PLATTE COUNTY, MISSOURI

Government Ordinances

TABLE OF CONTENTS

TITLE I. GOVERNMENT CODE

CHAPTER 100: GENERAL PROVISIONS

Article I. General Code Provisions

Section	100.010:	Contents of Code
	100.020:	Citation of Code
	100.030:	Official Copy of Code
	100.040:	Altering or Amending Code
	100.050:	Numbering of Code
	100.060:	Definitions and Rules of Construction
	100.070:	Words and Phrases – How Construed
	100.080:	Headings
	100.090:	Continuation of Prior Ordinances
	100.100:	Effect of Repeal of Ordinance
	100.110:	Repealing Ordinance Repealed – Former Ordinance Not Revived – When
	100.120:	Severability
	100.130:	Tense
	100.140:	Notice
	100.150:	Notice – Exceptions
	100.160:	Computation of Time
	100.170:	Gender
	100.180:	Joint Authority
	100.190:	Number

Article II. Court Costs

Section	100.200:	Collection of Court Costs – Law Enforcement Training
	100.210:	Court Cost Surcharge to Provide Operating Expenses for Victims of Domestic Violence
	100.215:	Surcharges To Fund Shelters For Victims Of Domestic Violence
	100.220:	Court Cost Surcharge to Provide Funds for the Development of a Biometric Verification System

CHAPTER 105: COUNTY OFFICIALS – PROCEDURES TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST

Article I. General Code Provisions

Section	105.010:	Adoption of Chapter
	105.020:	Disclosure Reports
	105.030:	Filing of Reports
	105.040:	Financial Interest Statements – Time of Filing
	105.050:	Penalties

CHAPTER 110: REVENUES AND TAXATION

Article I. Generally

Section	110.010:	Policy – Distribution of County Aid Road Trust Fund Revenues, Motor Vehicle Sales Tax Revenues and Motor Vehicle Fee Increase Revenues
	110.015:	Opt-Out of the State Assessment Requirements
	110.016:	Voter Approval required for Assumption of Guarantee of Real Estate Obligations
	110.017:	No Issuance of Industrial Development Project Bonds
	110.018:	Voter Approval Required for Guarantee of Bond Repayment
	110.019:	No Issuance of Certification of Participation

Article II Transient Guest Tax

Section	110.020:	Definitions
	110.030:	Tax Imposed
	110.040:	Reporting and Remitting Transient Guest Tax
	110.050:	Penalties and Interest
	110.060:	Failure to Collect and Report Tax – Determination of Tax By County Commission
	110.070:	Right to Hearing
	110.080:	Retention of Records for Taxing Purposes
	110.090:	Refunds – Overpayment of Taxes
	110.100:	Actions to Collect Taxes Owed to the County
	110.110:	Unlawful Acts – Hotel and Motel Operators

CHAPTER 115: COUNTY POLICIES

Article I. Collective Bargaining

Section	115.010:	Purpose
	115.020:	Coverage
	115.030:	Designation of Exclusive Bargaining Representative
	115.040:	Election Procedures
	115.050:	Decertification Procedures
	115.060:	Collective Bargaining Process
	115.070:	Content of Labor Agreements
	115.080:	Effect of Labor Agreement
	115.090:	Validity and Enforcement

TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE

CHAPTER 200: EMERGENCY MEDICAL SERVICES

Article I. Dispatch of Emergency Medical Services

Section 200.010: Policy
200.020: Call Intake
200.030: Priority of Dispatch

Article II. Platte County Ambulance Regulation Ordinance

Section 200.040: Title
200.050: Definitions
200.060: Ambulance License Required
200.070: Application for Ambulance License
200.080: Investigation
200.090: Hearing
200.100: Renewal
200.110: Suspension or Revocation of License
200.120: Appeal
200.130: Penalties

Article III. Northland Regional Ambulance District

Section 200.140: Organization
200.150: Establishment of Subdistricts of Northland Regional Ambulance District
200.160: Election of Ambulance District Director

Article IV. Southern Platte County Ambulance District

Section 200.170: Organization
200.180: Establishment of Subdistricts of Southern Platte County Ambulance District
200.190: Election of Ambulance District Director

CHAPTER 205: ANIMAL RULES AND REGULATIONS

Section 205.010: Purpose
205.020: Authority
205.030: Definitions
205.040: Animal Care
205.050: Dangerous Exotic Animal Registration, Exceptions
205.060: Administration and Enforcement of Animal Control
205.070: Animal Impoundment
205:075: Feral Cats
205.080: Interpretation and Severability
205.090: Jurisdiction
205.100: Penalties and Remedies

CHAPTER 210: CONCENTRATED ANIMAL FEEDING OPERATIONS – HEALTH REGULATIONS ESTABLISHED

Section	210.010:	Definitions
	210.020:	Classification of Concentrated Animal Feeding Operations
	210.030:	Permit Requirements for All CAFOs
	210.040:	Rules Applicable to All CAFOs
	210.050:	Waste Disposal Systems Cleanup and Financial Security
	210.060:	Variance
	210.070:	Application of Chapter
	210.080:	Disposal of Dead Animals and After Birthing Material
	210.090:	Administrative Fees
	210.100:	Violation of Chapter

CHAPTER 215: OFFENSES

Article I. Offenses Against Public Peace

Section	215.010:	Unlawful Discharge of a Firearm/Firearms Near Residences or Subdivisions
	215.020:	Firearms In County Buildings
	215.030:	Failure to Obey a Lawful Order

CHAPTER 220: EMERGENCY MANAGEMENT ORGANIZATION

Section	220.010:	Establishment
	220.020:	Definition of Emergency
	220.030:	Responsibilities
	220.040:	Organizational Structure
	220.050:	Director of Emergency Management
	220.060:	Coordinator
	220.070:	Operating Powers
	220.080:	Expenses
	220.090:	Emergency Traffic Regulations
	220.100:	Penalty Provisions

CHAPTER 225: PARKS AND RECREATION

Section	225.010:	Purpose
	225.020:	Rules and Regulations
	225.030:	Penalty

CHAPTER 230: FOOD SERVICE ESTABLISHMENTS AND RETAIL FOOD ESTABLISHMENTS

Section	230.010:	Rules and Regulations Regarding Food Establishments
	230.020:	Definitions
	230.030:	Jurisdiction
	230.040:	Plan Review for Future Construction
	230.050:	Permits Required
	230.060:	Certificates of Registration of Food Handlers
	230.070:	Fees
	230.080:	Vaccinations
	230.090:	Inspections
	230.100:	Inspection Reports and Notices
	230.110:	Suspensions of Permits
	230.120:	Imminent Health Hazard – Ceasing Operations and Reporting
	230.130:	Examination and Condemnation of Food
	230.140:	Administrative Hearings
	230.150:	Penalties

CHAPTER 235: ON-SITE SEWAGE DISPOSAL SYSTEM STANDARDS

Section	235.010:	Definitions
	235.020:	Adoption
	235.030:	Permit
	235.040:	Application Form
	235.050:	Application Processing
	235.060:	Permit Denial
	235.070:	Permit Application Modification
	235.080:	Appeal
	235.090:	Construction
	235.100:	Duration and Renewal
	235.110:	Transfer
	235.120:	Revocation
	235.130:	Violation
	235.140:	Enforcement
	235.150:	Fees
	235.160:	Penalties

CHAPTER 240: PUBLIC HEALTH EMERGENCY REGULATIONS

Section	240.010:	Purpose
	240.020:	Definitions
	240.030:	Declaration of Public Health Emergency
	240.040:	Notice and Assistance
	240.050:	Authority of Director
	240.060:	Penalty for Violation of Quarantine, Isolation or Embargo
	240.065	Application of Penalties for Violation of Isolation, Quarantine, and/or Embargo Orders
	240.070:	Rights of Affected Persons

240.080: Jurisdiction
240.090: Authority

TITLE III. TRAFFIC CODE

CHAPTER 300: GENERAL REGULATIONS

Section 300.010: Citation of Code
300.020: Authority
300.030: Definitions and Rules of Construction
300.040: Speed Limits – Emergency Vehicles
300.050: Stop Signs
300.060: Penalty

CHAPTER 305: MISCELLANEOUS DRIVING AND PARKING REGULATIONS

Section 305.010: Operating Vehicle on Roads with Tires Carrying Mud, Etc., Prohibited
305.020: Parking Regulations
305.030: Courthouse Parking Lots
305.040: Violation of Parking Regulations
305.050: Weight Units Designated for Certain Roads

TRAFFIC SCHEDULES

Schedule I Speed Limits
Schedule II Stop Intersections
Schedule III Parking Restrictions

Pages for TITLE IV: LAND USE and TITLE V: BUILDING CODE are located under the Planning and Zoning Department.
http://co.platte.mo.us/county_offices_departments/planning_zoning.html

TITLE VI. BUSINESS AND OCCUPATION

CHAPTER 600: ALCOHOLIC BEVERAGES

Section 600.010: Liquor License Fees
600.020: Failure to Pay Required County Liquor License Fee

CHAPTER 605: BUSINESS REGULATIONS

Section 605.010: Wrecker or Tow Service Businesses – Licensing and Fee

TITLE VII. RIGHT-OF-WAY MANAGEMENT

CHAPTER 700: RIGHT-OF-WAY REGULATIONS

Article I. General Provisions

Section	700.010:	Authority
	700.020:	Purpose, Necessity, and Intent
	700.030:	Registration by Public Utilities
	700.040:	Permits Required: Public Utility Right-of-Way Users and Others
	700.050:	Definitions

Article II. Public Utilities

Section	700.060:	Registration – Public Utility Right-of-Way Users

Article III. Public Utilities Right-of-Way Permit

Section	700.070:	Permit Application
	700.080:	Processing of Applications and Approval; Transfer of Permit
	700.090:	Denial of Application for Public Utility Right-of-Way Permit
	700.100:	Revocation of Public Utility Right-of-Way Permit
	700.110:	Appeals
	700.120:	Use of the Right-of-Way
	700.130:	Subsurface Utility Engineering Study Required
	700.140:	Design Standards
	700.150:	Additional Conditions and Limitations Imposed by Director
	700.160:	Emergencies
	700.170:	Extensions of Time to Complete; Notice of Completion
	700.180:	Restoration Plan
	700.190:	Abandonment of Equipment or Facilities
	700.200:	Damage to Property
	700.210:	Public Right-of-Way Vacation
	700.220:	Effect of Permit on Other Obligations
	700.230:	Reports of Deviation from Standards, Conditions, and Terms
	700.240:	Trimming of Trees
	700.250:	Insurance and Bonds
	700.260:	Public Utility Right-of-Way Permit Fees
	700.270:	Fee Schedule
	700.280:	Violations
	700.290:	Civil Penalties

Article IV. Special Use Right-of-Way Permit

Section	700.300:	Permit Application
	700.310:	Requirements Imposed by Article III – When Applicable to Special Use Right- of-Way Permit
	700.320:	Additional Conditions

	700.330:	Processing Application and Approval: Transfer of Permit
	700.340:	Denial of Application for Special Use Right-Of-Way Permit
	700.350:	Revocation of Special Use Right-Of-Way Permit
	700.360:	Use of the Right-Of-Way
Section	700.370:	Restoration Plan
	700.380:	Damage to Property
	700.390:	Effect of Permit on Other Obligations
	700.400:	Bonds and Insurance
	700.410:	Special Use Right-of-Way Permit Fees
	700.420:	Violations

Article V. Inspections; Duty of Permitee to Repair, Remove, Relocate

Section	700.430:	Inspections
	700.440:	Duty to Repair, Remove, Relocate

Article VI. Criminal Penalties; Additional Remedies

Section	700.450:	Criminal Penalty
	700.460:	Additional Remedies

Article VII. Miscellaneous Provisions

Section	700.470:	Separability
	700.480:	Exceptions
	700.490:	Reservation of Rights
	700.500:	Notice to County
	700.510:	County's Failure to Enforce

Appendix A	Figure 1:	Utility Corridor Location Ditch Section
	Figure 2:	Unpaved Road Crossing Restoration
	Figure 3:	Utility Corridor Location with Sidewalk
	Figure 4:	Driveway Profile View
	Figure 5:	Driveway Plan View
	Figure 6:	Driveway Typical Section
	Figure 7:	Road Crossing Pavement Restoration
	Figure 8:	Mailbox Turnouts and Supports
Exhibit "A"	2010 Right-of-Way Fee Schedule	

County Clerk's Office Updated 05.04.2020

TITLE I. GOVERNMENT CODE

CHAPTER 100: GENERAL PROVISIONS

ARTICLE I. GENERAL CODE PROVISIONS

SECTION 100.010: CONTENTS OF CODE

This Code contains all ordinances of a general and permanent nature of the County of Platte, Missouri, and includes ordinances dealing with County administration, County elections, building and property regulation, business and occupations, health and sanitation, public order and similar objects.

SECTION 100.020: CITATION OF CODE

This Code may be known and cited as the "County Code of the County of Platte, Missouri".

SECTION 100.030: OFFICIAL COPY OF CODE

The Official Copy of this Code, bearing the signature of the Presiding Commissioner and attestation of the County Clerk as to its adoption, shall be kept on file in the office of the County Clerk. Two (2) additional copies of this Code shall be kept in the County Clerk's office available for public inspection.

SECTION 100.040: ALTERING OR AMENDING CODE

A. It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Official Copy of the Code in any manner whatsoever which will cause the law of the County to be misrepresented thereby.

B. This provision shall not apply to amendments, additions or deletions to this Code, duly passed by the County Commission, which may be prepared by the County Clerk for insertion in this Code.

SECTION 100.050: NUMBERING OF CODE

Each Section number of this Code shall consist of two (2) parts separated by a period; the figure before the period referring to the Chapter number, and the figure after the period referring to the position of the Section in the Chapter. Both figures shall consist of at least three (3) digits.

SECTION 100.060: DEFINITIONS AND RULES OF CONSTRUCTION

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

COUNTY: The words *"the County"* or *"this County"* or *"County"* shall mean the County of Platte, Missouri.

COUNTY COMMISSION: The County Commission of the County of Platte, Missouri.

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

MAY: Is permissive.

MONTH: A calendar month.

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

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

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

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

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

PRESIDING COMMISSIONER: An officer of the County known as the Presiding Commissioner of the County Commission of the County of Platte, Missouri.

PROPERTY: Includes real and personal property.

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

REAL PROPERTY: The terms *"real property", "premises", "real estate"* or *"lands"* shall be deemed to be co-extensive with lands, tenements and hereditaments.

SHALL: Is mandatory.

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

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

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

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

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

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

SECTION 100.070: WORDS AND PHRASES-HOW CONSTRUED

Words and phrases shall be taken in their plain or ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

SECTION 100.080: HEADINGS

The headings of the Chapters and Sections of this Code are intended as guides and not as part of this Code for purposes of interpretation or construction.

SECTION 100.090: CONTINUATION OF PRIOR ORDINANCES

The provisions appearing in this Code, so far as they are in substance the same as those of ordinances existing at the time of the adoption of this Code, shall be considered as a continuation thereof and not as new enactments.

SECTION 100.100: EFFECT OF REPEAL OF ORDINANCE

No offense committed and no fine, penalty or forfeiture incurred, or prosecution commenced or pending previous to or at the time when any ordinance provision is repealed or amended, shall be affected by the repeal or amendment, but the trial and punishment of all such offenses and the recovery of the fines, penalties or forfeitures shall be had, in all respects, as if the provision had not been repealed or amended, except:

1. All such proceedings shall be conducted according to existing procedural laws; and

2. If the penalty or punishment for any offense is reduced or lessened by any alteration of the law creating the offense prior to original sentencing, the penalty or punishment shall be assessed according to the amendatory law.

SECTION 100.110: REPEALING ORDINANCE REPEALED - FORMER ORDINANCE NOT REVIVED - WHEN

When an ordinance repealing a former ordinance, clause or provision is itself repealed, it does not revive the former ordinance, clause or provision, unless it is otherwise expressly provided; nor shall any ordinance repealing any former ordinance, clause or provision abate, annul or in anywise affect any proceedings had or commenced under or by virtue of the ordinance so repealed, but the same is effectual

and shall be proceeded on to final judgment and termination as if the repealing ordinance had not passed, unless it is otherwise expressly provided.

SECTION 100.120: SEVERABILITY

It is hereby declared to be the intention of the County Commission that the Chapters, Sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, Section or Chapter of this Code shall be declared unconstitutional or otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, Sections and Chapters of this Code since the same would have been enacted by the County Commission without the incorporation in this Code of any such unconstitutional or invalid phrase, clause, sentence, paragraph or Section.

SECTION 100.130: TENSE

Except as otherwise specifically provided or indicated by the context, all words used in this Code indicating the present tense shall not be limited to the time of adoption of this Code but shall extend to and include the time of the happening of any act, event or requirement for which provision is made herein, either as a power, immunity, requirement or prohibition.

SECTION 100.140: NOTICE

Whenever notice may be required under the provisions of this Code or other County ordinance, the same shall be served in the following manner:

1. By delivering the notice to the person to be served personally or by leaving the same at his/her residence, office or place of business with some person of his/her family over the age of fifteen (15) years;

2. By mailing said notice by certified or registered mail to such person to be served at his/her last known address; or

3. If the person to be served is unknown or may not be notified under the requirements of this Section, then by posting said notice in some conspicuous place at least five (5) days before the act or action concerning which the notice is given is to take place. No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any County Officer, unless permission is given by said officer.

SECTION 100.150: NOTICE - EXCEPTIONS

The provisions of the preceding Section shall not apply to those Chapters of this Code wherein there is a separate definition of notice.

SECTION 100.160: COMPUTATION OF TIME

In computing any period of time prescribed or allowed by this Code or by a notice or order issued pursuant thereto, the day of the act, event or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

SECTION 100.170: GENDER

When any subject matter, party or person is described or referred to by words importing the masculine, females as well as males, and associations and bodies corporate as well as individuals, shall be deemed to be included.

SECTION 100.180: JOINT AUTHORITY

Words importing joint authority to three (3) or more persons shall be construed as authority to a majority of such persons unless otherwise declared in the law giving the authority.

SECTION 100.190: NUMBER

When any subject matter, party or person is described or referred to by words importing the singular number, the plural and separate matters and persons and bodies corporate shall be deemed to be included; and when words importing the plural number are used, the singular shall be included.

ARTICLE II. COURT COSTS

SECTION 100.200: COLLECTION OF COURT COSTS - LAW ENFORCEMENT TRAINING

Section 590.140, RSMo., authorizes the assessment of up to three dollars ($3.00) in court costs in each court proceeding for violations of the general criminal laws of the State or violations of County Ordinances to be used for law enforcement training.

Platte County currently collects two dollars ($2.00) in court costs pursuant to Section 590.140, RSMo.

The Platte County Sheriff has requested the assessment of an additional dollar ($1.00) in court costs to be credited to the Peace Officer Standards and Training Commission Fund created pursuant to Section 590.178, RSMo.

The Platte County Commission, with the advice and consent of the Circuit Judge, does hereby order, as follows:

1. The Circuit Clerk of Platte County shall assess as court costs the additional sum of one dollar ($1.00) for each violation of the general criminal laws of the State, including infractions or violations of the ordinances of Platte County, provided that no such fee shall be collected for non-moving traffic violations, and no such fee shall be collected for violations of fish and game regulations, and no such fee shall be collected in any proceeding in any court when the proceeding or defendant has been dismissed by the court.

2. Such fees collected shall be deposited into the Peace Officer Standards and Training Commission Fund to be used Statewide for training Law Enforcement Officers. The checks should be payable to the Treasurer, State of Missouri and sent on or before the fifteenth (15th) of each month to: Budget Director, Department of Public Safety, Post Office Box 749, Jefferson City, Missouri 65102. (County Order No. 32-96, 12-5-96; County Order No. 35-96, 12-31-96)

SECTION 100.210: COURT COST SURCHARGE TO PROVIDE OPERATING EXPENSES FOR VICTIMS OF DOMESTIC VIOLENCE

A. Section 488.607, RSMo., 2000, authorizes a County to provide for an additional surcharge in the form of Court costs in the amount of two dollars ($2.00) for each criminal case and each County or municipal ordinance violation case filed before an Associate Circuit Judge. Synergy Services, Inc. operates a shelter for battered persons and victims of domestic violence as defined in Sections 455.200-455.230, RSMo., 2000.

B. The County Commission believes it to be in the best interests of the citizens of Platte County that this additional Court cost surcharge be enacted for the purpose of providing operating expenses for said battered persons and victims of domestic violence shelter.

C. The Platte County Commission does hereby order, as follows:

   1. That an amount of two dollars ($2.00) per case for each criminal case and each County or municipal ordinance violation case filed before an Associate Circuit Judge shall be charged and collected as Court costs pursuant to Section 488.607, RSMo., 2000 and distributed by the Circuit Clerk to the County Treasurer in accordance with said Statute; and

   2. Monies collected from this additional Court cost surcharge shall be disbursed by the County Treasurer on a monthly basis to Synergy Services, Inc. for the purpose of providing operating expenses for battered persons and victims of domestic violence shelter. (County Order No. 41-02, 8-29-02)

SECTION 100.215: SURCHARGES TO FUND SHELTERS FOR VICTIMS OF DOMESTIC VIOLENCE

A. Section 488.445 RSMo., authorizes a county to impose and collect a fee of five dollars ($5.00) on marriage licenses issued by the Recorder of Deeds and two dollars ($2.00) on the filing of civil cases for shelters for victims of domestic violence as defined in Sections 455.200-455.230, RSMo. 2000.

E. Section 455.210 RSMo. authorizes the governing body of a county to designate in the order or ordinance imposing the fees as provided in section 488.445, an appropriate board, commission, agency or other body of the county, or city, as the authority to administer the allocation and distribution of the funds to shelters for victims of domestic violence in the manner provided in sections 455.200 to455.230.

F. The County Commission believes it to be in the best interests of the citizens of Platte County that these fees authorized by 488.445 RSMo., which have been enacted and Imposed by previous County Commissions, be directed for the purpose of providing operating expenses for said battered persons and victims of domestic violence shelter, and that the Platte County Domestic Violence Shelter Board should be established as the designated authority to administer said fees within the meaning of Section 455.210 RSMo.

G. The Platte County Commission does herby order, as follows:

1. The Commission herby redirects the fee previously imposed by the County Commission in 1986 following voter approval, which fee was imposed upon the issuance of a marriage license in the amount of five dollars ($5.00) and shall be paid by the person applying for the license and shall be collected by the Recorder of Deeds at the time the license is issued. Such amount shall be redirected to the Platte County Treasurer to be administered under the authority of the Platte County Domestic Violence Shelter Board as set forth in this section.

2. The Commission hereby redirects the surcharge previously imposed by the County Commission in which surcharge was imposed upon the filing of a civil action in the amount of two dollars ($2.00) and shall be paid by the party who filed the petition and shall be collected and disbursed by the Clerk of the Court in the manner provided by sections 488.010 to 488.020. Such amount shall be redirected to the Platte County Treasurer to be administered under the authority of the Platte County Domestic Violence Shelter Board as forth in this section.

