

## **TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE**

### **CHAPTER 200: LAW ENFORCEMENT**

#### **SECTIONS 200.00 LAW ENFORCEMENT**

The City of Windsor shall contract with the Henry County Sheriff's Office for all of the City's Law enforcement needs, in order to enforce the laws of this State and Ordinances of the City of Windsor, said contract shall be subject to a two-thirds (2/3) vote of approval of the Board of Aldermen.

(addendum 6/95, Ordinance No. 2010-10; 9/9/2010)

### **CHAPTER 205: FIRE DEPARTMENT AND FIRE PREVENTION**

#### **ARTICLE I. FIRE DEPARTMENT**

#### **SECTION 205.000 FIRE PROTECTION**

The City of Windsor shall contract with the Four County Rural Fire Protection for all of the City's fire protection needs. Said contract shall be subject to a two-thirds (2/3) vote of approval by the Board of Aldermen on an annual basis.

(Ordinance 2010-11; 9-9-2010)

#### **SECTION 205.010 NUISANCE BURNING**

In order for a resident of The City of Windsor to burn natural material generated from their property inside the city limits the following guidelines shall be followed and the Windsor Four County Rural Fire Department shall be contacted by the resident before burning.

Windsor residents may burn leaves, tree trimmings, and untreated lumber without a permit that does not exceed DNR regulations, i.e. 45 cubic feet or three foot high by three foot wide by 5 foot long. Windsor residents must have a permit from Windsor Four County Rural Fire for any burning of piles 45 Cubic feet or three foot high by three foot wide by 5 foot long or larger.

Upon approval of the application by the Windsor Four County Rural Fire, or its agents, the person may proceed with the operation without being in violation of this ordinance, but such approval shall not exempt the applicant from the provisions of any other law, ordinance or regulation. Nothing in this ordinance may be construed to permit open burning which causes injury to health, damage to property,

or interferes with the enjoyment of life or constitutes a hazard to vehicular or air traffic, nor which violates any other ordinances.

Department of Natural Resources (DNR) unregulated includes: natural materials in piles not larger than 45 cubic feet or three-foot-high by three-foot-wide by 5-foot long. As of 2008 they allow processed wood scraps that have never had any type of chemical treatment including paint.

It shall be unlawful for any person to:

1. Burn solid waste unless an approved incinerator is provided, or unless a variance has been obtained from the Director of solid waste management of the City of Windsor, or unless such burning is for outdoor, non commercial preparation of food, campfires, or other fires used solely for recreational purposes or ceremonial occasions as long as such fires are comprised only of firewood, kindling, charcoal, or such other substance ordinarily used to start and maintain such fire. 9-11-12

Reserved Article II Section 205.130

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

*Cross Reference—As to dead animals creating a nuisance, see §220.120 of this Code.*

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

#### **SECTION 210.010: ANIMAL NEGLECT**

- A. A person is guilty of animal neglect when he/she has custody or ownership or both of an animal and fails to provide adequate care or adequate control.
- B. Animal neglect is a misdemeanor. All fines and penalties for a first conviction of animal neglect may be waived by the court provided that the person found guilty of animal neglect shows that adequate, permanent remedies for the neglect have been made. Reasonable costs incurred for the care and maintenance of neglected animals may not be waived.

#### **SECTION 210.020: ANIMAL ABUSE**

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

B. Animal abuse is a misdemeanor.

### **SECTION 210.030: RUNNING AT LARGE OF DOMESTIC FOWL**

#### **Animals running at large—Unlawful for owner to allow; impoundment authorized.**

It shall be unlawful for the owner or any person responsible for any animal, **fowl** or reptile, except as otherwise herein provided, to allow such animal, **fowl** or reptile to run at large or loose upon any of the streets or public places of the city, or upon the land, lot, garden or enclosure of another, to the damage or annoyance of such other person, and any such animal, fowl or reptile running at large or loose upon the streets or public places of the city shall be taken up by the animal control officer and impounded in the city pound, and shall be released to the owner thereof only upon payment to the animal control officer of the prescribed fee.

#### **Number and type of chickens allowed.**

- (a) The maximum number of chickens allowed is six (6) per tract of land regardless of how many dwelling units are on the tract.
- (b) Only female chickens are allowed. There is no restriction on chicken species.

#### **Non-commercial use only.**

It shall be unlawful to engage in chicken breeding or fertilizer production for commercial purposes.

#### **Enclosures.**

- (a) Chickens must be kept in an enclosure or fenced area at all times. Chickens shall be secured within a henhouse or chicken tractor during non-daylight hours.
- (b) Enclosures must be kept in a clean, dry, odor-free, neat and sanitary condition at all times.
- (c) Henhouses, chicken tractors and chicken pens must provide adequate ventilation and adequate sun and shade and must be impermeable to rodents, wild birds and predators, including dogs and cats.
- (d) Henhouses and chicken tractors.
  - (1) Henhouses and chicken tractors shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
    - (a) A henhouse or chicken tractor shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire of less than one (1) inch openings.
    - (b) The materials used in making a henhouse or chicken tractor shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap, waste board, sheet metal, or similar materials is prohibited. Henhouse and chicken tractors shall be well maintained.
  - (2) Henhouses, chicken tractors and chicken pens shall only be located to the rear of the dwelling or other main structure.
  - (3) Henhouses, chicken tractors and chicken pens must be located at least ten (10) feet from the property line and at least twenty-five (25) feet from any adjacent residential dwelling, church, school or place of business.
- (e) Any enclosed chicken pen shall consist of sturdy wire or wooden fencing. The pen must be covered with wire, aviary netting, or solid roofing.

#### **Odor and noise impacts.**

- (a) Odors from chickens, chicken manure or other chicken related substances shall not be perceptible at the property boundaries.

- (b) Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

**Predators, rodents, insects and parasites.**

The chicken owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by an animal control officer.

**Feed and water.**

Chickens shall be provided with access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds and predators.

**Waste storage and removal.**

The chicken owner must provide for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than three (3) cubic feet of manure shall be stored. All other manure not used for composting or fertilizing shall be removed. The henhouse, chicken tractor, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

**Chickens at large.**

No dog or cat which kills a chicken will, for that reason alone, be considered a dangerous or aggressive animal.

**Unlawful acts.**

- (a) It shall be unlawful for any person to keep chickens in violation of any provision of this article.
- (b) It shall be unlawful for any owner, renter or leaseholder of property to allow chickens to be kept on the property in violation of the provisions of this article.

**Nuisances.**

Any violation of this article that constitutes a health hazard or that interferes with the use or enjoyment of neighboring property is a nuisance and may be abated under the general nuisance abatement provisions.

**Continuing violations.**

Each day that a violation of this article continues is a separate offense.

**Penalty.**

Any owner is in violation of this Section 210.030 and subject to pay to the City Collector a prescribed fee as follows:

- 1. Fifty dollars (\$50.00) for the first (1<sup>st</sup>) offense.
- 2. One hundred dollars (\$100.00) for the second (2<sup>nd</sup>) offenses.
- 3. One hundred fifty dollars (\$150.00) for the third (3<sup>rd</sup>) offense.
- 4. Two hundred dollars (\$200.00) for the fourth (4<sup>th</sup>) and subsequent offenses.

**SECTION 210.040: LIVESTOCK RUNNING AT LARGE PROHIBITED**

It shall be unlawful for any person to permit any of his/her livestock to run at large within the City. (CC 1968 §3-3; Ord. No. 47 §1, 4-14-1884)

*Livestock* shall include cattle, horses, mules, goats, sheep, hogs, ducks, geese, turkeys, lamas, emu,

ostriches, camels or any other domestic beast or fowl **but shall not include chickens.**

## **ARTICLE II. DOGS AND CATS**

### **SECTION 210.050: RABIES VACCINATION REQUIRED**

- A. It will be unlawful for any person within the City limits of Windsor, Missouri, to own, keep, possess, harbor or permit to remain on his/her premises any dog or cat over the age of five (5) months which has not been vaccinated against rabies in accordance with the term set forth in this Article.
- B. Date of unexpired vaccination against rabies shall be performed by a duly licensed veterinarian. (Ord. No. 1979-9 §2, 6-18-79; Ord. No. 1992-4 §1, 5-19-92; Ord. No. 2013-10 §, 5-14-13)

### **SECTION 210.060: LICENSE—REGULATIONS**

- A. A City license for a dog or cat shall be issued by the City Collector when the following requirements have been met:
  - 1. Presentation of a certificate showing the name and address of the owner, sex of the animal, description of the animal and date of vaccination against rabies.
  - 2. Payment of a City tax in the amount of five dollars (\$5.00) per animal if spayed/neutered, annually. Payment of a City tax in the amount of ten dollars (\$10.00) per animal if not spayed/neutered annually. (Ord. No. 2012-10 § 5-8-2012)
  - 3. That no household has more than three (3) cats and three (3) dogs per household. This provision shall not apply to those households who have paid for and obtained licenses for all said cats or dogs in the household prior to August 1, 2010.
- B. It shall be unlawful for any person within the City limits of Windsor, Missouri, to own or operate a commercial kennel.
- C. All licenses are required to be purchased annually and shall be due and payable on the first (1st) day of January and will be delinquent on the first (1st) day of February.
- D. The owner of a dog or cat shall cause the City tag to be fastened securely to a collar worn continuously around the animal's neck.
- E. It shall be unlawful for any person to remove or cause to be removed a City license tag from a dog or cat without written consent of the owner.
- F. The City Council shall issue one (1) copy of this Section with each license. (Ord. No. 1979-9 §3, 6-18-79; Ord. No. 1992-4 §1, 5-19-92; Ord. No. 2007-15 §1, 11-13-07; Ord. No. 2010-05 §1, 6-8-10)

### **SECTION 210.070: CONTROL OF DOGS AND CATS**

- A. *Restraint.* Each owner shall keep his/her dog or cat under restraint at all times, and shall not permit such animals to be at large, off the premises or property of the owner unless under control of a

competent person.

- B. *Definitions.* The following words when used in this Section shall have the meanings set out below:

*AT LARGE:* Being off the property of its owner or keeper and not under control of a competent person.

*UNDER RESTRAINT:* Being controlled by a leash, at heel beside a competent person, and obedient to that person's commands, on or within a vehicle being parked, or within property limits of the owner or keeper of said animal.

- C. *Dangerous Animals.* Any dog or cat that manifests a vicious disposition or a disposition to scratch or bite must be confined behind a fence high enough that the animal cannot jump over, or be secured by a chain which will not allow it to come closer than six (6) feet of any walk, roadway or property line of another person.
- D. *Female Dogs or Cats in Heat.* The owner, keeper or person harboring a female dog or cat in heat shall, during this period, keep it securely confined; and any owner or keeper allowing such an animal to run loose shall be in violation of this Article.
- E. *Penalty.* Any dog or cat that is at large and has been seen by a Law Enforcement Officer and a designated Windsor City Animal Control Officer and owner is located and is in violation of this Section 210.070 and subject to pay to the City Collector a prescribed fee as follows:
1. Fifty dollars (\$50.00) for the first (1<sup>st</sup>) offense.
  2. One hundred dollars (\$100.00) for the second (2<sup>nd</sup>) offenses.
  3. One hundred fifty dollars (\$150.00) for the third (3<sup>rd</sup>) offense.
  4. Two hundred dollars (\$200.00) for the fourth (4<sup>th</sup>) and subsequent offenses.  
(Ord. No. 1979-9 §4, 6-18-79; Ord. No. 2009-007 §5-12-09)

#### **SECTION 210.080: ENFORCEMENT**

This Article shall be enforced by the Police Department or other persons given the authority to so enforce it. (Ord. No. 1979-9 §6, 6-18-79)

#### **SECTION 210.090: IMPOUNDMENT–DISPOSAL OF IMPOUNDED DOGS AND CATS**

- A. Any dog or cat in violation of any Section of this Article is subject to being picked up and impounded in a place provided by the City of Windsor.
- B. The impoundment official shall promptly notify the owner of any such animal picked up if known. If, after diligent efforts, the owner cannot be identified or located, no liability shall be attached to the City of Windsor or any person involved with the capture or impoundment of such animal.
- C. The owner may redeem his/her animal as follows: Payment to the City Collector of a prescribed fee of:
1. Twenty-Five dollars (\$25.00) for the first (1st) redemption within any license year.
  2. One hundred dollars (\$100.00) for the second (2nd) redemption of the same animal within any license year.

3. One hundred fifty dollars (\$150.00) for the third (3rd) redemption of the same animal within any license year.
  4. If the same animal is picked up a fourth (4th) time, the animal will not be returned to the owner.
  5. An additional fee of five dollars (\$5.00) per day for feeding.
- D. If the animal is unlicensed, there must be compliance with the licensing Section 210.060 of this Article in addition to the above requirements.
- E. An animal may be removed from the pound for licensing and vaccinating by making a deposit of thirty- five dollars (\$35.00). This deposit shall be refunded when the animal is licensed and all other fees paid within twenty-four (24) hours.
- F. Any animal left in the pound over five (5) days shall be disposed of in the following manner unless otherwise provided for by the owner.
1. Any person may select an unclaimed animal upon compliance with the same provisions of this Article as an owner, including:
    - a. Payment of sixty dollars (\$60.00) plus the cost of maintenance at the dog pound, the cost of a rabies shot and the cost of distemper vaccination; and (Ord. 2011-04, 3/17/2011)
    - b. Arrangement for said animal to be examined by a veterinarian of their choice or by the City Veterinarian free of charge and providing a certificate of adoptability and health; and
    - c. Agreeing to pay for said animal to be spayed or neutered prior to date of adoption. (Ord. 2011-02 1/20/2011)
  2. An animal may be given to a laboratory or hospital to be used as they see fit.
  3. An animal shall be disposed of in a humane manner and the carcass buried, if not disposed of in accordance with either Subsection (F)(1) or (2) above within fourteen (14) days of impoundment.
- G. *Exceptions to The Five (5) Day Disposal.*
1. An owner may make arrangements with the pound master for a reasonable delay if circumstances do not permit him/her to immediately reclaim his/her animal.
  2. Any domestic animal that has bitten or scratched a person or other animal must be kept, at owner's expense, in a veterinary hospital or the animal control shelter for a minimum of ten (10) days for observation. A report shall be rendered to the person bitten or scratched, or the owner of the animal bitten or scratched, of the condition of the confined animal concerning rabies. This report will also be rendered to any official that requires such a report. Any animal found to be rabid shall be disposed of as required by this Chapter or applicable State law. If the animal is determined to not be rabid after ten (10) days, it may be redeemed by the owner as provided herein and upon payment of all costs, or it may be adopted as provided herein and upon payment of all costs, or it shall be euthanized. If the owner is not found and the animal is not adopted, the City will pay all costs incurred under this Section.

Bats and wild carnivorous mammals as well as crossbred animals, which are crossbred between

wild animals and dogs or cats, that have bitten or scratched a person will be killed and appropriate tissues sent to the State laboratory for rabies examination.

- H. Any person desiring to dispose of a dog or cat may do so by delivering it to the City Pound and paying a fee of twenty-five dollars (\$25.00). (Ord. No. 1979-9 §7, 6-18-79; Ord. No. 1992-4 §1, 5-19-92; Ord. No. 1997-5 §1, 4-30-97; Ord. No. 1997-6 §1, 4-30-97; Ord. No. 2007-15 §2, 11-13-07; Ord. No. 2015-04, 07-09-15)

#### **SECTION 210.100: HINDERING OR OBSTRUCTING OFFICIALS—PENALTIES**

No person shall hinder or obstruct an official in the enforcement of this Article. (Ord. No. 1979-9 §8, 6-18-79)

### **ARTICLE III. WILD, EXOTIC ANIMALS, PIT BULL DOGS**

#### **SECTION 210.110: ANIMALS-KEEPING PROHIBITED**

It shall be unlawful to keep, harbor, own or in any way possess within the City limits of the City of Windsor, Missouri:

1. Any warm-blooded, carnivorous or omnivorous, wild or exotic animals (including, but not limited to, non-human primates, raccoons, skunks, foxes and wild and exotic cats; but excluding ferrets and small rodents of varieties used for laboratory purposes, or businesses zoned for agriculture, business commercial or long-established traditional business license, i.e.: hatchery).
2. Any animal having poisonous bites. (Ord. No. 1988-14 §1, 11-7-88; Ord. No. 1997-7 §1, 4-30-97; Ord. No. 2010-04 §1, 6-8-10, Ord. No. 2013-22 § 9-10-2013, 11-12-15, Ord. No. 2015-13 §1)

#### **SECTION 210.120: REGULATION OF PIT BULL DOGS**

1. It shall be unlawful to keep, harbor, own or in any way possess any pit bull dog in a manner that is inconsistent with this Section.
2. "Pit bull dog" is defined to mean:
  - a. The bull terrier breeds of dog;
  - b. Staffordshire bull terrier breed of dog;
  - c. The American pit bull terrier breed of dog;
  - d. The American Staffordshire terrier breed of dog;
  - e. Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers;
  - f. Any dog which has the appearance and characteristics of being predominantly of the breed of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or any combination of any of these breeds.
3. Pit bull dogs may be located within the City limits subject to the following requirements:
  - a. No person shall permit a pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is

- in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts or buildings. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
- b. All pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. The sides of said structure shall be built so that no part of said animal may extend through to the outside of the structure, and so that no part of the human body may extend through to the inside of the structure. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. In addition to the requirements described herein, all structures shall comply with all zoning and building regulations of the City. The structure when occupied by a pit bull dog shall not be occupied by any other animal.
  - c. No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or other structure when the windows are open or when screen windows or screen doors are the only obstacle to prevent the dog from exiting the structure.
  - d. All owners, keepers or harborers of pit bull dogs within the City shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Pit Bull Dog". An identical sign must also be placed in a clearly visible location on the kennel or pen of such animal.
  - e. All owners, keepers or harborers of pit bull dogs must provide proof to the City Clerk of public liability insurance in a single incident amount of Three hundred thousand dollars (\$300,000.00) or more for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation, termination, expiration or change of the policy will be made unless thirty (30) days' written notice is first given to the City Clerk.
  - f. The owner of a pit bull dog shall immediately notify the Police Department if the animal is loose, unconfined or missing or has attacked another animal or a human being.
  - g. No person shall sell, barter or in any other way dispose of a pit bull dog within the City to any person within the City unless the recipient person resides permanently in the same household on the same premises as the owner of such dog.
  - h. Any pit bull dog found off the premises of its owner or not securely muzzled, as required herein, may be seized by any public officer or Animal Control Officer and the owner or keeper may be brought to trial for violation of this Section.
  - i. No person shall own, keep, or harbor any pit bull dog that has not been spayed or neutered unless:
    1. The pit bull dog is under nine weeks of age;
    2. The pit bull has been present in the City for less than thirty (30) days.
  - j. All owners, keepers, or harborers of pit bull dogs must comply with all other requirements of this Chapter.
  - k. It shall be unlawful for the owners, keeper or harborer of a pit bull dog registered with the City to fail to comply with the requirements and conditions set forth in this Section. Any dog found to be the subject of a violation of this Section shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City.
  - l. All owners, keepers, or harborers of pit bull dogs must, in addition to the licensing requirements

set forth in Sec. 210.060, supply a face-view and side-view color photograph of the pit bull dog to be registered at the time of licensing, and obtain an additional license tag indicating that said animal is a pit bull dog at a cost of \$10.00 per animal. It shall be unlawful for any person to remove or cause to be removed a City license tag from a pit bull dog. (Ord. No. 1988-14 §2, 11-7-88, Ord. No. 2015-13§2, 11/12/2015)

#### **SECTION 210.130: VIOLATIONS AND PENALTIES**

- A. Any person violating or permitting the violation of any provision of this Article shall upon conviction in Municipal Court be punished pursuant to the provision of the General Penalty in Section 100.080 of this Code. In addition, the Court shall order the registration of the subject pit bull revoked and the dog removed from the City. Should the defendant refuse to remove the dog from the City the City Municipal Court Judge may find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal.
- B. Each day that a violation of this Article continues shall be deemed a separate offense.
- C. In addition to the foregoing penalties, any person who violates this Article shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this Article. (Ord. No. 1988-14 §3, 11-7-88)

#### **ARTICLE IV. MISCELLANEOUS PROVISIONS**

#### **SECTION 210.140: INFORMATION IN GENERAL**

*Definitions.* The following words and phrases, when used in this Chapter, shall have the meanings respectively ascribed to them:

*ANIMAL:* Any living vertebrate member of the animal kingdom, excluding man.

