

TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE

Cross Reference) Ord. No. 94, enacted December 14, 1995, adopted the "Solid Waste Management Plan" prepared by the St. Louis - Jefferson Solid Waste Management District and is on file in the Village offices.

CHAPTER 200: OFFENSES

ARTICLE I. GENERALLY

SECTION 200.010: CITATION OF CHAPTER

This Chapter shall be known and cited as the "*Petty Offenses Code*". (Ord. No. 84B §§1)2, 6-6-90)

SECTION 200.020: SCOPE

The provisions of this Chapter shall apply to the Village of Wilbur Park. (Ord. No. 84B §§1)2, 6-6-90)

SECTION 200.030: DEFINITIONS

The following words and phrases as used in this Code shall, for the purpose of this Code, have the meanings respectively ascribed to them:

COMPOST HEAP: A collection or mound of organic materials including, but not limited to, leaves, yard waste, vegetables and fruit designed for controlled biological reduction of organic waste to a darkened friable organic material or humus.

CRIMINAL ACT: An act which violates the Statutes of the United States, the Statutes of the State of Missouri or the ordinances of the Village of Wilbur Park, including moving traffic violations.

IMPLIED CONSENT: As it relates to persons making deliveries on private property, whether employed by a private firm, governmental agency, or government supported corporation, including postal service letter carrier, extends only to sidewalks or other identifiable walkways, where available, and does not extend to lawns or other private property if such a sidewalk is available.

MINOR: Any person under the age of seventeen (17) years.

PARENT: Mother, father, legal guardian or any person having the lawful care or custody of a minor.

PERSON: Any natural person, firm, partnership, co-partnership, association, corporation or organization of any kind.

PRIVATE PROPERTY: Any place which at the time is not open to the public. It includes property which is owned publicly or privately.

PROPERTY OF ANOTHER: Any property in which the actor does not have a possessory

interest.

PUBLIC PLACE: Any place which at the time is open to the public. It includes property which is owned publicly or privately.

SEPARATE PREMISES: If a building or structure is divided into separately occupied units, such units are separate premises.

YARD OR LAWN: Any portion of the property which is not paved by means of asphalt, concrete, gravel or any other material and not intended for the operation of motor vehicles thereon.

(Ord. No. 88 §2, 7-11-85; Ord. No. 98-02 §1, 7-21-98)

ARTICLE II. OFFENSES CONCERNING OFFICIALS OF THE VILLAGE

SECTION 200.040: INTERFERENCE WITH DUTIES OF FIREFIGHTER

No person shall in any manner interfere with the performance of the official duties of any firefighter or other employee of a fire protection district or Municipal Fire Department or obstruct him/her in any manner while performing any duty. (Ord. No. 84B §§1)2, 6-6-90)

ARTICLE III. OFFENSES CONCERNING PUBLIC SAFETY

SECTION 200.050: BURNING PROHIBITED

No person shall burn any combustible material within the corporate limits of the Village, except charcoal, wood or wood chips fires for the purpose of cooking or heating of a residence will not be considered a violation of the Section when said fires are properly contained in a fireplace, stove, or pit properly constructed for the purpose of residential heating or outdoor cooking.

(Ord. No. 88 §2, 7-11-85)

SECTION 200.060: FIREWORKS PROHIBITED

A. "*Fireworks*" means and includes any combustible or explosive composition or any substance or combination of substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation and includes but is not limited to:

1. Blank cartridges;
2. Toy pistols, toy cannons, toy canes or toy guns in which explosives are used;
3. Hot air balloons;
4. Fire crackers;
5. Torpedoes;
6. Sky rockets;
7. Roman candles;

8. Sparklers;
9. Colored flares;
10. Cylindrical fountains;

11. Colored cone fire;
12. Box fire and torches;
13. Wheels;
14. Magic snakes;
15. Cone fountains;
16. Colored mines and shells;
17. Aerial bombs;
18. Missiles; and
19. Other devices, articles, or tablets containing any explosives or flammable compound.

The term "*fireworks*", however, shall not include toy pistols, toy canes, toy guns or other devices in which paper caps are used containing not in excess of an average of twenty-five hundredths (.25) of a grain of explosive compound per cap.

- B. It shall be unlawful for any person, firm or corporation to sell, possess, offer for sale, expose for sale, give, use, discharge or explode fireworks within the Village except as provided in Subsection (C) of this Section.
- C. Nothing in this Code shall prohibit the sale, possession, and use of blank cartridges for theatrical purposes, or signal purposes in an athletic contest or sporting events; or items for the use of Police or military organizations; or flares used by railroads or other public or private transportation agencies for signaling purposes.
- D. The storage or possession of any fireworks in or on any building, structure, or premises in the Village is prohibited. (Ord. No. 88 §2, 7-11-85)

ARTICLE IV. OFFENSES CONCERNING PUBLIC PEACE

SECTION 200.070: PUBLIC PEACE DISTURBANCE

A person commits the offense of peace disturbance if:

1. He/she unreasonably and knowingly disturbs or alarms another person or persons by:
 - a. Loud noise; or
 - b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient; or
 - c. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out; or

- d. Fighting; or
 - e. Creating a noxious and offensive odor.
2. He/she is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:
 - a. Vehicular or pedestrian traffic; or
 - b. The free ingress or egress to or from a public or private place.

SECTION 200.075: PEACE DISTURBANCE NOISES

- A. No person shall cause, nor shall any person in possession of property allow to originate from the property, sound that is a public disturbance noise. The following sounds are hereby determined to be public disturbance noises:
 1. Frequent, repetitive or continuous sounds made by any animal which unreasonably disturbs or interferes with the peace, comfort and repose of property owners or possessors; provided that notwithstanding any other provision of this Section, if the owner or other person having custody of the animal cannot, with reasonable inquiry, be located by the investigating officer or if the animal is a repeated violator of this Subsection, the animal may be impounded;
 2. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;
 3. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;
 4. The use of a sound amplifier or other device capable of producing or reproducing amplified sound upon public streets for the purpose of commercial advertising or sales or for attracting the attention of the public to any vehicle, structure or property or the contents therein;
 5. The making of any loud and raucous sound within one thousand (1,000) feet of any school, hospital or nursing facility;
 6. The creation by use of a musical instrument, whistle, sound amplifier or other device capable of producing or reproducing sound of loud and raucous sounds which emanate frequently, repetitively or continuously from any building, structure or property located within the City, such as sounds originating from a band session or social gathering;
 7. The erection (including excavating), demolition, alteration or repair of any building or structure other than between the hours of 7:30 A.M. and 6:00 P.M. on weekdays and 9:00 A.M. and 6:00 P.M. on weekends, except in case of urgent necessity in the interest of public safety and then only with a permit from the Road and Building Commissioner for a period not to exceed three (3) days which, however, may be renewed for like or less periods while the emergency continues.