3. Such amounts shall be payable to the Platte County Treasurer.

4. The Platte County Domestic Violence Shelter Board (hereafter the Board) is hereby established as the designated authority to administer said fees within the meaning of Section 455.210 RSMo. and the Board shall be composed of five (5) members appointed by the Commission and will serve without compensation or reimbursement.

5. Board members shall serve for a term of three (3) years. However, the initial appointments shall be as follows:
   a. Two members Three (3) years
   b. Two members Two (2) years
   c. One member One (1) year

6. The board shall meet at such times and places as the board shall deem appropriate. Official actions of the board shall require a majority vote of those members attending the scheduled meeting; provided, however, a quorum of the members shall be present, such quorum to consist of a minimum of three members in attendance.

7. The board shall accept applications from shelters for victims of domestic violence to be used for the funding of the shelter. All applications shall be submitted by the first day of

October of the year preceding the calendar year for which the funding is desired, and shall include all of the following:

a. Evidence that the shelter is incorporated in this state as a nonprofit corporation;
b. A list of the directors of the corporation, and a list of the trustees of the shelter if different;
c. The proposed budget of the shelter for the following calendar year;
d. Summary of the services proposed to be offered in the following calendar year;
e. An estimate of the number of persons to be served during the following calendar year.

8. Upon receipt of an application for funds from a shelter that meets the criteria set forth below, the board, on or before the fifteenth day of November of the year in which the application is filed, shall notify the shelter, in writing, whether it is eligible to receive funds, and if the shelter is eligible, specify the amount available for that shelter from the fees collected pursuant to RSMo. 488.445.

9. Funds allocated to shelters pursuant to this section shall be paid by the County Treasurer to the shelters twice annually, on the first day of January and the first day of July of the years following the year in which the application is filed. However, the first payment of funds after the adoption of this ordinance shall include all fees previously collected pursuant to RSMo. 488.445 but not distributed to a shelter.

10. To qualify for funds allocated and distributed pursuant to section 455.215 a shelter shall meet all of the following requirements:
    a. Be incorporated in the state as a nonprofit corporation;
    b. Have trustees who represent the racial, ethnic and socioeconomic diversity of the community to be served, at least one of whom must possess personal experience in confronting or mitigating the problems of domestic violence;
    c. Receive at least twenty-five percent of its funds from sources other than funds distributed pursuant to section 455.215. These other sources may be public or private and may include contributions of goods or services, including materials, commodities, transportation, office space or other types of facilities or personal services;
    d. Provide residential service or facilities for children when accompanied by a parent, guardian, or custodian who is a victim of domestic violence and who is receiving temporary residential service at the shelter;
    e. Require persons employed by or volunteering services to the shelter to maintain the confidentiality of any information that would identify individuals served by the shelter and any information or records that are directly related to the advocacy services provided to such individuals;
    f. Prior to providing any advocacy services, inform individuals served by the shelter of the nature and scope of the confidentiality required by Missouri law.
    g. Any person employed by or volunteering services to a shelter for victims of domestic violence shall be incompetent to testify concerning any confidential information as described under Missouri law, unless the confidentiality requirement is waived in writing by the individual served by the shelter.
    h. A shelter does not qualify for funds if it discriminates in its admissions or provision of services on the basis of race, religion, color, age, marital status, national origin, or ancestry.

11. The board shall request warrants payable to the eligible shelters in sufficient time to allow

the board to present the warrants to the eligible shelters twice annually, on January 1 and July 1 of the years following the year in which the application is filed.

12. The board shall require all shelters that receive funds to file an annual report with the board on or before March 31 of the year following the year in which the funds were received. The annual report shall include statistics on the number of persons served by the shelter, the relationship of the victim of domestic violence to the abuser, the number of referrals made for medical, psychological, financial, educational, vocational, child care services or legal services, and shall include the results of an independent audit. No information contained in the report shall identify any person served by the shelter or enable any person to determine the identity of any such person.

13. If the board receives applications from more than one qualified shelter for victims of domestic violence and the requests for the funds exceed the amount of funds available, funds shall be allocated on the basis of the following priorities:
    a. To shelters in in existence in Platte County on August 13, 1982;
    b. To shelters offering or proposing to offer the broadest range of services and referrals to Platte County residents, including medical, psychological, financial, educational, vocational, child care services and legal services;
    c. To other facilities offering or proposing to offer services specifically to Platte County victims of physical domestic violence;
    d. To other qualified shelters.
    (Section 100.215 created by County Order No.2014-CO-312 09.16.2014)

SECTION 100.220: COURT COST SURCHARGE TO PROVIDE FUNDS FOR THE DEVELOPMENT OF A BIOMETRIC VERIFICATION SYSTEM

A. Section 488.5026, RSMo. as enacted by House Bill No. 1179 in 2004, authorizes a County to provide for an additional surcharge in the form of Court costs in the amount of two dollars ($2.00) for each criminal case, including County or municipal ordinance violation cases, filed in the County. The Platte County Sheriff's Department is working to develop and install a biometric verification system to ensure that inmates can be properly identified and tracked within the jail system.

B. The County Commission believes it to be in the best interests of the citizens of Platte County that this additional Court cost surcharge be enacted for the purpose of providing funding for the development and installation of a biometric verification system in the Platte County jail.

C. The Platte County Commission does hereby order, as follows:

1. That an amount of two dollars ($2.00) per case for each criminal case, including violations of County or municipal ordinances, filed in the Circuit Court of Platte County shall be charged and collected in accordance with the provisions of Section 488.5026, RSMo. and distributed by the Circuit Clerk to the County Treasurer in accordance with said Statute; and

2. That the County Treasurer shall deposit monies collected from this court cost surcharge into the "Inmate Security Fund" to be used for the development and installation of biometric verification systems to ensure that inmates can be properly identified and tracked within the Platte County jail. (County Order No. 14-08, 3-27-08)

CHAPTER 105: COUNTY OFFICIALS - PROCEDURES TO DISCLOSE POTENTIAL CONFLICTS OF INTEREST

ARTICLE I. GENERAL CODE PROVISIONS

SECTION 105.010: ADOPTION OF CHARTER

This Chapter is adopted pursuant to the authority of Section 105.485.4, RSMo. (County Order No. 14-97, 9-11-97; Readopted: County Order No. 50-99, 9-9-99; County Order No. 43-01, 913-01; County Order Bi. 64-03, 9-11-01; County Order No. 43-05, 9-8-05; County Order No. 44-07; County Order No. 20-09, 9-3-09; County Order No. 2011-CO-126, 8-1-11; County Order No. 2013-CO-316, 9-8-13; County Order No. 215-CO-223. 07.20.2015; County Order No. 2017-CO-185, 7-3-17; County Order No. 2019-CO-090, 7-1-19)

SECTION 105.020: DISCLOSURE REPORTS

Each elected official of Platte County, Missouri, the Chief Administrative Officer, the Chief Purchasing Officer, General Counsel (if employed full-time) and each candidate for elected County office (hereinafter "person") shall disclose in writing the following information by May first (1st) of each year, or as otherwise provided herein, for the period covered by the previous calendar year.

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

2. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars ($500.00), if any, that any business entity in which such person had a substantial interest, had with Platte County, Missouri, other than payment of any tax, fee or penalty due to the County or transactions involving payment for providing utility service to the County and other than transfers for no consideration to the County. As used in this Subsection, *"substantial interest"* shall mean ownership by the individual, the individual's spouse, or the individual's dependent children, whether singularly or collectively, directly or indirectly, of ten percent (10%) or more of any business entity, or of an interest having a value of ten thousand dollars ($10,000.00) or more, or the receipt by an individual, the individual's spouse or the individual's dependent children, whether singularly or collectively, of a salary, gratuity, or other compensation or remuneration of five thousand dollars ($5,000.00), or more, per year from any individual, partnership, organization, or association within any calendar year,

3. The name and address of each employer of the person from whom income of one thousand dollars ($1,000.00) or more was received during the year covered by the statement.

4. The name and address of each sole proprietorship that each person owned

5. The name, address and the general nature of the business conducted by each general partnership and joint venture in which the person was a partner or participant, as well as the name and address of each

partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State,

6. The name, address and general nature of the business conducted by any closely held corporation or limited partnership in which the person owned ten percent (10%) or more of any class of the outstanding stock or limited partnership units;

7. The name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent (2%) or more of any class of outstanding stock, limited partnership units or other equity interest; and

8. The name and address of each corporation for which the person served in the capacity of a director, officer or receiver. (County Order No. 14-97, 9-11-97; County Order No. 50-99, 9-9-99; County Order No. 43-01, 9-13-01; County Order No. 64-03, 9-11-03; County Order No. 43-05, 9-8-05; County Order No. 44-07, 9-6-07; County Order No. 20-09, 9-3-09

SECTION 105.030: FILING OF REPORTS

The reports shall be in the format supplied by the Missouri Ethics Commission. The reports shall be filed with the County Clerk and with the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours. (County Order No. 14-97, 9-11-97; County Order No. 50-99, 9-9-99; County Order No. 43-01, 9-13-01; County Order No. 64-03, 9-11-03; County Order No. 43-05, 9-8-05; County Order No. 44-07, 9-6-07; County Order No. 20-09, 9-3-09)

SECTION 105.040: FINANCIAL INTEREST STATEMENTS - TIME OF FILING

The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year except as provided in Section 105.487, RSMo.

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

2. Each candidate for elective office, except those candidates for County committee of a political party pursuant to Section 115.609, RSMo., or Section 115.611, RSMo., who is required to file a personal financial disclosure statement shall file a financial interest statement no later than fourteen (14) days after the close of filing at which the candidate seeks nomination or election, and the statement shall be for the twelve (12) months prior to the closing date, except that in the event an individual does not become a candidate until after the date of certification for candidates, the statement shall be filed within fourteen (14) days of the individual's nomination by caucus.

3. Every other person shall file the statement annually not later than May first (1st) and the statement shall cover the calendar year ending the immediately preceding December thirty-first (31st), provided that any person may supplement the financial interest statement to report additional interests acquired after December thirty-first (31st) of the covered year until the date of filing of the financial interest statement. (County Order No. 14-97, 9-11-97; County Order No. 50-99, 9-9-99; County Order No. 43-01, 9-13-01; County Order No. 64-03, 9-11-03; County Order No. 43-05, 9-8-05; County Order No. 44-07, 9-6-07; County Order No. 20-09, 9-3-09)

SECTION 105.050: PENALTIES

A. Any person required by Section 105.020 to file a financial interest statement who fails to file such statement by the times required in Section 105.040 shall, if such person received any compensation or other remuneration from public funds for the person's services, not be paid such compensation or receive such remuneration until the person has filed a financial interest statement as required. Any person required to file a financial statement who fails to file such statement by the time required in Section 105.040 and continues to fail to file the required financial interest statement for thirty (30) or more days after receiving notice from the Missouri Ethics Commission shall be subject to suspension from office in the manner otherwise provided by law or the Constitution. The Attorney General or Prosecuting or Circuit Attorney, at the request of the Commission, may take appropriate legal action to enforce the provisions of this Section.

B. If a candidate for office does not file a financial interest statement by the close of business on the twenty-first (21st) day after the last day for filing for election for which the person is a candidate, the Commission shall notify the official who accepted such candidate's declaration of candidacy that the candidate is disqualified. Such election official shall remove the candidate's name from the ballot.

C. Failure of any elected official to file a financial interest statement thirty (30) days after notice from the appropriate filing officer shall be grounds for removal from office as may be otherwise provided by law or the Constitution. (County Order No. 14-97, 9-11-97; County Order No. 50-99, 9-9-99; County Order No. 43-01, 9-13-01; County Order No. 64-03, 9-11-03; County Order No. 43-05, 9-8-05; County Order No. 44-07, 9-6-07; County Order No. 20-09, 9-3-09)

CHAPTER 110: REVENUES AND TAXATION

ARTICLE I. GENERALLY

SECTION 110.010: POLICY - DISTRIBUTION OF COUNTY AID ROAD TRUST FUND REVENUES, MOTOR VEHICLE SALES TAX REVENUES AND MOTOR VEHICLE FEE INCREASE REVENUES

A. *Policy Statement.* The County Commission of Platte County hereby declares it to be the policy of Platte County to expend County Aid Road Trust Fund revenues, motor vehicle sales tax revenues and motor vehicle fee increase revenues received by Platte County, hereinafter referred to as "the revenues", for those projects involving the construction, reconstruction, maintenance and repair of roads, bridges and highways within Platte County in such a manner as will provide, in the judgment of the Commission, the greatest benefit to the citizens of Platte County, Missouri.

B. *Allocation Of Revenues.* Subject to the Commission's discretion, the Commission intends to follow the following criteria and guidelines in the distribution of the revenues:

1. The total amount of the revenues will be divided by the total number of miles of road in Platte County for which repair and maintenance responsibilities are within the jurisdiction of the four

(4) special benefit assessment road districts in Platte County or within the jurisdiction of the County Government as part of the County's common road and bridge maintenance responsibility in order to determine the amount of the revenues per mile of maintained road.

2. The revenues shall be divided among the special benefit assessment road districts and the County common road and bridge maintenance fund on a "per mile" basis as determined by the calculation described in Subparagraph (1) in accordance with the number of miles of road for which each entity is responsible, subject to the exception set forth in Subparagraph (3).

3. No portion of the revenues will be distributed to any special benefit assessment road district which receives more funds per mile from its dedicated road and bridge property tax levy than is received on a per mile basis by the County common road and bridge maintenance fund, the Weston Special Benefit Assessment Road District and the Farley Special Benefit Assessment Road District after allocation of the dedicated road and bridge property tax levy revenues.

4. Any portion of the revenues which is not distributed to a special benefit assessment road district pursuant to the exception set forth in Subparagraph (3) shall be allocated to the County common road and bridge maintenance fund, the Weston Special Benefit Assessment Road District and the Farley Special Benefit Assessment Road District on a pro rata basis in accordance with the number of miles of road for which each entity is responsible.

C. *Filing Of Regulations.* Pursuant to the requirements of Section 231.441, RSMo., 2000, these regulations shall be filed with the Platte County Recorder of Deeds and shall be made available for public inspection. (County Order No. 38-01, 8-23-01; County Order No. 21-05, 4-21-05)

SECTION 110.015: OPT-OUT OF THE STATE ASSESSMENT REQUIREMENTS

A. The County of Platte hereby exercises its statutory right to opt out of the provisions of Section 137.073, RSMo., which establishes the way property tax is assessed in the state by requiring separate tax rates for each class of property.

B. For the purposes of applying the opt-out provision of this bill, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate the separate rates for the three subclasses of real property and the aggregate class of personal property as required by Section 137.073, RSMo., provided that such political subdivision shall also provide a single blended rate, in accordance with the procedure for determining a blended rate for school districts in subdivision (1) of subsection 6 of Section 137.073, RSMo. Such blended rate shall be used for the portion of such political subdivision that is situated within any county that has opted out. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and Sections 137.073, 138.060, and 138.100, RSMo., as enacted by House Bill 1150 of the Ninety-First General Assembly, Second Regular Session, and Section 137.073

C. RSMo., as modified by this act, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year. (County Order No. 61-04, 10-14-04)

SECTION 110.016: VOTER APPROVAL REQUIRED FOR ASSUMPTION OR GUARANTEE OF REAL ESTATE OBLIGATIONS.

A. The County Commission of Platte County, Missouri shall not take any action to use the full faith and credit of the County to assume or guarantee any payment obligations for the acquisition, lease, development, construction, reconstruction, remodel, repair and renovation of real property without first submitting to voters of the County, at a county or state general or primary election, a proposal to authorize the County Commission to use the full faith and credit of Platte County to assume or guarantee such obligation.

B. The ballot of submission shall contain, but not be limited to, language similar to the following:

"Shall the County of Platte use the full faith and credit of the County to (assume or guarantee) payment of an obligation in the amount of $_____ for the purpose of _____?

□ YES

□ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

C. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the County Commission may have the authority to use the full faith and credit of Platte County to assume or guarantee the specified obligations.

August 20, 2018 By order of Platte County Commission Order 2018-CO-212

SECTION 110.017: NO ISSUANCE OF INDUSTRIAL DEVELOPMENT PROJECT BONDS

A. The County Commission of Platte County, Missouri shall not take any action to issue Industrial Development Project Bonds pursuant to the provisions of Chapter 100 RSMo.

May 7, 2018 By order of Platte County Commission Order 2018-CO-165

SECTION 110.018: VOTER APPROVAL REQUIRED FOR GUARANTEE OF BOND REPAYMENT

A. The County Commission of Platte County, Missouri shall not take any action to use an annual appropriation credit of the County to guarantee the repayment of any bonds issued by any other entity without first submitting to voters of the County, at a county or state general or primary election, a proposal to authorize the County Commission to use an annual appropriation credit of Platte County to guarantee repayment of bonds issued by any other entity.

B. The ballot of submission shall contain, but not be limited to, language similar to the following:

"Shall the County of Platte use an annual appropriation credit of the County to guarantee repayment of bonds issued by _____ in the amount of $_____ for the purpose of _____?

□ YES

□ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO"."

C. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the County Commission may have the authority to use an annual appropriation credit of the County to guarantee the specified repayment of the bonds.

April 16, 2018 By order of Platte County Commission Order 2018-CO-140

SECTION 110.019: NO ISSUANCE OF CERTIFICATES OF PARTICIPATION

A. The County Commission of Platte County, Missouri shall not take any action to issue Certificates of Participation to finance the acquisition, lease, development, construction, reconstruction, remodel, repair and renovation of real property by the County.

This Section shall not prohibit the County Commission from entering any transactions for the lease or lease/purchase of personal property for use by the County, to specifically include, but not limited to, vehicles, road maintenance equipment and office equipment.

May 7, 2018 By order of Platte County Commission Order 2018-CO-164

ARTICLE II. TRANSIENT GUEST TAX

SECTION 110.020: DEFINITIONS

As used in this Chapter, the following words and terms shall mean:
HOTEL AND MOTEL: Any structure or any portion of any structure with six (6) or more for-rent rooms that is occupied or intended or designed for occupancy by transient guests for dwelling, lodging or sleeping purposes and includes, but is not limited to, any hotel, motel, studio hotel, bachelor hotel, dormitory, rooming house, inn, tourist home or house, apartment house, public or private club, mobile home or house trailer at a fixed location, river craft or barge.

OCCUPANCY: The use or possession or the right to the use or possession of any room or rooms or portion thereof in any hotel or motel. Where the operator performs functions through a managing agent of any type other than an employee, the managing agent shall also be deemed an operator for the purposes of this Article and shall have the same duties and liabilities as the principal. Compliance with the provisions of this Article by either the principal or the managing agent shall be compliance by both.

OPERATOR: Any individual, firm or company, including partnerships, joint ventures, corporations, limited liability companies, limited liability partnerships, unincorporated associations, fraternal organizations, joint stock companies, estates, trusts, business trusts, receivers, trustees, syndicates or any other group or combination acting as a unit which owns and/or operates a hotel or motel in Platte County, Missouri.
PERSON: Any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

RENT: The consideration charged for the occupancy of space in a hotel or motel.

TENANT: Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement.

TRANSIENT GUEST: A person or persons who occupy room or rooms in a hotel or motel for thirty-one (31) days or less during any calendar quarter. (County Order No. 61-02 §1, 11-21-02; County Order No. 95-04, 12-30-04)

SECTION 110.030: TAX IMPOSED

There is hereby levied a tax of one-fourth of one percent (.25%) on the charges for all sleeping rooms paid by the transient guests of hotels or motels situated in Platte County, Missouri, per occupied hotel or motel room per night. The tax authorized by this Chapter shall be in addition to the charge for the sleeping room and shall be in addition to any and all taxes imposed by law. The tax authorized by this Chapter is not a sales tax subject to sales tax exemption. (County Order No. 61-02 §2, 11-21-02)

SECTION 110.040: REPORTING AND REMITTING TRANSIENT GUEST TAX

Each operator shall, on or before the twentieth (20th) day of the month following the close of each month, make a return to the County Treasurer on forms provided by the County. The return shall include a calculation of gross receipts from room occupancy, number of rooms, number of room nights available to rent, number of room nights rented in the reporting period, monthly occupancy rate and the amount of transient guest tax collected. At the time the return is filed, the full amount of the tax collected shall be remitted to the County Treasurer. The County Treasurer may establish shorter reporting periods for any operator that has established a record of being delinquent in reporting and/or remitting taxes accruing hereunder. The County Treasurer may also establish shorter or longer reporting periods for any operator to insure the efficient and effective collection of the tax. (County Order No. 61-02 §3, 11-21-02; County Order No. 95-04, 12-30-04)

SECTION 110.050: PENALTIES AND INTEREST

A. Any operator which fails to remit any tax imposed by this Chapter within the time required shall pay a penalty of one percent (1%) per month and interest of two percent (2%) per month, not to exceed an aggregate of twenty-five percent (25%) per annum, of the amount of the tax in addition to the amount of the tax.

B. Every penalty imposed and such interest as accrues under the provisions of this Section shall become a part of the tax herein required to be paid. Any penalty may for good cause be waived by the County Treasurer provided that a report thereof be made to the County Commission.

C. Any unpaid taxes shall be considered delinquent thirty (30) days after the last day of each month. (County Order No. 61-02 §4, 11-21-02; County Order No. 95-04, 12-30-04)

SECTION 110.060: FAILURE TO COLLECT AND REPORT TAX - DETERMINATION OF TAX BY COUNTY COMMISSION

If any operator shall fail or refuse to collect any tax or to submit within the time provided in this Chapter any report and/or remittance of any tax or any portion thereof required, the County Treasurer shall promptly notify the County Commission which shall proceed to obtain facts and information on which to base an estimate of the tax due. As soon as the County Commission procures such facts and information upon which to base such an estimate or assessment of all tax, interest and penalties provided for by this Chapter, the County Commission shall give notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator at the last known business address. (County Order No. 61-02 §5,11-21-02; County Order No. 95-04, 12-30-04)

SECTION 110.070: RIGHT TO HEARING

Such operator may within ten (10) days after the serving or mailing of any notice make application in writing to the County Commission for a hearing on the amount assessed as transient guest tax. If such application for a hearing is not made within the time prescribed, the tax, interest and penalties shall become final and conclusive and immediately due and payable by such operator. If an application is received for a hearing, the time and place of such hearing shall be fixed within five (5) business days of receipt of the request. The notice for request of a hearing should show cause why the amount of transient guest tax, interest and penalties should not be fixed as specified in the assessment. After such hearing, the County Commission shall determine the proper tax to be remitted and shall thereafter give written notice to the operator of such determination and the amount of such tax, interest and penalties. (County Order No. 61-02 §6, 11-21-02; County Order No. 95-04, 12-30 04)

SECTION 110.080: RETENTION OF RECORDS FOR TAXING PURPOSES

It shall be the duty of every operator liable for the collection and payment to the County of any tax imposed by this Chapter to keep and preserve for a period of three (3) years all records which may be necessary to determine the amount of such taxes as may have accrued to the County and for the collection or payment of which said operator is responsible. The County shall have the right to inspect such records at all reasonable times but shall hold the same in confidence and utilize the same only for the purposes of this Chapter. (County Order No. 61-02 §7, 11-21-02; County Order No. 95-04, 12-30-04)

SECTION 110.090: REFUNDS - OVERPAYMENT OF TAXES

A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously collected or received by the County under this Chapter, it may be refunded as provided in Subsections (B) and (C) of this Section. A claim in writing must be presented stating, under penalty of perjury, the specific grounds upon which the claim is founded. The claim shall be on forms provided by the County.