*ANIMAL CONTROL OFFICER:* The person employed by the City as the officer charged with the enforcement of this Chapter and other City ordinances relative to animals.

*ANIMAL SHELTER:* Any premises designated by action of the City for the purpose of impounding and caring for all animals found running at large in violation of this Chapter.

*AT LARGE:* When an animal is off the property of its owner and not under the control of a competent person.

*DOG:* Any member of the canine (genus canis) family.

*EUTHANIZE:* The humane destruction of an animal.

*IMPOUND:* To take into custody any animal, by any humane means, for the purpose of confinement.

*KENNEL:* Any commercial business engaged in breeding, buying, selling or boarding of at least three (3) dogs.

*LIVESTOCK:* shall include cattle, horses, mules, goats, sheep, hogs, ducks, geese, turkeys, lamas,

emu, ostriches, camels or any other domestic beast or fowl **but shall not include chickens.**

*NEUTERED:* Altered to prevent conception.

*OWNER:* Any person owning, keeping, harboring or otherwise having the care or control of an animal.

*UNDER RESTRAINT:* When an animal is controlled by a leash, at "heel" beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets or within the property limits of its owner or keeper. (Ord. No. 2007-15 §3, 11-13-07)

#### **SECTION 210.150: ENFORCEMENT**

This Article shall be enforced by the Animal Control Officer, who shall be under the direction of the Mayor/Board of Aldermen, or other person designated by the Mayor/Board of Aldermen.  
(Ord. No. 2007-15 §4, 11-13-07)

#### **SECTION 210.151: RESTRAINT OF DOGS**

- A. *Required.* The owner of a dog shall keep his dog under restraint at all times and shall not permit such dog to be at large, off the premises or property of the owner, unless under the control of a competent person.
- B. *Legal Liability for A Dog Not Under Restraint.* The owner of any dog who fails to keep his dog under restraint shall be held liable for all damages caused by such a dog.
- C. *Handling Of When Not Under Restraint Summary Killing Of Dogs.* Any dog found running at large and which cannot be safely taken up and impounded, then the Animal Control Officer or any Police Officer is hereby authorized to use such force as may be necessary to capture such dog including the actual killing of the dog.
- D. *Prosecution of Owner When Dog Is at Large.* Whenever a dog is at large, known to be owned, harbored, kept or fed at a certain residence or a certain family, then the head of such residence or family or any adult living there is hereby declared to be the owner of the dog and shall be charged with a violation of this Section even though the dog is not captured; and the officer may, upon request, search the premises where he believes the dog is kept to attempt to verify that the dog is being kept by such person as owner. (Ord. No. 2007-15 §5, 11-13-07)

#### **SECTION 210.152: VICIOUS DOGS**

- A. *Prohibitions.* It shall be unlawful to keep, harbor, own, buy, sell, give, receive or in any way possess within the corporate limits of the City:
  - 1. Any vicious dog, except as otherwise provided in this Section. "*Vicious dog*" is defined to mean:
    - a. Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal, or any dog which has a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or

domestic animals or which because of its size, physical characteristics or vicious propensities is capable of inflicting serious physical injury or death to humans shall be defined as a "vicious dog".

- b. Notwithstanding anything to the contrary herein, no dog shall be deemed a "vicious dog" if a threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or if a person at the time of such threat, injury or damage was teasing, tormenting, abusing or assaulting the dog, or was threatening or committing an assault or other bodily harm to the owner or keeper, or the owner or keeper's immediate family or their invitees.
  - c. Any dog owned by governmental or law enforcement agencies when being used in the service of those agencies shall be exempt from the requirements specified herein.
2. Upon conviction of or plea of guilty to violation of this Section, the owner shall surrender possession of the subject vicious dog and the subject vicious dog shall be destroyed. Failure to turn the dog over pursuant to this Section shall be deemed an offense.
- B. *Requirements for Keeping Or Harboring Vicious Dog.* Vicious dogs residing or located in the City limits may be kept by their owners, keepers or harborers within the City, subject to the following requirements:
1. No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts or buildings. In addition, all vicious dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
  2. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and secure top attached to the sides. All structures used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. The sides of said structure shall be built so that no part of said animal may extend through to the outside of the structure, and so that no part of the human body may extend through to the inside of the structure. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. In addition to the requirements described herein, all structures shall comply with all zoning and building regulations of the City. The structure when occupied by a vicious dog shall not be occupied by any other animal. If the vicious dog is a female with offspring under nine (9) weeks of age, the offspring may occupy the same structure as the mother.
  3. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or other structure when the windows are open or when screen windows or screen doors are the only obstacle to prevent the dog from exiting the structure.
  4. All owners, keepers or harborers of vicious dogs within the City shall display in a prominent place on their premises a sign easily readable by the public using the words "*Beware of Vicious Dog*".

An identical sign must also be placed in a clearly visible location on the kennel or pen of such animal

5. All owners, keepers or harborers of vicious dogs must provide proof to the City Clerk of public liability insurance in a single incident amount of one hundred thousand dollars (\$100,000.00) or more for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation, termination, expiration or change of the policy will be made unless thirty (30) days' written notice is first given to the City Clerk.
  6. The owner of a vicious dog shall immediately notify the Police Department if the animal is loose, unconfined or missing or has attacked another animal or a human being.
  7. No person shall sell, barter or in any other way dispose of a vicious dog within the City to any person within the City unless the recipient person resides permanently in the same household on the same premises as the owner of such dog, provided that the owner of a vicious dog may sell or otherwise dispose of a dog or the offspring of such dog to persons who do not reside within the City.
  8. All offspring of vicious dogs within the City must be removed from the City within nine (9) weeks of birth of such animal.
  9. Any vicious dog found off the premises of its owner or not securely muzzled, as required herein, may be seized by any public officer or Animal Control Officer and the owner or keeper may be brought to trial for violation of this Section.
- C. *Vicious Dogs Running at Large.* Any vicious dog running at large in violation of this Section shall be impounded and euthanized after notice as provided herein.
- D. *Notice and Hearing.*
1. *Notice of seizure.* The owner or custodian of any dog seized or surrendered under the provisions of this Section, or any other person who is determined to be in possession of the dog, or person determined to be maintaining, sheltering or harboring the dog shall be given written notice of its seizure by the City of the City's intention to destroy the dog and of the right to request a hearing.
  2. *Request for hearing.* The request for hearing shall be filed in writing at City Hall within five (5) days of notification that the dog has been seized and shall include the name and address of the person requesting the hearing, and their relationship to the dog (owner, custodian, etc.). Only those persons with an ownership or custodial interest in the dog may request a hearing. After written notification of the seizure of the dog is given to any person, and a hearing is not timely requested or is not properly requested, the dog shall be destroyed after the expiration of the time allowed for requesting a hearing.
  3. *Time of hearing.* The hearing shall be held not less than ten (10) days after the date the written notice of the time and place of the hearing is mailed to the person requesting the hearing or no less than ten (10) days after the notice of the time and place of the hearing is personally served upon to the person requesting the hearing.
  4. *Issues to be addressed.* At the hearing the only issues to be allowed are whether the dog is a vicious dog as defined in this Section and whether the dog was found in the City in violation of

this Section.

5. *Disposition after hearing.* If, after the hearing, the dog is found to be a vicious dog and is found to have been in the City in violation of this Section, the dog shall be destroyed. If, after hearing, the dog is found not to be a vicious dog or it is determined that the dog was not within the City in violation of this Section, the dog shall be released to the person requesting the hearing and the costs of impoundment shall be borne by the City.
  6. *Appeal.* The decision of the hearing officer may be appealed pursuant to Chapter 536, RSMo.
  7. *Cost of impoundment.* The person requesting the hearing shall be responsible for all cost of impounding the dog.
  8. *Surrendering of vicious dog.* If a vicious dog is surrendered after a judicial finding that it has been kept in violation of this Section, no further hearing shall be required under this Subsection.
- E. *Destruction of Dog, Owner/Custodian Unknown.* If the owner or custodian of a dog seized under the provisions of this Section cannot be located after reasonable efforts, the City may destroy the dog after five (5) days. If a dog is found running at large and is taken to a pound under the authority of another Section or Sections of the ordinances of the City, nothing contained herein shall prevent the destruction of dog under the pound's ordinary destruction policy.
- F. *Alternate Disposition of Vicious Dogs.* Nothing contained herein shall prevent the City from allowing a dog seized pursuant to the provisions of this Section from being removed from the City under specified conditions thereby avoiding the necessity of destroying the dog. Nothing herein shall be construed as requiring removal from the City to be required prior to destruction of the vicious dog.
- G. *Impoundment/Destruction Per Other Law.* Nothing contained in this Section shall prevent a dog from being impounded by the City or destroyed pursuant to other law.
- H. *Minimum Punishment.* Any person convicted of violating Section 210.152 shall be punished, and such punishment shall include a fee of at least two hundred dollars (\$200.00). (Ord. No. 2007-15 §6, 11-13-07)

## **SECTION 210.153: ANNOYANCES PROHIBITED**

It shall be unlawful for any dog owner to permit his dog, while tied or penned, to fight, howl, bark or yelp for a period of time so that such fighting, howling, barking or yelping shall annoy or disturb any neighbor or neighborhood. Violation of this Section shall constitute disturbance of the peace. (Ord. No. 2007-15 §7, 11-13-07)

## **CHAPTER 215: OFFENSES**

### **ARTICLE I. OFFENSES AGAINST A PERSON**

#### **SECTION 215.010: ASSAULT**

A person commits the offense of assault in and if:

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

**SECTION 215.020: ASSAULT OF A LAW ENFORCEMENT OFFICER**

A person commits the offense of assault of a Law Enforcement Officer, if:

1. He/she attempts to cause or recklessly causes physical injury to a Law Enforcement Officer;
2. With criminal negligence he/she causes physical injury to a Law Enforcement Officer by means of a deadly weapon;
3. He/she purposely places a Law Enforcement Officer in apprehension of immediate physical injury;
4. He/she recklessly engages in conduct which creates a grave risk of death or serious physical injury to a Law Enforcement Officer; or
5. He/she knowingly causes or attempts to cause physical contact with a Law Enforcement Officer without the consent of the Law Enforcement Officer.

**SECTION 215.025: DOMESTIC ASSAULT**

A person commits the offense of domestic assault if the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, when "*family*" or "*household member*" is defined in Section 455.010, RSMo., and:

1. The person attempts to cause or recklessly causes physical injury to such family or household member; or
2. With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument; or
3. The person purposely places such family or household member in apprehension of immediate physical injury by any means; or
4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member; or

5. The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or
6. The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation. (Ord. No. 2009-001 §1, 4-14-09)

## **SECTION 215.027: HARASSMENT**

A person commits the offense of harassment if he or she:

1. Knowingly communicates a threat to commit any felony to another person and in so doing frightens, intimidates, or causes emotional distress to such other person; or
2. When communicating with another person, knowingly uses coarse language offensive to one of average sensibility and thereby puts such person in reasonable apprehension of offensive physical contact or harm; or
3. Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication; or
4. Knowingly communicates with another person who is, or who purports to be, seventeen (17) years of age or younger and in so doing and without good cause recklessly frightens, intimidates, or causes emotional distress to such other person; or
5. Knowingly makes repeated unwanted communication to another person; or
6. Without good cause engages in any other act with the purpose to frighten, intimidate, or cause emotional distress to another person, cause such person to be frightened, intimidated or emotionally distressed, and such person's response to the act is one of a person of average sensibilities considering the age of such person. (Ord. No. 2009-03 §1, 4-14-09)

## **ARTICLE II. OFFENSES CONCERNING ADMINISTRATION OF JUSTICE**

### **SECTION 215.030: FALSE IMPERSONATION**

A person commits the offense of false impersonation if he:

1. Falsely represents himself/herself to be a public servant with purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts, and
  - a. Performs an act in that pretended capacity; or
  - b. Causes another to act in reliance upon his/her pretended official authority; or

2. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and
  - a. Performs an act in that pretended capacity; or
  - b. Causes another to act in reliance upon such representation.

**SECTION 215.040: FALSE REPORTS**

- A. A person commits the offense of making a false report if he/she knowingly:
  1. Gives false information to a Law Enforcement Officer for the purpose of implicating another person in a crime; or
  2. Makes a false report to a Law Enforcement Officer that a crime has occurred or is about to occur; or
  3. Makes a false report or causes a false report to be made to a Law Enforcement Officer, security officer, Fire Department or other organization, official or volunteer, which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred.
- B. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement or report before the Law Enforcement Officer or any other person took substantial action in reliance thereon.
- C. The defendant shall have the burden of injecting the issue of retraction under Subsection (B) of this Section.

**SECTION 215.050: MAYOR'S PROCLAMATIONS—VIOLATION OF, TEARING DOWN, ETC.**

- A. No person shall violate any proclamation issued by the Mayor by the authority of the laws of the State, this Chapter or other ordinances of the City.
- B. Also it shall be unlawful for any person to tear down, mutilate or deface any such proclamation. (CC 1968 §14-19; Ord. No. 6 §§80, 81, 12-16-1889)

**SECTION 215.060: RESISTING OR INTERFERING WITH ARREST**

- A. A person commits the offense of resisting or interfering with arrest if, knowing that a Law Enforcement Officer is making an arrest, for the purpose of preventing the Officer from affecting the arrest, he/she:
  1. Resists the arrest of himself/herself by using or threatening the use of violence or physical force or by fleeing from such officer; or

2. Interferes with the arrest of another person by using or threatening the use of violence, physical force or physical interference.
- B. This Section applies to arrests with or without warrants and to arrests for any crime or ordinance violation.
  - C. It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.

**SECTION 215.070: INTERFERENCE WITH LEGAL PROCESS**

- A. A person commits the offense of interference with legal process if, knowing any person is authorized by law to serve process, for the purpose of preventing such person from effecting the service of any process, he/she interferes with or obstructs such person.
- B. "*Process*" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.

**SECTION 215.080: OFFICERS—REFUSING TO AID**

No person shall refuse or neglect to give aid to any Police Officer of the City, while in the lawful discharge of his/her official duties, after being called upon by such officer for such aid.  
(CC 1968 §14-26; Ord. No. 6 §31, 12-16-1889)

**SECTION 215.090: PRISONERS—FURNISHING WITH LIQUOR OR WEAPON**

No person shall purchase for, take or send to any person confined in the City Jail or otherwise in custody, any intoxicating liquor or weapons of any kind.  
(CC 1968 §14-28; Ord. No. 6 §94, 12-16-1889)

**SECTION 215.100: AIDING ESCAPE OF A PRISONER**

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

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

**SECTION 215.110: ESCAPE OR ATTEMPTED ESCAPE FROM CUSTODY**

A person commits the crime of escape from custody or attempted escape from custody if, while being held in custody after arrest for any crime, he/she escapes or attempts to escape from custody.

**SECTION 215.120: ESCAPE OR ATTEMPTED ESCAPE FROM CONFINEMENT**

A person commits the offense of escape or attempted escape from confinement if, while being held in confinement after arrest for any crime, or while serving a sentence after conviction for any crime, he/she escapes or attempts to escape from confinement.

**ARTICLE III. OFFENSES CONCERNING PUBLIC SAFETY**

**SECTION 215.130: ABANDONMENT OF AIRTIGHT OR SEMI-AIRTIGHT CONTAINERS**

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

**SECTION 215.140: THROWING OBJECTS FROM WINDOWS, ETC.**

No person shall throw from the windows or upper stories of any building in the City, into the streets, alleys or private grounds not owned or occupied by themselves, any water, slop or rubbish or any other thing calculated to endanger the comfort or safety of persons passing along the street or alley or using such private ground for such purpose.