- B. No sound source specifically exempted from a maximum permissible sound level by this Section shall be a public disturbance noise, insofar as the particular source is exempted.
- C. The following sounds are exempt from the provisions of this Section at all times:
 - 1. Sounds originating from aircraft in flight;

2. Sounds created by safety and protective devices, such as relief valves, where noise suppression would defeat the safety release intent of the device;
3. Sounds created by fire alarms; and
4. Sounds created by emergency equipment and emergency work necessary in the interest of law enforcement or of the health, safety or welfare of the community. (Ord. No. 009-007 §1, 10-20-09)

SECTION 200.080: PRIVATE PEACE DISTURBANCE

A person commits the violation of private peace disturbance if he/she is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:

1. Threatening to commit a crime against any person;
2. Fighting. (Ord. No. 88 §2, 7-11-85)

SECTION 200.090: PERMITTING CONDUCT CALCULATED TO DISTURB THE PEACE

A person shall not permit any conduct of the kind referred to in Sections 200.070 or 200.080 in or upon any house or premises owned or possessed by him/her or under his/her management or control, so that others in the vicinity are likely to be disturbed thereby. (Ord. No. 84B §§1)2, 6-6-90)

SECTION 200.100: UNLAWFUL USE OF WEAPONS)EXCEPTIONS)PENALTIES

- A. A person commits the offense of unlawful use of weapons if he/she knowingly:
1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use.
 2. Discharges or shoots a firearm within the City limits.
 3. Possesses or discharges a firearm or projectile weapon while intoxicated.
 4. Carries a firearm or any other weapon readily capable of lethal use.
- B. Subdivisions (1), (2), and (4) of Subsection (A) of this Section shall not apply to or affect any of the following:
1. All State, County and Municipal Law Enforcement Officers possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of counties or municipalities of the State, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
 2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

3. Members of the Armed Forces or National Guard while performing their official duty;
 4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;
 5. Any person whose bona fide duty is to execute process, civil or criminal;
 6. Any federal probation officer; and
 7. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Board of Police Commissioners under Section 84.340, RSMo.
- C. Subdivisions (1), (3) and (4) of Subsection (A) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of Subsection (A) of this Section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this Village.

SECTION 200.110: VAGRANCY) DEFINITION

- A. A person shall not be a vagrant.
- B. *Vagrancy) Definition.* The following classes of persons shall be deemed "vagrant" within the meaning of this Section:
1. Every person without any visible means of support who may be found loitering around houses of ill-fame, gambling houses or places where liquor is sold or drunk.
 2. Every person who shall attend or operate any gambling device or apparatus.
 3. Every person who shall be engaged in practicing any trick or device to procure money or other thing of value.
 4. Every person who shall be engaged in any unlawful calling.
 5. Every able-bodied man who shall neglect or refuse to provide for the support of his/her family.
 6. Every person found tramping or wandering around from place to place without any visible means of support. (Ord. No. 84B §§1)2, 6-6-90)

ARTICLE V. OFFENSES CONCERNING PROPERTY

SECTION 200.120: PROPERTY DAMAGE

A person commits the offense of property damage if:

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

SECTION 200.130: TAMPERING

- A. A person commits the offense of tampering if he/she:
1. Tamper with property of another for the purpose of causing substantial inconvenience to that person or to another; or
 2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or
 3. Tamper or makes connection with property of a utility; or
 4. Tamper with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:
 - a. To prevent the proper measuring of electric, gas, steam or water service; or
 - b. To permit the diversion of any electric, gas, steam or water service.
- B. In any prosecution under Subdivision (4) of Subsection (A), proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service, with one (1) or more of the effects described in Subdivision (4) of Subsection (A), shall be sufficient to support an inference which the trial court may submit to the trier of fact, from which the trier of fact may conclude that there has been a violation of such subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

SECTION 200.140: STEALING)PENALTIES

- A. A person commits the offense of stealing if he/she appropriates property or services of another with the purpose to deprive him/her thereof, either without his/her consent or by means of deceit or coercion.
- B. Evidence of the following is admissible in any criminal prosecution under this Section on the issue of the requisite knowledge or belief of the alleged stealer:
1. That he/she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;
 2. That he/she gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;
 3. That he/she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;

4. That he/she surreptitiously removed or attempted to remove his/her baggage from a hotel, inn or boardinghouse.

SECTION 200.150: TRESPASS IN THE FIRST DEGREE

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

**SECTION 200.160: POSTING OF PROPERTY AGAINST TRESPASSERS,
PURPLE PAINT
USED TO MARK STREETS AND POSTS, REQUIREMENTS) ENTRY
ON POSTED PROPERTY IS TRESPASSING IN FIRST DEGREE,
PENALTY**

In addition to the posting of real property as set forth in Section 200.150(B), the owner or lessee of any real property may post the property by placing identifying purple paint marks on trees or posts around the area to be posted. Each paint mark shall be a vertical line of at least eight (8) inches in length and the bottom of the mark shall be no less than three (3) feet nor more than five (5) feet high. Such paint marks shall be placed no more than one hundred (100) feet apart and shall be readily visible to any person approaching the property. Property so posted is to be considered posted for all purposes, and any unauthorized entry upon the property is trespass in the first degree, and a misdemeanor.

SECTION 200.170: TRESPASS IN THE SECOND DEGREE

- A. A person commits the offense of trespass in the second (2nd) degree if he/she enters unlawfully upon real property of another. This is an offense of absolute liability.
- B. Trespass in the second (2nd) degree is an infraction.

SECTION 200.180: AUTOMOBILE TRESPASS

- A. No person shall park or stand a motor vehicle, whether occupied or not, in a private driveway, on a private parking lot, or on private property, without the express or implied consent of the owner or other person in lawful charge of such driveway, parking lot, or property.
- B. For the purpose of Subsection (A), the parking or standing of a motor vehicle in a handicapped parking space is without the consent of the owner or other person in charge of the property unless the vehicle bears a distinguishing license plate or placard issued pursuant to Section 301.142 or Section 301.071, RSMo.

C. For the purpose of Subsection (A), the parking or standing of a motor vehicle in a handicapped parking space is without the consent of the owner or other person in charge of the property unless the operator of the vehicle or a passenger is presently handicapped.

D. *Definitions.* For the purpose of this Section the following words shall mean:

HANDICAPPED: Handicapped has the meaning ascribed to "physically disabled" in Section 301.142, RSMo., or "eligible person" in 38 U.S.C. Section 1901.

HANDICAPPED PARKING SPACE: A parking space adjacent to which, and visible from which, there is posted a sign upon which is inscribed the international symbol of accessibility and the words "Handicapped Parking" in white on a blue background.

MOTOR VEHICLE: Any self-propelled vehicle not operated exclusively on tracks.

PRIVATE DRIVEWAY, PRIVATE PARKING LOT AND PRIVATE PROPERTY: Any driveway, parking lot or property other than public streets, and includes any other driveway, parking lot, or property, even if owned by a governmental entity.

E. If any motor vehicle is found in violation of this Section, the owner or person in whose name such vehicle is registered in the records of any Village, County, or State shall be held prima facie responsible for such violation, if the owner thereof is not present. (Ord. No. 84B §§1)2, 6-6-90)

SECTION 200.190: MOTOR-PROPELLED VEHICLE ON COMMON LAND OF SUBDIVISION) PROHIBITED

No person shall operate any motor-propelled vehicle on the common land of any subdivision, nor park any motor vehicle on the unpaved part of the common land of any subdivision, without the consent of the trustees of the common land, or if there be no such trustees, without the consent of the owners or other persons designated by the owners to be in control of the common land.
(Ord. No. 84B §§1)2, 6-6-90)

SECTION 200.200: OPERATION OF MOTORCYCLES OR MINI-BIKES ON PRIVATE PROPERTY WITHOUT CONSENT) PROHIBITED

No person shall operate a motorcycle or mini-bike on private property without the written consent of the owner or person in control thereof. (Ord. No. 84B §§1)2, 6-6-90)

SECTION 200.210: OPERATION OF MOTOR VEHICLE ON YARD OR LAWN WITHOUT PERMISSION) UNLAWFUL

- A. No person shall willfully operate a motor vehicle on or upon the yard or lawn or any real property of another person within the Village limits, without the permission of the owner or person in control of said property.
- B. As used herein, the terms "yard" or "lawn" shall mean any portion of the property which is not paved by means of asphalt, concrete, gravel or any other material and not intended for

the operation of motor vehicles thereon.