B. An operator may claim a refund or take as a credit against taxes to be remitted the amount previously overpaid, paid more than once or paid after being erroneously collected or received when it is established in a manner prescribed that the tax was paid on rent charged a person who was not a transient guest. However, neither a refund nor a credit shall be allowed unless the amount of the tax to be refunded or credited if collected from a tenant or other person has either been refunded to such person or credited to rent subsequently payable by such person to the operator.

C. No refund shall be paid under the provisions of this Section unless the claimant establishes a right thereto by written records showing entitlement. (County Order No. 61-02 §8, 11-21-02; County Order No. 95-04, 12-30-04)

SECTION 110.100: ACTIONS TO COLLECT TAXES OWED TO THE COUNTY

Any tax required to be paid by an operator under the provisions of this Chapter shall be deemed a debt owed by said operator to the County. Any operator owing money to the County under the provisions of this Chapter shall be liable in an action brought in the name of the County for the recovery of such amount. In addition to any other remedies County may have at law or in equity, operator shall pay upon demand all of County's costs, charges and expenses, including attorney fees, incurred in connection with the recovery of sums due under this Ordinance or because of the breach of any of the provisions of this Ordinance to be performed by an operator or for any other relief against any operator. (County Order No. 61-02 §9, 11-21-02; County Order No. 95-04, 12-30-04)

SECTION 110.110: UNLAWFUL ACTS-HOTEL AND MOTEL OPERATORS

It shall be unlawful for any person or entity to fail or refuse to register a hotel or motel or to submit any tax return or other financial records or to refuse to permit any necessary inspection of hotel or motel records by the County or to willfully render a false or fraudulent tax return or claim as required by this Chapter. (County Order No. 61-02 §10, 11-21-02)

CHAPTER 115: COUNTY POLICIES

ARTICLE I. COLLECTIVE BARGAINING

SECTION 115.010: PURPOSE

In accordance with Article I, Section 29 of the Constitution of the State of Missouri and recent Missouri Supreme Court and Missouri Court of Appeals decisions regarding public sector labor law, it is appropriate for Platte County to adopt legislation establishing a framework within which personnel employed by the Platte County Sheriff's Office can bargain collectively through representatives of their own choosing. Nothing in this Article shall be construed as encouraging or requiring employees to engage in collective bargaining.

SECTION 115.020: COVERAGE

1. The provisions of this Article shall apply to all regular full-time and part-time sworn personnel employed in the Platte County Sheriff's Office ("Sheriff's Office"), exclusive of managerial and confidential employees.

   a) For purposes of this Section, Lieutenants and above shall be considered "managerial employees."

2. It is the determination of the Platte County Sheriff ("Sheriff") that all regular full- time and part-time sworn personnel employed in the Sheriff's Office, exclusive of managerial and confidential employees, constitute the most appropriate unit for the purpose of collective bargaining ("Eligible Employees"). Any election conducted for the purpose of allowing employees to designate a exclusive bargaining representative, as provide below, shall take place within this unit, subject to the following restrictions and exclusions:

   a) To avoid the division of loyalties and conflicts of interest, supervisory employees shall not be included within the same bargaining unit as employees they supervise. Further, the same labor organization shall not represent both non-supervisory and supervisory employees within the Sheriff's Office.

   b) For purposes of this Section, Sergeants shall be considered "supervisory employees."

3. Managerial and/or confidential employees shall not be included in any bargaining unit.

SECTION 115.030: DESIGNATION OF EXCLUSIVE BARGAINING REPRESENTATIVE

1. Any labor organization wishing to represent Eligible Employees of the Sheriff's Office, in either a supervisory or non-supervisory bargaining unit, shall send a certified letter to the Sheriff and the Platte County Director of Human Resources ("Director of Human Resources"). The letter shall include signed authorization cards of at least thirty percent (30%) of the employees in the proposed bargaining unit, indicating that they wish to select the labor organization in question as their exclusive bargaining representative for the purpose of collective bargaining. The cards must be dated and signed within twelve (12) months of the receipt of the certified letter.

2. As soon as practicable following receipt of such cards, the Sheriff and Director of Human Resources shall jointly request a neutral third party to validate the signatures on the cards, evaluate the construct of the requested bargaining unit, and issue a written determination confirming the appropriateness of the requested bargaining unit and confirming that at least thirty percent (30%) of the current employees in the proposed bargaining unit have signed cards.

3. The neutral third party shall issue his/her written determination to the Sheriff and Director of Human Resources without unnecessary delay, whereupon the Sheriff and Director of Human Resources shall jointly send notice of the determination to the labor organization.

4. If the neutral third party determines that the requested bargaining unit is appropriate and that at least thirty percent (30%) of the employees in the unit have signed valid cards, the Sheriff may appeal the determination within fourteen (14) days of receipt. Such appeal shall be directed to the neutral third party, in writing, and shall state the specific grounds for the appeal.

5. If the neutral third party determines that the requested bargaining unit is not appropriate or that the signature cards are insufficient, the labor organization may appeal the determination within fourteen (14) days of receipt. Such appeal shall be directed to the neutral third party, in writing, and shall state the specific grounds for the appeal.

6. Within thirty (30) days of the receipt of a written appeal from either the Sheriff or the labor organization, the neutral third party or designee shall conduct a hearing during which the labor organization and the Sheriff or designee shall have the opportunity to present their positions and evidence on the disputed issues. The neutral third party or designee shall conduct the hearing using the procedures that they deem, in their discretion, to be appropriate; provided, however, that such hearing is intended to be investigatory and not adversarial, and the formal rules of evidence shall not apply.

7. Within ten (10) days after the hearing, the neutral third party or designee shall issue a final written determination. The neutral third party or designee's determination shall be final and binding.

8. If the neutral third party determines that the requested bargaining unit is appropriate and is supported by a sufficient showing of interest as set forth herein, a secret ballot election shall be scheduled as the Supreme Court of the United States has recognized that union authorization cards are "admittedly inferior to the election process as a means of reflecting employee choice."

SECTION 115.040: ELECTION PROCEDURES

1. The Sheriff and the labor organization that has presented the signature cards shall select a mutually agreeable date for a secret ballot election to take place.

2. The election shall be held at the Platte County Government Complex in Platte City, Missouri and shall be set for a date falling no less than four and no more than six weeks after the day upon which the neutral third party determines that the requested bargaining unit is appropriate and that the thirty percent (30%) threshold has been met, unless the Sheriff and the labor organization mutually agree on a different time frame for the election.

3. Once an election date has been set, the Sheriff or his/her designee shall issue a notice informing all eligible voters of the date, time and place of the election, a description of the bargaining unit, and the identity of the labor organization(s) that will appear on the ballot. Such notice shall be distributed to all eligible voters and shall be posted within the Sheriff's Office no less than ten (10) days prior to the election date.

4. For purpose of this Section, eligible voters shall consist of all Eligible Employees who are employed in a position included in the defined bargaining unit for a period of ten (10) consecutive calendar days prior to the election date.

5. At least ten (10) calendar days prior to the election date, the Sheriff shall furnish a list including the names and job titles of all eligible voters to a representative of the Labor Organization. Any disputes regarding whether an employee should be an eligible voter should be presented to the Sheriff at least five (5) days prior to the election date for resolution.

6. From the time the election notice is first posted until the date of the election, all representatives, agents and employees of the Sheriff's Office and the County shall have the ability to freely express their opinions about whether or not the labor organization should be selected as the exclusive bargaining representative of the employees in the proposed bargaining unit. However, no employee of the Sheriff's Office and no representative of the labor organization shall attempt to threaten, intimidate, coerce or otherwise restrain any eligible voter in the exercise of their individual choice to support or oppose the selection of the labor organization in question as the exclusive bargaining representative of the employees in the bargaining unit. Additionally, such expression of opinions shall not interfere with the day to day operations of the Sheriff's Office.

7. Sheriff's Office and/or County equipment and facilities shall not be utilized by any labor organization or its supporters to advocate, express any views, argument or opinion regarding the collective bargaining process or for the dissemination thereof in written, printed, graphic or visual form. Nothing in this Section shall be construed as limiting the right of the Sheriff or a supervisor or manager to express the views, arguments or opinions of the Sheriff or the dissemination thereof in written, printed, graphic or visual form.

8. The election shall be conducted by secret ballot, using such procedures as the Sheriff shall determine are appropriate for ensuring the privacy and security of each employee's vote, including, but not limited to, a prohibition against electioneering in or about the polling location.
   a) The secret ballot shall read:

      "Do you wish to select [name of labor organization] as the exclusive bargaining representative for [description of bargaining unit] employed within the Platte County Sheriff's Office?"

      The ballot will include check boxes for marking "yes" or "no" in response to this question.

   b) In the event that more than one labor organization seeks to represent employees in the unit, and in the event that more than one labor organization has obtained signatures from at least thirty percent (30%) of the employees in the unit stating that they wish to designate the labor organization as their exclusive bargaining representative, then the ballot shall read:

      "Do you wish to select [name of labor organization A], [name of labor organization B) or no labor organization as the exclusive bargaining representative for [description of bargaining unit] employed within the Platte County Sheriff's Office?"

      The ballot will then include check boxes for marking "I wish to select [name of labor organization A] as my exclusive bargaining representative," "I wish to select [name of labor organization B] as my exclusive bargaining representative," and "I do, not wish to select

County Clerk's Office Updated 05.04.2020

any labor organization as my exclusive bargaining representative" in response to this question

9. The Sheriff's Office and Labor Organization may each designate one or more observers for the poll, who shall be non-supervisory employees of the Sheriff's Office or other office of Platte County unless otherwise stipulated by the parties. Only one observer for each of the interested parties may be at a polling location at any given time.

10. Any designated observer may challenge an employee's eligibility to vote. Challenged ballots shall be folded and placed in a sealed envelope with the name of the voter plainly written on the outside of the envelope and will not be considered unless they might affect the result of the election.

11. Once the poll is closed the Sheriff, or his/her designee, and the Director of Human Resources shall oversee the counting of the ballots. A representative of the labor organization shall have the right to be present during the counting of the ballots.

12. Any labor organization receiving more than fifty percent (50%) of the votes of all eligible voters shall be designated and recognized as the exclusive bargaining representative for all employees in the bargaining unit.

13. No more than one election shall take place in any bargaining unit within the same twelve (12) month period. Once an election takes place, the Sheriff shall reject authorization cards from a labor organization or employees within the bargaining unit seeking another election for one full calendar year after the date of the election. This paragraph shall not restrict the holding of a decertification election as set forth herein within twelve (12) months of the certification of a bargaining representative.

SECTION 115.050: DECERTIFICATION PROCEDURES

1. Employees within the bargaining unit shall have the right to seek to decertify the labor organization as their exclusive bargaining representative at any time.

2. If any employee within the bargaining unit presents to the Sheriff signature cards or a written petition bearing the signatures of at least thirty percent (30%) of the employees within the bargaining unit stating that those employees no longer wish to be represented by the labor organization in question, the Sheriff shall request a neutral third party to validate the signatures on the cards.

3. If the neutral third party confirms that at least thirty percent (30%) of the employees in the bargaining unit have signed decertification cards, the Sheriff and the designated representative of the labor organization shall select a date for a decertification election. Such election shall take place at least four weeks after the neutral third party determines the thirty percent (30%) threshold has been met and no later than six weeks after the determination. Notice of such election shall be distributed to all employees within the bargaining unit and posted within the Sheriff's Office.

4. If more than fifty percent (50%) of the employees in the bargaining unit cast votes to terminate the labor organization's representation of the employees in the bargaining unit, the labor organization shall immediately cease to represent the employees in the bargaining unit.

5. In the event of the decertification of the exclusive bargaining representative of the employees in any bargaining unit within the County, all terms and conditions of employment existing at the time of decertification shall remain in place until such time as those terms or conditions of employment are altered by the Sheriff.

SECTION 115.060: COLLECTIVE BARGAINING PROCESS

1. Within four weeks after a labor organization is certified as the exclusive bargaining representative for the employees in a bargaining unit as set out above, a team of individuals comprised of one or more representatives of the Sheriff's Office (designated by the Sheriff) and one or more representatives of the County (designated by the County Commission), hereafter referred to as the "Management Team," shall meet and confer with representatives of the labor organization over the wages, benefits and other terms and conditions of employment for the employees within the bargaining unit.

2. The parties shall bargain in good faith and make an earnest effort to reach a mutually acceptable agreement, but no party shall be required to offer any particular concession or withdraw any particular proposal.

3. Neither the Sheriff's Office nor the County shall pay any labor organization representative for time spent participating in collective bargaining or preparing for collective bargaining, except to the extent the person in question is an employee of the Sheriff's Office who elects to use accrued paid time off to cover the time so spent.

4. Any bargaining related to economic terms outside of the then current fiscal year must be completed at least thirty (30) days prior to the statutory deadline for the Sheriff to submit his/her proposed budget to the County Commission. In the event the parties are unable to complete bargaining within the stated time period, the negotiations will be deemed to have reached an impasse and will subject to the impasse resolution procedures set forth herein.

5. During the collective bargaining process, the Sheriff may not agree to any provision related to funds not already appropriated to the Sheriff nor provisions under the statutory purview of the County Commission without the express consent of the County Commission. Likewise, neither the County Commission nor any individual Commissioner may agree to any provision related to funds already appropriated to the Sheriff nor provisions under the statutory purview of the Sheriff without the express consent of the Sheriff.

6. If the parties reach an agreement, the proposed labor agreement shall be presented to both the Sheriff and the County Commission for approval or rejection as set forth herein.

7. If after a reasonable period of negotiations, a dispute exists over the inclusion or deletion of a term of the proposed labor agreement, either party may declare an Impasse.

   a) Upon notification in writing of an impasse, a representative from the Federal Mediation and Consultation Service (FMCS} shall meet with the parties to attempt to get the parties to agree over the disputed term(s).

   b) If after the participation of the FMCS for a reasonable period of time, the parties are still unable to reach an agreement, the Management Team may present its last and final proposal to both the Sheriff and the County Commission for approval or rejection as set forth herein.

8. A proposed labor agreement presented to the Sheriff and the County Commission for approval or rejection may be approved by the Sheriff and/or the County Commission in its entirety or in parts thereof.

9. If either the Sheriff or the County Commission rejects any portion of the proposed labor agreement, the Sheriff and the County Commission may:

   a) return the rejected portions of the agreement to the parties for further bargaining; or

   b) adopt a mutually agreeable replacement provision of their own decision; or
   c) state that no provision covering the topic in question shall be adopted.

10. The decision of the Sheriff and the County Commission with regard to approving or rejecting a proposed labor agreement will be final and binding.

11. Once a proposed labor agreement has been approved by the Sheriff and the County Commission, it will be submitted to the labor organization for ratification by the bargaining unit members, which vote shall be completed within thirty (30) days after the agreement is submitted to the labor organization.

12. Nothing herein requires the bargaining unit employees, the Sheriff or the County Commission to approve any proposed labor agreement.

SECTION 115.070: CONTENT OF LABOR AGREEMENTS

1. Every labor agreement that has been signed and ratified will have a finite duration clearly established within the terms of the agreement.

2. Labor agreements negotiated between the parties may cover wages, benefits and all other terms and conditions of employment for employees within the bargaining unit, subject to the following limitations:

   a) Every labor agreement shall include a provision reserving to the Sheriff and his/her designees all authorities and abilities not expressly covered by a provision of the labor agreement.

   b) Every labor agreement shall expressly prohibit all strikes, work slow-downs, work stoppages and picketing of any kind. Every labor agreement shall include a provision acknowledging that any employee who engages in any strike, concerted effort to slow down work, concerted refusal to work, or who pickets over any personnel matter shall be subject to immediate termination of employment.

   c) Every labor agreement shall expressly provide that the Sheriff and the County Commission retain all abilities provided to their offices under the laws of the State of Missouri unless such statutory ability is specifically relinquished in the agreement. Every labor agreement shall also provide that a statutory ability is only relinquished if the ability in question is expressly identified, including the statute or case name which is the source of the ability. Additionally, every labor agreement shall include a provision that no legally conferred ability may be impliedly relinquished by the agreement.

SECTION 115.080: EFFECT OF LABOR AGREEMENT

1. In the event of a bona fide, unexpected and significant budget shortfall, either the Sheriff or the County Commission shall have the right to call the parties together to seek modification of economic terms of any labor agreement.

2. Should the Sheriff or the County Commission deem it necessary to modify the economic terms of any labor agreement, the initiating party shall notify the relevant labor organization and the other affected office holders (e.g. the Sheriff or the County Commission respectively) of the necessity to amend, including the reasoning of the necessity and shall provide a period of thirty (30) days during which the Management Team and the labor organization shall bargain in good faith over any necessary adjustments to the economic terms of the agreement.

3. If, at the end of the thirty day period, the parties have been unable to agree upon modifications that meet the requirements of the Sheriff and the County Commission, an economic provision of the agreement related to the need may be rescinded to the economic extent required by the budget shortfall. If the budget shortfall results from an unexpected loss of revenue such that the County is unable to allocate funds already appropriated to the Sheriff, any reduction in appropriations must be made in strict compliance with procedures for reduction of the annual budget, as set forth in Section 50.622, Missouri Revised Statutes, as amended or renewed.

SECTION 115.090: VALIDITY AND ENFORCEMENT

1. If the State of Missouri passes any law governing collective bargaining for law enforcement personnel, then to the extent any of the provisions established herein are inconsistent with the Missouri statute, the inconsistent provisions shall be superseded in whole or in part by such statute.

2. If any court of competent jurisdiction shall declare any of the provisions established herein to be unenforceable under any state or federal statute, regulation or other authority, the unenforceable portion of the provisions shall be removed, but all other provisions contained herein shall remain in effect.

3. Nothing in this Section shall be construed as requiring either the Sheriff or the County Commission to engage in any collective bargaining activity beyond those that are required by Missouri law.

July 18, 2016 By order of Platte County Commission Order 2016-CO-229

TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE

CHAPTER 200: EMERGENCY MEDICAL SERVICES

ARTICLE I. DISPATCH OF EMERGENCY MEDICAL SERVICES

SECTION 200.010: POLICY

This Article sets forth the policy of the Platte County Commission with regard to handling of calls for emergency medical treatment and dispatching appropriate service providers to the source of the call. (Ord. No. 210.010 §1, 7-14-88)

SECTION 200.020: CALL INTAKE

A. Upon receiving a call for emergency services, the dispatcher shall determine the following information:

1. Who is calling;

2. What is the nature of the problem;

3. Where is the problem (including street address, apartment number, name of nearest cross street, name of City);

4. When did it happen;

5. Telephone number.

B. Dispatcher should repeat the information to the caller to confirm the proper address. (Ord. No. 210.010 §2, 7-14-88)

SECTION 200.030: PRIORITY OF DISPATCH

If the dispatcher determines that ambulance service is required, an ambulance service shall be dispatched to handle the problem under the following priority system:

1. If the caller requests a specific ambulance service, that service shall be called; or

2. The nearest available qualified ambulance service as licensed by the Platte County Commission. (Ord. No. 210.010 §3, 7-14-88)

ARTICLE II. PLATTE COUNTY AMBULANCE REGULATION ORDINANCE

SECTION 200.040: TITLE

This Article shall be known as the "Platte County Ambulance Regulation Ordinance". (Ord. No.210.011 §1, 7-14-88)

SECTION 200.050: DEFINITIONS

As used in this Article, the following words and terms shall mean:

AMBULANCE: Any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports.

PATIENT: An individual who is sick, injured, wounded, diseased or otherwise incapacitated or helpless or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance.