(CC 1968 §14-42; Ord. No. 6 §26, 12-16-1889)

**SECTION 215.150: THROWING ROCKS, ETC.**

No person shall throw, by hand or by means of any device, any rock, ball or other missile upon or against any building, fence or in or upon any lot not his/her own, or at or toward any person or property of another. (CC 1968 §14-43; Ord. No. 6 §36, 12-16-1889)

**SECTION 215.160: WATER TOWERS AND TANKS—CLIMBING PROHIBITED**

No person shall climb or attempt to climb any water tower or tank within the City, without first having obtained the consent of the Mayor to do so. (CC 1968 §14-47; Ord. No. 165 §1, 4-17-11)

**SECTION 215.170: WELLS, HOLES, ETC.—OPEN ON VACANT LOTS**

No person shall keep open or uncovered any well, vault or hole in or upon any vacant lot in the City. (CC 1968 §14-49; Ord. No. 6 §68, 12-16-1889)

**SECTION 215.180: GLASS BOTTLES NOT TO BE DEPOSITED, THROWN, ETC., IN PUBLIC PLACES**

- A. No person or persons shall within the corporate limits of the City of Windsor, or on property owned by the City of Windsor, Missouri, deposit, place or throw down upon the streets, alleys, sidewalks, or any public place, any glass bottle or any breakable receptacle, nor shall they smash or break the same upon the public streets, alleys, sidewalks, public lots, parks or any public place whatsoever.
- B. Any person or persons violating any provision of this Section upon conviction or a plea of guilty, shall be subject to the provisions of the General Penalty in Section 100.080 of this Code.  
(Ord. No. 1987-18 §2, 8-10-87)

**SECTION 215.190: OBSTRUCTING WITH BUILDING MATERIALS—WARNING LIGHTS**

It shall be the duty of all persons using any of the streets, alleys, highways or sidewalks for the purpose of piling or stacking any building material, lumber, lime, sand or chat on the same during the construction of any building, walk or improvements to cause the same to be marked at night by an amber light which shall be kept burning from dusk in the evening until daylight the next morning. (CC 1968 §17-2; Ord. No. 143 §1, 6-4-1897)

**SECTION 215.200: KEEPING OPEN CELLAR DOORS, VAULTS, ETC.**

No person shall keep open any door or the grating of any window or vault in any street or sidewalk or maintain any opening into or through such street or sidewalk in an insecure condition whereby any person may be in danger of falling through such door or grating, or suffer the same to be done on or adjoining any premises owned or occupied by him.  
(CC 1968 §17-3; Ord. No. 6 §68, 12-16-1889)

**SECTION 215.210: PLAYING GAMES, ETC., IN STREETS**

No person shall fly a kite or practice or exercise any game of sport or shoot firecrackers or anything of a fire nature upon, near, in or about the streets, alleys, sidewalks or avenues of the City, calculated or likely to injure persons or obstruct the passage of any vehicle.  
(CC 1968 §17-6; Ord. No. 6 §88, 12-16-1889)

**SECTION 215.220: CLEANING SNOW AND ICE FROM SIDEWALKS**

The owner or occupant of a building or of a vacant lot fronting on any sidewalk shall clean the sidewalk in front of such building or vacant lot of snow or ice within twelve (12) hours after the same has accumulated thereon. (CC 1968 §17-12; Ord. No. 6 §35, 12-16-1889)

**ARTICLE IV. OFFENSES CONCERNING PUBLIC PEACE**

**SECTION 215.230: 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 215.240: PRIVATE PEACE DISTURBANCE**

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

1. Threatening to commit an offense against any person; or
2. Fighting.

#### **SECTION 215.250: PEACE DISTURBANCE DEFINITIONS**

As used in Sections 215.230–215.240, the following terms shall have these prescribed meanings:

*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;

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

#### **SECTION 215.260: UNLAWFUL ASSEMBLY**

A person commits the offense of unlawful assembly if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence.

### **ARTICLE V. OFFENSES CONCERNING NOISE**

#### **SECTION 215.270: NOISES—GENERALLY**

The creation of any unreasonably loud, disturbing or unnecessary noise in the City is prohibited. The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section, but such enumeration shall not be deemed to be exclusive:

1. *Horns, signals, etc.* The sounding of any horn or signal device on any motor bus, motorcycle, automobile or other vehicle while not in motion on a public street or highway, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion, the excessive or prolonged sounding except only as a danger signal, after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device or an unreasonably loud or harsh sound; and the sounding of such device for an unnecessary or unreasonable period of time.
2. *Radio, etc.* The playing of any radio or other musical instrument in such a manner or with such volume, particularly during the hours between 12:00 Midnight and 7:00 A.M., which tends to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence; provided, that any such noise that can be distinctly heard at a distance of more than one hundred (100) feet from its source shall be deemed excessive.
3. *Animals and fowl.* Any animal, bird, or fowl which by causing frequent or long continued noise shall tend to disturb the comfort and repose of any person in the vicinity; provided, that any such noise that can be distinctly heard at a distance of more than one hundred feet (100) feet from its source shall be deemed excessive.
4. *Vehicles.* The use of any automobile, motorcycle or other vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
5. *Whistles and sirens.* The blowing of any whistle or siren, except to give notice of the time to begin or stop work or as a warning of danger.
6. *Blow-off, exhaust, etc.* The discharge into the open air of the blow-down of any steam engine or the exhaust of any stationary internal combustion engine or motor vehicle or of the escape valve from the unloader of any air compressor except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
7. *Hospitals, churches, schools.* The creation of any excessive or unnecessary noise within one hundred fifty (150) feet of any portion of the grounds and premises on which is located a hospital or other institution reserved for the sick, or any church or any school or other institution of learning, which unreasonably interferes with the proper functions of any such place, provided, that conspicuous signs are placed in the public highways indicating the zones within which such noises are prohibited. The Police Department is authorized to cause to be placed as many signs as it may deem necessary to properly indicate such quiet zones and to call attention to the prohibition against excessive or unnecessary noises within such zones.
8. *Continuous sound.* Continuous emission of sound by machinery at a decibel level which unreasonably interferes with the enjoyment of a person's land. Continuous, for purposes of this Section, shall be defined as unbroken, not intermittent, uninterrupted, or not occasional. Any such noise that can be distinctly heard at a distance of one hundred (100) feet from its source, shall be deemed excessive. (CC 1968 §14-20; Ord. No. 2017-05 §14-20, 8-10-2017)

9. *Compression Brake.* Mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle, such prohibition shall be applicable within city limits, except in an emergency situation. (CC 1968 §14-20; Ord. No. 2017-05 §14-20, 8-10-2017)

**SECTION 215.280: NOISES—MARCHING, PLAYING OF INSTRUMENTS IN STREETS, ETC.**

- A. It shall be unlawful for any procession or body of persons accompanied with martial music to march or pass through, or for any person to play any musical instrument in any of the streets of the City within one (1) block of any house of worship on Sunday during the hours of worship. It shall be unlawful for any band of music to play in the streets for any procession with advertising devices or to move on the streets without a permit from the Mayor.
- B. No person shall carry about the streets, alleys or other public highways of the City any hand organ or other musical instrument for the purpose of playing music thereon for gain; provided, that this Section shall not be construed to refer to music required for a military parade, funeral or other procession, or serenading party in possession of a proper permit therefor. (CC 1968 §14-21)

**SECTION 215.290: NOISES—USE OF BELL, ETC., TO ATTRACT PERSONS TO AUCTION, ETC.**

No person shall use or cause to be used any bell or other sounding instrument as a means of attracting persons to an auction or other place of business without the permission of the Mayor.  
(CC 1968 §14-22)

**ARTICLE VI. OFFENSES CONCERNING PROPERTY**

**SECTION 215.300: ADVERTISEMENTS, ETC.—POSTING HANDBILLS, ETC., ON POLES, ETC.**

No person shall, within the City, paste, tack, nail, post, hang, tie or print any poster, handbill, card, advertisement or notice of any kind whatever upon any wall, fence, house, door or post, either public or private, or upon any telegraph or telephone pole, without first having obtained permission of the owner or agent of the property on which the same is located or of the manager, superintendent or agent of the telegraph or telephone company owning or controlling such poles. No such handbill, poster, advertisement or notice shall be posted or pasted on or upon any sidewalk.  
(CC 1968 §14-1; Ord. No. 6 §13, 12-16-1889)

**SECTION 215.310: PROPERTY DAMAGE**

- A. As used in this Section property is that "*of another*", if any natural person, corporation, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein.
- B. No person shall knowingly damage property of another, nor damage property for the purpose of defrauding an insurer.
- C. Any person or persons violating any provision of this Section upon conviction or a plea of guilty, shall

be subject to the provisions of the General Penalty in Section 100.080 of this Code.  
(Ord. No. 1983-8 §§1-2, 4, 3-7-83)

**SECTION 215.320: TAMPERING**

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

**SECTION 215.330: TRESPASS IN THE FIRST DEGREE**

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

**SECTION 215.340: TRESPASS IN THE SECOND DEGREE**

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

## **SECTION 215.350: STEALING**

A. As used in this Section the following word shall have the meaning set out below:

*PROPERTY:* Anything of value, whether real or personal, tangible or intangible, in possession or in action, and shall include but not be limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument.

B. *Stealing—Penalties.*

1. 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.
2. 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:
  - a. He/she failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;
  - b. 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;
  - c. He/she left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;
  - d. He/she surreptitiously removed or attempted to remove his/her baggage from a hotel, inn or boardinghouse.

## **SECTION 215.360: OBSTRUCTING STREETS AND SIDEWALKS GENERALLY**

No person shall obstruct or cause to be obstructed, in any manner, whatever, any street, crossing or sidewalk, or place any articles so as to prevent the free passage of the same; provided, that nothing in this Section shall be construed to prohibit the use of streets and highways as provided in the following Section or to prevent any tradesman from occupying one-fourth ( $\frac{1}{4}$ ) of any sidewalk for the purpose of exhibiting his/her goods or merchandise in the daytime.  
(CC 1968 §17-1; Ord. No. 6 §87, 12-16-1889)

## **SECTION 215.370: LITTERING**

A person commits the offense littering if he/she throws or places, or causes to be thrown or placed, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature or description on the right-of-way of any public road or City Highway or on or in any of the waters in this City or on the banks of any stream, or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his/her consent.

## **ARTICLE VII. OFFENSES CONCERNING WEAPONS**

### **SECTION 215.380: DISCHARGING FIREARMS**

No person shall discharge any firearms in the City; provided, that this shall not apply to persons properly using lawful target guns in any licensed shooting gallery or to any officer of the City in the lawful discharge of his/her official duty. (CC 1968 §14-4; Ord. No. 6 §39, 12-16-1889)

### **SECTION 215.390: WEAPONS—CARRYING CONCEALED—OTHER UNLAWFUL USE**

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 a firearm or projectile weapon while intoxicated.
4. Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any school, or into any election precinct on any election day, or into any building owned or occupied by any agency of the Federal Government, State Government or of the City, or into any public assemblage of persons met for any lawful purpose, except as provided below.

B. Subparagraphs (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.
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. Subparagraphs (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. Subparagraph (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 the City.

## **ARTICLE VIII. OFFENSES CONCERNING DRUGS AND ALCOHOL**

### **SECTION 215.400: POSSESSION OF MARIJUANA**

- A. It shall be unlawful for any person to possess marijuana.
- B. Any person lawfully possessing marijuana under the provisions of any Federal or State law shall be exempt from the provisions of Subsection (A). (Ord. No. 1980-9A §§1–2, 5-12-80)

### **SECTION 215.410: CONSUMING INTOXICATING LIQUOR IN PUBLIC PLACES**

- A. No person or persons shall within the corporate limits of the City of Windsor, or on property owned by the City of Windsor, Missouri, drink any kind of intoxicating liquor upon any public street, alley, sidewalk, public lot, public park or public building or any other public place within the City, or on property owned by the City of Windsor, provided that this Section shall not apply to the consumption of any intoxicating liquor consumed inside an establishment licensed to sell intoxicating liquor by the drink, nor in private dwelling houses nor any private place.
- B. Notwithstanding the provisions of Subsection (A) of this Section, no person shall be deemed in violation of this Section who is over twenty-one (21) years of age and attending a permitted function. A "*permitted function*" shall be:
  - 1. One sponsored by a civic group, not-for-profit group, (or other legitimate group or association), and
  - 2. At which intoxicating beverages may be used but not sold, and
  - 3. Which has received prior approval by the Board of Aldermen.
- C. Any person or persons violating any provision of this Section upon conviction or a plea of guilty, shall be subject to the provisions of the General Penalty in Section 100.080 of this Code. (Ord. No. 1987-18 §§1, 4, 6, 8-10-87)

### **SECTION 215.420: TRANSPORTING OPEN BEER OR LIQUOR CONTAINER IN MOTOR VEHICLE**

- A. No person or persons shall within the corporate limits of the City of Windsor, or on property owned by the City of Windsor, Missouri, transport an open beer or liquor container within a vehicle which said person has under his/her control, or in which such person is a passenger.

- B. Any person or persons violating any provision of this Section upon conviction or a plea of guilty, shall be subject to the provisions of the General Penalty in Section 100.080 of this Code.  
(Ord. No. 1987-18 §§1-4, 6, 8-10-87)

**SECTION 215.430: DEFINITIONS - CONTROLLED SUBSTANCES—DRUG PARAPHERNALIA**

For the purposes of this Article, the following terms and their derivations shall have the meaning given herein:

“ADMINISTER” means to apply a drug or controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:

- (a) a practitioner (or, in his/her presence, by an authorized agent), or
- (b) the patient or research subject at the direction and in the presence of the practitioner.

“CONTROLLED SUBSTANCE” means drug, substance or immediate precursor in Schedules 1 through V of the Uniform Controlled Substances Act found in Chapter 195, RSMo., including but not limited to:

- (a) Cocaine and its derivatives.
- (b) Opiates and opium derivatives such as heroin, codeine, pethidine, and morphine.
- (c) Hallucinogenic substances including lysergic acid diethylamide, marijuana (*Cannabis sativa* L.), including seeds of mature plants, mescaline, psilocybin, and various types of methoxyamphetamines.
- (d) Stimulants such as amphetamines and methamphetamines.
- (e) Barbiturates and other depressants such as amobarbital, secobarbital, pentobarbital, phenobarbital, methaqualone, phencyclidine, and diazepam.

“DELIVER” OR “DELIVERY” means the actual, constructive or attempted transfer from one person to another of drug paraphernalia or of a controlled substance, or an imitation controlled substance whether or not there is an agency relationship, and includes sale.

“DISPENSE” means to deliver a drug or controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery.

“DISTRIBUTE” means to deliver other than by administering or dispensing a drug or controlled substance.

“DRUG” means:

1. Substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States or Official National Formulary or any supplement to any of them;
2. Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;
3. Substances other than food, intended to effect the structure or any function of the body of humans or animals; and
4. Substances intended for use as a component of any article specified in this definition. It does not include devices or their components, parts or accessories.

“DRUG PARAPHERNALIA” means all equipment, products, substances and materials of any kind which are used or intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled

substance or imitation controlled substance in violation of Chapter 195, RSMo., which includes but is not limited to:

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

- b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substance or imitation controlled substance;
- c. The proximity of the object, in time and space, to a direct violation of this Article.
- d. The proximity of the object to controlled substances or imitation controlled substances;
- e. The existence of any residue of controlled substances or imitation controlled substances on the object;
- f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom she/he knows, or should reasonably know, intend to use the object to facilitate a violation of this Article; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this Article shall not prevent a finding that the object is intended for use, or designed for use as Drug Paraphernalia;
- g. Instructions, oral or written, provided with the object concerning its use;
- h. Descriptive materials accompanying the object which explain or depict its use;
- i. National and local advertising concerning its use;
- j. The manner in which the object is displayed for sale;
- k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- l. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
- m. The existence and scope of legitimate uses for the object in the community;
- n. Expert testimony concerning its use.
- o. The quantity, form or packaging of the product, substance or material in relation to the quantity, form or packaging associated with any legitimate use for the product, substance or material.

“IMITATION DRUG” OR “IMITATION CONTROLLED SUBSTANCE” means a substance that is not a drug or a controlled substance, which by dosage unit, appearance (including color, shape, size and markings), or by representation made, would lead a reasonable person to believe that the substance is a drug or a controlled substance. In determining whether the substance is an imitation drug or an imitation controlled substance the court or authority concerned should consider, in addition to all other logically relevant factors, the following:

1. Whether the substance was approved by the United States Food and Drug Administration (FDA) for over-the-counter (non-prescription or non-legend) sales and was sold in the FDA approved package, with the FDA approved labeling information;
2. Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;
3. Whether the substance is packaged in a manner normally used for illicit controlled substances;
4. Prior convictions, if any, of an owner, or anyone in control of the object, under State or Federal law related to controlled substances or fraud;
5. The proximity of the substances to controlled substances;
6. Whether the consideration tendered in exchange for the non-controlled substance substantially exceeds the reasonable value of the substance considering the actual chemical composition of the substance and, where applicable, the prices at which over-the-counter substances of like chemical composition sell. An imitation controlled substance does not include a

placebo or registered investigation drug, either of which was manufactured, distributed, possessed or delivered in the ordinary course of professional practice or research.

“LICENSE” OR “LICENSED” means persons required to obtain annual registration as issued by the Missouri Department of Health and Senior Services as provided by Section 195.030 RSMo.

“MANUFACTURE” means the production, preparation, propagation, compounding or processing of drug paraphernalia or of a controlled substance, or an imitation controlled substance either directly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include the preparation or compounding of a controlled substance or an imitation controlled substance by an individual for personal use or the preparation, compounding, packaging or labeling of a narcotic or dangerous drug in the following circumstances:

1. By a practitioner as an incident to administering or dispensing of a controlled substance in the course of his/her professional practice; or
2. By a practitioner or by an authorized agent under his/her supervision for the purpose of, or as an incident to research, teaching or chemical analysis or by a pharmacist and not for sale.

“MARIJUANA” means 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.

“NARCOTIC DRUG” means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical analysis:

1. Opium, opiate, and any derivative of opium or opiate, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers, esters, ethers, and salts is possible within the specific chemical designation. The term does not include the isoquinoline alkaloids of opium;
2. Cocaine or any salt, isomer, or salt of isomer thereof;
3. Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;
4. Any compound, mixture, or preparation containing any quantity of any substance referred to in paragraphs 1 and 2 of this subdivision.

“PERSON” means individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

“PHARMACIST” means a licensed pharmacist as defined by the laws of this State, and where the context so requires, the owner of a store or other place of business where controlled substances are compounded or dispensed by a licensed pharmacist; but nothing in this Article shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right or privilege that is not granted by the pharmacy laws of this State.

“PRACTITIONER” means a physician, dentist, optometrist, podiatrist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by this State to distribute,

dispense, conduct research with respect to or administer or to use in teaching or chemical analysis, a controlled substance in the course of professional practice and research in this State, or a pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research.