- C. For purposes of this Section, the owner or person in whose name such motor vehicle is registered in the records of any Village, County or State shall be presumed to be the operator of said motor vehicle. (Ord. No. 84B §§1)2, 6-6-90)

**SECTION 200.220: CONCEALING DANGEROUS OBJECTS IN FOODSTUFFS)
PROHIBITED**

No person shall place or insert razor blades, fish hooks or similar dangerous objects in foodstuffs or in any objects resembling edible articles, within the access of any person not aware of such insertion. No person shall knowingly distribute, offer for distribution or possess with intent to distribute any foodstuffs or apparently edible articles with such insertions.

(Ord. No. 88 §2, 7-11-85)

ARTICLE VI. DRUGS AND ALCOHOL

SECTION 200.230: POSSESSION OF MARIJUANA

- A. *Definition.* The following word shall have the meaning set out herein when used in this Section.

MARIJUANA: All parts of the plant genus Cannabis in any species or form thereof, including, but not limited to Cannabis Sativa L., Cannabis Indica, Cannabis Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

- B. It is unlawful for any person to possess or have under his/her control any marijuana as defined in Subsection (A) hereof.

**SECTION 200.240: POSSESSION OR CONTROL OF A CONTROLLED
SUBSTANCE**

Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control a controlled substance as defined by Section 195.010, RSMo.

SECTION 200.250: UNLAWFUL USE OF DRUG PARAPHERNALIA

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia as defined by Section 195.010, RSMo., to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance as defined by Section 195.010, RSMo., or an imitation controlled substance as defined by Section 195.010, RSMo.

SECTION 200.260: 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, 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 200.270: INDUCING, OR POSSESSION WITH INTENT TO INDUCE, SYMPTOMS BY USE OF SOLVENTS, PROHIBITED

- A. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use of any solvent, particularly toluol.
- B. No person shall intentionally possess any solvent, particularly toluol, for the purpose of using it in the manner prohibited by Section 200.260 and this Section.

SECTION 200.280: POSSESSION OR PURCHASE OF SOLVENTS TO AID OTHERS IN VIOLATIONS, PROHIBITED)VIOLATIONS OF SECTIONS 200.260 TO 200.280)PENALTY

- A. No person shall intentionally possess or buy any solvent, particularly toluol, for the purpose of inducing or aiding any other person to violate the provisions of Sections 200.260 and 200.270 hereof.
- B. Any person who violates any provision of Sections 200.260)200.280 is guilty of a misdemeanor.

ARTICLE VII. OFFENSES CONCERNING MORALS

SECTION 200.290: SEXUAL MISCONDUCT

A person commits the offense of sexual misconduct if he/she:

- 1. Exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm; or
- 2. Has sexual contact in the presence of a third (3rd) person or persons under circumstances in which he/she knows that such conduct is likely to cause affront or alarm.

ARTICLE VIII. MISCELLANEOUS OFFENSES**SECTION 200.300: RECEIVING STOLEN PROPERTY**

- A. A person commits the offense of receiving stolen property if for the purpose of depriving the owner of a lawful interest therein, he/she receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.
- B. Evidence of the following is admissible in any criminal prosecution under this Section to prove the requisite knowledge or belief of the alleged receiver:
1. That he/she was found in possession or control of other property stolen on separate occasions from two (2) or more persons;
 2. That he/she received other stolen property in another transaction within the year preceding the transaction charged;
 3. That he/she acquired the stolen property for a consideration which he/she knew was far below its reasonable value.

SECTION 200.310: ENDANGERING THE WELFARE OF A CHILD

- A. A person commits the offense of endangering the welfare of a child if:
1. He/she with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old; or
 2. He/she knowingly encourages, aids or causes a child less than seventeen (17) years old to engage in any conduct which causes or tends to cause the child to come within the provisions of Paragraph (d) of Subdivision (2) of Subsection (A) or Subdivision (3) of Subsection (A) of Section 211.031, RSMo.; or
 3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years old, he/she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him/her from coming within the provisions of Paragraph (c) of Subdivision (1) of Subsection (A) or Paragraph (d) of Subdivision (2) of Subsection (A) or Subdivision (3) of Subsection (A) of Section 211.031, RSMo.; or
 4. He/she knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 195.130, RSMo.
- B. Nothing in this Section shall be construed to mean the welfare of a child is endangered for the sole reason that he/she is being provided nonmedical remedial treatment recognized and permitted under the laws of this State.

SECTION 200.320: GARBAGE, WASTE DISPOSAL, FINES

It shall be unlawful for any person, property owner or resident of the Village of Wilbur Park,

Missouri, to permit a garbage or waste disposal container to remain on the street, curb or on any frontage of property, excepting for a period starting at 5:00 P.M. of the day before a collection of said garbage and waste material shall be made and up to and until 8:00 P.M. of the day that the said collection of garbage and waste material shall have been made. (Ord. No. 52 §1, 9-9-61)

SECTION 200.325: DISPLAY OF POLITICAL SIGNS

No more than two (2) temporary political signs may be erected in residential yards appertaining to political issues or candidates provided each sign does not exceed a total area of six (6) square feet per sign. Such signs may only be displayed thirty (30) days prior to the applicable election and shall be removed within seven (7) days following said election. (Ord. No. 008-004 §1, 8-19-08)

ARTICLE IX. PENALTY

SECTION 200.330: GENERAL PENALTY

- A. *General Penalty.* Whenever in this Code or any other ordinance of the Village, or in any rule, regulation, notice or order promulgated by any officer or agency of the Village under authority duly vested in him/her or it, any act is prohibited or is declared to be unlawful or an offense or misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, and no specific penalty is provided for the violation thereof, upon conviction of a violation of any such provision of this Code or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the Village or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment; provided, that in any case wherein the penalty for an offense is fixed by a Statute of the State the statutory penalty, and no other, shall be imposed for such offense, except that imprisonments may be in the Village Prison or workhouse instead of the County Jail.
- B. Any person who has been convicted of an infraction may be sentenced to pay a fine which does not exceed two hundred dollars (\$200.00).
- C. *Every Day A Violation.* Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.
- D. *Responsibility.* 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. (RSMo. §560.016)

SECTION 200.340: ARREST AND SUMMONS IN LIEU OF ARREST

- A. Any Peace Officer may, when a suspected violation of a Village ordinance occurs in the presence of said Peace Officer, in lieu of an arrest of the suspected violator, or application for a warrant through the office of the Prosecuting Attorney as stated herein, issue a

summons to the suspected violator to appear before the appropriate Judge at a date and time specified therein.