PERSON: Any individual, firm, partnership, co-partnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, State, County, political subdivision, State department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider (Ord. No. 210.011 §2, 7-14-88)

SECTION 200.060: AMBULANCE LICENSE REQUIRED

No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients upon the streets, alleys, airways or any public way or place of Platte County, Missouri, unless he/she holds a currently valid license for an ambulance issued pursuant to the provisions of this Article and licensed by the State of Missouri. (Ord. No. 210.011 §3, 7-14-88)

SECTION 200.070: APPLICATION FOR AMBULANCE LICENSE

An application for ambulance license shall be made to the Platte County Commission or any other officer the Commission so designated for that purpose. The application shall be made upon such forms as may be prepared or approved by the Platte County Commission. The application shall contain the following information:

1. The name and address of the applicant and of the owner of the ambulance;

2. The trade or other fictitious name, if any, under which the applicant does business and proposes to do business;

3. The training and experience of the applicant in the transportation and care of patients;

4. The location and description of the place from which the ambulance is intended to operate;

5. A list of the names, addresses and qualifications of all employees of the ambulance service. With regard to each employee, the applicant shall submit copies of all application forms submitted by the employees to the Department of Health of the State of Missouri and copies of all licenses issued by said Department of Health to the employees; and

6. Such other information as the County Commission shall deem reasonably necessary prior to the issuance of a license.

As part of the license application, the applicant shall submit and file copies of all documents previously filed with the Department of Health of the State of Missouri for the purpose of obtaining a State of Missouri ambulance license and the applicant shall file copies of all licenses obtained from the State of Missouri to operate an ambulance service and any and all correspondence from the Department of Health of the State of Missouri describing any and all powers and limitations applicable to the applicant's provision of service. The applicant shall also provide a copy of his/her policy of liability insurance coverage and a copy of the liability insurance coverage application submitted by applicant to the insurance company. (Ord. No. 210.011 §4, 7-14-88)

SECTION 200.080: INVESTIGATION

Upon receipt of an application for ambulance license, the County Commission may, in its discretion, authorize the Platte County Sheriff to conduct any investigation it deems necessary to be made of the applicant and of his/her proposed operations. (Ord. No. 210.011 §5, 7-14-88)

SECTION 200.090: HEARING

Before issuing an ambulance license under this Chapter, the Platte County Commission may, upon proper notice, hold a hearing at a regularly scheduled meeting of the Commission to determine whether such license should be issued. At said hearing, the County Commission shall determine whether the applicant is a responsible person who bears a good reputation for honesty, integrity and fair dealing and whether the applicant is competent to operate an ambulance service. The County Commission may also determine whether each employee of the proposed ambulance service is morally fit for that position. In addition, the County Commission may make such other inquiries and determinations as it deems necessary before issuance of an ambulance license. (Ord. No. 210.011§6, 7-14-88)

SECTION 200.100: RENEWAL

The renewal of any license issued pursuant to this Chapter shall be performed on January first (1st) of each year. Each license issued under this Chapter shall be renewed by the licensee annually. The renewal of any license shall require conformance with Sections 190.001 to 190.245, RSMo., and

rules adopted by the Department pursuant to Sections 190.001 and 190.245, RSMo. (Ord. No. 210.011 §8, 7-14-88)

SECTION 200.110: SUSPENSION OR REVOCATION OF LICENSE

The Platte County Commission may suspend or revoke any license issued under this Article for the failure of a licensee to comply with the laws of the State of Missouri or the rules and regulations of the Platte County Commission. Said suspension or revocation shall occur only after ten (10) days' written notice to the licensee followed by a hearing at a regularly scheduled meeting of the Commission, if requested by the licensee. (Ord. No. 210.011 §9, 7-14-88)

SECTION 200.120: APPEAL

Any person aggrieved by an action of the Platte County Commission under this Article, including the grant, the refusal to grant, the revocation, the suspension or the failure to renew a license, may appeal from any such determination directly to the Circuit Court of Platte County, Missouri. (Ord. No. 210.011 §10, 7-14-88)

SECTION 200.130: PENALTIES

Any person violating or failing to comply with any of the terms of this Article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined an amount not exceeding five hundred dollars ($500.00) or imprisoned for a period not exceeding thirty (30) days or may receive both such fine and imprisonment for each offense. Each day that any violation of or failure to comply with, this Chapter is committed or permitted to continue shall constitute a separate and distinct offense and shall be punishable as such hereunder; but the Court may, in appropriate cases, stay the accumulation of penalties. (Ord. No. 210.011 §11, 7-14-88)

ARTICLE III. NORTHLAND REGIONAL AMBULANCE DISTRICT

SECTION 200.140: ORGANIZATION

Pursuant to Section 190.045, RSMo., the Northland Regional Ambulance District (NRAD) is hereby declared to be organized and incorporated as an ambulance district in accordance with the laws of the State of Missouri. (County Order No. 4-94 §1, 3-8-94)

SECTION 200.150: ESTABLISHMENT OF SUBDISTRICTS OF NORTHLAND REGIONAL AMBULANCE DISTRICT

Pursuant to Section 190.050, RSMo., the area of the Northland Regional Ambulance District is divided into six (6) electoral subdistricts with the legal description of each subdistrict as follows:

1. *Subdistrict No. 1.* All unincorporated area lying east of the City of Smithville City limits and including also that portion of Ward Three (3) in the City of Smithville lying east of

Highway 169, within the boundaries of the Northland Regional Ambulance District in Clay County. (All references to streets, highways, City limits, County boundaries, ward boundaries and railroads are as established and existing on the 1st day of July, 1993.)

2. *Subdistrict No. 2.* All of Ward One (1) and all of Ward Two (2) and that portion of Ward Three (3) lying west of Highway 169 within the City of Smithville and all the unincorporated areas lying west of the City limits of Smithville within Clay County, within the boundaries of the Northland Regional Ambulance District. (All references to streets, highways, City limits, County boundaries, ward boundaries and railroads are as established and existing on the 1st day of July, 1993.)

3. *Subdistrict No. 3.* Beginning at the intersection of the north/south centerline of Section 31, Township 55, Range 35, Platte County, Missouri with the division line between Buchanan and Platte Counties, Missouri; thence south to the center of Section 7, Township 54, Range 35; thence east to the center of Section 8, Township 54, Range 35; thence south to the centerline of Missouri State Route H; thence east to the intersection of the centerlines of Missouri State Route H and Missouri State Route P; thence south along the centerline of Missouri State Route P to its intersection with the east/west centerline of Section 17, Township 54, Range 35; thence east to the center of Section 16, Township 54, Range 35; thence south to the center of the north line of Section 28, Township 54, Range 35; thence east along the section lines to the west bank of Bee Creek; thence south along the west bank of the meanderings of Bee Creek to the south line of Section 34, Township 54, Range 35; thence west along the section line to the centerline of the Chicago North Western Railroad right-of-way; thence southwesterly along the centerline of said railroad right-of-way to the intersection of the centerline of the railroad right-of-way with the centerline of Missouri Highway 45; thence southerly along the centerline of Missouri Highway 45 to its intersection with the centerline of Missouri Highway 92; thence southerly along the centerline of Missouri Highway 92 to the north section line of Section 1, Township 52, Range 36; thence east along the section lines to the east bank of the Platte River; thence in a northerly and easterly direction along the east bank of the Platte River to its third intersection with the south section line of Section 2, Township 53, Range 34; thence west along the section line to its intersection with the centerline of Interurban Road; thence north along the centerline of Interurban Road to its intersection with the centerline of Missouri Highway Z; thence westerly along the centerline of Missouri Highway Z to its intersection with the centerline of Interstate Highway 29; thence north along the centerline of Interstate Highway 29 to the north line of Platte County, Missouri; thence west along the north line of Platte County, Missouri to the point of beginning; and

   All that portion of land lying within the City limits of Platte City, Missouri lying north of the centerline of Missouri Highway 92 and west of the centerline of Interstate Highway 29. (All references to streets, highways, City limits, County boundaries and railroads are as established and existing on the 1st day of July, 1993.)

4. *Subdistrict No. 4.* All of that portion of land lying within the City limits of Platte City, Missouri, lying south of the centerline of Missouri Highway 92 and west of the centerline of Interstate Highway 29, as established and existing on the 1st day of July, 1993. In addition, all of that territory north of the centerline of 136th Street and Humphrey's Access Road and west of the centerline of Running Horse Road which abuts said City limits.

County Clerk's Office Updated 05.04.2020

5. *Subdistrict No. 5.* Beginning at the intersection of the north section line of Section 2, Township 52, Range 35, with the east bank of the Platte River; thence southerly along the east bank of the Platte River to the east/west centerline of Section 23, Township 52, Range 35; thence east to the City limits of Kansas City, Missouri; thence generally north and east along the Kansas City limits to the east line of Platte County, Missouri; thence north along the east line of Platte County, Missouri, to the intersection with the south bank of the Little Platte River; thence westerly along the south bank of the Little Platte River to its intersection with the east bank of the Platte River; thence southerly along the east bank of the Platte River to the point of beginning; except all of that land lying within the City limits of Platte City, Missouri, lying west of the centerline of Interstate Highway 29. (All references to streets, highways, City limits, County boundaries and railroads are as established and existing on the 1st day of July, 1993.) EXCEPT any portion of the above description located north of the centerline of 136th Street and the centerline of Humphrey's Access Road and west of the centerline of Running Horse Road and south of the Platte City limits.

6. *Subdistrict No. 6.* Beginning at the intersection of the south bank of the Little Platte River and the east line of Platte County, Missouri; thence westerly along the south bank of the Little Platte River to its intersection with the east bank of the Platte River; thence northerly along the east bank of the Platte River to the third intersection of the east bank of the Platte River with the south section line of Section 2, Township 53, Range 34; thence west along the section line to its intersection with the centerline of Interurban Road; thence north along the centerline of Interurban Road to its intersection with the centerline of Missouri Highway Z; thence westerly along the centerline of Missouri Highway Z to its intersection with the centerline of Interstate Highway 29; thence north along the centerline of Interstate Highway 29 to the north line of Platte County, Missouri; thence east along the north line of Platte County, Missouri to the intersection with the west line of Section 31, Township 55, Range 33; thence south along the section lines to the center of the west section line of Section 18, Township 54, Range 33; thence east along the center section lines to the east line of Platte County, Missouri; thence south along the east line of Platte County, Missouri to the point of beginning. (All references to streets, highways, City limits, County boundaries and railroads are as established and existing on the 1st day of July, 1993.) (County Order No. 5-94 §1, 3-8-94; County Order No. 01-03 §§1-2, 1-9-03; County Order. No. 15-03, 1-30-03)

SECTION 200.160: ELECTION OF AMBULANCE DISTRICT DIRECTOR

An election shall be held in each of the six (6) electoral subdistricts established herein on Tuesday, June 7, 1994, for the purpose of allowing the qualified voters of each subdistrict to elect their ambulance district director. The directors elected from Districts 1 and 4 shall serve for a term of one (1) year, the directors elected from Districts 2 and 5 shall serve for a term of two (2) years, and the directors from Districts 3 and 6 shall serve for a term of three (3) years. (County Order No. 5-94 §2,3-8-94)

ARTICLE IV. SOUTHERN PLATTE COUNTY AMBULANCE DISTRICT

SECTION 200.170: ORGANIZATION

Pursuant to Section 190.045, RSMo., the Southern Platte County Ambulance District is hereby declared to be organized and incorporated as an ambulance district in accordance with the laws of the State of Missouri. (County Order No. 15-06 §1, 5-11-06)

SECTION 200.180: ESTABLISHMENT OF SUBDISTRICTS OF SOUTHERN PLATTE COUNTY AMBULANCE DISTRICT

Pursuant to Section 190.050, RSMo., the area of the Southern Platte County Ambulance District is divided into six (6) electoral subdistricts with the legal description of each subdistrict as follows:

1. *Subdistrict No. 1.* Beginning at the NE corner of Section 24, Township 51, Range 34; thence south following the eastern boundary of Section 24, Township 51, Range 34 to the intersection with the City limit of Kansas City, said point being the True Point of Beginning; thence east following the City limit of Kansas City to a point where the City limit of Kansas City turns south; thence following the City limit of Kansas City southerly and westerly to a point where it intersects with the City limit of Parkville, Missouri; thence westerly and northerly following the City limit of Parkville, Missouri to its intersection with Highway 9 and the City limit of Kansas City, Missouri; thence northerly and easterly following the City limit of Kansas City, Missouri to the Point of Beginning.

   Also including the area inside the City limits of Lake Waukomis, Missouri, the City limits of Platte Woods, Missouri, the City limits of Northmoor, Missouri, the City limits of Houston Lake, Missouri, and the Village of Ferrelview, Missouri.

2. *Subdistrict No. 2.* Beginning at the Intersection of the Center line of the Missouri River with the Southerly prolongation of Main St. Parkville, Missouri; thence north along the Center line of Main St. to its intersection with Highway 9; thence north along the Center line of 9 HWY to the intersection of Highway 9 and the City limit line of Parkville; thence following the City limit line of Parkville, Missouri southerly and easterly to a point where it meets the City limit line of Kansas City; thence east along the City limit line of Kansas City to a point where it turns south; thence south along the City limit line of Kansas City to a point where it turns east; thence east along the City limit line of Kansas City to N Ridgewood Dr., said point also being the western City limits of Riverside, Missouri; thence south along the City limit line of Riverside to a point where it turns west; thence Northerly and Westerly along the City limit line of Riverside to a point where it intersects the westerly boundary of Section 6, Township 50; Range 33; thence south along the City limit line of Riverside to a point where it meets the bank of the Missouri River; thence west to the centerline of the Missouri River, being the Southerly Boundary of Platte County; thence Westerly and Northerly along the meandering of the Missouri River, being the Southerly of Platte County to Point of Beginning.

3. *Subdistrict No. 3.* Beginning at the southeast corner of Section 11, Township 51, Range 34; thence west along the southern boundary of Section 11, Township 51, Range 34 to the point of intersection with the City limits line of Kansas City, Missouri, said point being the true Point of Beginning; thence south following the City limits line of Kansas City, Missouri

to the City limits line of Parkville, Missouri; thence following the City limits line of Parkville, Missouri easterly and southerly to the intersection with the centerline of Missouri Highway 45; thence west following the centerline of Missouri Highway 45 to N Blair Rd.; thence north following the centerline of N Blair Rd. to its intersection with the centerline of NW Eastside Dr; thence north along NW Eastside Dr. to the southerly City limits line of Weatherby Lake; thence northerly following the City limits line of Weatherby Lake to NW Barry Rd.; thence east along NW Barry Rd. to its intersection with the City limits of Kansas City, Missouri; thence southerly and westerly following the City limits of Kansas City to the Point of Beginning.

Also including the area inside the City limits of Weatherby Lake, Missouri.

4. *Subdistrict No. 4.* Beginning at a point along the centerline of Missouri Highway 45 where the centerline intersects the eastern boundary of Section 21, Township 51, Range 34; thence westerly along the centerline of Missouri Highway 45 to a point where the centerline intersects the western boundary of Section 20, Township 51, Range 34; thence west along the centerline of Missouri Highway 45 approximately 1350 ft. to a point of intersection with the City limit of Parkville, Missouri; thence northerly along the City limit of Parkville, Missouri to the northwest corner of Section 17, Township 51, Range 34; thence easterly along the City limit of Parkville, Missouri to a point where it turns north; thence north along the City limit of Parkville, Missouri approximately 1100 ft. to the City limits line of Kansas City, Missouri; thence easterly and southerly to the northwestern City limit line of Weatherby Lake, Missouri; thence southerly and easterly following the City limit line of Weatherby Lake, Missouri to its intersection with the centerline of NW Eastside Dr.; thence south along the centerline of NW Eastside Dr. to its intersection with the centerline of N Blair Rd; thence south following the centerline of N Blair Rd to the centerline of Missouri Highway 45; thence west along the centerline of Missouri Highway 45 to the Point of Beginning.

5. *Subdistrict No. 5.* Beginning at a point along the centerline of Missouri Highway 45 where the centerline intersects the eastern boundary of Section 21, Township 51, Range 34; thence westerly along the centerline of Missouri Highway 45 to a point where the centerline intersects the western boundary of Section 20, Township 51, Range 34; thence west along the centerline of Missouri Highway 45 approximately 1350 ft. to a point of intersection with the City limit of Parkville, Missouri; thence southerly and easterly along the City limits of Parkville, Missouri to a point where the City limit line intersects the westerly boundary line of Section 34, Township 51, Range 34; thence continuing south following the City limit of Parkville, Missouri to a point where it turns east; thence following the Parkville City Limit Boundary east to a point where it intersects the east boundary line of the NW ¼ of Section 34, Township 51, Range 34; thence northerly and easterly following the City limits of Parkville, Missouri to its intersection with N Crooked Road; thence northerly and westerly following the City limits of Parkville, to a point where the City limit meets the southerly Right-of-Way of Missouri Highway 45; thence N 00° 00' 00" E to the centerline of Missouri Highway 45; thence west along the centerline of Missouri Highway 45 to the Point of Beginning.

6. *Subdistrict No. 6.* Beginning at the Intersection of the Centerline of the Missouri River and the Westerly prolongation of the Northerly line of Township 52 North, being the Westerly Boundary line of Platte County, Missouri; thence Easterly along the Northerly line of said township 52 North and its Westerly Prolongation thereof to the Easterly Bank of the Platte River; thence Southerly along said Easterly Bank, along the meanderings of the Platte River, to the East-West Centerline of Section 23, Township 52 North, Range 35 West;

County Clerk's Office Updated 05.04.2020

thence Easterly along the Southerly line of the Northland Regional Ambulance District, as described in the Platte County, Missouri Commission Order 5-94 recorded in the Recorder of Deeds Office of Platte County Missouri in Book 809 at Page 631, to the Westerly City limits of Kansas City, Missouri; thence following the City limits of Kansas City in a southerly direction to a point where it intersects the north line of Section 8, Township 51, Range 34, it is at this point where the City limits of Kansas City meet the City limits of Parkville, Missouri; thence south following the City limits of Parkville, Missouri to a point where it intersects Missouri Highway 45; thence south crossing Missouri Highway 45 following the City limits of Parkville, Missouri and along westerly Right-of-Way of Brink-Myer Rd to a point where this line intersects the west line of Section 20, Township 51, Range 34; thence southerly and easterly along the City limits of Parkville, Missouri to a point where the City limit line intersects the westerly boundary line of Section 34, Township 51, Range 34; thence continuing south following the City limit of Parkville, Missouri to a point where it turns east; thence following the Parkville City Limit Boundary east to a point where it intersects the east boundary line of the NW ¼ of Section 34, Township 51, Range 34; thence northerly and easterly following the City limits of Parkville, Missouri to its intersection with N Crooked Road; thence northerly and westerly following the City limits of Parkville, to a point where the City limit meets the southerly Right-of-Way of Missouri Highway 45; thence N 00° 00' 00" E to the centerline of Missouri Highway 45; thence east along the Missouri Highway 45 centerline to the intersection with the north line of Section 26, Township 51, Range 34; thence easterly and northerly along the City limit line of Parkville, Missouri to the City limit line of Kansas City, Missouri; thence south along the City limit line of Parkville to the centerline of 9 Highway; thence south along 9 Highway to the intersection of 9 Highway and Main Street Parkville, Missouri; thence south along the centerline of Main St. and a southerly prolongation of Main St to the centerline of the Missouri River; thence Westerly and Northerly along the meandering of the Missouri River, being the Southerly and Westerly Boundary of Platte County to Point of Beginning. (County Order No. 16-06 §1, 5-11-06)

SECTION 200.190: ELECTION OF AMBULANCE DISTRICT DIRECTOR

An election shall be held in each of the six (6) electoral subdistricts established herein on Tuesday, August 8, 2006, for the purpose of allowing the qualified voters of each subdistrict to elect their ambulance district director. The directors elected from Districts 1 and 4 shall serve for a term of one (1) year, the directors elected from Districts 2 and 5 shall serve for a term of two (2) years, and the directors from Districts 3 and 6 shall serve for a term of three (3) years. (County Order No. 15-06§2, 5-11-06)

CHAPTER 205: ANIMAL RULES AND REGULATIONS

Cross Reference - As to health regulations for concentrated animal feeding operations, ch. 210.

SECTION 205.010: PURPOSE

These rules and regulations are enacted for the purpose of regulating the ownership and possession of animals in order to protect and promote the public health and safety and prevent the entrance of infectious, contagious, communicable or dangerous diseases into Platte County, Missouri. This

Chapter supersedes and revokes all previous animal control ordinances. (County Order No. 6-96, 5-30-96; County Order No. 14-10, 6-28-10)

SECTION 205.020: AUTHORITY

These regulations are enacted under authority vested in the County Commission of Platte County, Missouri, by Section 192.300, RSMo. (County Order No. 6-96, 5-30-96; County Order No. 14-10, 6-28-10)

SECTION 205.030: DEFINITIONS

As used in these rules and regulations, unless the context clearly indicates otherwise, the following words and terms shall have the following meanings:
ANIMAL CONTROL OFFICER: Any individual employed or appointed to enforce the animal control regulations enacted by order of the Platte County Commission.

ANIMAL HOSPITAL, VETERINARY HOSPITAL: A facility that meets or exceeds all physical requirements and minimum standards as established by board rule for veterinary facilities; provides quality examination, diagnostic and health maintenance services for medical and surgical treatment of animals and is equipped to provide housing and nursing care for animals during illness or convalescence.

BITE: Any abrasion or laceration caused by the teeth of a dog, cat or other biting animals sufficient to break the skin.

COUNTY: Platte County, Missouri.

DANGEROUS ANIMAL: Any animal which exhibits aggressive, threatening behavior which creates a reasonable risk and/or fear of attack.

DANGEROUS EXOTIC ANIMAL: Lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, bear, hyena, wolf, coyote, skunk, raccoon, non-human primate or dangerous or poisonous reptile or any other animal declared by the Animal Control Officer to be dangerous.

FERAL CAT: Any cat of any breed that is or becomes undomesticated, untamed, wild or is not a pet.

OWN OR POSSESS: In addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping, or harboring an animal.
PERSON: Any individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

PUBLIC NUISANCE: Any animal or group of animals which

a) Molests any passerby or chases passing vehicles, including bicycles.

b) Attacks any other animal.

c) Is at large in violation of those Regulations.

d) Damages public or private property.

e) Causes injury to a person.

f) Threatens or causes a condition which endangers public health or safety.

g) Impedes refuse collection by ripping any bag or tipping any container of refuse.

RABIES COMPENDIUM: The most current edition of a document by that name published by the National Association of State Public Health Veterinarians which serves as a standard for rabies vaccine, treatment and policy.

RESIDENT: Any person as herein defined who or which is physically present within Platte County, Missouri, for more than thirty (30) successive days regardless of the reason for such presence.

STRAY DOG: Any dog whose ownership is unknown.

URBAN SERVICE AREAS: All duly platted and recorded residential subdivisions and mobile home parks (as defined in the Platte County zoning regulations) containing eight (8) or more developed residential lots or any incorporated municipality or village located in whole or in part within the County which has entered into a contract with the County for animal control services consistent with this Chapter.

VICIOUS DOG: Any dog of any breed which, without provocation or command, bites or injures a human being or exhibits a pattern of behavior of biting or attacking or attempting to bite or attack human beings or other domesticated animals. For the purposes of these regulations, where the dog has bitten any person, persons or animal on two (2) or more separate occasions without provocation, it shall be prima facie evidence that said dog exhibits a pattern of behavior of biting or attacking and is a vicious dog. (County Order No. 6-96, 5-30-96; County Order No. 14-10, 6-28-10)

SECTION 205.040: ANIMAL CARE

Any person who owns or possesses an animal subject to this Section and Subsections thereof shall abide by the following requirements for animal care:

1. *Vicious dogs.* No person shall own or possess a vicious dog except in accordance with the following requirements:

   a. *Vicious dog confinement.* All vicious dogs shall be securely confined within a building or in a securely enclosed and locked kennel.

   b. *Standards for vicious dog kennels.* A kennel used for keeping a vicious dog must have secure sides of at least six (6) feet in height and a secure top attached to the sides to prevent escape. Such kennel must have a secure bottom or floor attached to the sides of the kennel or the sides of the kennel must be embedded in the ground no less than two (2) feet. The ground beneath the gate shall be secured by posts embedded into the ground no less than one (1) foot with the bottom of the gate being no more than two (2) inches above the ground. The kennel shall be of a size appropriate to the size of the dog(s) kept therein and shall provide adequate ventilation, shade from the sun and protection from the elements. In the event of a dispute over the appropriate size, the guidelines of the United States Department of Agriculture shall apply. The kennel must be locked with a key or

combination lock when such animals are within the structure. Any such kennel must comply with all applicable zoning and building regulations.

c. *Building confinement of vicious dogs.* When confined within a building, no vicious dog may be kept on a porch, patio or in any part of a building that would allow the dog to leave such building on its own volition. No such dog may be kept in a building when windows are open or when screen windows or screen doors are the only obstacle preventing the dog from leaving the building.

d. *Control of vicious dogs.* No person shall permit a vicious dog to go outside its kennel or building unless the dog is muzzled and restrained by a leash no longer than four (4) feet in length and that person has physical control of the leash. The muzzle shall be made in a manner that will not cause injury to the dog or will not interfere with its vision or respiration but shall prevent it from biting any human or animal. Such dogs shall not be leashed to inanimate objects such as trees, posts or buildings.

e. *Vicious dog signage.* Signs shall be conspicuously posted upon kennels of vicious dogs plainly visible from all sides in letters at least four (4) inches high stating the following: "Beware of Dangerous Dog".

f. *Liability insurance for vicious dogs.* All persons who own or possess a vicious dog must present to the Animal Control Officer, upon demand and reasonable notice, proof of public liability insurance in a single incident amount of fifty thousand dollars ($50,000.00) for bodily injury to or death of any person or persons or for damage to property which may result from the ownership or possession of such dog. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' written notice is first given to the Animal Control Officer.

g. *Classification of dog as vicious.* Any Animal Control Officer who finds any dog to be a vicious dog, as the term is defined in these regulations, shall make a written finding thereof and serve notice of that finding as well as a requirement to comply with those regulations as they apply to vicious dogs upon the owner or possessor of such animal as soon as reasonably practicable. Any owner or possessor of a dog found to be a vicious dog as herein prescribed may contest that determination by filing a written request with the Platte County Commission to review and set determination within three (3) business days of being served with notice of the determination. The Platte County Commission shall schedule an informal hearing with the owner or possessor of a dog subject to such determination within five (5) business days of receipt of such request for review. The Platte County Commission at such hearing shall receive all relevant evidence presented by such owner/possessor as well as the Animal Control Officer making determination and shall decide at the conclusion of the hearing whether to affirm or set aside the determination. Any final decision of the Platte County Commission shall be in writing stating the facts upon which it is based and whether under these regulations such dog is in fact a vicious dog. Any further appeals thereafter shall be as provided by law. Any final determination by the Platte County Commission that a dog is a vicious dog as defined in these regulations or any such determination by an Animal Control Officer to which no timely request for review is made shall create a conclusive presumption that the dog determined to be a vicious dog is in fact and in law a vicious dog as defined in these regulations for purposes of any legal proceedings after such final determination applicable to such dog or owner or possessor thereof.

