such Deputy Collector shall have taken and subscribed to the oath provided by this Code, he/she shall possess all the qualifications and powers and be charged with the same duties as the Collector.

Section 115.140. (Reserved)

ARTICLE V
City Attorney

Section 115.150. Appointment — Term.

- A. The Mayor, with the advice and consent of the Board of Aldermen, at the first meeting after each annual City election shall appoint a suitable person as City Attorney who shall hold office until his/her successor is appointed and qualified.
- B. Qualifications. No person shall be appointed to the office of City Attorney unless he/she be a licensed and practicing attorney at law in this State.

ARTICLE VI

Miscellaneous Provisions**Section 115.160. Officers To Report Receipts And Expenditures.**

It shall be the duty of all the officers of the City to report annually to the Board of Aldermen, such reports to embrace a full statement of the receipts and expenditures of their respective offices and such other matters as may be required by the Board of Aldermen by ordinance, resolution or otherwise.

Section 115.170. Mayor Or Board Of Aldermen May Inspect Books And Records Of Officers.

The Mayor or Board of Aldermen shall have power, as often as he/she or they may deem it necessary, to require any officer of the City to exhibit his/her accounts or other papers or records and to make report to the Board of Aldermen, in writing, touching any matter relating to his/her office.

Section 115.180. Combination Of Certain Offices Allowed.

[R.O. 2016 § 100.110; R.O. 2011 § 100.110]

The Board of Aldermen may, if they find it convenient to do so, appoint the same person to more than one (1) office as they deem necessary. Any person may be appointed to any combination of offices.

Chapter 119

CONFLICTS OF INTEREST

Section 119.010. Declaration Of Policy.

Section 119.020. Conflict Of Interest.

Section 119.030. Disclosure Reports.

Section 119.040. Filing Of Reports.

**Financial Disclosure
Statement for Political
Subdivisions**

Section 119.010. Declaration Of Policy.

[Ord. No. 17-27, 8-2-2017; Ord. No. 19-12, 8-21-2019]

The proper operation of government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interests in matters affecting the City.

Section 119.020. Conflict Of Interest.

[Ord. No. 17-27, 8-2-2017; Ord. No. 19-12, 8-21-2019]

- A. All elected and appointed officials as well as employees of the City must comply with Section 105.454, RSMo., on conflicts of interest as well as any other State law governing official conduct.
- B. Any member of the Board of Aldermen who has a "substantial or private interest" in any measure, bill, order or ordinance proposed or pending before such Governing Body must disclose that interest to the City Clerk and such disclosure shall be duly recorded in the official minutes. "Substantial or private interest" is defined as ownership by the individual, his or her spouse, or his or her dependent children, whether singularly or collectively, directly or indirectly of:
 - 1. Ten percent (10%) or more of any business entity; or
 - 2. An interest having a value of ten thousand dollars (\$10,000.00) or more; or
 - 3. The receipt of a salary, gratuity or other compensation or remuneration of five thousand dollars (\$5,000.00) or more per year from any individual, partnership, organization or association within any calendar year.

Section 119.030. Disclosure Reports.**[Ord. No. 17-27, 8-2-2017; Ord. No. 19-12, 8-21-2019]**

- A. Each elected official, candidate for elective office, and the City Clerk of the City shall disclose in writing the following information by May 1 or the appropriate deadline as referenced in Section 105.497, RSMo., if any such transactions occurred during the previous calendar year:
1. For such person, and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the City other than compensation received as a Board member or employee or payment of tax, fee or penalty due to the City, and other than transfers for no consideration to the City.
 2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest had with the City, other than payment of any tax, fee or penalty due to the City or transactions involving payment for providing utility service to the City, and other than transfers for no consideration to the City.
 3. The City Clerk (also the Chief Purchasing Officer) and candidates for that position also shall disclose in writing by May 1 or the appropriate deadline as referenced in Section 105.487, RSMo., the following information for the previous calendar year:
 - a. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;
 - b. The name and address of each sole proprietorship that he or she owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he or she was a partner or participant; the name and address of each partner or coparticipant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted by any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interests;
 - c. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.

Section 120.090. Custodian Designated — Response To Request For Access To Records.

- A. The City Clerk shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian may designate deputy custodians in operating departments of the City and such other departments or offices as the custodian may determine. Deputy custodians shall conduct matters relating to public records and meetings in accord with the policies enumerated herein.
- B. Each public governmental body shall make available for inspection and copying by the public of that body's public records. No person shall remove original public records from the office of a public governmental body or its custodian without written permission of the designated custodian. No public governmental body shall, after August 28, 1998, grant to any person or entity, whether by contract, license or otherwise, the exclusive right to access and disseminate any public record unless the granting of such right is necessary to facilitate coordination with, or uniformity among, industry regulators having similar authority.
- C. Each request for access to a public record shall be acted upon as soon as possible, but in no event later than the end of the third business day following the date the request is received by the custodian of records of a public governmental body. If records are requested in a certain format, the public body shall provide the records in the requested format, if such format is available. If access to the public record is not granted immediately, the custodian shall give a detailed explanation of the cause for further delay and the place and earliest time and date that the record will be available for inspection. This period for document production may exceed three (3) days for reasonable cause.
- D. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requester no later than the end of the third business day following the date that the request for the statement is received.
- E. Law enforcement records of the St. Louis County Police Department providing services to the City, including arrest reports, incident reports, and investigative reports, are records of said Department and not of the City. The City Clerk is not the custodian of such records and shall direct individuals requesting such records to the St. Louis County Police Department.

Section 120.100. Fees For Copying Public Records — Limitations.

- A. Except as otherwise provided by law, each public governmental body shall provide access to and, upon request, furnish copies of public records subject to the following:
 - 1. Fees for copying public records, except those records restricted under Section 32.091, RSMo., shall not exceed ten cents (\$0.10) per page for a paper copy not larger than nine (9) inches by fourteen (14) inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for clerical staff of the public governmental body. Research time required for fulfilling records requests may be charged at the actual cost of research time. Based on the scope

of the request, the public governmental body shall produce the copies using employees of the body that result in the lowest amount of charges for search, research and duplication time. Prior to producing copies of the requested records, the person requesting the records may request the public governmental body to provide an estimate of the cost to the person requesting the records. Documents may be furnished without charge or at a reduced charge when the public governmental body determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the public governmental body and is not primarily in the commercial interest of the requester.

2. Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices and for paper copies larger than nine (9) inches by fourteen (14) inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the cost of the disk, tape or other medium used for the duplication. Fees for maps, blueprints or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual cost of such programming.

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

ARTICLE II

Miscellaneous Provisions

Section 120.110. Destruction Of Records And Non-Record Materials.

[R.O. 2016 § 110.250; R.O. 2011 § 110.150(8); Ord. No. 97-11 § 2, 4-2-1997; Ord. No. 155 § 1, 8-18-2004]

- A. All records made or received by or under the authority of or coming into the custody, control or possession of City Officials in the course of their public duties are the property of the City and shall not be mutilated, destroyed, transferred, removed or otherwise damaged or disposed of, in whole or in part, except as provided by law.
 1. No record shall be destroyed or otherwise disposed of unless it is determined that the record has no further administrative, legal, fiscal, research or historical value. Sound recordings made for the purpose of preserving information for minutes or as a record of administrative hearing shall not be destroyed until minutes have been transcribed and approved or until the record on hearing has been transcribed or appeal time has expired.
 2. Non-record materials or materials not included within the definition of records, may, if not otherwise prohibited by law, be destroyed at any time, with the approval of the Missouri Local Records Board.

3. Records of the City may be disposed of or destroyed without the approval of the Missouri Local Records Board if the same is permitted by the State Municipal Records Manual. Records may be retained for a period of time longer than the minimum retention period required by the State Records Manual at the discretion of the custodian or the Board of Aldermen.

Section 120.120. Legal Defense Provided.

[R.O. 2016 § 110.260; R.O. 2011 § 110.160; Ord. No. 01-65 § 1, 9-19-2001]

- A. The City will provide at its expense for the legal defense of any member of the Board of Aldermen, the City Clerk or that person's deputies or any member of a public governmental body of the City involved in any court action to enforce the provisions of Sections 610.010 through 610.030, RSMo.
- B. Such legal defense shall be in addition to and not in substitution of any defense provided by an insurance carrier of the City or of the official charged with a violation.
- C. The provision for legal defense by the City shall not be construed as a waiver of any sovereign, official or other immunity defenses afforded by Missouri law and all such defenses shall remain in full force and effect.

Chapter 130

TAXATION AND FINANCE

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ARTICLE I
Fiscal Year

Section 130.010. Fiscal Year Established.

[R.O. 2016 § 120.010; R.O. 2011 § 120.010]

The fiscal year for the City of Twin Oaks shall begin January 1 of each year and all City budgets, audits and other statutory requirements shall be prepared on a fiscal year basis and all required matters concerning same shall be required to use such dates for those statutory and other necessary purposes.

ARTICLE II
Budget

Section 130.020. Budget Required — Contents — Expenditures Not To Exceed Revenues.

- A. Prior to the commencement of each fiscal year, a budget for the City shall be prepared and the same will be presented to and approved by the Board of Aldermen.
- B. The annual budget shall present a complete financial plan for the ensuing fiscal year and shall include at least the following information:
 - 1. A budget message describing the important features of the budget and major changes from the preceding year;
 - 2. Estimated revenues to be received from all sources for the budget year, with a comparative statement of actual or estimated revenues for the two (2) years next preceding, itemized by year, fund and source;
 - 3. Proposed expenditures for each department, office, commission, and other classification for the budget year, together with a comparative statement of actual or estimated expenditures for the two (2) years next preceding, itemized by year, fund, activity and object;
 - 4. The amount required for the payment of interest, amortization and redemption charges on the debt of the City; and
 - 5. A general budget summary.
- C. In no event shall the total proposed expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year, provided that nothing herein shall be construed as requiring the City to use any cash balance as current revenue or to change from a cash basis of financing its expenditures.

Section 130.030. Budget Officer.

- A. The budget shall be prepared under the direction of a Budget Officer. The City Clerk shall be the Budget Officer for the City. Except as otherwise provided by law or

ordinance, the Budget Officer shall be designated by the Board of Aldermen of the City. All officers and employees shall cooperate with and provide to the Budget Officer such information and such records as he/she shall require in developing the budget. The Budget Officer shall review all the expenditure requests and revenue estimates, after which he/she shall prepare the proposed budget as defined herein. **[R.O. 2016 § 120.040; R.O. 2011 § 120.040; Ord. No. 18-18, 5-16-2018]**

- B. After the Budget Officer has prepared the proposed budget, he/she shall submit it, along with such supporting schedules, exhibits, and other explanatory material as may be necessary for the proper understanding of the financial needs and position of the City, to the Board of Aldermen. He/she shall submit at the same time complete drafts of such orders, motions, resolutions or ordinances as may be required to authorize the proposed expenditures and produce the revenues necessary to balance the proposed budget.

Section 130.040. Board Of Aldermen May Revise Budget, Limits — Approval.

The Board of Aldermen may revise, alter, increase or decrease the items contained in the proposed budget, subject to such limitations as may be provided by law, provided that in no event shall the total authorized expenditures from any fund exceed the estimated revenues to be received plus any unencumbered balance or less any deficit estimated for the beginning of the budget year. Except as otherwise provided by law, the Board of Aldermen shall, before the beginning of the fiscal year, approve the budget and approve or adopt such orders, motions, resolutions or ordinances as may be required to authorize the budgeted expenditures and produce the revenues estimated in the budget.

Section 130.050. Increase Of Expenditure Over Budgeted Amount To Be Made Only On Formal Resolution.

After the City has approved the budget for any year and has approved or adopted the orders, motions, resolutions or ordinances required to authorize the expenditures proposed in the budget, the City shall not increase the total amount authorized for expenditure from any fund, unless the Board of Aldermen adopts a resolution setting forth the facts and reasons making the increase necessary and approves or adopts an order, motion, resolution or ordinance to authorize the expenditures.

ARTICLE III

Levy Of Taxes¹

Section 130.060. Board Of Aldermen To Provide For Levy And Collection Of Taxes — Fix Penalties.

The Board of Aldermen shall, from time to time, provide by ordinance for the levy and collection of all taxes, licenses, wharfage and other duties not herein enumerated and, for

1. Cross Reference: As to notice required for public meeting on tax increases, eminent domain, creation of certain districts, and certain redevelopment plans, § 120.045.

neglect or refusal to pay the same, shall fix such penalties as are now or may hereafter be authorized by law or ordinance.

Section 130.070. Fixing Ad Valorem Property Tax Rates, Procedure.

The Board of Aldermen shall hold at least one (1) public hearing on the proposed rates of taxes at which citizens shall be heard prior to their approval. The Board of Aldermen shall determine the time and place for such hearing. A notice stating the hour, date and place of the hearing shall be published in at least one (1) newspaper qualified under the laws of the State of Missouri of general circulation in the County within which the City is situated, or such notice shall be posted in at least three (3) public places within the City; except that, in any County of the First Class having a Charter form of government, such notice may be published in a newspaper of general circulation within the City even though such newspaper is not qualified under the laws of Missouri for other legal notices. Such notice shall be published or posted at least seven (7) days prior to the date of the hearing. The notice shall include the assessed valuation by category of real, personal and other tangible property in the City for the fiscal year for which the tax is to be levied as provided by Subsection (3) of Section 137.245, RSMo., the assessed valuation by category of real, personal and other tangible property in the City for the preceding taxable year, for each rate to be levied the amount of revenue required to be provided from the property tax as set forth in the annual budget adopted as provided by Chapter 67, RSMo., and the tax rates proposed to be set for the various purposes of taxation. The tax rates shall be calculated to produce substantially the same revenues as required in the annual budget adopted as provided in this Chapter. Following the hearing the Board of Aldermen shall fix the rates of taxes, the same to be entered in the tax book. Failure of any taxpayer to appear at such hearing shall not prevent the taxpayer from pursuit of any other legal remedy otherwise available to the taxpayer. Nothing in this Section absolves the City of responsibilities under Section 137.073, RSMo., nor to adjust tax rates in event changes in assessed valuation occur that would alter the tax rate calculations.

Section 130.080. Assessment — Method Of.

In the absence of a City Assessor, and until such City Assessor is duly appointed and qualified, it shall be the duty of the Mayor of the City to procure from the County Clerk of St. Louis County, Missouri, on or before the first day of October of each year a certified abstract from his/her assessment books of all property within the corporate limits of the City made taxable by law for State purposes and the assessed valuation thereof as agreed upon by the Board of Equalization, which abstract shall be immediately transmitted to the Board of Aldermen, and it shall be the duty of the Board of Aldermen to establish by ordinance the rate of taxes for the year.

Section 130.090. City Clerk To Prepare Tax Books.

When the Board of Aldermen shall have fixed the rate of taxation for any given year, it shall be the duty of the City Clerk to cause to be prepared appropriate and accurate tax books and shall therein set out in suitable columns, opposite the name of each person and the item of taxable property, as returned by the Assessor and Board of Equalization, the

ARTICLE VI

Investments**Section 130.170. Investment Policy.**

[R.O. 2016 § 120.170; R.O. 2011 § 120.090; Ord. No. 93-1 §§ 1 — 6, 1-20-1993; Ord. No. 01-50 § 1, 6-6-2001; Ord. No. 339 §§ 1 — 2, 8-3-2011]

- A. Scope. This policy applies to the investment of all operating funds of the City.
1. Pooling Of Funds. Except for cash in certain restricted and special funds, the City may consolidate cash balances from all funds to maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.
 2. External Management Of Funds. Investment through external programs, facilities and professionals operating in a manner consistent with this policy will constitute compliance.
- B. General Objectives.
1. Safety. Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to minimize credit risk and interest rate risk.
 - a. Credit Risk. The City will minimize credit risk, the risk of loss due to the failure of the security issuer or backer, by:
 - (1) Prequalifying the financial institutions, brokers/dealers, intermediaries, and advisors with which the City will do business.
 - (2) Diversifying the portfolio so that potential losses on individual securities will be minimized.
 - b. Interest Rate Risk. The City will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates by:
 - (1) Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
 - (2) Investing operating funds primarily in short-term securities.
 2. Liquidity. The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is to be accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands.
 3. Yield. The investment portfolio shall be designed with the objectives of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance to the safety and liquidity objectives described above.

The core of investments are to be limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:

- a. A security with declining credit may be sold early to minimize loss of principal;
- b. A security swap intended to improve the quality, yield, or target duration;
- c. Liquidity needs of the portfolio require that the security be sold.

C. Standards Of Care.

1. Prudence. The standard of care to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio.
2. Ethics And Conflicts Of Interest. Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program or that could impair their ability to make impartial decisions. Employee and investment officials shall disclose any material interests in financial institutions in which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officials shall refrain from undertaking personal investment transactions with the same individual with which business is conducted on behalf of the City.
3. Delegation Of Authority. Authority to manage the investment program is granted to the City Clerk, hereinafter referred to as "Investment Officer" and derived from the State Statutes or Constitution. Responsibility for the operation of the investment program is hereby delegated to the Investment Officer, who shall act in accordance with the established written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, delivery versus payment, investment accounting, repurchase agreements, wire transfer agreements, and collateral/depository agreements. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Investment Officer. The Investment Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

D. Investment Transactions — Controls. The Investment Officer is responsible for establishing and maintaining an internal control structure that will be reviewed annually with the City's independent auditor. The internal control structure shall be designed to ensure that the assets of the City are protected from loss, theft or misuse and to provide reasonable assurance that these objectives are met.

1. The concept of reasonable assurance recognizes that:
 - a. The cost of control should not exceed the benefits likely to be derived; and

commercial paper shall mature and become payable not more than one hundred eighty (180) days from the date of purchases. All other investments shall mature and become payable not more than three (3) years from the date of purchase.

- b. Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio should be continuously invested in readily available funds, such as in bank deposits or overnight repurchase agreements, to ensure that appropriate liquidity is maintained to meet ongoing obligations.
- I. Reporting Methods. The Investment Officer will prepare an investment report quarterly, including a management summary that provides an analysis of the status of the current investment portfolio and transactions made over the last quarter. This management summary will be prepared in a manner that will allow the City to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report shall be provided to the Board of Aldermen.

ARTICLE VII

Assets

Section 130.180. Capital Asset Policy.

[R.O. 2016 § 120.180; R.O. 2011 § 120.100; Ord. No. 93 § 1, 10-2-2002; Ord. No. 177 § 1, 2-16-2005]

- A. Objective. The objective of this policy is to establish guidelines for the acquisition, accounting and disposal for and of capital assets of the City.
- B. Definition Of Responsibilities. It is the responsibility of the City Board of Aldermen to appoint such City staff as the Board deems necessary to accomplish the objectives of this policy. The Board is also responsible for the periodic reviews necessary to insure that the policies detailed are complied with in full. It is the responsibility of the City Clerk to devise such systems and procedures necessary to insure that the policies are implemented and to conduct periodic inventories of the assets of the City and report to the Board of Aldermen the findings of those inventories and to explain any discrepancies discovered.
- C. Recognizing that governmental standards for accounting and reporting of capital assets and treatment are changed and modified from time to time by proper authority, the Board of Aldermen, duly advised by the City Clerk, may by resolution adopt current policy statements and guidance pursuant to this Section.

Section 135.040. Responsibilities — Discretion.

[R.O. 2016 § 125.040; R.O. 2011 § 125.040; Ord. No. 96-1 § 4, 1-3-1996; Ord. No. 309 § 1, 12-2-2009; Ord. No. 430 § 1, 5-21-2014; Ord. No. 481 § 5, 3-2-2016]

- A. The day-to-day oversight and park maintenance shall be the responsibility of the City Clerk who will present to the Board of Aldermen plans for the routine maintenance of the park.
- B. The Park Committee shall be charged with the following responsibilities and shall have such further responsibilities and discretions as the Board of Aldermen may, from time to time, grant to the Board Committee:
 - 1. The Committee shall provide input to the City Clerk to aid in development and presentation to the Board of Aldermen a proposed annual budget for operation of and improvements to the park for consideration by the Board of Aldermen.
 - 2. The Committee shall have a spending cap of five hundred dollars (\$500.00) per expenditure. Higher amounts are to be preapproved by the City Clerk.
 - 3. The Committee shall plan and make recommendations to the Board of Aldermen for future development of the park.
 - 4. The Committee shall develop, review and refine park rules and procedures, subject to approval of the Board of Aldermen.
 - 5. The Committee shall develop and implement, with assistance of City staff, recreational and leisure-oriented activities within the park and coordinate with other organizations or informal committees within the City of Twin Oaks which also develop and promote similar activities.
 - 6. The Park Committee Chairperson or designee shall present at the second monthly meeting of the Board of Aldermen the agenda items from its last meeting.

Section 135.050. Budgeting And Expenditures.

[R.O. 2016 § 125.050; R.O. 2011 § 125.050; Ord. No. 96-1 § 5, 1-3-1996; Ord. No. 218 § 1, 6-21-2006; Ord. No. 309 § 1, 12-2-2009; Ord. No. 481 § 6, 3-2-2016]

At or before the regularly scheduled October meeting, the Park Committee shall make recommendations regarding community events and capital expenditures to the City Clerk to aid in his/her fashioning of the City-wide budget for the following fiscal year.

ARTICLE II
City Tree Board

Section 135.060. Establishment.

[R.O. 2016 § 126.010; R.O. 2011 § 126.010; Ord. No. 234 § 1, 12-6-2006; Ord. No. 248 § 1, 7-18-2007]

- A. Creation And Establishment Of A City Tree Board. There is hereby created and established a City Tree Board for Twin Oaks, Missouri, which shall consist of the Mayor of the Board of Aldermen, Chairperson of the Park Committee and the City Clerk. The Community Forest Manager shall be an ex officio member of the City Tree Board.
- B. Duties And Responsibilities. It shall be the responsibility of the Tree Board to study, investigate, counsel and recommend updates to the City of Twin Oaks Comprehensive Landscape Master Plan. The Board shall also advise the City in the care, replacement, maintenance and removal or disposition of trees and shrubs in parks, along streets and in other public areas. The Comprehensive Landscape Master Plan shall serve as a guide for the City Tree Board.
 - 1. The Tree Board shall consider all existing and future utility, public works and environmental factors when recommending improvement for each street, park and other public lands of the municipality.
 - 2. The Tree Board shall recommend amendments or additions to the Comprehensive Landscape Master Plan at any time for consideration by the Board of Aldermen.
 - 3. The Tree Board, when requested by the Board of Aldermen, shall investigate, make findings, report and recommend upon any special matter or questions relating to trees.
- C. Operation. The Tree Board shall choose its own officers, make its own rules and regulations and keep journals of its proceedings according to law. A majority of the members shall be a quorum for the transaction of business.
- D. Interference With The Tree Board. It shall be unlawful for any person to prevent, delay or interfere with the Tree Board or City employee or any of its representatives or agents while engaging in or about the planting, cultivating, mulching, pruning, spraying or removing of any trees within the public community forest.

Section 135.070. Tree Preservation.

[R.O. 2016 § 126.020; R.O. 2011 § 126.020; Ord. No. 234 § 1, 12-6-2006; Ord. No. 248 § 1, 7-18-2007]

- A. Purpose And Intent. The citizens and elected officials of the City of Twin Oaks realize that trees and vegetation are important elements of the character and ambiance of our City. The planting, maintenance and preservation of trees and vegetation in the course of land development has also been determined to be a significant issue affecting the public health, welfare and the City's physical and aesthetic environment. The planting, maintenance and preservation of trees and vegetation will have substantial position

- C. Nuisances. Trees or tree limbs on private land that cause obstructions, present insect or disease problem or otherwise present a danger to public health or safety are hereby declared to be a nuisance by the Community Forest Manager, at which time the City Clerk may order such to be pruned, removed or treated. This includes, but is not limited to, trees diagnosed with dutch elm disease or oak wilt.
- D. Procedure.
 - 1. Notice To Prune, Remove Or Treat. Should any person owning real property bordering on any street fail to prune, remove or treat trees as herein above, the City Clerk shall order such person, within ten (10) days after receipt of written notice, to so prune, remove or treat such trees.
 - 2. Order Required. The order required herein shall be served by mailing a copy of the order to the last known address of the property owner by certified mail.
 - 3. Appeal. The property owner has the right to appeal the order to prune, remove or treat by appealing to the Board of Adjustment. The property owner may present any evidence or exhibits to support his/her position that the tree does not need to be pruned or removed or that the cost of the "order" is excessive. If the Board should uphold the order, the property owner has an additional ten (10) days from the Board's decision to complete the required pruning, removal or treatment.
 - 4. Failure To Comply. When a person to whom an order is directed shall fail to comply within the specified time, it shall be lawful for the City to prune, remove or treat such trees and the exact cost thereof shall be assessed to the owner.

Section 135.120. Obstructions In Sight Triangle And Street Right-Of-Way.

[R.O. 2016 § 126.070; R.O. 2011 § 126.070; Ord. No. 234 § 1, 12-6-2006; Ord. No. 248 § 1, 7-18-2007]

- A. It shall be unlawful for any person who owns, manages or occupies any premises within the City to allow trees, shrubs, plants or other vegetation to be planted or allowed to grow in such a manner as to materially obstruct vision in the sight triangle and street right-of-way. Plantings and landscaping less than thirty (30) inches in height shall be exempt from these provisions unless declared a nuisance.
- B. Owners shall trim all vegetation that obstructs the view or passage on any street, sidewalk or bike path. Street tree limbs shall be pruned to fourteen (14) feet or more in height above the road elevation. Dead limbs shall be removed to prevent becoming a hazard to the motoring and pedestrian public. All vegetation shall be trimmed so it shall not obstruct any street or traffic sign.

Section 135.130. Enforcement; Violations And Penalties.

[R.O. 2016 § 126.080; R.O. 2011 § 126.080; Ord. No. 248 § 1, 7-18-2007]

The City Clerk is charged with the responsibility of enforcing this Chapter. In addition to any other penalty imposed by the City, any person who causes damage to any tree, shrub, etc., shall replace said tree or shrub with one of equal value. In the event the tree, shrub, etc.,

cannot be so replaced, the person causing injury or damage shall be punished in accordance with Section 100.220 of this Code.

Chapter 140

PERSONNEL POLICY MANUAL

Section 140.010. Introduction.

Section 140.020. Organizational Philosophy.

Section 140.030. Personnel Policy Objectives.

Section 140.040. Employment Policy.

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Section 140.100. Employees To Acknowledge Receipt Of Policy.

Section 140.010. Introduction.

[R.O. 2016 § 130.010; R.O. 2011 § 130.010; Ord. No. 87 § 1, 6-19-2002; Ord. No. 323 § 1, 12-1-2010]

- A. Authority. These policies, procedures, rules and regulations are established by the authority of Ordinance No. 323, enacted by the Board of Aldermen on December 1, 2010.
- B. Purpose. The purpose of these rules is the formulation of sound personnel policies designed to promote efficiency and economy, reward meritorious service, provide for the settlement of grievances, develop and maintain morale, and establish non-discriminatory standards for the treatment of City employees.
- C. Intent. These personnel rules and regulations only outline the major employment policies of the City of Twin Oaks. These rules and regulations do not intend to be and shall not be considered all-inclusive. The rules and regulations are not intended to be a substitute for the good judgment, common sense and discretion of City personnel.
- D. Employment At Will. All employees are employed at will and the City expressly reserves the legal right to discharge or terminate employees at any time and for any reason. Likewise, employees have the legal right to terminate their employment at any time and for any reason. These personnel rules and policies are not a contract and are not intended to create any contractual obligations on the part of the City.
- E. Employment Categories.
 - 1. Permanent Full-Time. Any employee who works thirty-seven and one-half (37 1/2) to forty (40) hours per week throughout the calendar year.
 - 2. Permanent Part-Time. Any employee who works up to thirty-seven and one-half (37 1/2) hours per week throughout the calendar year.

3. Temporary Full-Time. Any employee who works thirty-seven and one-half (37 1/2) to forty (40) hours per week for only certain times during the year. (Seasonal)
 4. Temporary Part-Time. Any employee who works up to thirty-seven and one-half (37 1/2) hours or less per week for only certain times during the year.
 5. LAGERS Eligibility. For purposes of the City's pension plan (LAGERS) only, a permanent full-time employee is one who is regularly scheduled to work more than twenty-five (25) hours per week throughout the year. Temporary employees are not eligible for this benefit.
- F. Changes In These Policies. As circumstances arise in which the City may determine that changes to these policies are necessary, the City reserves the right to change these policies at any time and reserves the unilateral right to do so at any time without prior notice to its employees. Accordingly, no statement on these rules and policies is intended as a contractual commitment or obligation of the City to any employee.
- G. Previous Policies. These personnel rules and policies supersede and replace all previous rules and regulations.
- H. Consistent With Laws. These policies and procedures shall not be inconsistent with but complementary to related State and Federal laws and regulations. If any provision becomes invalid due to subsequent passage or interpretations of related legislation or court rulings, the remaining provisions shall not be invalidated.
- I. Administration Of These Policies. It shall be the responsibility of the City Clerk to administer, interpret and from time to time recommend to the Board of Aldermen appropriate amendments in order to maintain the rules and policies.

Section 140.020. Organizational Philosophy.

[R.O. 2016 § 130.020; R.O. 2011 § 130.020; Ord. No. 87 § 1, 6-19-2002; Ord. No. 323 § 1, 12-1-2010]

- A. Mission. The City of Twin Oaks is committed to providing quality and effective services to its residents and to the general public at large.
- B. Values. The strength and future growth of the City is directly related to the contributions made by each individual within the organization. In order to create the proper climate for employees to achieve maximum contribution:
1. Employees will be placed in positions which best utilize their aptitudes and skills without regard to age, race, color, creed, sex, sexual orientation, political and religious affiliation, national origin, disability or handicap, or marital status. Employees will be offered the opportunity for self-development and advancement through training and education as it benefits the City.
 2. Employees will be respected for their personal worth and dignity. They will be accorded fair and equitable treatment at all times through a program of compensation and general working conditions that reflect a spirit of social justice and social cooperation.

C. Strategy.

1. Commitment to the City's mission and values will result in a desire on the part of each individual to excel in their work. This can be measured by innovation and teamwork resulting in the implementation of new and creative ideas.
2. The success of this strategy will manifest itself in:
 - a. Growth in ability to serve;
 - b. Increased efficiency;
 - c. Greater productivity;
 - d. Positive community relations and image projection; and
 - e. Access to resources of all kinds.

Section 140.030. Personnel Policy Objectives.

[R.O. 2016 § 130.030; R.O. 2011 § 130.030; Ord. No. 87 § 1, 6-19-2002; Ord. No. 323 § 1, 12-1-2010]

In order for the City to fulfill its mission in the community, productive and competent employees at all levels in the organization must staff the City. Accordingly, the City seeks to provide employment conditions and policies which will attract, motivate and retain highly qualified employees.

Section 140.040. Employment Policy.

[R.O. 2016 § 130.040; R.O. 2011 § 130.040; Ord. No. 87 § 1, 6-19-2002; Ord. No. 323 § 1, 12-1-2010]

A. Affirmative Action And Equal Opportunity Employer Policy.

1. It is the policy of the City of Twin Oaks, as set forth by the Board of Aldermen, to provide employment, training, compensation, promotion and other conditions of employment without regard to age, race, color, creed, sex, sexual orientation, political and religious affiliation, national origin, or marital status, and in full compliance with the Americans with Disabilities Act.¹
2. Appropriate job-related standards will be applied to the condition of employment and will be maintained at a level consistent with the growth of the City.
3. To the extent possible, the City will seek out individuals with the best qualifications and the most promising potential to meet its employment requirements. Within its capacity, the City will provide appropriate training and development to enable individuals to successfully complete their probationary period and qualify for continued employment.

1. Editor's Note: See 42 U.S.C. § 12101 et seq.

- B. **Employment Policy.** All employment will begin with a probationary period to allow the employee the opportunity to demonstrate an ability to perform the job and the City to assess performance. Unless otherwise stated in the written job offer, the probationary period will cover the first six (6) months of employment. The probationary period shall be regarded as an integral part of the evaluation process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new, transferred or promoted employee to the position and for replacing any employee whose performance does not meet the required work standards.
1. **Procedure.**
 - a. All applicants for employment must complete the City's official job application form. An authorized representative of the City will review all applications, check prior employment and personal references, and verify appropriate application information.
 - b. Applicants selected for employment will be issued a letter confirming the offer of employment and stating pertinent details such as position title, salary, nature of duties, date acceptance or rejection of the offer is expected and any other special conditions of employment. The letter will be signed by the City Clerk or Mayor, as appropriate.
 - c. Selection of the City Clerk will be made by the Board of Aldermen. Official selection of all other employees will be made by the City Clerk.
 - d. Basic personnel policies will be discussed with a prospective employee, by the appropriate person, during the interview process. After employment is confirmed, the new employee will be given a copy of the Personnel Policies and Procedures Manual.
 - e. During the probationary period, the City Clerk will evaluate and discuss job progress with the new employee. At the end of the probationary period, the City Clerk will render a written evaluation, and a decision will be made by the Board of Aldermen regarding the employee's retention. New employees will be subject to the same personnel practices as those in effect for all employees.
 - f. During this probationary period, an employee may be dismissed; and there shall be no right of appeal or grievance upon such dismissal.
 - g. The City Clerk will be responsible for the administration of personnel issues in accordance with the City's policy of Equal Employment Opportunity and Affirmative Action and in accordance with State and Federal laws. The Board of Aldermen will be consulted on such matters as appropriate.
- C. **Harassment Policy.** It is the firm commitment of the Board of Aldermen to prohibit any type of employee harassment. The City of Twin Oaks will not tolerate the harassment of any employee by another employee, elected official, vendor or resident of the City.
1. **Purpose.** The purpose of this policy is to recognize and avoid the occurrence of harassment of its employees in the workplace, to define the City's position with

respect to the harassment of its employees, and to set forth procedures to be followed in the event a problem develops in this area. This policy also describes the corrective action to be taken with regard to any employee who engages in such conduct.

2. Policy. It is the policy of the City of Twin Oaks that all employees should be able to enjoy a working atmosphere that is free from all forms of discrimination, including harassment. Harassment infringes on every employee's right to a comfortable and productive work environment and undermines the integrity of the employment relationship. No employee, male or female, should be subjected to unsolicited or unwelcome conduct, either verbal or physical. The City of Twin Oaks is committed to provide a positive working environment in which each employee is respected as an individual and can realize his or her full potential, with equal opportunity for advancement and personal growth. Consistent with this commitment, the City strictly prohibits all forms of harassment and any employee who is found to have engaged in harassment will be subject to immediate corrective action, up to and including termination of their employment.
3. Definitions.
 - a. Sexual Harassment.
 - (1) Sexual harassment consists of unwelcome sexual advances, request for sexual favors, or other verbal or physical conduct of a sexual nature where:
 - (a) Submission to such conduct is made a term or a condition of employment;
 - (b) An employment decision (such as promotion or job assignment) is based on acceptance or rejection of such conduct; or
 - (c) Such conduct interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment.
 - (2) Sexual harassment takes a variety of forms and may involve employees in any job and at any level of responsibility.
 - b. Although it would be impossible to list all forms of sexual harassment, we have set out some examples of conduct which would violate the City's Harassment Policy:
 - (1) Intentional physical contact of a sexual nature, such as touching, fondling, pinching, patting or grabbing another employee;
 - (2) Making unwelcome or persistent sexual advances toward another employee;
 - (3) Making sexual comments, jokes, noises or gestures to, or in the presence of, another employee;

- (4) Using explicit or derogatory sexual terms in reference to, or in the presence of, another employee, displaying sexually explicit or sexually oriented materials in the workplace, including, but not limited to, magazines, posters, calendars, photographs, sketches or cartoons;
 - (5) Granting or promising preferential treatment to an employee in exchange for submitting to or participating in sexual conduct;
 - (6) Threatening an employee with termination, demotion, poor evaluation or other detrimental or retaliatory conduct as a means to obtain sexual favors;
 - (7) Retaliating in any way against an employee who has complained of, or reported, sexual harassment, or who has participated in the investigation of such conduct.
- c. Other forms of harassment may include:
- (1) Threatening or causing physical harm to an employee or purposely placing an employee in apprehension of physical harm.
 - (2) Verbal abuse of an employee based on physical appearance, national origin, sexual orientation, religion, race, age, gender, disability or creed.
 - (3) Fraternalization with an employee by another employee, elected officials and/or vendors whereby an employee feels threatened by not answering questions or giving out confidential information.
4. Reporting. Any employee who believes that he/she has been the victim of harassment, or who has witnessed or has knowledge of such behavior, is required to report such conduct to a member of the Board of Aldermen immediately.
5. Investigations.
- a. All reported incidents of harassment will be promptly investigated by the City Clerk. In the event that the incident in any way involves the City Clerk, the Mayor shall appoint a Board liaison to handle the investigation. The information that is gathered will be handled in the strictest confidence reasonably possible. No employee will be subjected to any form of retaliation for making a good faith report or participating in an investigation of harassment. Investigations may vary depending upon individual circumstances, but will include, at minimum, interviews with the complaining party, the accused and, if necessary, any alleged witnesses.
 - b. Upon completion of the investigation, a complete written report will be provided to the Board of Aldermen who will, in Executive Closed Session, take such corrective action, which may involve any level of corrective action up to and including immediate termination of employment.
- D. Hours Of Work And Overtime Policy.

1. All City employees in executive and administrative positions are considered to be "exempt" as defined by the Fair Labor Standards Act, as amended (the "Act") and are, therefore, not paid overtime for hours worked in excess of forty (40) hours during the workweek. All positions not specifically identified as executive or administrative are designated as "non-exempt" and are paid at an hourly rate and therefore eligible for overtime compensation or the minimum wage provisions by said Act.
 2. Although every effort will be made to avoid it, overtime work may occasionally be required. The normal workweek for non-exempt personnel is forty (40) hours with meals excluded. Hours worked in excess of forty (40) during the workweek will be paid at the premium overtime rate of one and one-half (1 1/2) times the equivalent straight time hourly rate. Vacation time, sick leave time, holidays and other time off shall not be considered as hours of work for the purposes of computing overtime. The City Clerk may reschedule daily hours or the workweek of any employee when necessary to successfully carry out the City's business.
 3. The standard workweek (Sunday through Saturday) for staff members exempt from the provisions of the "Act" will be forty (40) hours. Due to the nature of their work, however, they may need to be available for duty beyond the normal workweek. The regular salary of these employees is considered full compensation for the standard workweek, including casual, irregular or extra work hours inherent in the performance of their assigned position functions.
 4. If a non-exempt employee is called to work outside of a normally scheduled workday or is called back to work after having completed a regularly scheduled workday, the minimum overtime for which compensation will be made will be two (2) hours.
 5. The City office will be open as scheduled throughout the year, unless closed due to bad weather or other reasons by the decision of the Board of Aldermen.
- E. Employment Benefits And Policies. The City seeks to provide benefits to all permanent full-time and permanent part-time employees that, when combined with salary, provide a reasonable foundation for economic security.
1. General Benefits. All permanent full-time and permanent part-time employees are covered by social security, workers' compensation and unemployment insurance from the first day of employment, in accordance with applicable laws and regulations. Workers' compensation and unemployment insurance costs are paid by the City; both employees and the City contribute to the Social Security Fund (FICA).
 2. Pension Fund. The City offers a pension fund to all eligible permanent employees called LAGERS (Local Association of Government Employee Retirement System), using both employer and employee contributions. For purposes of LAGERS only, a "permanent full-time employee" is one who is regularly scheduled to work more than twenty-five (25) hours per week throughout the year. Temporary employees are not eligible for this benefit.
 3. Flex Plan. The City contributes an annual predetermined amount (based on available budget funds) to each eligible employee to go towards dependent child

care or medical expenses, which are eligible for the plan to include dental, medical and vision. The eligible employee is allowed to increase this account by one thousand five hundred dollars (\$1,500.00) of their own pretax contributions.

4. Vacation Leave Policy.
 - a. Only permanent full-time and permanent part-time employees shall be eligible for paid vacation. Permanent part-time employees regularly scheduled for less than twenty (20) hours per week, temporary full-time and temporary part-time employees are not eligible for vacation benefits.
 - b. Vacation leave shall be accrued on a formula basis, calculated by hours paid and years of employment. Eligible employees will begin accruing vacation leave on their first day of employment, but are not eligible to use the vacation time until six (6) continuous months of employment with the City are achieved.
 - c. Vacation leave will be granted to eligible employees each year based on hours paid and length of service. Vacation leave must be earned before it is taken and will be used in four-hour increments. Eligible employees will earn vacation as follows:
 - (1) Permanent full-time employees will be entitled to vacation leave based upon the following formula:
 - (a) For years of service through five (5): 0.0577 hours vacation accumulated per hours paid, not to exceed forty (40) hours paid per week.
 - (b) For years of service six (6) through fifteen (15): 0.0692 hours vacation accumulated per hours paid, not to exceed forty (40) hours paid per week.
 - (c) For years of service sixteen (16) plus: 0.0808 hours vacation accumulated per hours paid, not to exceed forty (40) hours paid per week.
 - (2) Permanent part-time employees scheduled to work twenty (20) or more hours per week will be entitled to prorated vacation leave based upon the following formula:
 - (a) For years of service through five (5): 0.04327 hours vacation accumulated per hours paid, not to exceed forty (40) hours paid per week.
 - (b) For years of service six (6) through fifteen (15): 0.0519 hours vacation accumulated per hours paid, not to exceed forty (40) hours paid per week.
 - (c) For years of service sixteen (16) plus: 0.0606 hours vacation accumulated per hours paid, not to exceed forty (40) hours paid per week.

- d. City employees may not accumulate vacation beyond their normal schedule allowed accumulation of seventy-eight (78) weeks (1 1/2 years). Exempt employees' description of vacation time will be contained in their Memorandum of Agreement.
5. Sick Leave Policy.
 - a. Sick leave is not an earned benefit. Absence from scheduled work, whether excused or unexcused, can lessen the City's efficiency. Sick leave is a privilege granted in recognition of faithful service when any permanent employees are ill and unable to work; thus, unused sick leave is not payable at the time of termination. Accrued sick leave may be used in the following situations:
 - (1) The employee is incapacitated for the performance of assigned duties by sickness or injury; or periods of time required for medical, surgical, dental or optical examinations or treatment.
 - (2) Members of employee's household: the employee is absent due to an illness of the employee's spouse, children, other relatives, or unrelated members of the employee's household, who require the employee's personal care and attention.
 - (3) Unusual cases will be handled on an individual basis. The final decision concerning the usage of sick leave rests with the City Clerk and is based upon the degree to which the employee is responsible for providing personal care and attention for a family member, who may or may not reside in the household, or for another member of the household. Merely visiting a relative or household member who is ill or hospitalized would not justify usage of sick leave.
 - b. Permanent part-time employees regularly scheduled for less than twenty (20) hours per week, temporary full-time and temporary part-time employees are not eligible for sick leave.
 - c. Permanent full-time employees accumulate sick leave at the rate of 0.0577 hours per each paid hour up to forty (40) paid hours per week with a maximum balance of two hundred forty (240) hours. Sick leave can be taken in two-hour increments.
 - d. Permanent part-time employees accumulate sick leave at the rate of 0.0433 hours per each paid hour up to forty (40) paid hours per week with a maximum balance of one hundred eighty (180) hours. Sick leave can be taken in two-hour increments.
 - e. New employees accrue sick leave starting with their first day of employment but cannot use sick leave until after completing their six-month probationary period.
 - f. Chronic and pattern absenteeism and/or tardiness or other abuse of this policy will lead to disciplinary action up to and including termination of

employment. Examples of pattern absenteeism include, but are not limited to, absences on any Mondays or Fridays and/or adjacent to a holiday(s).