- B. The summons provided for herein shall not be issued in traffic cases which require the use of the Uniform Traffic Ticket, under Missouri Supreme Court Rule 37.
- C. The summons provided for herein shall be substantially in a form as kept on file by the Village Clerk. (Ord. No. 88 §2, 7-11-85)

CHAPTER 205: ANIMALS

SECTION 205.010: ANIMAL BREEDING) BOARDING PROHIBITED

No person shall, for the purpose of conducting a business enterprise, maintain upon his/her premises, any animals as defined in Black's Law Dictionary. (Ord. No. 88 §2, 7-11-85)

SECTION 205.020: NON-DOMESTIC ANIMALS PROHIBITED

- D. Non-domestic animal shall include but not be limited to all felines (other than the domestic house cat), non-human primates, bears, wolves, coyotes, foxes and venomous reptiles, and any crossbreed of such animals which have similar characteristics of the animals specified herein. In order to properly administer the provisions of this Section, the Board of Trustees may add to or remove from the classification of non-domestic animal any bird, mammal, reptile, aquatic and amphibious forms, or other members of the animal kingdom. Additions to the list may be made only if the Board of Trustees determine, after public hearing, that such species because of habit, mode or life or natural instinct is incapable of being domesticated, requires the exercise of art, force, or skill to keep them safely in subjection, and would create a reasonable likelihood of hazard to the public.
- E. No person shall maintain or allow to be maintained upon their premises a non-domestic animal. (Ord. No. 88 §2, 7-11-85)

SECTION 205.030: PETS RESTRICTED

- A. No person shall maintain in or on his/her private property more than two (2) pets at any one time.
- B. For the purpose of this Section, "pet" is defined as a domesticated animal but does not include fish. (Ord. No. 88 §2, 7-11-85)

SECTION 205.040: DISTURBANCE OF THE PEACE) PUBLIC NUISANCE) BARKING DOG

A person shall not permit a dog owned by him/her or within his/her custody or under his/her control to habitually bark thereby reasonably causing the peace of any person of ordinary temper and disposition to be disturbed. A dog which habitually barks thereby reasonably causing the peace of any person of ordinary temper and disposition to be disturbed is declared to be a public nuisance. (Ord. No. 84B §§1)2, 6-6-90)

SECTION 205.050: DOGS, CATS AND OTHER ANIMALS AT LARGE) PROHIBITED) EXCEPTIONS

- A. Every person responsible for a dog, cat or other animal shall keep it from being at large as defined below.

B. A dog, puppy or cat is "*at large*" when it is outside a cage or building from which it cannot escape unless:

1. It is attached to a leash not to exceed ten (10) feet in length held by a person that is capable of and is in fact controlling the dog or puppy in question.
 2. It is within a vehicle from which the animal cannot escape while the vehicle is being driven, parked or stopped.
 3. It is on the real property of a person responsible for it.
- C. A dog or cat is "*at large*" if it is not kept securely confined while in heat or estrus. A dog or cat in heat or estrus is confined within the meaning of this Subsection only if:
1. It is kept in the residence of a person responsible for it and it can neither escape nor be reached by animals outside the residence; or
 2. It is on a leash on the premises of a person responsible for it and is supervised by a person responsible for it, briefly, for toilet purposes only.
 3. Any animal other than a dog or cat is at large if it is not in a cage which restrains it from interfering with any person while it is in a place of public assembly or public commerce.
- D. Above does not apply to animals:
1. While being used in hunting, field trials and dog shows while on public land set aside for those purposes;
 2. Used for tracking in conjunction with Police activities;
 3. Of the Canine Corps of any Police Force of the City of St. Louis, St. Louis County, the Missouri State Highway Patrol, any Federal Law Enforcement Agency, or the Armed Forces of the United States, while being used to conduct official business or being used for official purposes.
- E. Notwithstanding any provision of the above, animals which are trained to assist persons with impaired sight, hearing, or with other disabilities are not at large when accompanying a person they are trained to assist. (Ord. No. 001-001 §1, 5-01)

SECTION 205.060:**ANIMAL WASTE**

It shall be unlawful for any person owning or in the control of any animal within the Village, to allow or permit such animal to deposit its waste upon any private or public property other than such person's own premises, unless such person shall remove and dispose of such waste within one (1) minute of the deposit.

CHAPTER 210: NUISANCES

Editor's Note) Ord. no. 2000-03 §1, adopted December 19, 2000, repealed this entire ch. 210 enacting the new provisions set out herein. Former ch. 210 derived from ord. no. 14 §3, 1941; ord. no. 88 §2, 7-11-85; ord. no. WPC 97-01 §1, 7-21-97 and ord. no. 98-02 §2, 7-21-98.

ARTICLE I. GENERALLY

SECTION 210.010: DECLARATION OF NUISANCES

The following are declared to be nuisances affecting health:

1. All decayed or unwholesome food offered for sale 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 twenty-four (24) hours after death.
5. Accumulations of manure, rubbish, garbage, refuse and human and industrial or noxious or offensive waste.
6. Garbage cans or containers which are not fly-tight.
7. The pollution of any well, cistern, spring, underground water, stream, lake, canal, or body of water by sewage or industrial wastes, or other substance harmful to human beings.
8. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities, 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 persons.
9. Common drinking cups, roller towels, combs, brushes, or eating utensils in public or semi-private places not properly sanitized after use.
10. Any vehicle used for septic tank cleaning which does not meet the requirements of any ordinances of St. Louis County.
11. Any vehicle used for garbage and rubbish disposal which does not meet the requirements of any ordinance of St. Louis County.
12. All infestations of flies, fleas, roaches, lice, ticks, rats, mice, fly maggots, mosquito larvae and hookworm larvae.
13. The keeping of animals or fowl in close proximity to residences, schools, hospitals, public or semi-public buildings, playgrounds, parks, and other public places, except pet

cats and dogs, animals in public or licensed zoos, farm animals and in laboratories.

14. Dumps.

15. Lumber not piled or stacked twelve (12) inches off the ground.
16. Rocks, bricks, tin, steel, derelict cars or trucks, or parts thereof.
17. Broken furniture.
18. Any flammable material which may endanger public safety.
19. Weeds, high grass or brush that has attained the height of seven (7) inches.
20. All other acts, practices, conduct, business, occupations, callings, trades, uses of property, materials which are unhealthy or unsafe and all other things detrimental to the health of the inhabitants of this Village. (Ord. No. 2000-03 §1, 12-19-00)