However, a finding that a dog is a vicious dog pursuant to the provisions of this Section shall not be a condition precedent to institution of any civil, quasi-criminal or criminal under these regulations or any other provision of law. In any legal proceeding where a final determination has not been made pursuant to this Section, the question of whether or not a dog is vicious shall be a factual issue to be determined as a part of such proceeding.

h. *Destruction of vicious dogs.* A vicious dog shall be ordered humanely destroyed by order of the Associate Circuit Court or Circuit Court if such court finds after hearing that a dog is vicious as the term is defined in these regulations by presumptions or otherwise and that one (1) of the following factors are applicable:

(1) The owner or possessor of such vicious dog has previously pled guilty to or been found guilty of any offense pertaining to such dog which involves failing to adequately confine or control such dog, or

(2) The owner or possessor has factually failed to comply with the provisions of these regulations pertaining to the confinement and control of vicious dogs on one (1) or more occasions after such dog has been determined to be a vicious dog and the owner or possessor was served with notice thereof, or

(3) The vicious propensities of the vicious dog are such that such dog presents an imminent threat to the public health and safety, or

(4) The vicious dog has seriously injured or killed a human being.

An order of destruction provided for in this Section may be sought and obtained in an independent civil equitable proceeding or requested relief as a part of any quasi-criminal or criminal proceeding applicable to a vicious dog or owner or possessor thereof. The owner or possessor of a vicious dog shall be liable for the expenses of impoundment, boarding and destruction as authorized by this Section.

2. *Vaccinations for dogs, cats and ferrets.* No person shall own or possess a dog, non-feral cat or ferret over three (3) months of age within the County, unless such dog, cat or ferret is kept vaccinated appropriately with a vaccine approved and listed in the current year's Rabies Compendium and administered as specified therein.

3. *Confinement and control of dogs in urban service areas.* It shall be unlawful for any dog to be unconfined or unrestrained or for any person who owns or possesses a dog to permit such dog to be within an urban service area unconfined or unrestrained, unless such dog is:

a. On real estate owned or lawfully possessed by such owner or possessor, or

b. In A motor vehicle being driven or parked upon a public road, or

c. Engaged with its owner or possessor in hunting or training, or

d. Under the immediate control of its owner or possessor by means of a leash.

The provisions of this Subsection are not intended, nor shall be construed, to abrogate or modify any other provisions of law pertaining to trespass or the rights and privileges pertaining to the

ownership or possession of real or personal property. This Section shall not apply to the use of dogs by the seeing or hearing impaired.

4. *Confinement and control of dogs near schools and churches.* It shall be unlawful for any dog to be unconfined or unrestrained, or for a person who owns or possesses a dog to permit such dog to be unconfined or unrestrained, within five hundred (500) feet of a school building, unless such dog is:

   a. On real estate owned or lawfully possessed by such owner or possessor, or

   b. In a motor vehicle being driven or parked upon a public road, or

   c. Engaged with its owner or possessor in hunting or training, or

   d. Under the immediate control of its owner or possessor by means of a leash.

   The provisions of this Subsection are not intended, nor shall be construed, to abrogate or modify any other provisions of law pertaining to trespass or the rights and privileges pertaining to ownership or possession of real or personal property. This Subsection shall not apply to the use of dogs by law enforcement agencies or to lawful self defense of person. This Subsection shall likewise not apply to the use of dogs by the seeing or hearing impaired.

5. *Permitting dogs to bite or attack prohibited, exceptions.* No person who owns or possesses a dog shall permit such dog to bite or attack another human being or domesticated animal. This Subsection shall not apply to the use of dogs by law enforcement agencies or to lawful self defense of person.

6. *Identification of dogs.* It shall be the responsibility of the owner or possessor of any dog, or any cat owned or possessed in an urban service area, to put around the neck of the animal a collar to which shall be attached a tag identifying the owner or possessor as well as proof of current rabies vaccination. Other forms of identification are permitted provided the identifying information is apparent and readable.

7. *Abandonment of dogs.* It shall be a violation of these rules and regulations to abandon any dog within the unincorporated areas of Platte County. For the purposes of these rules and regulations, *"abandon"* means for the owner or possessor to leave a dog without demonstrated intent to retain custody or to turn out or release a dog for the purpose of causing it to be impounded.

   a. *Impoundment of abandoned or stray dogs.* The Animal Control Officer, at his/her sole discretion, may impound a stray dog or a dog that has been abandoned where it appears that the stray dog or abandoned dog constitutes a threat to humans or livestock, is at risk of starvation or for any other humane reason or reason consistent with the purpose of these rules and regulations.

8. *Removal of dead or wounded dogs or cats.* It shall be the responsibility of any owner or possessor of any dog or cat having been wounded or killed to seek immediate care for such animal and/or make appropriate arrangements for the removal of the dead animal. When the owner of a dead animal is unknown, removal is the responsibility of the owner of the property on which the animal is found. When the owner or possessor of a wounded animal is unknown, the Animal Control Officer shall pick up the animal and transport it to an animal shelter established pursuant to Section 205.060(3) where it will be humanely euthanized or treated at the direction and discretion of the Chief Animal Control Officer following consultation with a

State licensed veterinarian. It shall be the duty of the Animal Control Officer to pick up dead or wounded animals when a person has been bitten and/or the head of the animal must be submitted to the State laboratory for rabies examination.

9. *Animal neglect.* It shall be the responsibility of any owner or possessor of any animal to provide humane care appropriate for the animal including, but not limited to, adequate shelter, food, water and living space. 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, which results in substantial harm to the animal.

10. *Animal abuse.* A person is guilty of animal abuse when a person:

    a. Intentionally or purposely kills an animal in a manner not allowed by or specifically authorized by Missouri law, particularly the provisions of sections 578.005 through 578.023 and 273.030 RSMo.

    b. Purposely or intentionally causes injury or suffering to an animal.

    c. Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control. (County Order No. 6-96, 5-30-96; County Order No. 14-10, 6-28-10)

SECTION 205.050: DANGEROUS EXOTIC ANIMAL REGISTRATION, EXCEPTIONS

All dangerous exotic animals shall be registered, licensed or permitted as lawfully required by the Missouri Department of Conservation, the United States Department of Agriculture or such other applicable Federal, State of Missouri or County agency; in the event no Federal, State of Missouri or County agency requires registration, licensing or permitting of a particular exotic animal, then such animal shall be registered with the Animal Control Officer. The provisions of this Section shall not apply to a properly maintained zoological park, circus, scientific or educational institution, research laboratory or veterinary hospital. (County Order No. 6-96, 5-30-96)

SECTION 205.060: ADMINISTRATION AND ENFORCEMENT OF ANIMAL CONTROL REGULATIONS

The provisions of these rules and regulations shall be administered as follows:

1. *Officials, appointment and duties.* The provisions of these rules and regulations shall be administered by the Platte County Sheriff with the advice and consent of the Platte County Commission. The Platte County Sheriff is hereby authorized to appoint or designate such other officials, with the advice and consent of the Platte County Commission, for the purpose of assisting the Platte County Sheriff in administering or enforcing the provisions of these rules and regulations.

2. *Animal Control Officers, appointments and duties.* The Platte County Sheriff, with the advice of the Platte County Commission, shall appoint one (1) or more persons as Animal Control Officers whose duty it shall be to enforce the provisions of these rules and regulations. Animal Control Officers shall be employees of the County in accordance with the personnel rules and regulations. If more than one (1) person is appointed as an Animal Control Officer, the Platte

County Sheriff, with the advice of the Platte County Commission, shall designate one (1) person as Chief Animal Control Officer.

a. *Records to be kept.* The Animal Control Officer shall keep a record of all official transactions. Impoundment records shall disclose the time and date when any animal is impounded, a description of the same, where found, if redeemed, by whom and when, and if sold, a record of the notice, sale, and the name and address of the person to whom sold. In addition, it shall be the duty of the Animal Control Officer to keep records of all complaints, and all dogs and cats put to death, sold or released to a humane society under the provisions of these rules and regulations, which records shall at all times be open to inspection.

b. *Disposition of money.* All fees and money received by the Animal Control Officer shall be paid to the Platte County Treasurer and thereafter utilized for operations of the Platte County Animal Control Division and accounted for in the same manner as provided for other money coming to the County.

c. *Right to enter.* The Animal Control Officer shall have the right to enter upon any property or lot for the purpose of fulfilling his/her duties under these rules and regulations. This authority includes the right to enter uninhabited or appurtenant structures as provided by law.

d. *Authority.* Upon receipt of a complaint from any person or upon personal observation by an Animal Control Officer or his/her representative, that an owner or possessor is violating these rules and regulations, the Animal Control Officer may issue a written warning to the owner or possessor. In the event of a second (2nd) violation, the Animal Control Officer or his/her representative may impound the owner's or possessor's animal and/or charge the owner or possessor thereof with a violation under these rules and regulations. If the owner or possessor of an animal running at large is unknown, the Animal Control Officer will impound the animal. Notwithstanding any of the provisions of these regulations, if, in the opinion of the Animal Control Officer, a dangerous animal cannot be taken up and impounded under normal procedures, the Platte County Sheriff or his/her authorized representative may authorize that such animal be tranquilized or killed by the Animal Control Officer or another authorized representative of the Platte County Sheriff.

3. *Animal shelter, establishment.* The Platte County Commission shall provide an animal shelter or shelters for the reception and humane care of impounded animals and for this purpose may contract with any governmental entity, not-for-profit corporation, association, animal hospital or veterinary hospital upon such terms and conditions as are mutually deemed appropriate.

4. *Interference with Animal Control Officers prohibited.* No person shall knowingly interfere with any person appointed under the provisions of these rules and regulations in the performance of his/her official duties as prescribed by these rules and regulations or as provided by State law.

5. *Refusal to deliver animals to Animal Control Officers prohibited.* No person shall refuse to deliver an animal to an Animal Control Officer when requested to do so under impoundment provisions of these rules and regulations.

6. *Removal of animals from Animal Control Officers or shelters prohibited.* No person shall remove an animal from the custody of an Animal Control Officer or County animal shelter by force, deceit or otherwise when such animal has been impounded by such officer under the provisions of these rules and regulations or State law unless such person has first obtained the

express consent from such officer for removal. (County Order No. 6-96, 5-30-96; County Order No. 14-10, 6-28-10)

SECTION 205.070: ANIMAL IMPOUNDMENT

Animals subject to the provisions of these regulations or State law may be impounded in accordance with the following regulations.

1. *Impoundment, general.* Any animal owned, possessed or otherwise found to be in violation of these rules and regulations or other provision of State law may be impounded and placed in a County animal shelter by an Animal Control Officer, a Law Enforcement Officer or other person authorized by law to impound animals. The owner or possessor of a dog or any other animal captured due to violations of these rules and regulations shall be responsible for the cost of keeping said dog or other animal whether or not said animal is redeemed. These costs must be paid prior to the release of said dog or other animal.

    a. *Notification.* The Animal Control Officer shall, after the impounding of any animal, promptly attempt to provide notice by telephone or notice in writing to the owner or possessor if such owner or possessor can be identified by the tags or registration required in these rules and regulations. *"Notice in writing"* means notice deposited as first class mail in the United States mail and addressed to the owner or possessor at his/her last known address or notice personally delivered to the owner or possessor. No liability shall be attached to the County nor any agents or employees of the County, including the Animal Control Officer, in cases where no such identification or registration exists or where the information included on the identification or registration is not current or accurate.

2. *Dog, cat or ferret impoundment for observation.* Any dog, cat or ferret which bites or otherwise injures any human being shall be impounded for observation under the requirements of Subsection (5).

3. *Impoundment of suspected rabies carrier.* Any warm-blooded animal other than a dog, cat or ferret which is reasonably suspected to be infected with rabies in the opinion of an Animal Control Officer may be seized, impounded and upon direction of the Platte County Sheriff may be humanely euthanized and submitted for rabies diagnosis. Any warm-blooded animal which is reasonably suspected to be infected with rabies in the opinion of an Animal Control Officer may be destroyed upon direction of the Platte County Sheriff if the attempted seizure of the animal would constitute an unreasonable risk to an Animal Control Officer or others.

4. *Redemption and disposal of impounded animals.* Unless otherwise specified in these rules and regulations, any animal impounded pursuant to the provisions of Subsection (1) of these rules and regulations may be redeemed by its owner or possessor at the place of impoundment during normal business hours with authorization of the Animal Control Officer by payment of normal and customary charges imposed by the facility for the impoundment and boarding of such animal provided the owner or possessor thereof proves to the satisfaction of the supervisor of the facility or the Animal Control Officer that he/she has complied with the provisions of Section 205.040(2) of this Chapter, if applicable. The Animal Control Officer shall make a reasonable effort, consistent with Subsection (1)(a) above, to identify and notify the owners or possessors of the impoundment of their animals and of the redemption and disposal procedures prescribed herein. Any animal which is not redeemed within five (5) business days after

impoundment under Subsection (1) may be disposed of as follows at the discretion of the Platte County Sheriff.

a. If the owner can be ascertained and the animal is not diseased or disabled beyond recovery for any useful purpose, the animal shall be held for recovery by the owner. The owner shall be notified within five (5) business days of impoundment by phone or in writing of the animal's location and recovery procedures. The animal shall be held for ten (10) business days. An animal unclaimed after ten (10) business days will be released or euthanized in accordance with the procedures set forth in this subsection.

b. If no owner can be identified by means of Section (1)(a) the animal shall not be disposed of, unless diseased or disabled beyond recovery for any useful purpose, until the expiration of a minimum of five (5) business days, during which time the public shall have clear access to inspect or recover the animal through time periods ordinarily accepted as usual business hours. An animal unclaimed after five (5) business days will be released or euthanized in accordance with the procedures set forth in this subsection.

(1) *Release to any person.* The animal may be released to any person desiring such animal upon payment of any applicable impoundment and boarding charges and compliance with Section 205.040(2) if applicable, provided that said person will sign a statement agreeing to provide humane care for the animal and to not permit its use for laboratory or experimental purposes and, provided that, if the animal is not already spayed or neutered, payment of the cost for spaying or neutering by the animal shelter.

(2) *Release to Humane Society.* The animal may be released to a humane society or animal rescue organization at no charge.

(3) *Euthanasia.* The animal may be subject to humane euthanasia provided the owner or possessor cannot be notified of impoundment after reasonable effort to notify the owner or possessor, or the owner or possessor cannot be identified or the owner or possessor fails to redeem such animal within the redemption period after notification. Now owner or possessor shall be relieved of liability for payment of an impoundment or boarding charge incurred as may be prescribed by law by virtue of an animal being euthanized as provided herein. Euthanasia shall occur only upon written direction of the Platte County Sheriff or his/her designee.

7. *Impoundment for observation, disposition.* Any animal impounded pursuant to Subsection (2) of this Section shall be securely confined by an Animal Control Officer at a County animal shelter for a period of ten (10) days after the reported bite or injury to a human being for observation for symptoms or manifestations of rabies. If such animal exhibits symptoms or manifestation of being infected with rabies, in the opinion of a licensed veterinarian, then such animal shall be euthanized and submitted for rabies diagnosis upon authorization of the Platte County Sheriff. If such animal exhibits no symptoms or manifestations of rabies after the required observation period, then such animal may be redeemed or disposed of in accordance with the provisions of Subsection (4) of this Section. The Animal Control Officer may authorize the secure confinement of an animal for the observation period specified above by the owner or possessor of such animal or a licensed veterinarian of the owner's or possessor's choice if it is proven to the Animal Control Officer's satisfaction that such animal had been vaccinated for rabies at the time the bite or injury to a human being occurred and such confinement would not present an unreasonable risk of danger to the public health. Any ferret

impounded pursuant to Subsection (2) shall be handled in accordance with the then current Rabies Compendium. (County Order No. 6-96, 5-30-96; County Order No. 14-10, 6-28-10)

SECTION 205.075: FERAL CATS

Feral cats found within an urban service area may be impounded in accordance with the following regulations:

1. *Initial complaints.* An Animal Control Officer, law enforcement officer or other person authorized by law to impound animals shall have authority to impound feral cats found within an urban service area with the cooperation of an owner or tenant of real property within the urban service area under guidelines established and approved by the County Commission.

2. *Impoundment.* Upon taking possession of a feral cat, the Animal Control Officer shall transport the feral cat to an animal shelter approved by either the County Commission or the Animal Control Officer. The Animal Control Officer shall authorize the personnel at the animal control shelter to administer humane euthanasia to the feral cat.

3. *Release to Humane Society.* The Animal Control Officer may authorize release of the animal to a humane society or other animal control rescue organization at no charge at the discretion of the Animal Control Officer. (County Order No. 14-10, 6-28-10)

SECTION 205.080: INTERPRETATION AND SEVERABILITY

The regulations enacted by these rules and regulations are intended to be supplementary to other provisions or remedies authorized or prescribed by law or rule or regulation enacted thereunder. The invalidity of any particular regulation enacted herein shall not affect the validity of any other provision and all regulations hereunder shall be construed as consistently and harmoniously as possible with each other and other applicable provisions of law. These regulations also shall be liberally construed to the fullest extent permitted by law to effectuate the broad remedial purposes for which they are intended. (County Order No. 6-96, 5-30-96; County Order No. 14-10, 6-28-10)

SECTION 205.090: JURISDICTION

The regulations contained in these rules and regulations shall be applicable to all unincorporated areas within Platte County, Missouri, unless otherwise expanded or limited by definition herein. (County Order No. 6-96, 5-30-96; County Order No. 14-10, 6-28-10)

SECTION 205.100: PENALTIES AND REMEDIES

Any person who violates any requirement or provision of these Rules and Regulations shall be deemed guilty of a misdemeanor and shall be prosecuted, tried and punished as provided by law. The penal remedy provided herein shall not be exclusive and the County may seek and obtain any other relief provided for in equity or at law. (County Order No. 6-96, 5-30-96; County Order No. 14-10, 6-28-10)

CHAPTER 210: CONCENTRATED ANIMAL FEEDING OPERATIONS - HEALTH REGULATIONS ESTABLISHED

Editor's Note-Appendix A, B and C are on file in the offices of the County Commission.

SECTION 210.010: DEFINITIONS

Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular. The words, terms and phrases set forth in this Chapter shall have the meaning set forth in Sections 640.703 to 640.755 RSMo.; and ASAE Standard S292.4 (ASAE Standards 1994) published by the American Society of Agricultural Engineers; which documents are hereby incorporated by this reference as if set forth in their entirety herein, and which documents shall remain on file with the County Clerk for public inspection, unless a different meaning is prescribed in this Section. For purposes of this Chapter, the following words, terms and phrases shall have the following meanings unless otherwise indicated:

ANAEROBIC LAGOON: A lagoon in which the degradation of organic matter is conducted without the availability of free molecular oxygen.

ANIMAL UNIT ("AU"): A unit of measurement to compare various animal types at a concentrated animal feeding operation. One (1) animal unit equals the following: one (1.0) beef feeder or slaughter animal; five-tenths (0.5) horse; seven-tenths (0.7) dairy cow; two and five-tenths (2.5) swine weighing over fifty-five (55) pounds; fifteen (15) swine under fifty-five (55) pounds; ten (10) sheep; thirty (30) laying hens; fifty-five (55) turkeys; one hundred (100) broiler chickens or an equivalent animal unit. The total animal units at each operating location shall be determined by adding the animal units for each animal type.

ANIMAL UNIT EQUIVALENT: An equivalent animal type and weight that has a similar amount of manure produced as one (1) of the animal unit categories set forth in the definition of "animal unit" herein. This also applies to other animal types which are not specifically listed.

ANIMAL WASTE: Any animal excrement, animal carcass, feed waste, animal water waste or any other waste associated with animals.

ANIMAL WASTE WATER: Any of the following:

1. Animal excreta;

2. Process wastewater;

3. Any liquid which comes into contact with any manure, litter, bedding or other raw material or intermediate or final material or product used in or resulting from the production of animals or products directly or indirectly used in the operation of a CAFO;

4. Any spillage or overflow from animal watering systems;

5. Any liquid used in washing, cleaning or flushing pens, barns or manure pits;

6. Any liquid used in washing or spraying to clean animals; or

7. Any liquid used for dust control on the premises of a CAFO.

AQUIFER: An underground, porous, water-bearing geological formation composed of a layer of permeable rock, sand or gravel that provides a ground water reservoir.

AWMFH: The Agricultural Waste Management Field Handbook published by the Soils Conservation Service of the United States Department of Agriculture and dated April 1992 and revised through July 1996, Chapters 1 through 17, which document is hereby incorporated by this reference as if set forth in its entirety herein.

CENTER PIVOT IRRIGATION: An automated irrigation system consisting of a sprinkler line rotating about a pivot point at one (1) end and supported by a number of self-propelled towers. The water is supplied at the pivot point and flows outward through the line supplying the individual outlets.

CLASS IA CAFO: See Section 210.020(A) of this Chapter.

CLASS IB CAFO: See Section 210.020(B) of this Chapter.