“PRODUCTION” includes the manufacture, planting, cultivation, growing or harvesting of drug paraphernalia or of a controlled substance or an imitation controlled substance.

“PRESCRIPTION” means a written order, and in cases of emergency, a telephone order, issued by a practitioner in good faith in the course of his/her professional practice to a pharmacist for a drug for a particular patient, which specifies the date of its issue, the name and address of the patient (and, if such drug is prescribed for an animal, the species of such animal), the name and quantity of the drug prescribed, the directions for use of such drug, and the signature of such practitioner.

“WAREHOUSEMAN” means a person who, in the usual course of business, stores drugs for others lawfully entitled to possess them and who has no control over the disposition of such drugs except for the purpose of such storage.

“WHOLESALER” means a person who supplies drug paraphernalia or controlled substances or imitation controlled substances not produced or prepared by that person, on official written orders, but not on prescription.

#### CONTROLLED SUBSTANCES.

A. No person shall sell, give away, manufacture, use or possess for any purpose whatever any controlled substance, except as provided herein.

B. Distribution by Licensed Practitioners is permitted under the following conditions:

1. PRACTITIONERS. A licensed practitioner shall be permitted to dispense or distribute controlled substances and drugs to a person in the course of his professional practice only; and such licensed practitioner shall not be permitted to possess controlled substances for any other purpose.

2. PHARMACISTS. A licensed pharmacist shall be permitted to dispense or distribute controlled substances and drugs to persons under and in pursuance of written prescriptions issued by any licensed practitioner; and such licensed pharmacist shall not be permitted to possess controlled substances for any other purpose.

3. RECORD OF DISTRIBUTION. All instances of professional distribution of controlled substances and drugs as provided for herein shall be recorded in suitable form and filed and preserved in a manner so as to be readily accessible for inspection by any law enforcement officer of the City.

4. RENEWAL PROHIBITED. No prescription for controlled substances shall be renewed or refilled.

C. Any person shall be permitted to possess controlled substances distributed or dispensed under the provisions of this Section, but such possession and use must be in accordance with the prescription and prescribed treatment.

D. A person who is a licensed manufacturer, warehouseman, or wholesaler of controlled substances shall be permitted to possess controlled substances for the purposes of wholesale delivery, compounding, preparation, and manufacture only; and the same shall only be resold to other persons permitted by this Section to resell, or dispense or distribute controlled substances in the course of a licensed manufacturing or wholesale business, a licensed professional practice, or a licensed pharmaceutical business. A licensed

manufacturer or wholesaler permitted to possess controlled substances in this subsection (D) may also be a licensed pharmacist and may dispense or distribute narcotic drugs upon written prescription as provided herein, but shall not consume or permit to be consumed any controlled substances except upon written prescription as herein provided.

E. All drug or controlled substances or imitation drugs or imitation controlled substances in the possession of any person convicted of a violation of this Section, shall be seized by, confiscated by, and forfeited to Law Enforcement who shall make proper disposition thereof.

F. This Section shall not apply to the administering or distributing or dispensing of any medicinal preparation that contains in one fluid ounce, or if a solid or semi-solid preparation in one avoirdupois ounce, not more than one grain of codeine or any of its salts. Provided that the preparation administered or distributed or dispensed shall contain some drug or drugs of medicinal qualities in addition to those possessed by the controlled substance alone. Such preparation shall be administered, distributed, or dispensed in good faith and not for the purpose of evading this subsection. However, no person shall administer, dispense, or sell, under the exemption of this Section, any preparation included in this subsection, when he/she knows, or can by reasonable diligence ascertain, that such administering, dispensing, or selling, will provide the person to whom or for whose use such preparation is administered, dispensed, or sold, within any forty-eight (48) consecutive hours, with more than four (4) grains of codeine or any of its salts.

G. The provisions of this Section restricting the possession and control of controlled substances shall not apply to common carriers or warehousemen engaged in lawfully transporting or storing such controlled substances, or to any employee of such common carriers or warehousemen, or to public officers or employees in the performance of official duties requiring possession or control of controlled substances, or to persons aiding such officers or employees in performance of such duties.

#### **SECTION 215.430.1: UNLAWFUL POSSESSION, DELIVERY OR USE OF DRUG PARAPHERNALIA**

1. It is unlawful for any person to use, or possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
2. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance.
3. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

#### **SECTION 215.430.2: MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA**

It is unlawful for any person to deliver, possess with intent to deliver, or manufacture, with intent to deliver, drug paraphernalia, as defined in this Section, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound,

convert, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or imitation controlled substance.

### **SECTION 215.430.3: DELIVERY OF DRUG PARAPHERNALIA TO A MINOR**

It is unlawful for any person 18 years of age or over to deliver drug paraphernalia, as defined in this Section, to a person under 18 years of age.

### **SECTION 215.430.4: DELIVERY OF A SIMULATED DRUG OR SIMULATED CONTROLLED SUBSTANCE TO ANY PERSON.**

It is unlawful for any person to deliver any imitation drug or imitation controlled substance to another person.

### **SECTION 215.430.5: UNLAWFUL USE OF INHALANTS**

#### **A. Prohibited.**

No person shall intentionally smell or inhale the fumes of any solvent, particularly toluene, 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.

State law reference—Similar provisions, RSMo 578.250.

#### **B. Inducing or possession with intent to induce, symptoms.**

1. 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 toluene.
2. No person shall intentionally possess any solvent, particularly toluene, for the purpose of using it in a prohibited manner.

State law reference—Similar provisions, RSMo 578.255.

#### **C. Possession or purchase of solvents to aid others in violations. No person shall intentionally possess or buy any solvent, particularly toluene, for the purpose of inducing or aiding any other person to violate the provisions of this division.**

State law reference—Similar provisions, RSMo 578.260.

### **SECTION 215.430.6: ILLICIT SYNTHETIC DRUGS**

(a) Purpose. The purpose of this Section is to regulate the availability of products which are enhanced with synthetic chemicals, which chemicals mimic the effects of controlled substances on users, because these products are a danger to the public health, safety and welfare.

(b) Definitions. For purposes of the following sections, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- (1) “Spice, synthetic cannabinoids, synthetic marijuana” means any aromatic plant material in granular, loose leaf or power form, or in liquid or as a food additive, or any herbal-incense-type stimulant or hallucinogen product, when the label is an any way false

or misleading, or which does not contain a label specifying (1) the identity of the commodity and (2) the name and place of business of the manufacturer, packer, or distributor. Street names for these products include, but are not limited to: Bliss, Black Mamba, Bombay Blue, Fake Weed, Genie, Spice, Zohai, K2, K3, Smoke, Pot-Pourri, Buzz, Spice 99, Voodoo, Pulse, Hush, Mystery, Earthquake, Stinger, Ocean Blue, Serenity, Chronic Spice, Spice Gold, Spice Silver, Skunk, Mr. Nice Guy, Mr. Happy, K3 Legal, Sence, Smoke, Chill X, Earth Impact, Galaxy Gold, Space Truckin, Solar Flare, Moon Rocks, Aoma, Scope, Sky High, Atomic, G-29, Guerrilla Warfare, Makes Scents, g-13, Tiger Shark, California Dreams, Dank, Bullet, Mind Trip, Voodoo Child, Jazz, Nightlights, Matrix, Hypnotic, AK47, Maui Wowie, Cloud 9, Daylights, Joker, Dead Man Walking, Brain Storm, Soul Sence, Kush, Kush Mainia, Dragons Fire, Lucid, Mad Hatter, Scooby Snax, D-ZL, OMG, Demon, Barelin In, Pineapple Express, Hayze. This definition shall include any plant material to which any Synthetic Chemical or Synthetic Chemical Compound has been added which has no legitimate relation to the advertised use of the product whether or not the label meets the requirements herein.

(2) “Bath Salts, synthetic cathinones, synthetic stimulants” means any crystalline or power product in crystalline, loose-powder, block, tablet, or capsule form, or any stimulant-type product, when the label is in any way false or misleading, or which does not contain a label specifying (1) the identity of the commodity, and (2) the name and place of business of the manufacturer, packer, or distributor. Street names for these products include, but are not limited to: Bliss, Blue Silk, Cloud Nine, Drone, Energy-1, Ivory Wave, Lunar Wave, Meow Meow, Ocean Bust, Pure Ivory, Purple Wave, Red Dove, Snow Leopard, Stardust, Vanilla Sky, White Dove, White Knight, White Lightning, Blizzard, Bonsai Grow, Chare Plus, Charlie, Euphoria, Hurricane, Lunar Wave, Ocean, Pixie Dust, Posh, Scarface, Lovely Dovey, Aura, MDPV, MDPK, MTV, Maddie, Hurricane Charlie, Black Rob, Super Coke, PV, Peeve, Meph, Drone, MCAT. This definition shall include any product to which any Synthetic Chemical or Synthetic Chemical Compound has been added which has no legitimate relation to the advertised use of the product whether or not the label meets the requirements herein.

(3) “Drug” means a substance that is intended to have a physiological effect when introduced into the human body.

(4) “Misbranded drug” means a drug that violates Chapters 195 and 196 of the Revised Statutes of Missouri, including but not limited to drugs for which (1) the label is in any way false or misleading; (2) the label does not bear the name and place of business of the manufacturer, packager, or distributor of the finished form of the drug; (3) the label does not bear adequate directions for use; or (4) the label does not bear adequate warnings against use.

(5) “Illicit synthetic drugs” means spice, synthetic cannabinoids, synthetic marijuana, bath salts, synthetic cathinones, synthetic stimulants, and misbranded drugs as defined herein.

(6) “Synthetic Chemical or Synthetic Chemical Compound” means any chemical or chemical compound whose molecular make up is similar to those substances listed as controlled substances in the Comprehensive Drug Control Act (including any isomers, esters, ethers, salts, and salts of isomers, esters, and ethers of such substances) and whose intended use when introduced into the human body is to mimic or simulate the effects of a controlled substance.

(c) Prohibition of Illicit Synthetic Drugs.

(1) It is unlawful for any person to possess, use, provide, sell, produce, manufacture, or distribute, or offer, display, market, or advertise for sale, any illicit synthetic drug.

(2) In determining whether a product is prohibited by this Section, statements on package labeling such as “not for human consumption” may be disregarded when other relevant factors (viewed alone or in totality) indicate that the product is intended to be consumed or ingested by humans, or is a product regulated by this Section. Other relevant factors that may be used to determine whether a product or sale is prohibited by this Section include, but are not limited to: a) verbal or written representations at the point of sale regarding the purpose, methods, use, or effect of the product; aspects of the packaging or labeling suggesting that the user will achieve a “high”, euphoria, relaxation, mood enhancement, or that the product has other effects on the body; b) the cost of the product is disproportionately higher than other products marketed for the same use; c) the product contains a warning label stating or suggesting that the product is in compliance with state laws regulating controlled substances; d) the product’s name or packaging uses images or slang referencing an illicit street drug; e) illicit or underground methods of sale or delivery are employed by the seller or provider; f) the produce resembles an illicit street drug such as cocaine, methamphetamine, or marijuana.

(3) Defense. It shall be a defense to the prosecution of a violation of this Section that a product: is specifically excepted by, or regulated within, the Comprehensive Drug Control Act of 1989 or the Federal Controlled Substances Act (21 USC §§ 81 et. seq.); is a food product, drug, dietary supplement, cosmetic, or other substance regulated by the FDA and in compliance with that agency’s requirements; is regulated by and in compliance with the labeling requirements of the Federal Trade Commission; is regulated by and in compliance with the Federal Fair Packaging and Labeling Act and/or corresponding Missouri state law; or is a tobacco product regulated by and in compliance with the regulations governing the tobacco industry enforced by the Missouri Department of Public Safety. For the purposes of this Section, it shall not be a defense that a product is not subject to regulation by the act or agencies listed above unless the product is specifically exempt from regulation; mere “non-regulation” by these acts without a specific regulatory exemption does not render a product exempt under this Section.

(d) Sale of Certain Products for Human Consumption Prohibited.

It is unlawful for any person to provide or sell a product for human consumption when the product is labeled “not for human consumption” or contains similar warnings.

**SECTION 215.430.7: VIOLATION AND SEIZURE**

A. *Violation and Penalty.* Any person or persons violating any provision of this Section upon conviction or a plea of guilty shall be subject to the provisions of the General Penalty in Section 100.080 of this Code.

B. Any products found in violation of this Section may be seized and held as evidence to be used in any future proceeding and may be disposed of as appropriate after its use for evidentiary purposes is no longer required.

**ARTICLE IX. OFFENSES CONCERNING PROSTITUTION  
AND MORALS**

#### **SECTION 215.440: SEXUAL MISCONDUCT**

A person commits the offense of sexual misconduct if he/she exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm.

#### **SECTION 215.450: 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 1 or Subdivision (3) of Subsection 1 of Section 211.031, RSMo.; or
  3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years 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 1 or Paragraph (d) of Subdivision (2) of Subsection 1 or Subdivision (3) of Subsection 1 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 non-medical remedial treatment recognized and permitted under the laws of this State.

#### **SECTION 215.460: ARTICLE DEFINITIONS**

As used in this Article, the following terms mean:

*PATRONIZING PROSTITUTION:* A person patronizes prostitution if

1. Pursuant to a prior understanding, he/she gives something of value to another person as compensation for that person or a third person having engaged in sexual conduct with him/her or with another; or
2. He/she gives or agrees to give something of value to another person on an understanding that in return therefor that person or a third person will engage in sexual conduct with him/her or with another; or
3. He/she solicits or requests another person to engage in sexual conduct with him/her or with another, or to secure a third person to engage in sexual conduct with him/her or with another, in return for something of value;

*PROSTITUTION:* A person commits prostitution if he/she engages or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by the person or by a third person;

*SEXUAL CONDUCT:* Occurs when there is

1. *Sexual intercourse.* Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results; or
2. *Deviate sexual intercourse.* Any sexual act involving the genitals of one person and the mouth, hand, tongue or anus of another person; or
3. *Sexual contact.* Any touching, manual or otherwise, of the anus or genitals of one person by another, done for the purpose of arousing or gratifying sexual desire of either party;

*SOMETHING OF VALUE:* Money or property, or any token, object or article exchangeable for money or property.

#### **SECTION 215.470: PROSTITUTION**

A person commits the offense of prostitution if he/she performs an act of prostitution.

#### **SECTION 215.480: PATRONIZING PROSTITUTION**

A person commits the offense of patronizing prostitution if he/she patronizes prostitution.

#### **SECTION 215.490: PROSTITUTION AND PATRONIZING PROSTITUTION—SEX OF PARTIES NO DEFENSE, WHEN**

In any prosecution for prostitution or patronizing a prostitute, the sex of the two (2) parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that

1. Both persons were of the same sex; or
2. The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.

### **ARTICLE X. MISCELLANEOUS OFFENSES**

#### **SECTION 215.500: FIREWORKS—SALE PROHIBITED**

No person shall sell or expose for sale any firecrackers, torpedoes, bombs, rockets, pistols or any other fireworks of a like kind within the City. (CC 1968 §14-9; Ord. No. 1149 §2, 8-6-48)

**SECTION 215.510: FIREWORKS—DISCHARGE PROHIBITED—EXCEPTION**

1. No person shall, willfully or promiscuously, fire, shoot off, use, burn, explode or fire off any firecrackers, torpedoes, bombs, rockets, fire balloon, cap cannon, cap pistols or other fireworks of a like kind, within this City; provided, that this Section shall not apply to parks or other public places when in charge of competent persons and under a permit issued by the Board of Aldermen. (CC 1968 §14-10; Ord. No. 1149 §1, 8-6-48)
2. Fireworks may only discharge within the City of Windsor between hours of 10:30am and 10:30pm on July 3, 4, and 5. Fireworks shall not discharge on any other date during the calendar year. No person shall, willfully or promiscuously, fire, shoot off, use, burn, explode or fire off any bottle rockets, or aerial displays over 30 feet in height within the City of Windsor. No fireworks are to be discharged at Farrington Park, Industrial Park and Eugene R. Schnell Sports Complex without a permit issued by the Board of Aldermen. (Ord. No. 2013-20 § 6-17-13)

**SECTION 215.520: LOITERING**

- A. For the purpose of this Section "*loitering*" shall be defined as to stand around or move slowly about, to spend time idly, to saunter or delay.
- B. It shall be unlawful for any person or persons to loiter, either on foot or in or on any motor vehicle on the streets, sidewalks or other public property between the hours of 12:00 Midnight to 5:00 A.M.
- C. It shall be unlawful for any person or persons to refuse to obey the directions of a Police Officer when requested to quietly and peaceably disperse or reassemble in violation of this Section when once requested to disperse and such refusal shall constitute a misdemeanor under this Section.
- D. It shall be the duty of the Chief of Police and his/her deputies to arrest any persons violating this Section.
- E. Any person violating the terms of this Section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars (\$100.00). (Ord. No. J-A-1971 §§1–5, 9-22-71)

**SECTION 215.530: SELLING UNWHOLESOME, ETC., FOOD**

No person shall sell or expose for sale any putrid, blown, raised, stuffed or unsound meat, unsound eggs or other stale or decayed or unwholesome articles of food. (CC 1968 §14-41; Ord. No. 6 §82, 12-16-1889)

**SECTION 215.540: VAGRANCY**

Every person who shall be found loitering around houses of ill fame, gambling houses or places where liquors are sold or consumed, without any visible means of support, or who shall attend or operate any gambling device or apparatus, or is engaged in the practice of any trick or device to procure money or other things of value, or is engaged in any unlawful calling whatever, and every person found tramping or wandering around from place to place without any visible means of support, shall be deemed a vagrant, and, upon conviction thereof, shall be punished as provided in Section 100.080 of this Code. (CC 1968 §14-46; Ord. No. 6 §58, 12-16-1889)

**SECTION 215.550: OBSTRUCTING SIDEWALKS BY CONGREGATING THEREON**

No person shall congregate or assemble together upon any sidewalk or crossway in the City in such manner as to obstruct, hinder, delay or prevent travel thereon.