SECTION 210.020: MAINTENANCE OF NUISANCES PROHIBITED

- A. No person shall maintain or allow to be maintained upon any public place or private property as defined in Section 200.030 within his/her control a nuisance as declared in Section 210.010 of this Chapter.
- B. *Liability.* Whenever a nuisance as defined in Section 210.010 is allowed to exist on any part of any lot or ground within the Village, the tenant and owner of the ground or, in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof shall be liable.
- C. *Notice.* The Chairman shall give notice of a nuisance to the persons owning or occupying any offending lot or tract of land personally or by United States mail to the properly owner or owners or his/her agents, or the occupants of the property, or by posting such notice on the premises. Such notice shall:
 1. Declare that a nuisance exists;
 2. Describe the condition which constitutes such nuisance;
 3. Order the removal or abatement of such condition within seven (7) days from the date of service of such notice;
 4. Inform the owner that he/she may file a written request for a hearing before the Wilbur Park Board of Trustees on the question of whether a nuisance exists upon such property; and
 5. State if the owner fails to begin removing or remedying the nuisance within the time allowed, or upon failure to pursue the removal of such nuisance without unnecessary delay, the Chairman of the Wilbur Park Board of Trustees shall cause the condition which constitutes the nuisance to be removed.
- D. *Disposition.* If the nuisance is not removed or remedied within seven (7) days of receipt of notice of the nuisance, the Chairman shall have the nuisance remedied or otherwise removed or abated and shall certify the cost to the Village Clerk.
- E. *Tax Bill.* If the Chairman of the Wilbur Park Board of Trustees causes such condition to be removed, remedied or abated, the cost of such removal, remedy or abatement shall be

certified to the Village Clerk who shall cause the certified cost to be included in a special tax bill or added to the annual

real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the Village Collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. 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 tenant and/or owner(s) and shall also be a first (1st) lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum. (Ord. No. 2000-03 §1, 12-19-00)

SECTION 210.030: MUNICIPAL OVERGROWTH

The Board of Trustees, as often as necessary, shall cause all weeds and rank vegetable growths upon the street and public places of the Village to be cut and destroyed and shall cause all trees upon public places of the Village to be trimmed defraying the expense thereof out of the General Revenue Fund. (Ord. No. 2000-03 §1, 12-19-00)

SECTION 210.040: TREES AND VEGETATION

- A. *Failure To Keep Trees And Vegetation Cut And Removed, A Nuisance.* All persons owning or occupying any lot or tract of land in the Village shall keep the trees, bushes and other vegetation growing on such property properly cut or trimmed so that they do not appear overgrown, do not interfere with or cover any driveway or sidewalk, do not extend into a neighboring property or into the street, and do not constitute a fire or health hazard. Trees shall be trimmed so that no limb shall be within ten (10) feet of a utility line. Any trimmed, cut or removed vegetation shall be removed and/or properly disposed of. All persons owning or occupying any lot or tract of land in the Village shall remove any and all dead trees, tree limbs, bushes or parts thereof. Whenever such dead trees, bushes or other vegetation are not so cut, trimmed or removed, it shall be deemed a public nuisance.
- B. *Planting Of New Trees.* No tree that will reach a height less than twenty (20) feet at maturity shall be planted under or within ten (10) lateral feet of any overhead utility wire or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility. No tree that will reach a height of at least twenty (20) feet at maturity shall be planted under or within twenty (20) lateral feet of any overhead utility wire or over or within ten (10) lateral feet of any underground water line, sewer line, transmission line or other utility. A tree so planted shall be deemed a public nuisance.
- C. *Unlawful To Maintain Such Nuisance.* It shall be unlawful for any person to create or maintain a nuisance as defined in Subsections (A) and (B).
- D. *Liability.* Whenever dead trees, trees in need of trimming, improperly planted trees or excessive vegetation, in violation of Subsections (A) and (B) of this Section, are allowed to remain or grow on any part of any lot or ground within the Village, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable.
- E. *Notice.* The Chairman shall give notice of a nuisance to the persons owning or occupying

any offending lot or tract of land personally or by United States mail to the property owner or owners or his/her agents or the occupants of the property or by posting such notice on the premises.

- F. *Disposition.* If the dead tree(s), tree(s), bush(es) or other vegetation in need of trimming or removal or other nuisances are not cut down, trimmed, removed or remedied within seven (7) days of receipt of notice of the nuisance, the Chairman shall have the dead tree(s), tree(s) or bush(es) in need of trimming, excessive vegetation or other nuisance cut down, trimmed or otherwise removed or abated and shall certify the cost to the Village Clerk.
- G. *Tax Bill.* The Village Clerk shall cause a special tax bill therefor against the property to be prepared and to be collected by the Collector with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first (1st) lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the Village Clerk and delivered to the Collector on or before the first (1st) 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. (Ord. No. 008-001 §1, 1-15-08)

CHAPTER 215: HUMAN RELATIONS

ARTICLE I. IN GENERAL

SECTION 215.010: PURPOSES OF CHAPTER

The purposes of this Chapter are:

1. To secure for all individuals within the Village freedom from any discriminatory practice made unlawful by Article III of this Chapter.
2. To implement within the Village the policies embodied in Missouri and Federal human rights legislation, and to promote cooperation between the Village and the State and Federal agencies enforcing that legislation.
3. To provide a Village Commission on Human Rights which is dedicated to the elimination of discriminatory practices made unlawful by Article III of this Chapter.

SECTION 215.020: DEFINITIONS

For the purposes of this Chapter the following terms shall be deemed to have the meanings indicated below:

COMMISSION: The Wilbur Park Commission on Human Rights.

COMPLAINANT: A person who has filed a complaint with the Commission alleging that another person has engaged in a prohibited discriminatory practice.

DISCRIMINATION: Any unfair treatment based on race, color, religion, national origin, ancestry, sex, handicap, or familial status as it relates to housing.

DWELLING: Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

FAMILIAL STATUS: One or more individuals who have not attained the age of eighteen (18) years being domiciled with:

1. A parent or another person having legal custody of such individual; or
2. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

HANDICAP: A physical or mental impairment which substantially limits one or more of a

person's

major life activities, a condition perceived as such, or a record of having such an impairment, which with or without reasonable accommodation does not interfere with utilizing the place of public accommodation, or occupying the dwelling in question. For purposes of this Chapter, the term "*handicap*" does not include current, illegal use of or addiction to a controlled substance as such term is defined by Section 195.010, RSMo., however, a person may be considered handicapped if that person:

1. Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;
2. Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or
3. Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

HOUSING FOR OLDER PERSONS: Housing:

1. Provided under any State or Federal program that the Commission determines is specifically designed and operated to assist elderly persons, as defined in the State or Federal program; or
2. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
3. Intended and operated for occupancy by at least one person fifty-five (55) years of age or older per unit.

Housing qualifies as housing for older persons under this Chapter if:

1. The housing has significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and
2. At least eighty percent (80%) of the units are occupied by at least one (1) person fifty-five (55) years of age or older per unit; and
3. The owner or manager of the housing has published and adhered to policies and procedures which demonstrate an intent by said owner or manager to provide housing for persons fifty-five (55) years of age or older.

PERSON: Includes one or more individuals, corporations, partnerships, associations, organizations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries, or other organized groups of persons.

PLACES OF PUBLIC ACCOMMODATION: All places or businesses offering or holding out to the general public, goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public or such public places providing food, shelter, recreation and amusement, including, but not limited to:

1. Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five (5) rooms for

rent or hire and which is actually occupied by the proprietor of such establishment as his/her residence;

2. Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment;
3. Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof;
4. Any motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;
5. Any public facility owned, operated, or managed by or on behalf of this State or any agency or subdivision thereof, or any public corporation; and any such facility supported in whole or in part by public funds;
6. Any establishment which is physically located within the premises of any establishment otherwise covered by this Section or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment;

RENT: Includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant;

RESPONDENT: A person who is alleged to have engaged in a prohibited discriminatory practice in a complaint filed with the Commission;

UNLAWFUL DISCRIMINATORY PRACTICE: Any act that is unlawful under this Chapter.