6. Holiday Policy.

- a. The City recognizes the following holidays as paid time off for all permanent full-time and permanent part-time employees:

New Year's Day	Martin Luther King Day	Presidents' Day
Memorial Day	Independence Day	Labor Day
Veterans Day	Thanksgiving Day	Day after Thanksgiving
Day before Christmas	Christmas Day	

- b. If a holiday falls on a scheduled workday of a permanent part-time employee, that employee will be paid for those regularly scheduled hours to work. If a holiday falls on a non-scheduled workday of a permanent part-time employee, no pay will be recorded. Temporary employees will not work on that day and will not be paid.
- c. If any of the recognized holidays fall on a Saturday, the previous Friday will be observed as the holiday. When any of the recognized holidays fall on a Sunday, the following Monday will be observed as the holiday. When any of the recognized holidays fall within the period of annual or sick leave, the holiday may be added to either. Exempt employees who are required to work on a recognized holiday will be given a substitute holiday to be taken within thirty (30) days thereafter.
- d. Non-exempt employees who are required to work on a recognized holiday will be paid at time and one-half (1/2).

7. Jury Duty Policy. The City recognizes the civic duty of employees to serve on juries when called. Permanent full-time and permanent part-time employees performing jury duty will continue to receive their regular pay during the period of service and may retain the jury fee. A copy of the jury duty summons and jury duty service certification must be submitted for placement in the employee's file. However, temporary employees will not be paid jury duty leave.

8. Bereavement Leave Policy. Permanent full-time and permanent part-time employees may be granted up to three (3) working days of leave without loss of regular pay in the event of a death in the immediate family. If the allowable number of days is not sufficient, additional days may be taken as vacation time or unpaid leave. For the purpose of this policy, "immediate family" is defined as follows:

Spouse	Parents	Father-in-Law	Mother-in-Law
Children	Son-in-Law	Daughter-in-Law	Siblings
Grandparents	Grandchildren	Guardian	Significant Other

9. Unpaid Leave Of Absence Policy.

- a. The City Clerk, with the approval of the Mayor, may grant a permanent full-time employee an extended leave of absence without pay, benefits, accrual of vacation or accrual of sick leave not to exceed twelve (12) calendar weeks. Leave of absence may be granted for medical reasons; to care for a newly adopted, foster care or newborn child; to care for the employee's spouse, son, daughter or parent with a serious health condition; or because of an employee's own serious health condition that makes the employee unable to work at all or to perform the essential functions of the employee's job. Such leave shall be granted only after all of the employee's accrued sick leave and vacation leave have expired.
 - b. If leave is granted hereunder because of a permanent full-time and permanent part-time employee's medical condition, the employee may be required to submit a statement from his/her attending physician which shall include the date the serious health condition began; the physician's judgment concerning the probable duration of the condition; the diagnosis of the serious health condition; a statement of the course of treatment; an indication of whether in-patient hospitalization is necessary; and a statement that the employee either cannot perform any kind of work or cannot perform the essential functions of his/her job. If the leave is to care for a family member, the employee may be required to provide a statement from the family member's physician indicating that it would be desirable or beneficial for the employee to provide care for the family member.
 - c. Permanent full-time and permanent part-time employees seeking to use leave under this policy are required to provide thirty (30) days' advanced notice of the need to take leave if the need for the leave is foreseeable based on an expected birth or placement of a child, or planned medical treatment for the serious health condition of the employee or family member. If thirty (30) days' notice is not practical under the circumstances, notice must be given as soon as practical. Notice should include the reason for the requested leave, the anticipated start of the leave and the anticipated duration of the leave.
 - (1) Procedure. A request for an unpaid leave of absence must be made in writing to the Board of Aldermen and specify the purpose, length and specific dates thereof. If the request is covered under the Family Medical Leave Act (FMLA), the employee must also provide a copy of the physician's documentation of the medical diagnosis. The Mayor will notify the employee, in writing, of the decision of the Board.
10. Continuing Education Payment/Reimbursement Policy. The City recognizes that attendance at selected outside seminars, conferences and/or workshops are mutually beneficial to the employee and the City. Employees are encouraged to participate in continuing education activities in areas related to their work and will be reimbursed for the cost of preapproved training, subject to the availability of funds and prior written approval by the Board of Aldermen. Books and other required class materials will not be reimbursable.
 11. Military Leave Policy.

- a. Any employee who is to perform active duty or training or inactive duty or training in the Armed Forces of the United States, including, but not limited to, active reserves, shall be granted a leave of absence as permitted by law. Further, an employee who leaves the City for such military service may be paid accrued vacation for which the employee is eligible from the City at the time of the leave of absence.
 - b. Any employee who leaves his/her job to serve in the armed forces is entitled to all rights provided for under State and Federal law during the performance of military duty and, upon completion of the military duty, the employee is entitled to reinstatement to his or her former position or to a position equal in terms of seniority, pay and status to the one (1) the employee left to go into the service unless the City's circumstances have changed so much that it would be impossible for this to be done. Those reinstatement rights are conditioned upon the employee fulfilling the basic requirements for reinstatement under Federal and State law.
 - c. An employee who is reinstated following completion of military service shall be eligible to take accrued vacation thirty (30) days after reinstatement.
 - d. In addition to a leave of absence otherwise authorized in these rules, employees who are required to take annual periods of training as members in organized units of the Reserve Corps of the Army, Navy, Air Force, Marine Corps, Coast Guard or the National Guard, and who are ordered to active duty, will be granted a leave of absence without loss of time, pay, regular leave, impairment of job evaluation, or any other benefits to which they may otherwise be entitled, upon proper application through the City Clerk and written approval by the Board of Aldermen for the duration of said period of annual training not to exceed fifteen (15) working days in any Federal fiscal year.
12. Voting Time Policy. Any employee eligible and registered to vote in any election held within this State, or any primary election held in preparation for such election shall, on the day of such election, be entitled to leave from duty (if on duty) which would allow three (3) hours of voting time between the time of opening and the time of closing the polls. This Section shall not apply to a voter on the day of the election if there are three (3) successive hours while the polls are open in which the employee is not on duty. The City Clerk may specify any three (3) hours between the time of opening and closing of the polls during which an employee may be granted voting leave. Generally, said leave shall not exceed one (1) hour of paid on-duty time for each election day. Exceptions may be arranged with the approval of the City Clerk. Employees may be required to show current eligible voter registration cards to City Clerk prior to release for voting purposes and no employee shall be granted time off with pay for voting who is not eligible to participate in a given election.
13. Employment Restrictions Policy.
- a. No City employee shall solicit any contribution for the campaign fund of any candidate for City of Twin Oaks office or take part in the political

campaign of any candidate for City office. All employees may exercise their rights as a private citizen to express opinions and, if a registered voter in the City, sign a nominating petition for any City candidate and vote in any City election. Political affiliation, participation or contribution shall not be considered in making any City employment decision. No City Officer, employee or member of a board or commission shall use official authority or official influence for the purpose of interfering with or affecting the result of any election to or nomination for a City of Twin Oaks office. No City Officer, employee or member of a board or commission shall directly or indirectly coerce, attempt to coerce, command, advise or solicit a City employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political or electoral purposes.

- b. No employee, either full- or part-time of the City, while on duty or while in uniform that identifies the individual as an employee of the City shall canvass on behalf of any candidate, political party or political issue; display a political picture, sticker, badge or button; attend a political rally, fund-raising function or other political gathering; circulate or sign a political petition; or serve as an election judge or clerk.
- c. No employee shall place, or allow to remain, upon a City vehicle used by the employee in the course of employment any political picture, sticker, badge or button.
- d. Nothing in these regulations shall be construed to restrict an employee's freedom to express an opinion or exercise the right to vote.
- e. No City employee shall use City equipment, personnel, facilities or resources to promote or help promote any civic, social, business or political candidate or any other non-City purpose without the express written consent of the City Clerk or the Board of Aldermen.

Section 140.050. Compensation.

[R.O. 2016 § 130.050; R.O. 2011 § 130.050; Ord. No. 87 § 1, 6-19-2002; Ord. No. 323 § 1, 12-1-2010]

- A. Pay Period. All City employees will be paid biweekly. When the payday falls on a City holiday, employees will be paid the preceding workday.
 1. Procedure.
 - a. Time records showing the hours worked and leave taken will be maintained on a regular basis. Vacation and sick leave accruals will be maintained by the City Clerk or his/her designee on each employee's attendance report.
 - b. Time and attendance records, signed by each employee, will be submitted to the City Clerk for approval and verification signature at the end of each pay period.

- c. All permanent full-time employees are required to take an unpaid thirty-minute lunch break midday for wellness purposes.
2. Supplementary Employment. Any employee who wishes to engage in supplementary employment may do so without jeopardizing their employment with the City, subject to the following conditions:
 - a. The proposed activity is approved by the Board of Aldermen.
 - b. The activity will not harm the City's public relations image.
 - c. The activity will not interfere with the individual's work or work schedule at the City.
 - d. There is no potential for a conflict of interest.
 - e. The activity will not require the use of the City's facilities, equipment, supplies or other personnel.
3. Professional And Other Memberships. Participation in community activities and professional organizations is encouraged when such activities are consistent with the mission of the City and do not interfere with the employee's work or work schedule. Payment of dues will be reviewed prior to the approval of the upcoming year's budget and may be approved as available by the Board of Aldermen during the budget process.

Section 140.060. Compensation For Job-Related Expense.

[R.O. 2016 § 130.060; R.O. 2011 § 130.060; Ord. No. 87 § 1, 6-19-2002; Ord. No. 323 § 1, 12-1-2010]

- A. General Policy. Employees required to travel on City business, and/or who incur other authorized expenses on behalf of the City, will be reimbursed under the travel reimbursement procedure.
 1. Out-Of-Town Travel. When out-of-town travel is required, air, bus, personal vehicle or train transportation may be used; however, reimbursement will be made at the lowest rate of air coach fare or mileage, whichever is less. Reimbursement for hotel/motel accommodations will be made for the actual costs incurred for a single room with bath, unless otherwise authorized. When accommodations are required for an extended period of time, weekly rates will be obtained if available. Miscellaneous expenses, such as tips, meter fees, bridge tolls, etc., are considered usual expenses and will be reimbursed on a reasonable actual cost basis. Receipts for accommodations, transportation, meals and off-street parking should be obtained and submitted with the expense account.
 2. Travel Within The St. Louis Area. Employees using their own personal vehicles for City business will be reimbursed for such use at the current rate and according to the rules established by the Internal Revenue Service. Employees are responsible for their own auto insurance when using their personal vehicles while on City business. The City requires valid copies of driver's license and current auto insurance for all employees who use their personal vehicle for business.

Rental car expenses will not be reimbursed unless the amount is found to be less expensive than the current rate of mileage per the IRS standard.

- B. Employees delegated to attend luncheon and dinner meetings as City representatives will be reimbursed for all time and expenses incurred in doing so.

Section 140.070. Personnel.

[R.O. 2016 § 130.070; R.O. 2011 § 130.070; Ord. No. 87 § 1, 6-19-2002; Ord. No. 323 § 1, 12-1-2010]

- A. A confidential personnel folder will be maintained by the City on each employee. Information contained in this file will include data pertinent to the individual's employment, such as his/her application form, reference checks, work history, job descriptions(s), performance evaluations, disciplinary actions, counseling records, commendations, etc. Personnel folders are available only to the employee, the City Clerk and the Board of Aldermen. Personnel folders are available once quarterly to each employee for his/her review if requested. An employee wishing to add, delete or change any file items must submit a written request to the City Clerk, identifying the item(s) involved, the desired actions and the reasons therefor. The City Clerk will review all files annually to insure current compliance and remove all items of a disciplinary nature that are three (3) years old or more. Inquiries relative to earnings or job performance must be submitted in writing to the City Clerk on business or credit agency letterhead, and the employee must give written permission for such information to be released. Only written inquiries will be acknowledged. Inquiries should be addressed to the City Clerk and will be limited to employment confirmation, position, title and length of service.
- B. Performance Evaluation. For the purpose of employee development and salary administration, each employee's performance will be reviewed and evaluated annually on or near the employee's anniversary date of employment or at a date determined by the City Clerk. The performance evaluation will be based primarily on how well the employee addressed the responsibilities outlined in the description of their position. All employees will be asked to sign their evaluations verifying that they received the evaluation and that the performance discussions were held. The employee's signature does not necessarily indicate that the employee agrees with the evaluation. In the event of any disagreement over any part of the evaluation, the employee may file a written statement to that effect, and that statement will be attached to the evaluation and become an integral part of the employee's personnel folder.

Section 140.080. Corrective Performance Improvement And Disciplinary Actions.

[R.O. 2016 § 130.080; R.O. 2011 § 130.080; Ord. No. 87 § 1, 6-19-2002; Ord. No. 323 § 1, 12-1-2010]

- A. It shall be the duty of all employees to maintain high standards of conduct, cooperation, efficiency and economy in their work for the City. The City Clerk shall organize and direct the work of his/her units in a manner calculated to achieve these objectives.

- B. Whenever work habits, attitude, production or personal conduct of an employee falls below a desirable standard, the City Clerk shall point out the deficiencies at the time they are observed (or as soon as practical thereafter).
- C. Oral and written warnings with reasonable time for improvement and subsequent review shall precede formal discipline whenever, in the judgment of the City Clerk, any infraction is readily correctable.
- D. When an oral warning is given, the City Clerk shall explain the infraction to the employee and indicate corrective measures that shall be taken. The City Clerk will inform the employee that his/her conduct must improve or he/she will face more severe disciplinary action. The employee may be asked to sign an acknowledgment that the oral warning took place. A record of this warning will be placed in the employee's personnel file, and the employee will receive a copy. If no further action is taken on the matter in three (3) years, all written records of the oral warning will be removed from the employee's personnel file.
- E. A written warning may be used for more serious infractions or in cases where the same rule has been broken. The City Clerk shall state, in writing, the nature of the infraction leading to the disciplinary action and prior warnings, if any. The warning shall include what improvement is expected, the time limits for this improvement to occur, and consequences if the improvement goal is not met. The employee should read and sign the warning in the presence of the City Clerk. One (1) copy of the warning will be placed in the employee's personnel file, and one (1) copy will be given to the employee. If no future action is taken on the matter in three (3) years, all written records of the written warning will be removed from the employee's personnel file.
- F. Corrective actions shall, at all times, be promptly administered and executed, thoroughly documented, appropriate to the infraction committed, and shall never be used on account of political considerations, personal bias or prejudice.
- G. Any disciplinary action shall be documented and explained to the employee. Eligible employees may appeal disciplinary actions against them pursuant to the City's grievance procedure.
- H. Terminations. Terminations of employment with the City will be classified under one (1) of the following:
 - 1. Resignation. A termination is classified as a "resignation" when it has been voluntarily initiated by the employee. To remain in good standing and be eligible for rehire, the employee must submit his/her written letter of resignation at least ten (10) working days in advance. If the employee's continued employment may be detrimental to the City, employment may be terminated immediately. Under these circumstances, the resigning employee would be eligible to receive ten (10) working days of regularly scheduled pay plus vacation pay accrued until date of resignation notice. The employee will not be compensated for accrued sick leave.
 - 2. Discharge.
 - a. A termination will be classified as a "discharge" when it has been determined that the employee's activities have not been in the best interests

- of the City and/or the employee is guilty of conduct contrary to the policies and procedures of the City.
- b. Examples of conduct for which an employee may be discharged include, but are not limited to:
 - (1) Conviction of a felony while an employee of the City.
 - (2) Misappropriation of City funds, supplies or materials.
 - (3) Failure to carry out job duties and responsibilities in an acceptable manner.
 - (4) Violation of the City's Conflict of Interest Policy.
 - (5) Insubordination.
 - (6) Unlawful possession, use or distribution of illegal drugs or controlled substances.
 - (7) Unlawful possession, use or distribution of any firearm(s).
 - (8) Falsification of any City records.
 - (9) Harassment and/or intimidation.
 - c. An employee discharged for cause will be paid only for time worked plus accrued vacation. The employee will not be compensated for accrued sick leave.
 - d. An employee wishing to appeal his/her termination may do so by giving written notice to the Mayor within five (5) working days after the date of termination. The Board of Aldermen will hear the appeal within ten (10) working days after the date of notice of appeal was received.
3. Retirement/Separation Of Employment. An employee, whose termination is the result of retirement or separation of employment, will be paid through the last day of service, plus accrued vacation.
 4. Disability. If an employee is unable to perform the essential functions of his/her position with or without reasonable accommodation because of disability, the City may separate, transfer or otherwise dismiss that employee. The City reserves the right to require any employee to undergo a physical or mental examination if the City determines that there is an issue with respect to the employee's ability to perform the essential functions of his/her job, or whether reasonable accommodation is necessary to enable the employee to perform the essential functions of the position.
 5. Return Of City Property. An employee leaving the City's service for any reason and who has City-owned equipment or property in his/her possession shall return such equipment or property to the City Clerk prior to receiving his/her last paycheck. Failure to return said property may result in an amount being withheld from the employee's paycheck equal to the value of the property.

- I. Grievance Policy. All employees shall have the right, except as specified herein, to utilize the grievance and complaint procedures of this manual. The grievance and complaint procedures of this manual will be available to permanent full-time and permanent part-time employees who work at least twenty-five (25) hours per week, who are not serving a probationary period, whether imposed due to a new position or for disciplinary performance reasons.
1. Purpose. The grievance procedure provides the employee with a means of discussion and resolution of work-related grievances. The procedure is intended as a means of resolving situations where employees believe personnel policies have been or are being violated and are not a means to contest management decisions.
 2. Time Limitations. Grievances must be filed with the Board of Aldermen within ten (10) working days from the date of the alleged action [the time limit may be extended to ninety (90) days upon showing by the grievant that he/she did not or could not know of the alleged harm]. An employee may file a grievance without fear of jeopardizing their position, chances for promotion or salary advancement. Paperwork associated with filing a grievance must be completed outside of scheduled working hours. All documentation from the entire process will be maintained in a single file.
 3. Procedure.
 - a. Within ten (10) working days after the written grievance has been submitted, the City Clerk will meet with the employee to discuss the grievance and what action, if any, should be taken. The City Clerk will issue a written response within five (5) working days of the meeting.
 - b. Should the City Clerk's response not resolve the grievance, the employee may, within five (5) working days after receiving the report, request, in writing, a review by the Board of Aldermen. The Mayor will arrange for a hearing of the full Board of Aldermen within fifteen (15) working days from the date of the request. The decision of the Board of Aldermen will be final.

Section 140.090. Substance Abuse Policy.

[R.O. 2016 § 130.090; R.O. 2011 § 130.090; Ord. No. 87 § 1, 6-19-2002; Ord. No. 323 § 1, 12-1-2010]

- A. The City will make every effort to provide a drug-free workplace. Drug abuse in the workplace presents unacceptable dangers to our employees and the integrity of the City. The City reserves the right to routinely test employees for drug abuse as a condition of continuing employment when reasonable grounds to suspect substance abuse exist.
- B. "Reasonable grounds to suspect substance abuse exists" is defined as suspicion based on personal observation by the City Clerk of an employee's appearance, behavior, speech or breath odor.

- C. Any employee involved in an injury or non-injury accident during scheduled business hours may be required to submit to a drug test. Failure to comply with this request for drug test will subject such employee to disciplinary action up to and including discharge.
- D. All current and future employees will be required to acknowledge receipt of a copy of this policy and comply with its provisions. A copy of the substance abuse policy will be permanently posted in the City office.

Section 140.100. Employees To Acknowledge Receipt Of Policy.

[R.O. 2016 § 130.100; R.O. 2011 § 130.100; Ord. No. 87 § 1, 6-19-2002; Ord. No. 323 § 1, 12-1-2010]

- A. This manual sets forth policies which concern your employment. It has been and continues to be our practice to follow these policies and treat employees fairly. From time to time, there will be revisions to this manual and you will be notified of these changes. Exceptions to these policies must be approved by the Board of Aldermen.
- B. It is necessary for us to make clear that this manual is not part of a contract, and no employee has any contractual right to the matters set forth in this manual. Your employment is at will. You are free to voluntarily sever your employment. The City of Twin Oaks retains the right to terminate employment with or without cause, as it deems offense necessary.

ACKNOWLEDGMENT

I, _____, an employee of the City of Twin Oaks, Missouri, hereby certify that I have received and read a copy of the City's Personnel Policies and Procedures Manual, including those policies dealing with confidential information and substance abuse.

I further certify that I understand the importance of (1) safeguarding all confidential information that I encounter; (2) maintaining a drug free workplace; and (3) the consequences should I violate either policy in this regard.

X _____	_____
Employee Signature	Date
X _____	_____
Employer Signature	Date

Chapter 145

PURCHASING POLICY

Section 145.010. Purpose.

Section 145.020. Purchasing Agent.

Section 145.030. Bid Evaluation Guidelines.

Section 145.040. Purchases Less Than \$5,000.00.

Section 145.050. Purchases From \$5,000.00 To \$10,000.00.

Section 145.060. Purchases Greater Than \$10,000.00.

Section 145.070. Exceptions To The Purchase Policy.

Section 145.080. State And Federal Laws.

Section 145.090. Subdivision Of Contracts.

Section 145.100. Purchase Of Goods, Supplies And Services.

Section 145.110. Credit Card Policy.

Section 145.120. Alternative Construction Delivery Methods.

Section 145.010. Purpose.

[R.O. 2016 § 131.010; R.O. 2011 § 131.010; Ord. No. 217 § 1, 6-7-2006]

The purpose of this Chapter is to establish rules and procedures governing the procurement of materials, supplies, equipment and services for the City and to maintain a high ethical standard for all officers and employees of the City in connection therewith.

Section 145.020. Purchasing Agent.

[R.O. 2016 § 131.020; R.O. 2011 § 131.020; Ord. No. 217 § 1, 6-7-2006; Ord. No. 338 § 1, 7-20-2011]

- A. The City Clerk shall act as the Purchasing Agent. The Purchasing Agent shall, in accordance with and subject to the rules, regulations and procedures in this Chapter and all applicable laws and ordinances:
1. Direct, supervise and be responsible for the procurement and acquisition of all materials, supplies and equipment, all contractual services and all insurance required by the City;
 2. Verify that all vendors and contractors of the City have the appropriate insurance coverage;
 3. Sell or dispose of all obsolete or unusable personal property of the City under five thousand dollars (\$5,000.00) depreciated value. A list shall be presented to the Board of Aldermen of all obsolete or unusable personal property of the City

whose original value was greater than two hundred fifty dollars (\$250.00); **[Ord. No. 481 § 8, 3-2-2016]**

4. Forward all purchases and contracts over five thousand dollars (\$5,000.00) to the Board of Aldermen for final approval.

Section 145.030. Bid Evaluation Guidelines.

[R.O. 2016 § 131.025; R.O. 2011 § 131.025; Ord. No. 338 § 2, 7-20-2011]

- A. The following shall be guidelines in determining the lowest and best bidder and shall be included in all bid packages:
 1. The ability, capacity and skill of the bidder to perform the contract or provide the services required.
 2. Whether the bidder can perform the contract or provide the services promptly or within the time specified without delay or interference.
 3. The character, integrity, responsibility, judgment, experience and efficiency of the bidder.
 4. Whether the bidder is in default on the payment of taxes, licenses or other monies due to the City, County or State, and this factor alone shall justify disqualification.
 5. The quality and performance of previous contracts or services.
 6. The previous and existing compliance by the bidder with laws, the provisions of this Code and other City ordinances relating to the contract services.
 7. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.
 8. The quality, availability and adaptability of the supplies or contractual services to the particular use required.
 9. The ability of the bidder to provide, where applicable, future service and maintenance of equipment which is the subject of the contract.
 10. The number and scope of conditions attached to the bid.
 11. Performance and payment bonds are part of bid and provided for unless specifically excluded by the Board.

Section 145.040. Purchases Less Than \$5,000.00.

[R.O. 2016 § 131.030; R.O. 2011 § 131.030; Ord. No. 217 § 1, 6-7-2006; Ord. No. 416 § 1, 1-22-2014; Ord. No. 481 § 9, 3-2-2016]

Purchases of less than five thousand dollars (\$5,000.00) may be authorized by the City Clerk, and the Board of Aldermen shall be notified of each purchase in excess of two hundred fifty dollars (\$250.00). Purchasing should follow best practices in ensuring competitive pricing.

Section 145.050. Purchases From \$5,000.00 To \$10,000.00.

[R.O. 2016 § 131.040; R.O. 2011 § 131.040; Ord. No. 217 § 1, 6-7-2006; Ord. No. 338 § 3, 7-20-2011; Ord. No. 416 § 1, 1-22-2014]

- A. For purchases from five thousand dollars (\$5,000.00) to ten thousand dollars (\$10,000.00), the City Clerk, or his or her designee, shall solicit at least three (3) quotes for the item or items which may be solicited and returned either online and/or by hard copy. **[Ord. No. 481 § 10, 3-2-2016]**
- B. For purchases greater than five thousand dollars (\$5,000.00), bids and recommendations will be submitted to the Board of Aldermen.

Section 145.060. Purchases Greater Than \$10,000.00.

[R.O. 2016 § 131.050; R.O. 2011 § 131.050; Ord. No. 217 § 1, 6-7-2006; Ord. No. 338 § 2, 7-20-2011; Ord. No. 481 § 11, 3-2-2011; Ord. No. 17-09 § 1, 3-1-2017]

- A. Whenever any contemplated purchase or contract for services is reasonably anticipated to cost more than ten thousand dollars (\$10,000.00), the City Clerk shall cause to be published on the Twin Oaks website and in an issue of the St. Louis Edition of The Countian, or other newspaper, a notice inviting sealed bids. The notice shall include a general description of the articles to be purchased or the scope of services to be performed and the time and place for opening of sealed bids. At the direction of the City Clerk a prebid meeting may be held for the purposes of explaining and answering questions with respect to the scope of the project. In addition, when practicable, the notice shall be sent to at least three (3) responsible prospective suppliers of the item to be purchased or services to be performed. Bid packets will be available in hard copy at the City office and/or electronically until the date set for the receipt of the bids. Inadvertent omission by the City of any of the steps set forth herein shall not invalidate the bidding process.
- B. Sealed bids shall be received at the City office and shall be identified as bids on the envelope. The bids shall be opened in public at the time and place stated in the invitation to bid before at least two (2) City witnesses; and after the opening, the City Clerk shall tabulate all bids received and shall file a written report of the bids with the Board of Aldermen together with his/her written recommendations as to whom the City should award the contract.
- C. When deemed necessary by the City Clerk, bid deposits shall be prescribed in inviting bids. A successful bidder shall forfeit any surety required by the City upon failure on the bidder's part to enter into a contract within ten (10) days after the award, and the invitation to bid shall so state. An unsuccessful bidder shall be entitled to return of his/her surety.
- D. All bid documents will include an insurance clause as follows:
 - 1. All bids shall include and cover the cost of workers' compensation insurance for all employees of the bidder and for all employees of all subcontractors. It is agreed that the successful contractor shall furnish the City with a certificate of insurance from an insurance company with a Best's rating of at least B+/VII, or greater if required by the Board of Aldermen, indicating statutory workers'

compensation coverage and the minimum coverage amounts stated in Subsection (D)(2) of this Section. The policy of insurance shall have endorsed on it a requirement of at least thirty (30) days' written notice mailed to the City indicating any cancellation or material change in coverage. The Board of Aldermen may increase or decrease the minimum coverage amounts on a per-project basis.

2. Minimum Coverage Amounts.
 - a. General Liability.
 - (1) General aggregate: one million dollars (\$1,000,000.00).
 - (2) Product, completed operations aggregate: one million dollars (\$1,000,000.00).
 - (3) Personal injury: one million dollars (\$1,000,000.00).
 - (4) Each occurrence: one million dollars (\$1,000,000.00).
 - (5) Fire legal liability damage: one hundred thousand dollars (\$100,000.00).
 - (6) Medical expense: ten thousand dollars (\$10,000.00).
 - b. Automobile combined single limit: one million dollars (\$1,000,000.00).
 - c. Excess Liability.
 - (1) Each occurrence: one million dollars (\$1,000,000.00).
 - d. Employer's Liability.
 - (1) Each accident: one million dollars (\$1,000,000.00).
 - (2) Disease, policy limit: five hundred thousand dollars (\$500,000.00).
 - (3) Disease, each employee: one hundred thousand dollars (\$100,000.00).
3. City To Be Held Harmless.
 - a. The contractor shall indemnify and hold harmless the municipality and its elected and appointed officials and employees from and against all claims, damages, losses and expenses, including attorneys' fees arising out of or resulting from the performance of the work, provided that any such claim, damage, loss or expenses:
 - (1) Attributable to bodily injury, sickness, disease or death or to injury to or destruction of tangible property, other than the work itself, including the loss of use resulting therefrom; and
 - (2) Caused in whole or in part by any negligent act or commission of the contractor, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable

regardless of whether or not it is caused in part by a party indemnified under this Chapter.

- b. In any and all claims against any municipality or any of its agents or employees by any employee of the contractor, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation under this Subsection shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits by or for the contractor or any subcontractor under workers' compensation acts, disability benefit acts or other employee benefit acts.
- E. Upon Board approval, the City Clerk shall award the contract to the lowest responsible bidder, but the Board of Aldermen reserves the right to reject any and all bids.

Section 145.070. Exceptions To The Purchase Policy.

[R.O. 2016 § 131.060; R.O. 2011 § 131.060; Ord. No. 217 § 1, 6-7-2006; Ord. No. 338 § 4, 7-20-2011]

- A. **Single-Source Purchases.** In the event there is only one (1) acceptable vendor capable of furnishing a particular service or commodity, the City Clerk may be authorized to procure such service or commodity without bidding. The City Clerk shall document the particular facts which make the item a single-source purchase. Such purchase must have Board of Aldermen approval if greater than five thousand dollars (\$5,000.00).
- B. **Emergency Purchases.** Where an emergency situation requires immediate purchase of supplies or services and time is of the essence, the City Clerk is authorized to procure the supplies or services needed without following the bidding procedures. The Board of Aldermen will be notified at its next regular meeting. **[Ord. No. 481 § 12, 3-2-2016]**
- C. **Situations Calling For Competitive Negotiations.** Where it can be demonstrated that the City receives the best value on a purchase through informal discussion and bargaining rather than through the conventional bidding process, the City Clerk need not follow the conventional bidding process exclusively. Such purchases shall be documented by the City Clerk and given prior approval by the Board of Aldermen. Examples would include, but not be limited to, circumstances where time is a crucial factor, when the procurement involves high-technology items or when there is obvious inherent economy in purchasing from a particular vendor.
- D. **Cooperative Purchasing.** The purchasing procedures established shall not apply to purchases made by, through or with the Division of Procurement of St. Louis County or any other governmental agency or unit with whom the City is permitted to engage in cooperative purchasing. The City Clerk has the authority to join with any other governmental unit, including U.S. Communities, Government Purchasing Alliance, in cooperative purchasing when the best interests of the City shall be served by such cooperative purchasing. **[Ord. No. 481 § 12, 3-2-2016]**
- E. **Professional Services And Real Estate.** Specifically excluded from the provisions of the City's purchasing policy is the procurement of real estate and professional services with the Board's approval.

Section 145.080. State And Federal Laws.**[R.O. 2016 § 131.070; R.O. 2011 § 131.070; Ord. No. 217 § 1, 6-7-2006]**

Except in cases where they are not as restrictive as the City's purchasing regulations, applicable State and Federal laws shall supersede any regulations of the City of Twin Oaks concerning purchasing.

Section 145.090. Subdivision Of Contracts.**[R.O. 2016 § 131.080; R.O. 2011 § 131.080; Ord. No. 217 § 1, 6-7-2006]**

No contract or purchase shall be subdivided to avoid the requirements of the City's purchasing policy.

Section 145.100. Purchase Of Goods, Supplies And Services.**[R.O. 2016 § 131.090; R.O. 2011 § 131.090; Ord. No. 217 § 1, 6-7-2006]**

Whenever possible in the purchasing of goods, supplies and services for use by the City of Twin Oaks, Missouri, the City Clerk is encouraged and urged, to the greatest extent possible, to purchase such goods, supplies and services from businesses located within the boundaries of the City of Twin Oaks, Missouri, as long as the costs of said items are within ten percent (10%) of the prices for these same items offered elsewhere.

Section 145.110. Credit Card Policy.**[R.O. 2016 § 131.100; Ord. No. 395 § 1, 5-15-2013]**

- A. Purpose. To allow personnel to purchase goods and services directly from vendors when those items are needed, but it is not expedient, practical, or desirable to have either a check or cash available when payment is demanded.
- B. Issuance And Policy. The City Office may utilize only one (1) credit card which must be a bank credit card, such as MasterCard or VISA. No vendor cards shall be authorized. The Mayor of the Board must authorize and sign the application for the credit card. The City Clerk may authorize use of cards within the City Office. All employees issued a credit card must sign an acknowledgement form recognizing their responsibility to comply with the City's policy regarding credit cards.
- C. Credit Limit. The appropriate credit limit for such card will be established by the Board of Aldermen by written policy. If a temporary increase is needed, the purchase must be authorized by the Mayor or the Board.
- D. Use Of Credit Card. The use of this card is restricted to use for the benefit of the City of Twin Oaks to acquire goods and services which are appropriate for the conduct of the City business. No personal expenditures are allowed by employees with the credit cards, even if the intent is to repay the City at a future point.
- E. Receipts. Credit card receipts must be submitted to the City Clerk or his/her designee and must include supporting documentation, which clearly show what goods and services were purchased using the credit card. **[Ord. No. 481 § 13, 3-2-2016]**

Section 145.120. Alternative Construction Delivery Methods.**[R.O. 2016 § 131.110; Ord. No. 482 § 1, 3-2-2016]**

- A. Definitions. For the purposes of this Section 145.120, certain terms and words are hereby defined as follows:

ALTERNATIVE CONSTRUCTION DELIVERY METHOD — Any project delivery method, other than a design-bid-build process, utilized to construct, reconstruct, improve, enlarge, alter, paint and decorate or make major repairs to any fixed work, the performance of which requires the payment of prevailing wage pursuant to State or Federal law, including design-build or any other alternative procurement method authorized by law.

DESIGN PROFESSIONAL CONTRACT — A contract for architectural, engineering or land surveying services relating to the design or construction of buildings, bridges, streets, sewers, viaducts, water mains or any structure or public improvement of any nature whatsoever to be erected upon lands belonging to the City, excluding those contracts in which the design professional services are provided pursuant to a design-build contract.

DESIGN-BUILD CONTRACT — A contract in which the design professional and construction services are contracted by a single entity known as the "design-builder," "design-build contractor" or a variant thereof, and which single entity is responsible for all of the work on the project.

QUALIFICATION-BASED SELECTION PROCESS — A solicitation process that includes consideration of the qualifications of anyone responding to a solicitation as the determinative criteria for selection.

REQUEST FOR PROPOSALS — A written invitation by the City for persons to submit an offer subject to subsequent negotiations with the City and subject to subsequent additions, deletions, modifications to the request for proposal specifications or any subsequent contract.

STATEMENT OF QUALIFICATIONS — A statement submitted by a prospective contractor detailing a prospective contractor's experience, financial capacity, key personnel, and other information pertinent to a particular project.

- B. Prerequisite Criteria. In selecting an alternative construction delivery method and awarding a contract, the City shall consider the following factors:

1. The needs of the City;
2. Time requirements for the project and potential time-saving strategies;
3. The complexity of the project;
4. Estimated project costs;
5. Cost savings to the City;
6. Private investment and financial contributions that could be leveraged to complete the project;

7. The likelihood that the use of an alternative procurement method will diminish competition for City contracts; and
 8. Any other factor found to be in the City's best interest.
- C. Factors In Determining To Whom To Award A Contract.
1. The City shall consider the following factors:
 - a. The cost submitted or proposed by the contractor;
 - b. The reputation of the contractor;
 - c. The quality of the contractor's goods or services;
 - d. Previous relevant experience and technical capabilities of the contractor;
 - e. The extent to which the contractor's goods or services meet the City's needs;
 - f. The contractor's past relationship with the City;
 - g. Any private investment or contribution, financial or otherwise, proposed by the contractor to complete the project; and
 - h. Any other relevant factor specifically listed in the solicitation of bids or request for proposals.
 2. If the contract is awarded by a party other than the City pursuant to a cooperative agreement between that party and the City, the party awarding the contract shall consider, at a minimum, the same factors listed in this Subsection.
- D. Design Professional Contracts.
1. A selection shall be made based on the qualification-based selection process. A qualification-based selection shall be made based upon the statement of qualifications that was required to be submitted and any supplement thereto as requested by the City.
 2. The process for making the qualification-based selection shall be used when it is determined that the estimated dollar value of the design professional contract is over fifty thousand dollars (\$50,000.00) or when the Board of Aldermen otherwise determines it will use this process; provided, however, that the failure to utilize the applicable process shall not invalidate any public improvement procurement or any contract.
 3. The City may convene a selection committee, which committee shall rank the firms from most to least qualified and then submit this list as a recommendation to the Board of Aldermen for consideration. The committee shall be comprised of at least three (3) and no more than five (5) persons which may include the City Mayor, City Clerk and the architect and/or engineer acting as the City's consultant on the project.
 4. The Board of Aldermen or its designee shall thereafter negotiate a contract for the project with the firm selected as most qualified. If the City is unable to negotiate

a satisfactory contract with the firm selected, negotiations with that firm shall be terminated. The City shall then undertake negotiations with another of the qualified firms selected. If there is no agreement with the second firm, negotiations with such firm shall be terminated. The City shall then undertake negotiations with the third qualified firm. If the City is unable to negotiate a contract with any of the selected firms, the City shall reevaluate the necessary architectural, engineering or land surveying services, including the scope and reasonable fee requirements, and again conduct a qualification-based selection process. Notwithstanding the foregoing, nothing herein shall obligate the City to undertake any negotiations if the City shall have determined to terminate the solicitation for any or no reason.

E. Design-Build Contracts.

1. A selection shall be made based on the qualification -based selection process. A qualification-based selection shall be made based upon the statement of qualifications that was required to be submitted.
2. The process for making the qualification-based selection shall be used when the Board determines that the estimated dollar value of the design-build contract is over fifty thousand dollars (\$50,000.00) or when the Board of Aldermen otherwise determines it will use this process; provided, however, that the failure to utilize the applicable process shall not invalidate any public improvement procurement or any contract.
3. The City may convene a selection committee, which committee shall rank the firms from most to least qualified and then submit this list as a recommendation to the Board of Aldermen for consideration. The committee shall be comprised of at least three (3) and no more than five (5) persons which may include the City Mayor, City Clerk and the architect and/or engineer acting as the City's consultant on the project.
4. The Board of Aldermen or its designee shall thereafter negotiate a contract for the project with the firm selected as most qualified. If the City is unable to negotiate a satisfactory contract with the firm selected, negotiations with that firm shall be terminated. The City shall then undertake negotiations with another of the qualified firms selected. If there is no agreement with the second firm, negotiations with such firm shall be terminated. The City shall then undertake negotiations with the third qualified firm. If the City is unable to negotiate a contract with any of the selected firms, the City shall reevaluate the scope of the project and again conduct a qualification-based selection process. Notwithstanding the foregoing, nothing herein shall obligate the City to undertake any negotiations if the City shall have determined to terminate the solicitation for any or no reason.

- F. Nothing herein shall require the City to seek qualifications for design professional contracts. The Board of Aldermen may contract for design professional services with a single design professional based on prior work history with the City or other similar reasons as provided in Section 145.070(E).

Chapter 150

ADMINISTRATIVE PROCEDURE FOR REVIEW OF CERTAIN ACTIONS

Section 150.010. Definitions.	Section 150.050. Expedited Review Procedure.
Section 150.020. Scope And Purpose.	Section 150.060. Applicant Information - Submittal.
Section 150.030. Establishment Of, And Review By, Administrative Review Board Exhaustion Required.	Section 150.070. Reviewing Guidelines.
Section 150.040. Review Procedure.	Section 150.080. Time For Final Decision.
	Section 150.090. Results Of Review.
	Section 150.100. Review Advisory.

Section 150.010. Definitions.

[R.O. 2016 § 132.010; Ord. No. 486 § 2, 4-20-2016]

For the purposes of this Chapter, the following terms shall have the meanings as set forth below.

AGGRIEVED — A person directly impacted by an action or decision of the City such that the person would have standing in a court of law to challenge the action.

BOARD — The Board of Administrative Review established herein.

FINAL ACTION —

1. Any action or decision for which no further review or amendment is contemplated or apparent, other than through this procedure, and
2. Any temporary or interim action or failure to act for which immediate irreparable injury will occur prior to any final action being taken.

UNLAWFUL — Any act or omission in violation of any applicable law or actions that are not authorized by any applicable law.

Section 150.020. Scope And Purpose.

[R.O. 2016 § 132.020; Ord. No. 486 § 2, 4-20-2016]

The administrative review procedures set forth in this Chapter shall apply to all final actions of any City officer, employee, board, commission, or the Board of Aldermen that are claimed by an aggrieved party to be unlawful or an unconstitutional taking of property without compensation; provided, however, that this Chapter shall not apply to appeals of zoning decisions required to be reviewed by the Board of Adjustment pursuant to Section 89.090,

RSMo. The City shall not intentionally take any action that is unlawful nor shall it unconstitutionally deprive property owners of real property interests without just compensation. This Chapter shall be construed to provide for the objective and fair review of claims by aggrieved persons asserting unlawful actions of the City or unconstitutional deprivation of vested real property rights or interests, without just compensation. Nothing contained herein shall be construed to limit the ability of the City to lawfully fulfill its duties and functions.

Section 150.030. Establishment Of, And Review By, Administrative Review Board Exhaustion Required.

[R.O. 2016 § 132.030; Ord. No. 486 § 2, 4-20-2016]

- A. There is hereby established the Administrative Review Board to review petitions pursuant to this Code of Administrative Procedure. The Board of Aldermen hereby designates the Board of Adjustment of the City of Twin Oaks to act as the Board of Administrative Review (hereinafter referred to as the "Review Board") to hear and consider petitions within the scope of this Code. The Review Board may establish additional procedures to fulfill the purposes of this Chapter.
- B. Any aggrieved party may petition to the Review Board for a review of any final decision of any City Officer, employee, board, commission, or the Board of Aldermen. To the fullest extent permitted by law, the review procedures herein shall be exhausted before any action may be filed in any court against the City or its officers, employees, boards, officials or commissions.