(CC 1968 §17-7; Ord. No. 6 §70, 12-16-1889)

**SECTION 215.560: CURFEW FOR PERSON UNDER SEVENTEEN YEARS-PARENTAL RESPONSIBILITY - PENALTY**

- A. It is unlawful for any minor under the age of seventeen (17) years to loiter, idle, wander, stroll or to drive or ride in an automobile, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 11:00 P.M. and 6:00 A.M. of the following day, except on Fridays and Saturdays when the hours shall be 12:00 Midnight to 6:00 A.M. of the following day, except that this Section does not apply to a minor accompanied by his/her parent, guardian, or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his/her parent, guardian, or other adult person having the care and custody of the minor.
- B. It is unlawful for the parent, guardian, or other adult person having the care and custody of a minor under the age of seventeen (17) years to knowingly permit such minor to loiter, idle, wander, stroll or to drive or ride in an automobile, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 11:00 P.M. and 6:00 A.M. of the following day, except on Fridays and Saturdays when the hours shall be 12:00 Midnight to 6:00 A.M. of the following day, except that this Section does not apply when the minor is accompanied by his/her parent, guardian, or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his/her parent, guardian, or other adult person having the care and custody of the minor.
- C. Any Police Officer finding a child violating the provisions of Subsection (A) shall warn the child to cease and desist immediately from such violation. The Police Officer may take the child into custody and release him/her to his/her parent or guardian or release the child at the scene with a written notice of referral to the Juvenile Court.
- D. After receiving notice of the first violation committed by the child, any parent, guardian or other person in charge of such child who knowingly permits such child to again violate the provisions of Subsection (A) shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00). (Ord. No. 1996-5 §1, 4-9-96)

**SECTION 215.570: GARAGE SALES**

- A. *Definition.* "Garage sale" is a public sale of goods commonly known or referred to as a "garage sale, patio sale, porch sale, attic sale, yard sale, rummage sale or any other similar sale".
- B. *Number Of Sales.* No person shall be permitted to hold more than four (4) garage sales per calendar year.

- C. *Duration Of Sales.* No person shall conduct, carry on or permit a garage sale to last more than three (3) consecutive days.
- D. *Advertising Signs.* No person shall erect, place, post or mark any sign advertising a garage sale more than one (1) day prior to sale and must be removed no more than one (1) day after the sale. The person responsible for conducting such garage sale shall be responsible for removing any such sign. No signs on utility poles or City sign poles.
- E. *Penalty.* Any person convicted of violating any provisions of this Section shall be fined no less than ten dollars (\$10.00). The fine will be ten dollars (\$10.00) for each day which any violation of this Section continues, not to exceed one hundred dollars (\$100.00). (Ord. No. 1997-2 §§1-5, 2-19-97)

**SECTION 215.580: SALE, POSSESSION AND USE OF LASER BEAM DEVICES**

- A. *Application.* This Section applies only to handheld pointers and excludes any and all other laser devices that may be used in other professions or occupations.
- B. *Sale.* It is unlawful for any person to sell a laser pointer to any person under the age of eighteen (18) years.
- C. *Possession.* It is unlawful for any person under the age of eighteen (18) years to possess a laser pointer.
- D. *Use.* It is unlawful for any person to focus, point, or shine a laser beam directly or indirectly on another person or animal in such a manner as to harass, annoy or injure said person or animal.
- E. *Exceptions.* The prohibition of Subsection (C) of this Section shall not apply to the use of laser pointers with the permission and supervision of a person twenty-one (21) years of age or older.
- F. *Penalty.* Any violation of this Section shall be punished pursuant to Section 100.080 of the Windsor City Code. (Ord. No. 1999-3 §1, 4-13-99)

**SECTION 215.590: ADDRESS NUMBERS TO BE DISPLAYED ON HOUSES AND BUILDING**

1. All residential and commercial properties in the City of Windsor shall be numbered by main entrance or mail box.
2. All numbers must be legible from the street.
3. The responsibility for the displaying of the assigned number for each existing residential and commercial property in the City, as of the effective date of this ordinance, shall rest with the property owner.
4. Any person who shall fail to comply with any of the provisions of this ordinance, or who shall number or attempt to number any residential and commercial property other than in conformity with this ordinance, or who shall fail to change his/her number, if wrong, within sixty (60) days of the effective date of this ordinance and thereafter within thirty (30) days after being notified in writing to do so by the City of Windsor shall be deemed guilty of violating this ordinance and subjected to a fine of twenty-five (\$25.00) dollars. (Ord. No. 2013-01§ 1-8-13).

## **CHAPTER 220: NUISANCES**

*Cross Reference—As to damaged or disabled vehicles, see ch. 245 of this Code.*

### **ARTICLE I. UNSAFE BUILDINGS**

#### **SECTION 220.010: NUISANCES—ENUMERATED**

The following conditions of premises constitute nuisances injurious to the health and welfare of the inhabitants of the City of Windsor, Missouri.

1. Those buildings or structures exhibiting leaking of natural gas or other potentially dangerous or explosive substances.
2. Damage and deterioration of floors and walls and ceilings.
3. Insufficient strength of roofs and floors to be reasonably safe for the purposes for which intended.
4. Those which have been substantially damaged by fire, wind or other causes.
5. Those which are uninhabited and open at door and/or window.
6. Those exhibiting broken windows, or conditions constituting danger to any individual on or about the premises.
7. Those premises containing therein or thereon substantial accumulation of trash, garbage, or other material susceptible to fire or constituting or providing a harboring place for vermin or other obnoxious animals or insects.
8. Those exhibiting in or upon the premises any other dangerous conditions.  
(Ord. No. 1987-17 §1, 8-10-87)

#### **SECTION 220.020: INSPECTOR APPOINTED—DUTIES**

The Board of Aldermen of the City of Windsor shall appoint an Inspector of dangerous buildings and premises to inspect same believed to be in a condition prescribed by this Article. Said Inspector is to determine whether or not it reasonably appears that there is immediate danger to the health, safety or welfare of any person because of such conditions. The Mayor of the City of Windsor is hereby designated as the officer to supervise such Inspectors, and hold hearings regarding any such buildings, structure, or premises. If any Inspector finds such conditions as prescribed herein, he/she shall forthwith notify the Mayor of the City of Windsor and if said Mayor concurs, a notice shall be posted on the structure to the effect that it has been found to be a public nuisance.  
(Ord. No. 1987-17 §2, 8-10-87)

#### **SECTION 220.030: NOTIFICATION TO OWNER OF NUISANCE EXISTING**

The Inspector or Mayor shall notify the owner or owners of the premises of the determination that the property has been declared a public nuisance, the conditions which under this Article call for such determination, and the action required for the abatement of such nuisance, including ordering the

building or structure to be vacated if such be the case, reconditioned, or removed, and giving a reasonable time for commencement of the work, and requiring the work to proceed without unnecessary delay. Further, notice shall be given to all owners, occupants, lessees, mortgagees, agents, and all other persons having an interest in the building or structure or premises as shown by the land records of the Recorder of Deeds for the County in which said realty is located, who shall be made parties to the proceeding. Said notice shall be given by certified mail, return receipt requested, or by personal service. In the event that service cannot be made by either of such modes of service, then service may be had by publication of said notice in any newspaper having general circulation in the City, at least once. The notice shall further give the owner or responsible party ten (10) days in which to recondition or remove the condition, as the case may be.  
(Ord. No. 1987-17 §3, 8-10-87, Ord. No. 2015-02 §3, 7-9-15)

#### **SECTION 220.040: FAILURE TO COMMENCE WORK—PROCEDURE**

In the event of failure to commence work, reconditioning or demolition within time specified, or upon failure to proceed continuously with the work without unnecessary delay, the Mayor shall call and have a full and adequate hearing before the Ordinance Committee of the Board of Aldermen of the City of Windsor on the matter, giving the affected parties at least ten (10) day's written notice of the hearing, in a manner designated for giving notice in Section 220.030 above. Any party may be represented by counsel, and all parties shall have an opportunity to be heard. If the evidence supports a finding that the building, structure or premises is a nuisance or detrimental to the health, safety or welfare of the residents of the City, then the Ordinance Committee of the Board of Aldermen shall instruct the Mayor who shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the premises to be a nuisance and detrimental to the health, safety, or welfare of the residents of the City, and ordering the building, structure, or condition to be demolished, removed or repaired. If the evidence does not support a finding that the building, structure, or premises is a nuisance or detrimental to the health, safety or welfare of the residents of the City, no order shall be issued. (Ord. No. 1987-17 §4, 8-10-87, Ord. No 2015-02 §4, 7-9-15)

#### **SECTION 220.050: APPROPRIATE ACTION AS TO ABATEMENT**

The following standards shall apply for determination of the appropriate course of action.

1. If the conditions are such as to make the building, structure, or premises immediately dangerous to the health, safety or welfare of its occupants, the building, structure, or premises shall be ordered vacated pending the abatement of the nuisance.
2. In all cases where the conditions causing the building, structure or premises to be a public nuisance cannot be reasonably repaired or maintained so that the building or structure will no longer exist in violation of the terms of this Article, the building or structure shall be demolished, or the dangerous condition removed.
3. In any case where the conditions constituting a public nuisance are such that the cost to repair or to maintain the building or structure so that it will no longer constitute a public nuisance equals or exceeds fifty percent (50%) of the value of the building or structure, it shall be ordered repaired or demolished, and in the event it is not repaired or demolished by the owner, then the City shall abate the nuisance by demolition.
4. Any building or structure constituting a public nuisance due to lack of completion, shall be ordered to be completed in accordance with lawful plans and specifications, and if not so completed or demolished by the owner, thence the City shall abate the nuisance by demolition.

(Ord. No. 1987-17 §5, 8-10-87)

**SECTION 220.060: COST TO BE SPECIAL TAX BILL**

In the event the Mayor issues an order whereby the building, structure, or condition is to be demolished, repaired or otherwise corrected, the cost of performance shall be certified to the City Clerk, who shall cause a special tax bill therefor against the property to be prepared and collected by the City Collector or other official collecting taxes. The tax bill from the date of its issuance shall be a personal debt against the property owner and shall also be a lien on the property until paid. Except as provided in Section 220.070, at the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten (10) years. (Ord. No. 1987-17 §6, 8-10-87)

**SECTION 220.070: 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, this Section establishes a procedure for the payment of up to twenty-five percent (25%) of the insurance proceeds as set forth herein. This Section shall apply only to a covered claim payment which 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 at the direction of the City 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 the Section.
  2. The City shall release the proceeds and any interest which 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 Section 220.060. If the City has proceeded under the provisions of Section 220.060, all monies in excess of that necessary to comply with the provisions of Section 220.060 for the removal of the building or structure, 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 date of its issuance shall be a lien on the property until paid.
- C. Subsection (A) of this Section shall apply to fire, explosion, or other casualty loss claims arising on all buildings and structures.
- D. Subsection (A) of 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. (Ord. No. 2002-03 § 1, 3-12-02)

**SECTION 220.080: FAILURE TO COMPLY**

In the event of failure to comply with the notice of declaration of nuisance within a reasonable time, or failure to proceed continuously without unnecessary delay, the Mayor may cause said work to be done

by either City employees or by contractors employed for that purpose, which shall be billed and taxed as heretofore provided. Further, said failure shall constitute an offense punishable by a fine of up to five hundred dollars (\$500.00) for each violation, which may be levied and taxed against the premises as heretofore provided. Each day in which such failure continues shall be considered to be a separate offense for purposes of such fine. (Ord. No. 1987-17 §7, 8-10-87)

#### **SECTION 220.090: IMMEDIATE ABATEMENT**

In the event the Building Inspector shall report to the Mayor, and the Mayor shall determine, that as a result of any condition prescribed in this Article there is immediate danger to the health, life or safety of any person unless a building is immediately repaired, vacated, demolished, vacated and repaired, or vacated and demolished, the Mayor may shorten or eliminate the notice provided in Section 220.030 above, and may shorten or eliminate the notice provided for the hearing as set forth in Section 220.040 above, and may proceed with a hearing to determine the need for immediate repair, vacation, removal or demolition of the building or condition constituting the immediate danger. In proceeding under this Section, the Mayor shall conduct a hearing in accordance with Section 220.040 above, and shall issue an order making specific findings of fact, based upon competent and substantial evidence, which shows the premises to be an immediate danger to the health, life or safety of the residents of the City. The Mayor shall take all reasonable steps to notify the owners or persons having a legal interest in the property of the existence of such condition and the need for immediate removal, vacation or repair, and also to notify such parties of the hearing to be held pursuant to this Section, and to provide such parties with an opportunity to be present and to be heard at such hearing, if such notices can be reasonably given consistent with the health, life and safety of the residents of the City. Following the hearing, if the Mayor determines that an emergency condition exists constituting an immediate danger to the health, life, or safety of any person as described herein, he/she shall order immediate repair, removal, vacation or demolition thereof, by either City employees or by contractors employed for that purpose as provided in Section 220.080 above, the cost of which shall be taxed and levied against the property as provided herein. (Ord. No. 1987-17 §8, 8-10-87)

#### **SECTION 220.100: APPEALS**

Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by the land records of the Recorder of Deeds of Henry County, may, within thirty (30) days from the receipt of the order of the Building Commissioner, appeal such decision to the Circuit Court of Henry County, pursuant to the procedure established in Chapter 536, RSMo.

### **ARTICLE II. GENERAL NUISANCES**

#### **SECTION 220.110: IN GENERAL**

No person owning or being in possession of any lot or enclosure shall allow any stagnant water or any animal or vegetable matter whatever, or any filth, offal, manure, dead animals, vegetable or unsound and offensive matter or nauseous, foul, offensive or putrid liquid or substance to remain upon his/her premises or in any outhouse, stable, privy or any other place owned or occupied by him/her or in any

street or alley in front, near or alongside of each premises in such a manner as to be offensive to the neighborhood and any person so offending shall be deemed guilty of creating or maintaining a nuisance. (CC 1968 §13-1; Ord. No. 72 §2, 6-3-01)

**SECTION 220.120: DEAD ANIMALS, ETC.**

- A. No person shall allow any dead animal, carcass or part thereof, to remain upon his/her premises within the City for a longer time than twelve (12) hours, but shall within such time remove it or cause the same to be removed from the City, and if the same is not removed within such time, such person shall be guilty of creating or maintaining a nuisance.
- B. If any person shall bring or cause to be brought into the City limits, any dead animal, or leave the same to putrefy or become offensive therein, or whoever being the owner or possessor of any animal which shall die therein, and knowing of its death, shall not within twelve (12) hours thereafter bury the same, beyond the City limits, or shall receive or permit to be brought upon his/her premises the body of any dead animal, or any part thereof, which shall be unfit for consumption as food knowing the condition thereof, shall be deemed guilty of creating or maintaining a nuisance.  
(CC 1968 §13-2; Ord. No. 72 §§3, 11, 6-3-01)

**SECTION 220.130: DRAINING CERTAIN WATER INTO WELLS**

No person shall drain or cause to be drained any cellar, basement, cesspool or any impure or filthy water into any well within the City. Any person so offending shall be deemed guilty of creating or maintaining a nuisance. (CC 1968 §13-3; Ord. No. 72 §7, 6-3-01)

**SECTION 220.140: PUTRID MEAT, GREASE, ETC.**

No butcher or other person shall keep, collect or use in the City, any stale, putrid or stinking meat, fat, grease or other matter, or shall suffer the shed, house or premises occupied or owned by them to become nauseous, offensive or foul. Any such person so offending shall be deemed guilty of creating or maintaining a nuisance. (CC 1968 §13-4; Ord. No. 72 §8, 6-3-01)

**SECTION 220.150: ANIMAL RENDERING FACILITY**

- A. To protect the health, well-being and quality of life of the citizens of the City of Windsor, the operation of any dead or slaughtered animal rendering facility, including dried blood processing and animal bone grinding, is prohibited at any site or location within the corporate limits.
- B. Any person, firm or corporation violating any provision of this Section shall be subject to the provisions of the General Penalty in Section 100.080 of this Code, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.  
(Ord. No. 1988-7 §§1–2, 7-11-88)

**SECTION 220.160: SLAUGHTERHOUSES**

No person shall erect, keep or maintain any slaughterhouse within the City, in such a manner as to be

offensive to the neighborhood, or dangerous to the health of any of the inhabitants of the City. Any person who shall erect, keep or maintain any slaughterhouse in the manner aforesaid, after having been notified by the Chief of Police to at once clean and purify such house and keep the same clean and purified, shall be guilty of maintaining or creating a nuisance.  
(CC 1968 §13-5; Ord. No. 72 §9, 6-3-01)

**SECTION 220.170: NOISOME OFFAL, ETC.**

No person shall permit any blood, offal and filth accruing from any hog pen or cattle sheds, or other places used for slaughtering or feeding hogs or cattle to become noisome.  
(CC 1968 §13-6; Ord. No. 72 §10, 6-3-01)

**SECTION 220.180: COMPLAINTS**

It shall be the duty of the Chief of Police and Police Officers of the City to make complaint of all nuisances coming to their knowledge. (CC 1968 §13-7; Ord. No. 72 §12, 6-3-01)

**SECTION 220.190: RIGHT OF ENTRY TO REMOVE OR ABATE**

The Chief of Police or any Police Officer is hereby authorized and empowered to enter upon any private property for the removal or abatement of any nuisance, and may take sufficient help and force for that purpose. (CC 1968 §13-8; Ord. No. 72 §13, 6-3-01)

**SECTION 220.200: PENALTY**

Any person found guilty of creating or maintaining a nuisance under any of the provisions of this Article or any other City ordinance, shall be punished as provided in Section 100.080 and in addition thereto, should such person fail or neglect to remove or abate such nuisance within twenty-four (24) hours after such conviction, the Board of Aldermen, may procure the removal or abatement of the same. If the nuisance is suppressed within the City limits, the expense for abating the same may be assessed against the owner or occupant of the property, and against the property on which said nuisance is committed, and a special tax bill may be issued against said property for said expenses.  
(CC 1968 §13-9; Ord. No. 72 §14, 6-3-01)

**ARTICLE III. WEEDS AND VEGETATION**

**SECTION 220.210 HIGH WEEDS, ETC., DECLARED MENACE TO PUBLIC HEALTH, SAFETY AND WELFARE**

**SECTION ONE**

The presence of high weeds, brush, and other rank vegetation, excluding shade trees, ornamental grasses and shrubs, fruit trees, domesticated berry bushes and vines, cover crops and domestic grains and plantings on lots and pieces of land within the City, constitute a menace to the public safety, health and welfare by reason that such conditions may:

1. Cause a fire hazard.

2. Furnish cover for prowlers.
3. Create a nuisance with potential danger of injury on rocks, debris, holes, etc., covered by excess growth.
4. Obstruct visibility at street intersections.
5. Furnish a potential harborage or breeding place for disease-carrying insects, anthropoids, animals and poisonous snakes. (CC 1968 §19-1, 1-11-11)

## **SECTION TWO**

1. Any owner who fails to remove nuisance under this Article within three (3) days of being notified to do so by the notice/abatement order from the City of Windsor shall be guilty of an offense and may be charged with the following penalties for violation of this Article:

First violation on parcel or lot is a \$75.00 fine plus court costs each day any violation continues after notification period deadline.