CLASS IC CAFO: See Section 210.020(C) of this Chapter.

CLASS II CAFO: See Section 210.020(D) of this Chapter.

COMMON OWNERSHIP: Ownership by the same person, corporation, firm, entity, partnership, limited liability company, limited partnership or unincorporated association; or ownership by different corporations, firms, partnerships, entities, limited liability company, limited partnership or unincorporated associations in which a stockholder, partner or associate or a member of his/her family owns an interest in each corporation, firm, partnership, entity, limited liability company, limited partnership or unincorporated association.

CONCENTRATED ANIMAL FEEDING OPERATION ("CAFO"): All land and/or a lot, facility, parcel or operating location in which animals have been, are or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period and a ground cover of vegetation is not sustained over at least fifty percent (50%) of the animal confinement area. A *"concentrated animal feeding operation"* shall not include any land area, structure, lot, yard or corral or other area which does not meet the numerical threshold for animals as set forth in the classification system of Section 210.020 of this Chapter. For purposes of this definition, the *"concentrated animal feeding operation"* means and refers collectively to an animal production facility which includes at least one (1) confinement area, livestock lagoon and a plant filter area. Two (2) or more confinement areas under common ownership are considered, for purposes of this Chapter, to be a single CAFO if they adjoin each other and use a common area or waste management system. For purposes of this Subsection, the use of common equipment or machinery shall not be considered a "common area or waste management system".

CONFINEMENT AREA: Any land area, structure, lot, yard, feedlot or corral or other area, whether enclosed with a roof or fence, or unenclosed, wherein livestock are confined in close quarters for the purpose of fattening, feeding, growing, raising or birthing such livestock for final shipment to market or slaughter. A *"confinement area"* includes any land area in which at least one (1)-hundred fifty (150) animal units are confined on not more than one (1) acre of land. A *"confinement area"* does not include unenclosed pasture areas which are used for the raising of crops or other vegetation upon which livestock are allowed to graze or feed. A *"confinement area"* includes the building or structure, including any feedlot, corral, barn or other enclosure, in which animals are confined but does not include contiguous land used as plant filter areas over which liquid waste is applied and/or other

areas upon which grass or crops are used for waste disposal, landscaping or land upon which crops or other vegetation are raised independent from the animal feeding operations.

CONSTRUCTION PERMIT: A construction permit or letter of approval required of a CAFO by the Missouri Department of Natural Resources pursuant to the Missouri Clean Water Law.

COUNTY HEALTH PERMIT: Written authorization issued by the Platte County Commission to erect, construct, develop, use, occupy, expand, modify or operate a CAFO.
DILUTION WATER: Wash water, overflow from waterers, precipitation minus evaporation from the lagoon surface, and other water added to a lagoon which has not previously come into contact with manure or other waste materials.

DRY LITTER: A waste management system where the animals are confined on a floor that is covered with wood chips, rice hulls or similar materials and the resulting litter/manure mixture has at least fifty percent (50%) dry matter and is not exposed to precipitation or stormwater runoff during storage.

FILTER STRIP: A permanent vegetated strip designed to retard surface runoff and to remove sediment, nutrients and other contaminants from surface runoff.

LAND: Any land owned or leased by the CAFO to comply with the requirements of Section 210.040(9) herein.

LAND APPLICATION: The removal of wastewater and waste solids from a facility for the storage or retention of animal waste and distribution to, or incorporation into, the soil. *"Land application"* includes the injection, spraying or spreading of animal waste or animal wastewater onto a plant filter area.

LEASE: A written contract for the exclusive use of real property, which contract specifically grants unto the lessee the right to apply animal waste and animal wastewater to the leased premises.

LINER: A continuous layer of soil, manmade materials or both beneath and on the sides of a lagoon or other waste disposal area which controls and minimizes the downward or lateral escape of animal waste.

LIVESTOCK: Cattle, sheep, swine, poultry, and other animals or fowl which are being produced primarily for use as food or food products for human consumption.

LIVESTOCK LAGOON OR LAGOON: An excavated, earthen structure designed for the biological stabilization, treatment and/or storage of liquid wastes generated by a CAFO. A *"lagoon"* does not include a fully enclosed storage tank constructed of concrete or metal and designed for the storage of manure.

MANUAL 115: Missouri Approach to Animal Waste Management, Planning and Design Guidelines. (Manual 115 published by the University of Missouri-Columbia Extension Division and Missouri Department of Natural Resources, 1999, document is incorporated by reference as if set forth in its entirety herein.)

MANUAL 121: Manual 121, Design Guidelines for Animal Waste Management for Concentrated Animal Feeding Operations (published by the Missouri Department of Natural Resources, Water Pollution Control Program, Second Edition, July 1989).

NUTRIENT APPLICATION LEVELS: The levels of nutrients applied to the plant filter area.

OCCUPIED DWELLING: Any residence or any church, school, adult care home, medical care facility, child care facility, library, community center, public building, office building, licensed food establishment or lodging establishment which has been in use at any time during the twelve (12) month period immediately prior to the date upon which an application for a County health permit is submitted pursuant to this Chapter.

OPERATING PERMIT: An operating permit and/or letter of approval required of a CAFO by the Missouri Department of Natural Resources pursuant to the Missouri Clean Water Law.

OWNER: Anyone who owns, either individually and/or with any other persons, any of the following interests in the real property upon which a CAFO is situated:

1. Fee simple title;

2. A leasehold interest;

3. Any interest in any entity which holds fee simple title; or

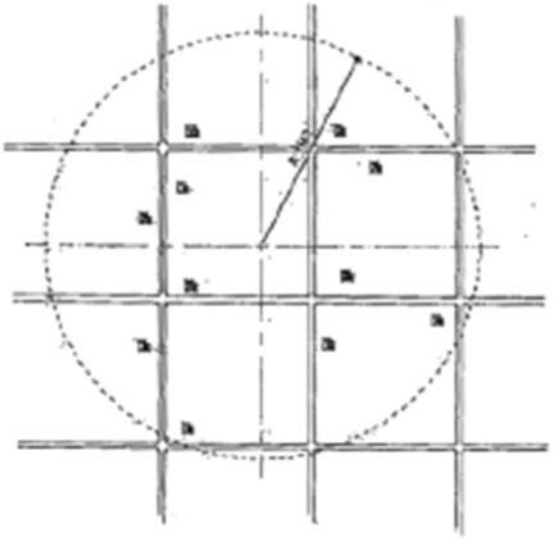
4. Any interest in any entity which has a leasehold interest.

PERSON: Includes natural persons and also includes corporations, partnerships, associations, limited partnerships, limited liability companies, and any other business or charitable entities, including a natural person who has supervisory authority over the operation of a CAFO, whether or not such person is an owner of the CAFO, and a natural person who applies animal waste or animal wastewater originating from the CAFO.

PLANT FILTER AREA: Land with vegetative cover used or reserved for the application and/or infiltration of liquid wastes from a livestock lagoon.

POPULATED AREA: Any circular area inscribed by a radius of one thousand four hundred forty-two (1,442) feet and a circumference of nine thousand fifty-nine than approximately one hundred fifty (150) dwellings, which area is not on CAFO property, as measured in a straight line from the nearest occupied dwelling to the nearest CAFO confinement building, confinement lot or other confinement area or waste handling facility. (See Figure 1)

Figure 1: Populated Area Example (11 units, 1442' radius, 150 acres)



PROCESS WASTEWATER: Any wastewater as defined in 10 CSR 20-6.

PUBLIC USE AREA: Any of the following:

1. A park or recreation area operated by Platte County or a municipal or State governmental agency; or
2. A school; or

3. A cemetery.

REGISTERED ENGINEER: An individual registered as an engineer in the State of Missouri.
SETBACK: The distance for the CAFO facility to the nearest occupied dwelling not on CAFO property, as measured in a straight line from the occupied dwelling to the nearest confinement area, lagoon or other waste handling facility.

SHALLOW AQUIFER: A saturated permeable geologic unit that can transmit significant quantities of water under ordinary hydraulic gradients.

SLOPE: The vertical drop divided by the horizontal distance of a land area multiplied by one hundred (100) and expressed as a percentage.

WASTE MANAGEMENT SYSTEM: Includes all flush, recycle, storage, digestion, pumping, irrigation, waste spreading, and solids handling facilities, equipment, machinery, sewers, piping, valves, land, tanks, basins, lagoons and any other device, method and process for beneficial use of animal waste and/or process wastewater.

WET HANDLING SYSTEM: The handling of manure that contains less than fifty percent (50%) dry matter or has free draining liquids. Wet handling includes the storage of dry manure or dry litter so that it is exposed to rainfall or stormwater runoff. (County Order No. 58-00, 10-26-00)

SECTION 210.020: CLASSIFICATION OF CONCENTRATED ANIMAL FEEDING OPERATIONS

A. A Class IA CAFO is one (1) that has a capacity of at least seven thousand (7,000) AU.

B. A Class IB CAFO is one (1) that has a capacity between three thousand (3,000) and six thousand nine hundred ninety-nine (6,999) AU inclusive.

C. A Class IC CAFO is one (1) that has a capacity between one thousand (1,000) and two thousand nine hundred ninety-nine (2,999) AU inclusive.

D. A Class II CAFO is one (1) that has a capacity of at least three hundred (300) but less than one thousand (1,000) AU. (County Order No. 58-00, 10-26-00)

SECTION 210.030: PERMIT REQUIREMENTS FOR ALL CAFOS

A. No CAFO shall be erected, constructed, developed, used, operated, occupied, expanded to a different classification of CAFO or otherwise established in Platte County until a County health permit 137 authorizing the same has been issued by the Platte County Commission. Class II CAFOs in existence as of the effective date of this Chapter may expand to Class IC by notifying the County Commission and paying the permitting charges. Security requirements and remediation fees will not be assessed pursuant to Section 210.050 of this Chapter. To apply for a County health permit, the proposed CAFO shall submit to the County Commission all of the application materials submitted to the Department of Natural Resources, a completed application as set forth in Appendix B, held on file in the office of the County Commission, and an application fee as established pursuant to Section 210.090 of this Chapter. If the CAFO is issued a construction permit and an operating permit and if the proposed CAFO meets the requirements of this Chapter, then the County Commission shall also issue a County health permit.

B. At least one (1) public hearing shall be held by the County Commission before approving any County health permit. Such public hearing may be continued from time to time and additional hearings may be held. The receipt and consideration of evidence at said hearings shall comply with the requirements of Section 536.070, RSMo.

C. Once a CAFO has received a County health permit, the CAFO shall apply for a renewal of said permit each calendar year. All applications for renewal permits shall be submitted, along with the applicable renewal fee, at least thirty (30) days prior to the anniversary date of the issuance of the initial County health permit. If the County Commission determines that the CAFO has complied in all respects with the permit previously issued, then the County Commission will issue the renewal permit. Otherwise, the County Commission may not issue a renewal permit and the CAFO shall immediately cease operation.

D. It shall be a violation of this Chapter and unlawful for any person not exempt from this Chapter to operate a CAFO without first obtaining a County health permit from the County Commission.

E. It shall be a violation of this Chapter and unlawful for any person not exempt from this Chapter to operate a CAFO with a number of animal units in excess of the classification number specified in the permit issued by the County Commission.

F. It shall be a violation of this Chapter and unlawful for any person not exempt from this Chapter to apply animal waste or animal wastewater in a manner inconsistent with the requirements of this Chapter. (County Order No. 58-00, 10-26-00)

SECTION 210.040: RULES APPLICABLE TO ALL CAFOS

The County Commission shall not issue a County health permit unless and until the County Commission has rendered findings of fact and conclusions of law that the proposed CAFO complies in all respects with the standards and criteria established herein. If the proposed CAFO does not comply in any respect with the standards and criteria established in this Section, the application for a County health permit shall be denied.

1. *Generally.* The proposed CAFO shall be in compliance with the provisions of Sections 210.040 through 210.060 of this Chapter, as applicable.

2. *Waste disposal.*

   a. Design of the waste lagoons shall comply, at a minimum, with ANSI/ASAE EP403.2 (August 1993), published by the American Society of Agricultural Engineers, which standard is hereby incorporated by this reference as if set forth in its entirety herein, provided however, that where a different standard is prescribed by this Chapter, the provisions of this Chapter shall govern. Center pivot irrigation shall not be permitted as a method of applying animal wastewater into the soils.

   b. Dilution water shall be provided at a rate of not less than four (4) times the annual amount of excreted manure. No animal waste shall be discharged into the lagoon until it has first been filled to not less than fifty percent (50%) of its design volume with fresh water which has not previously come into contact with animal waste. The waters in the lagoon shall at all times maintain a pH level of not less than 6.7. A minimum of two (2) feet of freeboard shall be maintained between the crest of any spillway or outflow device and the top of the lagoon embankment.

   c. A covered storage basin or covered manure storage structure may be used instead of a waste lagoon.

   d. The lagoon system and land application shall comply with the minimum requirements of 10 CSR 20-8 (March 11, 1979), which provision is hereby incorporated by reference as if set forth in its entirety herein, provided however, that if any requirement therein conflicts with any requirement of this Chapter, the provisions of this Chapter shall apply.

3. *Water quality.*

   a. All CAFOs shall be designed in such a manner as to avoid the unlawful degradation of the quality of surface or subsurface waters, watercourses or other bodies of water as defined in Chapter 7 of Division 20 of the Code of State Regulations.

   b. No lagoon, confinement area or plant filter area shall be located closer than three hundred (300) feet to a water source drawing from a bedrock formation with a sealed casing or within one hundred (100) feet of any public or private water well.

c. The provisions of Subparagraphs (1ṇ4) below shall apply only to any Class IB or Class IA CAFO and shall not apply to any CAFO existing on the effective date of this Chapter which does not exceed the number of animal units for a Class IC CAFO. The operator shall install monitoring wells as follows:

(1) At least one (1) monitoring well shall be installed upgradient from each confinement area and livestock lagoon, and at least one (1) monitoring well shall be installed downgradient from each confinement area and each livestock lagoon. Where a livestock lagoon receives waste from more than one (1) confinement area, one (1) upgradient monitoring well may be installed for all of the confinement areas and the livestock lagoon, and one (1) monitoring well may be installed downgradient from the confinement areas and livestock lagoons.

(2) At least one (1) monitoring well shall be installed upgradient from each area where waste is disposed (areas designated as a soil plant filter area or where subsurface injection occurs), and at least one (1) monitoring well shall be installed downgradient from each such area.

(3) The upgradient wells shall be used to establish a baseline for the chemical constituents set forth in Subsection (3)(d), below. The downgradient wells shall be used to monitor changes in the contaminant levels of the chemical constituents set forth in Subparagraph (4) below on a quarterly basis. The operator shall submit a report describing any changes in contaminant levels to the Platte County Commission on a quarterly basis. In no event shall the pollutant concentrations in water quality samples taken from the downgradient wells exceed the baseline established by the upgradient wells or the maximum contaminant levels established by the Missouri Department of Natural Resources, whichever is more restrictive. The "the maximum contaminant levels established by the Missouri Department of Natural Resources" means and refers to the acute toxicity criteria as set forth in 10 CSR 20-7.031 (filed March 1, 1996) which is hereby incorporated by reference as if set forth in its entirety herein, provided however, that the water quality standards shall not be waived as provided in Subsection (2)(B)(3) of 10 CSR 20-7.031.

(4) The following chemical constituents shall be monitored pursuant to this Subsection (3):
Nitrate nitrogen ($N0_3$)
Nitrite nitrogen ($N0_2$)
Kjeldahl nitrogen
Ammonia nitrogen
Total phosphorous
Dissolved phosphorous
E. coli (escherichia coli) or fecal coliform bacteria
pH
Temperature
Sulfate
Total dissolved solids Total organic carbon Conductivity
Total alkalinity
Chloride
Biochemical oxygen demand
Sodium

County Clerk's Office Updated 05.04.2020

d. No lagoon shall be located over a shallow aquifer. Animal waste and animal wastewater shall not be applied within one thousand (1,000) feet of any sink hole, well, spring or other water supply or one hundred (100) feet from any stream (including intermittent streams) or strip pits. This rule shall not apply to waste lagoons on the CAFO property but shall apply to all other wells, water supplies, streams, ponds, strip pits, lakes, springs and sink holes on the CAFO property. In Platte County, the larger shallow aquifers include the flood plains of both the Missouri and Platte Rivers. Both of these aquifers have significant interactions with the rivers. Other shallow aquifers in Platte County may exist in the flood plains of smaller rivers and creeks or within the unconsolidated deposits (soils, loess and glacial till) that overlie bedrock.

e. *Liner systems.* In order to minimize the risk of leakage from a lagoon into ground water systems, and to thereby minimize the risk to public health and safety posed by ground water contamination, no lagoon shall be constructed or operated, and no waste shall be deposited in a lagoon, unless and until a liner is installed on all surfaces on the bottom and side of the lagoon. Provision shall also be made to construct the side walls to prevent the migration of leachate and methane gas. The liner shall consist of two (2) components, as follows:

(1) An upper component that shall consist of a minimum thirty (30) mil thick geomembrane. Geomembrane components consisting of high density polyethylene (HDPE) shall be at least sixty (60) mil in thickness. The geomembrane component shall be installed indirect and uniform contact with the compacted soil component so as to minimize the migration of animal waste through the geomembrane should a break occur.

(2) A lower component that shall consist of at least two (2) foot layer of compacted soil with a hydraulic conductivity of not more than 1 x 10-7 centimeters/second (2.82 x 10-4 feet/day). The compacted soil liner, at a minimum, shall consist of at least two (2) feet of soil constructed of six (6) to eight (8) inch lifts compacted to ninety-five percent (95%) of standard Proctor density with the moisture content between two percent (2%) and four percent (4%) above the optimum moisture content. The pad shall be protected from the adverse effects of desiccation or freeze/thaw cycles after construction, but prior to the placement of animal waste. The soils used for this purpose shall be classified under the Unified Soil Classification System as CL, CH or SC (ASTM Test D487-85).

4. *Adequate water sources.* No health permit shall be issued or renewed for a CAFO unless the applicant demonstrates that an adequate supply of water is available for the proposed operations.

5. *Air quality.* All confinement areas and livestock lagoons shall be designed in such a manner as to avoid the unlawful degradation of air quality.

a. In no event shall the concentration of gases at the property line resulting from the operation of a livestock lagoon or confinement area exceed the following levels:

Gas	**Maximum Allowable Concentration[1]**	**Exposure Period[2]**
Carbon Dioxide (CO_2)	5000	not applicable
Ammonia (NH_3)	5	not applicable
Hydrogen Sulfide (H_2S)	10	2 hours

Methane (CH_4)	1000	not applicable
Carbon Monoxide (CO)	50	One hour

[1]In parts of pure gas per million parts of atmospheric air.
[2]The time during which the effects of the noxious gas are felt by an adult human or a one hundred fifty (150) pound livestock.

6. *Soils.* The applicant shall demonstrate that the soils on the premises, including a plant filter area, are suitable for and compatible with the proposed CAFO operations with respect to the location of confinement areas and livestock lagoons and the application of liquid, slurry or solid animal waste onto or into the soil on the premises.

   a. No lagoon shall be constructed, operated or established unless it is designed and inspected by a registered engineer retained by the applicant.

   b. Waste loads shall not exceed the agronomic rates of the plant filter areas. In order to ensure protection of ground water from nutrient contamination, the land application rates of both process wastewater and manure shall not be applied at a rate exceeding the recommended agronomic rates for the crop(s) grown on the land application site(s).

   c. No animal waste from a livestock lagoon shall be applied when soils are water saturated, frozen, or covered with snow, or when other soil conditions would result in waste runoff.

7. *Compliance with applicable regulations.*

   a. The applicant shall demonstrate that the confinement areas and livestock lagoons shall at all times be operated in compliance with any required local, State or Federal permits, licenses or other approvals and in compliance with all applicable State and local laws and regulations.

   b. No Class IA, Class IB or Class IC CAFO shall be erected, constructed, developed, used, operated, expanded, occupied or otherwise established unless the owners and any other persons responsible for operation of the waste management systems have been certified in accordance with the requirements of 10 CSR 20-14 (November 30, 1996), which provision is incorporated by reference as if set forth in its entirety herein.

   c. The design and operation of the waste management system shall comply in all respects with the provisions of Manual 121, Manual 115 and the AWMFH; provided however, that if any requirement of any said document therein conflicts with any requirement of this Chapter, the provisions of this Chapter shall apply. If any requirement of any said document therein conflicts with any requirement of the other documents or the requirements of the Missouri Department of Natural Resources (10 CSR 20-6.300, 20-8, 20-7.031 and 2-14), the more restrictive requirement shall govern. The applicant shall provide, as part of the application for a County health permit, all of the information required by said documents.

8. *Minimum land area.* The CAFO shall own, acquire or execute a lease of not less than one (1) acre of land for each four (4) AU of capacity for wet handling systems or shall own or lease not less than one (1) acre for each eight (8) AU of capacity for a dry litter system. The nutrients generated by livestock within the CAFO shall not exceed the nutrient removal capabilities of the plant filter areas. Nutrient application levels for the CAFO shall comply with Appendix A

hereto, which Appendix A is hereby incorporated by reference as if set forth in its entirety herein.

9. *Waste application.*

   a. Land application of animal wastewater shall not occur within seven hundred fifty (750) feet of an occupied dwelling or within one thousand (1,000) feet of a public use area which existed prior to the date the CAFO is constructed. This rule shall not apply to occupied dwellings owned by the CAFO. The owner of an occupied dwelling may apply for a variance from this rule as part of the application for a County health permit.

   b. Animal waste and animal wastewater cannot be applied to land with a slope exceeding ten percent (10%) except land with a permanent vegetative cover or an approved soil conservation plan approved by the Natural Resources Conservation Service.

   c. Land application shall comply with the provisions of the Missouri Department of Natural Resources "Guide to Animal Feeding Operations" (January 1997), "Land Application Areas", which document is hereby incorporated by reference as if set forth in its entirety herein.

10. Setbacks.

   a. CAFOs. No Class IA CAFO shall be located within one and one-half (1½) miles of another Class IA CAFO or within one (1) mile of any other CAFO. No Class IB CAFO shall be located within one (1) mile of any other CAFO. No Class IC CAFO shall be located within one (1) mile of a Class IA CAFO or Class IB CAFO or within three-fourths (¾) of a mile of any Class IC CAFO or Class II CAFO. No Class II CAFO shall be located within one-fourth (¼) of a mile of any Class IA CAFO, Class IB CAFO, Class IC CAFO or Class II CAFO. This distance shall be measured from the nearest point of one (1) CAFO's confinement area and waste management system to the nearest point of another CAFO's confinement area and waste management system. This distance shall apply only to the application for a County health permit, and shall be measured only from a CAFO in existence at the time of an application for a County health permit (see Table 4.10-1).