Section 150.040. Review Procedure.

[R.O. 2016 § 132.040; Ord. No. 486 § 2, 4-20-2016]

- A. The procedures for review of a final action shall be as follows:
 1. Final Decision. The person petitioning for review shall obtain a final decision before requesting review.
 2. Petition For Review. Within ten (10) days from the date of the final decision, the person requesting the review shall file, in the office of the City Clerk, a written petition for review of that decision. A copy shall also be filed with the City Attorney.
 3. Initial Review Of Decision. The City Clerk, in consultation with the City Attorney where appropriate, shall review each petition and determine whether it seeks review authorized by this Code. In the event that the petition does not allege a review authorized by this Code, the petition shall be dismissed upon direction of the City Clerk.
 4. Stay Of Final Action.
 - a. Upon request of the petitioner, the Review Board may stay pending its review the final action of any decision, other than a decision of the Board of Aldermen, upon a showing:

Chapter 155

MAINTENANCE OF PUBLIC RIGHTS-OF-WAY

Section 155.010. Definitions.

Section 155.030. Emergency Provisions.

Section 155.020. Policy And Procedure.

Section 155.010. Definitions.

[R.O. 2016 § 127.010; R.O. 2011 § 127.010; Ord. No. 319 § 2, 9-1-2010]

As used in this Chapter, the following words have the meanings indicated:

PUBLIC RIGHTS-OF-WAY (ROW) — Includes the area on, below or above a public roadway, highway, street or alleyway in which the political subdivision has an ownership interest.

Section 155.020. Policy And Procedure.

[R.O. 2016 § 127.020; R.O. 2011 § 127.020; Ord. No. 319 § 2, 9-1-2010]

- A. **Responsibility.** The City adopts responsibility for weed and plant trimming and control required for safety and low-maintenance appearance of all City rights-of-way.
- B. **Purpose.** Maintenance (removing vegetation, weeds, shrubs and small trees) from the ROW is intended to promote visibility and to keep vegetation out of streets thereby contributing to safe operation and passage of vehicles. This maintenance can be performed by mechanical means or manual methods. At no time will this maintenance be performed to a high level of horticultural maintenance such as mowing to a four-inch height. Using the standards described herein, the maintenance is intended to be performed such that vertical plane limits have somewhat of a natural look and not necessarily a sheared look. Maintenance is to be performed such that it will not immediately grow back and be a problem, i.e., only has to be performed a few times per growing season.
- C. **Standard.** In the enforcement of this policy the City acknowledges that in some areas, the owners of adjacent property elect to seed and mow the right-of-way abutting their property so as to match their own lawns. Where private citizens provide mowing and/or such appropriate landscaping as the owner may choose, City maintenance will not be required. The policy contemplates all other weed and tree trimming required to maintain safety and low maintenance appearance of all City rights-of-way, at least consistent with the standard established in existing Section 135.100, Tree Care And Maintenance, and Chapter 215, Article II, Weeds And Vegetation; Trees, of the City Code.
- D. **City Maintenance.** There are several conditions as related to maintenance of the ROW. First, wherever the ROW is adjacent to City property, the maintenance should occur from the street curb/edge back to the property line and may cross the property in

special cases. Second, all ROW at street intersections and curves shall be maintained from the street curb/edge back to the adjacent property lines for sight purposes as outlined in the ordinances. Third, all other ROW adjacent to natural wooded areas or areas not horticulturally maintained shall be maintained three (3) feet back from the street curb/edge (common sense needs to prevail here with regards to steepness of slopes so that additional erosion does not occur into the improved street, whether parking is allowed along the curb line or always keeping in mind the necessity to not have to maintain the ROW on a frequent basis).

- E. Citizen Maintenance. Property owners shall maintain the ROW adjacent to their property. This will usually be evidenced by mowing and/or planting and maintaining recognized horticultural ground covers, plants, shrubs or trees. In these cases the City shall not provide maintenance in the ROW with the following exceptions: if the plants, shrubs or trees are blocking intersection visibility or line of sight requirements, or if the plant material encroaches over the street/curb line. In these cases the City Clerk will first advise the adjacent property owner of the problem(s) and allow the owner reasonable time to correct the problem. In the event the property owner elects to not make the necessary corrections, the City will undertake the maintenance per the guidelines above and either bill-back the homeowner or take such other action as shall be necessary to insure reimbursement of City costs.
- F. Other. There may be dead shrubs or trees in the ROW that are not covered in the above situations. This dead plant material should be removed from the ROW. In the event there are dead trees on property adjacent to the ROW that, should they fall, could become a hazard, notify the City Clerk of the concern, and the property owner will be asked to address the problem.

Section 155.030. Emergency Provisions.

[R.O. 2016 § 127.030; R.O. 2011 § 127.030; Ord. No. 319 §§ 3 — 4, 9-1-2010]

- A. The City acknowledges that acts of nature may produce the need for emergency services in clearing streets and rights-of-way. The City shall maintain a contractual relationship with one (1) or more maintenance services dedicated to respond within twelve (12) hours following notice by the City Clerk or Mayor of an emergency.
- B. When an emergency situation has been declared, City property owners shall be allowed to collect and store trimmed greenery upon public rights-of-way adjacent to their property. Such privilege shall extend for a period of two (2) weeks following the declaration of an emergency and the City shall, at its expense, provide for the expedient removal of such materials during that time.

Chapter 200
POLICE PROVISIONS

Section 200.010. Police Service.

Section 200.010. Police Service.

[R.O. 2016 § 200.010; R.O. 2011 § 200.010; Ord. No. 91-1 § 1, 5-15-1991; Ord. No. 94-15 § 1, 9-21-1994; Ord. No. 95-22 § 1, 8-30-1995]

The Mayor and City Clerk are authorized to execute a contract for police services with the St. Louis County Police Department. The terms "Chief of Police," "Police," "Police Officer" and "Police Department," as used herein, shall refer to Law Enforcement Officers of the contracting entity.

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 Chapter 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. 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.²⁹

- A. 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.
- B. In addition to the affirmative defense provided in Subsection 2 of Section 566.223, RSMo., it shall be an affirmative defense to prosecution pursuant to this Section that the defendant was under the age of eighteen (18) and was acting under the coercion, as defined in Section 566.200, RSMo., of an agent at the time of the offense charged. In such cases where the defendant was under the age of eighteen (18), the defendant shall be classified as a victim of abuse, as defined under Section 210.110, RSMo., and such abuse shall be reported as required under Section 210.115, RSMo.

²⁹ Note: Under certain circumstances this offense can be a felony under state law.

Section 210.1370. Patronizing Prostitution.³⁰

- A. A person commits the offense of patronizing prostitution if he or she:

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

- 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. through Section 210.1790. (Reserved)

ARTICLE XI
Offenses Concerning Drugs³⁵

Section 210.1800. Possession Of Marijuana Or Synthetic Cannabinoid.³⁶

[Ord. No. 20-04, 2-19-2020]

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 marijuana or any synthetic cannabinoid, except and only to the extent as authorized by Chapter 579, RSMo., Chapter 195, RSMo., or Article XIV, Section 1 of the Missouri Constitution including any and all rules and regulations promulgated by the Missouri Department of Health and Senior Services related to legalized medical marijuana.

Section 210.1810. Possession Of A Controlled Substance.³⁷

[Ord. No. 20-04, 2-19-2020]

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 and only to the extent as authorized by Chapter 579, RSMo., Chapter 195, RSMo., or Article XIV, Section 1 of the Missouri Constitution including any and all rules and regulations promulgated by the Missouri Department of Health and Senior Services related to legalized medical marijuana.

Section 210.1820. Limitations On The Retail Sale Of Methamphetamine Precursor Drugs.

- A. The retail sale of methamphetamine precursor drugs shall be limited to:

35. Editor's Note: Article XIV, Medical Marijuana, of the Missouri Constitution may provide exceptions to some of the provisions in this Article.

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

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.

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

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.

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 579.060, RSMo.

Section 210.1830. Unlawful Possession Of Drug Paraphernalia.³⁸

[Ord. No. 20-04, 2-19-2020]

Except and only to the extent as authorized by Article XIV, Section 1 of the Missouri Constitution including any and all rules and regulations promulgated by the Missouri Department on Health and Senior Services related to legalized medical marijuana, 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, inhale, administer, 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.

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, "alcohol 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,

³⁸. Note: Under certain circumstances this offense can be a felony under state law.

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;

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 100.220 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 Products⁴¹

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.⁴²

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.

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.

41. Editor's Note: The Federal Further Consolidated Appropriations Act, 2020, PL 116-94, adopted 12-20-2019, raises the minimum age to buy tobacco products from 18 to 21.

42. Editor's Note: See 21 U.S.C. § 351 et seq.

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

Section 215.030. Nuisances, Generally.**[R.O. 2016 § 215.030; Ord. No. 486 § 1, 4-20-2016]**

- A. In addition to any other act declared by State Statute, common law or ordinance to be a nuisance, and although not an exhaustive list, the following are declared to be nuisances affecting health:
1. All decayed or unwholesome food offered for sale or at no charge to the public.
 2. All diseased animals running at large.
 3. All ponds or pools of stagnant water.
 4. Carcasses of dead animals not buried or destroyed within twelve (12) hours after death.
 5. Accumulations, wheresoever they may occur, of debris of any kind, including, but not limited to, weed cuttings, cut, fallen, or hazardous trees and shrubs, lumber not piled or stacked twelve (12) inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, appliances, manure, rubbish, garbage, refuse, any flammable material which may endanger public safety or any material or condition which is unhealthy or unsafe.
 6. Privy vaults, garbage cans or other waste containers that do not prevent the entry of flies, insects and rodents.
 7. The pollution of any well, cistern, spring, underground water stream, lake, canal, or body of water by sewage or industrial wastes, siltation or other substances harmful to human beings or other property.
 8. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable qualities, or the presence of any gas, vapor, fume, smoke, dust or any other toxic substance on, in or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful or injurious to the health of any employee or to any premises, occupant, or to any other person.
 9. (Reserved) **[Ord. No. 19-04, 2-27-2019]**
 10. Any vehicle used for garbage or rubbish disposal which is not equipped with a watertight metal body and provided with a tight metal cover or covers and so constructed as to prevent any of the contents from leaking, spilling, falling or blowing out of such vehicle at any time, except while being loaded or not completely secured and covered so as to prevent offensive odors from escaping therefrom or exposing any part of the contents at any time.
 11. Any and all infestations of flies, fleas, roaches, lice, ticks, rats, mice, fly maggots, mosquito larvae and hookworm larvae.
 12. Unlicensed dumps, and licensed dumps not operated or maintained in compliance with the ordinances of the City of Twin Oaks and the laws and regulations of St. Louis County or of the State of Missouri.

13. Any and all discharges, either directly or indirectly, into a storm water system of any waste materials, liquids, vapor, fat, gasoline, benzene, naphtha, oil or petroleum product, mud, straw, lawn clippings, tree limbs or branches, metal or plastic objects, rags, garbage or any other substance which is capable of causing an obstruction to the flow of the storm system or interfere with the proper operation of the system, or which will pollute the natural creeks or waterways.
14. Aboveground storage tanks or other containers for gasoline or other volatile fluid.
15. The open burning of leaves and residential brush as prohibited pursuant to Missouri 10 CSR 10-6.045.
16. Anything gathered in the cleaning of yards, waste from industrial or business establishments, or any rags, damaged merchandise, wet, broken or leaking barrels, casks or boxes, or any materials which are offensive, or tend by decay, to become putrid or to render the atmosphere impure or unwholesome.
17. Perforated, punctured, ruptured, broken, cracked or leaking sanitary sewer or water lateral lines.
18. Perforated, punctured, ruptured, broken, cracked, downed or leaking private or public utility lines, including, but not limited to, electricity, sewage, water and natural gas.
19. The removal or destruction of vegetation or the failure to establish or maintain such vegetation on property within the City of Twin Oaks so as to cause or be likely to cause damage to, or otherwise adversely affect, adjoining private or public streets, storm sewers or properties due to soil erosion or siltation.
20. The keeping or allowing to remain on any premises any trees, shrubs, or other vegetation infected with fungus or any other disease that will or might spread to other non-infected trees, shrubs or other vegetation.
21. All substances which emit or cause foul, obnoxious, unhealthy or disagreeable odors or effluvia in the neighborhood where they exist.
22. Abandoned, discarded, or unused objects or equipment, including, but not limited to, automobiles, furniture, and household appliances.
23. The failure to properly maintain the exterior of buildings, structures and surrounding premises in compliance with the City of Twin Oaks' Property Maintenance Code, Section 500.090, as amended.
24. All other acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things detrimental or certain to be detrimental to the health of the inhabitants of the City of Twin Oaks.

Section 215.040. Authority To Abate, Generally.

[R.O. 2016 § 215.040; Ord. No. 486 § 1, 4-20-2016]

The City Clerk is authorized to provide for the abatement of a condition on any lot or land on which a nuisance exists as provided in this Article, including, but not limited to, any nuisance

which may endanger public safety or which is unhealthy or unsafe and declared to be a public nuisance.

Section 215.050. Authority To Abate Emergency Cases.

[R.O. 2016 § 215.050; Ord. No. 486 § 1, 4-20-2016]

In cases where it reasonably appears that there is an immediate danger to the health, safety or welfare of the public due to the existence of a nuisance, the City Clerk shall have the authority to order the immediate abatement of the nuisance in an appropriate manner or the immediate vacation of the vicinity.

Section 215.060. Abatement Procedure; Notice, Hearing, Generally.

[R.O. 2016 § 215.060; Ord. No. 486 § 1, 4-20-2016]

- A. Notice. If the City has reason to believe that a nuisance is being maintained within its jurisdiction, the City shall:
1. First Notice (Request To Abate). Notify the person causing, maintaining or permitting the nuisance and request the person resolve the issue within a reasonable time depending on the circumstances but in no instance, other than an emergency, less than ten (10) days of receiving such notice. This notice shall be given in writing either personally by hand-delivery or by first class United States Mail to the owner of the property and, if the property is not owner-occupied, to any occupant of the property and shall specifically describe each condition of the property declared to be a public nuisance and what action will remedy the nuisance. For owner-occupied property, notice may be given to the owner or owners at their last known address, or the owner's agents. The notice may also include the option to contact the City and set up a meeting with the City Clerk within the allotted time. The notice shall also state that upon non-compliance, the City will conduct a hearing. **[Ord. No. 497 § 3, 8-17-2016]**
 2. Second Notice (Notice Of Hearing). If necessary because of a failure to abate the nuisance, a second notice complying with the notice procedures in the previous Subsection shall be sent to inform the addressee of the date, time, and place of the scheduled hearing which shall be no sooner than ten (10) days after such notice. At a minimum, the notice should explain that at the hearing the City will present its evidence, and the addressee shall be provided an opportunity to be heard and present evidence as to why the condition should not be deemed a nuisance. **[Ord. No. 497 § 3, 8-17-2016]**
 3. The City's failure to strictly comply with the notice requirements in this Section shall not invalidate any actions taken hereunder.
- B. Hearing. The hearing shall be conducted in accordance with the administrative procedure requirements under Chapter 536, RSMo., and shall be recorded, and all such parties shall be given an opportunity to be heard and present evidence as to whether the condition maintained on the property constituted a nuisance. Should the Hearing Officer find a nuisance pursuant to this Article, the person(s) found to have caused the nuisance

shall be ordered to abate the nuisance and given a reasonable period of time to do so. The order to abate the nuisance shall be in writing specifying the grounds for the order and the date by which the nuisance must be abated. Such order shall either be provided at the hearing or shall be served to the affected persons either personally or by First Class United States Mail as soon thereafter as practicable.

- C. **Failure To Abate.** In the event that the nuisance is not removed prior to the expiration of the time allotted in the order to abate, the City may cause the nuisance to be removed. If the City abates the nuisance it shall certify the costs of the nuisance removal to the City Clerk.
- D. **Special Tax Bill.** If the City causes such condition to be removed or abated, the cost of such removal or abatement and the proof of notice to the owner of the property shall be certified to the City Clerk or officer in charge of finance. The certified costs associated with the removal, termination or abatement of such nuisance shall include all expenses incurred by the City in the removal of the nuisance including, but not limited to, the actual cost of inspecting the land or lot, the actual cost of service of notice as provided herein, the actual cost of abatement and the actual cost for drafting, issuing and recording the tax bill. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum or the statutory rate, whichever is higher. If the certified cost is not paid, the tax bill shall be considered delinquent, and the 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 also be a lien on the property from the date the tax bill is delinquent until paid. **[Ord. No. 497 § 3, 8-17-2016]**
- E. **Preservation Of Rights And Remedies.** Nothing in this Section shall limit the right of the City to seek any other remedy or enforcement process available in law or equity in addition to or in lieu of the remedy specified herein.

Section 215.070. Animal Waste Prohibited On Public And Private Property — Exception.

[R.O. 2016 § 215.070; Ord. No. 486 § 1, 4-20-2016]

Any person in physical possession and control of any animal shall remove excreta or other solid waste deposited by the animal in any public or private area not designated to receive such wastes, including, but not limited to, streets, parking lots, public parks or recreation areas and private property. The provisions of this Section shall not apply to a guide dog accompanying any blind person.

Section 215.080. Separate Offense For Failure To Abate.

[R.O. 2016 § 215.080; Ord. No. 486 § 1, 4-20-2016]

The City may issue a summons for any person who fails to remove or abate a nuisance after such notice to abate and such failure shall be a separate offense in violation of this Code. Each day that the conditions causing the nuisance shall continue shall be a separate offense. Jurisdiction of the case shall proceed in all respects as in other cases of ordinance violations.

Section 215.090. Civil Action To Abate Nuisance.**[R.O. 2016 § 215.090; Ord. No. 486 § 1, 4-20-2016]**

In addition to any other remedies or penalties established by law, the Mayor may, on behalf of the City and after approval by the Board of Aldermen, apply to a court of competent jurisdiction for such legal or equitable relief as may be necessary to require the abatement of any nuisance defined by this Chapter. In such action the court may grant such legal or equitable relief, including, but not limited to, mandatory or prohibitory injunctive relief, as the facts may warrant. Upon the successful prosecution of any such action, the City may be awarded by the court reasonable attorneys' fees.

ARTICLE II**Weeds And Vegetation; Trees****Section 215.100. Excessive Growth Of Weeds And Vegetation.****[R.O. 2016 § 215.100; Ord. No. 486 § 1, 4-20-2016; Ord. No. 19-04, 2-27-2019]**

- A. No person shall cause or permit any grass, weeds or rank vegetation growth to attain a height in excess of twelve (12) inches upon any property located within the City. Any owner who shall cause or permit any weeds or rank vegetation growth to attain a height in excess of twelve (12) inches shall be deemed to have committed a public nuisance.
- B. Notwithstanding the prohibition in Subsection (A) above, grass and other non-noxious vegetation may exceed twelve (12) inches in height if the portion of the property with the growth in excess of twelve (12) inches is either:
 1. A "Woodland" as defined in Section 135.080, as determined by the Code Official in consultation with the City's Community Forest Manager; or
 2. A native plant landscape in conformance with a landscape plan prepared by a landscape architect or designed in accordance with the Grow Native! Approach to Garden Design with Prairie Natives (published by the Missouri Prairie Foundation) as determined by the Code Official.
- C. In addition to the remedial provisions set forth in this Article and in order to protect, promote and preserve the public health and safety, it is hereby declared that any person owning any lot within the City and permitting or suffering a growth of grass, weeds or rank vegetation thereon in excess of twelve (12) inches from the soil, except as provided in Subsection (B) above, shall be deemed to be in violation of this Article and shall be punished upon conviction as provided in Section 100.220 of this Code.

Section 215.110. Liability Of Property Owner As To Weeds Or Trash.**[R.O. 2016 § 215.110; Ord. No. 486 § 1, 4-20-2016]**

- A. Joint And Severable Responsibility. Whenever weeds or trash, in violation of this Chapter 215, Chapter 500 (Article VII, Property Maintenance Code) or any other Code Section, are allowed to grow or accumulate, as the case may be, on any part of any lot or ground within the City, the owner of the ground, and any tenant, lessee, or occupant

thereof, shall be jointly responsible and liable. In case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof shall be jointly and severably liable.

B. Hearing; Notice; Order Of Abatement.

1. The Hearing Officer shall conduct a hearing upon four (4) days' written notice. Notice shall be made in one (1) of the following ways:
 - a. By personal delivery to the owner or owners, or the owner's agents;
 - b. By United States Mail, First Class, to the owner or owners, or the owner's agents; or
 - c. By posting the notice at the property line with the date of hearing and the owner listed on the sign.
2. After holding the hearing and receiving evidence, the Hearing Officer may declare the weeds or trash to be a nuisance and order the same to be abated within five (5) business days after the date of the hearing. If the weeds or trash are not removed within the five (5) business days after the hearing, the City may have the weeds or trash removed, and shall certify the costs of same to the City Clerk.

C. Special Tax Bill. Upon receiving the City's certified cost of abatement, the City Clerk shall cause a special tax bill against the property to be prepared and to be collected with other taxes assessed against the property. The special tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the City Clerk and delivered to the Collector for St. Louis County on or before the first day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum. Costs for collecting the tax bill, including attorney fees, may be charged in the event a lawsuit is required to enforce a tax bill.

D. Repeat Violation In Same Growing Season/Calendar Year. If weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of an ordinance more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, the City may, without further notification, have the weeds or trash removed and the cost of the same billed in the manner described in Section 215.110(B) above. The provisions of this Subsection (D) do not apply to lands owned by a public utility and lands, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad.

Section 215.120. Dead And Decaying Trees.

[R.O. 2016 § 215.120; Ord. No. 486 § 1, 4-20-2016]

- A.** All dead or decaying trees, and all trees infected by a disease that is not promptly treated or that is not remediable, and that are within the fall zone of any property line or structure, or which constitutes a danger to the health, safety, or welfare of the

general public are hereby declared to be a public nuisance and shall be promptly taken down and removed from the premises by the owner or owners of any tract of land on which the same is situated. The stump shall also be removed down to ground level.

- B. It shall be the duty of the City Clerk or his/her designee to serve notice in accordance with this Article that such tree or trees shall be removed and the reasons therefor. The City shall perform the same duties and have the same powers and rights and shall give the same notices and conduct the same hearings as are provided pursuant to this Article II.
- C. Trees overhanging the street right-of-way which are on any property in the City shall be the responsibility of the owner or owners of the property for the purposes of this Article.
- D. In addition to the remedial provisions set forth in this Section and in order to protect, promote and preserve the public health and safety, it is hereby declared that any person failing to comply with the provisions of this Section shall be deemed to be in violation of this Article and shall be punished upon conviction as provided in Section 100.220 of this Code.

ARTICLE III

Offenses Involving Hours Of Construction

Section 215.130. Hours Of Construction.

[R.O. 2016 § 215.130; Ord. No. 486 § 1, 4-20-2016]

No person shall on any day of the week between the hours of 8:00 P.M. and 8:00 A.M. operate or use tools or equipment in conducting any excavation, demolition, erection, alteration, repair or other construction which makes a loud or disturbing noise disrupting to residential areas within one thousand (1,000) feet.

Section 215.140. Exceptions.

[R.O. 2016 § 215.140; Ord. No. 486 § 1, 4-20-2016]

This Section does not apply in emergency situations where it is necessary to conduct excavation, demolition, erection, alteration, repair or other construction to protect public health or safety; however, hours of operation during weekends shall not begin prior to 8:00 A.M. and no earthwork-related, heavy construction shall be conducted on Sunday, unless with express written approval of the City.

ARTICLE IV

Temporary Storage And Disposal Containers**Section 215.150. Temporary Storage And Disposal Containers.****[R.O. 2016 § 215.150; Ord. No. 486 § 1, 4-20-2016]**

- A. A temporary storage or disposal container, meaning any storage or disposal container with a volume of six (6) cubic yards or larger which is used or intended for use as temporary or extended storage or disposal containers (pods and dumpsters), shall be situated outdoors on residential or commercial property for a period of no more than twenty-four (24) hours unless a permit for extended usage is applied for and granted by the City Clerk. No more than one (1) such container may be utilized at resident addresses at any time. A temporary disposal container used for the hauling and disposal of demolition waste in the course of permitted construction may remain on the property for the duration of any permitted construction project and no longer. Applications for the extended usage of a temporary storage or disposal container shall be maintained by the City Clerk and made available to any applicant on which the applicant shall set forth specifically the size and type of container, the location of the container on the property and the expected duration of the placement of the container on the property. No such application shall be approved for extended usage of a storage-type (pod) container for more than two (2) months. In Zone "B" (Single-Family Attached Dwelling) Districts operating under a periodic maintenance plan, application for placement of disposal containers (dumpsters) may be granted for up to one (1) year, provided that every address where such containers are used shall require a permit.
- B. Application fees shall be assessed pursuant to a schedule of fees periodically approved by the Board of Aldermen. Such fees shall apply to all temporary storage and disposal containers utilized in Zone "C" (Commercial) and temporary storage (pod) containers utilized in residential districts, but no fee shall be assessed on applications for extended usage permits for disposal (dumpster) containers in residential districts.

ARTICLE V

Violations; Review Of Decisions**Section 215.160. Violations And Penalties.****[R.O. 2016 § 215.160; Ord. No. 486 § 1, 4-20-2016]**

In addition to any abatement proceedings set forth herein, any person, firm or corporation violating any provisions of this Article shall be subject to the general penalty provision of Section 100.220 of this Code.

Section 215.170. Review Of Decisions; Appeal.**[R.O. 2016 § 215.170; Ord. No. 486 § 1, 4-20-2016]**

Any person aggrieved by a decision of the City or any official thereof pursuant to the authority in Article II or III herein, may file an appeal pursuant to Chapter 150 of the City

any kind shall be brought onto park land at any time even if restrained as described above.

P. Regulation Of Solicitations And Commercial Activities.

1. Solicitation of any business or service is prohibited. No person, firm, or corporation is permitted to offer or advertise merchandise or other goods for sale or hire. Excepting City-sponsored events and activities, the maintaining of a concession or the use of any park facility, building, trail, road, bridge, bench, table or other park property for commercial purposes is prohibited unless a permit is issued by the Board of Aldermen or its designated representative(s). Such permit shall be clearly displayed by the person(s) seeking to conduct commercial activities within the park. The permitting process will help to ensure that the City is aware of the activity taking place within the park, that the proposed date/time/location does not conflict with scheduled activities/events/operations, and that no harm is done to the landscape of the park. In its review of the permit request, the Board of Aldermen or its designated representative(s) should consider:
 - a. The risk of damage and injury as set forth in Section 220.020(B) through (E);
 - b. The disruption of or conflict with the public's use and enjoyment of the park;
 - c. Whether the issuance of such permit may result in crowded or congested conditions due to the anticipated number of attendees for a planned event.
 - d. The nature of the requested activity, including whether such activity involves:
 - (1) The sale of products or items, which is prohibited unless it is a First-Amendment-protected activity;
 - (2) The use of furniture, tents [as that term is defined in Section 220.040(D)] or large "prop" amenities, which is prohibited; or
 - (3) The use of models or equipment.
 - e. The time and duration requested for such commercial purposes, including:
 - (1) Whether the activity will exceed one (1) hour;
 - (2) Whether the number of people involved exceeds ten (10); or
 - (3) Whether the time requested conflicts with a period of peak visitation to the park or other scheduled events, activities, or operations.
2. Any permit request involving less than ten (10) people, lasting for less than one (1) hour, and complying with the above, will be granted by the City Clerk or a designee. All permit requests must be submitted at least forty-eight (48) hours before the proposed activities. Any permit request involving ten (10) or more people, lasting more than one (1) hour, or otherwise conflicting with any of the above factors must be submitted at least fourteen (14) days in advance of the proposed activities so that the Board of Aldermen may review the request, and

the permitted authority may be limited to certain designated areas. Each permit issued by the City shall only be effective on the date and time specified on the permit. Specific permit fees shall be set by the Board of Aldermen from time to time and shall be posted on the City's website. **[Ord. No. 484 § 1, 3-16-2016]**

- Q. Smoking. Smoking is prohibited in the restrooms and on or within ten (10) feet of the playground.
- R. Skateboarding. Skateboarding is prohibited upon or about the park stairs or railings at the northern (church) entrance to the park and within or upon all pavilions or decks and the railings or furnishings contained or incorporated therein.
- S. Stop Locations. All traffic entering the park shall stop at the northbound stop sign approaching the flag pole of Robert Hartzog Lane. All traffic shall stop and drive no further than the gate approaching the playground. **[Ord. No. 480 § 1, 3-2-2016]**
- T. Fishing. Unless prohibited on a temporary basis by the Mayor or Board of Aldermen (with appropriate signage posted), fishing is allowed in waters or waterways in the park, but all fish taken must be returned alive to the waters (catch and release). With the exception of the catch-and-release requirement, fishing in the park is governed by the rules and regulations in the State of Missouri Conservation Commission Wildlife Code, including compliance with applicable fishing permit and season requirements. **[Ord. No. 18-21, 6-6-2018]**
- U. Playground/Surface Area. Skateboarding, high heels, cleats, pets and smoking are prohibited.

Section 220.030. Enforcement.

[R.O. 2016 § 220.030; R.O. 2011 § 220.030; Ord. No. 94-24 § 700.030, 10-19-1994; Ord. No. 332 § 1, 5-4-2011; Ord. No. 459 § 2, 6-17-2015]

The City Clerk shall have the duty to oversee the enforcement of all rules and regulations of the City of Twin Oaks pertaining to the parks, as set forth in this Chapter and as set forth in the Policy adopted by the Board of Aldermen.

Section 220.040. Twin Oaks Park Area Reservation Policy And Procedures.

[R.O. 2016 § 220.040; R.O. 2011 § 220.050; Ord. No. 94-24 § 700.050, 10-19-1994; Ord. No. 96-38 § 1, 10-16-1996; Ord. No. 97-16 § 1, 5-21-1997; Ord. No. 01-55 §§ 1 — 6, 8-15-2001; Ord. No. 83 §§ 1 — 7, 6-5-2002; Ord. No. 230 § 2, 10-4-2006; Ord. No. 332 § 2, 5-4-2011; Ord. No. 362 § 1, 4-18-2012; Ord. No. 363 § 1, 4-18-2012; Ord. No. 385 § 10, 2-20-2013; Ord. No. 420 § 1, 2-19-2014; Ord. No. 457 § 1, 4-15-2015; Ord. No. 459 § 3, 6-17-2015]

- A. Applications for a park area reservation may only be made by residents of the City.
- B. Reservations Of Twin Oaks Park.
 - 1. Applications. The time line for accepting reservation applications for the current calendar year shall be as follows:

- a. City residents: January 1 of that year.
 - b. Not-for-profits: March 1 of that year.* (*Not-for-profit groups include, but are not limited to, Police/Fire Departments, City employees, local operators of businesses within the City for business use only, Twin Oaks Presbyterian Church, Twin Oaks Christian School, Scout Troops and YMCAs.)
2. Time Of Application. Application for a reservation must be filed no later than two (2) business days prior to the planned event.
 3. Areas which can be reserved include the pavilion, multipurpose court and sand volleyball court. However, only two (2) of these areas may be reserved at any one time to allow some park use by residents at all times. Use of the pavilion assumes the group will also be using the adjacent grassy area toward the sand volleyball court.
 4. Reservations are limited to groups of no more than fifty (50) people.
 5. Park reservations may be denied because of City-sponsored events in the park.
 6. The City staff, in collaboration with the Park Committee and with approval of same by the Board of Aldermen, will maintain a reservation application procedure, including fines and fees to be assessed in accordance with said reservations, on file in the City offices. This policy will not conflict with any park regulations as set out within the City Code. This policy may be changed as needed, but should be reviewed no less than on an annual basis, with any changes to that policy being brought to the Park Committee for input and then recommendation of same to the Board of Aldermen for approval of same as an amendment to said Policy. This policy will be held on file in the City offices and produced upon request. It may be changed as needed throughout the year as long as the above-stated protocol for changes is followed and a current policy is always available for review.
- C. Deposits Due Before Reservation Is Assigned.
1. Reservation permits for use of the park require a deposit, as set forth by the Board of Aldermen from time to time, upon application approval before a date can be assigned to that user.
 2. If a user requests special permission from the City Clerk, alcohol may be served as long as there are no glass containers brought into the park. A permit to include alcohol requires an additional deposit as set forth by the Board of Aldermen from time to time.
 3. No more than fifty (50) people can be in attendance at any function upon a reservation. If the application is requesting more than fifty (50) people, the application will be reviewed by the Park Committee and decisions will be made on a case-by-case basis.
 4. Any damages or cleanup charges resulting from the use of the park by the reserved party will be deducted from the deposit and/or additionally billed to the reserving party.

5. If Police have to be called because of group misbehavior, the entire park deposit will be forfeited and future reservations for that group may be denied.
- D. The grassy area may not be used as a team sport practice field. If a group is given permission by the City Clerk to erect one (1) or more tents, a non-refundable fee, as determined by the Board of Aldermen from time to time, will be charged. Additionally, any such tents must be removed within two (2) days of the event. For the purposes of this provision, "tents" are defined as covered temporary structures which, individually or in aggregate, exceed one hundred (100) square feet of ground coverage.

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

- J. Residential solid waste containers shall be stored upon the residential premises. Except as provided in Subsection (C) hereof, all solid waste containers stored out-of-doors shall be stored behind any building located on the tract of land. Commercial solid waste containers shall remain in the location from which they are to be serviced except while being serviced.
- K. All solid waste collectors operating under contract with the City or otherwise collecting solid waste within the City limits shall be responsible for the collected solid waste from the point of collection to the point of disposal, provided the solid waste was stored in compliance with the applicable Sections of this Chapter. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.
- L. It shall be unlawful for any person, firm or corporation collecting and disposing of rubbish, garbage or waste material from premises in the residential districts or premises in any commercial district which abuts or adjoins a residential district in the City to make such collection or dispose of rubbish, garbage or waste materials between the hours of 8:00 P.M. and 8:00 A.M. within the City limits.

Section 225.040. Transportation Of Solid Waste.

- A. All transportation vehicles shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste or, as an alternative, the entire bodies thereof shall be enclosed with only loading hoppers exposed. Provided, however, other vehicles may be used to transport bulky rubbish which because of its size or weight is not susceptible to being loaded or unloaded in vehicles described above, but in no event shall such vehicles be operated without adequate cover or binding to prevent spillage or waste therefrom and in accordance with the rules and regulations made by the Board of Aldermen.
- B. Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities. However, all such material shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.
- C. Transportation and disposal of demolition and construction wastes shall be in accordance with this Section and Section 225.050.

Section 225.050. Disposal Of Solid Waste.

- A. Solid wastes shall be deposited at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.255, RSMo., and the rules and regulations adopted

thereunder. The City may designate the processing or disposal facility to be utilized by persons holding permits under this Chapter.

- B. The Board of Aldermen may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Board of Aldermen which will meet all local, State and Federal regulations.

Section 225.060. (Reserved)

Section 225.070. Rules And Regulations.

- A. The Board of Aldermen may make, amend, revoke and enforce reasonable and necessary rules and regulations governing, but not limited to:
1. Preparation, drainage and wrapping of garbage deposited in solid waste containers.
 2. Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.
 3. Identification of solid waste containers, and of the covers thereof, and of equipment thereto appertaining, if any.
 4. Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
 5. Storage of solid waste in solid waste containers.
 6. Sanitation, maintenance and replacement of solid waste containers.
 7. Schedules of and routes for collection and transportation of solid waste.
 8. Collection points of solid waste containers.
 9. Collection, transportation, processing and disposal of solid waste.
 10. Processing facilities and fees for the use thereof.
 11. Disposal facilities and fees for the use thereof.
 12. Records of quantity and type of wastes received at processing and/or disposal facilities.
 13. Handling of special wastes such as toxic wastes, sludge, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.
- B. The City Clerk or such other City Official who is responsible for preparing utility or other service charge billings for the City is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for, subject to the approval of the Board of Aldermen.

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

Section 225.080. Prohibited Practices.

- A. It shall be unlawful for any person to:
1. Deposit solid waste in any solid waste container other than his/her own without the written consent of the owner of such container and/or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal.
 2. Interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City, those of a solid waste collection agency operating under contract with the City, or any duly licensed collector.
 3. Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Department of Natural Resources and the Missouri Division of Health.

Section 225.090. Bonds.

The Board of Aldermen may require performance or payment bonds of any solid waste collection agency prior to issuing permits to so operate.

against. Of the five (5) members first appointed, one (1) shall be appointed for one (1) year, two (2) shall be appointed for two (2) years and two (2) shall be appointed for three (3) years. Thereafter, appointment shall be for terms of three (3) years. In the event of the death, resignation or removal of any member, his/her successor shall be appointed to serve for the unexpired period of the term for which such member had been appointed.

Section 230.040. Officers — Meeting And Quorum — Rules And Procedures — Compensation — Attendance — Training.

- A. The Commission shall elect a Chairperson, Vice Chairperson and Secretary from among its members and create and fill such other offices as it may determine. The term of such elective officers shall be for one (1) year.
- B. The Commission shall meet periodically as necessary. The Chairperson shall preside at all meetings. Three (3) members shall constitute a quorum at any meeting.
- C. The Commission shall adopt rules and procedures for the conduct and transaction of its business and shall keep a record of its proceedings.
- D. Any Commission member having three (3) unscheduled absences without good cause within a period of one (1) year, or who shall be absent from three (3) consecutive regular meetings without consent of the Chairperson or person acting in such Chairperson's stead, shall automatically forfeit such office, and the Chairperson shall promptly notify the Board of Aldermen through the City Clerk of such vacancy.

Section 230.050. Functions, Powers And Duties.

- A. The Commission shall have the following functions, powers and duties:
 - 1. To encourage fair treatment for, and to foster mutual understanding and respect among, and to discourage discrimination against, any racial, ethnic, religious or other group protected by this Chapter, members of these groups or persons with disabilities.
 - 2. To formulate and carry out educational programs designed to minimize or eliminate those discriminatory practices made unlawful by Article III of this Chapter.
 - 3. To receive and investigate complaints alleging any discriminatory practices made unlawful by Article III of this Chapter.
 - 4. To implement the purposes of this Chapter by conference, conciliation and persuasion so that persons may be guaranteed their civil rights and good will be fostered.
 - 5. To provide mediation services to resolve incidences of alleged discriminatory practices made unlawful by Article III of this Chapter.
 - 6. To cooperate with other organizations, private and public, to discourage discrimination.

7. To advise the Board of Aldermen on human rights issues.
8. To hold public hearings on the state of human rights and relations in the City and on specific human rights issues.
9. To sponsor or initiate specifically targeted workshops and ongoing programs to improve human relations and to decrease tensions in the City.
10. To present informational programs on human rights to school, business, service and other organizations.
11. To formulate policies and to adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this Chapter and said policies of the Commission in connection therewith.
12. To provide each year to the Board of Aldermen a full written report of all its activities and of its recommendations.

ARTICLE III

Discriminatory Practices

Section 230.060. Unlawful Housing Practices.

- A. It shall be an unlawful housing practice:
1. To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable a dwelling to any person because of race, color, religion, national origin, ancestry, sex, disability or familial status.
 2. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, disability or familial status.
 3. To make, print or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination because of race, color, religion, national origin, ancestry, sex, disability or familial status, or an intention to make any such preference, limitation or discrimination.
 4. To represent to any person because of race, color, religion, national origin, ancestry, sex, disability or familial status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
 5. To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons because of a particular race, color, religion, national origin, ancestry, sex, disability or familial status.
 6. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:

made orally or in writing on a reasonable accommodation request form provided by the City. The form shall contain:

- a. The current zoning or other use restriction for the property at issue;
 - b. The name, phone number and address of the owner of the fee interest of the property (if other than the applicant);
 - c. The nature of the disability that requires the reasonable accommodation. In the event that the specific individuals who are expected to reside at the property are not known to the applicant in advance of making the application, the applicant shall not be precluded from filing the application, but shall submit details describing the range of disabilities that prospective residents are expected to have to qualify for the housing. The applicant shall notify the City Clerk, in the event the residents at the location are not within the range of disabilities described. The City shall then determine if an amended application and subsequent determination of reasonable accommodation is appropriate;
 - d. The specific type of accommodation requested by the applicant. To the extent practicable, this portion should include information concerning the impact of the reasonable accommodation on the adjoining properties and area, the number of people who are expected to be availing themselves of the reasonable accommodation, the estimated number of people in an average week who will be necessary to provide services to the person(s) with disabilities at the property on an ongoing basis, whether or not this type of reasonable accommodation is required to obtain a license from any State or county authority to operate, and any other information the applicant thinks would assist in determining the reasonableness of the accommodation;
 - e. The applicant should also note, if known, whether this accommodation requires any additional licensure from the City (e.g., business license); and
 - f. Whether the accommodation requested may be necessary to afford one or more disabled persons equal opportunity to use and enjoy a specific dwelling or property.
2. The City will assist the applicant with furnishing all information necessary to the City for processing the reasonable accommodation request, including that information which the City deems necessary to complete a reasonable accommodation request form. Upon the City's receipt of the necessary information to process the applicant's request for reasonable accommodation, the City shall use the information to complete a reasonable accommodation request form.
- B. The City will provide the assistance necessary to an applicant in making a request for reasonable accommodation. The City will provide the assistance necessary to any applicant wishing to appeal a denial of a request for reasonable accommodation to ensure the process is accessible to the applicant. The applicant is entitled to be represented at all stages of the proceedings identified in this Chapter 230 by a person designated by the applicant.

- C. Should the information provided by the applicant to the City include medical information or records of the applicant, including records indicating the medical condition, diagnosis or medical history of the applicant, the applicant may, at the time of submitting such medical information, request that the City, to the extent allowed by law, treat such medical information as confidential information of the applicant.
- D. The City shall provide written notice to the applicant, and any person designated by the applicant to represent the applicant in the application proceeding, of any request received by the City for disclosure of the medical information or documentation which the applicant has previously requested be treated as confidential by the City. The City will cooperate with the applicant, to the extent allowed by law, in actions initiated by the applicant to oppose the disclosure of such medical information or documentation.

Section 230.190. Jurisdiction.

- A. City Administrator/Designee. The City Clerk, or his/her designee ("City Administrator"), shall have the authority to consider and act on requests for reasonable accommodation. When a request for reasonable accommodation is filed with the City Clerk for review and consideration, the City Clerk shall issue a written determination within thirty (30) days of the date of receipt of a completed application and may grant the accommodation request or deny the request, in accordance with Federal law. Any such denial shall be in writing and shall state the grounds therefor. All written determinations shall give notice of the right to appeal and the right to request reasonable accommodation in the appeals process. The notice of determination shall be sent to the applicant by certified mail, return receipt requested and by regular mail.
- B. If reasonably necessary to reach a determination on the request for reasonable accommodation, the City Clerk may, prior to the end of said thirty-day period, request additional information from the applicant, specifying in detail what information is required. The applicant shall have fifteen (15) days after the date of the request for additional information to provide the requested information. In the event a request for additional information is made, the thirty-day period to issue a written determination shall be stayed. The City Clerk shall issue a written determination within thirty (30) days after receipt of the additional information. If the applicant fails to provide the requested additional information within said fifteen-day period, the City Clerk shall issue a written determination within thirty (30) days after expiration of said fifteen-day period.