Second violation on same parcel or lot within one (1) year from date of first violation, \$150.00 fine plus court costs each day any violation continues after notification period deadline.

Third violation on same parcel or lot within one (1) year from date of first violation, \$300.00 fine plus court costs each day any violation continues after notification period deadline.

2. Any person violating any provision of this article shall be subject to the general penalty in Section 100.080 of this code. Each day of violation shall be deemed a separate offence.

If a business/individual is found guilty and sentenced by the judge the business/individual will be assessed the boarding bill.

### **SECTION 220.220: HEALTH OFFICER TO DETERMINE WHEN WEEDS, ETC., CONSTITUTE PUBLIC NUISANCE**

The growth of weeds, brush or rank vegetation shall constitute a public nuisance when, in the opinion of the Health Officer of the City, any such growth on a lot or piece of land may substantially endanger the health, safety or welfare of the public, having considered those hazards enumerated in Section 220.210. (CC 1968 §19-2)

### **SECTION 220.230: WEEDS, ETC., OVER TWELVE INCHES IN HEIGHT DECLARED NUISANCE, PER SE**

The growth of weeds, brush or other rank vegetation in excess of twelve (12) inches in height is declared to be a public nuisance, per se, detrimental to the health, safety and welfare of the public. (CC 1968 §19-3; Ord. No. 1988-11 §1, 9-7-88)

### **SECTION 220.240: PERMITTING GROWTH OF HIGH WEEDS, ETC., PROHIBITED**

It shall be unlawful for any property owner, lessee or agent in control of any lot or piece of land to

allow weeds, brush or rank vegetation to attain a height greater than twelve (12) inches on such land or lot. (CC 1968 §19-4; Ord. No. 1988-11 §2, 9-7-88)

**SECTION 220.250: DUTY OF OWNER, ETC., TO ABATE WEEDS, ETC.**

It shall be unlawful for any owner, lessee or agent in control of a lot or piece of land to permit such a growth of weeds, brush or rank vegetation as would constitute a nuisance under the terms of this Chapter. It shall be such owner's, lessee's or agent's duty to abate such nuisance, if it exists. A failure to abate shall be unlawful. (CC 1968 §19-5)

**SECTION 220.260: WEEDS, CITY MAY CAUSE REMOVAL AND ISSUE TAX BILL, WHEN**

Whenever weeds, in violation of an ordinance, are allowed to grow on any part of any lot or ground within the City, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable. The City Administrator or his/her designee shall declare the weeds to be a nuisance violation and provide notice of such violation to each owner, either personally or by United States mail to the owner or owners, or his/her or their agents, or by posting such notice on the premises; thereupon, the owner or owners shall have seven (7) days to abate the nuisance or request a hearing before the Ordinance Committee of the Board of Alderman in a manner consistent with this Chapter; if the nuisance has not been abated more than seven (7) days after the notice or after a judgement issued by the Ordinance Committee in favor of the City, then the City Administrator or his/her designee shall have the weeds cut down and removed, and shall certify the costs of same to the City Clerk, who shall cause a special tax bill therefore 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 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 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 two percent (2%) per month up to eighteen percent (18%) per annum. (Ord. No. 2015-02, 7-9-15)

**CHAPTER 225: SOLID WASTE**

**ARTICLE I. GENERAL PROVISIONS**

**SECTION 225.010: DEFINITIONS**

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

*APPROVED INCINERATOR:* An incinerator which complies with all current regulations of the responsible local, State, and Federal air pollution control agencies.

*BATTERY OR LEAD ACID BATTERY:* A battery designed to contain lead and sulfuric acid with nominal voltage of at least six (6) volts and of the type intended for use in motor vehicles and watercraft.

**BULKY RUBBISH:** Non-putrescible solid waste consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefor.

**CITY:** The City of Windsor, Missouri.

**CLEAN FILL:** Uncontaminated soil, rock, sand, gravel, concrete, asphalt or concrete, cinderblocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule or policy of the department for fill, reclamation or other beneficial use.

**COLLECTIONS:** Removal of solid waste from the designated pickup location to the transportation vehicle.

**DEMOLITION LANDFILL:** A solid waste disposal area used for the controlled disposal of demolition wastes, construction materials, brush, wood wastes, soil, rock, concrete and inert solids insoluble in water.

**DIRECTOR:** The Director of the Solid Waste Management Program of the City shall be the City Administrator.

**DISPOSABLE SOLID WASTE CONTAINER:** Disposal plastic or paper sacks with a capacity of twenty (20) to thirty-five (35) gallons specifically designed for storage of solid waste.

**HAZARDOUS WASTE:** Any waste or combination of wastes, as determined by the Missouri Waste Management Commission by rules and regulations, which, because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a present or potential threat to the health of humans or other living organisms (Subsection 260.030 (9), RSMo.)

**MAJOR APPLIANCE:** Clothes washers and dryers, water heaters, trash compactors, dishwasher, microwave ovens, conventional ovens, ranges, stoves, woodstoves, air-conditioners, refrigerators and freezers.

**MOTOR OIL:** Used oil from gas or diesel motors.

**MULTIPLE HOUSING FACILITY:** A housing facility containing more than one (1) dwelling unit under one (1) roof.

**OCCUPANT:** Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

**PERSON:** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

**RECYCLING:** The separation and reuse of materials which might otherwise be disposed of in solid waste.

**SOLID WASTE:** Garbage, refuse and other discarded materials including, but not limited to, solid

and semisolid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in Sections 260.360 to 260.432, RSMo., recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting.

*SOLID WASTE CONTAINER:* Receptacle used by any person to store solid waste during the interval between solid waste collections.

*SOLID WASTE DISPOSAL:* The process of discarding or getting rid of unwanted material. In particular the final disposition of solid waste by man.

*SOLID WASTE MANAGEMENT:* The entire solid waste system of storage, collection, transportation, processing and disposal.

*SOLID WASTE MANAGEMENT SYSTEM:* The entire process of managing solid waste in a manner which minimizes the generation and subsequent disposal of solid waste, including waste reduction, source separation, collection, storage, transportation, recycling, resource recovery volume minimization, processing, market development and disposal of solid wastes.

*STORAGE:* Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

*TIRE:* A continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle or trailer as defined in Chapter 301, RSMo.

*TRANSPORTATION:* The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

*YARD WASTE:* Grass clippings, leaves, tree trimmings, garden vegetation and Christmas trees. (Ord. No. 1991-2 §1, 1-23-91)

## **SECTION 225.020: RULES AND REGULATIONS**

The Director shall make, amend, revoke, and enforce reasonable 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 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 containers.
6. Sanitation, maintenance and replacement of solid waste containers.

7. Schedules of 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 or disposal facilities.
13. Handling of special wastes such as sludge, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc. (Ord. No. 1991-2 §2, 1-23-91)

### **SECTION 225.030: PROHIBITED PRACTICES**

It shall be unlawful for any person within the City of Windsor 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 or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal.
2. Fail to have solid waste collected as provided in this Chapter.
3. 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, or those of a solid waste collection agency operating under contract with the City or under a City permit.
4. Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency.
5. Dispose of solid waste at any facility or location which is not approved by the City and the State Department of Natural Resources.
6. Engage in the business of collecting, transporting, processing or disposing of solid waste within the City limits without a license from the City, or operate under an expired license, or operate after a license has been suspended or revoked.
7. Violate any Section of this Chapter or any other rule or regulation promulgated under the authority of Section 225.020.
8. Being a non-resident of the City of Windsor and with the intent of avoiding payment of the solid waste service collection fee to deposit solid waste in any solid waste container within the City of Windsor or being a resident of the City of Windsor to allow a non-resident of the City of Windsor to deposit solid waste in the resident's solid waste container.  
(Ord. No. 1991-2 §3, 1-23-91; Ord. No. 1991-13 §1, 12-19-91)

**SECTION 225.040: DEPOSITING SOLID WASTE ON PUBLIC PROPERTY RESTRICTED – RESPONSIBILITY OF PROPERTY OWNERS**

- A. No person shall throw or deposit solid waste in or upon any street, sidewalk, park or other public place within the City except in receptacles, in authorized private receptacles for collection or in an official State approved landfill, or City and State approved solid waste processing facility.
- B. Persons owning or occupying places of business shall keep the berm, sidewalk, ditch or gutter in front of their premises free of solid waste. (Ord. No. 1991-2 §4, 1-23-91)

**SECTION 225.050: DEPOSITING SOLID WASTE ON PRIVATE PROPERTY RESTRICTED**

No person shall throw or deposit solid waste on any occupied or unoccupied private property within the City, whether owned by such person or not, except that the owner or person in control of the private property may maintain authorized private receptacles for collection in such a manner that solid waste will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property. (Ord. No. 1991-2 §5, 1-23-91)

**SECTION 225.060: DEPOSITING SOLID WASTE IN BODIES OF WATER PROHIBITED**

No person shall throw or deposit any solid waste in any fountain, pond, lake, stream, bay or in any other body of water in a park or elsewhere in the City. (Ord. No. 1991-2 §6, 1-23-91)

**SECTION 225.070: PROPERTY TO BE KEPT FREE OF SOLID WASTE**

The owner or person in control of any private property shall at all times maintain the premises free of solid waste; provided however, that this Section shall not prohibit the storage of solid waste in authorized private receptacles for collection. (Ord. No. 1991-2 §7, 1-23-91)

**SECTION 225.080: SERVICE CHARGES**

Service charges for those residence and commercial establishments served by private solid waste haulers or solid waste contractors shall be as established in the rate schedules attached to solid waste collection licenses approved by the Director. (Ord. No. 1991-2 §8, 1-23-91)

**SECTION 225.090: INSPECTIONS—NOTICE OF VIOLATION**

- A. In order to ensure compliance, this Director is authorized to inspect all phases of solid waste management within the City. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law.
- B. In all instances where such inspections reveal violations of this Chapter, the rules and regulations authorized herein for the storage, collection, transportation, processing or disposal of solid waste or State laws, the Director shall issue notice for each such violation stating therein the violation found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.
- C. In all cases, when the corrective measures have not been taken within the time specified, the Director shall suspend or revoke the license involved in the violation; provided however, that in those cases where an extension of time will permit correction and there is no public health hazard created by the

deal, one (1) extension of time not to exceed the original time period may be given.

- D. Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the Director may, within ten (10) days of the act for which redress is sought, appeal directly to the Municipal Court in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal. (Ord. No. 1991-2 §9, 1-23-91)

## **ARTICLE II. LICENSE**

### **SECTION 225.100: LICENSE REQUIRED**

- A. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste within the City limits without first obtaining a license therefor from the City; provided however, that this provision shall not be deemed to apply to employees of the holder of any such license.
- B. Licenses 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. Licenses shall not be required for the hauling of demolition and construction waste.  
(Ord. No. 1991-2 §10, 1-23-91)

### **SECTION 225.110: APPLICATION**

Each applicant for a license under this Chapter shall state in his/her application therefor:

1. The nature of the license desired, as to collect, transport, process, or dispose of solid waste or any combination thereof;
2. The characteristics of solid waste to be collected, transported, processed, or disposed;
3. The number of solid waste transportation vehicles to be operated thereunder;
4. The precise location or locations of solid waste processing or disposal facilities to be used;
5. The boundaries of the collection area;
6. A complete schedule of monthly service charges for both residential and commercial collection;
7. A list of the applicant's customers, complete with names and addresses;
8. Such other information as required by the Director. (Ord. No. 1991-2 §11, 1-23-91)

### **SECTION 225.120: INSURANCE REQUIRED**

- A. No license shall be issued under the terms of this Chapter until and unless the applicant therefor, in addition to all other requirements set forth in this Chapter, shall file and maintain with the Director current insurance certificates indicating that the licensed applicant has obtained and is maintaining in force worker's compensation insurance as required by State law and evidence of a satisfactory public

liability insurance policy, covering all operations for such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than three hundred thousand dollars (\$300,000.00) of combined single limit liability for personal injury or property damage.

- B. Should any such insurance policy be canceled, the Director shall be notified of such cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice. Each such policy shall clearly show the City as an additional insured under the policy. (Ord. No. 1991-2 §12, 1-23-91)

#### **SECTION 225.130: ISSUANCE—FEE—TERM—DENIAL**

- A. If an application for a license under this Chapter shows that the applicant will collect, transport, process or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with State law and this Chapter, the Director may issue the license authorized by this Chapter.
- B. The Director shall have the authority to limit the number of licenses issued under this Section in order to preserve the health, comfort, safety and welfare of the residents, to promote energy conservation, and to provide for collection and disposal consistent with good solid waste management practices.
- C. Licenses shall be issued for a period of one (1) year as provided in Subsection (E), and each applicant therefor shall pay a fee in the amount of twenty-five dollars (\$25.00). No additional City business license fees or City motor vehicle license fees shall be required.
- D. If modifications can be made to the application regarding service, equipment, or mode of operation, so as to bring the application within the intent of this Chapter, the Director shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.
- E. All applications for licenses shall be due on or before the thirtieth (30th) day of June of each year. Each license issued by the City shall cover the twelve (12) month period beginning September first (1st) of each year. The Director shall review all applications and inform the applicant of the completeness of the application, duly noting any deficiencies on or before August first (1st) of each year. Nothing in this Section shall prohibit an applicant from applying at any time during the calendar year. Licenses granted to applicants filing applications after June thirtieth (30th) shall be granted only until the end of the license period, as noted herein. The Director shall process all applications within a reasonable time period or within the schedule noted herein.
- F. If the applicant does not make the modifications pursuant to the notice in Subsection (D) within the time limit specified therein, or if the application does not clearly show that the collection, transportation, processing or disposal of solid waste will create no public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the Director, in writing, stating the reason for such denial.
- G. Nothing in this Section shall prejudice the right of the applicant to re-apply after the rejection of his/her application provided that all aspects of the re-application comply with the provisions of this Chapter.
- H. An updated list of customers with names and addresses shall be provided to the Director after the first six (6) months of operation and after each subsequent six-month period.  
(Ord. No. 1991-2 §13, 1-23-91, Ord. No. 2013-02 § 13, 1-8-13).

**SECTION 225.140: RENEWAL–TRANSFER**

- A. Licenses may be renewed upon filing an application therefor with the Director on or before the thirtieth (30th) day of June of each year, and upon payment of the fee as designated in Section 225.130 if the business has not been modified, the collection vehicles meet the requirements of Section 225.290 and the renewal is approved by the Director. If modifications have been made, the applicant shall re-apply for a license as set forth in Sections 225.110 and 225.120.
- B. No license authorized by this Chapter shall be transferable from person to person.  
(Ord. No. 1991-2 §14, 1-23-91)

**SECTION 225.150: SUSPENSION–REVOCAION**

If a license is suspended or revoked as provided in Section 225.090, and the licensee continues to operate, the Director may request the action of a court of law to enjoin the acts and to enforce compliance with this Chapter or any rule or regulation promulgated hereunder. In any such action, the court may grant to the City such prohibitory or mandatory injunctive relief as the facts may warrant. (Ord. No. 1991-2 §15, 1-23-91)

**ARTICLE III. STORAGE**

**SECTION 225.160: CONTAINERS GENERALLY**

- A. The occupant or owner of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the City limits shall provide sufficient and adequate containers for the storage of all solid waste, except bulky rubbish and demolition and construction waste, to serve each such dwelling unit or establishment, and maintain such solid waste containers at all times in good repair.
- B. The occupant or owner of every dwelling unit and every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided in this Chapter, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.  
(Ord. No. 1991-2 §16, 1-23-91)

**SECTION 225.170: MANNER OF USING CONTAINERS**

Persons placing solid waste in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Ord. No. 1991-2 §17, 1-23-91)

**SECTION 225.180: RESIDENTIAL SOLID WASTE CONTAINERS**

- A. Residential solid waste shall be stored in containers of not more than thirty-five (35) gallons nor less than twenty (20) gallons in nominal capacity. Containers shall be leak proof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or

removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features.