Table 4.10-1

	CAFOs existing at the time of an application for a County health permit				
	(A) Setback Distances	**(B) Class IA**	**(C) Class IB**	**(E) Class IC**	**(E) Class II**
CAFO proposed in application for county health permit	(1) Class IA	1.5 miles	1 mile	1 mile	1 mile
	(2) Class IB	1 mile	1 mile	1 mile	1 mile
	(3) Class IC	1 mile	1 mile	¾ mile	¾ mile
	(4) Class II	¼ mile	¼ mile	¼ mile	¼ mile

   b. *Occupied dwellings.* No Class II CAFO shall be located within one thousand (1,000) feet of an occupied dwelling. No Class IC CAFO shall be located within one-fourth (¼) mile of an occupied dwelling. No Class IB or Class IA CAFO shall be located within three-fourths (¾) of a mile of an occupied dwelling, which setback requirement shall increase by one-fourth (¼) of a mile for each five hundred (500) AU (or fractional portion thereof) of capacity in excess of seven thousand (7,000) AU. This rule shall not apply to occupied

County Clerk's Office Updated 05.04.2020

dwellings owned by the CAFO or to dwellings not in existence at the time of issuance of the County health permit.

c. *Populated areas.* No Class II CAFO shall be located within one-half (½) of a mile of a populated area. No Class IC CAFO shall be located within one (1) mile of a populated area. No Class IA or Class IB CAFO shall be located within two (2) miles of a populated area. This setback shall increase one-fourth (¼) mile for each five hundred (500) AU (or fractional portion thereof) of authorized capacity in excess of seven thousand (7,000) AU. (County Order No. 58-00, 10-26-00)

SECTION 210.050: WASTE DISPOSAL SYSTEMS CLEANUP AND FINANCIAL SECURITY

A. Lagoons or other waste storage structures which are no longer in use shall be closed in accordance with the requirements of 10 CSR 20-6.300(4)(B). The owner shall also be responsible for the cost of cleaning or remediating any contamination or pollution, including any water resources (as defined in Sections 210.040(3)(a) and 210.040(3)(d) hereto), wells, or soils which become contaminated, polluted, defiled or soiled from leaks or spills from any lagoon or other waste storage facility on the premises. The mechanisms used to demonstrate financial assurance shall ensure that the funds necessary to meet the costs of cleanup and remediation, as established herein, will be available when they are needed. In establishing financial assurance, owners and operators shall choose from the following options set forth in Subsections (B), (C) or (D) of this Section. The amount of the surety bond, insurance coverage or self-insurance deposit shall be computed based on the following schedule for closure and remediation, which amount shall be:

1. Not less than eight thousand dollars ($8,000.00) per acre-foot of lagoon storage capacity for closure of a Class IA; seven thousand dollars ($7,000.00) per acre-foot of lagoon storage capacity for closure of a Class IB; one thousand dollars ($1,000.00) per acre-foot of lagoon storage capacity for closure of a Class IC or a Class II.

2. Not less than the following for remediation activities:

   a. Class II CAFO: thirty thousand dollars ($30,000.00).

   b. Class IC CAFO: fifty thousand dollars ($50,000.00).

   c. Class IB CAFO: one hundred thousand dollars ($100,000.00).

   d. Class IA CAFO: one hundred fifty thousand dollars ($150,000.00) and twenty thousand dollars ($20,000.00) for each additional five hundred (500) AU over the initial seven thousand (7,000) AU.

B. *Surety Bond.* An applicant for a County health permit may demonstrate financial assurance by obtaining a payment or performance surety bond which conforms to the requirements of the Section. The bond shall be effective before the initial receipt of livestock into the facility, and a copy of the bond shall be filed with the County Treasurer and the County Commission. The surety company issuing the bond shall, at a minimum, be among those listed as acceptable sureties on Federal Bonds and Circular 570 of the U.S. Department of the Treasury. In addition, the bond shall:

1. Be in an amount at least equal to the financial assurance schedule established under Subsection (A) above.

2. Provide that the surety will become liable under the bond obligations when the facility fails to perform as guaranteed by the bond.

3. Provide that the surety may cancel the bond by sending notice of cancellation by certified mail to the owner and to the County Commission one hundred twenty (120) days in advance of the cancellation. If the surety cancels the bond, the facility shall obtain alternate financial assurance or cease operations.

C. *Insurance.* An applicant for a County health permit may demonstrate financial assurance by obtaining insurance which conforms to the requirements of this Section. Insurance shall be effective before the initial receipt of livestock at the operation. At a minimum, the insurer shall be authorized to transact the business of insurance in Missouri. A copy of the policy shall be filed with the County Treasurer and the County Commission and shall provide

1. All funds will be available for any on-site or off-site cleanup resulting from the operation. The policy shall also guarantee that once environmental cleanup has begun, the insurer will be responsible for the paying out of funds to the facility or other persons authorized to conduct the cleanup an amount equal to the face amount of the policy.

2. The policy shall be issued for a face amount at least equal to the cost estimate for financial assurance established pursuant to Subsection (A) above. The term *"face amount"* means the total amount the insurer is obligated to pay under the policy. Actual payment by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of payments.
3. The policy shall contain a provision allowing assignment of the policy to a successor facility. Said assignment may be conditional upon consent of the insurer, provided that such consignment is not unreasonably refused.

4. The policy shall provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy shall, at a minimum, provide the insurer with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may cancel the policy by sending notice of cancellation by certified mail to the facility and to the County Auditor one hundred twenty (120) days in advance of the cancellation. If the insurer cancels the policy, the facility shall obtain alternate financial assurance or cease operations.

D. *Self Insurance.* An applicant for a County health permit may demonstrate financial assurance by depositing with the County Treasurer unsubordinated debentures, U.S. Government bonds or notes, or Certificates of Deposit issued by Federal or State chartered banks with a market value equal to or exceeding the sum of the financial assurance requirement established pursuant to the provisions of Subsection (A) above. Said financial instruments shall be held by the County Treasurer for so long as the provisions of this Chapter apply and may not be otherwise pledged by the facility. Interest payments, if any, from the financial instruments pledged as security shall be paid to the owner. (County Order No. 58-00, 10-26-00)

SECTION 210.060: VARIANCE

Where, due to an extraordinary or exceptional situation or condition of a specific piece of property, the strict application of this Chapter would result in peculiar and exceptional difficulties to, or an

exceptional and demonstrable undue hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, the County Commission may authorize, as part of the application for a County health permit, a variance from the strict application so as to relieve said demonstrable difficulties or hardships, provided the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the regulations, standards and criteria established in this Chapter. (County Order No. 58-00, 10-26-00)

SECTION 210.070: APPLICATION OF CHAPTER

A CAFO lawfully in existence at the time of the enactment of this Chapter is exempt from its terms and conditions; provided however, that before a CAFO in existence at the time of the enactment of this Chapter may expand or change its operation in terms of a change of classification, the CAFO shall be in compliance with this Chapter in every respect and shall obtain a new County health permit. (County Order No. 58-00, 10-26-00)

SECTION 210.080: DISPOSAL OF DEAD ANIMALS AND AFTER BIRTHING MATERIAL

The proper disposal of dead animals and after birthing material shall be completed by the end of the next working day (excluding Sundays and holidays recognized in Chapter 9, RSMo.) from the time of occurrence. (County Order No. 58-00, 10-26-00)

SECTION 210.090: ADMINISTRATIVE FEES

A. No application for approval of a County health permit shall be accepted until the applicant has paid all processing fees as set forth below. Fees paid shall be non-refundable except as provided in Subsection (D) below.

B. The fee amount shall not exceed the amount needed to recover the cost of inspection, investigation and review of the proposed application, which fee amounts are based upon the anticipated costs of review, inspection and investigation, and which fee amounts have taken into consideration the need for special investigative services including geologic inspections, hydrologic inspections, ground water monitoring, soils evaluation and other unique costs of a scientific or technical nature associated with the processing of the application. For purposes of this Chapter, the administrative fee amounts shall be as follows:

Classification of CAFO	Application Fee	Fee for Renewal of County Health Permit
Class IA	$10,000.00 plus $1.00 per animal unit exceeding 10,000 animal units	$500.00
Class IB	$7,000.00	$300.00
Class IC	$3,000.00	$200.00
Class II	$1,000.00	$100.00

C. There shall be established with the County Treasurer an escrow fund, for each application for a County health permit, for the purposes of reimbursing the County Commission for services rendered in connection with administration of this Chapter. Said escrow account shall include the proceeds of project review fees established pursuant to this Section. The funds contained in said escrow account shall be used solely to reimburse the County Commission for actual costs associated with administration of this Chapter, for actual services rendered for investigation, administration and processing of a County health permit including costs associated with the retaining and compensation of experts on scientific and technical issues associated with the application, and costs associated with public hearings. The County Treasurer shall disburse payments based upon billings supplied by the County Commission and approved by the County Commission.

D. The applicant for a County health permit may apply to the County Commission for a credit against the fee previously paid in the event that a portion of the costs of review and processing is duplicated, pursuant to the standards of applicable case law or Statutes then in effect. After the approval, conditional approval or denial of a County health permit, the County Treasurer shall refund to the applicant any unexpended or unencumbered balance of the escrow account established pursuant to this Section for said application. (County Order No. 58-00, 10-26-00)

SECTION 210.100: VIOLATION OF CHAPTER

The County Commission may designate a qualified individual to inspect any lagoon used by a CAFO which has been issued a County health permit and may initiate an enforcement action as provided by Section 192.300, RSMo. Any person violating this Chapter shall be subject to punishment by imprisonment or fine as provided by law. Each day a person operates a CAFO in violation of this Chapter, and each time a person applies animal waste or animal waste water in a manner inconsistent with the requirements of this Chapter, shall be considered a separate offense. (County Order No. 58-00, 10-26-00)

CHAPTER 215: OFFENSES

ARTICLE I. OFFENSES AGAINST PUBLIC PEACE

SECTION 215.010: UNLAWFUL DISCHARGE OF A FIREARM/FIREARMS NEAR RESIDENCES OR SUBDIVISIONS

A. *Definitions:* For the purposes of this Section, the following terms shall be deemed to have the meanings indicated below:

FIREARM: Any weapon that is designed or adapted to expel a projectile by the action of an explosive.

SUBDIVISION: A platted residential subdivision in which at least ten (10) dwellings or other residential buildings have been constructed.

B. No person shall, without consent of the owner or lawful occupier, discharge a firearm within one hundred fifty (150) yards of a dwelling or other building or structure which is designed to be occupied by human beings if the dwelling, building or structure is located within a subdivision.

C. No person shall discharge a firearm within one hundred (100) feet of the centerline of a public street if the street is located within a subdivision.

D. This Section shall not be construed as prohibiting the discharge of a firearm:

1. In defense of life or property;

2. By Law Enforcement Officers in performance of their duty; or

3. On present or future public, private or commercial shooting ranges.

E. Any person who shall violate the provisions of this Section shall be punished by fine not exceeding five hundred dollars ($500.00) or by imprisonment for a period not exceeding ninety (90) days, or by both such fine and imprisonment. (County Order No. 8-93, 2-18-93)

SECTION 215.020: FIREARMS IN COUNTY BUILDINGS

A. No person who has been issued a concealed carry endorsement by the Missouri Director of Revenue under Sections 571.101 to 571.121, RSMo., or who has been issued a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, shall, by authority of that endorsement or permit, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased or controlled by the County.

B. Signs shall be posted at each entrance of a building entirely owned, leased or controlled by the County stating that carrying of firearms is prohibited. Where the County owns, leases, or controls only a portion of a building, signs shall be posted at each entrance to that portion of the building stating that carrying of firearms is prohibited.

C. This Section shall not apply to buildings used for public housing by private persons, highways or rest areas, firing ranges, or private dwellings owned, leased or controlled by the County.

D. This Section shall not apply to any state, county and municipal peace 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.

E. This section shall not apply to any County employees with an office or workstation based in the County Administration Building who carry a concealed firearm into the Administration Building. (Section E created by County Order No. 2011-CO-142, 09-06-2011)

F. This section shall not apply to any employee of Platte County, Missouri, except that County employees shall not be permitted to carry firearms into the Platte County Community Centers. (Section F created and inserted by County Order No. 2019-CO-116, 08-19-2019)

G. Any person violating this Section may be denied entrance to the building or ordered to leave the building. Any County employee violating this Section may be disciplined. No other penalty shall be imposed for a violation of this Section.

H. No person who has been issued a certificate of qualification which allows the person to carry a concealed firearm before the Director of Revenue begins issuing concealed carry endorsements in July, 2004, shall, by authority of that certificate, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased or controlled by the County. (County Order No. 15-04 §1, 3-2-04)

SECTION 215.030: FAILURE TO OBEY A LAWFUL ORDER

A. No Person shall willfully fail or refuse to obey any lawful order or direction from the Platte County Sheriff and/or any Platte County Deputy Sheriff in the performance of their duties.

B. Any person who shall violate the provisions of this Section shall be punished by fine not exceeding $1,000.00 or by imprisonment for a period not exceeding one year in the Platte County jail, or by both fine and imprisonment. (County Order No. 38-05, 8-4-05)

CHAPTER 220: EMERGENCY MANAGEMENT ORGANIZATION

SECTION 220.010: ESTABLISHMENT

The Platte County Emergency Management Organization ("EMO") is hereby established. (County Order No. 18-03 §1, 2-20-03)

SECTION 220.020: DEFINITION OF EMERGENCY

For the purpose of this Chapter, the term *"emergency"* shall be defined as the actual occurrence of a natural or man-made disaster of major proportions when the safety and welfare of the inhabitants of Platte County are jeopardized. (County Order No. 18-03 §2, 2-20-03)

SECTION 220.030: RESPONSIBILITIES

The EMO shall be responsible for the preparation for, mitigation of, response to and recovery from emergency situations and the implementation of emergency functions required to prevent death or injury and minimize and repair damage due to emergencies to include such management of resources as necessary to provide for the welfare of the people. The EMO shall perform emergency management functions within the territorial limits of Platte County and may conduct these functions outside the territorial limits as directed by the Governor of the State of Missouri during the time of emergency. (County Order No. 18-03 §3, 2-20-03)

SECTION 220.040: ORGANIZATIONAL STRUCTURE

For the operation of the EMO, this Commission shall appoint a County Director of Emergency Management ("Director"), a Coordinator and such other personnel as this Commission may deem appropriate. All personnel of the EMO shall serve at the pleasure of this Commission. However, if the Commission shall appoint another elected official as the Director, then the Director shall be responsible for the appointment of additional personnel, which personnel shall serve at the pleasure of the Director. (County Order No. 18-03 §4, 2-20-03)

SECTION 220.050: DIRECTOR OF EMERGENCY MANAGEMENT

The Director shall have the following duties and responsibilities:

1. The power of general direction and control of the EMO and the responsibility for carrying out the provisions of this Chapter.

2. The power and authorization to direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State governments.

3. The power and authority to cooperate with the Federal government, State governments, political subdivision governments and private agencies in all manners pertaining to emergency management in Platte County, Missouri.

4. The power and responsibility to maintain records for the use and disposal of all items of equipment placed under the jurisdiction of the EMO.

5. The power and responsibility to cooperate with the County health officer and to provide any assistance needed by the County health officer in controlling communicable, environmental and occupational diseases which should arise during an emergency situation.

6. Such other powers, duties and responsibilities as may be assigned by the County Commission. (County Order No. 18-03 §5, 2-20-03)

SECTION 220.060: COORDINATOR

The Coordinator shall have the following duties and responsibilities:

1. The power of acting Director of the EMO during the absence of the Director.

2. The power to coordinate the activities of all Platte County offices for emergency management and to maintain liaison and cooperate with emergency management agencies and organizations of other governmental units located within and without Platte County, Missouri.

3. The power to prepare comprehensive plans and programs for the EMO for all types of emergencies. Where feasible, such plans and programs shall be integrated into and coordinated with the plans and programs of the Federal government, the State government and other public and private agencies and organizations empowered to act in emergencies.

4. The power to prepare and conduct drills, exercises and training programs as may be necessary to develop a well trained and fully prepared emergency management capability.

5. The power to make studies and surveys of the industries, resources and facilities in Platte County as deemed necessary to ascertain their capabilities for emergency management and to plan for the most efficient emergency use thereof.

6. Such other powers, duties and responsibilities as may be assigned by the Director and/or the County Commission. (County Order No. 18-03 §6, 2-20-03)

SECTION 220.070: OPERATING POWERS

In exercising its powers of emergency management as granted in Chapter 44, RSMo. 2000, the Commission may:

1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for emergency management purposes; provide for the health and safety of persons and 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 governments;

2. Appoint, provide or remove rescue teams, Auxiliary Fire and Police personnel and other emergency operations teams, units or personnel who may serve without compensation;

3. With the approval of the Governor, enter into mutual-aid agreements with other public and private agencies within and without the State for reciprocal emergency aid, with such agreements being consistent with the State disaster plan and program and the provisions of Section 70.837 RSMo. 2000 and Section 320.090 RSMo. 2000;

4. Accept services, materials, equipment, supplies or funds granted or loaned by the Federal government, State government or private entities or individuals for disaster planning, operations and response purposes;

5. Delegate administrative authority to the Director, the Coordinator or any other appropriate individual. (County Order No. 18-03 §7, 2-20-03)

SECTION 220.080: EXPENSES

To the greatest extent possible, the County Emergency Fund shall be designated as the source of funds for payment of expenses incurred by the EMO in addressing an emergency, to specifically include payment of overtime compensation for County personnel for their work and response in emergency management matters. (County Order No. 18-03 §8, 2-20-03)

SECTION 220.090: EMERGENCY TRAFFIC REGULATIONS

During an emergency, the Director or his/her delegate is authorized to establish emergency traffic regulations with the approval of the County Highway Administrator and is hereby empowered to enforce such emergency traffic regulations. No such emergency traffic regulations shall remain in effect for more than fifteen (15) days without the approval of the County Commission.

Emergency traffic regulations shall specifically include the following:

1. No person shall willfully fail or refuse to comply with any lawful order or direction of a Law Enforcement Officer, Fire Department Official or Emergency Management Official.

2. No person shall stop, stand or park a vehicle in a designated emergency or disaster zone. Members of the Sheriff's Department are authorized to remove a vehicle from a street or highway located within a designated emergency or disaster zone when:

   a. A vehicle is left unattended and constitutes an obstruction to emergency equipment entering or exiting the scene or constitutes a safety hazard to citizens or rescue workers; or

   b. A vehicle is upon a highway or roadway, is disabled and is obstructing emergency traffic needs or constitutes a safety hazard to citizens or rescue workers.

   When removing a vehicle pursuant to this Section, members of the Sheriff's Department shall follow all requirements of Sections 300.595.2 and .3 RSMo. 2000 regarding the storage and reporting of vehicle removal. (County Order No. 18-03 §9, 2-20-03)

SECTION 220.100: PENALTY PROVISIONS

Any person who violates any of the provisions of Section 220.090 of this Chapter shall be deemed to be guilty of a misdemeanor and may be punished by a term of imprisonment not to exceed one (1) year, or by a fine not to exceed one thousand dollars ($1,000.00), or by both such fine and imprisonment. (County Order No. 18-03 §10, 2-20-03)

CHAPTER 225: PARKS AND RECREATION

SECTION 225.010: PURPOSE

In order to provide for maximum use and enjoyment by the citizens of Platte County, Missouri, of the parks and recreational facilities available through Platte County Parks and Recreation Department, the Platte County Commission hereby establishes the following rules and regulations for use of the County's parks, trails and recreational facilities. (County Order No. 54-98, 12-10-98; County Order No. 19-03 §1(315.010), 3-13-03)

SECTION 225.020: RULES AND REGULATIONS

No person shall:

1. Destroy or damage any portion of the real or personal property owned by Platte County, Missouri, located within the boundaries of the County's parks, trails and recreational facilities.

2. Be in County parks at any time between dusk and dawn. All parks shall be open from dawn to dusk unless otherwise posted.

3. Litter or deposit trash in any area other than the designated trash receptacles.

4. Deposit brush and/or yard waste in any area of a park or in a park dumpster.

5. Deposit trash generated at an off-site location in a park or recreation facility dumpster.

6. Possess alcoholic beverages or illegal drugs in parks and recreational facilities or bring alcoholic beverages or illegal drugs onto park and recreational facility properties.

7. Set a fire in any location other than a designated cooking grill.

8. Damage or leave cooking grills in an unusable or unsuitable condition.

9. Operate motorized vehicles in any area of a park, greenway or recreational area other than the paved areas designated for parking.

10. Use bicycles, roller blades or skateboards on park equipment or in the shelter houses.

11. Fail to yield the right-of-way to pedestrians while using bicycles, roller blades or skateboards in designated parks or on trails.

12. Hit a golf ball or any other object with a golf club unless otherwise permitted in designated areas.

13. Play music at a volume that is offensive to other park and recreational facility patrons or any adjacent property owners.

14. Use loud or obscene language in parks and recreational facilities.

15. Ride or bring horses onto park property unless otherwise permitted in designated areas.

16. Fail to yield the use of athletic fields, courts or shelter houses to waiting patrons on an hourly basis unless in possession of a reservation card for use of those facilities.

17. Bring or have any dog in a park or on a trail unless such dog shall be physically restrained by a chain or leash and under the control of the owner or possessor at all times. The dog owner or possessor must remove any solid waste deposited by the dog within a park or on a trail.

18. Hunt wildlife or game unless otherwise permitted in designated areas.

19. Be in possession of or discharge a firearm or any other high velocity projectile within the designated boundaries of a park, greenway or recreational area unless otherwise permitted in designated areas.

20. Remove flora or fauna within the designated boundaries of a park, greenway or recreational area without the prior written consent of the County. (County Order No. 54-98, 12-10-98; County Order No. 19-03 §1(315.010), 3-13-03)

SECTION 225.030: PENALTY

Any violation of the rules and regulations set forth in this Section shall be classified as a Class A misdemeanor and shall be punishable by a term of imprisonment of up to one (1) year, or by a fine of up to one thousand dollars ($1,000.00), or by both fine and imprisonment. (County Order No. 54-98, 12-10-98; County Order No. 19-03 §1(315.010), 3-13-03)

CHAPTER 230: FOOD SERVICE ESTABLISHMENTS RETAIL FOOD ESTABLISHMENTS

SECTION 230.010: RULES AND REGULATIONS REGARDING FOOD ESTABLISHMENTS

A. This Chapter provides for the inspection of food establishments; the issuance, suspension and revocation of permits to operate food establishments; the establishment of certain fees; the registration of food handlers; the posting of inspection reports; the establishment of penalties for failure to comply with the provisions of this Chapter; and provides for plan review for future construction of food establishments.