Section 230.200. Findings For Reasonable Accommodation.

- A. The following findings, while not exhaustive of all considerations and findings that may be relevant, must be made before any action is taken to approve or deny a request for reasonable accommodation and must be incorporated into the record relating to such approval or denial:
 - 1. Whether the accommodation requested may be necessary to afford one (1) or more persons with disabilities equal opportunity to use and enjoy a specific dwelling;

2. Whether the requested accommodation would require a fundamental alteration to the City's Zoning Code,¹ Comprehensive Plan or policies regarding access and use of public property; and
 3. Whether the requested accommodation would impose undue financial or administrative burdens on the City.
- B. If the request for reasonable accommodation involves whether a particular type of less-traditional mobility devices, such as golf cars or Segways® [referred to as "other power-driven mobility device" ("OPDMD")], can be accommodated in a particular City facility, park or public space ("facility"), the following additional factors must be considered:
1. The type, size, weight, dimensions, and speed of the OPDMD;
 2. The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
 3. The facility's design and operational characteristics (e.g., whether its activities are conducted indoors or outdoors, its square footage, the density and placement of furniture and other stationary devices, and the availability of storage for the OPDMD if needed and requested by the user);
 4. Whether legitimate safety requirements (such as limiting speed to the pace of pedestrian traffic or prohibiting use on escalators) can be established to permit the safe operation of the OPDMD in the specific facility; and
 5. Whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or natural or cultural resources or poses a conflict with Federal, State or local land management laws and regulations.
- NOTE: The assessment factors listed above relate to an entire class of OPDMD type, not to how a person with a disability might operate the device. For example, all types of devices powered by fuel or combustion engines may be excluded from indoor settings for health or environmental reasons, but may be deemed acceptable in some outdoor settings. Also, for safety reasons, larger electric devices may be excluded from narrow or crowded settings where there is no similar reason to exclude smaller electric devices like Segways®. Per the Department of Justice, it is expected that, in most circumstances, people with disabilities using ATVs and other combustion-engine-driven devices may be prohibited indoors and in outdoor areas with heavy pedestrian traffic.
- C. A request for a reasonable accommodation shall not be denied for reasons which violate the provisions of the Acts. This Article does not obligate the City to grant any accommodation request unless required by the provisions of the Acts or applicable Missouri State law.

1. Editor's Note: See Ch. 400, Zoning Regulations.

Section 230.210. Appeals.

- A. Within thirty (30) days after the date the City mails a written adverse determination to the applicant, the applicant requesting reasonable accommodation may appeal the adverse determination.
- B. All appeals shall contain a statement of the grounds for the appeal.
- C. If an individual applicant needs assistance in appealing a determination, the City will provide the assistance necessary to ensure that the appeal process is accessible to the applicant. All applicants are entitled to be represented at all stages of the appeal proceeding by a person designated by the applicant.
- D. Appeals shall be to the Board of Adjustment which shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than forty-five (45) days after an appeal has been filed. All determinations on appeal shall address and be based upon the findings identified in Section 230.200 and shall be consistent with the Acts.
- E. An applicant may request reasonable accommodation in the procedure by which an appeal will be conducted.

Section 230.220. Fee.

The City shall not impose any additional fees or costs in connection with a request for reasonable accommodation under the provisions of this Chapter 230; nor shall it impose any additional fees for an appeal of a denial of such request by the City Clerk other than the filing fee established for all appeals to the Board of Adjustment established in Section 400.580. Nothing in this Article obligates the City to pay an applicant's attorneys' fees.

Section 230.230. Stay Of Enforcement.

While an application for reasonable accommodation or appeal of a denial of said application is pending before the City, the City will not enforce the subject zoning ordinance against the applicant.

Section 230.240. Recordkeeping.

The City shall maintain records of all oral and written requests submitted under the provisions of this Chapter, and the City's responses thereto, as required by State law.

Chapter 235
GARAGE SALES

Section 235.010. Findings; Purpose.	Section 235.070. Parking; Temporary Controls.
Section 235.020. Definitions And Word Usage.	Section 235.080. Hours.
Section 235.030. Sale Of Other Than Personal Property Prohibited.	Section 235.090. No Display Of Property In Right-Of-Way.
Section 235.040. Registration Required Five Days Prior To Proposed Garage Sale.	Section 235.100. Signs.
Section 235.050. Fee.	Section 235.110. Responsibilities Of Person Conducting Garage Sale.
Section 235.060. Conditions.	Section 235.120. General Penalty.

Section 235.010. Findings; Purpose.

[R.O. 2016 § 235.010; Ord. No. 507 § 1, 10-5-2016]

- A. The Board of Aldermen of the City finds and declares that unregulated garage sales are causing traffic congestion and causing dangerous conditions for citizens in residential areas and on the streets of Twin Oaks.
- B. The provisions contained in this Chapter are intended to:
 - 1. Regulate the use of streets adjacent to a garage sale;
 - 2. Allow time to place signage for parking restrictions during the garage sale; and
 - 3. Alert the City, Police Department and others when multiple garage sales are planned for the same day.
- C. The provisions and prohibitions hereinafter contained are enacted not to prevent but to regulate garage sales for the safety and welfare of the citizens of Twin Oaks.

Section 235.020. Definitions And Word Usage.

[R.O. 2016 § 235.020; Ord. No. 507 § 1, 10-5-2016]

For the purposes of this Chapter, the following terms, phrases, words and their derivations shall have the meanings given herein:

CITY CLERK — The City Clerk or anyone designated by him or her to act in his or her place.

GARAGE SALE — Includes all general sales, open to the public, conducted from or on a residential premises or in any residential zoning district, for the purpose of disposing of

personal property or other property, including but not limited to all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market" or "rummage sale." This definition shall not include a situation where no more than five (5) specific items are held out for sale and where all advertisement of such sale specifically names those items to be sold.

PERSONAL PROPERTY — Property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment.

RESIDENTIAL PREMISES — A lot on which a building is located which has a certificate of occupancy for a residential occupancy classification only as the same is defined by the applicable building code, or any vacant lot which abuts a residential premises.

Section 235.030. Sale Of Other Than Personal Property Prohibited.

[R.O. 2016 § 235.030; Ord. No. 507 § 1, 10-5-2016]

It shall be unlawful for any individual to sell or offer for sale, under authority granted by this Chapter, property other than personal property.

Section 235.040. Registration Required Five Days Prior To Proposed Garage Sale.

[R.O. 2016 § 235.040; Ord. No. 507 § 1, 10-5-2016]

- A. No garage sale shall be conducted unless and until the individuals desiring to conduct such sale shall register their garage sale with the City Clerk at least five (5) days prior to the date of the proposed garage sale. Members of more than one (1) residence may join under a single registration in a garage sale to be conducted at the residence of one (1) of them.
- B. When registering for the proposed garage sale, the individuals conducting such sale shall file a written application on a form provided by the City Clerk setting forth the following information:
 1. The full name and address of applicant(s);
 2. The location at which the proposed garage sale is to be held;
 3. The date upon which the sale shall be held;
 4. An affirmative statement that the property to be sold was owned by the applicant as his or her own personal property and was neither acquired or consigned for the purposes of resale; and
 5. A verification that the applicant understands that certain private covenants and restrictions governing the real property where the applicant proposes to hold a garage sale may prohibit such activity.

Section 355.095. Parking Prohibited During Hazardous Driving Conditions Due To Snow and/or Ice.**[R.O. 2016 § 355.095; Ord. No. 367 § 1, 9-19-2012]**

- A. Parking is prohibited on any City street when snow plowing or salting operations are being conducted.
- B. Plows and/or salting applications may take place with any snowfall or when icy conditions prevail or when directed by the City Clerk.

Section 355.100. Physically Disabled Parking.

- A. It shall be unlawful for any person to park or stand any vehicle in any stall or space designated or reserved for physically disabled persons, as defined in Section 301.142, RSMo., as amended, whether upon public or private property open to public use, unless the vehicle bears the State of Missouri license plate or placard for the disabled as provided for in Section 301.071 or 301.142, RSMo., as amended. The space shall be indicated by an upright sign whether on a pole or attached to a building upon which shall be inscribed the international symbol of accessibility and may also include any appropriate wording such as "Accessible Parking" to indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing license plate or card. The sign described in this Subsection shall also state, or an additional sign shall be posted below or adjacent to the sign stating, the following: "\$50 to \$300 fine." Beginning August 28, 2011, when any political subdivision or owner of private property restripes a parking lot or constructs a new parking lot, one (1) in every four (4) accessible spaces, but not fewer than one (1), shall be served by an access aisle a minimum of ninety-six (96) inches wide and shall be designated "lift van accessible only" with signs that meet the requirements of the Federal Americans With Disabilities Act, as amended, 42 U.S.C. § 12101 et seq., and any rules and regulations established pursuant thereto.
- B. Any vehicle operator who is not physically disabled shall not use the handicapped parking space unless there is a physically disabled person in the vehicle or while the vehicle is being used to transport a physically disabled person.
- C. Any person convicted of violating this Section is guilty of an offense and shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00). Every day upon which such violation occurs shall constitute a separate offense.

Section 385.050. Maximum Charges.⁵

- A. A towing company may only assess reasonable storage charges for abandoned property towed without the consent of the owner. Reasonable storage charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Storage charges may be assessed only for the time in which the towing company complies with the procedural requirements of this Chapter.
- B. The Board of Aldermen may from time to time establish maximum reasonable towing, storage and other charges which can be imposed by towing and storage companies operating within the City, and which are consistent with this Chapter and with Sections 304.155 to 304.158, RSMo. Any violation of said established maximum charges shall be deemed a violation of this Section of the Code and shall be punishable pursuant to Section 100.220.
- C. A towing company may impose a charge of not more than one-half (1/2) of the regular towing charge for the towing of abandoned property at the request of the owner of private real property or that owner's agent pursuant to this Chapter if the owner of the abandoned property or the owner's agent returns to the abandoned property before it is removed from the private real property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit.

Section 385.060. Sale Of Abandoned Property By City.⁶

When the City has physical possession of the abandoned property, it may sell the abandoned property in accordance with its established provisions and regulations and may transfer ownership by means of a bill of sale signed by the City Clerk and sealed with the official City Seal. Such bill of sale shall contain the make and model of the abandoned property, the complete abandoned property identification number, and the odometer reading of the abandoned property, if available, and shall be lawful proof of ownership for any dealer registered under the provisions of Section 301.218, RSMo., or Section 301.560, RSMo., or for any other person.

5. State Law References: For similar provisions, §§ 304.156.2, 304.158.6, 304.158.10, RSMo.

6. State Law Reference: For similar provisions, § 304.156, RSMo.

ARTICLE II

Definitions**Section 400.070. General.**

[R.O. 2016 § 400.070; R.O. 2011 § 400.070; Ord. No. 84-2 Art. II § 1, 1-4-1984; Ord. No. 129 § 3, 10-15-2003]

In addition to the terms expressly defined in this Article, the word "building" shall include the word "structure" and the phrases "used" or "used for" shall include the meanings "designed for" and "intended for." Terms used in this Chapter and not defined in this Article but which are defined in the Building Code¹ shall be construed to have the meanings set forth in the Building Code. Where terms used in this Chapter are not defined, such terms shall have their ordinarily accepted meanings or such as the context may imply.

Section 400.080. Definitions.

[R.O. 2016 § 400.080; R.O. 2011 § 400.080; Ord. No. 84-2 Art. II § 2, 1-4-1984; Ord. No. 99-13 § 1(A), 3-17-1999; Ord. No. 77 § 1, 3-6-2002; Ord. No. 112 § 2, 6-4-2003; Ord. No. 114 § 2, 7-2-2003; Ord. No. 115 § 2, 7-2-2003; Ord. No. 129 §§ 4 — 5, 10-15-2003; Ord. No. 198 § 1, 12-7-2005; Ord. No. 322 § 2, 11-17-2010; Ord. No. 377 §§ 1 — 2, 11-7-2012; Ord. No. 378 § 1, 11-7-2012; Ord. No. 17-28, 8-2-2017]

The following words, when used in this Chapter, shall have the meanings set out herein:

ACCESSORY BUILDING — A subordinate roofed building, enclosed on all sides, clearly incidental to and located on the same lot occupied by the principal use or building. **[Ord. No. 19-16, 9-18-2019]**

ACCESSORY STRUCTURE — A structure, the use of which is clearly customarily incidental and subordinate to the principal building or use on the same lot. Examples include gazebos, detached pergolas, unenclosed outbuildings, pavilions, arbors, and similar structures. **[Ord. No. 19-16, 9-18-2019]**

1. Editor's Note: See Ch. 500, Art. I, Building Code.

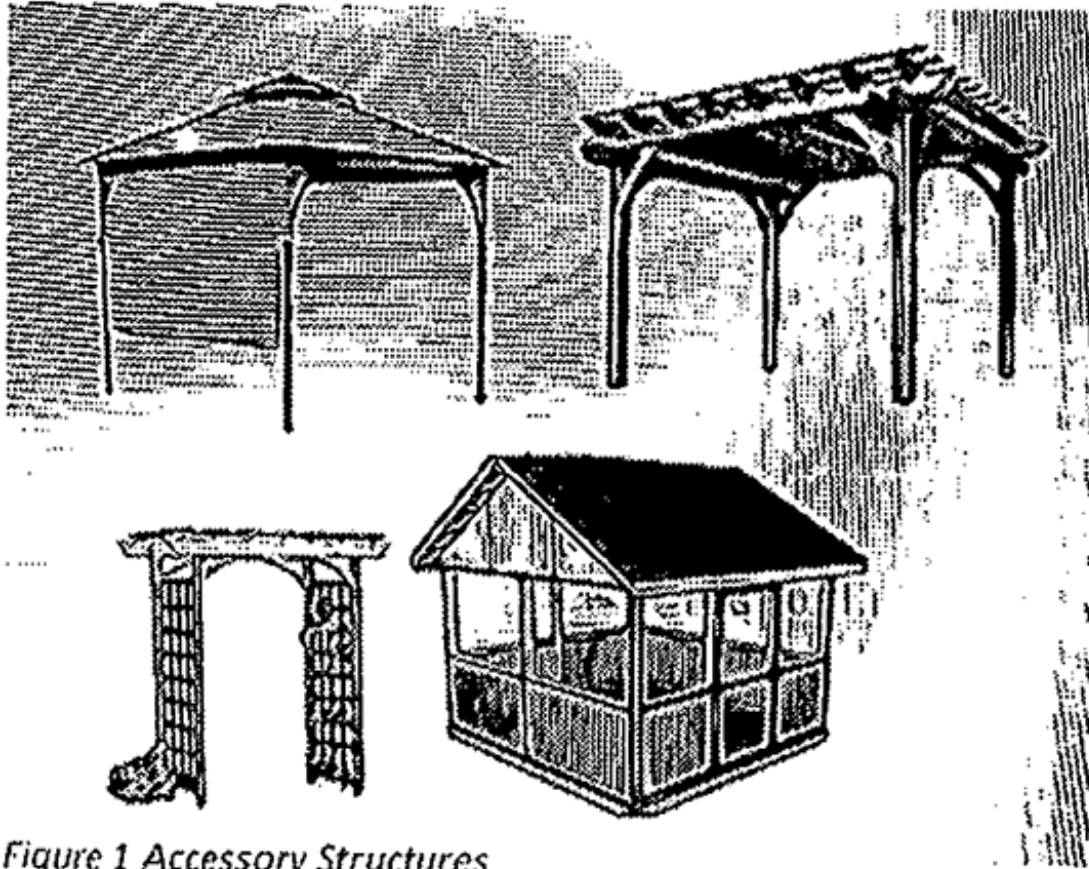


Figure 1 Accessory Structures

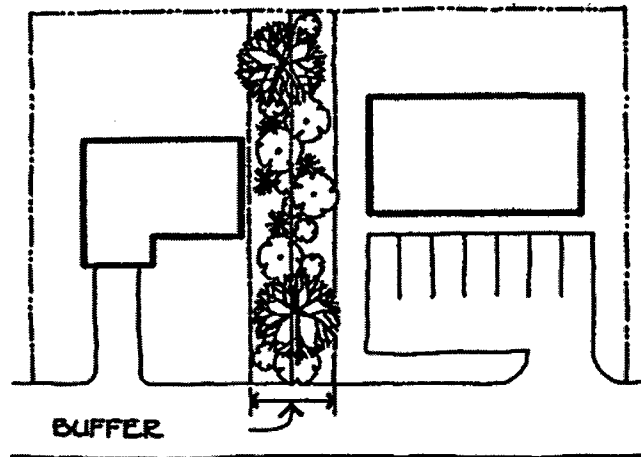
ACCESSORY USE — A subordinate use clearly incidental to and located on the same lot occupied by the principal use or building. [Ord. No. 19-16, 9-18-2019]

ADMINISTER MEDICAL MARIJUANA — The direct application of marijuana to a qualifying patient, to the extent allowed by and pursuant to the terms of Article XIV, Section 1 of the Missouri Constitution, by way of any of the following methods: [Ord. No. 19-11, 6-5-2019²]

1. Ingestion of capsules, teas, oils, and other marijuana-infused products;
2. Vaporization or smoking of dried flowers, buds, plant material, extracts, or oils;
3. Application of ointments or balms;
4. Transdermal patches and suppositories;
5. Consuming marijuana-infused food products; or
6. Any other method recommended by a qualifying patient's physician as authorized by Article XIV, Section 1 of the Missouri Constitution.

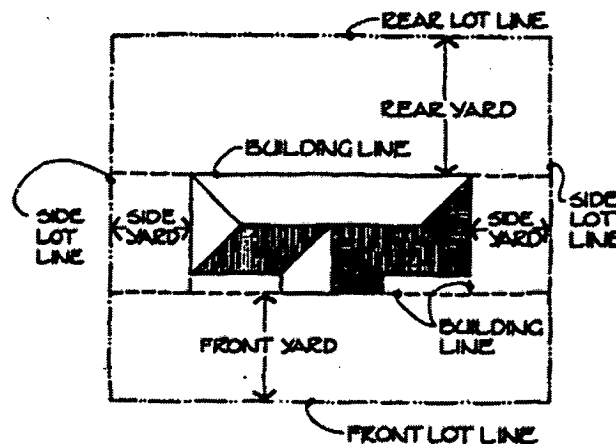
2. Editor's Note: This ordinance also states that "the recitals contained in the 'whereas' clauses above are hereby specifically incorporated herein by reference." The full text of this ordinance, including the whereas clauses, is in on file in the City Clerk's office.

BUFFER STRIP — A landscaped area intended to separate and partially obstruct the view of two (2) adjacent land uses or properties from one another.



BUILDING CODE — The duly adopted Building Code of the City, as set forth in Section 500.010 of the Municipal Code of the City of Twin Oaks, Missouri.

BUILDING LINE — An imaginary line running parallel to a lot line, that is the same distance from the lot line as the closest portion of a building on the site.



CARPORT — A structure not completely enclosed by walls or doors which is designed or used for the storage of vehicles, whether attached to or detached from the principal building. A carport is not a private garage. [Ord. No. 17-28, 8-2-2017]

CHILD DAY-CARE FACILITY — A house or other place conducted or maintained by any person who advertises or holds himself/herself out as providing care for more than four (4) persons during the daytime, for compensation or otherwise, except those operated by a school system, but a child day-care facility shall not include an elementary or secondary school, a religious organization academic preschool or kindergarten, or a home school. [Ord. No. 19-11, 6-5-2019]

CHURCH — A building, including, but not limited to, a church, synagogue, temple, mosque, cathedral, chapel, sanctuary, or other facility wherein persons regularly assemble for religious

worship maintained and controlled by a religious body having a principal use of religious worship or the offering of religious services of any denomination. [Ord. No. 19-11, 6-5-2019]

CITY — The City of Twin Oaks, Missouri.

CITY ATTORNEY — The duly appointed and serving City Attorney of the City.

CITY CLERK — The duly appointed and serving City Clerk of the City.

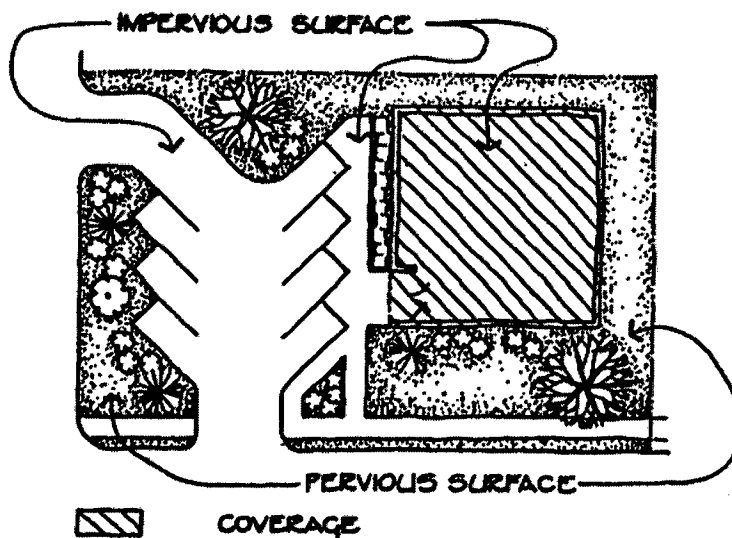
CLINIC — A building designed and used for providing health, medical, dental or surgical care services primarily for human out-patients.

CODE ENFORCEMENT OFFICIAL — The person(s) or agency(ies) designated from time to time by the Board of Aldermen to enforce this Chapter in accordance with Article XIV, Administration and Enforcement. Throughout this Title IV, the terms "Code Enforcement Official" and "Zoning Enforcement Official" may be used interchangeably.

COMMERCIAL VEHICLE — A vehicle as defined in Section 300.010 of the Code and, for the purposes of this Title, being further defined as a vehicle under twenty-seven (27) feet in length that is either commercially placarded and/or licensed by the State.

COURT — An unoccupied space on a lot other than a yard, intended or designated to be partially surrounded by a group of buildings.

COVERAGE — That percentage of the lot area occupied by a building or structure.



CURB CUT — A portion of the edge of a street in the right-of-way as identified on a plot plan/survey that is used to access a driveway. This space shall be no wider than twenty-five (25) feet. In the instance where a curb exists, the curb may need to be adjusted to facilitate vehicular movement taking into account storm water issues.

CUSTOMARY HOME OCCUPATION — An occupation or profession of a service character performed entirely within a dwelling unit which is clearly incidental to the primary residential use of the dwelling unit and where there is no exterior evidence of such incidental

- (4) No steady or concentrated visitation of clients to the premises which would disrupt the residential character of the surrounding neighborhood results from the conduct of the customary home occupation and in the case of customary home occupations involving teaching or other types of instruction, visitation shall be limited to one (1) pupil at a time except for occasional seminar groups.
- b. Persons wishing to maintain a customary home occupation in accordance with this Section shall submit to the Code Enforcement Official a written application on forms provided by the City describing the type of customary home occupation, the total floor area of the premises in which the customary home occupation is to be located, the amount of floor area to be occupied by the customary home occupation, the type of equipment used in the conduct of the customary home occupation and certifying that the proposed customary home occupation complies with each of the requirements of this Subsection. An application fee of twenty-five dollars (\$25.00) shall accompany the application. Upon receipt of a complete application, the Code Enforcement Official shall verify whether the proposed customary home occupation complies with the foregoing requirements and, accordingly, shall issue or deny a certificate of occupancy for the customary home occupation. Following issuance of a certificate of occupancy in accordance with this Subsection, any change in the amount of floor area occupied by the customary home occupation as certified in the original application or any change in the type of customary home occupation shall require a new application, together with the payment of application fee and review and approval in accordance with this Section.
7. Accessory buildings or accessory uses as specified below, provided that no accessory building or accessory use shall be located in the front yard or less than eleven (11) feet from any side lot line or less than five (5) feet from the rear lot line: **[Ord. No. 17-28, 8-2-2017; Ord. No. 19-16, 9-18-2019]**

Accessory Building Or Accessory Use	Maximum Area	Maximum Height
Accessory Building, enclosed on all sides and roofed, not including a private garage	144 square feet	8 feet
Accessory Structure (unenclosed)	144 square feet	12 feet
Doghouse, dog run or combination	50 square feet	6 feet including fencing
Swimming pool, constructed and fenced as required by St. Louis County Codes	1,000 square feet water surface area	4 feet

Accessory Building Or Accessory Use	Maximum Area	Maximum Height
Private garage	700 square feet	Height regulations as described in Section 400.140

No more than one (1) of each above-listed accessory building is permitted per lot.

- a. Detached garages must have an associated driveway that provides direct access to the detached garage for the storage of vehicles. Failure to have an associated driveway to the building will be conclusive evidence that the accessory building is not a detached garage.
 - b. Nothing in this Section 400.130 shall prevent the owner of a dwelling unit or the owner's authorized agent from constructing and maintaining both an attached and detached garage on a single lot, each up to a maximum of 700 square feet, provided that the lot and structures thereon comply with the area regulations outlined in Section 400.150.
 - c. No private garage shall be used as a dwelling unit; nor shall a private garage be constructed to contain a dwelling unit within said private garage.
 - d. Carports are prohibited in the "A" Single-Family Dwelling District.
 - e. Accessory buildings shall be compatible with the principal building on the lot in terms of architectural treatment and harmony and shall be maintained in compliance with Chapter 500, Article VII, Property Maintenance Code; Chapter 505, Dangerous Buildings; and Chapter 215, Nuisances. If the Code Enforcement Official determines that more than fifty percent (50%) of an accessory building is damaged or dilapidated or that the accessory building is damaged or dilapidated by more than fifty percent (50%) of its value, the Code Enforcement Official shall give notice to the lot owner of such determination and the owner shall cease to use the accessory building and remove it from the lot within the time frame indicated in the notice.
 - f. No accessory building shall be erected or placed upon a lot until the construction of the principal building has commenced.
 - g. Nothing in this Section 400.130(A)(7) shall prevent the Board of Aldermen from approving a detached or attached private garage, carport, covered parking or other accessory structure or waiving the size requirements in association with an approved planned development ("PD-MxD" or "PD-R") under Section 400.380 of this Chapter.
8. Home grown produce sales made from a stand on the seller's property subject to the following:
- a. Upon application and permit approved by the City Clerk.
 - b. Sales to be conducted only between April 1 to October 31.

reconstruction or structural alteration of any principal building on or change of principal use of such lot, shall file with the Board of Aldermen an application for site development plan approval; provided that site development plan approval shall not be required for the conversion, enlargement, reconstruction or structural alteration of any existing single-family dwelling but shall be required for initial construction of any new single-family dwelling. The application shall be submitted on forms provided by the City and shall include a site development plan prepared by a licensed professional architect, engineer or land surveyor together containing support information satisfying the following requirements:

1. The name of the owner or developer and of the professional architect, engineer, planner or land surveyor responsible for the preparation of the proposed site development plan.
 2. Existing and proposed site grades identifying all grade changes and areas of cut and fill at a minimum contour interval of two (2) feet, or one (1) foot in areas where average slopes are three percent (3%) or less.
 3. Existing landscape and natural features plan identifying specific location of all woodlands, trees, major vegetation areas, streams, watercourses and other natural resources and features and delineating specific provisions to be taken to preserve or to minimize impact on these natural features.
 4. All existing and proposed uses and buildings.
 5. Sidewalks and walkways, if and as applicable.
 6. Driveways, existing and proposed curb cuts, vehicle travel lanes and parking areas, as applicable.
 7. Means for the provision of water, sanitary sewerage, storm drainage, electric and natural gas services, and telephone and telecommunications services including cable facilities.
 8. Existing and proposed easements and dedications.
 9. Building plans and elevations depicting exterior materials and treatments; height, bulk and locational relationships.
 10. Other information which the Planning and Zoning Commission or the Board of Aldermen may designate.
- B. Upon the filing of a complete application for site development plan approval with the Board of Aldermen, the City Clerk, after providing copies of the application to the Board of Aldermen, shall refer the application and support documentation to the Planning and Zoning Commission for review, study and report. The Planning and Zoning Commission shall review the application and shall report to the Board of Aldermen the Planning and Zoning Commission's recommendations for approval, disapproval or modification of the proposed site development plan.
- C. Upon receipt of the recommendation of the Planning and Zoning Commission, the Board of Aldermen shall schedule and conduct a public hearing on the proposed site development plan after having given notice of time, place and purpose of the hearing

by publication at least once in a newspaper of general circulation within the City which publication shall appear at least fifteen (15) days prior to the date of the hearing. The Board of Aldermen may continue the hearing from time to time without further publication upon designation at the hearing of the time and place of the continuation and notation of such continuation in the minutes of the Board of Aldermen. Upon conclusion of the hearing, the Board of Aldermen may in writing approve, disapprove or modify the site development plan. The Board of Aldermen shall promptly transmit a copy of the final action on the proposed site development plan to the applicable Code Enforcement Official(s).

- D. Proposed construction or change of a principal use approved pursuant to this Section shall commence within six (6) months of the date of approval by the Board of Aldermen of the site development plan and application or the site development plan approval shall lapse and be void.
- E. No building permit to erect, convert, enlarge, reconstruct or structurally alter any principal building (other than for conversion, enlargement, reconstruction or structural alteration of an existing single-family dwelling) and no approval to change a principal use shall issue until the Board of Aldermen has approved a site development plan in accordance with this Section; provided that nothing in this Section shall be construed to prohibit issuance of a grading permit approved by the Board of Aldermen for such grading and site work as may be required to prepare a lot for development.

Section 400.180. Special Business Permit Procedure.

[R.O. 2016 § 400.175; Ord. No. 503 § 2, 9-7-2016]

- A. Scope Of Provisions. This Section contains the regulations of the Special Business Permit Procedure. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter, which are incorporated as part of this Section by reference.
 - 1. Statement Of Purpose. The purpose of this Section is to provide a voluntary and alternative means for existing single-family dwellings to be reutilized for office or low impact commercial services in the "Old Town" area where certain site characteristics, changes in nearby uses and traffic conditions, and the reconstruction of Highway 141 may have rendered these properties less desirable for residential purposes. The issuance of any special business permit shall only be approved after the Planning and Zoning Commission (the "Commission") has reviewed and determined that the proposal does not adversely impact the character of the surrounding neighborhood and is compatible in appearance and function with nearby uses.
 - 2. Applicable Zoning Districts And Roadway Designation. The special business permit procedure may be utilized on lots in the "A" Single Family Residential Dwelling District east of Highway 141. Lots considered for the special business permit procedure must have direct access onto Meramec Station Road.
 - 3. Authorized Developments.

dwelling in adherence to permit requirements, shall be submitted to the Commission for approval.

- c. If site work or building additions are involved, a review by the Metropolitan St. Louis Sewer District shall be completed for each special business permit procedure request relative to the on-site handling of stormwater, required right-of-way dedications along applicable roadways, and accessory entrance improvements.
- B. Procedures. Procedures for filing, review, and approval of the special business permit shall be as follows:
1. Application.
 - a. Application for a special business permit for a specific tract of land shall be initiated by the filing of a verified application by the owner or owners of record, or owners under contract of a lot or tract of land, or their authorized representatives. Application shall be submitted to the City Clerk upon forms prescribed for such purpose by the City and accompanied by the following:
 - (1) Legal description of the property.
 - (2) Out boundary plat of the property.
 - (3) Photos of existing site and buildings.
 - (4) If changes to the exterior of the building or property are proposed, a site plan, including, but not limited to, the following:
 - (a) Location and designated uses of all buildings and other structures as well as parking and open areas shall be indicated.
 - (b) Existing and proposed contours at vertical intervals of not more than five (5) feet referred to sea level datum. Floodplain areas shall be delineated.
 - (c) Approximate location of all isolated trees having a trunk diameter of six (6) inches or more, all tree masses and proposed landscaping.
 - (d) Two (2) cross-section profiles through the site showing preliminary building form, existing natural grade and proposed final grade.
 - (e) Proposed ingress and egress to the site, including adjacent streets.
 - (f) Preliminary plan for provision of sanitation and drainage facilities.
 - (g) Preliminary plan for stormwater quality control measures (if applicable).
 - (h) Stream buffer areas.

- b. The City Clerk may waive any of the above requirements, including a site plan, deemed inessential for a specific application.
 2. Commission Action. The application shall be forwarded to the Commission only after verification that it meets the minimum application requirements. Upon review of the application, the Commission may recommend approval subject to appropriate conditions, or denial. Conditions may relate to, but need not be limited to, the following:
 - a. Conditions relative to the type, location and extent of improvements and landscaping;
 - b. Conditions governing development and improvements (including minimum yard requirements);
 - c. Conditions relative to the maximum gross floor area for non-residential use;
 - d. Conditions relative to sign regulations; and
 - e. Conditions relative to performance standards.
 - (1) When approval has been granted subject to conditions, and the conditions would cause a substantial change in the site plan presented at public hearing, the City Clerk shall withhold forwarding the Commission's decision to the Board of Aldermen pending receipt of a revised plan from the applicant reflecting compliance with the conditions. The applicant shall be allowed a maximum of forty-five (45) days to submit the revised plan to the City Clerk. If the applicant fails to submit the revised plan, the City Clerk shall forward its decision to the Board of Aldermen.
 - (2) The Commission's recommendation shall be based upon whether the special business permit procedure proposal is consistent with the overall purpose of this Section regarding the style and functional aspects of the subject dwelling and the operational compatibility of the proposed use with surrounding uses, topography, and infrastructure. The recommendation, along with the Site Plan and conditions, where approval has been granted, shall be forwarded to the Board of Aldermen for its review.
3. Board of Aldermen's Review Of Commission Recommendation.
 - a. Public Hearing. A public hearing on the application shall be held in the same manner and with the same public notice procedure as required for a change of zoning (Section 400.550).
 - b. The Board of Aldermen shall review the recommendation of the Commission, including any conditions recommended, and the application and shall, considering the purpose of this Section, any additional conditions needed and the requirements of Subsection (A), either approve, approve with conditions or deny the application. The Board's action shall be in the form of a resolution or similar manner.

4. Appeal Procedure. Appeal by anyone aggrieved by the decision of the Board of Aldermen hereunder shall be in accordance with Chapter 150.
- C. Procedure To Amend The Conditions Of Special Business Permit Or Site Plan. In order to amend the conditions of an existing special business permit or to amend the site development plan approved for a special business permit, the procedure shall be as follows to:
1. Amend Conditions Of A Special Business Permit.
 - a. The property owner or authorized representative shall submit a written request to amend conditions to the City Clerk. The City Clerk shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.
 - b. The City Clerk shall then forward the request and its report to the Commission. The Commission shall review the proposed condition amendments and file a report with the Board of Aldermen in which the Commission shall recommend the Board grant, deny or modify the requested condition amendments.
 - c. If the Commission determines that the requested condition amendments are not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, the Commission may require a new public hearing on the matter in accord with the procedures specified herein.
 2. Amend The Site Plan.
 - a. The property owner or authorized representative shall submit an amended site development plan to the City Clerk for review. The City Clerk shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.
 - b. If the City Clerk determines that the proposed amendment to the site development plan is not in conflict with the original proposal as advertised and the preliminary development plan, and meets all conditions of the Special Business Permit, the City Clerk may approve said amended plan. The approved plan shall be retained on file by the City Clerk.
 - c. If the City Clerk determines that the proposed amendment to the site plan is not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, or with the preliminary development plan, the City Clerk shall so report to the applicant and the Commission. The Commission shall review the proposed site plan amendment and make a recommendation to the Board of Aldermen. The Commission may, if deemed necessary, require a new public hearing on the matter in accord with procedures specified herein.

ARTICLE V

"B" Single-Family Attached Dwelling District Regulations**Section 400.190. Use Regulations.**

[R.O. 2016 § 400.180; R.O. 2011 § 400.180; Ord. No. 84-2 Art. V § 1, 1-4-1984; Ord. No. 129 § 11, 10-15-2003]

A. The following are permitted uses in the "B" Single-Family Attached Dwelling District:

1. Single-Family Dwellings.

a. Group Homes.

(1) Purpose. The City has determined that it is necessary and desirable to provide suitable sites for group homes in residential areas while, in furtherance of the recognized goals of deinstitutionalization and dispersal, assuring that group homes are not unduly concentrated in neighborhoods so as to afford mentally or physically disabled persons every opportunity to be integrated in the community. To that end, group homes in residential districts shall comply with the following:

(a) To promote deinstitutionalization and dispersal, no group home may be located within five hundred (500) feet of another group home, measured by the straight line distance between the nearest points of the exterior walls (exclusive of overhangs) of the buildings within which the relevant facilities or uses are located;

(b) Adjoin any lot upon which another group home already exists; or

(c) Be separated from any lot upon which an existing group home already exists only by a street or roadway.

(2) The exterior appearance of the home and property, occupancy limitation, signage and other standards applicable to single-family dwellings shall apply equally to group homes.

(3) Notwithstanding any other provision of this Section to the contrary, any individual, group or entity may make a request for reasonable accommodation from the provisions of this Section pursuant to the procedures set forth in Sections 230.150 through 230.240 of this Code.

b. Foster Homes.

2. Single-family attached dwellings as part of a planned residential development under single ownership containing not less than ten (10) acres and not more than

2. Existing and proposed site grades identifying all grade changes and areas of cut and fill at a minimum contour interval of two (2) feet, or one (1) foot in areas where average slopes are three percent (3%) or less.
 3. Existing landscape and natural features plan identifying specific location of all woodlands, trees, major vegetation areas, streams, watercourses and other natural resources and features and delineating specific provisions to be taken to preserve or to minimize impact on these natural features.
 4. All existing and proposed uses and buildings.
 5. Sidewalks and walkways.
 6. Driveways, existing and proposed curb cuts, vehicle travel lanes and parking areas.
 7. Means for the provision of water, sanitary sewerage, storm drainage, electric and natural gas services, and telephone and telecommunications services including cable facilities.
 8. Existing and proposed easements and dedications.
 9. Building plans and elevations depicting exterior materials and treatments; height, bulk and locational relationships.
 10. Other information which the Planning and Zoning Commission or the Board of Aldermen may designate.
- B. Upon the filing of a complete application for site development plan approval with the Board of Aldermen, the City Clerk, after providing copies of the application to the Board of Aldermen, shall refer the application and support documentation to the Planning and Zoning Commission for review, study and report. The Planning and Zoning Commission shall review the application and shall report to the Board of Aldermen the Planning and Zoning Commission's recommendations for approval, disapproval or modification of the proposed site development plan.
- C. Upon receipt of the recommendation of the Planning and Zoning Commission, the Board of Aldermen shall schedule and conduct a public hearing on the proposed site development plan after having given notice of time, place and purpose of the hearing by publication at least once in a newspaper of general circulation within the City which publication shall appear at least fifteen (15) days prior to the date of the hearing. The Board of Aldermen may continue the hearing from time to time without further publication upon designation at the hearing of the time and place of the continuation and notation of such continuation in the minutes of the Board of Aldermen. Upon conclusion of the hearing, the Board of Aldermen may in writing approve, disapprove or modify the site development plan. The Board of Aldermen shall promptly transmit a copy of the final action on the proposed site development plan to the applicable Code Enforcement Official(s).
- D. Proposed construction or change of a principal use approved pursuant to this Section shall commence within six (6) months of the date of approval by the Board of Aldermen of the site development plan and application or the site development plan approval shall lapse and be void.

- E. No building permit to erect, convert, enlarge, reconstruct or structurally alter any principal building (other than for conversion, enlargement, reconstruction or structural alteration of an existing single-family dwelling or single-family attached dwelling) and no approval to change a principal use shall issue until the Board of Aldermen has approved a site development plan in accordance with this Section; provided that nothing in this Section shall be construed to prohibit issuance of a grading permit approved by the Board of Aldermen for such grading and site work as may be required to prepare a lot or lots for development.

ARTICLE VI

Supplemental Regulations In Residential Districts

Section 400.240. Required Front Yards.

[R.O. 2016 § 400.230; R.O. 2011 § 400.230; Ord. No. 84-2 Art. VI § 1, 1-4-1984; Ord. No. 129 § 12, 10-15-2003; Ord. No. 322 § 3, 11-17-2010]

There shall be only one (1) driveway per lot, tract or parcel of ground and the maximum width shall not exceed twenty-two (22) feet.

Section 400.250. Location Of Certain Vehicles.

[R.O. 2016 § 400.240; R.O. 2011 § 400.240; Ord. No. 84-2 Art. VI § 2, 1-4-1984; Ord. No. 129 § 12, 10-15-2003]

Mobile homes, recreational vehicles, trailers, pickup camper bodies, trucks having a gross vehicle weight exceeding twelve thousand (12,000) pounds, buses, boats and commercial vehicles and equipment shall not be parked or stored in any portion of a front yard. No mobile home, recreational vehicle, trailer, pickup camper body, truck or bus shall be occupied for living, sleeping or housekeeping purposes.

Section 400.260. Location Of Telephone, Cable TV And Utilities.

[R.O. 2016 § 400.250; R.O. 2011 § 400.250; Ord. No. 129 § 12, 10-15-2003]

All utility distribution lines shall be installed underground. Cable switching enclosures, pad-mounted transformers and service pedestals may be installed above ground, but pad-mounted transformers shall not be located within a front yard. No satellite dish or other similar earth reception station which exceeds twenty-four (24) inches in diameter shall be located in an "A" Single-Family Dwelling District or a "B" Single-Family Attached Dwelling District unless totally screened from view from adjoining properties and not located within a front yard. Any satellite dish or other similar earth reception station which exceeds twenty-four (24) inches in diameter shall be made of mesh material, painted black or grey and installed on the ground. All outdoor premises lighting including landscape lighting shall be placed, designed and installed in a manner which will prevent light from falling directly on an adjoining lot or premises. Dusk to dawn lights shall not exceed two hundred fifty (250) HPS in wattage and shall be directed or shielded in a manner which will prevent light from falling directly on an adjoining lot or premises.

3. All portions of required screening strips shall be adequately landscaped as determined by the Board of Aldermen utilizing plantings, fencing or a combination of both. Any parking area visible from a public or private street shall be landscaped with appropriate plantings, trees, decorative walls or a combination of these elements. All landscaped areas shall be properly irrigated and maintained at all times.
4. All loading areas shall be screened from view from adjoining streets and adjacent properties and all facilities for storage and removal of refuse shall be located within sight-proof enclosures.
5. No light standard shall exceed twenty-four (24) feet in height. All on-site illumination sources shall be located, oriented and directed such that no light is cast directly on any adjoining property or street.
6. All rooftop mechanical equipment shall be adequately screened as determined by the Board of Aldermen.
7. All utility lines shall be installed underground and shall rise within proposed buildings.
8. All development activity shall minimize soil and site disturbance and erosion. Where site disturbance is necessary, adequate erosion control measures as determined by the Board of Aldermen utilizing plantings, seeding, mulching and silt catchment basins and similar methods shall be applied.

Section 400.340. Development Plan Process And Limited Development Plan Process.