ARTICLE II. COMMISSION ON HUMAN RIGHTS

SECTION 215.030: COMMISSION CREATED) MEMBERSHIP) QUALIFICATIONS) TERMS) VACANCIES

There is hereby established a Commission on Human Rights. The Commission shall consist of three (3) members, who shall be appointed by a majority of the members of the Board of Trustees from among the residents of the Village and who shall serve as such without compensation. The Board of Trustees shall endeavor to include individuals on the Commission from various protected categories that have historically been discriminated against. Of the three (3) members first appointed, one (1) shall be appointed for one (1) year, one (1) shall be appointed for two (2) years and one (1) 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.

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 Trustees a full written report of all its activities and of its recommendations.

ARTICLE III. DISCRIMINATORY PRACTICES

SECTION 215.060: 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, handicap, or familial status.
2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, handicap, or familial status.
3. To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, ancestry, sex, handicap, or familial status, or an intention to make any such preference, limitation, or discrimination.
4. To represent to any person because of race, color, religion, national origin, ancestry, sex, handicap, or familial status that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
5. To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, ancestry, sex, handicap, or familial status.
6. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
 - a. That buyer or renter;
 - b. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - c. Any person associated with that buyer or renter;
7. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such

dwelling, because of a handicap of:

- a. That person;

- b. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
- c. Any person associated with that person.

B. For purposes of Sections 215.060, 215.070, and 215.080 discrimination includes:

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

C. As used in Subparagraph (3) of Subsection (B), the term "*covered multifamily dwelling*" means:

1. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and
2. Ground floor units in other buildings consisting of four (4) or more units.

D. Compliance with the appropriate requirements of the American National Standard for

Buildings and Facilities providing accessibility and usability for physically handicapped people, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of Subsection (B)(3) of this Section.

SECTION 215.070: DISCRIMINATION IN COMMERCIAL REAL ESTATE LOANS

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance because of race, color, religion, national origin, ancestry, sex, handicap or familial status to a person applying therefor for the purpose of purchasing, construction, improving, repairing, or maintaining a dwelling, or to discriminate against him/her in fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, national origin, ancestry, sex, handicap, or familial status of such person or of any person associated with him/her in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants, of the dwellings in relation to which such loan or other financial assistance is to be made or given.

SECTION 215.080: DISCRIMINATION IN SELLING OR RENTING BY REAL ESTATE AGENCIES PROHIBITED

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization, or facility relating to the business of selling or renting dwellings, on account of race, color, religion, national origin, ancestry, sex, handicap, or familial status.

SECTION 215.090: DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED, EXCEPTIONS

- A. All persons within the Village of Wilbur Park are free and equal and shall be entitled to the full and equal use and enjoyment within this State of any place of public accommodation, as hereinafter defined, without discrimination or segregation on the grounds of race, color, religion, national origin, sex, ancestry, or handicap.
- B. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person, or to attempt to refuse, withhold from or deny any other person, any of the accommodations, advantages, facilities, services, or privileges made available in any place of public accommodation, as defined in Section 215.020 and this Section, or to segregate or discriminate against any such person in the use thereof on the grounds of race, color, religion, national origin, sex, ancestry, or handicap.
- C. The provisions of this Section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association or society, or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in Section 215.020 and this Section.

SECTION 215.100: ADDITIONAL UNLAWFUL DISCRIMINATORY PRACTICES

It shall be an unlawful discriminatory practice:

1. To aid, abet, incite, compel, or coerce the Commission of acts prohibited under this Chapter or to attempt to do so;

2. To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this Chapter or because such person has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this Chapter;
3. For the Village to discriminate on the basis of race, color, religion, national origin, sex, ancestry, age, as it relates to employment, handicap, or familial status as it relates to housing; or
4. To discriminate in any manner against any other person because of such person's association with any person protected by this Chapter.

SECTION 215.110: EXEMPTIONS

A. Nothing in this Chapter shall be construed to:

1. Require the Commission to review or approve the plans, designs or construction of all covered dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of Subsection (B)(3) of Section 215.060.
2. To invalidate or limit any law of the State or of the Village, that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this Chapter.

B. Nothing in Sections 215.060, 215.070 and 215.080:

1. Requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
2. Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision of said Sections regarding familial status apply with respect to housing for older persons.
3. Shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance, as defined by Section 195.010, RSMo.

C. Nothing in this Chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this Chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

D. Nothing in this Chapter, other than the prohibitions against discriminatory advertising in Subsection (A)(3) of Section 215.060, shall apply to:

1. The sale or rental of any single-family house by a private individual owner, provided the following conditions are met:
 - a. The private individual owner does not own or have any interest in more than three (3) single-family houses at any one time; and
 - b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this Section applies to only one such sale in any twenty-four (24) month period; or
2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his or her residence.

ARTICLE IV. ENFORCEMENT PROCEDURES

SECTION 215.120: COMPLAINTS

- A. Any individual who claims to be aggrieved by a discriminatory practice may file with the Commission a verified complaint in writing stating the name and address of the person alleged to have committed such practice, the particulars thereof, and such other information as may be required by the Commission.
- B. Any complaint filed under this Section in which affirmative relief is sought shall state what relief is sought or proposed.
- C. All such complaints shall be filed within one hundred eighty (180) days of the date of the alleged discriminatory practice.
- D. An individual who files a complaint with the Commission shall be advised of the possibility of filing a complaint with the Missouri Commission on Human Rights.

SECTION 215.130: COMPLAINTS) INVESTIGATION, CONCILIATION AND MEDIATION

- A. Complaints shall be investigated and conciliated or mediated by individuals who have been approved by the Commission and trained in investigation, conciliation and mediation.
- B. Upon filing of a complaint, the Chairperson of the Commission shall designate an individual to investigate the allegations. The individual shall promptly investigate such allegations, and if he/she determines that probable cause exists for crediting the allegations of the complaint, he/she shall thereupon undertake to eliminate the alleged discriminatory practice or practices by conference, conciliation and persuasion or mediation, and shall inform the Commission of the results of such efforts. If the individual determines that no such probable cause exists, he/she shall so report to the Commission, which shall thereupon dismiss the complaint without further proceedings, or direct further investigation or, if it

determines that probable cause exists for crediting the allegations of the complaint, direct that the alleged discriminatory practice or practices be the subject of conference,

conciliation and persuasion or mediation. Neither the members of the Commission nor any person participating in the investigation shall disclose what has occurred in the course of such efforts to conciliate. The determination of probable cause shall be made, and the investigation and conciliation or mediation shall be conducted, in accordance with such rules, regulations and guidelines as the Commission shall prescribe.

- C. If such efforts fail to eliminate the alleged discriminatory practice or practices, the complainant shall be referred to the Missouri Commission on Human Rights.

SECTION 215.140: PROSECUTIONS) TIME LIMITATIONS

- A. No prosecution for a violation of any provision of this Chapter, shall be commenced unless a complaint shall have first been filed with the Commission and efforts of the Commission to eliminate the alleged violation have failed.
- B. The period of limitation for any violation of this Chapter shall not run during any time while a complaint involving the alleged violation is pending before the Commission.

SECTION 215.150: PENALTY FOR VIOLATION OF CHAPTER

Any person who shall violate any provision of this Chapter shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00), or imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment.