- B. Containers shall be of a type originally manufactured for residential solid waste, with tapered side for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual container and contents shall not exceed fifty (50) pounds.
- C. Galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather, may be used. Disposable solid waste containers with suitable frames or containers and a capacity of twenty (20) to thirty-five (35) gallons, as approved by the Director, may also be used for storage of residential solid waste. (Ord. No. 1991-2 §18, 1-23-91)

#### **SECTION 225.190: COMMERCIAL SOLID WASTE CONTAINERS**

Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be waterproof, leak proof and shall be covered at all times except when depositing waste therein or removing the contents thereof, and shall meet all requirements promulgated pursuant to Section 225.020. (Ord. No. 1991-2 §19, 1-23-91)

#### **SECTION 225.200: LOCATION OF CONTAINERS**

Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well-drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. The storage site, including the approach drive from the street, shall be maintained with a hard surface adequate to allow collection vehicle traffic under various weather conditions. (Ord. No. 1991-2 §20, 1-23-91)

#### **SECTION 225.210: DISPOSITION OF UNAPPROVED CONTAINERS**

Solid waste containers which do not meet the specifications as outlined in this Chapter will be collected together with their contents and disposed of. (Ord. No. 1991-2 §21, 1-23-91)

### **ARTICLE IV. COLLECTION**

#### **SECTION 225.220: COLLECTION GENERALLY**

The City shall provide for the collection of solid waste as follows:

1. The City shall provide for the collection of all residential solid waste; provided however, that the City may provide for the collection service by contracting with or issuing licenses to a person, County, or other City or a combination thereof, for the entire City or portions thereof, as deemed to be in the best interests of the City. It shall be the duty of the occupant of each dwelling unit to provide for collection of all solid waste produced upon such premises. Nothing herein shall prohibit an individual from making lawful disposition of solid waste produced in his/her own household.
2. The owners or persons in charge of each and every commercial establishment shall provide for

collection of all solid waste produced upon any such premises. (Ord. No. 1991-2 §22, 1-23-91)

**SECTION 225.230: FREQUENCY OF COLLECTION**

All residential solid waste, other than bulky rubbish, shall be collected at least once weekly, At least seventy-two (72) hours shall intervene between collections. All commercial solid waste shall be collected at least once weekly, and shall at such lesser intervals as may be fixed by the Director or requested by the commercial establishment upon a determination of the health or safety of the public. All collections shall be made between 7:00 A.M. and 2:30 P.M. except Sunday and legal holidays. (Ord. No. 1991-2 §23, 1-23-91, Ord. No. 2013-03 § 23, 1-8-13)

**SECTION 225.240: WHAT WILL BE COLLECTED—OWNERSHIP OF SOLID WASTE COLLECTED**

All solid waste from premises to which collection services are provided by the City or private waste haulers shall be collected, except bulky rubbish, as defined herein. Bulky rubbish will be collected in accordance with the rules and regulations as promulgated by the Director. All solid waste collected shall, upon being loaded into collection equipment, become the property of the collection agency. (Ord. No. 1991-2 §24, 1-23-91)

**SECTION 225.250: PLACEMENT FOR COLLECTION**

Solid waste containers as required by this Chapter for the storage of other residential solid waste shall be placed at the curb for collection. Any solid waste containers or other solid waste permitted by this Chapter to be placed at the curb for collection shall not be so placed until the regularly scheduled collection day. Non-disposable containers shall be removed from curbside within twelve (12) hours after collection. Dogs which are controlled by chain or fence must be situated so an area of ten (10) feet around refuse cans and an area ten (10) feet either side of the normal access route to the refuse cans is maintained as a safe route for refuse pickup. (Ord. No. 1991-2 §25, 1-23-91)

**SECTION 225.260: BULKY RUBBISH**

Bulky rubbish shall be collected a minimum of one (1) time per year by the City or by private solid waste haulers. Licensed private solid waste haulers or contractors shall provide such services in contracts or service agreements on a scheduled basis but no less often than one (1) time per year. Bulky rubbish shall also be collected by special request to the licensed private solid waste hauler or contractor on an individual basis at a fee to be negotiated between the contractor or licensed solid waste hauler and the individual desiring service. (Ord. No. 1991-2 §26, 1-23-91)

**SECTION 225.270: ENTRY ONTO PRIVATE PROPERTY**

Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, or under City license, are hereby authorized to lawfully enter upon private property for the purpose of collecting solid waste therefrom as required by this Chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval by the solid waste collection agency. (Ord. No. 1991-2 §27, 1-23-91)

**SECTION 225.280: RESPONSIBILITY FOR SOLID WASTE COLLECTED**

Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, or under City license, shall be responsible for the collection of solid waste from the designated pickup location to the transportation vehicle provided the solid waste stored is in compliance with the provisions set forth in 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. (Ord. No. 1991-2 §28, 1-23-91)

**SECTION 225.290: COLLECTION VEHICLES**

- A. All collection 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 the 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. No solid waste shall be transported in the loading hoppers. All vehicles to be used for the transportation of solid waste shall be kept as clean as practical considering the hauling done.
- B. Collection vehicles shall not be parked in any residential zone of the City or within three hundred (300) feet of any residence or food service establishment within the City limits except during the continuous process of loading solid waste. (Ord. No. 1991-2 §29, 1-23-91)

**SECTION 225.300: DISPLAY OF LICENSE NUMBER**

All motor vehicles operating under any license required by this Chapter shall display the license number or numbers on each side in colors which contrasts with that of the vehicle, such numbers to be clearly legible and not less than six (6) inches high. Each license for processing or disposal facilities shall be prominently displayed at the facility. (Ord. No. 1991-2 §30, 1-23-91)

**SECTION 225.310: GRADING OR EXCAVATION MATERIALS**

Earth and rock material from grading or excavation activities 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. (Ord. No. 1991-2 §31, 1-23-91)

**SECTION 225.320: DEMOLITION AND CONSTRUCTION WASTES**

Demolition and construction wastes shall be transported to a disposal area as provided in Section 225.330. 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. (Ord. No. 1991-2 §32, 1-23-91)

**ARTICLE V. DISPOSAL**

**SECTION 225.330: SOLID WASTE**

Solid waste shall be deposited at a processing facility or disposal area approved by the City and complying with all City ordinance and State Statute requirements. The City may designate the processing or disposal facility to be used by persons operating under Section 225.110. (Ord. No. 1991-2 §33, 1-23-91)

**SECTION 225.340: HAZARDOUS WASTE**

Hazardous waste will require special handling and shall be disposed of only in a manner authorized by all local, State and Federal regulations. (Ord. No. 1991-2 §34, 1-23-91)

**SECTION 225.350: INFECTIOUS WASTE**

- A. Any infectious waste transferred from the premises of the generator shall be taken to a hazardous waste treatment facility or a solid waste process facility permitted for the treatment of infectious waste by the State Department of Natural Resources. Infectious waste transported from the site of the generator shall be handled as provided in RSMo., Section 260.395(1). No person shall deposit or cause to be deposited any infectious waste in a solid waste disposal area unless that waste has been treated to render it innocuous prior to disposal.
- B. Infectious waste which has been treated to specifications of the State Department of Natural Resources may be transported and disposed of as solid waste under RSMo., Sections 260.200 to 260.255. (Ord. No. 1991-2 §35, 1-23-91)

**SECTION 225.360: ITEMS NOT COLLECTED**

- A. After January 1, 1991, the City will no longer collect or transport in the solid waste collection, major appliances, waste oil, lead acid batteries, tires, animal feces or yard wastes. If such items are placed with the normal solid wastes they will be removed and left at the collection site and the occupant will be responsible for disposal of such items.
- B. After January 1, 1991, all demolition and construction wastes shall be disposed of in a demolition landfill under the Department of Natural Resources. (Ord. No. 1991-2 §36, 1-23-91)

**SECTION 225.370: RATES—CHARGES**

- A. No solid waste collection service shall be furnished free or at a discount except to the City.
- B. *Billing.* All billing for solid waste collection will be assessed to the monthly water meter billing. The fees shall be separately itemized and put forth on one (1) bill or statement.
- C. *Where Due and Payable.* All bills for solid waste will be due and payable at the City Collector's Office.
- D. *Discontinuance of Service.* If any bill for solid waste disposal shall remain unpaid for a period of thirty (30) days after the date of the rendition thereof, then such service to such customer and premises shall be discontinued and shall not be resumed until all past-due bills for such service are paid in full, together with any court costs and attorney fees incurred by the City in effecting such collection.

- E. It shall be the duty of the City Clerk or other representative of the City charged with the duty of collecting or receiving payment for services to notify the City Administrator and other appropriate persons of the premises which, because of delinquency in the payment of bills, are no longer entitled to such service, or either, and other appropriate persons shall promptly proceed to cause such service to such customer and premises to be discontinued, and the City shall proceed to enforce collection of such charges by any legal remedy available to it. (Ord. No. 1991-2 §37, 1-23-91; Ord. No. 2013-28 § 10-8-13)

**SECTION 225.380: PERSONS LIABLE—CIVIL ACTIONS**

- A. The occupant and user of the premises receiving services, of such premises shall be jointly and severally liable to pay for such services rendered on such premises. The City shall have power to sue the occupant or the user, or both, of such premises in a civil action and receive any sums due for such service, plus a reasonable attorney's fee to be fixed by the Court.
- B. *Billing Procedure.* The City Clerk shall be responsible for causing to be ascertained the amount of all service charges becoming due under the provisions of this Article and the Clerk shall provide the ascertained service charges to be billed to the occupants and owners of the premises served and for receiving payment thereof.
- C. *Use of Certain Revenue.* All monies collected as rates, and other revenue receipts from any bond issues for the extension or improvement of the solid waste system shall be placed in the City Treasury as a separate fund, to be called and known as the Solid Waste Fund and all expenses incurred on account of the repair, improvement, extension and operation of such service together with all of the salaries of its employees, shall be paid out of said Fund. (Ord. No. 1991-2 §38, 1-23-91)

**SECTION 225.390: COLLECTION FEES**

- A. Solid waste will be collected at least once weekly.
- B. The service fee for each unit served is as follows:  
On a per month basis.
1. If a regularly scheduled trash pick-up day falls on a non working day or state of emergency, sanitation workers will pick up 2 additional cans placed at those places on the next regularly scheduled trash pick-up day.
  2. *Residential.* \$14.00 per month.  
Maximum amount of approved cans per pickup (4), once each week
  3. *Professional and sales offices.* \$17.00 per month.  
Maximum amount of approved containers per pickup (4), once each week
  4. *Retail, wholesale and manufacturing.* Once each week or as needed: \$17.00 per dumpster emptied.
  5. *Commercial Business.* \$30.00 per month.  
Maximum amount of approved containers per pickup (4).  
Picked up each regularly scheduled trash pick-up day.

6. *Apartments and mobile home parks.* These will be assessed at the option of the owner to pay either per residential occupancy or pad space available for rental at the residential site, or to have a dumpster set at the location and be charged at the rate of fifteen dollars sixty-four cents (\$15.64) per dumpster emptied. This will be done at the request of the property owner and if no request is made, then the number of residential units or pads will be counted and assessed accordingly.
7. *Other industries.* Determined by amount of solid waste. (Ord. No. 1991-2 §39, 1-23-91; Ord. No. 1991-13 §2, 12-19-91; Ord. No. 1999-10 §1, 9-14-99; Ord. No. 2005-08 §1, 10-11-05; Ord. No. 2006-02 §1, 10-18-06, 1-20-11, 2-27-13; 2013-17 § 6-11-13; 2014-04 § 4-14-2014)

## **ARTICLE VI. MANAGEMENT OF REVENUES**

### **SECTION 225.400: DESIGNATION OF FUNDS**

The revenues of the Solid Waste Management System shall be set aside, as collected, and deposited in a separate depository account in a bank duly qualified to do business in the State of Missouri, and in an account to be designated Solid Waste Fund and the revenues will be deposited and transferred from this receiving fund periodically in the manner and at the times as specified hereinafter.

1. *Operation and maintenance fund.* Out of the revenues in the receiving fund, there shall be first set aside quarterly into a depository account, designated Operation and Maintenance Fund, a sum sufficient to provide for the payment of the next quarter's current expenses of administration and operation and such current expenses for the maintenance thereof as may be necessary.
2. *Payments and leases fund.* There shall next be established and maintained a depository account to be designated Payments and Lease Fund, which shall be used solely for the payment of the City debt obligations. There shall be deposited in the fund quarterly, after the requirements of Operation and Maintenance Fund have been met such sums as shall be necessary to pay the debt obligations when due.
3. *Replacement fund.* There shall next be established and maintained a depository account designated Replacement Fund which shall be used solely for the purpose of making major purchases and replacement of equipment. There shall be set aside into this fund, after provisions have been made for the Operation and Maintenance, Payments and Leases Fund, such revenues as the Board of Aldermen shall deem necessary for this purpose.
4. *Reserve fund.* There shall be next established and maintained, a depository account designated Reserve Fund for the purpose of funding the previous funds. Monies to this fund shall be transferred from the receivable fund in the amount of six percent (6%) of the total at the end of the operating year. The account funds may be transferred at the option of the Board of Aldermen for reasonably related purposes of the operation of the payments and leases or improvements funds but only no less than one (1) year of outstanding debt incurred.
5. *Surplus fund.* Monies remaining in the receiving fund at the end of the operating year after full satisfaction of the requirement of the foregoing funds, may at the option of the Board of Aldermen be transferred to the foregoing funds for the purpose of service functions.
6. *Bank accounts.* All monies belonging to any of the foregoing funds or accounts may be kept in one (1) bank account in which event the monies shall be allocated on the City books and records

of the City within this single bank account in the manner above set forth.

7. *Transfer of monies.* If the monies in the receiving fund are insufficient to provide for the amount requirements of the Operation and Maintenance account, any monies or securities in the other account of the Solid Waste Fund shall be transferred to the Operation and Maintenance account to the extent of any deficit therein.
8. *Investments.* Monies in any fund or account established by the provisions of this Section may be invested in such manner or subject to the limitations as provided for by the State of Missouri. Income received from such investments shall be credited to the fund from which the investments were made. (Ord. No. 1991-12 §1, 12-19-91)

## **CHAPTER 230: HUMAN RELATIONS**

### **ARTICLE I. IN GENERAL**

#### **SECTION 230.010: PURPOSES OF CHAPTER**

The purposes of this Chapter are:

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

#### **SECTION 230.020: DEFINITIONS**

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

*COMMISSION:* The Windsor 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 (1) 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 (1) 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 (1) 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 230.030: COMMISSION CREATED—MEMBERSHIP—QUALIFICATION—TERMS—VACANCIES**

There is hereby established a Commission on Human Rights. The Commission shall consist of five

(5) members, who shall be appointed by a majority of the members of the Board of Aldermen from among the residents of the City and who shall serve as such without compensation. The Board of Aldermen shall endeavor to include individuals on the Commission from various protected categories that have historically been discriminated against. Of the five (5) members first appointed, two (2) shall be appointed for one (1) year, two (2) 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.

**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**

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 handicapped persons.
- 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 on-going 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, 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 230.060, 230.070, and 230.080 "*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 Subsection (B) of Subsection (3) of this Section, the term "*covered multifamily dwelling*" means:
1. Buildings consisting of four (4) or more units if such buildings have one 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 230.070: 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 230.080: 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 230.090: DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED, EXCEPTIONS**

- A. All persons within the City of Windsor 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 230.020 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 230.020 and this Section.

#### **SECTION 230.100: 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 City 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 230.110: 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 (C)(2) of Section 230.060.
2. To invalidate or limit any law of the State or of the City, 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 230.060, 230.070 and 230.080:

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 (C) (1) of Section 230.060, 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/her residence.

#### **ARTICLE IV. ENFORCEMENT PROCEDURES**

##### **SECTION 230.120: 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 230.130: 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 230.140: 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 230.150: 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 235: EMERGENCY MANAGEMENT**

**SECTION 235.010: ESTABLISHMENT**

There is hereby created within and for the City of Windsor an emergency management organization to be known as the Windsor Emergency Management Organization, which is responsible for the preparation and implementation of emergency functions required to prevent injury and minimize and repair damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, RSMo., and supplements thereto, and the Missouri Emergency Operations Plan adopted

thereunder.

#### **SECTION 235.020: ORGANIZATION**

This agency shall consist of a Director and other members appointed by the Windsor Emergency Management Organization to conform to the State Organization and procedures for the conduct of emergency operations as outlined in the Missouri Emergency Operations Plan.

#### **SECTION 235.030: FUNCTIONS**

The Organization shall perform emergency management functions within the City of Windsor, and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of Chapter 44, RSMo., and supplements thereto.

#### **SECTION 235.040: DIRECTOR**

- A. The Director will be appointed by the Mayor and shall serve during the pleasure of the Mayor.
- B. The Director shall have direct responsibility for the organization, administration and operations of local emergency management activities.
- C. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Windsor Emergency Management Organization.

#### **SECTION 235.050: EXECUTIVE OFFICER**

The City of Windsor in accordance with Chapter 44, RSMo., may:

- 1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for civil defense purposes; provide for the health and safety of persons, including emergency assistance to victims of any enemy attack; the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State Disaster and Emergency Planning.
- 2. Appoint, provide, or remove rescue teams, Auxiliary Fire and Police personnel and other Emergency operation teams, units, or personnel who may serve without compensation;
- 3. In the event of enemy attack, waive the provisions of statutes requiring advertisements for bids for the performance of public work or entering into contracts.

#### **SECTION 235.060: MUTUAL-AID AGREEMENTS**

The City of Windsor, with the approval of the Governor and consistent with the Missouri Emergency Operations Plan, may enter into mutual aid agreements with other public and private agencies within and without the State for reciprocal emergency aid. The Director may assist in the negotiation of such reciprocal mutual-aid agreements.

**SECTION 235.070: CITY MAY ACCEPT SERVICES, ETC.**

The City of Windsor may, with the consent of the Governor, accept services, materials, equipment, supplies or funds gifted, granted or loaned by the Federal Government or an officer or agency thereof for disaster planning and operations purposes, subject to the terms of the offer.

**SECTION 235.080: OATH**

No person shall be employed or associated in any capacity in the Windsor Emergency Management Organization who advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or in this State or the overthrow of any government in the United States by force or violence, or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in the Windsor Emergency Management Organization shall, before entering upon his/her duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such a time as I am a member of the Windsor Emergency Management Organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence."

**SECTION 235.090: OFFICE SPACE**

The Mayor is authorized to designate space in any City owned or leased building for the Windsor Emergency Management Organization.

**CHAPTER 240: PARKS AND RECREATION**

**ARTICLE I. RULES AND REGULATIONS**

**SECTION 240.010: PURPOSE**

The purpose of this Chapter is to provide rules and regulations for the use of and conduct in the parks and recreational areas of the City of Windsor. (Ord. No. 1984-7 §1, 4-9-84)

**SECTION 240.020: APPLICABILITY—GOVERNING BODY**

- A. This Chapter shall apply in all parks and recreational areas under the jurisdiction of the City, unless expressly exempted.
- B. For the issuance of permits, temporary designations, authorizations, granting of the approval and other actions, the approving governing agency shall be the Board of Aldermen.  
(Ord. No. 1984-7 §2, 4-9-84)

**SECTION 240.030: UNLAWFUL ACTS—EXCEPTIONS**

No provision hereof shall make unlawful any act necessarily performed by any officer or employee of the Recreational Board, or the City in the line of duty or work as such, or by any person, his/her agent or employees in the proper and necessary execution of the terms of any agreement with the Board of Aldermen of the City of Windsor. Any act otherwise prohibited by law or local ordinance shall be lawful if performed under, by virtue of and strictly within the provisions of a permit to do so, and to the extent authorized thereby. (Ord. No. 1984-7 §3, 4-9-84)

**SECTION 240.040: UNLAWFUL ACTS**

It shall be unlawful for any person, corporation, partnership, etc. in a public park or recreational area to:

1. Mark, deface, disfigure, injure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, pavings, or paving materials, waterlines or other public utilities or parts thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures, or equipment, facilities or park property, or appurtenances whatsoever, either real or personal.
2. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition.
3. Dig or remove any soil, rocks, sand, stones, trees, shrubs or plants or other wood or materials or make any excavations by tools, equipment, blasting or other means or agency.
4. Construct or erect any building, or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon or across such land, except on special written permit issued hereunder.
5. Damage, cut, carve, mark, transplant or remove any plant, or injure the bark, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area.
6. Throw, discharge or otherwise place or cause to be placed in the waters of any pond, lake or other body of water in or adjacent to any park, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said water.
7. Take into, carry through or put into any park, any rubbish, refuse, garbage, or other material. Such refuse and rubbish shall be deposited in a receptacle so provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

8. Drive any vehicle on any area except the paved park roads or parking areas or such other areas as may on occasion be specifically designated as temporary areas. (Ord. No. 1984-7 §4, 4-9-84)

**SECTION 240.050: PERMITS—WHEN REQUIRED**

It shall be unlawful for any person in any public park or recreation area to do any of the following without a permit, provided that no permit shall be required for any action or event sponsored by the City or the Recreation Board or the Park Board.