[R.O. 2016 § 400.320; R.O. 2011 § 400.320; Ord. No. 117 § 2, 7-2-2003; Ord. No. 129 §§ 16 — 18, 10-15-2003; Ord. No. 244 § 1, 5-16-2007; Ord. No. 374 § 4, 10-3-2012]

Purpose. To avoid unplanned, fragmented development, the City has developed a plan ("Master Development Plan") to address and evaluate all future redevelopment activities within the City's commercial district. Therefore, certain applications for "redevelopment" or "development" within any of the City's commercial districts shall be subject to "development plan" approval process set forth herein where specified circumstances exist. It is the intent of this Section to authorize these "planned uses" only where the location and circumstances are appropriate to the use and a development plan is approved by the Board of Aldermen for any use designated as a planned use. It is also the intent of this Section to increase the flexibility of development design through evaluation and approval of a redevelopment plan. Approval of a redevelopment plan shall be considered a legislative act of rezoning. Any ordinance approving a redevelopment plan shall be deemed to incorporate the provisions of this Section.

A. Development Plan Process.

1. Applicability. The development plan process set forth in this Section shall be required when any one (1) of the following situations is proposed:
 - a. New construction of buildings;
 - b. Expansion of existing buildings in excess of ten percent (10%) of the existing floor area;

- c. Any alteration which changes existing drive aisles or vehicle access to or on the site;
 - d. Any alteration to the site which would result in more than one (1) curb cut;
 - e. Any development or expansion of motor vehicle oriented business; or
 - f. Any change from a permitted use, approved planned use or approved conditional use to a new use listed as a planned use if such change relates to a building or premises having more than ten thousand (10,000) square feet, new construction to the building or premises, or substantial change to the existing building or premises.
2. Preliminary Development Plan Submittal Requirements. Persons proposing any development or use which involves one (1) or more of the situations set forth in Subsection (A)(1) of this Section shall initially file with the City Clerk an application on forms provided by the City and accompanied by such application fees as may be prescribed from time to time by ordinance together with twelve (12) copies of a proposed preliminary development plan and support documentation, which preliminary development plan shall be prepared by a licensed professional engineer, architect or land surveyor and shall include the following information:
- a. Names of the developer or owner of the real property and of the professional engineer, architect or land surveyor responsible for preparation of the proposed development plan and total site area in acres or square feet;
 - b. Proposed location of buildings, other structures and proposed lot boundaries and arrangements, i.e., ground leases, subdivisions, dedications;
 - c. Location of existing buildings, other structures and existing and lot boundaries and arrangements including easements and dedications;
 - d. Identification and location of adjacent uses and property ownership to a distance of one hundred (100) linear feet from site boundaries;
 - e. Identification of land areas within the one-hundred-year floodplain;
 - f. Existing and proposed grading and areas of cut and fill at a minimum contour interval of two (2) feet and one (1) foot in areas where average slopes are five percent (5%) or less, together with proposed retaining walls or similar slope stabilization structures or methods, identifying height and type of materials to be utilized;
 - g. Landscaping and natural resources protection plan depicting location and massing of existing vegetation and trees; existing streams, watercourses and natural features together with specific measures to be taken to preserve or minimize development impacts; proposed landscaping and plantings including plant materials and sizes; identification of screening and buffer areas, open space and other amenities;
 - h. Traffic and parking plan depicting location of public streets, identifying arterials, collectors and local streets; service and loading areas; points of

- access to public rights-of-way; existing and proposed parking areas, drives and pedestrian walks; and, as required by the Board of Aldermen, traffic studies and counts describing vehicle turning movements, peak and off-peak traffic impacts, existing and proposed levels of service and such other information and analyses as may be required;
- i. Existing and proposed water, sanitary sewerage, and storm utility systems including drainage structures, inlets and provisions for on-site stormwater retention and for minimizing impact on existing drainage patterns and facilities;
 - j. Elevations of proposed buildings and building masses depicting general style, size and exterior construction materials. Where several building types are proposed, a separate sketch shall be prepared for each type;
 - k. Size, location, color and materials of all signs to be attached to building exteriors;
 - l. Schedules indicating gross floor area, site area, building coverage, parking spaces, and proposed plant materials by type, size and quantity;
 - m. Phases of development, if applicable.
3. Review Procedures; Public Hearing. Upon the filing of the application for development plan, the City Clerk, after providing copies of the application to the Board of Aldermen, shall refer the same to the Planning and Zoning Commission for review, study and report and the Planning and Zoning Commission shall report to the Board of Aldermen recommendations regarding the application and the development plan. Upon receipt of the recommendations of the Planning and Zoning Commission, the City Clerk shall schedule a public hearing before the Board of Aldermen after giving notice of the time, place and purpose of such hearing by publication at least once in a newspaper of general circulation within the City at least fifteen (15) days prior to the date of the public hearing. After the public hearing, the Board of Aldermen shall review the application and development plan. Any Board approval of a preliminary development plan shall be by resolution. The Planning and Zoning Commission and the Board of Aldermen shall apply the minimum standards for site design and building construction set forth in this Article, the Master Development Plan and its Urban Design Guidelines as a guide for review of proposed preliminary development plan applications.⁶ If the Board of Aldermen imposes conditions or restrictions on a proposed preliminary development plan, the Board of Aldermen shall designate those specific requirements that must be met before an applicant may submit for consideration a final development plan for the proposed development under Subsection (A)(4) below. In considering any proposed preliminary development plan application, consideration may also be given to the criteria stated below, to the extent pertinent to the particular application:
- a. Development is compatible with and incorporates standards and principles contained in the minimum standards for site design and building

6. Editor's Note: Appendix A, Urban Guidelines, is included as an attachment to this Chapter.

construction set forth in this Article, the Master Development Plan, the Master Landscaping Plan and the Urban Design Guidelines.

- b. Development is designed, located and proposed to be operated so that the public health, safety and welfare will be protected.
 - c. Development will not impede the normal and orderly development and improvement of the surrounding property nor impair the use and enjoyment or value of neighboring properties.
 - d. Development incorporates adequate ingress and egress and an internal street network that minimizes traffic congestion.
 - e. The capability of the site area and location to accommodate the building, parking areas and drives with appropriate open space and safe and easy ingress and egress.
 - f. The degree of harmony between the architectural quality and siting of the proposed buildings with that of surrounding buildings and structures.
4. Duration Of Plan Approval — Final Development Plan Submittals. The approved preliminary development plan shall specify the duration of its validity, but in no event shall an approved preliminary development plan be valid for a period longer than twelve (12) months from the date of such approval. The Board of Aldermen may grant one (1) extension not exceeding twelve (12) months upon written request. The approval of a revised preliminary development plan shall not automatically extend the time period during which the preliminary development plan is valid. Within the period of validity of an approved preliminary development plan, the applicant shall submit to the Board of Aldermen for final approval a final development plan which shall satisfy all submission requirements of the preliminary development plan and shall additionally provide:
- a. Finished grades or contours for the entire site.
 - b. All proposed and existing adjacent public street rights-of-way with center line location.
 - c. All proposed and existing adjacent public street and public drive locations, widths, curb cuts and radii.
 - d. Location, width and limits of all existing and proposed sidewalks.
 - e. Location, size and radii of all existing and proposed median breaks and turning lanes.
 - f. Distance between all buildings, between buildings and property lines and between all parking areas and property lines.
 - g. Depiction of all required building and parking setbacks.
 - h. Location, dimensions, number of stories and area in square feet of all proposed buildings.

- i. Limits, location, size and material to be used in all proposed retaining walls.
 - j. Location and dimensions of all driveways, parking lots, parking stalls, aisles, loading and service areas and docks.
 - k. Location, height, intensity and type of outside lighting fixtures for buildings and parking lots.
 - l. Location, size and type of material of all proposed monument or freestanding signs.
 - m. Final stormwater collection and detention and erosion control plans.
 - n. Final water and sanitary sewerage plans.
 - o. Final written approval from all interested jurisdictions, including MSD and Valley Park Fire District or West County Fire District, as applicable.
 - p. Final landscaping and natural resources protection plans.
5. Final Development Plan Review. A final development plan that contains no changes or additions to the approved preliminary development plan may be approved by the Board of Aldermen without further Planning and Zoning Commission review upon a determination that all conditions of approval of the preliminary development plan, if any, have been satisfied by the applicant, and that all other submission requirements have been satisfied. A final development plan that contains minor changes to the approved preliminary development plan may be approved by the Board of Aldermen provided that the Board of Aldermen determines that the landscaping, buffer area and screening plans are adequate, that the proposed development will be compatible with proposed and existing adjacent development, and that all other submission requirements have been satisfied. The phrase "minor changes," as used in this Subsection, shall mean changes that do not affect traffic or pedestrian access and otherwise are consistent with the intent of the original approval. A final development plan that contains changes, other than minor changes, from the approved preliminary development plan shall follow the procedure for application, submission and consideration of preliminary development plan applications. Any approval of a final development plan by the Board of Aldermen shall be by ordinance.
6. Validity Of Final Development Plan. Final development plan approval shall not be valid for a period longer than twelve (12) months from the date of such approval, unless within such period a building permit is obtained and substantial construction is commenced and all additional building permits necessary to complete the project as approved in the final development plan schedule are obtained in a timely fashion as determined by the City Clerk. The Board of Aldermen may grant one (1) extension of no more than twelve (12) months upon written request of the original applicant. An application for extension of a final development plan may be granted, if the application is filed before the final development plan expires. Upon granting an extension, the Board of Aldermen shall have the authority to attach new conditions to the final development plan as the Board deems appropriate. "Substantial construction," as used in this

Subsection, shall mean completion of at least ten percent (10%) of the construction in terms of the total expected cost of the project for which the permit was issued.

7. Plan Recordation. Following the Board of Aldermen's approval by ordinance of a final development plan, a copy of the final development plan signed by the Mayor shall be filed by the applicant with the Recorder of Deeds of St. Louis County within sixty (60) days. All filing fees shall be paid by the person who filed the development plan application. The authorization for the use approved by the final development plan shall not become effective until a copy of the recorded plan bearing its recordation notations shall be returned and placed on file with the City Clerk.
8. Abandonment.
 - a. A final development plan or a phase thereof shall terminate and be deemed abandoned if:
 - (1) The applicant or landowner shall fail to commence development by failing to receive a building permit or failing to undertake substantial construction on the property after receiving a building permit within twelve (12) months after receiving final development plan approval, or a longer period of time if an extension of the final development plan has been granted by the Board of Aldermen; or
 - (2) The applicant or landowner abandons the final development plan or a phase thereof and notifies the City in writing of the abandonment.
 - b. Whenever a final development plan or phase thereof has been abandoned as provided in this Subsection, no development shall take place on the property until a new final development plan has been approved.
- B. Limited Development Plan Process.
 1. Applicability. The limited development plan process set forth in this Section shall be required when any of the following situations is proposed:
 - a. Any alteration, expansion or modification to a site or the exterior of a structure located within a "C" Commercial District which does not require a development plan process review and approval under Subsection (A) of this Section; or
 - b. Any change in use to another use which is a permitted use in the "C" Commercial District provided that no development plan or limited development plan approval under this Section shall be required where the proposed activity is limited to a change in ownership or a change in tenant occupancy which will not change an existing use permitted in the "C" Commercial District.
 2. Limited Development Plan Submittal Requirements. Persons proposing any development or use which involves one (1) or more of the situations set forth in Subsection (B)(1)(a) of this Section shall initially file with the City Clerk an application on forms provided by the City and accompanied by such application

fees as the Board of Aldermen may prescribe from time to time by ordinance together with twelve (12) copies of a proposed limited development plan and support documentation which shall include the following information:

- a. A written detailed description of the proposed use of the property;
 - b. A sketch plan of the site (may be hand drawn) showing approximate location of buildings, other structures and lot arrangements as well as any proposed landscaping or exterior improvements and proposed location and type of signage;
 - c. The approximate gross floor area of existing and proposed use;
 - d. A description of the expected parking needs;
 - e. Details of any proposed improvements to the property;
 - f. A description of the types of products to be sold or services to be provided;
 - g. The proposed hours and days of operation;
 - h. The maximum number of employees;
 - i. The date on which the applicant proposes to begin the use;
 - j. A description of any other existing uses and/or tenants on the property;
 - k. A description of the uses of adjacent properties; and
 - l. Any State or St. Louis County licensing requirements for the proposed use along with copies of all licenses obtained.
3. Review Procedures.
- a. The application for limited development plan shall be referred to the Planning and Zoning Commission for review and study after which the Planning and Zoning Commission shall report to the Board of Aldermen recommendations regarding the application and the limited development plan. The Board of Aldermen and the Planning and Zoning Commission shall apply the minimum standards for site design and building construction set forth in this Article, the Master Development Plan, the Master Landscaping Plan and the Urban Design Guidelines as a guide for review of proposed limited development plan applications. The Board of Aldermen may impose conditions or restrictions on a proposed limited development plan. In considering any proposed limited development plan application, the Commission and Board of Aldermen shall also give consideration to the criteria stated below, to the extent pertinent to the particular application:
 - (1) The use is compatible with and incorporates standards and principles contained in the minimum standards for site design and building construction set forth in this Article, the Master Development Plan, the Master Landscaping Plan and the Urban Design Guidelines.

- (2) The use is designed, located and proposed to be operated so that the public health, safety and welfare will be protected.
 - (3) The use will not impede the normal and orderly development and improvement of the surrounding property nor impair the use and enjoyment or value of neighboring properties.
 - (4) The site incorporates adequate ingress and egress and an internal street network that minimizes traffic congestion.
 - (5) The capability of the existing site to accommodate the use, building, parking and drives.
 - (6) The effect of the proposed limited development plan on other tenants or users of the property.
 - b. Approval of any limited development plan shall be by ordinance following conclusion of a public hearing thereon after giving notice of the time, place and purpose of such hearing by publication at least once in a newspaper of general circulation within the City at least fifteen (15) days prior to the date of the public hearing.
4. Plan Recordation. Following the Board of Aldermen's approval by ordinance of a limited development plan, a copy of the limited development plan signed by the Mayor shall be filed by the applicant with the Recorder of Deeds of St. Louis County within sixty (60) days. All filing fees shall be paid by the person who filed the development plan application. The authorization for the use approved by the limited development plan shall not become effective until a copy of the recorded plan bearing its recordation notations shall be returned and placed on file with the City Clerk.
5. Abandonment.
 - a. An approved limited development plan shall terminate and be deemed abandoned if:
 - (1) The applicant or landowner shall fail to commence the use by failing to receive a building permit or occupancy permit within twelve (12) months after receiving limited development plan approval, or a longer period of time if an extension of the final development plan has been granted by the Board of Aldermen; or
 - (2) The applicant or landowner abandons the site or the limited development plan and notifies the City in writing of the abandonment.
 - b. Whenever a limited development plan has been abandoned as provided in this Subsection, no change in use shall take place on the property until a new limited development plan has been approved as provided in this Article.
- C. Changes To A Project After Final Development Plan Approval. Prior to changes being made to a site that is the subject of an approved final development plan, the approved

3. No building or structure shall be located less than fifty (50) feet from an "A" Single-Family Dwelling District nor from a "B" Single-Family Attached Dwelling District.
4. Residential "interior City" light standards shall be provided in accordance with City specifications. All lighting shall be designed and located so that no light is cast directly on adjoining residential lots or premises.
5. Natural features, such as scenic views, woodlands, trees, major vegetation areas, streams and watercourses, shall be preserved wherever possible. Location of existing trees having a diameter of six (6) inches or more as measured at a height of four (4) feet above original grade shall be a factor in locating buildings, utilities, streets, paved areas and finished grades to provide that such trees are preserved to the maximum extent possible.
6. All development activities shall minimize earthmoving and erosion. Where earthwork is required, erosion prevention and control measures, such as installation of silt catchment basins together with seeding, sodding and mulching, shall be instituted.
7. All utilities shall be installed underground.

Section 400.370. Application And Approval Procedures.

[R.O. 2016 § 400.350; R.O. 2011 § 400.350; Ord. No. 129 § 19, 10-15-2003]

- A. The owner or developer of any lot located within and which meets the requirements of a "D" Park District, prior to the erection, conversion, enlargement, reconstruction or structural alteration of any principal building on or change of principal use of such lot, shall file with the Board of Aldermen an application for site development plan approval. The application shall be submitted on forms provided by the City and shall include a site development plan prepared by a licensed professional architect, engineer or land surveyor together containing support information satisfying the following requirements:
 1. The name of the owner or developer and of the professional architect, engineer, planner or land surveyor responsible for the preparation of the proposed site development plan.
 2. Existing and proposed site grades identifying all grade changes and areas of cut and fill at a minimum contour interval of two (2) feet or one (1) foot in areas where average slopes are three percent (3%) or less.
 3. Existing landscape and natural features plan identifying specific location of all woodlands, trees, major vegetation areas, streams, watercourses and other natural resources and features and delineating specific provisions to be taken to preserve or to minimize impact on these natural features.
 4. All existing and proposed uses and buildings.
 5. Sidewalks and walkways.

6. Driveways, existing and proposed curb cuts, vehicle travel lanes and parking areas.
 7. Means for the provision of water, sanitary sewerage and storm drainage facilities, electric and natural gas services, and telephone and telecommunications including cable facilities, if and as applicable.
 8. Existing and proposed easements and dedications.
 9. Building plans and elevations depicting exterior materials and treatments; height, bulk and locational relationships.
 10. Other information which the Planning and Zoning Commission or the Board of Aldermen may designate.
- B. Upon the filing of a complete application for site development plan approval with the Board of Aldermen, the City Clerk, after providing copies of the application to the Board of Aldermen, shall refer the application and support documentation to the Planning and Zoning Commission for review, study and report. The Planning and Zoning Commission shall review the application and within thirty (30) days of receiving such application shall report to the Board of Aldermen the Planning and Zoning Commission's recommendations for approval, disapproval or modification of the proposed site development plan; provided that in the event no recommendation is received by the Board of Aldermen within such thirty-day time period, the site development plan shall be deemed to be recommended for approval.
- C. Upon receipt of the recommendation of the Planning and Zoning Commission, or if no recommendation is received, upon the expiration of the thirty-day review period, the Board of Aldermen may in writing approve, disapprove or modify the site development plan. The Board of Aldermen shall promptly transmit a copy of the final action on the proposed site development plan to the applicable Code Enforcement Official(s).
- D. Proposed construction or change of principal use approved pursuant to this Section shall commence within six (6) months of the date of approval by the Board of Aldermen of the site development plan and application or the site development plan approval shall lapse and be void.
- E. No building permit to erect, convert, enlarge, reconstruct or structurally alter any principal building and no approval to change a principal use shall issue until the Board of Aldermen has approved a site development plan in accordance with this Section; provided that nothing in this Section shall be construed to prohibit issuance of a grading permit approved by the Board of Aldermen for such grading and site work as may be required to prepare a lot for improvement or development.

Section 400.430. Application And Approval Procedures.

[R.O. 2016 § 400.390; R.O. 2011 § 400.390; Ord. No. 84-2 Art. IX § 2, 1-4-1984; Ord. No. 129 § 22, 10-15-2003]

- A. Applications for a conditional use permit shall be made to the Board of Aldermen on forms provided by the City together with a site development plan and descriptive material sufficient to describe the intensity and extent of the proposed conditional use. Within thirty (30) days of receipt of an application for conditional use permit, the Code Enforcement Official shall determine the sufficiency of the site development plan and descriptive material and, if determined to be insufficient, the Code Enforcement Official shall provide written guidance to the applicant identifying materials and information necessary to render the application sufficient for review.
- B. Upon the filing of a complete application for conditional use permit with the Board of Aldermen, the City Clerk, after providing copies of the application to the Board of Aldermen, shall refer the application and support documentation to the Planning and Zoning Commission for review, study and report with specific reference to resulting traffic hazards or congestion, fire hazards, effect on the character of the neighborhood, effect on the general welfare of the community and impact on public utility facilities. The Planning and Zoning Commission shall review the application and shall report to the Board of Aldermen the Planning and Zoning Commission's recommendations for approval, disapproval or modification of the proposed conditional use and site development plan.
- C. Upon receipt of the recommendation of the Planning and Zoning Commission, or if no recommendation is received, upon the expiration of the sixty-day review period, the Board of Aldermen shall schedule and conduct a public hearing on the proposed conditional use and site development plan after having given notice of time, place and purpose of the hearing by publication at least once in a newspaper of general circulation within the City which publication shall appear at least fifteen (15) days prior to the date of the hearing. The Board of Aldermen may continue the hearing from time to time without further publication upon designation at the hearing of the time and place of the continuation and notation of such continuation in the minutes of the Board of Aldermen.
- D. Upon conclusion of the hearing, the Board of Aldermen shall determine whether the proposed conditional use and site development plan will: substantially increase traffic hazards or congestion; substantially increase fire hazard; adversely affect the character of the neighborhood; adversely affect the general welfare of the community; overtax or adversely impact public utilities. If the findings of the Board of Aldermen are negative as to all of the above subjects, the Board of Aldermen shall approve by ordinance the conditional use permit together with such site, use and operational conditions as may be imposed and specified. If the findings of the Board of Aldermen are affirmative as to any of the above subjects, the Board of Aldermen shall disapprove the conditional use.
- E. Proposed construction or development of a conditional use approved pursuant to this Section shall commence within one (1) year of the date of approval by the Board of Aldermen of the conditional use and site development plan or the approval shall lapse and be void.

- F. Any approved conditional use shall continue to be used and operated in accordance with any conditions imposed at the time of approval, provided that the holder of a conditional use permit may apply for modifications of the conditions in accordance with the procedures provided for an original conditional use permit application.

ARTICLE XII

Telecommunications Towers

Section 400.440. Telecommunication Towers.

[R.O. 2016 § 400.400; R.O. 2011 § 400.400; Ord. No. 129 § 20, 10-15-2003; Ord. No. 161 § 1, 10-20-2004; Ord. No. 374 § 5, 10-3-2012; Ord. No. 19-05, 3-20-2019*]

- A. Purpose. The purpose of this Section is to regulate the placement, construction, and modification of wireless communications facilities to protect the health, safety, and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City. Specifically, this Section is intended to:
1. Provide for the appropriate location and development of wireless communications facilities and systems to serve the citizens and businesses of the City;
 2. Minimize adverse visual impacts of wireless communications facilities through careful design, siting, landscape screening, and innovative camouflaging techniques that provide predictability for nearby property owners and others that future uses will not materially alter such approved aesthetic protections without zoning hearing procedures and input from interested parties to the extent possible;
 3. Ensure that any new wireless communications facilities are located in an area compatible with the neighborhood or surrounding community to the extent possible; and
 4. Ensure that regulation of wireless communications facilities do not have the effect of prohibiting the provision of personal wireless services, do not unreasonably discriminate among functionally equivalent providers of such service, and promotes the provision and availability of communication services within the City.
- B. Legislative Findings And Applicability.
1. The Telecommunications Act of 1996, as amended, and the Uniform Small Wireless Facility Deployment Act, Section 67.5110 et seq., RSMo., preserve the authority of the City to regulate the placement, construction, and modification of certain wireless communications facilities and to protect the health, safety, and welfare of the public.

8. Editor's Note: This ordinance also states that "the recitals contained in the Whereas clauses are expressly incorporated in and made a part of this Ordinance." The full text of this ordinance, including the "Whereas clauses," is in on file in the City Clerk's office.

ARTICLE XIII

Non-Conforming Uses**Section 400.450. Continuance Of Use.**

[R.O. 2016 § 400.410; R.O. 2011 § 400.410; Ord. No. 129 § 23, 10-15-2003]

The lawful use of a building or land existing at the time of the effective date of this Chapter may be continued, although such use does not conform to the provisions of this Chapter; provided that in the event of any change, extension or alteration of the non-conforming use, the right to continue the non-conforming use shall lapse and thereafter the use of the building or land shall conform in all respects to the requirements of this Chapter.

Section 400.460. Discontinuance.

[R.O. 2016 § 400.420; R.O. 2011 § 400.420; Ord. No. 129 § 23, 10-15-2003]

- A. In the event that any non-conforming use or use of a non-conforming building is discontinued for a period of one hundred eighty (180) days, the same shall be deemed to be abandoned and thereafter the use or building shall conform to the requirements of this Chapter for the zoning district in which the use or building is located. Such discontinuance may be evidenced by either:
1. Vacancy of the premises; or
 2. Curtailment of operations constituting the non-conforming use for the requisite period.

Section 400.470. Damage And Restoration.

[R.O. 2016 § 400.430; R.O. 2011 § 400.430; Ord. No. 129 § 23, 10-15-2003]

When a building, the use of which does not conform to the requirements of this Chapter, is damaged by fire, explosion, act of God or the public enemy to the extent of more than fifty percent (50%) of the original structure or fifty percent (50%) of the value of the building as determined by the Code Enforcement Official, the building and use shall not be restored except in conformity with the requirements of this Chapter for the zoning district in which the building and use is situated.

ARTICLE XIV

Administration And Enforcement**Section 400.480. Code Enforcement Official.**

[R.O. 2016 § 400.440; R.O. 2011 § 400.440; Ord. No. 129 § 24, 10-15-2003]

- A. The City Clerk of the City or one (1) or more other appointees, agencies or entities as may be designated by the Board of Aldermen is hereby designated as the Code Enforcement Official who shall have the duties of enforcing this Chapter and is hereby specifically empowered and directed:

1. To make inspections of buildings and lots as necessary to ascertain compliance with and to enforce provisions of this Chapter;
2. To issue certificates of occupancy upon compliance of lands, buildings and open spaces with the requirements of Section 400.490 and this Chapter;
3. To notify in writing, if any violations of the provisions of this Chapter are found, persons responsible for such violation. In giving notification, the Code Enforcement Official shall indicate the nature of the violation and order the action necessary to correct the violation. The Code Enforcement Official shall order discontinuation of any illegal use of land, buildings or structures, removal of illegal buildings or structures or of illegal additions or alterations, discontinuance of any illegal work being done, or take any other action authorized by this Chapter to ensure compliance with or to prevent violation of its provisions;
4. To cooperate with the City Attorney in the instituting of appropriate actions or proceedings to prevent unlawful erection, conversion, enlargement, reconstruction or structural alteration of any building or unlawful occupancy or use; to restrain, correct or bate such unlawful action;
5. To cooperate with other officials to the extent such officials have responsibility for administration and enforcement of the Building Code or other similar codes and ordinances to the end that provisions of this Chapter are complied with and efficiently and professionally administered; and
6. To assist the Board of Aldermen and perform such other duties as the Board of Aldermen may determine.

Section 400.490. Certificates Of Occupancy.

[R.O. 2016 § 400.450; R.O. 2011 § 400.450; Ord. No. 84-2 Art. XI § 4, 1-4-1984; Ord. No. 97-15 § 2, 5-21-1997; Ord. No. 01-51 § 1, 6-6-2001; Ord. No. 129 § 25, 10-15-2003; Ord. No. 135 § 1, 11-19-2003; Ord. No. 160 § 1, 10-20-2004]

- A. No land shall be used and no building erected, converted, enlarged, reconstructed or structurally altered after the effective date of this Chapter shall be occupied in whole or in part until a certificate of occupancy is issued by the Code Enforcement Official stating that the use or building complies with the requirements of this Chapter and of the ordinances of the City. Issuance of the certificate of occupancy may include prior review by the officials designated by the City Clerk to administer the City Building Code and by officials of the applicable fire district.
- B. Certificates of occupancy for newly built or altered premises shall be applied for coincidentally with the application for a building permit and shall be issued within ten (10) days after the lawful erection, reconstruction or alteration is completed. A record of all building permits and certificates of occupancy shall be kept on file in the City office and copies shall be furnished on request to any person having a proprietary or tenancy interest in the land, building or premises affected.

2. Subdivision Code. Filing fees for the various procedures and petitions addressed in Chapter 405, being the City's Subdivision Code, and any amendments thereto, to be submitted by applicants at the time of submission of the applicable application shall be as follows:

Application/Permit		Amount Of Fee/ Deposit	Subdivision Code Reference
1.	Subdivision (filing of preliminary plat)	\$1,500.00	Ch. 405
2.	Boundary adjustment	\$250.00	Ch. 405
3.	Improvement guarantee review	\$200.00	Ch. 405 (§ 89.410, RSMo.)
4.	Land disturbance permit	Per St. Louis County	§ 407.020
5.	Excavation and grading permit	\$100.00	Chapter 515

3. Sign Code. Filing fees for the various procedures and petitions addressed in Chapter 410, the City's Sign Code, to be submitted by applicants at the time of submission shall be as follows:

Application/Permit		Amount Of Fee/ Deposit	Sign Code Reference
1.	Permanent	\$100.00 (commercial)	§ 410.050
		\$50.00 (residential)	§ 410.030
2.	Temporary	\$75.00 (commercial)	§ 410.050
		\$50.00 (residential)	§ 410.030

B. Fee Administration.

- The filing fees and deposits set forth in Subsection (A) of this Section shall be paid in anticipation of the City's expenses incurred in processing the application or submission at issue, including, but not limited to, administrative and clerical costs, costs of title research, surveys, legal, engineering and planning review, cost of traffic and planning consultants employed by the City, publication expenses, expenses of notification to adjoining property owners, expenses of hearings including rental of a hall, if necessary, court reporter, if requested by either the City or the applicant, and other investigations deemed necessary by the City. Processing and all other actions related to the application or submittal shall not proceed until the applicable fee is paid in full.
- In the event the fee or deposit noted are insufficient to pay all such expenses incurred by the City, the City Clerk may document additional costs incurred by the City and request payment of same as soon as possible but not to exceed thirty

(30) days. Processing and all other actions related to the application shall not proceed until such additional sums are paid in full. Any and all unused portions of any additional sums required under this Section shall be refunded to the applicant upon request. Appeals from any decision hereunder shall be taken pursuant to Chapter 150 of the Municipal Code.

3. The Planning and Zoning Commission and the Board of Adjustment may adopt fees for processing matters that come before those entities where the fees are not otherwise provided by ordinance. Such fees may not exceed two hundred fifty dollars (\$250.00) for commercial matters and one hundred dollars (\$100.00) for residential matters. A schedule of such fees shall be filed with the City Clerk, at which time they shall become effective.

Section 400.510. Violations And Penalties.

[R.O. 2016 § 400.470; R.O. 2011 § 400.470; Ord. No. 84-2 Art. XI § 6, 1-4-1984; Ord. No. 129 §§ 25, 28, 10-15-2003]

- A. In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of this Chapter or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the City of Twin Oaks, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by an officer empowered to cause any building, structure, place or premises to be inspected and examined and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo.
- B. The owner or general agent of a building or premises where a violation of any provision of said regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of an ordinance violation punishable as set forth in Section 100.220.
- C. Any such person who having been served with an order to remove any such violation shall fail to comply with such order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of Sections 89.010 to 89.140, RSMo., in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).
- D. Each of the remedies, fines and imprisonments set forth in this Section shall be cumulative and not exclusive remedies.

ARTICLE XV

Planning And Zoning Commission**Section 400.520. Membership.**

[R.O. 2016 § 400.480; R.O. 2011 § 400.480; Ord. No. 84-2 Art. XII § 1, 1-4-1984; Ord. No. 97-14 § 1, 5-21-1997; Ord. No. 99-29 § 1, 9-1-1999; Ord. No. 01-52 § 1, 6-6-2001; Ord. No. 129 § 28, 10-15-2003]

There is hereby created and established a Planning and Zoning Commission for the City to be known as the "Planning and Zoning Commission." The Planning and Zoning Commission shall consist of not more than fifteen (15) nor less than seven (7) members, including the Mayor, if the Mayor chooses to be a member; a member of the Board of Aldermen selected by the Board, if the Board chooses to have a member serve on the Planning and Zoning Commission; and not more than fifteen (15) nor less than five (5) citizens appointed by the Mayor and approved by the Board of Aldermen. All citizen members of the Planning and Zoning Commission shall serve without compensation. The term of each of the citizen members shall be for four (4) years, except that terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing.

Section 400.530. Organization And Operation.

[R.O. 2016 § 400.490; R.O. 2011 § 400.490; Ord. No. 84-2 Art. XII § 2, 1-4-1984; Ord. No. 97-14 § 2, 5-21-1997; Ord. No. 97-33 § 1, 11-5-1997; Ord. No. 99-29 § 2, 9-1-1999; Ord. No. 129 § 28, 10-15-2003]

The Planning and Zoning Commission shall elect its Chair and Secretary from among the citizen members. The term of Chair and Secretary shall be for one (1) year with eligibility for reelection. The Planning and Zoning Commission shall hold regular meetings and special meetings as provided by rule, and shall adopt rules for the transaction of business, and keep a record of its proceedings. These records shall be public records. The Planning and Zoning Commission may request authority from the Board of Aldermen to contract with City planners and other professional persons for the services that it requires. All expenditures therefor shall be subject to prior approval by the Board of Aldermen.

Section 400.540. Meeting Times.

[R.O. 2016 § 400.500; R.O. 2011 § 400.500; Ord. No. 96-6 §§ 1 — 3, 2-7-1996; Ord. No. 98-6 § 1, 3-18-1998; Ord. No. 84 § 1, 6-5-2002; Ord. No. 129 § 28, 10-15-2003; Ord. No. 347 § 1, 9-7-2011]

- A. The regular meeting of the Planning and Zoning Commission shall be held on the fourth Tuesday of each month unless continued for lack of a quorum, or on the call of the Chair. The meeting will be held at the City office.
- B. The Chair and/or the City Clerk may cancel, continue or reschedule any regular meeting of the Planning and Zoning Commission or may call special meetings of the

Planning and Zoning Commission; provided, however, that the provisions of Section 610.010 et seq., RSMo., (open meetings) shall be followed with reference to all regularly scheduled and special meetings of the Planning and Zoning Commission.

- C. Planning and Zoning Commission meetings may be mechanically recorded or minutes shall otherwise be prepared by the Planning and Zoning Commission Secretary. Minutes shall be available to the Board of Aldermen immediately upon preparation and approval by the Planning and Zoning Commission and shall further constitute an open and public record of City business. Mechanical recordings of a meeting shall be retained until all actions taken at said meeting are complete and final or until verbatim transcription is required, whichever shall first occur.

ARTICLE XVI

Amendments

Section 400.550. Procedural Requirements.

[R.O. 2016 § 400.510; R.O. 2011 § 400.510; Ord. No. 84-2 Art. XIV § 1, 1-4-1984]

The Board of Aldermen may from time to time, on its own motion or on petition of the Planning and Zoning Commission or any person having an interest in the property involved, amend, supplement, change, modify or repeal by ordinance the regulations or districts herein or subsequently established. Any proposed amendment, supplement, change, modification or repeal shall first be submitted to the Planning and Zoning Commission for its recommendation and report. If the Planning and Zoning Commission makes no report within forty-five (45) days, it shall be considered to have made a report approving the proposed amendment, supplement, modification or change. Upon receipt of the report by the Planning and Zoning Commission, the Board of Aldermen shall hold a public hearing, fifteen (15) days' notice of the time and place of which shall have been given by publication in a newspaper having general circulation within the City of Twin Oaks. In case of written protest against any proposed amendment, supplement, change, modification or repeal signed and acknowledged by the owners of thirty percent (30%) or more, either of the area of the land (exclusive of streets and places) included in such proposed amendment, supplement, change, modification or repeal, or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed is received by the Board of Aldermen, such amendment shall not become effective except by the favorable vote of two-thirds (2/3) of all members of the Board of Aldermen.

ARTICLE XVII

Board Of Adjustment

Section 400.560. Board of Adjustment — Created.

[R.O. 2016 § 400.520; R.O. 2011 § 400.520; Ord. No. 01-53 Art. I, 8-15-2001; Ord. No. 129 § 28, 10-15-2003; Ord. No. 346 § 1, 9-7-2011]

- A. A Board of Adjustment is hereby established. The Board of Adjustment shall consist of five (5) members, all of whom shall be residents of the City appointed by the Chair of the Board of Aldermen and approved by the Board of Aldermen. The term of office of

1. Confer with the Zoning Administrator or other designated City Official in order to become thoroughly familiar with the City's regulations and requirements affecting the territory in which the land in question lies, and obtain copies of all ordinances pertaining to the procedure and requirements for subdivision of land; and
 2. File with the City Clerk fifteen (15) copies of the appropriate application on a form provided by the City Clerk and approved by the Commission. The application shall include such fees as may be prescribed herein as well as such additional information as the Commission may require. The City Clerk shall forward the application to the Zoning Administrator or other designated official.
- C. Processing Cost Deposit And Fees.
1. Review Of Subdivision Applications.
 - a. A processing cost deposit in the amount set forth in Section 400.500 shall be paid to the City at the time a preliminary plat is filed in the City Clerk's office. This deposit is for the purpose of providing funds for professional and administrative costs incidental to the review and processing of plats, whether preliminary or final, and improvement plans. Any costs or expenses incurred by the City as a result of the submission, review and final determination of any given plat or improvement plan shall be paid for out of the deposited amount. The costs and expenses incurred by the City, to be deducted from the deposit, shall be determined by the City Clerk from specific review billings submitted to the City by the City Engineer, the City Attorney or any other retained consulting professionals.
 - b. After final determination and disposition by the City of any subdivision plat, at whatever stage that may occur, any portion of the deposited monies not expended or budgeted for expenditures shall be returned to the subdivider; provided, however, that, regardless of the amounts not expended or budgeted for expenditures, the City shall retain a minimum amount of two hundred dollars (\$200.00) from the processing cost deposit. Likewise, any costs or expenses incurred by the City in excess of the deposited amount shall be paid to the City within thirty (30) days from the final determination or disposition by the City. At the time of the final determination, the City Clerk shall prepare for the subdivider a list of costs or expenses, along with a determination of any amount due the City or any amount to be refunded to the subdivider.
 - c. The processing cost deposit required herein shall be separate from and is not intended to include any building, improvements, grading or any other inspection or permit fees or any escrow monitoring fees established in this or any other ordinance.
 2. Other Fees.
 - a. Any fees for boundary adjustments, buildings, improvements, grading or any other land use applications, inspections or permit fees or any escrow monitoring fees as established in this or any other ordinance shall be collected for the purpose of providing funds to cover professional and

administrative costs incidental to the review, inspection and/or processing of the specified application. Any costs or expenses incurred by the City as a result of the submission, review, inspection and final determination of any given application shall be paid for out of the prescribed fee. The costs and expenses incurred by the City shall be determined by the City Clerk from specific review of billings submitted to the City by the City Engineer, the City Attorney and/or any other retained consulting professionals.

- b. Upon final determination or disposition by the City of any given application, at whatever stage that may occur, any portion of the prescribed fee not expended or budgeted for expenditures shall be returned to the applicant; provided, however, that regardless of the amounts not expended or budgeted for expenditures, the City shall retain a minimum amount of two hundred dollars (\$200.00) from the prescribed fee. Any costs or expenses incurred by the City in excess of the prescribed fee shall be paid to the City within thirty (30) days from the notification of final determination or disposition by the City. At the time of the final determination or disposition or as soon thereafter as practical, the City Clerk shall prepare for the subdivider a list of costs or expenses, along with a determination of any amount due the City or any amount to be refunded to the subdivider.

D. Boundary Adjustments.

1. The division or consolidation of land involving either the sale or transfer of parcels of land to or between adjoining property owners, or the consolidation of the use of adjoining parcels of land owned by a single property owner, when either of such actions does not create an additional lot nor reduce the original lot or lots below the zoning requirements of the applicable district or districts, shall be exempt from the subdivision requirements of this Chapter but shall require a boundary adjustment.
2. Prior to such sale, transfer or consolidation, a boundary adjustment plat shall be submitted to the Commission for its review and recommendation. The application shall include a fee in the amount set forth in Section 400.500 for the City's costs in reviewing and processing the plat, as well as such additional information as the Commission may prescribe. The City Clerk shall forward the application to the Zoning Administrator or other designated official, who shall forward the application to the City Engineer for review and recommendation.
3. The Commission shall forward the plat and its recommendation to the Board of Aldermen for the Board of Aldermen's consideration of the adoption of an ordinance approving same. If the Board of Aldermen deems that further investigation or inquiry is required, the Board of Aldermen may refer the boundary adjustment plat back to the Commission for its additional review and recommendation prior to making a determination. Such boundary adjustment, so approved, shall be recorded in the office of the St. Louis County Recorder of Deeds.

E. Condominium Plat. Unless otherwise required by law and in addition to the minimum land development standards found in Section 405.120 of these Subdivision Regulations,

the platting requirements and procedures contained in this Section 405.040 shall govern condominium plats.

1. **Approval Process.** Prior to application, persons seeking condominium plat approval shall comply with the preapplication meeting procedure set forth in Section 405.040(B)(1) above, and afterward, the applicant may submit a final condominium plat as set forth below to the Planning and Zoning Commission for review and recommendation. If the Planning and Zoning Commission determines that the condominium plat meets the requirements of this Section and other applicable requirements, it shall recommend approval of the plat. If the Planning and Zoning Commission finds that the plat as submitted does not meet the requirements hereof it shall, at its discretion, either recommend denial of approval or postpone its review for a reasonable time to allow the applicant to bring the plat into compliance as directed by the Commission. Once a recommendation has been made by the Planning and Zoning Commission and after the Board of Aldermen has approved the plat, the City Clerk or Secretary of the Planning Commission is hereby authorized and directed to endorse upon the condominium plat the approval of the Board of Aldermen under the seal of the City.
2. **Compliance With The Uniform Condominium Act.** All condominium plats proposed for approval shall comply with the Uniform Condominium Act, Section 448.1-101 et seq., RSMo., as amended, and must be prepared by a registered land surveyor or professional engineer.
3. **Submission Requirements.**
 - a. **Record Condominium Plat.** A record condominium plat shall be prepared and submitted by a registered land surveyor or engineer, at a scale of one (1) inch equals fifty (50) feet to one (1) inch equals one hundred (100) feet in any increments of ten (10) feet on one (1) or more sheets whose maximum dimensions are twenty-four (24) inches by thirty-six (36) inches. In certain unusual instances where the subdivided area is of unusual size or shape, the City Clerk may permit a variation in the scale or size of the record plat. If more than one (1) sheet is required, a key map on Sheet No. 1 showing the entire subdivision at reduced scale shall be provided.
 - b. **Site Plan.** In addition to the record condominium plat, the applicant shall submit a site plan in compliance with the specifications of Section 400.340(A)(2). The applicant shall prepare and submit to the City Clerk seven (7) copies of the site plan and record plat, a reduced copy of the plat measuring eleven (11) inches by seventeen (17) inches and an electronic copy of the plat. The submission shall be made in compliance with the submission schedule of deadlines established by the City Clerk.
4. **Condominium Plat, Minimum Contents.** The condominium plat must show the following:
 - a. The name of the condominium, which shall include the word "condominium" or be followed by the words "a condominium" and the association;
 - b. The name and survey or general layout of the entire condominium;

- c. The location and dimension of all real estate not subject to development rights, or subject only to the development rights to withdraw, and the location and dimensions of all existing improvements within that real estate;
 - d. A description of any encroachments by or upon and portion of the condominium;
 - e. Indicate the location with reference to an established datum of any horizontal unit's boundaries and that unit's identifying number;
 - f. Indicate any real estate in which the unit owners will own only an estate for years, labeled as "leasehold real estate";
 - g. Indicate the distance between non-contiguous parcels of real estate comprising the condominium;
 - h. Indicate the location and dimension of limited common elements, indicate porches, balconies, and patios, other than parking spaces and other limited common elements; and
 - i. The plat shall label any contemplated improvement shown as either "SHALL BE BUILT" or "NEED NOT BE BUILT."
5. Declaration And Bylaws. Each application for a condominium plat shall be accompanied by the submission of the condominium declaration and bylaws which shall include a clear statement of the governing responsibilities for maintaining and common areas.
 6. Review. The City Engineer, or his/her designee shall review the plat and associated site plan in regard to standards of these regulations upon receipt of a complete application and provide any comments for revision to the applicant, directing the applicant to provide fifteen (15) copies and an electronic copy in a format suitable to the standards of the City to the City Clerk for inclusion on the next available Planning and Zoning Commission agenda.
 7. Common Areas And Maintenance. All condominium associations shall be responsible for traffic and parking control, snow removal, sewers, water lines and lighting of the common areas. Non-residential condominiums shall be required to provide cross maintenance and parking agreements. The City shall have the right of easement to enter such common areas for the purpose of emergency for fire, police, and enforcement of its Code and the plat shall so provide. Such common areas shall remain the property of the condominium and the City shall not accept a dedication of these elements or the responsibility of maintenance.
 8. Improvement Plans. Improvement plans in accordance with Section 405.070 shall be submitted along with the other submittals when public improvements are being installed and/or other site development work is proposed to be undertaken. Where improvement plans are required, the requirements for improvement guarantees (Section 405.090) will also be applicable.
 9. Setbacks, Lot Dimensions And Lot Lines. For zoning, subdivision and building code purposes, the applicable lot lines for setback, lot dimension and firewall purposes are those of the entire parcel that is the subject of the condominium plat

and held in common by the unit owners. The lines within the walls and roof/ceiling surrounding each tenant space delineate ownership rights under a condominium form of ownership but shall not be considered separate "lots" for certain zoning, subdivision and building code purposes.