CHAPTER 220: ALARM SYSTEMS

SECTION 220.010: LICENSING, REGULATION, INSTALLATION

St. Louis County Ordinance No. 8774, Chapter 720.020 to and including Chapter 720.180, is hereby adopted in its entirety as set out herein and all future changes, alterations, corrections, modifications and additions to Chapter 720 made by the St. Louis County Council are also incorporated.
(Ord. No. 85.8774.720 §1, 8-6-79)

SECTION 220.020: CITATION AND SCOPE

- A. *Citation Of Chapter.* This Chapter shall be known and cited as the "*Alarm Systems Code*".
- B. *Scope.* The provisions of this Chapter shall apply to the area of the Village of Wilbur Park. (County Ord. No. 8774 §1, 7-17-78)

SECTION 220.030: DEFINITIONS

For the purposes of this Chapter the following terms shall be deemed to have the meanings indicated below:

ALARM BUSINESS: The business of any person who sells, leases, maintains, services, repairs, alters, replaces, moves or installs any alarm system or causes same to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed in or on any building, structure, facility or premises.

ALARM SYSTEM: Any mechanical or electrical device which is designed to be actuated manually or automatically upon the detection of an unauthorized entry, intrusion, or other emergency in or on any buildings, structure, facility or premises through the emission of a sound or transmission of a signal or message.

FALSE ALARM: Any activation of an alarm system intentionally or by inadvertence, negligence or unintentional act to which the Department responds, including activation caused by the malfunction of the alarm system, except that the following shall not be considered false alarms:

1. When the Superintendent determines that an alarm has been caused by the malfunction of the indicator at the Department.
2. When the Superintendent determines that an alarm has been caused by damage, testing or repair of the telephone equipment or lines by the telephone company provided that such incidents are promptly reported to the telephone company.
3. When an alarm is caused by an attempted and unauthorized or illegal entry, of which there is visible evidence.
4. When an alarm is intentionally caused by the resident acting under a reasonable belief that a need exists to call the Department.

5. When an alarm is followed by a call to the Department cancelling the alarm by giving proper information, prior to the arrival of the Department at the source of the alarm.

ALARM USER: A person who uses an alarm system to protect any building, structure, facility or premises.

AUTOMATIC DIALING DEVICE: An alarm system which automatically dials a specific telephone number and transmits an emergency message by a recording over regular telephone lines when actuated.

DIRECT SIGNAL ALARM SYSTEM: An alarm system which provides for a special telephone line that is directly connected to the Department and has an outlet at the Department which emits a sound or transmits a signal or both when actuated.

SUPERINTENDENT: The Superintendent of the Department of Police of St. Louis County, Missouri, and includes his duly authorized agents.

LICENSEE: A person who has obtained an alarm business license under the provisions of this Chapter.

DEPARTMENT: The Department of Police of St. Louis County, Missouri.

DIRECTOR: The Director of Licenses of St. Louis County, Missouri, and includes his duly authorized agent. (County Ord. No. 8774 §1, 7-17-78)

SECTION 220.040: LICENSE REQUIRED) EXCEPTION

- A. No person shall engage or attempt to engage in the business of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing alarm systems in or on any building or premises without a currently valid license issued pursuant to this Chapter.
- B. No license shall be required of a person who sells alarm systems at his place of business or by mail but neither installs, maintains, nor offers to install or maintain such system. For the purpose of this exception, maintenance does not include the repair under warranty of an alarm system without additional charge. (County Ord. No. 8774 §1, 7-17-78)

SECTION 220.050: APPLICATION AND RENEWAL

- A. A person applying for a license or a renewal thereof shall file a written verified application with the Director on a form provided by the Director which form shall require the following information:
 1. The name, address and telephone number of the applicant.
 2. The business or trade name, address and telephone number of the applicant;
 - a. If an unincorporated association, the names and addresses of the associates.
 - b. If a corporation, the corporation's registered name and the names and addresses

of the officers of the corporation.

- c. If an individual proprietorship, the name and address of the proprietor.
 3. The address of all offices of the alarm business in St. Louis County, Missouri.
 4. The name and address of any employee, agent, corporate officer, partner or business associate whose position in the alarm business gives him or her access to information in the installation and use of alarm systems for alarm users.
 5. Specifications of the alarm systems to be dealt in.
 6. A copy of the instructions provided alarm users.
 7. A statement of repair and maintenance service to be made available to applicant's customers.
 8. Name and address of the person designated by the applicant to receive notice issued under this Chapter.
 9. Signature of the applicant.
- B. A person applying for a renewal of a license shall file his/her application not less than ten (10) days before his/her license expires.
- C. Upon the filing of a license application, the Director shall conduct an investigation to determine whether the following requirements are satisfied:
1. The information contained in the license application is true.
 2. The applicant for a license or an individual who is an employee, agent, corporate officer, partner or business associate of the applicant has not had a license revoked within one (1) year immediately preceding the date the license application is filed or does not have a license that is currently suspended.
 3. Neither the applicant nor any employee, agent, corporate officer, partner or business associate whose position in the alarm business gives him or her access to information in the installation and use of alarm systems for alarm users, has been convicted of the following:
 - a. Any felony involving moral turpitude with the previous five (5) years;
 - b. Any misdemeanor involving moral turpitude with the previous two (2) years;
 - c. Repeated or continual violation of any provision of this Chapter within the previous two (2) years.
 4. The types of alarm systems, the instructions for the alarm systems and repair and maintenance services available through applicant's alarm business are in compliance with this Chapter.

The Director may request the Department to assist the Director in the investigation of a license application.

- D. If the Director determines that a license application satisfies the requirements prescribed by this Section, the Director shall issue a license; otherwise, the Director shall deny the license application.

- E. The Director shall notify the applicant of the issuance of a license, or denial of the license application. In the case of a denial of a license application, the Director shall notify the applicant by certified mail and include in the notice the reason for the denial and a statement informing the applicant of his/her right to a hearing if requested by the applicant within ten (10) days after receipt of the notice.
- F. A license shall expire on the thirty-first (31st) day of December next succeeding issuance thereof except in the following instances:
1. If an applicant timely applies for a license renewal in accordance with this Section and the determination of the renewal request is delayed beyond the thirty-first (31st) of December, the licensee's license is extended pending the determination of the renewal request by the Director.
 2. If an applicant's license has been suspended or revoked.
- G. If an applicant is denied a license solely because an individual who is an employee, agent, corporate officer, partner or business associate of the applicant has been convicted of the offenses listed in Section 220.050 (C)(3), or had a license revoked within one (1) year immediately preceding the date the license application is filed, or has a license that is currently suspended, then said applicant, upon disassociation with said individual, may obtain a license upon reapplication. (County Ord. No. 8774 §1, 7-17-78)

SECTION 220.060: FEES

- A. The annual fee for a license for an alarm business shall be fifty dollars (\$50.00).
- B. The fee for issuing a duplicate license for one lost, destroyed or mutilated shall be ten dollars (\$10.00). (County Ord. No. 8774 §1, 7-17-78)

SECTION 220.070: INSTRUCTIONS ON OPERATION

A licensee who sells, leases, installs, alters or replaces an alarm system shall furnish the alarm user with written instructions as to how the system operates. (County Ord. No. 8774 §1, 7-17-78)

SECTION 220.080: REPAIR AND MAINTENANCE SERVICE REQUIRED

A licensee shall make available repair and maintenance services, including emergency services during non-business hours, to alarm users for whom the licensee has made installations. At the time of installation, the licensee shall furnish to the alarm user a repair service information card. This card shall inform the alarm user of the services available and include the telephone numbers to call for regular and emergency service. (County Ord. No. 8774 §1, 7-17-78)

SECTION 220.090: LICENSE NOT ASSIGNABLE)CHANGES

- A. A license issued under this Chapter shall not be assigned or transferred.