1. Hold public assemblages.
2. Conduct exhibitions.
3. Hold a parade.
4. Operate for advertising purposes any musical instrument, soundtrack or drums.  
(Ord. No. 1984-7 §5, 4-9-84)

**SECTION 240.060: PERMIT PROCEDURE**

A. *Permits.* Permits for special events in parks and recreational areas shall be obtained by application to the Windsor Park Board-Farrington Park Use or the Board of Aldermen for use of the Windsor Community Park or their designee in accordance with the following procedures:

1. A person seeking issuance of a permit hereunder shall file an application stating:
  - a. The name and address of the applicant.
  - b. The name and address of the person, persons, corporation or association sponsoring such activity, if any.
  - c. The day and hour for which the permit is desired.
  - d. The park or portion thereof for which the permit is desired.
  - e. Any other information reasonably necessary to determine whether or not a permit should be issued hereunder.
2. Standards for the issuance of a use permit shall include the following findings:
  - a. The proposed activity or use of the park will not unreasonably interfere with or detract from the general public's enjoyment of the park.
  - b. The proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
  - c. The proposed activity or uses that are reasonably anticipated will not include violence, crime or disorderly conduct.

- d. The proposed activity will not entail extraordinary or burdensome expense, or police operation by the City.
  - e. The facilities desired have not been reserved for other use on the date and hour requested in the application.
- B. *Appeal.* Within ten (10) days after the date of application, the Board of Aldermen or the Farrington Park Board, shall tell an applicant in writing of its decision to grant or deny a permit; in the event of a denial a notification shall include the reason for the denial. Any aggrieved person shall have the right to appeal to either Board by serving written notice thereof on the City Clerk within five (5) working days of said refusal. A copy of said notice shall also be served on the Mayor or President of the Park Board within the same time; and said shall immediately forward the application and the reasons for its refusal to the Board of Aldermen. The Board of Aldermen shall decide within ten (10) days from the receipt of the appeal by the City Clerk or at its first (1st) meeting after the appeal, whichever is later. The decision of the Board shall be final.
- C. A permittee shall be bound by all park rules and regulations, and all applicable ordinances as fully as though the same were inserted in said permit.
- D. An applicant for a permit may be required to submit evidence of liability insurance covering injuries to members of the general public arising out of such permitted activity in such amounts as may be from time to time determined prior to the commencement of any such activities or issuance of any permit.
- E. *Revocation.* The Board shall have the authority to revoke a permit upon the findings of any violation of any rule or ordinance or upon good cause shown. (Ord. No. 1984-7 §6, 4-9-84)

**SECTION 240.070: ENFORCEMENT**

The City Police Department shall, in connection with its duties imposed by law, diligently enforce the provisions of this Chapter; and shall have the authority to order any person or persons acting in violation of this Chapter to leave the park or recreational area. (Ord. No. 1984-7 §7, 4-9-84)

**SECTION 240.080: PENALTY**

Any person, firm or corporation violating any provision of Sections 240.010–240.070 shall, upon conviction or a plea of guilty be subject to the provisions of the General Penalty in Section 100.080 of this Code. (Ord. No. 1984-7 §8, 4-9-84)

**SECTION 240.090: SWIMMING PROHIBITED—WHERE**

No person shall swim in any ponds, lakes, or strip pits owned or under the control of the City of Windsor, Henry County, Missouri. (Ord. No. E-1974, 7-11-74)

**ARTICLE II. FARRINGTON PARK**

**SECTION 240.100: PROTECTION OF SWANS, GEESE, OTHER WATERFOWL**

- A. It shall be unlawful for any person to harass, pester, endanger, shoot, throw objects at or perform any harmful acts toward the swans, ducks, geese or other waterfowl located at the Farrington Park.
- B. Any person or persons violating any provision of this Section upon conviction or a plea of guilty shall be subject to the provisions of the General Penalty in Section 100.080 of this Code.
- C. *Violations by Juveniles.*
  - 1. Any juvenile violating any provision of this Section shall be prohibited from Farrington Park for a period of time not to exceed ninety (90) days. The Park Board shall establish the length of the prohibition depending upon the severity of the offense.
  - 2. The parents of any juvenile found guilty of committing any offense against the waterfowl at the Park will be held responsible for damages caused. (Ord. No. 1988-8 §§1–3, 8-8-88)

## **CHAPTER 245: DAMAGED OR DISABLED VEHICLES**

*Cross Reference—As to nuisances generally, see ch. 220 of this Code.*

### **SECTION 245.010: DEFINITIONS**

The following terms as used in this Chapter shall have these prescribed meanings:

*DAMAGED OR DISABLED VEHICLE:* Any vehicle which is not registered or is improperly registered with the State of Missouri; has been inoperable for more than seventy-two (72) hours or is in such a state of repair as to be inoperable, except those on the premises of a duly licensed automobile repair or sales business; or in a duly licensed automobile junking yard.

*JUNK:* Any metal, glass, paper, rags, wood, machinery, parts, cloth, or other waste or discarded material of any nature or substance whatsoever, or scrap or salvage materials.

*PERSON:* Any person, firm, partnership, association, corporation, or other organization of any kind.

*PROPERTY:* Any land owned by the City or located within the City limits, not including streets and highways.

*STREET OR HIGHWAY:* The entire area between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel.

*VEHICLES:* Any machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides, including but not limited to automobiles, trucks, trailers, motorcycles, tractors, buggies, and wagons, or any part thereof.  
(Ord. No. 1978-7 §1, 3-7-78)

### **SECTION 245.020: DAMAGED OR DISABLED VEHICLES—NUISANCE**

- A. Any damaged or disabled vehicle, part thereof, or junk, located on any property, street, or highway

which presents a hazard to children, or harbors tall grass, weeds, or other vegetation, or creates a fire hazard, or affords a breeding place or nesting place for mosquitoes, flies, rodents, rats, or other vermin; or any vehicle, part thereof, or junk, allowed to remain unmoved on any street or highway for forty-eight (48) hours, is a public nuisance.

- B. Any abandoned, unattended, wrecked, burned or partially dismantled vehicle creating a traffic hazard because of its position in relation to the street or highway or causing the impedance of traffic because of its physical appearance is a public nuisance. (Ord. No. 1978-7 §2, 3-7-78)

#### **SECTION 245.030: UNLAWFUL TO MAINTAIN SUCH NUISANCE**

It shall be unlawful for any person to create or maintain a nuisance as defined in Section 245.020. (Ord. No. 1978-7 §3, 3-7-78)

#### **SECTION 245.040: NOTICE**

- A. *Notice.* Whenever the Chief of Police or his/her duly authorized representative determines that any vehicle or junk is a nuisance as defined in Section 245.020 (A) above, he/she shall cause written notice to be served upon the owner of the vehicle or junk, if he/she can be located, or the person in custody of such vehicle or junk, by registered mail or by personal service. The notice shall state that the vehicle or junk is deemed to be a nuisance within the provisions of Section 245.020 hereof, and shall briefly state facts deemed to constitute such vehicle or junk a nuisance within the terms of this Chapter, and state that the nuisance shall be abated within seven (7) days from receipt of such notice.
- B. *Removal.* Whenever the Chief of Police or his/her duly authorized representative determines that any vehicle is a nuisance as defined in Section 245.020 (B) above, he/she may authorize its immediate removal from the street or highway by towing service. (Ord. No. 1978-7 §4, 3-7-78)

#### **SECTION 245.050: PROCEEDINGS WHEN OWNER OR CUSTODIAN CANNOT BE LOCATED**

When the owner or custodian of any nuisance as defined in Section 245.020 cannot be located by reasonable search, the notice shall be attached to the property, briefly stating facts deemed to constitute the property a nuisance and stating that the nuisance shall be abated within seven (7) days of the date notice was posted, or if the vehicle is on public property, within two (2) days of the date notice was posted. (Ord. No. 1978-7 §5, 3-7-78)

#### **SECTION 245.060: DUTY OF THE OWNER OR CUSTODIAN**

Any person receiving the notice provided for above shall comply with the provisions of the notice requiring abatement. Failure to comply with this provision is unlawful. (Ord. No. 1978-7 §6, 3-7-78)

#### **SECTION 245.070: DISPOSITION**

If not removed within the times specified in the notice, the vehicle shall be transported to a storage area by or at the direction of the Chief of Police or his/her duly authorized representative at the expense of the owner or person in custody thereof. The person entitled to possession thereof may redeem the property by payment to the City of the actual cost of its removal and a reasonable storage fee at any time during the thirty days. If the vehicle or is unredeemed after the expiration of the thirty-day period, the Chief of Police may sell it to the highest bidder or, if it has no sale value, may otherwise dispose of it. Any money received from disposal of any vehicle or shall be applied to the expenses charged to the owner or person in charge thereof. (Ord. No. 1978-7 §7, 3-7-78)10/12/10; Ord. No. 2013-30 § 11-12-13)

#### **SECTION 245.080: RECORDS**

When a vehicle is authorized to be towed away as described herein the Police Department shall keep and maintain a record of the vehicle towed listing the color, make, year, motor number, license plate year and number displayed on the vehicle and serial number if available. The record shall also include the date and hour of towing, location towed from, location towed to, reason for towing and name of the officer authorizing the tow. (Ord. No. 1978-7 §8, 3-7-78)

#### **SECTION 245.090: NOTICE OF SALE**

- A. Prior to the sale of any such property, the Chief of Police shall cause to be posted in City Hall, place of storage and at least one (1) other public place in the City, a notice of sale stating:
  - 1. The City is selling abandoned property;
  - 2. The color, make, year, motor number, and serial number, if available, and any other information necessary for an accurate identification of the property;
  - 3. The terms of the sale;
  - 4. The date, time, and place of the sale.
- B. This notice shall be published not less than ten (10) or more than thirty (30) days prior to the date of the sale. (Ord. No. 1978-7 §9, 3-7-78)

#### **SECTION 245.100: ENTRY ONTO PRIVATE PROPERTY**

The Chief of Police or his/her duly authorized representative may enter upon private property for inspection of any vehicle or junk or for the purpose of removing any vehicle in accordance with this Chapter. If any person refuses to allow entry onto his/her private property, the Chief of Police may obtain a warrant from the proper official and proceed in accordance therewith. (Ord. No. 1978-7 §10, 3-7-78)10/12/10

#### **SECTION 245.110: REPORT BY POLICE DEPARTMENT**

When a motor vehicle or other vehicle in the custody of the Police Department is reclaimed by the registered owner or other legally entitled person, or when the vehicle is sold at public sale, or otherwise disposed of as provided in this Chapter, a report of the transaction will be maintained by the Police Department for a period of one (1) year from the date of the sale or disposal. (Ord. No. 1978-7 §11, 3-7-78)

**SECTION 245.120: PENALTY**

1. Any person violating any provision of Section 245.020 shall be subject to the following penalties if nuisance is not abated after seven (7) days of receiving notice from the City of Windsor of said nuisance pursuant to Section 245.040:
  - A. First Offense: \$75.00 Fine plus Court Costs;
  - B. Second Offense: \$75.00 Fine plus Court Costs;
  - C. Third Offense: \$500.00 Fine plus Court Costs;
  - D. Fourth and subsequent offenses: \$500.00 Fine plus Court Costs.
2. Any person violating any of the provisions of this Chapter shall be subject to the General Penalty in Section 100.080 of this Code. Each day of violation shall be deemed a separate offense. (Ord. No. 1978-7 §12, 3-7-78)

**SECTION 245.130: IMMUNITY FROM DAMAGES**

Any Police Officer, towing service owner, operator or employee shall not be held to answer or be liable for damages in any action brought by the legal owner, former owner or his/her legal representative or any other person legally entitled to the possession of the motor vehicle or other vehicle when the vehicle was processed and sold or disposed of as provided by this Chapter. (Ord. No. 1978-7 §13, 3-7-78)

**CHAPTER 250: HEALTH OFFICER**

**SECTION 250.010: DESIGNATION—AUTHORITY**

The Health Officer of the Henry County Health Center shall have the authority to cause inspections, surveillance and investigations to be conducted of food establishments and respond to environmental emergencies within the City of Windsor, investigate environmental nuisances and other public health issues which may require investigation to protect the public health within the community when no City Health Officer nor City Health Inspector is available. (Ord. No. 1989-2 §1, 1-9-89)

**SECTION 250.020: AGREEMENT WITH COUNTY**

The letter of Agreement entered into on January 9, 1988, by and between the County Board of Health and City of Windsor, Henry County, Missouri, and endorsed by the Henry County Commission is hereby ratified and accepted. (Ord. No. 1989-2 §2, 1-9-89)

**SECTION 250.030: PURPOSE**

The purpose of this Chapter is to maintain quality environmental health standards to protect the community health consistent with the standards required by Henry County and the State of Missouri. (Ord. No. 1989-2 §3, 1-9-89)

**CHAPTER 255: CIGARETTES**

*Cross Reference—As to licensing for cigarette sales, see ch. 615 of this Code.*

## **SECTION 255.010: DEFINITIONS**

As used in this Chapter, the following terms shall have the meanings set out herein:

*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).

*PERSON:* An individual, partnership, co-partnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the State or Federal Government, or any other legal entity which is recognized by law as the subject of rights and duties.

*PROOF OF AGE:* A driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

*ROLLING PAPERS:* Paper designed, manufactured, marketed, or sold for use primarily as a wrapping or enclosure for tobacco, which enables a person to roll loose tobacco into a smokeable cigarette.

*SAMPLE:* A tobacco product 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 samples.

*TOBACCO PRODUCTS:* Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco.

*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.

## **SECTION 255.020: REQUIRED SIGN STATING VIOLATION OF STATE LAW TO SELL TOBACCO TO MINORS UNDER AGE EIGHTEEN—DISPLAY OF SIGN REQUIRED ON TOBACCO DISPLAYS AND VENDING MACHINES**

The owner of an establishment at which tobacco products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products are sold and on every vending machine where tobacco products are purchased a sign that shall:

1. Contain in red lettering at least one-half (½) inch high on a white background the following: "It is a violation of State law for cigarettes or other tobacco products to be sold to any person under the age of eighteen (18)"; and

2. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle, and the words "Under 18".

**SECTION 255.030: PROOF OF AGE REQUIRED, WHEN—DEFENSE TO ACTION FOR VIOLATION IS REASONABLE RELIANCE ON PROOF—LIABILITY**

- A. A person selling tobacco products or rolling papers or distributing tobacco product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).
- B. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Section 255.040 (B) and (C). No person shall be liable for more than one violation of Section 255.040 (B) and (C) on any single day.

**SECTION 255.040: UNLAWFUL TO SELL OR DISTRIBUTE TOBACCO PRODUCTS TO MINORS, FAILURE TO DISPLAY REQUIRED SIGN, PENALTIES—WHAT PERSONS ARE LIABLE—FAMILY MEMBERS EXEMPT, WHEN**

- A. It shall be unlawful for any person to engage in tobacco product distribution to persons under eighteen (18) years of age.
- B. No person shall sell any tobacco product or distribute any tobacco product or rolling papers to any minor. This Subsection shall not apply to the distribution by family members on property that is not open to the public.
- C. Any person who violates Subsection (1) or (2) of this Section or Section 255.020 shall be fined:
  1. For the first offense, twenty-five dollars (\$25.00);
  2. For the second offense, one hundred dollars (\$100.00);
  3. For a third and subsequent offense, two hundred fifty dollars (\$250.00).
  4. If a sale is made by an employee of the owner of an establishment in violation of this Chapter the employee shall be guilty of an offense established in Subsections (B) and (C) of this Section. If a vending machine is in violation of Section 255.020 the owner of the establishment shall be guilty of an offense established in Subsections (B) and (C) of this Section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subsections (B) and (C) of this Section.

**SECTION 255.050: CITY MAY MAKE MORE STRINGENT RULES**

Nothing in this Chapter shall prohibit the City from enacting more stringent ordinances or rules.

**SECTION 255.060: PROHIBITING POSSESSION BY MINORS OR SALE TO MINORS OF CIGARETTES OR TOBACCO PRODUCTS**

- A. *Possession or Sale Of Cigarettes Or Tobacco Products.* Except as provided in Subsection (B), no person under eighteen (18) years of age may do any of the following:
1. Buy or attempt to buy or possess any cigarette or tobacco product.
  2. Falsely represent his or her age for the purpose of receiving or possessing any cigarette or tobacco product.
- B. *Employment.* A person under eighteen (18) years of age may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under Missouri Statutes and the ordinances of this City.
- C. *Possession with Intent to Give or Sell to Minor.* No person shall in any manner, directly or indirectly sell, or possess with intent to sell, exchange or give away any cigarette or tobacco products to any person under eighteen (18) years of age, except that a retailer may transfer cigarette or tobacco products to a child employee, strictly for resale on the licensed premise to an adult making a purchase.
- D. *Seizure.* A Law Enforcement Officer shall seize any cigarette or tobacco products involved in any violation of this Section committed in his or her presence.
- E. *Placement Near School.* No retailer may place a cigarette vending machine within five hundred (500) feet of a school.
- F. *Vending Machines.* No retailer may keep a cigarette vending machine in any public place that is open to persons under the age of eighteen (18) unless all of the following apply:
1. The vending machine is in a place where it is ordinarily in the immediate vicinity, plain view and control of an employee.
  2. The vending machine is in a place where it is inaccessible to the public when the premises are closed.
  3. The person who ultimately controls, governs, or directs the activities within the premises where the vending machine is located shall make sure that an employee remains in the immediate vicinity, plain view and control of the vending machine whenever the premises are open.  
(Ord. No. 2000-03 §§1–6, 2-8-00)