F. Miscellaneous Provisions.

1. **Building And Repair Permits In Unapproved Subdivisions.** The Code Enforcement Official shall not issue building or repair permits for any structure located on a lot in any subdivision, the plat of which has been prepared after the date of adoption of this Chapter 405 but which has not been approved in accordance with the provisions contained in this Chapter 405.
2. **Plat To Be Approved.** No plat of any subdivision shall be entitled to be recorded with the St. Louis County Recorder of Deeds or have any validity until it shall have been approved in the manner prescribed in this Chapter 405.
3. **Sale By Metes And Bounds.** No person shall sell or attempt to sell a lot by metes and bounds in violation of this Chapter 405.
4. **Variations And Exceptions.** Whenever the strict enforcement of the regulations under this Chapter would entail unusual, real or substantial difficulties or hardships, the Commission and Board of Aldermen may vary or modify them in such a way that the subdivider is allowed to plan and develop the property and record a plat of the same without unjust difficulties and expenses, but at the same time the public welfare and interests of the City are fully protected and the general intent and spirit of the regulations preserved.
5. **Changes Or Amendments.** Any regulations or provisions of this Chapter may be changed and amended from time to time by the Board of Aldermen; provided, however, that such changes or amendments shall not become effective until after a study and report by the Commission and a public hearing before the Board of Aldermen.

Section 405.050. Submission Requirements.

- A. The subdivider shall submit such number of copies of the preliminary plat to the City Clerk's office as is required by the Commission's policies. The Commission's policies are on file with the City Clerk.
- B. The preliminary plat shall be drawn at a scale not to exceed one (1) inch to one hundred (100) feet on an exhibit approximately twenty-four (24) inches by thirty-six (36) inches and shall contain the following information:
 1. North point, scale and date.
 2. Location of the present property, legal description and lines of incorporated areas.
 3. Boundaries and name of the proposed subdivision and the subdivider platting the tract.
 4. Area of tract.

5. Lot layout.
6. Existing and proposed streets, alleys and easements, including width of right-of-way.
7. Names of existing and proposed streets and notation that proposed streets are to be dedicated either as private or public streets.
8. Grades and profiles of streets, plans or written and signed statements regarding the grades of proposed streets, width and type of pavement and general explanation of grading plan.
9. Location, size and type of proposed water mains, hydrants, utilities, and proposed improvements such as sidewalks, plantings and parks, and any grading of individual lots.
10. Zoning districts, school districts, fire districts, sewer districts, public water supply and drainage districts and any other legally established districts.
11. Sufficient contour data, with intervals of five (5) feet or less, to indicate the slope and drainage of the tract and the high and low points thereof. Contour data shall extend one hundred fifty (150) feet beyond the limits of the subdivision boundaries. United States Geological Survey datum shall be the governing elevation reference.
12. Location of any portion of the property which lies within the 100-year to 500-year floodplain.
13. Location of existing open surface water drainage channels, watercourses, sink holes, and areas within the tract subject to inundation by stormwater, together with any information regarding any necessary widening, straightening, surfacing, or other improvements of such channels.
14. Data regarding the area served by stormwater drainage and improvements, including the estimated volume of runoff and other similar information.
15. Location, size and type of existing and proposed stormwater improvements within tract or adjacent to it, including culverts, bridges, underground facilities and/or detention basins.
16. Method of sewage disposal, including the location, size and type of existing sanitary sewer improvements or other sewage disposal facilities within the tract or adjacent thereto, and location, size and type of proposed sanitary sewer improvements within tract or adjacent to it.
17. Proposed easements to accommodate sanitary sewers, storm sewers, stormwater improvements and underground construction.
18. Existing protective covenants or other exceptions attached to the property or its uses.
19. Easements of record.
20. Tree masses and limits of clearing.

21. Existing buildings or structures.
 22. Building and setback lines.
 23. Proposed land use for all lots proposed if for other than a single-family dwelling.
 24. Areas designated for open space, detention or common recreational land.
 25. All ravines, floodplains, woodlands and drainageways.
 26. The names and adjoining boundaries of all adjoining subdivisions and the names of record owners of adjoining parcels of unsubdivided land.
 27. Renderings of the proposed development (if applicable).
- C. Processing Cost Deposit. The processing cost deposit in the amount of two thousand dollars (\$2,000.00) shall be paid to the City at the time the preliminary plat is filed in the City Clerk's office.

Section 405.060. Preliminary Plat Review Procedure.

- A. Notice. Upon the filing of a preliminary plat application the City Clerk shall cause a notice to be posted, in clear view, on the property proposed to be subdivided, said notice indicating that the Commission will be considering a preliminary plat for the subdivision of that particular property and setting out, in general terms, the general description of the property being so considered.
- B. City Review. The Zoning Administrator or other designated official shall receive the application and determine, within fifteen (15) days, whether it complies with all applicable submission requirements. If the application is deficient, the applicant shall be notified and granted an additional fifteen (15) days to complete same. The Commission shall be deemed to have received the application on the date of its next regularly scheduled meeting following acceptance of the application by the Zoning Administrator or other designated official as being in compliance with all submission requirements. In no instance shall the City accept an application for plat approval if a previous application was denied within one (1) year of the new application, unless the City verifies that substantial new facts or change in circumstances warrant reapplication. Other specific procedures for review are set forth in the Commission's procedures which are adopted herein by reference.
- C. Preliminary Plat Review.
1. If the application complies with submission requirements, copies thereof shall be forwarded to the Commission and the Board of Aldermen, including therein the Zoning Administrator's or other designated official for comments and/or recommendation to approve, disapprove, modify or conditionally approve the application. An application complying with the submission requirements that has been forwarded to the Commission shall not be deemed received by the Commission for purposes of Section 405.060(C)(2) until the date of the next regular meeting of the Commission.

2. The Commission shall study the preliminary plat to determine conformity with the standards and requirements of both this Chapter 405 and other applicable ordinances of the City and shall recommend approval, disapproval, modification or conditional approval of such plat within sixty (60) days after the date it is received by the Commission as provided in Section 405.060(C)(1), but such period may be extended with the applicant's approval. Filing an amended plat or other material required by this Chapter 405 or by the Commission shall constitute a request by the subdivider for an extension of time for consideration of the plat. If the Commission does not act within such period of time, the preliminary plat shall be deemed to have been recommended for approval and forwarded to the Board of Aldermen for consideration, but such approval does not constitute an acceptance of the subdivision final plat by the Commission or the Board of Aldermen. Preliminary plats not containing all of the data specified in Section 405.050(B) shall not be approved by the Commission.
3. The Board of Aldermen shall study the preliminary plat to determine conformity with the standards and requirements of both this Chapter 405 and other applicable ordinances of the City and shall approve, disapprove, modify or conditionally approve the preliminary plat. Filing an amended plat or other material required by this Chapter 405 or by the City shall constitute a request by the subdivider for an extension of time for consideration of the plat. Preliminary plats not containing all of the data specified in Section 405.050(B) shall not be approved.

D. Plat Approval.

1. Approval of a preliminary plat may be subject to specific conditions which the Commission or the Board of Aldermen deems necessary for good planning and the general welfare.
2. The approval of a plat by the City does not constitute or effect any acceptance by the City of the dedication to public use of any street or the ground shown upon the plat.
3. The approval of the preliminary plat shall be effective for one (1) year unless the subdivider has proceeded with completing additional steps in the City's subdivision procedure. When a plat is voided, the City shall notify the subdivider of such action. Any resubmittal of an expired preliminary plat shall be accompanied by another filing fee.
4. Where conditions of topography, location of the property, streets, etc., and similar conditions create difficulty in the division of the land and layout of streets and/or similar improvements, the Commission and/or Board of Aldermen may require the submission, by the subdivider's engineer, of supplementary cross-sections, surveys, alignments or similar engineering material to be used in analyzing and studying the proposed subdivision of land regarding possible hazardous conditions relating to grading plans, street layout, stormwater disposal and similar features common to subdivision of land.
5. Board of Aldermen approval of the preliminary plat subject to conditions is authorization for the subdivider to proceed with the preparation of subdivision improvement plans.

6. Upon approval by the Board of Aldermen, four (4) copies of the preliminary plat shall be dated and executed by the Mayor. At least two (2) copies of the approved preliminary plat shall be retained by the City, and two (2) copies shall be given to the subdivider.

Section 405.070. Improvement Plans Submission Requirements.

- A. Initial Conference. Improvement plans shall be based on the preliminary plat approved by the Board of Aldermen. Before improvement plans involving streets in a subdivision are prepared for Commission review, the subdivider may request an initial conference with the Zoning Administrator and/or City Engineer in order to inform the City of the general plans being considered for the streets of the subdivision and to obtain input from them regarding any special factors to be considered at the site and to become aware of special conditions which may be required as a result of the contemplated street plan.
- B. Submission Requirements. The subdivider shall submit four (4) sets of improvement plans for review [and five (5) sets for final approval] to the City Clerk's office. The improvement plans shall be drawn at a scale not to exceed one (1) inch to one hundred (100) feet on an exhibit approximately twenty-four (24) inches by thirty-six (36) inches and shall contain the following information:
 1. North arrow, scale and date.
 2. Title block showing name and address of subdivider and subdivider's registered professional engineering firm, as well as the engineer's seal.
 3. One (1) or more benchmarks in or near the subdivision to which the subdivision is referenced. The identity and elevation shall refer to United States Geological Survey datum.
 4. List of standards and specifications followed for items and operations of construction that appear in the improvement plans.
 5. Grading plan conforming to Chapter 407 and indicating existing and proposed contours, grading and compaction details, and details of protective methods to prevent silt and mud damage to off-site streets and properties during construction operation.
 6. Street plans conforming to Section 405.120 and including paving details and details of street showing grading, slopes, width of pavement and culs-de-sac with typical cross sections.
 7. Street name signs, stop signs and the proposed subdivision entryway sign, indicating their location and specifications.
 8. Sanitary sewer plan indicating:
 - a. Existing and proposed sanitary sewers.

- b. Design and construction specifications conforming to the requirements of the St. Louis Metropolitan Sewer District or the City of Twin Oaks, whichever is more restrictive.
 9. Storm sewer plan indicating:
 - a. Existing and proposed storm sewers and structures.
 - b. Drainage area map delineating both off-site and on-site drainage capacity.
 - c. Details of detention storage facilities, accompanied by proposed routing procedure and structural design computations.
 - d. Design and construction specifications conforming to the requirements of the St. Louis Metropolitan Sewer District or the City of Twin Oaks, whichever is more restrictive.
 10. Miscellaneous, to be included when applicable:
 - a. Details of demolition of existing structures.
 - b. Details and structural design computations of any special structures required.
 - c. Details of landscape plan.
 - d. Lighting plan details.
 - e. Details of improvements within all open space and common recreational lands.
 - f. Parking lot plan.
 11. Natural features within and adjacent to the proposed subdivision, including any natural resources and other drainage channels, bodies of water, wooded areas, and other significant features. On all watercourses leaving the tract, the direction of flow shall be indicated, and for all watercourses entering the tract, the approximate drainage area and watershed name above the point of entry shall be noted.
 12. Storm drainage analysis showing drainage data for all watercourses or drainage ways entering and leaving the plat boundaries. The storm drainage design shall be prepared to demonstrate the proposed system's capability of accommodating not less than the current MSD or any criteria adopted by the City, whichever is more restrictive.
 13. Designation of any portion of property within the 100-year floodplain, based upon calculations recognized by the Federal Flood Insurance Administration and the City Engineer as the most recent and accurate available from the Army Corps of Engineers.
- C. Documents Accompanying Improvements Plans.
 1. Indenture of restrictions to be recorded with or on the final plat.

2. Street numbers obtained from the Mapping Department of the St. Louis Post Office.
3. Written approval of the sanitary and storm sewer systems, indicating approval of plans submitted for review by St. Louis Metropolitan Sewer District and/or the City, whichever is applicable.
4. Copy of contract with the Missouri-American Water Company for water service to all lots.
5. Certified statement by the subdivider's engineer of the estimated cost of improvement installation which the City Engineer has approved by initialing same. This provision is applicable only if the subdivider intends to install improvements after the final plat is approved.
6. Certificate or other proof showing all taxes to the last taxpaying period have been paid.
7. If the proposed subdivision fronts on a public street, a letter from the public agency shall be submitted to the City stating approval of the proposed access together with any conditions which have been stipulated.
8. Certified copy of the recorded preliminary plat as provided in Section 405.060(D)(6).

Section 405.080. Improvement Plans Review Procedure.

A. Submission And Review Procedure.

1. Sanitary sewer plans shall be reviewed and approved by St. Louis Metropolitan Sewer District, and such sewers shall be designed, constructed and installed in conformance with St. Louis Metropolitan Sewer District regulations.
2. Storm Sewers.
 - a. All stormwater improvements shall be designed, constructed and installed in conformance with latest regulations adopted by St. Louis Metropolitan Sewer District or any stormwater regulations adopted by the City, whichever is more strict.
 - b. All stormwater plans shall be reviewed and approved by the City. However, plans for stormwater facilities on easements dedicated to and maintained by St. Louis Metropolitan Sewer District shall be reviewed and approved by St. Louis Metropolitan Sewer District per MSD or the City of Twin Oaks criteria, whichever is more strict.
3. Designated City Officials shall review all other portions of the improvement plans and accompanying documentation for which they are responsible. They shall sign and date that portion of the plans indicating their approval or disapproval.
4. The City Engineer shall recommend approvals or disapprovals to the Mayor and the City Clerk.

- a. The Mayor and the City Clerk shall examine the recommended approval or denial by the City Engineer and/or designated City Officials. The Mayor and the City Clerk shall then give final approval or disapproval of the improvement plans together with the accompanying documents. Such final approval or denial of the improvement plans by the Mayor and the City Clerk shall be indicated in writing on all five (5) sets of plans. The City shall promptly give written notification to the Board of Aldermen of such approval or denial.
- b. If either believes that further review is warranted, the Mayor shall have the discretion to place any improvement plan submittal on the Commission's agenda for review.
- c. Receipt by the subdivider of the signed improvement plans shall be authorization for the subdivider to install the improvements.
- d. Approval of the improvement plans shall be effective for one (1) year. No extensions shall be granted without the subdivider resubmitting plans and the required accompanying documents for reapproval. An administrative fee in the amount of two hundred dollars (\$200.00) for processing a preliminary plat extension shall be charged for the resubmission.

B. Inspections.

1. General Inspections. Periodic inspection by the Code Enforcement Official or her designee shall be made of the subdivision during the planning stages and as construction progresses.
2. Required Inspections. The subdivider shall be notified of the required inspections to be made by the City. The subdivider shall notify the City not less than forty-eight (48) hours in advance of required inspections that work is ready for inspection.
3. The City shall make inspections and shall inform the subdivider of all defects and substandard work or materials.
4. The subdivider shall comply with other inspection requirements from any other agency having jurisdiction within the City if any improvement installation is within another agency's jurisdiction.

C. Fees And Permits.

1. Land Disturbance Permit. In any subdivision, prior to the clearing, grading or any related work which results in removal of the natural site vegetation or destruction of the root zone or otherwise results in leaving the ground surface exposed to soil erosion through the action of wind or water, a permit shall be obtained from the Code Enforcement Official in accordance with the provisions of Chapter 407.
2. Inspection And Review Costs. Upon final approval and prior to the installation of any improvements within a subdivision, the applicant shall pay for the costs of the City's review of applicant's plans and inspection(s) of applicant's site. The permit shall be issued after the permit fee is paid. The fee shall be based on a charge of a percentage of the estimated cost of improvements to be installed,

provided the estimated cost is approved by the City Engineer. The fee is charged to cover the City's costs related to inspections of the subdivision development. The permit shall be valid for one (1) year. The subdivider may apply for an extension of the permit's duration. A site improvement permit extension fee in the amount of two hundred dollars (\$200.00) shall be charged. An additional permit fee may be charged if the estimated cost of improvements to be installed has increased, as determined by the City Engineer. The Board of Aldermen shall authorize such extension, provided the subdivider has demonstrated valid hardship and unforeseen practical difficulties.

Section 405.090. Improvement Guarantees.

- A. Improvement Guarantee Required. After the improvement plans have been approved and all inspection fees paid, but before approval of the record subdivision plat, the developer shall guarantee the completion of improvements required by the approved improvement plans ("required improvements") of such improvements as required herein. Except as provided in Section 405.090(B), the developer shall either:
1. Complete the improvements in accordance with the approved improvement plans under the observation and inspection of the appropriate public agency agreement; or
 2. Establish a deposit under a deposit agreement with the City of Twin Oaks guaranteeing the construction, completion and installation ("construction deposit") as required herein and for the improvements shown on the approved improvement plans within the improvement completion period approved by the City, which shall not exceed two (2) years.
- B. Exceptions.
1. No guarantee or deposit is required with the City for sanitary and storm sewers required by MSD if MSD confirms that its requirements for assurance of completion are satisfied. This provision shall not affect the intent or enforcement of any existing guarantee, escrow, or renewal, extension or replacement thereof.
 2. The City may require any specific improvement to be installed prior to approval of the record plat where failure to install such improvement prior to further development could result in damage to the site or surrounding properties.
- C. Deposit Options. Deposits required by this Section 405.090 shall be in conjunction with a deposit agreement and may be in the form of cash or letter of credit as follows:
1. Cash deposited with the City Clerk to be held in an interest-bearing account dedicated for that purpose, with all interest accruing to the City to offset administrative and other costs of maintaining the cash deposits.
 2. An irrevocable letter of credit drawn on a local financial institution acceptable to and in a form approved by the City Attorney. The instrument may not be drawn on any financial institution with whom the developer or a related entity has any ownership interest or with whom there is any joint financial connection that creates any actual or potential lack of independence between the institution and

the developer. The letter of credit shall provide that the issuing institution will pay on demand to the City such amounts as the City may require to fulfill the obligations herein and may be reduced from time to time by a writing of the City. The letter of credit shall be irrevocable for at least one (1) year and shall state that any balance remaining at the expiration shall automatically be deposited in cash with the City Clerk, unless a new letter of credit is issued and agreed to by the City or the City issues to the institution a written release of the obligations for which the letter of credit was deposited. The developer shall pay a non-refundable fee (in the amount set out in Section 400.500 of this Code) to the City with submission of a letter of credit, and the same fee for any amendment or extension thereto, to partially reimburse the City's administration and review costs in accepting and maintaining such letter of credit.

- D. **Deposit Amount.** The construction deposit required of a developer establishing a deposit agreement pursuant to Section 405.090(A)(2) shall be in the amount of one hundred ten percent (110%) of the City Engineer's estimate of the cost of the construction, completion and installation of the required improvements. The City may adopt, to the extent practical, schedules reflecting current cost estimates of typically required improvements. Where certain improvements are required to be installed prior to approval of the record plat pursuant to Section 405.090(B)(2), the gross deposit amount for the construction deposits shall be reduced by the estimated cost of such improvements.
- E. **Deposit Agreement — Releases.** The deposit agreement shall be entered into with the City, shall require the developer to agree to fulfill the obligations imposed by this Section 405.090, and shall have such other terms as the City Attorney may require consistent with this Section 405.090. The agreement shall authorize the designated City Official to release the cash or reduce the obligation secured under the letter of credit as permitted herein. Such releases or reductions may occur upon completion, inspection and approval by the Board of Aldermen of all required improvements within a category of improvements, or may occur from time to time, as work on specific improvements is completed, inspected and approved; provided, however, that:
1. **Releases — General.** The City shall release the cash or release the letter of credit as to all or any part (by category) of the developer's obligation only after construction, completion and installation of all of the improvements as required by the approved improvement plans, receipt of requisite written inspection request from the developer, receipt of requisite written notification from all appropriate inspecting public authorities, and approval by the Board of Aldermen (or its designee); and only in the amounts permitted herein.
 - a. **Inspections.** The City Engineer shall inspect each category of improvement or utility work within twenty (20) business days after an inspection request has been filed with the City Clerk by the developer and no inspection shall be required until such request is received by the City Clerk. For purposes of this Section, an inspection request shall constitute and occur only on a completed written request on a form provided by the City which shall include:

- (1) The category of improvement reflected in the deposit agreement that is requested to be inspected;
 - (2) An engineer's certification (or other professional's certification, in the case of landscaping) that the category of improvement has been installed and on the date of inspection application is maintained and in conformance with the final approved improvement plans and all applicable requirements thereto and is therefore ready for inspection; and
 - (3) A verified statement in the form designated by the City from the representative officer of the developer attesting that the information in the inspection request is true and accurate. Nothing herein shall preclude the City from completing additional inspections at its discretion or as a courtesy to the developer.
- b. Successor Developer. A developer must be released from all further obligations if a replacement performance guarantee in the form provided in this Section in an amount equal to or exceeding the value of the unreleased portion of the original guarantee is given by another developer. The release of the original guarantee shall not occur until after the replacement guarantee has been finalized and approved by the City.
2. Extension Of Completion Period. If, at the end of the improvement completion period, all the improvements shown on the approved improvement plans have not been completed, the developer may request and the City may grant an extension to the improvement completion period for a period of up to two (2) years if after review by the City such longer period is deemed necessary to facilitate adequate and coordinated provisions for transportation, water, sewerage, schools, parks, playgrounds, or other public improvements, facilities or requirements so long as all guarantees are extended and approved by the City Attorney; provided that the City may require as a condition of the extension execution of a new agreement, recalculation of deposit amounts, or satisfaction of new Code requirements or other reasonable conditions as may be needed to ensure that the extended agreement fully complies with the terms of this Section 405.090.
3. Construction Deposit Releases. After an inspection of any specific improvements, the City may at its discretion release up to but not more than ninety-five percent (95%) of the original sum deposited for the construction of such specific required improvements. Irrespective of any discretionary prior releases that may be authorized by the City after completion of any component of the guaranteed improvements (i.e., less than all of the improvements in a given category), the remaining amount held for any category of improvements for the entire subdivision shall be released within thirty (30) days of completion of all of the improvements in such category of improvement, minus a retention of five percent (5%) which shall be released only upon completion of all improvements for the subdivision. The City shall establish the improvement categories, which may consist of improvement components or line items, to be utilized for calculation of deposit amounts, but such categories, components and line items shall in no way modify or reduce the developer's guarantee as to all required improvements,

irrespective of any release or completion of any category, or underlying component or line item. All improvements in a category shall be deemed complete only when:

- a. Each and every component and line item within a category for the entire subdivision has been constructed and completed as required;
 - b. The developer has notified the City Clerk in writing of the completion of all components of the category, provided all necessary or requested documentation, and requests an inspection;
 - c. The developer is not in default or in breach of any obligation to the City under this Section 405.090, including, but not limited to, the City's demand for maintenance or for deposit of additional sums for the subdivision;
 - d. The inspection has been completed and the results of the inspection have been approved in writing by the City and/or its agents.
4. **Effect Of Release — Continuing Obligations.** The developer shall continue to be responsible for defects, deficiencies and damage to public streets and other required improvements during development of the subdivision. No inspection approval or release of funds from the construction deposit as to any component or category shall be deemed to be City approval of improvement or otherwise release the developer of its obligation relating to the completion of the improvements until the final subdivision release on all improvements is issued declaring that all improvements have in fact been constructed as required. Inspection and approval of any or all required improvements shall not constitute acceptance of the improvement by the City as a public improvement for which the City shall bear any responsibility.
5. **Deficient Improvements.** No approval of required improvements shall be granted for improvements that fail to meet the specifications established herein or otherwise adopted by the City.
6. **Final Construction Deposit Release.** Upon final inspection and approval of all required improvements, the remaining amount of the construction deposit shall be released, provided that no such funds shall be released on a final inspection until the development of the subdivision is complete, as determined by the City.
7. **Appeals.** If the developer believes that a release or certificate of completion has been improperly denied, an appeal shall be filed pursuant to the City's administrative review procedure (Chapter 150), and no such denial shall be deemed final until such appeal procedure has been exhausted.
- F. **Failure To Complete Improvements.**
1. The obligation of the developer to construct, complete, install and maintain the improvements indicated on the approved improvement plans shall not cease until the developer shall be finally released by the City. If, after the initial

14. All easements with figures showing their dimensions, unless designated for other specific purposes, conveyed to the trustees of the proposed subdivision, the utility or sewer companies for the purpose of constructing, maintaining and repairing public utilities and sewer and drainage facilities, with the right of temporary use of adjacent ground not occupied by improvements for the excavation and storage of materials during installation, repair or replacement of said utilities, sewer drainage facilities or similar items.
15. All private streets and common ground conveyed to trustees of the proposed subdivision.
16. Release by the deed of trust holders of the streets and other easements from the deed of trust.

Section 405.110. Final Plat — Review Procedures And Requirements.

- A. City Review. The Zoning Administrator or other designated official shall receive the application and determine, within twenty-one (21) days, whether it complies with all applicable submission requirements. If the application is deficient, the applicant shall be notified and granted an additional twenty-one (21) days to complete same. The Commission shall be deemed to have received the application on the date of its next regularly scheduled meeting following acceptance of the application by the City as being in compliance with all submission requirements.
- B. Fifteen (15) copies of the proposed final plat shall be submitted to the City Clerk's office. The final plat shall be examined for approval by the Commission and the Board of Aldermen as follows:
 1. Commission Review.
 - a. Prior to the Commission reviewing the final plat, the following shall occur:
 - (1) Improvement plans and accompanying documents required by Section 405.070 hereof are approved by the Commission.
 - (2) If the improvements were installed, the City Engineer has verified that the improvements were installed as per approved improvement plans.
 - (3) If the improvements have not been installed, the City Attorney has reviewed the improvement guarantee agreement for compliance with Section 405.090 and recommends approval of the improvement guarantee agreement to secure the proper, timely and complete installation of subdivision improvements.
 - (4) The City Engineer recommends approval of the final plat.
 - b. After the conditions outlined above have been met, the Commission shall review the final plat for conformance with the minimum requirements and standards of the City.

- c. The Commission shall recommend that the Board of Aldermen approve or disapprove the plat within sixty (60) days after the submission of the plat to the City.
 - d. The Commission shall report to the Board of Aldermen its recommendation for approval or disapproval. The grounds for any plat disapproval shall be made a matter of record.
2. Board Of Aldermen Review.
- a. A final plat shall be submitted to the Board of Aldermen within one (1) year after approval of the preliminary plat by the Commission. The Board of Aldermen may, in its discretion, grant an extension of time for submitting the final plat to the Board of Aldermen, up to a maximum of six (6) months. More than one (1) extension of time may be granted by the Board of Aldermen. Failure to submit the final plat to the Board of Aldermen within the time prescribed herein shall void the approval of the preliminary and/or final plat.
 - b. If the Commission does not approve the final plat, the Board of Aldermen may approve such plat only by a two-thirds vote of the membership of the Board of Aldermen.
 - c. If the Board of Aldermen approves the final plat, the City's Seal shall be affixed to the original tracing (Mylar) of the final plat. Two (2) copies of the final plat shall be filed in the office of the City Clerk after approval by the Board of Aldermen.
- C. Approved Final Plat—Recording. Within sixty (60) days after approval of the final plat by the Board of Aldermen, the subdivider shall record the plat, as approved by the Board of Aldermen, in the office of the Recorder of Deeds, St. Louis County, Missouri. Within ten (10) days of such recording the subdivider shall provide the City with a certified copy of the recorded plat. Failure to record and file the approved final plat as provided herein shall void the approval of the plat.
- D. Building Permits. No building permits shall be issued until the subdivider shall have presented to the City Clerk's office a copy of the final plat and the indenture of restrictions, both of which having been approved by the City and which shall have imprinted thereon the stamp of the St. Louis County Recorder's office, a surety for the benefit of the City has been posted to guarantee installation and/or maintenance of improvements in accordance with Section 405.090 hereof, and either:
1. All improvements have been installed as per City approved plans and the City, when applicable and providing improvements have been installed, has written verification from other authorities having jurisdiction within the City, that they approve and accept for maintenance said improvements, and an agreement with the City has been entered into to guarantee maintenance of all improvements in accordance with Section 405.090 hereof; or
 2. Installation and maintenance of improvements shall have been guaranteed by a guarantee agreement in accordance with Section 405.090 hereof.

development or the users or tenants to be located at the development. The size, height, design, colors and materials of such sign shall be as approved by the Board of Aldermen consistent with findings and determinations required for approval of the Master Signage Plan for the development.

- C. Any Master Signage Plan previously approved under Subsection (B) above may be amended subject to and in accordance with limited development plan process provisions set forth in Section 400.340(B) of the City Zoning Code.

Section 410.060. (Reserved)

Section 410.070. Signs Prohibited In Zone "C" Commercial Districts.

[R.O. 2016 § 410.070; R.O. 2011 § 410.070; Ord. No. 99-32 § 2, 10-20-1999; Ord. No. 374 § 5, 10-3-2012]

- A. Except as may be otherwise prescribed by ordinance, the following signs shall be prohibited in Commercial Districts:
1. Fluttering devices such as pennants, whirligigs, balloons, inflated devices, etc.
 2. Flashing or intermittent lights, strings of light, or those that appear to move (except seasonal holiday decorations).
 3. Moving signs.
 4. Roof signs.
 5. Signs on public street right-of-way (other than government signs).
 6. Signs that are in disrepair or hazardous.
 7. Signs that advertise an activity, business, product or service not conducted on the premises upon which the sign is located.
 8. Signs erected at the intersection of streets so as to obstruct free and clear vision, or located within the direct line of vision of any traffic control sign or signal, signs having red, green or amber illumination which may be confused with or construed as a traffic control device.
 9. Signs directly painted on any wall or any wall of any structure.
 10. Billboards.

Section 410.080. Portable Signs In Zone "C" Commercial Districts.

[R.O. 2016 § 410.080; R.O. 2011 § 410.080; Ord. No. 99-32 § 2, 10-20-1999; Ord. No. 374 § 5, 10-3-2012]

- A. Portable signs may not be placed upon any lot, building or structure or any portion thereof in any commercial district in the City of Twin Oaks, Missouri, except that signs

which are less than twenty-four (24) inches in horizontal or vertical distance and are permanently painted on motor vehicles shall not be prohibited.

- B. Signs in excess of twenty-four (24) inches measured either horizontally or vertically permanently attached or adhered in any manner to any motor vehicle or construction trailer may not be displayed in any commercial district in the City of Twin Oaks except under the following conditions:
1. During the course of travel upon any roadway;
 2. While the device to which it is attached or by which it is being moved is stopped or parked for the purpose of loading or unloading persons or materials, but only for so long as is reasonably required to achieve such loading or unloading;
 3. During construction, reconstruction or remodeling of any property or premises for which a building permit has been lawfully issued construction equipment, storage trailers, offices and other mobile devices displaying signs may be located on or adjacent to the property on which the work is being performed, provided:
 - a. Such equipment is located in an area designated by the Code Enforcement Officer after consideration of traffic patterns and line-of-sight requirements for nearby traffic; and
 - b. Such equipment may be so located only during and within thirty (30) days before the actual construction work reflected on the building permit relating to the premises.

Section 410.090. Maintenance And Safety.

[R.O. 2016 § 410.090; R.O. 2011 § 410.090; Ord. No. 99-32 § 2, 10-20-1999]

- A. All signs shall be maintained in good repair so as to prevent rust, peeling, flaking or fading. Broken panels, missing letters, flaking or peeling paint, delamination of wood, malfunctioning lights, and other visual damage to a sign shall be repaired within forty-five (45) days of the occurrence or within thirty (30) days of notification by notification from the City Clerk either by personal service, United States Postal Service or posting such notice upon the premises or the sign.
- B. Any sign and its supporting frame, which advertises a business no longer conducted or a product no longer sold on the premises or lot, shall be removed by the owner, agent or person having beneficial use of the premises or lot upon which the sign is erected within thirty (30) days after the business or product is no longer present.
- C. Any sign which is structurally unsafe or hazardous or endangers a building or premises, pedestrian or vehicular traffic (including but not limited to being hazardous by reason of obstruction of walkways or fire access or exit lanes, by restricting site distances or being located in such close proximity to travel lanes or parking areas that it may be struck by maneuvering vehicles) shall be relocated, removed or otherwise protected within fifteen (15) days of notification that such danger or nuisance exists by notification from the City Clerk either by personal service, United States Postal Service or posting such notice upon the premises or the sign.

shall have a static display and shall not be illuminated so as to be a flashing sign or that in any manner creates the illusion of movement.

3. **Brightness.** The brightness of an ECM shall automatically adjust via photocell for use during daylight hours and non-daylight hours. No sign may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. The maximum permitted brightness for an ECM during daylight hours is five thousand (5,000) NIT (candela per square meter) and five hundred (500) NIT during non-daylight hours as measured from the sign's face perpendicular to the rays of the source at maximum brightness. The lighting and other specifications for a proposed ECM shall be submitted with the application proposing to incorporate an ECM.
4. **Story Advertising.** An ECM sign shall not display consecutive messages facing the same traveled way, which constitute a substantially similar theme or story and is a continuation of any immediately preceding message, thereby creating a storyboarding effect when viewed by persons operating a motor vehicle. Nothing contained in this Subsection shall prohibit the display of identical consecutive messages.
5. **Malfunction And Non-Compliance.** All ECM signs shall be designed and equipped to freeze the device in one (1) position if a malfunction occurs. The ECM signs shall be equipped with a means to promptly discontinue the display if it malfunctions, and the sign owner shall immediately stop the dynamic display when notified by the City that it is not complying with standards of this Code.
6. **Conversion.** Conversion of an existing monument sign to an ECM is authorized only where ECMs are permitted by this Chapter and the current sign complies with existing Code requirements.

Section 410.120. Permits Required.

[R.O. 2016 § 410.120; R.O. 2011 § 410.120; Ord. No. 99-32 § 2, 10-20-1999; Ord. No. 131 § 5, 10-15-2003; Ord. No. 334 § 1(VI), 5-18-2011]

Unless otherwise provided in these regulations, it shall be unlawful for any person, partnership, corporation, agent or employee thereof to erect, repair, paint, replace, alter, relocate or otherwise change, other than normal maintenance, within the City of Twin Oaks any sign as defined in this Chapter without first obtaining approval and a permit from the City of Twin Oaks and making payment of the fee as set forth by the Board of Aldermen from time to time. Before any permit is granted for the erection of a sign, outdoor display or structure, four (4) sets of final plans and specifications shall be filed with the City of Twin Oaks showing the location of the proposed sign and the dimensions, materials and required details of construction, including calculated dimensions approved by an engineer registered in the State of Missouri if required by the City Clerk in the interest of public safety. If the work authorized under a permit is not completed within six (6) months after such permit was authorized, it shall become null and void.

Section 410.130. (Reserved)

Section 410.140. Amendments.

[R.O. 2016 § 410.135; R.O. 2011 § 410.135; Ord. No. 131 § 6, 10-15-2003]

Amendments to the Sign Code shall be in accordance with Section 400.550 of this Title IV.

Section 410.150. Appeals.

[R.O. 2016 § 410.138; R.O. 2011 § 410.138; Ord. No. 131 § 6, 10-15-2003]

The Board of Adjustment shall have the power and duty to hear and decide appeals as set forth in Article XVII of Chapter 400 of the Zoning Code.

Section 410.160. Severability.

[R.O. 2016 § 410.140; R.O. 2011 § 410.140; Ord. No. 99-32 § 2, 10-20-1999]

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

Section 410.170. Violations And Penalties.

[R.O. 2016 § 410.150; R.O. 2011 § 410.150; Ord. No. 74 § 1, 2-20-2002]

In addition to or in lieu of those other remedies available to the City pursuant to Chapter 89, RSMo., in common law and in equity, any person found to have violated the provisions of this Chapter shall be guilty of an ordinance violation and subject to the general penalty provisions of Section 100.220.

ARTICLE III
Existing Building Code

Section 500.040. Adoption Of Existing Building Code.

[R.O. 2016 § 500.180; R.O. 2011 § 500.210; Ord. No. 190 § 1, 8-3-2005; Ord. No. 321 § 1, 10-6-2010]

The St. Louis County Existing Building Code, as amended, which was adopted by the County of St. Louis by Ord. No. 24,444 on July 21, 2010, and any subsequent amendments thereto, is hereby adopted as the Existing Building Code of the City of Twin Oaks, Missouri, as if fully set out in this Section.

ARTICLE IV
Electrical Code

Section 500.050. Adoption Of Electrical Code.

[R.O. 2016 § 500.030; R.O. 2011 § 500.030; Ord. No. 97-1 § 1, 2-19-1997; Ord. No. 98-4 § 1, 1-21-1998; Ord. No. 2000-12 § 1, 8-2-2000; Ord. No. 116 § 4, 7-2-2003; Ord. No. 143 § 1, 3-3-2004; Ord. No. 210 § 1, 3-15-2006; Ord. No. 321 § 1, 10-6-2010]

The St. Louis County Electrical Code, as amended, which was adopted by the County of St. Louis by Ord. No. 24,439 on July 14, 2010, and any subsequent amendments thereto, is hereby adopted as the Electrical Code of the City of Twin Oaks, Missouri, as if fully set out in this Section.

ARTICLE V
Plumbing Code

Section 500.060. Adoption Of Plumbing Code.

[R.O. 2016 § 500.040; R.O. 2011 § 500.050; Ord. No. 97-1 § 1, 2-19-1997; Ord. No. 98-4 § 1, 1-21-1998; Ord. No. 98-33 § 1, 10-7-1998; Ord. No. 116 § 5, 7-2-2003; Ord. No. 190 § 1, 8-3-2005; Ord. No. 321 § 1, 10-6-2010]

The St. Louis County Plumbing Code, as amended, which was adopted by the County of St. Louis by Ord. No. 24,441 on July 14, 2010, and any subsequent amendments thereto, is hereby adopted as the Plumbing Code of the City of Twin Oaks, Missouri, as if fully set out in this Section.

ARTICLE VI
Mechanical Code

Section 500.070. Adoption Of Mechanical Code.

[R.O. 2016 § 500.080; R.O. 2011 § 500.100; Ord. No. 97-1 § 1, 2-19-1997; Ord. No. 98-4 § 1, 1-21-1998; Ord. No. 116 § 6, 7-2-2003; Ord. No. 190 § 1, 8-3-2005; Ord. No. 321 § 1, 10-6-2010]

The St. Louis County Mechanical Code, as amended, which was adopted by the County of St. Louis by Ord. No. 24,438 on July 14, 2010, and any subsequent amendments thereto, is hereby adopted as the Mechanical Code of the City of Twin Oaks, Missouri, as if fully set out in this Section.

Section 500.080. Copies Of Codes On File.

[R.O. 2016 § 500.090]

At least one (1) copy of the Codes adopted herein are on file in the office of the City Clerk and are available for public use, inspection, and examination.

ARTICLE VII
Property Maintenance Code

Section 500.090. Adoption Of County Property Maintenance Code.

[R.O. 2016 § 500.190; R.O. 2011 § 500.220; Ord. No. 301 §§ 1, 3, 10-7-2009; Ord. No. 321 § 1, 10-6-2010; Ord. No. 331 § 1, 3-16-2011]

The St. Louis County Property Maintenance Code with reoccupancy inspections as adopted by the County of St. Louis by Ord. No. 24,438 on July 14, 2010, and any subsequent amendments thereto, is hereby adopted as the Property Maintenance Code of the City of Twin Oaks, Missouri.

Section 500.100. Additions, Insertions and Deletions.

[R.O. 2016 § 500.200; R.O. 2011 § 500.230; Ord. No. 331 § 1, 3-16-2011]

A. Section 302 Exterior Property Areas is amended to read as follows:

302.4. All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens.

B. Section 1110.1065 Permit Inspection Fees is amended to read as follows:

Fees for permits and inspections shall be determined by the Board of Aldermen.

ARTICLE VIII
Explosives Code

Section 500.110. Adoption Of Explosives Code.

[R.O. 2016 § 500.150; R.O. 2011 § 500.180; Ord. No. 97-1 § 1, 2-19-1997; Ord. No. 98-4 § 1, 1-21-1998; Ord. No. 99-6 § 1, 1-6-1999; Ord. No. 116 § 8, 7-2-2003]

The St. Louis County Explosives Code, as amended, which was adopted by the County of St. Louis by Ord. No. 17,057 on June 6, 1994, and any subsequent amendments thereto, is hereby adopted as the Explosives Code of the City of Twin Oaks, Missouri, as if fully set out in this Section.

ARTICLE IX
Additional Requirements For Permits

Section 500.120. Additional Requirements For Issuance Of Certain Permits.