B. A licensee shall notify the Director of the following information within ten (10) days.

1. Change of control and ownership or management of the alarm business;
2. Change in address or a new address of the alarm business;
3. Change of trade name of the alarm business;
4. Names of new employees, agents, corporate officers, partners or business associates;
5. Any change in the repair and maintenance services available by or through the licensee's alarm business. (County Ord. No. 8774 §1, 7-17-78)

SECTION 220.100: RULES AND REGULATIONS

The Director may establish, promulgate and enforce reasonable rules and regulations in order to administer and enforce the provisions of this Chapter. (County Ord. No. 8774 §1, 7-17-78)

SECTION 220.110: SUSPENSIONS) REVOCATIONS

- A. The Director shall have the power to suspend a license for new installations, sales, leases or replacements of alarm systems for any one (1) or more of the following reasons:
1. Attempted assignment or transfer of a license prohibited under Section 220.090 (A);
 2. Failure to notify the Director of any change as required under Section 220.090 (B);
 3. Failure to comply with any reasonable rule or regulation of the Director;
 4. Failure to provide proper instructions as required under Section 220.070;
 5. Failure to provide adequate repair and maintenance services as required under Section 220.080;
 6. Installation or replacement of alarm systems not in accordance with Sections 220.150, 220.160 and 220.170.
- B. Suspension of a license may be for up to thirty (30) days.
- C. A licensee is still licensed and is still required to provide repair and maintenance service during a suspension period, but no other alarm business shall be conducted.
- D. The Director shall revoke a license for any one (1) or more of the following reasons:
1. Conviction of the licensee of any of the offenses listed in Section 220.050 (C)(3), or the hiring of any person or the retention of any employee, agent, corporate officer, partner or business associate who is convicted for same and whose position in the alarm business gives him or her access to information in the installation and use of alarm systems for alarm users.
 2. Suspension of a license more than twice in any twelve (12) month period.

3. The making of any false statement as to a material matter or the omission of any material fact

in any application for a license or any change in the information required under Section 220.090 (B).

- E. After revocation of a license, a person may file a new application for a license pursuant to Section 220.050. (County Ord. No. 8774 §1, 7-17-78)

SECTION 220.120: POWER TO INVESTIGATE

For the purpose of enforcing this Chapter, the Director shall have the power to make an investigation, and to the extent necessary for this purpose, he may examine a licensee or any other persons and shall have the power to compel the production of all relevant books, accounts, documents and other records. (County Ord. No. 8774 §1, 7-17-78)

SECTION 220.130: HEARINGS ON CHARGES)DECISION

- A. No license shall be suspended or revoked until a licensee has been afforded an opportunity for a hearing before the Director.
- B. The Director shall provide notice to the licensee of the hearing at least ten (10) days prior to the hearing. Notice shall be served either personally or by certified mail and shall state the date and place of hearing and a summary of the charges against the licensee.
- C. A licensee shall be heard in his defense either in person or by counsel and may produce witnesses to testify in his behalf. A record of the hearing shall be made. The Director shall make a report of his findings and decision. For the purpose of this Chapter, the Director may administer oaths, take testimony, subpoena witnesses and compel the production of books, papers, records and documents relevant to the investigation. (County Ord. No. 8774 §1, 7-17-78)

SECTION 220.140: FALSE ALARM SERVICE CHARGE

- A. All false alarms to which the Department responds shall result in the following service charge to the alarm user:
1. A warning for the first (1st) false alarm in any calendar year;
 2. A five dollars (\$5.00) service charge for the second (2nd) false alarm in any calendar year;
 3. A fifteen dollar (\$15.00) service charge for the third (3rd) false alarm in any calendar year;
 4. A twenty dollar (\$20.00) service charge for the fourth (4th) or any subsequent false alarm in any calendar year;
- B. Upon determination by the Department that a false alarm has occurred, the Department shall send a notice to the alarm user notifying the alarm user of the determination and directing payment within thirty (30) days of any service charge that may be due.

- C. The Department shall cancel any notice or service charge upon satisfactory proof by the alarm user that a particular alarm falls within the exceptions enumerated in Section 220.030, definition of "*False Alarm*".

- D. Willful refusal to pay any such service charges within thirty (30) days of notice shall constitute a violation of this Chapter, but in any prosecution under Section 220.180 for violation of this provision, the County shall prove, in addition to the willful refusal to pay, that the service charge was properly imposed.
- E. Within ninety (90) days from the effective date of this Chapter (July 17, 1978), all automatic dialing devices programmed to dial Department's telephone number shall be re-programmed to dial any other consenting person who may relay the emergency message to the Department by live voice. The alarm user of such device shall be responsible for having his alarm system re-programmed within the ninety (90) day time period. (County Ord. No. 8774 §1, 7-17-78)

SECTION 220.150: AUTOMATIC DIALING DEVICE

- A. No person shall install or use an automatic dialing device which is programmed to dial the Department's telephone number.
- B. Within ninety (90) days from the effective date of this Chapter (July 17, 1978), all automatic dialing devices programmed to dial the Department's telephone number shall be re-programmed to dial any other consenting person who may relay the emergency message to the Department by live voice. The alarm user of such device shall be responsible for having his alarm system re-programmed within the ninety (90) day time period. (County Ord. No. 8774 §1, 7-17-78)

SECTION 220.160: DIRECT SIGNAL ALARM SYSTEM

- A. All Direct Signal Alarm Systems which connect to Department are prohibited except for Federal institutions which are required to have such an alarm system under Federal law.
- B. Any Federal institution which is permitted to have a Direct Signal Alarm System shall be required to pay all costs for the installation, maintenance and repair of the alarm system and shall be subject to the provisions of Section 220.140. (County Ord. No. 8774 §1, 7-17-78)

SECTION 220.170: AUDIBLE ALARM

- A. A "*audible alarm*" is an alarm equipped with an exterior sound-producing device such as a gong, buzzer, siren, bell or horn.
- B. No person shall install or use an audible alarm without a thirty (30) minute timer.
- C. Within ninety (90) days from the effective date of this Chapter (July 17, 1978), any alarm user having an audible alarm shall be responsible for equipping it with a thirty (30) minute timer. (County Ord. No. 8774 §1, 7-17-78)

SECTION 220.180: VIOLATIONS AND PENALTIES

- A. Any person who violates or causes a violation of any provision of this Chapter shall be

punishable, upon conviction, by imprisonment for not more than six (6) months, or by a fine of not more than one thousand dollars (\$1,000.00) or by both such fine and imprisonment, and each day such violation continues shall be deemed a separate offense.

- B. The County Counselor may bring an action in the name of St. Louis County, Missouri, to restrain or prevent a violation of any provision of this Chapter or any continuance of any such violation. (County Ord. No. 8774 §1, 7-17-78)