[R.O. 2016 § 500.100; R.O. 2011 § 500.120; Ord. No. 116 § 7, 7-2-2003; Ord. No. 142 § 1, 4-7-2004; Ord. No. 180 § 1, 4-6-2005; Ord. No. 374 § 5, 10-3-2012]

- A. Performance Security Required. Each applicant:
1. For a demolition permit; or
 2. For a building permit involving any site improvement to which a Development Plan or Limited Development Plan process applies under the Zoning Code of the City of Twin Oaks, Missouri; and each person or entity:
 - a. Undertaking any grading or excavation which is subject to grading permit, building permit or subdivision approval requirements; or
 - b. Using public or private streets within the City in connection with the improvement of real property, including the construction of buildings or structures, which has an estimated value of over twenty-five thousand dollars (\$25,000.00) shall, before undertaking any work under such permit or activity and in addition to any fees for such permits or other required deposits, establish a deposit or performance security with the City:
 - (1) To assure timely and satisfactory undertaking and completion of such demolition, grading or improvement such that the public safety, convenience and welfare is secured,
 - (2) To secure against damage to such streets, and
 - (3) To assure the removal in a manner satisfactory to the City of any earth, mud, ice, snow, rock, gravel, sand, cement, asphalt, trash, debris or other materials that block or otherwise limit the use and enjoyment of said streets or endanger those using said streets, in the manner and in the amounts provided in this Section; provided that requirements of this Section shall not apply to a public utility right-of-way user which has at least twenty-five million dollars

(\$25,000,000.00) in net assets and does not have history of permitting non-compliance within the City.

B. Deposit/Security Options. Deposits or performance guarantees required by this Section shall be in one of the forms, as applicable, provided below:

1. Cash deposited with the City Clerk to be held in an interest-bearing account dedicated for that purpose. All interest accruing on the account shall be retained by the City to offset administrative and other costs of maintaining the cash deposits; or
2. An irrevocable letter of credit drawn on a local financial institution for a period of at least one (1) year and in a form approved by the City Attorney. The letter of credit may not be drawn on any financial institution with whom the applicant or a related entity has any ownership interest or with whom there is any joint financial connection that creates any actual or potential lack of independence between the institution and the applicant. The letter of credit and any associated deposit agreement shall provide that the issuing institution will pay on demand to the City such amounts as the City may require to fulfill the obligations set forth in Subsections (A) and (D) of this Section. The letter of credit shall state that any balance remaining at the expiration shall automatically be deposited in cash with the City Clerk, unless a new letter of credit is issued and agreed to by the City or the City issues to the institution a written release of the obligations for which the letter of credit was deposited; or
3. In an "A" Single-Family Dwelling District and/or a "B" Single-Family Attached Dwelling District and where the estimated cost or value of the activity subject to the foregoing permit or approval requirements is fifty thousand dollars (\$50,000.00) or less, as determined by the Code Official, a performance bond or security with a good and sufficient surety in favor of the City and in a form approved by the City Attorney guaranteeing the obligations set forth in Subsections (A) and (D) of this Section.

C. Amount Of Deposit/Security Required. The amount of deposit or performance security required pursuant to this Section shall as follows:

1. For activity within an "A" Single-Family Dwelling District and/or a "B" Single-Family Attached Dwelling District, either:
 - a. In the case of a cash deposit or irrevocable letter of credit, the amount of twenty-five percent (25%); or
 - b. In the case of a performance bond or security, the amount of one hundred percent (100%) of the estimate of the cost, as determined by the Code Official, of the proposed demolition, the completion of the proposed grading or excavation and/or installation of the proposed improvement.
2. For activity within a "C" Commercial District and/or a "D" Park District, a cash deposit or irrevocable letter of credit in the amount of one hundred percent (100%) of the estimate of the cost, as determined by the Code Official, of the proposed demolition, the completion of the proposed grading or excavation and/or installation of the proposed improvement.

- D. Use Of Deposits/Security. The City may use deposits or may apply the performance security to defray or reimburse any cost to the City to secure the public safety, convenience and welfare in the event of a failure:
1. To timely and satisfactorily undertake and/or complete the demolition, grading or improvement which is the subject of the permit issued;
 2. To repair damage to public or private streets within five (5) business days of written notification of such condition by the Code Official or the City Clerk; or
 3. To satisfactorily remove materials resulting from the construction activity that block or otherwise limit the use and enjoyment of streets within three (3) calendar days of written notification of such condition by the Code Official or the City Clerk.
- E. Releases. Unless otherwise required by law, the City shall release the deposit or performance security required under this Section:
1. Upon written request of the applicant to the City Clerk; and
 2. Within thirty (30) days of inspection and written certification by the Code Official of the satisfactory completion of all work undertaken under the permits issued.
- F. Appeals. If an applicant believes that a release of deposit or performance security has been improperly denied, a written appeal may be made pursuant to Chapter 150.
- G. Additional Remedies. If any party fails to comply with any obligations of this Section, the Code Official or the City Clerk may recommend that the City Attorney take appropriate legal action and may also withhold any grading, building or occupancy permits to this applicant or related entities until such compliance is cured.
- H. Replacement Letter Of Credit. In the event a developer who has posted a cash escrow or letter of credit with the City in accordance with Subsection (B) of this Section transfers title of the subdivision property prior to full release of the escrow or letter of credit, the municipality shall accept a replacement escrow or letter of credit from the successor developer in the form allowed in Subsection (B) of this Section and in the amount of the escrow or letter of credit held by the City at the time of the property transfer, and upon receipt of the replacement escrow or letter of credit, the City shall release the original escrow or letter of credit in full and release the prior developer from all further obligations with respect to the performance guarantee if the successor developer assumes all of the outstanding obligations of the previous developer.
- I. Provisions Subject To Certain Requirements Of State Law. All provisions contained in this Section shall be read in consonance with the provisions contained in Section 89.410, RSMo., as amended from time to time and in the event of a conflict between the provisions of this Section and those contained in Section 89.410, RSMo., the later shall prevail and control.

ARTICLE X

Miscellaneous Provisions**Section 500.130. Earthquake And Seismic Design Requirements.**

All construction in the City shall comply with the requirements of Sections 319.200 through 319.207, RSMo., and any amendments thereto, relating to earthquakes and seismic construction requirements.

Section 500.140. Standards Subject To Superintending Control Of City.

[R.O. 2016 § 500.130; R.O. 2011 § 500.160; Ord. No. 77-3 § 2, 5-18-1977]

Construction standards, control of signs, exterior lighting, fencing, tree removal, storm drainage, sanitary sewer treatment, building, occupancy and licensing permits and related items dealing with the overall plan of construction and use shall be subject to the superintending control of the City.

Section 500.150. Miscellaneous Building Regulations.

[R.O. 2016 § 500.140; R.O. 2011 § 500.170; Ord. No. 73-6 §§ 2, 4 — 6, 9-29-1973]

A. The following regulations are in addition to the Building Codes herein adopted:

1. For a one- or two-story, single-family dwelling there shall be a minimum square footage area on the first floor of not less than one thousand one hundred (1,100) feet by inside dimensions, including utility room and excluding basement.
2. All side walls shall be minimum sheeted with one-half-inch composition board (Celotex or equal) or one-half-inch plywood if asbestos shingles are to be used. Interior and exterior joints shall be broken one exterior. If brick veneer facing is used, sufficient wall ties must be installed.
3. All backfill around foundations shall be free of wood, concrete, paper, plastic, glass and all other forms of construction refuse and foreign materials.
4. All building sites, the lots and common grounds adjoining and the streets involved in carrying traffic to and from the construction site, shall be maintained in a clean and safe condition during construction, and all refuse and unused building materials shall be removed from the area promptly upon completion of construction.

ARTICLE XI

Code Enforcement Services**Section 500.160. Code Enforcement Services.**

[R.O. 2016 § 500.160; R.O. 2011 § 500.190; Ord. No. 97-2 § 1, 2-19-1997]

A contract agreement with St. Louis County, Missouri, for enforcement of the City Building, Mechanical, Electrical, Plumbing, Explosives and Weights and Measures Codes is hereby

Section 505.050. Building Inspector.

The Code Enforcement Officer shall be the Building Inspector(s) within the meaning of this Chapter.

Section 505.060. Duties Of Building Inspector — Procedure And Notice.

- A. The Building Inspector(s) shall have the duty under this Chapter to:
1. Inspect or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether any conditions exist that render such place to be a dangerous building when he/she has reasonable grounds to believe that any such building is dangerous.
 2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Chapter, and the Building Inspector determines that there are reasonable grounds to believe that such building is dangerous.
 3. Inspect any building, wall or structure reported by the Fire or Police Department of this City as probably existing in violation of this Chapter.
 4. Notify the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in the building or structure, as shown by the land records of the Recorder of Deeds of St. Louis County, of any building or structure found by him/her to be a dangerous building or structure within the standards set forth in Section 505.020. Such notice shall be in writing and shall be given either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) consecutive weeks.
 - a. The notice required shall state that:
 - (1) The owner must vacate, vacate and repair, or vacate and demolish said building and clean up the lot or property on which the building is located in accordance with the terms of the notice and this Chapter.
 - (2) The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession.
 - (3) The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County may, at his/her own risk, repair, vacate or demolish the building and clean up the property or have such work done.
 - b. Provided, that any person notified under this Subsection to repair, vacate or demolish any building or clean up the property shall be given such reasonable time not exceeding thirty (30) days to commence the required work.

- c. The notice provided for in this Section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building, a statement indicating that as a dangerous building said building or structure constitutes a nuisance, and an order requiring the designated work to be commenced within the time provided for in the above Subsection.
5. Report in writing to the City Building Commissioner the non-compliance with any notice to vacate, repair, demolish, clean up the property or upon the failure to proceed continuously with the work without unnecessary delay.
6. Appear at all hearings conducted by the Building Commissioner and testify as to the condition of dangerous buildings.
7. Immediately report to the Building Commissioner concerning any building found by him/her to be inherently dangerous and that he/she determined to be a nuisance per se.
 - a. The Building Commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

"This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building and/or property until it is repaired, vacated or demolished and the property is cleaned up in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of this building and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County. It is unlawful to remove this notice until such notice is complied with."
 - b. Provided, however, that the order by the Building Commissioner and the posting of said notice shall not be construed to deprive all persons entitled thereto by this Chapter to the notice and hearing prescribed herein.

Section 505.070. Building Commissioner.

The City Clerk shall act as Building Commissioner under this Chapter.

Section 505.080. Duties Of The Building Commissioner.

- A. The Building Commissioner shall have the powers and duties pursuant to this Chapter to:
 1. Supervise all inspections required by this Chapter and cause the Building Inspector to make inspections and perform all the duties required of him/her by this Chapter. Upon receiving a complaint or report from any source that a dangerous building exists in the City, the Building Commissioner shall cause an inspection to be made forthwith. If the Building Commissioner deems it necessary to the performance of his/her duties and responsibilities imposed herein, the Building Commissioner may request an inspection and report be made

by any other City department or retain services of an expert whenever the Building Commissioner deems such service necessary.

2. Upon receipt of a report from the Building Inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other person(s) having an interest in said building to commence work of reconditioning or demolition within the time specified by this Chapter or upon failure to proceed continuously with work without unnecessary delay, hold a hearing giving the affected parties full and adequate hearing on the matter.
3. Give written notice of said hearing, either by personal service or by certified mail, return receipt requested, or if service cannot be had by either of those modes of service, then by publication in a newspaper qualified to publish legal notices, at least ten (10) days in advance of the hearing date, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County who may appear before the Building Commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice as provided herein. Any party may be represented by counsel and all parties shall have an opportunity to be heard.
4. Make written findings of fact from the evidence offered at said hearing as to whether or not the building in question is a dangerous building within the terms of Section 505.020 of this Chapter.
5. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building and a nuisance and detrimental to the health, safety or welfare of the residents of the City, the Building Commissioner shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other person(s) having an interest in said building as shown by the land records of the Recorder of Deeds of St. Louis County to repair, vacate or demolish any building found to be a dangerous building and to clean up the property, provided that any person so notified shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the ordinances of this City, or may vacate and demolish said dangerous building at his/her own risk to prevent the acquiring by the City of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building or a nuisance or detrimental to the health, safety or welfare of the residents of the City, no order shall be issued.
6. If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the Building Commissioner shall cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant. If the Building Commissioner or other designated officer or officers issues an order whereby the building or structure is demolished, secured or repaired, or the property is cleaned up, the cost of performance shall be certified to the City Clerk or officer in charge of finance who shall cause a special tax bill

or assessment therefor against the property to be prepared and collected by the City Collector or other official collecting taxes, unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the City and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 to 429.360, RSMo. Except as provided in Section 505.090, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be deemed a personal debt against the property owner and shall also be a lien on the property until paid. Said tax bill or assessment shall bear interest at a rate of eight percent (8%) per annum until paid.

Section 505.090. Insurance Proceeds — How Handled.

- A. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the payment of up to twenty-five percent (25%) of the insurance proceeds as set forth in this Subsection. This Subsection shall apply only to a covered claim payment that is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure:
1. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment and shall pay such monies to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under this Chapter.
 2. The City shall release the proceeds and any interest that has accrued on such proceeds received under Subsection (A)(1) to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of Subsection (A)(6) of Section 505.080. If the City has proceeded under the provisions of Subsection (A)(6) of Section 505.080, all monies in excess of that necessary to comply with the provisions of Subsection (A)(6) of Section 505.080 for the removal, securing, repair and clean up of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.
- B. If there are no proceeds of any insurance policy as set forth in Subsection (A) of this Section, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from the date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.
- C. This Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.
- D. This Section does not make the City a party to any insurance contract, and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.

Chapter 515

EXCAVATION, GRADING AND FILL

ARTICLE I General Provisions

- Section 515.010. Intent; Land Disturbance Code, When Applicable.**
- Section 515.020. Definitions.**
- Section 515.030. Protection Of Public.**

ARTICLE II Public Utility Excavation Or Other Work Within Public Right-Of-Way Excavations And Public Rights-Of-Way Management

- Section 515.040. Applicability; Preemption.**
- Section 515.050. Rights-Of-Way Use Agreement, License, Or Franchise Required; Requirements.**
- Section 515.060. Application For Franchise Or ROW Use Agreement Required.**
- Section 515.070. Permit Required; Requirements.**
- Section 515.080. Permit Denial And Revocation.**

- Section 515.090. Location, Design, And Mapping Of Facilities.**
- Section 515.100. Relocation Of Facilities.**
- Section 515.110. ROW User Responsibilities And Requirements.**
- Section 515.120. Excavation Details; Manner Of Work Generally.**
- Section 515.130. Standards For All Work Within The ROW.**
- Section 515.140. Curb, Gutter, And Sidewalk Requirements.**
- Section 515.150. Jurisdiction, Inspection, Stop-Work Orders, Appeals, And Penalties.**
- Section 515.160. Reservation Of Rights.**

ARTICLE III Private Property Site Work

- Section 515.170. Site Work Permit Required.**
- Section 515.180. Application; Permit Fee.**
- Section 515.190. Violation — Penalty.**

ARTICLE I General Provisions

Section 515.010. Intent; Land Disturbance Code, When Applicable.

[R.O. 2016 § 515.010; Ord. No. 475 § 1, 2-3-2016¹]

The provisions contained in Article III (Private Property Site Work) of this Chapter 515 shall apply when the Code Enforcement Officer determines that an application for an excavation,

1. Editor's Note: Former Ch. 515, containing Sections 515.010 — 515.100, enacted 5-4-2011 by § 1 of Ord. No. 333, was repealed 2-3-2016 by § 1 of Ord. No. 475.

fill or grading permit (collectively, a site work permit) properly falls within the provision of Article III rather than Article II (Public Utility excavation Or Other Work Within Public Right-Of-Way excavations And Public Rights-Of-Way Management) or Section 407.020 of this Code (Land Disturbance Code).

Section 515.020. Definitions.

[R.O. 2016 § 515.020; Ord. No. 475 § 1, 2-3-2016; Ord. No. 18-06, 2-21-2018]

For purposes of this Chapter, the following terms, phrases, words, and their derivatives shall have the meanings set forth in this Section, unless the context clearly indicates that another meaning is intended.

ABANDONED FACILITIES — Any equipment, materials, apparatuses, devices, or facilities that are:

1. Declared abandoned by the owner of such equipment or facilities;
2. No longer in active use for a period of six (6) months or more, and the owner of such equipment or facilities fails to respond within thirty (30) days to a written notice sent by the City;
3. The owner allows a franchise, agreement or license to expire and fails to cure within thirty (30) days after notice; or
4. As otherwise may be defined by applicable law.

ANTENNA — Any device that transmits and/or receives electromagnetic wireless radio waves or signals for voice, data or video communications purposes, including, but not limited to, television, text, AM/FM radio, microwave, cellular telephone, communications service, or otherwise.

APPLICANT — Any person who has applied for a ROW use agreement, franchise, license, ROW permit, or any permit or other authorization to install, maintain, repair or otherwise physically access facilities in the ROW.

CITY FACILITIES — Any facilities located in the ROW and owned by the City.

COMMUNICATIONS SERVICE — The transmission via facilities, in whole or in part, of any writings, signs, signals, pictures, sounds or other forms of intelligence through wire, wireless, or other means, including, but not limited to, any telecommunications service, enhanced service, information service, or Internet service, as such terms are now, or may in the future be, defined under applicable law, and including all instrumentalities, facilities, apparatus (communications facilities), and services (among other things, the receipt, forwarding, and delivery of telecommunications) incidental to such transmission or designed to directly or indirectly facilitate or accept such transmission and shall also include "video services" as defined in § 67.2677, RSMo. The term "communications service" does not include the rental of conduit or physical facilities.

DIRECTOR — The City Clerk.

EXCAVATION — Any act by which earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground is cut into, dug, uncovered, removed, or otherwise displaced, by

RSMo., and has on file with the City Clerk an affidavit certifying that the ROW user has twenty-five million dollars (\$25,000,000.00) in net assets and is otherwise therefore so exempted unless otherwise provided by a ROW use agreement or franchise or the City determines such exemption has not been adequately shown. Additionally, in accordance with Section 67.5121(3), RSMo., a self-insured ROW user shall not be required to obtain insurance naming the City as an additional insured solely to the extent such ROW user is utilizing "small wireless facilities" as defined in the Uniform Small Wireless Facility Deployment Act⁴ within the ROW. This exception to the City's insurance requirements shall only apply as related to small wireless facilities and shall not otherwise alter the obligations of a ROW user to provide appropriate insurance to the City for any other activities or operations. The City may waive any and all requirements under this Subsection when deemed to be lawful and in the public interest.

H. Performance And Maintenance Bonds.

1. Bond Required. Prior to any work, a ROW user shall establish in the City's favor a performance and maintenance bond in an amount to be determined by the Director to guarantee the restoration of the rights-of-way as more fully provided in Section 515.130(B). The bond shall continue in full force and effect for a period of forty-eight (48) months following completion of the work. The Director may waive this requirement when the work involves, as determined in the sole discretion of the Director, no or only minor disruption or damage to the rights-of-way. The bond requirements in this Section or otherwise shall not apply to a ROW user to the extent and for such period as the ROW user is exempted from such requirements pursuant to § 67.1830(6)(a), RSMo., and has on file with the City Clerk an affidavit certifying that the ROW user has twenty-five million dollars (\$25,000,000.00) in net assets and is otherwise therefore so exempted, unless otherwise provided by a ROW use agreement or franchise or the City determines such exemption has not been adequately shown. The City may waive any and all requirements under this Subsection when deemed to be lawful and in the public interest.
2. Failure To Satisfactorily Complete Restoration. If a ROW user fails to complete the work in a safe, timely, and competent manner or if the completed restorative work fails without remediation within the time period for the bond (as determined by the Director), then after notice and a reasonable opportunity to cure, there shall be recoverable, jointly and severally from the principal and surety of the bond, any damages or loss suffered by the City as a result, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the ROW user and the cost of completing work in or restoring the rights-of-way, up to the full amount of the bond. The City may also recover against the bond any amount recoverable against a security fund or letter of credit where such amount exceeds that available under a security fund or letter of credit.
3. Bond Terms. The bond shall be issued by a surety with an "A" or better rating of insurance in Best's Key Rating Guide, Property/Casualty Edition, shall be subject to the approval of the City's Attorney and shall contain the following

4. Editor's Note: See § 67.5110 et seq., RSMo.

endorsement: "This bond may not be canceled or allowed to lapse until sixty (60) days after receipt by the City, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew."

4. Exception. In lieu of the bond required herein, the ROW user may establish in the City's favor such other security as the Director may determine to be commensurate with the noted bonding requirements, including, but not limited to, an annual bond to be maintained in the minimum amount of twenty-five thousand dollars (\$25,000.00). Additionally, in accordance with § 67.5121(4), RSMo., the bonds required for "small wireless facilities" as defined in the Uniform Small Wireless Facility Deployment Act shall not exceed one thousand five hundred dollars (\$1,500.00) per small wireless facility or more than seventy-five thousand dollars (\$75,000.00) for all small wireless facilities within the ROW of a ROW user. This exception to the City's bonding requirements shall only apply as related to such small wireless facilities" and shall not otherwise alter the obligations of a ROW user to provide appropriate bonds to the City for any other activities or operations.
- I. Indemnification. Any person performing excavation or a ROW user as a condition of use of the rights-of-way shall at its sole cost and expense fully indemnify, protect, defend (with counsel acceptable to the City), and hold harmless the City, its municipal officials, officers, employees, and agents, from and against any and all claims, demands, suits, proceedings, and actions, liability, and judgment by other persons for damages, losses, costs, and expenses, including attorney fees, arising, directly or indirectly, in whole or in part, from the action or inaction of the person performing excavation or the ROW user, its agents, representatives, employees, contractors, subcontractors, or any other person for whose acts the person performing excavation, or the ROW user may be liable, in constructing, operating, maintaining, repairing, restoring, or removing facilities or other structures, or use of the rights-of-way or the activities performed, or failed to be performed, by the person performing excavation or ROW user under this Chapter or applicable law, or otherwise, except to the extent arising from or caused by the sole or gross negligence or willful misconduct of the City, its elected officials, officers, employees, agents, or contractors. Nothing herein shall be deemed to prevent the City or any agent from participating in the defense of any litigation by its own counsel at its own expense. Such participation shall not under any circumstances relieve the person from the duty to defend against liability or its duty to pay any judgment entered against the City, or its agents. This indemnification shall survive the expiration or termination of any ROW use agreement, franchise, license, or permit; provided, however, that in accordance with § 67.5121(2), RSMo., a ROW user solely to the extent a ROW user is operating a "small wireless facility" as defined in the Uniform Small Wireless Facility Deployment Act⁵ within the ROW shall only indemnify and hold the City, its officers and employees harmless against any damage or personal injury caused by the negligence of the ROW user, its employees, agents, or contractors. This exception shall only apply to the ROW user's small wireless facilities and shall not otherwise alter the obligations of a ROW user to provide indemnification to the City for any other activities or operations.

5. Editor's Note: See § 67.5110 et seq., RSMo.

ARTICLE III

Private Property Site Work**Section 515.170. Site Work Permit Required.****[R.O. 2016 § 515.080; Ord. No. 475 § 1, 2-3-2016]**

- A. No person shall fill, grade or excavate any portion of any lot, parcel, tract or right-of-way without first obtaining a site work permit from the City Code Enforcement Officer or that person's designee; provided that a permit under this Subsection shall not be required for:
1. Grading for the foundation or basement of any building, structure or swimming pool for which a building permit has been properly issued by the Code Official.
 2. Grading in connection with a subdivision which grading has been duly approved by the Board of Aldermen in accordance with the subdivision regulations of the City of Twin Oaks.
 3. Where a permit is required under Article II (Public Utility Excavation Or Other Work Within Public Right-Of-Way Excavations And Public Rights-Of-Way Management) or Section 407.020 of this Code (Land Disturbance Code).
- B. No person shall make or cause to be made, or help, aid or assist therein, any grading on private property, including a private easement for the purpose of installing utility poles, underground electric or telephone cable, sewer or water lines or other underground facilities, without first having made application to the Code Enforcement Officer for a permit for such excavation and receiving from the Code Enforcement Officer a written permit hereunder.
- C. Work under a site work permit for a driveway shall meet the additional requirements of Section 400.270 (Driveway Setback, Property Line and Construction Requirements) of this Code and shall require submittal of such information with the permit application as to sufficiently depict the proposed location, property line, materials, grading limits and dimensions of the driveway (or work thereon).
- D. Work under a site work permit for a sewer lateral replacement shall meet the additional requirements of Chapter 520 (Sewer Lateral Program) of this Code and shall require submittal of such information with the permit application as to sufficiently depict the proposed location, property line, materials, grading limits and dimensions of the driveway (or work thereon).
- E. Application for a permit shall be, in writing, filed with the City Clerk and shall include the following information:
1. Accurate plot plan depicting location of the grading or excavation site, description of soil features and details of all structures, walls, cribbing and surface protection; and
 2. Proposed schedule of operations and dates of start and completion.
- F. Applicants using construction equipment shall make provisions for the protection and preservation of City streets and right-of-way. The City reserves the right to require a

performance bond or cash deposit for any work in, upon or immediately adjacent to the right-of-way in such amount as may be necessary to place the City in an assured position that the work will be completed and any damage to public property repaired at the cost of the permittee.

Section 515.180. Application; Permit Fee.

[R.O. 2016 § 515.090; Ord. No. 475 § 1, 2-3-2016]

Application for a site work permit shall be on forms provided by the City and accompanied by an application fee of twenty-five dollars (\$25.00); provided that where application for a grading permit is made contemporaneously with any other permit related to the activity and issued by the City, a single application fee shall apply which shall be the greater of the amounts of the individual permits. The permit fee hereunder shall be paid in anticipation of the City's expenses incurred in processing the application or submission at issue, including, but not limited to, administrative and clerical costs, inspections, surveys, legal, engineering and plan review, and other investigations deemed necessary by the City. Processing and all other actions related to the application or submittal shall not proceed until the applicable fee is paid in full. In the event the fee or deposit is insufficient to pay all such expenses incurred by the City, the City Clerk may document additional costs incurred by the City in relation to inspecting or enforcing the permit provisions and request payment of same within thirty (30) days.

Section 515.190. Violation — Penalty.

[R.O. 2016 § 515.100; Ord. No. 475 § 1, 2-3-2016]

Any person failing to apply for and be granted a permit, properly display the excavation permit or who shall violate any other provision of this Chapter shall be subject to a fine of up to one thousand dollars (\$1,000.00) and to imprisonment for up to ninety (90) days, or to both such fine and imprisonment, in addition to civil damages. Each day of such non-compliance is considered a separate violation.

Chapter 520

SEWER LATERAL PROGRAM

Section 520.010. Definitions.

Section 520.030. Schedule Of Fees.

Section 520.020. Description Of Program.

Section 520.040. Violations And Penalties.

Section 520.010. Definitions.

[R.O. 2016 § 520.010; R.O. 2011 § 525.010; Ord. No. 292 § 1, 5-6-2009; Ord. No. 495 § 1, 8-3-2016; Ord. No. 18-36, 12-5-2018; Ord. No. 19-17, 9-18-2019]

As used in this Chapter, the following terms shall have the meanings ascribed to them:

ELIGIBLE OWNER — The owner of record of:

1. Real property on which a single-family home, duplex or other residential building containing not more than six (6) dwelling units is located;
2. A condominium located in a building containing six (6) or less condominium units; or
3. A condominium responsible for its own individual lateral sewer line.

LATERAL SEWER SERVICE LINE — A sewer line which extends from outside of the building foundation wall or exterior wall to the sewer main. It does not include a sewer line located under any part of a building or structure as defined under Chapter 400 of the Zoning Code. A lateral sewer service line may be located in a "front," "side" or "rear yard" (as those terms are defined in Chapter 400 of the Zoning Code).

PRE-APPROVED DIAGNOSTIC — A video recorded diagnostic, provided to the Program Administrator, performed by a licensed plumber or drain layer of the Eligible Owner's Lateral Sewer Service Line, which has been approved as reimbursable in advance of such diagnostic by the Program Administrator.

PROGRAM ADMINISTRATOR — The City Clerk of Twin Oaks or his/her designee.

REIMBURSABLE AMOUNT — An Eligible Owner may recover seventy-five percent (75%) of the Eligible Owner's costs in repairing Lateral Sewer Service Lines serving the Eligible Owner's residence, when determined eligible, upon compliance with the City's Sewer Lateral Program. The amount may from time to time be adjusted when it is determined by the Board of Aldermen that the available account funds warrant such adjustment.

Section 520.020. Description Of Program.

[R.O. 2016 § 520.020; R.O. 2011 § 525.020; Ord. No. 292 § 1, 5-6-2009; Ord. No. 495 § 2, 8-3-2016; Ord. No. 18-36, 12-5-2018; Ord. No. 19-17, 9-18-2019]

- A. Pre-Approved Diagnostic Reimbursement. As the City of Twin Oaks wishes to encourage Eligible Owners to proactively determine the necessity of a Lateral Sewer Service Line repair, the Sewer Lateral Insurance Program (the "Program") will reimburse the Eligible Owner for one hundred percent (100%) of the cost of a Pre-Approved Diagnostic of the Lateral Sewer Service Line, irrespective of whether such diagnostic reveals the need for a repair of the Lateral Sewer Service Line, one (1) time within a twelve (12) month period, such period to begin upon the date the Eligible Owner first seeks a Pre-Approved Diagnostic Reimbursement. Reimbursement of any additional diagnostics of the Lateral Sewer Service Line within the same twelve (12) month period that do not reveal the need for a repair to the Lateral Sewer Service Line is within the sole discretion of the Program Administrator and also must be pre-approved. Regardless of the number of diagnostics previously performed within the twelve (12) month period, the Program will always reimburse the Eligible Owner for a diagnostic, as part of the total Reimbursable Amount, which reveals the need for a repair of the Lateral Sewer Service Line.
- B. Program Coverage And Administration. In addition to the Pre-Approved Diagnostic Reimbursement, the Program allows an Eligible Owner to recover a Reimbursable Amount for the repair or replacement of the entire Lateral Sewer Service Line, or defective part thereof, if it is determined to be necessary by the Program Administrator in consultation with a licensed plumber or drain layer. The Program's responsibility is limited to reimbursement of funds paid by the Eligible Owner for excavation and repair of lateral pipe, and backfilling in a workmanlike manner. The Program is not responsible for the replacement of sidewalks and parts of paved driveways removed or damaged to repair defective Lateral Sewer Service Lines. The Program is administered by the Program Administrator or that person's designee, providing that any delegation of responsibility shall be made only to another City employee. In administering the program as detailed herein, the Program Administrator shall possess reasonable discretion in interpreting and enforcing the rules, limits and provisions of the Program.
- C. Owner's Responsibility. It will be the responsibility of the Eligible Owner to restore landscaping and ground covers, including grass in whatever manner they choose. The Program is not responsible for restoration of grass or landscaped surfaces. The Program does not cover the cost to replace any trees, shrubs, flowers, sod, decks, retaining walls, fencing, tile, carpet or outbuildings that may be damaged during the televising or repair of the Lateral Sewer Service Line.
- D. Program Reimbursement. The Program will reimburse the Eligible Owner for Pre-Approved Diagnostics, as described herein, and repair charges up to the Reimbursable Amount for a repair of a Lateral Sewer Service Line. Any other charges for a single repair will become the responsibility of the Eligible Owner of a covered Lateral Sewer Service Line repair. All costs are to be paid by the Eligible Owner at the time of the diagnostic and/or at the time the Lateral Sewer Service Line is repaired. Reimbursement will be issued directly to the Eligible Owner upon the Program Administrator's receipt of satisfactory documentary proof that the diagnostic and/or repair has been completed and paid in full.

remaining after the tasting shall be returned to the retailer, winery, distiller, manufacturer, wholesaler, or brewer.

Section 600.030. License Regulations.

- A. **Package Sales, Limitations.** No license shall be issued for the sale of intoxicating liquor in the original package, not to be consumed upon the premises where sold, except to a person engaged in, and to be used in connection with, the operation of one (1) or more of the following businesses: a drugstore, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery or delicatessen store, nor to any such person who does not have and keep in his/her store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors. Under such license, no intoxicating liquor shall be consumed on the premises where sold nor shall any original package be opened on the premises of the vendor except as otherwise provided in this Chapter or law.
- B. **Temporary Permit For Sale By Drink — Certain Organizations.**
1. Notwithstanding any other provision of this Chapter, a permit for the sale of all kinds of intoxicating liquor, including intoxicating liquor in the original package, at retail by the drink for consumption on the premises of the licensee may be issued to any church, school, civic, service, fraternal, veteran, political or charitable club or organization for the sale of such intoxicating liquor at a picnic, bazaar, fair or similar gathering. The permit shall be issued only for the day or days named therein and it shall not authorize the sale of intoxicating liquor for more than seven (7) days by any such club or organization.
 2. If the event will be held on a Sunday, the permit shall authorize the sale of intoxicating liquor on that day beginning at 11:00 A.M.
 3. At the same time that an applicant applies for a permit under the provisions of this Subsection, the applicant shall notify the Director of Revenue of the holding of the event by certified mail and by such notification shall accept responsibility for the collection and payment of any applicable sales tax.
 4. No provision of law or rule or regulation of the City shall be interpreted as preventing any wholesaler or distributor from providing customary storage, cooling or dispensing equipment for use by the permit holder at such picnic, bazaar, fair or similar gathering.
- C. **Operating Hours, Days.**
1. No person having a license issued pursuant to this Chapter nor any employee of such person shall sell, give away, or permit the consumption of any intoxicating liquor in any quantity between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and between the hours of 1:30 A.M. on Sunday and 6:00 A.M. on Monday except as otherwise authorized and licensed for Sunday sales, and if said person has a license to sell intoxicating liquor by the drink, his/her premises shall be and remain a closed place as defined in Section 600.010 of this Chapter and between the hours of 1:30 A.M. and 6:00 A.M. on weekdays and 1:30 A.M. on Sunday and 6:00 A.M. on Monday. Where such licenses authorizing the sale of

intoxicating liquor by the drink are held by clubs, hotels, or bowling alleys, this Section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants or bowling alleys whose business is conducted in one room only, then the licensee shall keep securely locked during the hours and on the days herein specified all refrigerators, cabinets, cases, boxes and taps from which intoxicating liquor is dispensed.

2. When January 1, March 17, July 4 or December 31 falls on Sunday, and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as "Super Bowl Sunday," any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of his/her license on that day from the time and until the time which would be lawful on another day of the week, notwithstanding any provisions of this Chapter to the contrary.

D. General License Regulations.

1. Each license issued hereunder shall be conspicuously posted on the premises for which the license has been issued.
2. A separate license shall be required for each place of business. Every license issued under the provisions of this Chapter shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license shall not be deemed to authorize or permit the sale of intoxicating liquor at any place other than that described therein.
3. No license issued under this Chapter shall be transferable or assignable except as herein provided. In the event of the death of the licensee, the widow or widower or the next of kin of such deceased licensee, who shall meet the other requirements of this Chapter, may make application and the City Clerk may transfer such license to permit the operation of the business of the deceased for the remainder of the period for which a license fee has been paid by the deceased. Whenever one (1) or more members of a partnership withdraws from the partnership, the City Clerk, upon being requested, shall permit the remaining partner or partners originally licensed to continue to operate for the remainder of the period for which the license fee has been paid without obtaining a new license.
4. In the event any licensee desires to change the location of his/her place of business in the City, it shall be necessary for him/her to file an application in the same manner as herein provided for an original application, except that no additional fee shall be charged and the amended license, describing the new location, shall be issued immediately upon the approval of the application by the Board of Aldermen. Any change of location of the enterprise prior to issuance of such an amended license shall constitute a violation of this Section.
5. Every licensee shall keep displayed prominently at all times on its licensed premises any City license designating the premises as a place licensed by the City to sell intoxicating liquors. Nonetheless, no application shall be disapproved by

the Supervisor of Alcohol and Tobacco Control for failure to possess a City license when making application for a license. Within ten (10) days from the

6. After filling or refilling a container, the container shall be sealed as set forth in Subsection (A) of this Section.

Section 600.055. Application for License; Qualifications.

A. Filing And Approval Of An Application.

1. Each application for a license shall be filed with the City Clerk on a form to be provided by the City, signed and sworn to by the applicant. Each application shall be accompanied by a proper remittance reflecting the appropriate license fee made payable to the City.
2. Upon approval of any application for a license, the City Clerk shall grant the applicant a license to conduct business in the City for a term to expire with the 30th day of June next succeeding the date of such license, unless such license be revoked or suspended for cause before the expiration of such time.

B. Qualifications For Licenses.

1. No person shall be granted a license hereunder unless such person is of good moral character and a qualified legal voter and a taxpaying citizen of the County or City, nor shall any corporation be granted a license hereunder unless the managing officer of such corporation is of good moral character and a qualified legal voter and taxpaying citizen of the County or City; and, except as otherwise provided under Subsection (G) of this Section, no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the 21st Amendment to the Constitution of the United States, of a violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or who employs in his or her business as such dealer any person whose license has been revoked unless five (5) years have passed since the revocation as provided under Subsection (F) of this Section, or who has been convicted of violating such law since the date aforesaid; provided that nothing in this Section contained shall prevent the issuance of licenses to non-residents of Missouri or foreign corporations for the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of intoxicating liquors to, by or through a duly licensed wholesaler within this State.
2. Additional Requirements; Exceptions.
 - a. No person, partnership or corporation shall be qualified for a license under this Chapter if such person, any member of such partnership or such corporation, or any officer, director or any stockholder owning, legally or beneficially, directly or indirectly, ten percent (10%) or more of the stock of such corporation or other financial interest therein, or ten percent (10%) or more of the interest in the business for which the person, partnership or corporation is licensed, or any person employed in the business licensed under this Chapter shall have had a license revoked under this Chapter except as otherwise provided under Subsections (F) and (G) of this Section, or shall have been convicted of violating the provisions of any law

applicable to the manufacture or sale of intoxicating liquor since the ratification of the 21st Amendment to the Constitution of the United States, or shall not be a person of good moral character.

- b. No license issued under this Chapter shall be denied, suspended, revoked or otherwise affected based solely on the fact that an employee of the licensee has been convicted of a felony unrelated to the manufacture or sale of intoxicating liquor. Each employer shall report the identity of any employee convicted of a felony to the Division of Liquor Control. The Division of Liquor Control shall promulgate rules to enforce the provisions of this Subsection.
 - c. No wholesaler license shall be issued to a corporation for the sale of intoxicating liquor containing alcohol in excess of five percent (5%) by weight, except to a resident corporation as defined in this Section.
- C. A "resident corporation" is defined to be a corporation incorporated under the laws of this State, all the officers and directors of which, and all the stockholders, who legally and beneficially own or control sixty percent (60%) or more of the stock in amount and in voting rights, shall be qualified legal voters and taxpaying citizens of the county and municipality in which they reside and who shall have been bona fide residents of the State for a period of three (3) years continuously immediately prior to the date of filing of application for a license, provided that a stockholder need not be a voter or a taxpayer, and all the resident stockholders of which shall own, legally and beneficially, at least sixty percent (60%) of all the financial interest in the business to be licensed under this Chapter; provided that no corporation licensed under the provisions of this Chapter on January 1, 1947, nor any corporation succeeding to the business of a corporation licensed on January 1, 1947, as a result of a tax-free reorganization coming within the provisions of Section 112, United States Internal Revenue Code,² shall be disqualified by reason of the new requirements herein, except corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent (5%) by weight, or owned or controlled, directly or indirectly, by non-resident persons, partnerships or corporations engaged in the manufacture of alcoholic beverages containing alcohol in excess of five percent (5%) by weight.
- D. The term "financial interest" as used in this Chapter is defined to mean all interest, legal or beneficial, direct or indirect, in the capital devoted to the licensed enterprise and all such interest in the net profits of the enterprise, after the payment of reasonable and necessary operating business expenses and taxes, including interest in dividends, preferred dividends, interest and profits, directly or indirectly paid as compensation for, or in consideration of interest in, or for use of, the capital devoted to the enterprise, or for property or money advanced, loaned or otherwise made available to the enterprise, except by way of ordinary commercial credit or bona fide bank credit not in excess of credit customarily granted by banking institutions, whether paid as dividends, interest or profits, or in the guise of royalties, commissions, salaries, or any other form whatsoever.

2. Editor's Note: Said reference is to the Federal law as it existed at the time. Said Section 112 of the Internal Revenue Code has since been reorganized into various sections of Title 26 of the United States Code.

- E. The City Clerk shall by regulation require all applicants for licenses to file written statements, under oath, containing the information reasonably required to administer this Section. Statements by applicants for licenses as wholesalers and retailers shall set out, with other information required, full information concerning the residence of all persons financially interested in the business to be licensed as required by regulation. All material changes in the information filed shall be promptly reported to the City Clerk.
- F. Any person whose license or permit issued under this Chapter has been revoked shall be automatically eligible to work as an employee of an establishment holding a license or permit under this Chapter five (5) years after the date of the revocation.
- G. Any person whose license or permit issued under this Chapter has been revoked shall be eligible to apply and be qualified for a new license or permit five (5) years after the date of the revocation. The person may be issued a new license or permit at the discretion of the Division of Alcohol and Tobacco Control. If the City denies the request for a new permit or license, the person may not submit a new application for five (5) years from the date of the denial. If the application is approved, the person shall pay all fees required by law for the license or permit. Any person whose request for a new license or permit is denied may seek a determination by the Administrative Hearing Commission as provided under Section 311.691, RSMo.

Section 600.060. Minors.

- A. Persons 18 Years Of Age Or Older May Sell Or Handle Intoxicating Liquor, When.
 - 1. Except as otherwise provided in this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.
 - 2. In any place of business licensed in accordance with this Chapter, persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for, and sack for carry-out, intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.
 - 3. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail.
 - 4. Any wholesaler licensed pursuant to this Chapter may employ persons of at least eighteen (18) years of age to:

- a. Rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor; and
 - b. Unload delivery vehicles and transfer intoxicating liquor into retail licensed premises if such persons are supervised by a delivery vehicle driver who is twenty-one (21) years of age or older.
5. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix, or serve across the bar, intoxicating beverages.
- B. Sales To Minor — Exceptions.
1. No licensee, his/her employee, or any other person shall procure for, sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, except that this Section shall not apply to the parent or guardian of the minor nor to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only or to the administering of such intoxicating liquor to such person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under this Chapter solely due to a conviction for unlawful sale or supply to a minor while serving in the capacity as an employee of a licensed establishment.
 2. Any owner, occupant, or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one (21) to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one (21) from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one (21) to drink or possess intoxicating liquor is his/her parent or guardian, is guilty of an ordinance violation.
 3. It shall be a defense to prosecution under this Subsection if:
 - a. The defendant is a licensed retailer, club, drinking establishment, or caterer or holds a temporary permit, or an employee thereof;
 - b. The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one (21) or more years of age; and
 - c. To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri non-driver's identification card, or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was twenty-one (21) years of age and of the legal age for consumption of intoxicating liquor.
- C. Misrepresentation Of Age By Minor To Obtain Liquor — Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.

1. No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty-one (21) years, except in cases authorized by law.

Section 600.070. Miscellaneous Offenses.

- A. **Unlawful For Licensed Retailer To Purchase From Other Than Licensed Wholesaler.** It shall be unlawful for any licensee to purchase any intoxicating liquor except from, by or through a duly licensed wholesale liquor dealer in this State. It shall be unlawful for such retail liquor dealer to sell or offer for sale any intoxicating liquor purchased in violation of the provisions of this Section.
- B. **Packaging, Labeling, Repackaging Prohibited, When.** Any retailer licensed pursuant to this Chapter shall not:
1. Sell intoxicating liquor with an alcohol content of less than five percent (5%) by weight to the consumer in an original carton received from the wholesaler that has been mutilated, torn apart or cut apart; or
 2. Repackage intoxicating liquor with an alcohol content of less than five percent (5%) by weight in a manner misleading to the consumer or that results in required labeling being omitted or obscured.
- C. **Mixing Liquor With Drugs Prohibited.** No licensee, or any other person, shall for any purpose whatsoever mix or permit or cause to be mixed with any intoxicating liquor kept for sale, sold or supplied by him/her as a beverage any drug or form of methyl alcohol or impure form of alcohol.
- D. **Unlawful To Sell Unlabeled Liquor — Penalty.** It shall be unlawful for any person to sell any intoxicating liquor which has not been inspected and labeled according to the provisions of the Liquor Control Law of Missouri, and any such person upon conviction shall have his/her license revoked and shall be ineligible to receive any subsequent liquor license for a period of two (2) years thereafter.
- E. **Only Those Liquors Authorized By License To Be Kept On Premises.** It shall be unlawful for any licensee licensed for the sale of intoxicating liquor at retail by the drink for consumption on the premises to keep in or upon the premises described in such license any intoxicating liquor other than the kind of liquor expressly authorized to be sold by such licensee.
- F. **Persons Apparently Intoxicated Not To Be Provided With Intoxicating Liquor.** It shall be unlawful for any licensee, or his/her employee or agent, to sell or supply intoxicating liquor, or permit such to be sold or supplied, to a habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor.
- G. **Drinking In Public Places Prohibited.**
1. For purposes of this Section, the term "public place" shall mean any public street, highway, alley, sidewalk, thoroughfare or other public way of the City, or any parking lot.
 2. No person shall drink or ingest any intoxicating liquor in or on any public place.
 3. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while in or upon any public place.

4. No person shall possess or have under his/her control any unsealed glass, bottle, can or other open container of any type containing any intoxicating liquor while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon, any public place. Any person operating a motor vehicle shall be deemed to be in possession of an open container contained within the motor vehicle he/she has control of whether or not he/she has actual physical possession of the open container.

Section 600.075. Manufacturing A False Identification.

- A. A person commits the offense of manufacturing a false identification if he or she possesses any means of identification for the purpose of manufacturing and providing or selling a false identification card to a person under the age of twenty-one (21) for the purpose of purchasing or obtaining alcohol.
- B. The offense of manufacturing a false identification is an ordinance violation.

Section 600.080. Warning Sign Displayed — Liquor Licenses.

Any person who is licensed to sell or serve alcoholic beverages at any establishment shall place on the premises of such establishment a warning sign as described in this Section. Such sign shall be at least eleven by fourteen (11 x 14) inches and shall read "WARNING: Drinking alcoholic beverages during pregnancy may cause birth defects." The licensee shall display such sign in a conspicuous place on the licensed premises.

Section 600.090. Administration Of Law — License Suspension/Revocation.

- A. Suspension Or Revocation Of License — When — Manner. The Board of Aldermen may suspend or revoke the license of any person for cause shown. In such cases the City Clerk shall schedule a hearing before the Board of Aldermen or a hearing officer not less than ten (10) days prior to the effective date of revocation or suspension, and prior to the hearing the City Clerk shall give not less than ten (10) days' written notice specifying grounds for the suspension or revocation thereof to the licensee of the grounds upon which the license is sought to be revoked or suspended and the time, date and place of the hearing. Notice may be accomplished by personal delivery, United States Mail or by posting on the licensed premises. The hearing shall be conducted in accordance with Section 600.100 of this Chapter.
- B. Grounds For Suspension Or Revocation. A license may be suspended or revoked for any of the following reasons:
 1. Violating any of the provisions of either this Chapter, Chapter 311, RSMo., or any ordinance of the City; or
 2. Failing to obtain or keep a license from the State Supervisor of Alcohol and Tobacco Control; or
 3. Making a false affidavit in an application for a license under this Chapter; or

4. Failing to keep an orderly place or house; or
 5. Selling, offering for sale, possessing or knowingly permitting the consumption on the licensed premises of any kind of intoxicating liquors, the sale, possession or consumption of which is not authorized under the license; or
 6. Selling, offering for sale, possessing or knowingly permitting the consumption of any intoxicating liquor which has not been inspected and labeled according to the laws of the State of Missouri; or
 7. Selling, giving, or otherwise supplying intoxicating liquor to:
 - a. Any person under the age of twenty-one (21) years, or
 - b. Any person during unauthorized hours on the licensed premises, or
 - c. A habitual drunkard or to any person who is under or apparently under the influence of intoxicating liquor, or
 - d. Any person on the licensed premises during a term of suspension as ordered by the Board of Aldermen.
- C. Automatic Revocation/Suspension. A license shall be revoked automatically if the licensee's State liquor license is revoked or if the licensee is convicted in any court of any violation of this Chapter or Chapter 311, RSMo., or of any felony violation of Chapter 195 or 579, RSMo., in the course of business. A license shall be suspended automatically if the licensee's State liquor license is suspended, and the suspension shall be for a term not less than that imposed by the State.
- D. Effect Of Suspension. No person whose license shall have been suspended by order of the Board of Aldermen shall sell or give away any intoxicating liquor during the time such suspension is in effect. Any licensee desiring to keep premises open for the sale of food or merchandise during the period of suspension shall display the Board of Aldermen's order of suspension in a conspicuous place on the premises so that all persons visiting the premises may readily see the same.

Section 600.100. Hearings Upon Suspension Or Revocation Of Licenses.

- A. Hearing Officer. Hearings may be had before the Board of Aldermen or before a Hearing Officer appointed by the Board of Aldermen who shall be an attorney licensed to practice law in the State of Missouri. If held before a Hearing Officer, he/she shall report to the Board of Aldermen findings of fact, conclusions of law and recommendations. The Board of Aldermen may accept, modify or refuse to accept the report of the Hearing Officer or any portion thereof.
- B. Witnesses — How Summoned. Subpoenas may be issued by the Board of Aldermen for any person whose testimony is desired at any hearing. Such subpoenas may be served and returns thereon made by any agent and in the same manner as provided by law for the service of subpoenas in civil suits in the Circuit Courts of this State. The Board of Aldermen also may issue subpoenas duces tecum requiring the production of documents or other items pertaining to the subject of the inquiry.

- C. **Witnesses To Be Sworn.** Before any witness shall testify in any such hearing, he/she shall be sworn by the City Clerk to tell the truth and nothing but the truth.
- D. **Decision — Suspension Or Revocation.** If the evidence supports a finding that the license should be revoked or suspended pursuant to Section 600.090 of this Chapter, the Board of Aldermen shall issue a written order which shall include specific findings of fact setting forth the grounds for the action taken. If the evidence fails to support a finding that the license should be revoked or suspended, then no such order shall be issued.
- E. **Appeal.** Any applicant or licensee aggrieved by a decision of the Board of Aldermen may appeal such decision to the Circuit Court as provided in Chapter 536, RSMo., provided such appeal is filed within thirty (30) days of the date of the Board of Aldermen's decision. The Board of Aldermen may delay the implementation of its order pending appeal.

Section 600.110. Collection, Disposition Of Fees.

[R.O. 2016 § 600.150; R.O. 2011 § 600.150; Ord. No. 80-7 § 4(k), 8-20-1980]

All fees collected by the City Clerk pursuant to the provisions of this Chapter shall be accounted for and paid into the City Treasury.

Section 600.120. Other Licenses May Be Required For Other Business Activities.

[R.O. 2016 § 600.160; R.O. 2011 § 600.160; Ord. No. 80-7 § 4(m), 8-20-1980; Ord. No. 315 § 3, 7-7-2010; R.O. 2016 § 600.090; R.O. 2011 § 600.090; Ord. No. 80-7 § 4(d), 8-20-1980]

The license required by this Chapter shall be in addition to and independent of any other licenses required by the City.

Chapter 605

BUSINESS AND OCCUPATION LICENSES AND REGULATIONS

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ARTICLE VII Violations And Penalties

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ARTICLE I
General Provisions

Section 605.010. Definitions.

[R.O. 2016 § 605.010; Ord. No. 17-15 § 1, 3-15-2017¹]

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

ANNUAL GROSS RECEIPTS — Gross receipts during the calendar year preceding each license year.

BUSINESS OR OCCUPATION — Any person, corporation, partnership or lessee thereof engaged in any business, occupation, pursuit, profession or trade, including all those listed in Section 94.270, RSMo., and including the business of operating a shopping center or in the keeping or maintaining of any institution, establishment, articles, utility or commodities specified in this Chapter or in any ordinance of the City, within the City; except as may be otherwise provided herein.

FEE — That sum of lawful money of the United States of America required to be paid to the City by any merchant, business or occupation for a license before commencing business as such or continuing business.

GROSS RECEIPTS — The aggregate amount of all revenue, sales, transactions, fees, commissions, rental and leasing fees, including the receipt of cash, credits and property of any kind or nature without any deductions therefrom.

LICENSE YEAR — A period of twelve (12) calendar months beginning on the first day of July in each year, or in the case of those businesses established subsequent to the first day of July, at the commencement of doing business, and ending on the 30th day of June following.

MERCHANT — Any person, corporation, partnership or lessee thereof who deals in the selling, at wholesale or retail, of any goods, wares, merchandise or personal property of any description or the rendering of any service in connection therewith, at any store, stand or place within the City, except as is or may be otherwise provided by ordinance.

1. Editor's Note: Former Chapter 605, Business and Occupation Licenses and Regulations, containing Sections 605.010 through 605.240, derived from R.O. 2011 §§ 605.010 — 605.220, 605.240 — 605.250; Ord. No. 78-7 §§ 1 — 10, 12, 12-20-1978; Ord. No. 80-5 § 1, 5-28-1980; Ord. No. 80-6 §§ 2 — 3, 6-18-1980; Ord. No. 81-8 § 3, 11-17-1981; Ord. No. 82-2 §§ 1 — 3, 1-27-1982; Ord. No. 85-7 § 1, 8-21-1985; Ord. No. 93-6 §§ 1 — 2, 7-21-1993; Ord. No. 95-8 § 1, 3-15-1995; Ord. No. 96-36 §§ 1 — 2, 10-2-1996; Ord. No. 98-29 § 1, 9-2-1998; Ord. No. 82 § 1, 5-1-2002; Ord. No. 225 § 1, 8-23-2006; Ord. No. 240 § 1, 2-7-2007; Ord. No. 293 § 1, 7-1-2009; Ord. No. 315 § 4, 7-7-2010; Ord. No. 336 § 1, 6-1-2011; Ord. No. 349 § 1, 9-21-2011, was repealed 4-5-2017 by § 1 of Ord. No. 17-15.

- B. Procedure. In any case in which a complaint shall be made to the Board of Aldermen that cause exists for the revocation of a license issued under the provisions of this Chapter, the following procedure shall govern:
1. The Board of Aldermen shall set a hearing to consider the question or revocation.
 2. At least ten (10) days prior to such hearing, written notice shall be mailed by certified mail to the licensee at his/her last known address as shown in the records of the City Clerk, advising the licensee of the time and place of the hearing and of the reason for considering the revocation of his/her license.
 3. During the pendency of the hearing before the Board of Aldermen, the licensee shall be permitted to continue the operation of his/her business.
 4. At the hearing set by the Board of Aldermen, the Board shall hear all relevant evidence justifying the revocation of the license and all relevant evidence justifying the retention of the license.
 5. The affirmative vote of a majority of a quorum of the Board of Aldermen shall be necessary to revoke any license.

ARTICLE III
License Fees And Gross Receipts Taxes²

Section 605.090. Flat Fee.

[R.O. 2016 § 605.090; Ord. No. 17-15 § 1, 3-15-2017]

Every business or occupation, as defined in this Chapter, in the City, except as otherwise provided, shall pay within fifteen (15) days after the beginning of each license year an annual license fee in the sum of the flat fee specified in this Chapter, except that any business or occupation not specified in this Chapter or any ordinance of the City, shall pay an annual license fee of twenty-five dollars (\$25.00); and none of the license fees shall be pro-rated for less than a full year. Such fees shall be due and payable at the time of commencing of operations or business in the City by any business or occupation and thereafter within fifteen (15) days after the beginning of each license year.

Section 605.100. Gross Receipts.

[R.O. 2016 § 605.100; Ord. No. 17-15 § 1, 3-15-2017]

Every "merchant," "business or occupation," as defined in this Chapter, in the City required to pay a license fee based on gross receipts, except as provided for in this Chapter or any ordinance of the City, shall pay an annual license fee based on the actual gross receipts of such merchant, business or occupation for the calendar year preceding the license year, and any merchant, business or occupation commencing operations or business in the City during

2. Editor's Note: Village Ord. No. 499, enacted 9-7-2016, proposed to the voters that if the Village shall become a City of the Fourth Class, it shall have the authority to levy a license tax on all businesses, avocations, pursuits and callings provided for in Section 94.270, RSMo., at a rate of up to six percent (6%) of the gross receipts of such business, etc. This measure, as well as the ballot to change the form of government, was approved by the voters at the 11-8-2016 election.

any license year shall pay at the time of such commencement a license fee based on estimated gross receipts for the remainder of the calendar year which shall be filed by such merchant, business or occupation at or before the time of commencement of operations or business, and such merchant, business or occupation shall, within fifteen (15) days after the end of such fractional license year, file an estimated return for the ensuing license year and pay at that time a license fee based on such estimates; provided, however, that within one (1) month after the end of each calendar year of estimated gross receipts, such merchant, business or occupation shall file a statement of actual gross receipts and shall pay an additional tax, if any, based on such actual gross receipts; provided, however, that any payment of a license fee based on estimated or actual gross receipts which shall be in excess of the amount due to the City shall not be refunded, except in the case of cessation of operations or business, but shall be applied as a credit for the license fee for the ensuing year.

Section 605.110. Gross Receipts — Utilities.

[R.O. 2016 § 605.105; Ord. No. 17-15 § 1, 3-15-2017]

The charge of two percent (2%) imposed upon Ameren Missouri on gross receipts from electricity sales within the City pursuant to the franchise granted and appended to City Ordinance No. 260 dated January 2, 2008, shall be maintained at its existing rate of two percent (2%), despite the tariff increase awarded by the PSC to Ameren Missouri effective on July 31, 2011, and without regard to the fact that collection of said charges is currently suspended.

Section 605.120. Merchants' License Tax — Minimum.

[R.O. 2016 § 605.110; Ord. No. 17-15 § 1, 3-15-2017]

All merchants, as defined in this Chapter, and except as otherwise provided by ordinance, shall pay to the City one dollar (\$1.00) per each one thousand dollars (\$1,000.00), or part thereof, of annual gross receipts as and for an annual merchant's license tax or fee, at such times as are provided in this Chapter; provided, however, that the minimum merchant's license tax or fee shall be twenty-five dollars (\$25.00).

Section 605.130. Business And Occupation Tax — Gross Receipts Tax On Specific Businesses.

[R.O. 2016 § 605.120; Ord. No. 17-15 § 1, 3-15-2017]

- A. To the extent permitted by applicable law, all "businesses and occupations," as defined in this Chapter and except as may be otherwise provided by ordinance, shall pay to the City, at such times as are provided in this Chapter, a minimum annual license fee of twenty-five dollars (\$25.00), and the following businesses or occupations shall pay an annual license fee of one dollar (\$1.00) for each one thousand dollars (\$1,000.00) of annual gross receipts or fraction thereof:
1. Business Or Occupation.
 - a. Antique dealers.

company in the Metropolitan St. Louis area as its Management Agent. Written notice of said appointment to include, the name, address and telephone number of the individual or company acting as agent for the owner shall be given to the City Clerk prior to the granting of the first occupancy permit for commercial use in the building involved or within forty-five (45) days following the adoption of this Chapter, in the event such center or complex is in operation as of the first day of January 1982.

- B. Following the notice of the appointment of a Management Agent as referred to in Subsection (A) above, said agent shall be and become the local contact point for the transaction of business as required between the City and shopping center or commercial complex. The City shall be notified of any changes in the name, address or telephone number of the Management Agent within thirty (30) days following such change.
- C. A copy of this Chapter shall be and remain on file with the City Clerk, and the annual business license for shopping center owners or other commercial complex shall not be granted or renewed unless and until the provisions of this Chapter have been complied with during the preceding licensing period.

ARTICLE V
Alarm Systems Code

Section 605.160. Alarm Systems Code Adoption.

[R.O. 2016 § 605.240; Ord. No. 17-15 § 1, 3-15-2017]

St. Louis County Ordinance 8774 adopted July 13, 1978, and all subsequent amendment thereto, and relating to the licensing and regulations of the installation and use of alarm systems (sometimes known as the "Alarm Systems Code") is hereby adopted as the Alarm Systems Code of the City of Twin Oaks, St. Louis County, Missouri.

ARTICLE VI
Miscellaneous Provisions

Section 605.170. Dramshops And Sales Of Intoxicating Liquor Prohibited.

[R.O. 2016 § 605.140; Ord. No. 17-15 § 1, 3-15-2017]

The provisions of this Chapter shall not be construed to authorize any person to conduct or operate a dramshop, tippling house or tavern, nor to sell intoxicating liquor, beer or malt liquor, and the same shall only be lawful or authorized if sold, commenced or operated in conformity with applicable laws of the State and ordinances of the City relating to such establishments and such sales.

Section 605.180. City Clerk To Be Notified Of Sale Or Lease.

[R.O. 2016 § 605.150; Ord. No. 17-15 § 1, 3-15-2017]

Any merchant, business or occupation as defined in this Chapter who shall sell or lease any portion of his/her stand, store or place of business to another whose gross receipts will not be

included in the return of the lessor shall report the fact of such sale or lease together with the name and address of the purchaser or lessee in writing to the City Clerk. Such report shall be made within five (5) days after such purchaser or lessee has taken possession and shall include a general description of all goods, commodities or ware-dispensing devices installed in the premises by such purchaser or lessee.

Section 605.190. Authorization Of Deputies And Agents.

[R.O. 2016 § 605.160; Ord. No. 17-15 § 1, 3-15-2017]

Any act or duty required or authorized to be performed under the provisions of this Chapter by any officer or agency of the City may be performed by any duly authorized agent or deputy of such officer or agency.

Section 605.200. Corporate Officers Responsible For Provisions Of Chapter.

[R.O. 2016 § 605.170; Ord. No. 17-15 § 1, 3-15-2017]

Any act or duty required or authorized to be performed under the provisions of this Chapter by any corporation shall, in addition, be the responsibility of the president of such corporation and of any other person duly authorized by such corporation to perform such act or duty; and such president or other authorized person shall be personally subject to all the penalties provided for the violation of such applicable provisions of this Chapter as may relate to such acts or duties.

Section 605.210. Exceptions To Provisions Of Chapter.

[R.O. 2016 § 605.180; Ord. No. 17-15 § 1, 3-15-2017]

- A. Except as herein provided, the provisions of this Chapter shall not be applicable to any non-profit organization, association or establishment nor to any business, occupation, pursuit, profession or trade which the City may be prohibited by law from licensing or regulating within a commercial area.
- B. No cooking facility shall be allowed on a parking lot at any time unless a special permit shall have been applied for and granted in advance of the proposed activity by the City Clerk. No such permit shall be granted by the City Clerk unless the sponsor makes a satisfactory showing that the planned activity serves a charitable or non-profit purpose and that the organization to be benefited either has its legal domicile within the City, or is sponsored by a resident business or other public entity then employed by the City.

Section 605.220. Filing Of Copy Of State Sales Tax Return.

[R.O. 2016 § 605.190; Ord. No. 17-15 § 1, 3-15-2017]

Each licensee or applicant for a license required by this Chapter who was required to file a sales tax return with the State shall, upon demand by the City Clerk or his/her duly authorized deputies or agents, file with the City Clerk or his/her duly authorized deputies or agents, a verified copy of any Missouri sales tax return made by such licensee or applicant

within a period of three (3) years preceding such demand. Refusal or failure to comply with the provisions of this Section shall be deemed cause for revocation of any license previously issued or for refusal to grant any license applied for.

Section 605.230. Form Of License, Where Filed, Signing Of License, Operating Hours.

[R.O. 2016 § 605.200; Ord. No. 17-15 § 1, 3-15-2017]

- A. All licenses and applications for licenses shall be in such form as may be prescribed by the City Clerk. Applications shall be made to the City Clerk and shall be signed by the merchant making the application. No license shall be valid for any purpose unless it has been signed by the Mayor and the City Clerk and shall have the Corporate Seal of the City affixed thereto. Each such license shall be subject to the provisions contained in this and other ordinances of the City regulating merchants and occupations.
- B. Unless otherwise established by ordinance or State law, a commercial establishment may operate between the hours of 6:00 A.M. and 1:00 A.M. the following day, Monday through Thursday, 6:00 A.M. and 1:30 A.M. the following day, Friday through Saturday, and 6:00 A.M. to 12:00 A.M. on Sunday. No shopping center nor any business located therein shall remain open to the public, in any event, later than the hours herein established.
- C. Nighttime Deliveries And Operations Restricted.
 - 1. No merchant or business, whether licensed to do business in the City or not, shall make or receive deliveries of goods or services within any commercial area of the City between the hours of 12:00 A.M. and 6:00 A.M. During deliveries made after 8:00 P.M. and prior to 12:00 A.M., no truck or commercial vehicle shall be permitted to idle their engines or sound their air horns.
 - 2. No merchant shall operate exterior compactors or similar equipment between the hours of 12:00 A.M. and 6:00 A.M.
 - 3. No merchant or business, whether licensed to do business in the City or not, shall make deliveries of goods or services within any residential area of the City between the hours of 12:00 A.M. and 6:00 A.M. on weekdays and 1:30 A.M. and 6:00 A.M. on weekends.
 - 4. Exceptions. The delivery of newspapers or prescription medicines during the restricted hours established herein shall not be deemed to be a violation of this Section.

ARTICLE VII
Violations And Penalties

Section 605.240. Violations And Penalties.

[R.O. 2016 § 605.210; Ord. No. 17-15 § 1, 3-15-2017]

- A. To the extent allowed by law, the City Clerk shall add the following penalties for all license fees paid after the annual due date for license fees as set out in Section 605.090:

1. For failure to timely apply for license and/or submit the required statement pursuant to Section 605.070, unless it is shown that the failure was due to reasonable cause and not the result of willful neglect, evasion or fraudulent intent:
 - a. One (1) month or less delinquent: five percent (5%) of fee.
 - b. Between one (1) month and one (1) day and two (2) months delinquent: ten percent (10%) of fee.
 - c. Between two (2) months and one (1) day and three (3) months delinquent: fifteen percent (15%) of fee.
 - d. Between three (3) months and one (1) day and four (4) months delinquent: twenty percent (20%) of fee.
 - e. More than four (4) months delinquent: twenty-five percent (25%) of fee.
 2. For failure to timely pay the license fee in full pursuant to Section 605.130, unless it is shown that the failure was due to reasonable cause and not the result of willful neglect, evasion or fraudulent intent, negligence or intentional disregard of law: five percent (5%) of the deficiency.
 - a. The City Clerk shall, upon request by a taxpayer, apprise the taxpayer of the factual basis for the finding of negligence, or the specific rules or regulations disregarded if the City Clerk assesses a penalty on such basis under this Subsection.
 - b. Provided, however, the City Clerk shall add the maximum penalties allowed by law if less than the penalties stated above.
- B. To the extent allowed by law, any person who shall exercise or attempt to exercise, engage in or carry on in the City any of the businesses, trades or occupations, including, but not limited to, manufacturers, for which a license is required under this Chapter, without first having delivered to the City Clerk the statement required by Section 605.070, paid the license tax and obtained the license required under this Chapter, and any person who shall otherwise violate or fail to comply with any of the provisions of this Chapter shall upon conviction be subject to punishment as provided in Section 100.220 of this Code.
- C. To the extent allowed by law, any person who shall make or file with the City Clerk any statement, under oath, required by this Chapter, which is false, shall on conviction thereof forfeit any license based upon such false statement and shall be punished as provided in Section 100.220 of this Code.

Section 605.250. Enforcement Of Chapter.**[R.O. 2016 § 605.215; Ord. No. 17-15 § 1, 3-15-2017]**

It shall be the duty of the City Clerk to carefully examine all statements filed with him/her, and to notify the City Attorney of, and to prosecute, all violations of this Chapter. Before instituting any prosecution based upon a false or incorrect statement filed with him/her, the City Clerk shall give the person making such statement an opportunity to explain and correct

BUSINESS AND OCCUPATION LICENSES AND
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Section 605.250

Section 605.260

the statement, if inadvertently made. It shall also be the duty of the City Clerk to enforce collection of any and all amounts past due for license taxes or fees under this Chapter by suit in any court of competent jurisdiction, together with the applicable statutory interest (at a rate equal to the adjusted prime rate charged by banks, rounded to the nearest percent, which shall become effective January 1 of each succeeding year), penalty and reasonable attorneys' fees for prosecuting such suit.

Section 605.260. False Statements Causing Reduction In Payment.

[R.O. 2016 § 605.220; Ord. No. 17-15 § 1, 3-15-2017]

To the extent allowed by law, any "merchant," "business or occupation" as defined in Section 605.010 making a statement in his/her application for a license under this Chapter showing the annual gross receipts in an amount less than the true amount thereof, or making a false statement as to any other condition or factor upon which the license fee is or shall be based, the effect of which would be to reduce the amount of such license fee, shall pay to the City the additional amount of license fee found to be due, plus a penalty of twenty-five percent (25%) of such additional amount plus one percent (1%) per month or fraction thereof on such additional amount from the date when the original license fee became due and payable, in addition to any other penalties prescribed herein.

Chapter 610

PEDDLERS, SOLICITORS AND CANVASSERS

Section 610.010. Definitions.

**Section 610.020. Permit Requirements
And Exemptions.**

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Section 610.010. Definitions.

[R.O. 2016 § 620.010; R.O. 2011 § 630.010; Ord. No. 284 § 1, 2-18-2009]

The following words, terms and phrases and their derivations used in this Chapter shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

CANVASSER — Any person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident for the primary purpose of:

1. Attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause; or
2. Distributing a handbill or flyer advertising a non-commercial event or service.

CHARITABLE — Includes the words patriotic, philanthropic, social service, health, welfare, benevolent, educations, civic, cultural or fraternal, either actual or purported.

CONTRIBUTIONS — Includes the words alms, money, subscription, property or any donations under the guise of a loan or money or property.

PEDDLER — Any person who goes upon the premises of any private residence in the City, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale. This definition also includes any person who solicits orders and as a separate transaction makes deliveries to purchasers as part of the scheme to evade the provisions of this Chapter. Peddler does not

include a person who distributes handbills or flyers for a commercial purpose advertising an event, activity, good or service that is offered to a resident for purchase at a location away from his/her residence or at a time different from the time of visit.

PEDDLING — Includes all activities ordinarily performed by a peddler as indicated in the definition of "peddler."

SOLICITATION — Includes all activities ordinarily performed by a solicitor as indicated in the definition of "solicitor."

SOLICITOR — Any person who goes upon the premises of any private resident in the City, not having been invited by the occupant thereof, for the purpose of taking or attempting to take orders for the sale of goods, merchandise, wares or other personal property of any nature for future delivery or for services to be performed in the future. This definition also includes any person who, without invitation, goes upon private property to request contribution of funds or anything of value or sell goods or services for political, charitable, religious or other non-commercial purposes.

Section 610.020. Permit Requirements And Exemptions.

[R.O. 2016 § 620.020; R.O. 2011 § 630.020; Ord. No. 284 § 1, 2-18-2009]

- A. It shall be unlawful for any person eighteen (18) years of age or older to engage in peddling or solicitation activities within the City of Twin Oaks without first obtaining a permit issued by the City Clerk; provided, however, that the following are exempted from the provisions of this Section:
1. Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made;
 2. Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation;
 3. Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable person;
 4. Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected shall be turned over to the named beneficiary; or
 5. A "canvasser" as defined in Section 610.010.

Section 610.030. Permit Application.

[R.O. 2016 § 620.030; R.O. 2011 § 630.030; Ord. No. 284 § 1, 2-18-2009]

- A. Every person subject to the provisions of this Chapter shall file with the City an application in writing on a form to be furnished by the City, which shall provide the following information:

1. Proof of age, address and identification of the applicant to be provided through the applicant's driver's license, articles of incorporation (for sponsors) or other legally recognized form of identification;
2. A brief description of the business or activity to be conducted;
3. The hours, location and length of time for which the right to peddle or solicit is desired;
4. If employed, the name, address and telephone number of the employer; or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the same may be;
5. A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or ordinance violation (other than traffic violations), the nature of the offense or violation, the penalty or punishment imposed, the date when and place where such offense occurred and other pertinent details thereof;
6. Proof of possession of any license or permit which, under Federal, State or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulation, would exempt the applicant from the licensing requirement of this Chapter.

Section 610.040. Fees.

[R.O. 2016 § 620.040; R.O. 2011 § 630.040; Ord. No. 284 § 1, 2-18-2009]

At the time the application is filed with the City, the applicant shall pay a fee to cover the cost to the City of processing the application and investigating the facts stated therein. The permit fee shall be five dollars (\$5.00) for each solicitor or peddler, which fee shall be waived for religious, political, community or non-profit organizations.

Section 610.050. Application Review And Permit Issuance.

[R.O. 2016 § 620.050; R.O. 2011 § 630.050; Ord. No. 284 § 1, 2-18-2009]

- A. Upon receipt of an application, the City Clerk or authorized representative shall review the application as deemed necessary to ensure the protection of the public health, safety and general welfare.
- B. If the City finds the application to be satisfactory, the City Clerk shall endorse approval on the application and shall, upon receipt of the prescribed fee, issue the required permit to the applicant.
- C. The permit shall show the permittee's name and address, the class of permit issued, the kind of goods or services to be sold or delivered, the date of issuance and the length of time that the permit shall be in effect. The permit shall also show the permit number and identifying description of any vehicle to be used in carrying on the business for which the permit is issued.

- D. A record of all permits issued shall be maintained by the City for a period of two (2) years.

Section 610.060. Denial Of Permit.

[R.O. 2016 § 620.060; R.O. 2011 § 630.060; Ord. No. 284 § 1, 2-18-2009]

- A. Upon the City's review of the application, the City Clerk may refuse to issue a permit to the applicant under this Chapter for any of the following reasons:
1. The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers or their customers;
 2. An investigation reveals that the applicant falsified information on the application;
 3. The applicant has been convicted of a previous felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances or any violent acts against persons or property;
 4. The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered;
 5. There is no proof as to the authority of the applicant to serve as an agent to the principal; or
 6. The applicant has been denied a permit under this Chapter within the immediate past year, unless the applicant can and does show to the satisfaction of the City that the reasons for such earlier denial no longer exist.
- B. The City Clerk's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his or her application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form or at the applicant's last known address.

Section 610.070. Permit Expiration.

[R.O. 2016 § 620.070; R.O. 2011 § 630.070; Ord. No. 284 § 1, 2-18-2009]

All permits issued under the provisions of this Chapter shall expire two (2) weeks from the date of issuance, unless an earlier expiration date is noted on the permit.

Section 610.080. Permit Exhibition.

[R.O. 2016 § 620.080; R.O. 2011 § 630.080; Ord. No. 284 § 1, 2-18-2009]

Every person required to obtain a permit under the provisions of this Chapter shall exhibit the permit at all times in plain sight for residents and/or City employees to see.

Section 610.090. Transfer Prohibited.

[R.O. 2016 § 620.090; R.O. 2011 § 630.090; Ord. No. 284 § 1, 2-18-2009]

It shall be unlawful for any person other than the permittee to use any permit issued under the provisions of this Chapter.

Section 610.100. Hours Of Solicitation.

[R.O. 2016 § 620.100; R.O. 2011 § 630.100; Ord. No. 284 § 1, 2-18-2009]

To the extent permitted by applicable law, no person, while conducting the activities of a peddler or solicitor, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences between the hours of 8:00 P.M. and 9:00 A.M. Sunday through Saturday.

Section 610.110. Permit Revocation.

[R.O. 2016 § 620.110; R.O. 2011 § 630.110; Ord. No. 284 § 1, 2-18-2009]

- A. Any permit issued under this Chapter may be revoked or suspended by the City Clerk, after notice and hearing, for any of the following reasons:
1. Fraud, misrepresentation or false statement contained in the application for a permit;
 2. Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation or peddling activities;
 3. Conducting peddling or solicitation activities contrary to the provisions contained in the permit;
 4. Conviction for any crime involving moral turpitude; or
 5. Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public.

Section 610.120. Notice And Hearing.

[R.O. 2016 § 620.120; R.O. 2011 § 630.120; Ord. No. 284 § 1, 2-18-2009]

Notice of a hearing for revocation of a permit issued under this Chapter shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee.

Section 610.130. Appeals.**[R.O. 2016 § 620.130; R.O. 2011 § 630.130; Ord. No. 284 § 1, 2-18-2009]**

- A. Any person aggrieved by the action or decision of the City Clerk to deny, suspend or revoke a permit applied for under the provisions of this Chapter shall have the right to appeal such action or decision to the Board of Aldermen within fifteen (15) days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form or to his or her last known address.
- B. An appeal shall be taken by filing with the City Clerk a written statement setting forth the grounds for the appeal.
- C. The City Clerk shall transmit the written statement to the Board of Aldermen within ten (10) days of its receipt and the Board of Aldermen shall set a time and place for a hearing on the appeal.
- D. A hearing shall be set not later than twenty (20) days from the date of receipt of the appellant's written statement.
- E. Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.
- F. The decision of the Board of Aldermen on the appeal shall be final and binding on all parties concerned.

Section 610.140. Claims Of Exemption.**[R.O. 2016 § 620.140; R.O. 2011 § 630.140; Ord. No. 284 § 1, 2-18-2009]**

Any person claiming to be legally exempt from the regulations set forth in this Chapter, or from the payment of a permit fee, shall cite to the City Clerk the Statute or other legal authority under which exemption is claimed and shall present to the City Clerk proof of qualification for such exemption.

Section 610.150. Violations And Penalties.**[R.O. 2016 § 620.150; R.O. 2011 § 630.150; Ord. No. 284 § 1, 2-18-2009]**

- A. Violation of any of the provisions of this Chapter shall be treated as an infraction and shall, upon conviction, be punishable by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) or by imprisonment not to exceed ninety (90) days or by both such fine and imprisonment.
- B. In addition to any criminal enforcement, the City or any individual may pursue any available civil remedies deemed appropriate and necessary.

Section 610.160. Severability.

[R.O. 2016 § 620.160; R.O. 2011 § 630.160; Ord. No. 284 § 1, 2-18-2009]

The provisions of this Chapter are declared to be severable. If any Section, sentence, clause or phrase of the Chapter shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining Sections, sentences, clauses and phrases of this Chapter, but they shall remain in effect; it being the legislative intent that this Chapter shall remain in effect notwithstanding the validity of any part.

Section 610.170. Sale Of Goods Or Services Prohibited In Public Rights-Of-Way.

[R.O. 2016 § 620.170; R.O. 2011 § 630.170; Ord. No. 289 §§ 1 — 2, 4-15-2009]

- A. Notwithstanding the other terms and conditions of this Chapter of the City of Twin Oaks, the sale of goods and services for profit within the rights-of-way is prohibited except that solicitations of contributions from the occupant of any vehicle by a person standing on or in proximity to a street or highway will be permitted only at any intersection or combination of intersections designated in Exhibit I of this Chapter¹ which is controlled by an electric signal and which meets the following conditions:
1. A permit is obtained from the City Clerk of the City of Twin Oaks;
 2. The soliciting organization is a bona fide charitable organization as documented by having obtained tax-exempt status under Section 501(c)(3) from the Internal Revenue Service;
 3. All solicitors must be eighteen (18) years of age or older;
 4. Only one (1) solicitation per organization annually will be approved and must be in conjunction with an area-wide fund-raising activity, "area-wide fund-raising activity" being designated as the Greater Metropolitan St. Louis area;
 5. The soliciting organization shall submit a written agreement wherein it will hold harmless the City of Twin Oaks from any and all liability arising out of the solicitation by its members in the City;
 6. Solicitors must remain on the concrete median or on the margin of the first lane of travel at all times during solicitation;
 7. Each solicitor shall wear a reflective vest of the type required by OSHA for persons working in a dangerous environment.
- B. The penalties provided for violation of this Section shall be those previously set forth in Section 610.150 of this Chapter.

1. Editor's Note: Exhibit 1 is included as an attachment to this Chapter.

Enactment	Adoption Date	Subject	Disposition
Ord. No. 19-09	5-1-2019	Municipal Services Agreement Amendment	NCM
Res. No. 2019-08	5-22-2019	Agreement for Winter Holiday Related Decoration Services	NCM
Res. No. 2019-09	5-22-2019	Agreement for Park Restoration Services	NCM
Ord. No. 19-10	5-22-2019	Appropriating Additional Revenue	NCM
Res. No. 2019-10	6-5-2019	Agreement for Entertainment at Family Fun Day	NCM
Ord. No. 19-11	6-5-2019	Zoning Regulations Amendment	Ch. 400
Res. No. 2019-11	6-19-2019	Agreement for Entertainment Services in Park	NCM
Res. No. 2019-12	6-19-2019	Agreement for Security System Monitoring Services	NCM
19-12	8-21-2019	Conflicts of Interest Amendment	Ch. 119
19-13	8-21-2019	Agreement	NGA
19-15	9-18-2019	Agreement	NGA
19-16	9-18-2019	Zoning Regulations Amendment	Ch. 400
19-17	9-18-2019	Sewer Lateral Program Amendment	Ch. 520
19-18	9-30-2019	Tax Levy	NGA
19-19	11-6-2019	Adoption of City Code	Front of Code
19-20	11-6-2019	Adjustment Plat Approval	NGA
19-21	11-6-2019	Agreement	NGA
19-23	11-20-2019	Agreement	NGA

Enactment	Adoption Date	Subject	Disposition	Supp No.
Ord. No. 19-22	12-4-2019	Budget	NGA	2
Ord. No. 19-23	12-4-2019	General Election	NGA	2
Res. No. 2019-24	12-4-2019	Agreement	NGA	2
Res. No. 2020-01	1-21-2020	Grant	NGA	2
Ord. No. 20-01	1-5-2020	Appropriation	NGA	2
Ord. No. 20-02	2-5-2020	City Officials Amendment	Ch. 115	2
Ord. No. 20-03	2-5-2020	Final Plat Approval	NGA	2
Res. No. 2020-02	2-5-2020	Agreement	NGA	2
Ord. No. 20-04	2-19-2020	Offenses Amendment	Ch. 210	2

Enactment	Adoption Date	Subject	Disposition	Supp No.
Res. No. 2020-03	2-19-2020	Contract	NGA	2
Res. No. 2020-05	2-26-2020	Agreement	NGA	2
Ord. No. 20-05	4-7-2020	Appointment	NGA	2

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- Residential Parking Requirements 400.390
- Restaurants 400.080; 400.400
- Roofs 400.080
- Safety standards 400.030
- Sales 400.080; 400.490
- Schools 400.080; 400.120; 400.400
- Scope Of Provisions 400.110
- Security standards 400.125
- Service stations 400.080
- Shrubs 400.080
- Signs 400.080; 400.500
- Single-family dwellings 400.080; 400.090
- Site plan approval 400.500
- Smoking 400.080
- Storage 400.080; 400.400
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- Tests 400.080
- Tires 400.080
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- Towers 400.080
- Trailers 400.390
- Trees 400.080
- Trucks 400.390
- Uses Not Expressly Permitted 400.120
- Utilities 400.400
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- Validity And Severability 400.060
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- Walls 400.080
- Yards 400.080; 400.110; 400.390
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- Zoning districts 400.020; 400.080; 400.090; 400.100; 400.110; 400.120; 400.460; 400.470
- Zoning Maps 400.080

XYZ

Memo to: Board of Aldermen
From: Frank Johnson, City Clerk
Subject: Striping of Meramec Station Road
Date: May 29, 2020

STAFF RECOMMENDATION

- Prepared more detailed specifications for striping project before approving contract with Traffic Control Company.

BACKGROUND

Based on previous discussions with the City, Traffic Control Company submitted a bid for striping a 4-foot bike lane along approximately 800 feet of Meramec Station Road. The cost of this work is estimated to be \$2,500.

The bid does not include detailed specifics on the configuration of the bike lane, such as exactly where it would be located or where it would start and stop. In discussing the bid with Traffic Control, they indicated that it's typical for their customers to supply drawings that provide these details.

In order to ensure that the striping work meets the City's expectations, staff recommends that the City draft more detailed specifications for the project. This could be done by engaging an engineering firm to draft drawings, or by preparing a more detailed narrative explanation.

Traffic Control Company

601 8th Street
Valley Park, Mo. 63088
phone - (636) 225-7800
fax - (636) 225-3460



QUOTE

Established In 1962 / Making Strides Since 2007

PROJECT: TWIN OAKS

QUOTE DATE: 5/26/20

ITEM	DESCRIPTION	QTY.	U of M	UNIT PRICE	TOTAL
	BIKE LANE - 2020				
	WB PM EPOXY 4"	800.00	LF	\$ 2.00	\$ 1,600.00
	WB PM EPOXY SHARROW	2.00	EA	\$ 200.00	\$ 400.00
	WB PM EPOXY BIKE GUY AND ARROW	2.00	EA	\$ 350.00	\$ 700.00
	PM REMOVAL	200.00	LF	\$ 1.00	\$ 200.00
	MOBILIZATION	1.00	LS	\$ 2,500.00	\$ 2,500.00



City Clerk's Report

City of Twin Oaks, Board of Alderman

June 3, 2020

Updates

- The water pump was delivered to Vandevanter on May 27. We are currently working to confirm the installation date.
- The City has begun the annual renewal process for business licenses. The renewal application forms were mailed to business on May 29 with a response deadline of June 30.
- Schnucks has submitted a sign permit application for modifying an exterior sign. They are planning to replace the current "Schnucks Pharmacy" sign with a "CVS Pharmacy" sign. The application has been sent to BFA to review its compliance with the approved Master Common Sign Plan for the development.
- I attended a Municipal Training Academy webinar hosted by the Municipal League of Metro St. Louis on May 28 covering employment law, COVID-19 and returning to work.

Wooden Footbridge on Crescent

- We received two additional bids from Davey Tree and Ottiger Tree for the removal of five trees along the creek bed near where the wooden footbridge will be installed. The Davey bid came in at \$3,300 and the Ottiger bid came in at \$2,800. We also asked for an updated bid from Tree Surgeon to include the removal of five trees instead of their original quote of \$2,200 for the removal of one tree, but we did not receive a response.
 - Based on the bids received, staff is recommending awarding the work to Ottiger Tree for a total cost not to exceed \$2,800.
- Crowder has signed the contract for the bridge support installation. Work on the bridge supports will begin once the trees are removed.

Damaged Tree on Highway 141

- The approved contract for treatment of the damaged tree at the Highway 141 intersection was sent to Davey on May 27. We are expecting to have the signed contract back on June 1.