B. The provisions of the Missouri Code of State Regulations promulgated by the Missouri Department of Health concerning the management and personnel, employee restriction, food operations, equipment and facilities, and health and sanitation of food establishments, 19 CSR 20-1.025, including any revisions, modifications and amendments to the rule, any readoption of the rule, and the adoption of any successor rule or rules which may be enacted after the adoption of this Chapter, shall apply to the enforcement of this Chapter and are incorporated in this Chapter by reference as though fully set forth herein, subject to the additions, modifications and substitutions specifically set forth in this Chapter. Three (3) copies of the State regulation shall be maintained on file in the office of the County Clerk. (County Order No. 01-02, 1-10-02)

SECTION 230.020: DEFINITIONS

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

ADMINISTRATOR: The Administrator of the Platte County Health Center. *ADULTERATED:* Has the meaning stated in the Federal Food, Drug and Cosmetic Act.

CRITICAL VIOLATION: A provision of the rules and regulations promulgated by the Missouri Department of Health relating to health and sanitation of food establishments that, if in non-compliance, is more likely than other violations to contribute to food contamination, illness or environmental health hazard.

FOOD: A raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption, or chewing gum.

FOOD EMPLOYEE: An individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

FOOD ESTABLISHMENT:

1. *Food establishment:* An operation that stores, prepares, packages, serves, vends or otherwise provides food for human consumption:

    a. Such as a restaurant; satellite or central preparation facility; catered feeding location; catering operation if the operation provides food directly to a consumer or to a conveyance used to transport people; market; vending (location) operation, if the operation provides potentially hazardous foods; conveyance used to transport people; institution; or food bank; and
    b. That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

2. *"Food establishment"* includes:

    a. An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority; or

    b. An operation that is conducted in a mobile, stationary, temporary or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food.

3. *"Food establishment"* does not include:

    a. An establishment that offers only prepackaged foods that are not potentially hazardous;
    b. A produce stand that only offers whole, uncut fresh fruits and vegetables;

    c. A food processing plant;

    d. A kitchen in a private home if only food that is not potentially hazardous is prepared for sale or service at a function such as a non-profit organization's bake sale if allowed by law and if the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority;

    e. An area where food that is prepared as specified in Subparagraph (3)(d) of this definition is sold or offered for human consumption;

    f. A kitchen in a private home, such as a small family daycare provider; or a bed-and- breakfast operation that prepares and offers food to guests if the home is owner occupied, the number of available guest bedrooms does not exceed four (4), breakfast is the only meal offered, the number of guests served does not exceed twelve (12), and the consumer is informed by statements contained in published advertisements, mailed brochures and placards posted at the registration area that the food is prepared in a kitchen that is not regulated and inspected by the regulatory authority; or

g. A private home that receives catered or home-delivered food.

FOOD PROCESSING PLANT:

1. *Food processing plant:* A commercial operation that manufactures, packages, labels or stores food for human consumption and does not provide food directly to a consumer.

2. *"Food processing plant"* does not include a food establishment as defined above.

HEALTH AUTHORITY: The Administrator of the Platte County Health Center, who is the County Health Officer pursuant to Section 205.100, RSMo. (2000) or his/her designated representatives.
IMMINENT HEALTH HAZARD: A significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:

1. The number of potential injuries, and

2. The nature, severity and duration of the anticipated injury.

MISBRANDED: Has the meaning stated in the Federal Food, Drug and Cosmetic Act.

MOBILE FOOD UNIT: A wheeled vehicle that is moved from place to place upon the public ways and from which food or drink is served.

NON-PROFIT ORGANIZATION:

1. *Non-profit organization:* A corporation that is organized exclusively for charitable, religious, educational and scientific purposes including for such purposes the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code or corresponding Section of any future Federal Tax Code.

2. *"Non-profit organization"* includes non-profit old age homes, parent-teacher associations, alumni associations, schools, chapters of the Red Cross or Salvation Army, boys' clubs, girls' clubs, churches, charitable hospitals or other charitable organizations.

OPERATOR: The entity that is legally responsible for the operation of the food establishment such as the owner, the owner's agent or other person.

PERSON: An association, a corporation, individual, partnership, other legal entity, government or governmental subdivision or agency.

PERSON IN CHARGE: The individual present at a food establishment who is responsible for the operation at the time of inspection.

POTENTIALLY HAZARDOUS FOOD:

1. *Potentially hazardous food:* A food that is natural or synthetic and that requires temperature control because it is in a form capable of supporting:

   a. The rapid and progressive growth of infectious or toxigenic microorganisms;

b. The growth and toxin production of Clostridium botulinum; or c. In raw shell eggs, the growth of Salmonella enteritidis.

2. *"Potentially hazardous food"* includes an animal food (a food of animal origin) that is raw or heat-treated; a food of plant origin that is heat-treated or consists of raw seed sprouts; cut melons; and garlic-in-oil mixtures that are not modified in a way that results in mixtures that do not support growth as specified under Subparagraph (1) of this definition.

3. *"Potentially hazardous food"* does not include:

   a. An air-cooled hard-boiled egg with shell intact;

   b. A food with a water activity value of 0.85 or less;

   c. A food with a pH level of 4.6 or below when measured at twenty-four degrees Centigrade (24°C) (seventy-five degrees Fahrenheit (75°F));

   d. A food, in an unopened hermetically sealed container, that is commercially processed to achieve and maintain commercial sterility under conditions of non-refrigerated storage and distribution;

   e. A food for which laboratory evidence demonstrates that the rapid and progressive growth of infectious or toxigenic microorganisms or the growth of Salmonella enteritidis in eggs or Clostridium botulinum cannot occur, such as a food that has a water activity value and a pH that are above the levels specified under Subparagraphs (3)(b) and (c) of this definition and that may contain a preservative, other barrier to the growth of microorganisms, or a combination of barriers that inhibit the growth of microorganisms; or

   f. A food that does not support the growth of microorganisms as specified under Subparagraph (1) of this definition even though the food may contain an infectious or toxigenic microorganism or chemical or physical contaminant at a level sufficient to cause illness.

TEMPORARY FOOD ESTABLISHMENT: A food establishment that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration. (County Order No. 01-02, 1-10-02)

SECTION 230.030: JURISDICTION

A. This Chapter shall apply to all food establishments in unincorporated Platte County, Missouri, and to all food establishments in incorporated cities in Platte County that have less than seventy-five thousand (75,000) population.

B. This Chapter shall not apply to cities which have a population of seventy-five thousand (75,000) or over which are maintaining an organized Health Department. (County Order No. 01-02, 1-10-02)

SECTION 230.040: PLAN REVIEW FOR FUTURE CONSTRUCTION

A. Properly prepared plans and specifications for the construction, remodeling or alteration of any food establishment and any applicable fees shall be submitted to the County Health Department for review and approval before work is begun.

B. The plans shall conform to Missouri Code of State Regulations promulgated by the Missouri Department of Health concerning the management and personnel, employee restriction, food operations, equipment and facilities, and health and sanitation of food establishments, 19 CSR 20-1.025, including any revisions, modifications and amendments to the rule, any readoption of the rule, and the adoption of any successor rule or rules (whether assigned the same number or different Section numbers) which may be enacted after the adoption of this Chapter. The plans shall include an illustration showing the location of dishwashing facilities, food preparation sinks, handwashing sinks, utility sinks, floor drains, food preparation tables, cooking equipment, hot-holding equipment, ventilation hoods, food storage areas, employee break areas, ice machines, refrigerators, freezers, service counters, wait stations, dining areas, closets, doors and exits. Also, the plans shall include equipment specifications and construction materials in food preparation and storage areas and any additional information requested by the health authority. (County Order No. 01-02, 1-10-02)

SECTION 230.050: PERMITS REQUIRED

A. No person shall operate a food establishment in the County without a valid permit issued by the health authority. No person shall operate a food establishment in the County with a permit that has been suspended or revoked pursuant to this Chapter.

B. Any person desiring to operate a food establishment shall make a written application for a permit on forms provided by the health authority.

C. Upon receipt of the application and any applicable fees, the health authority shall inspect the establishment to determine compliance with this Chapter, the regulations promulgated by the Board of Trustees of the Platte County Health Center, and the regulations adopted by the Missouri Department of Health. If the establishment complies, the health authority shall issue the permit.

D. The permit shall be posted in a conspicuous place in the licensed establishment.

E. Permits are not transferable from one (1) person to another or from one (1) place of business to another. Upon change of ownership, a new application made in conformity with this Chapter shall be submitted.

F. Permits are valid until the end of the calendar year in which they were issued.

G. The health authority may waive the requirement for permits for temporary food establishments at its discretion for specific functions. (County Order No. 01-02, 1-10-02)

SECTION 230.060: CERTIFICATES OF REGISTRATION OF FOOD HANDLERS

A. All food establishments except for temporary food establishments and mobile food units shall employ and have present on the premises at all times that potentially hazardous food

is being prepared or served, one (1) person for every five (5) persons on duty who holds a health authority certificate of registration in food handling and sanitation. Registration shall be achieved by successfully completing a health authority approved course and monitored examination offered by a health authority approved provider and payment of any applicable fees. Each certificate shall expire five (5) years from the date that the individual successfully completes the examination.

B. Failure to comply with Subsection (A) of this Section shall constitute a critical violation.

C. Every certificate of registration of food handlers shall be posted conspicuously in that part of the establishment to which the public has access.

D. A certificate of registration may be suspended or revoked by the health authority upon the second (2nd) suspension of a food establishment's license within a twelve (12) month period if the certificate holder was in charge of the preparation or service of potentially hazardous food at the time of both suspensions. (County Order No. 01-02, 1-10-02)

SECTION 230.070: FEES

Annual Permit Fees. The following "Annual Permit Fees Schedule" shall be established

ANNUAL PERMIT FEES SCHEDULE

TYPE OF FACILITY	FEE
Increased Public Health Risk Priority Food Establishments	**$500**
High Public Health Risk Priority Food Establishments	**$300**
Medium Public Health Risk Priority Food Establishments	**$200**
Low Public Health Risk Priority Food Establishments	**$100**
Seasonal Food Establishment (less than six months per year)	**$100**
Mobile Food Unit	**$100**
Temporary Food Establishment at One-Day to Four-Day Event if Fee is Paid 14 Days or More Before the Event	**$25**
Temporary Food Establishment at One-Day to Four-Day Event if Fee is Paid 1 to 13 Days Before the Event	**$35**
Temporary Food Establishment at One-Day to Four-Day Event if Fee is Paid the Day of the Event	**$45**
Temporary Food Establishment at Five-Day to Fourteen-Day Event if Fee is Paid 14 Days or More Before the Event	**$50**
Temporary Food Establishment at Five-Day to Fourteen-Day Event if Fee is Paid 1 to 13 Days Before the Event	**$60**
Temporary Food Establishment at Five-Day to Fourteen-Day Event if Fee is Paid the Day of the Event	**$70**
School Cafeteria	**$0**
Institution (County Jail, Emergency Shelter, etc.)	**$0**

USDA Summer Feeding Site	**$0**
Senior Citizen Nutrition Site	**$0**
Food Bank	**$0**

A. Other Services Fees: The following "Other Services Fees Schedule" shall be established:

OTHER SERVICES FEES SCHEDULE

SERVICE	FEE
Food Handler Class	**$10**
Certified Food Handler Identification Card	**$10**
ServSafe® Food Protection Manager Training	**$100**
Food Establishment Re-inspection Required Due to Non-compliance	**$75**
Pre-opening Plan Review	**$50**
Extensive Remodel Plan Review	**$50**
Change of Ownership Inspection (In Addition to Food Establishment Permit Fee: Food Establishment permits are Non-transferable	**$50**
Request for Variance	**$50**
Hazard Analysis and Critical Control Points Plan Review	**$150**
Failure to Appear for a Scheduled Mobile Food Unity Inspection	**$25**

B. Payment Terms. Applicable fees shall be paid to the Platte County Health Center in the form of United States currency, a personal check, or a cashier's check and shall be paid at the time of application for a permit for a food establishment, at the time of application for a food handler certificate, or with in fifteen (15) days of the following activities:

a. Re-inspection Required Due to Non-compliance
b. Pre-opening Plan Review
c. Extensive Remodel Plan Review
d. Change of Ownership Inspection
e. Request for Variance
f. Hazard analysis and Critical Control Points Plan Review
g. Failure to Appear for a Scheduled Mobile Food Unit Inspection

C. Late Payment Fee. A fee of two dollars ($2) per day shall be assessed for late payment of fees.

D. Lost permit Fee. There shall be a $12.50 charge to replace a lost food establishment permit.

E. Annual Fees Adjustment. Beginning October 1, 2016, the Board of Trustees shall have authority to annually adjust all of the fees in subsection A. and B. of this section as provided by and in Revised Statute of Missouri of 67.042.

(Section 230.070 set forth by County Commission Order 2016-CO-188 11.07.2016)

SECTION 230.080: VACCINATIONS

A. The health authority may require vaccination of food employees for certain food-borne diseases for which vaccine is available, such as Hepatitis A, if one (1) or more of the following conditions are met:

1. The disease is endemic in Platte County;

2. The food establishment has been implicated in an outbreak of the disease within the past twelve (12) months; or

3. The food establishment has a history of non-conformance with the health authority's rules and regulations regarding food handling and hygiene.

B. The Platte County Health Center may offer to administer the vaccine to food employees at a reduced cost.

C. A food employee may decline to be vaccinated pursuant to this Section. However, if a food employee declines to be vaccinated pursuant to Subsection (A) of this Section, he/she shall be restricted from working with exposed food, clean equipment, utensils, linens, and unwrapped single- service and single-use articles. (County Order No. 01-02, 1-10-02)

SECTION 230.090: INSPECTIONS

A. Except as specified in Subsections (B), (C) and (D) of this Section, the health authority shall inspect a food establishment at least once every six (6) months.

B. The health authority may increase the interval between inspections beyond six (6) months if:
   1. The food establishment is assigned a less frequent inspection frequency based on a risk-based inspection schedule that is formally adopted by the Platte County Health Center Board of Trustees. The risk-based inspection schedule must be uniformly applied throughout the health authority's jurisdiction and at least every six (6) months the establishment must be contacted by telephone or other means by the health authority to assure that the establish manager and the nature of the food operation are not changed; or

   2. The food establishment's operation involves only coffee service and other unpackaged or prepackaged food that is not potentially hazardous such as carbonated

beverages and snack foods such as chips, nuts, popcorn and pretzels.

C. The health authority may conduct more frequent inspections based upon its assessment of a food establishment's history of compliance with this Chapter and the food establishment's potential as a vector of food-borne illness by evaluating:

1. Past performance, for non-conformance with the health authority's rules and regulations that are critical;

2. Past performance, for numerous or repeat violations of the health authority's rules and regulations that are non-critical;

3. The hazards associated with the particular foods that are prepared, stored or served;

4. The type of operation including the methods and extent of food storage, preparation and service; and

5. The number of people served.

D. The health authority may conduct as many reinspections as are reasonably necessary for the enforcement of this Chapter.

E. Any person operating an establishment regulated by this Chapter shall, upon request, grant the health authority access to all parts of the establishment and shall permit an examination of all records of food and supplies purchased, received or used, and employees. (County Order No. 01-02, 1-10-02)

SECTION 230.100: INSPECTION REPORTS AND NOTICES

A. When the health authority discovers any violations of this Chapter, the person in charge shall be notified of such violations by means of an inspection report or other written notice.

B. The notice shall include:

1. The specific violation found;

2. Designation of the violation as a critical violation or a non-critical violation;
3. A specific and reasonable period of time for the correction of the violation; and

4. A statement that the failure to comply with the notice may result in the immediate suspension of the permit.

C. Inspection reports shall be posted upon an inside wall of the establishment in an area that is visible to all customers. Inspection reports may be posted in local newspapers, on local television stations or other local media outlets, and/or on the Internet on the Platte County Health Center's worldwide web site.

D. Violations in temporary food establishments shall be corrected within a specified period of time not to exceed twenty-four (24) hours. Failure to comply with the notice of violations shall result in the immediate suspension of the permit, or if at a non-permitted function immediate closure.

E. Proper service of notices of violations is by personal delivery to the person in charge of the establishment or by certified mail, return receipt requested, to the last known address of the operator. (County Order No. 01-02, 1-10-02)

SECTION 230.110: SUSPENSIONS OF PERMITS

A. The health authority may suspend or revoke permits of establishments and/or may issue citations for failing to comply with this Chapter and the regulations promulgated by the health authority. Examples of failure to comply include, but are not limited to:

1. Three (3) or more critical violations on any inspection;

2. Two (2) or more identical, repeat, critical violations on two (2) consecutive inspections;

3. Failure to correct a critical violation in the time allotted in a notice of violation;

4. Ten (10) or more non-critical violations on two (2) consecutive inspections; or

5. Imminent health hazards which result in immediate suspension.

All critical violations are listed on the inspection report used during inspection.

B. When an operator fails to comply with a notice of violation issued by the health authority, the health authority shall notify the operator that the permit is immediately suspended upon service of the notice. The health authority shall promptly notify the Platte County Sheriff's Department or other appropriate law enforcement agency of the suspension, and the Sheriff's Department or other appropriate law enforcement agency shall enforce the cessation of all affected operations.

C. A "notice of closure" sign may be conspicuously placed upon that part of the food establishment to which the public has access. It shall be unlawful for any person to remove a "notice of closure" sign unless authorized to do so by the health authority.

D. An operator whose permit has been suspended may at any time apply for restoration of the permit. After the regulatory authority receives such application, accompanied by a statement signed by the operator that the provisions previously violated have been complied with, the health authority shall reinspect the food establishment to assure that the operator is complying with the requirements of this Chapter within forty-eight (48) hours, excluding legal holidays; provided however, that applications received between the hours of 3:00 P.M. on Friday and 8:00 A.M. on Monday shall be reinspected as soon as possible, but in no event later than seventy-two (72) hours after the time application for restoration is made, excluding legal holidays. When the reinspection indicates full compliance, the permit shall be restored.

E. The health authority can petition the Circuit Court of Platte County for an injunction to compel the cessation of all affected operations if a permit is suspended or revoked. This remedy shall be in addition to all other remedies provided by this Chapter. (County Order No. 01-02, 1-10-02)

SECTION 230.120: IMMINENT HEALTH HAZARD - CEASING OPERATIONS AND REPORTING

A. If the health authority discovers conditions in the operation of a food establishment to be an imminent health hazard, a written notice of violation may be issued and, if necessary, the permit may be immediately suspended. Any operator shall immediately comply with the notice of violation and permit suspension.

B. An operator shall immediately discontinue operations and notify the health authority if an imminent health hazard may exist because of an emergency such as a fire, flood, extended interruption of electrical or water services, sewage backup, misuse of poisonous or toxic materials, or an apparent food-borne illness outbreak, unsanitary occurrence or condition, or other circumstance that may endanger public health.

C. Upon written notice to the operator, the health authority may place a "Held for Inspection" order on any equipment that the health authority determines or has probable cause to believe that the use of such equipment creates an imminent health hazard.

D. If operations are discontinued as specified under this Section or otherwise according to law, the operator shall obtain approval from the health authority before resuming operations. (County Order No. 01-02, 1-10-02)

SECTION 230.130: EXAMINATION AND CONDEMNATION OF FOOD

The health authority may examine or take samples of food as necessary to detect adulterated, unsafe, contaminated or misbranded food. The health authority may condemn and forbid the sale of, or cause to be removed or destroyed, any food that is adulterated, unsafe, contaminated or misbranded. (County Order No. 01-02, 1-10-02)

SECTION 230.140: ADMINISTRATIVE HEARINGS

A. After the operator receives a notice of violation from the health authority, as evidenced by the inspection report, but before the allotted time for compliance has elapsed, the operator may request a preliminary hearing at the offices of the health authority to file exceptions to and contest the findings of the inspection report or he/she may request the Administrator to extend the time allowed for compliance. In any case, the request must be filed with the Administrator within twenty-four (24) hours of receipt of the notice of violation, excluding Saturdays, Sundays and legal holidays. Upon receipt of a request for a hearing, the Administrator shall conduct the preliminary hearing within forty-eight (48) hours of the operator's request for a hearing, excluding Saturdays, Sundays and legal holidays.

B. Unless the Administrator finds that there is no probable cause to believe that the violation exists or a time extension is granted by the Administrator, the Administrator may immediately suspend the permit issued to the operator of the food establishment upon the operator's failure to correct the violations within the time allotted in the notice of violation; provided that the Administrator shall immediately suspend the permit if any of the violations found not to be corrected are critical.

C. Nothing in this Section shall prevent the Administrator from immediately suspending a permit pursuant to Section 230.100 of this Chapter or seeking an enforcement action pursuant to Section 230.110 of this Chapter. (County Order No. 01-02, 1-10-02)

SECTION 230.150: PENALTIES

Any person who violates any provision of this Chapter shall be fined not less than one dollar ($1.00) or more than five hundred dollars ($500.00) or sentenced to jail in the County Jail for a period not to exceed ninety (90) days, or by both such fine and sentence. Each day that a violation of this Chapter exists shall be deemed a separate and distinct offense. (County Order No. 01-02, 1-10-02)

CHAPTER 235: ON-SITE SEWAGE DISPOSAL SYSTEM STANDARDS

SECTION 235.010: DEFINITIONS

Unless otherwise defined in this Chapter, the following definitions shall apply:

BOARD: The Platte County Board of Health Center Trustees.

CONSTRUCT OR CONSTRUCTION: The construction, installation or modification of any system governed by this Chapter.

ELIGIBLE LOT: A platted lot or an unplatted parcel.

HEALTH OFFICER: The County Health Officer of Platte County, Missouri, or his/her legal authorized representative.

MALFUNCTIONING ON-SITE SEWAGE DISPOSAL SYSTEM: Any system that allows any unwholesome, impure, stagnant or offensive water, sewage, urine, wastewater or wash water to accumulate or remain, continue to stagnate on, in or about any lot, tract or piece of ground within the area covered by this Section, or allows sewage to discharge from the property.

ON-SITE SEWAGE DISPOSAL SYSTEM: Any system handling or treatment facility receiving domestic sewage which discharges into an adequate disposal area and discharges less than three thousand (3,000) gallons per day.

PERMIT: A written authorization issued by the Sanitarian, Health Officer or other legally authorized representative which authorizes the permit holder to construct a system as allowed by this Chapter.

SANITARIAN: The Platte County Sanitarian as designated by the Board and the Health Officer.
SEWAGE OR DOMESTIC SEWAGE: Human excreta and wastewater, including bath and toilet waste, residential laundry waste, residential kitchen waste and other similar waste from household or establishment appurtenances. Sewage and domestic sewage waste are further categorized as:

1. *Blackwater:* Waste carried off by toilets, urinals and kitchen drains.
2. *Graywater:* All domestic waste not covered in Subsection (1) of this definition, including bath, lavatory, laundry and sink waste.

THE STANDARDS: The Minimum Construction Standards for On-Site Sewage Disposal Systems on file in the County Commission's office.

SYSTEM: Any on-site sewage disposal system as defined herein. (County Order No. 5-96, 5-6-96)

SECTION 235.020: ADOPTION

The County Commission hereby adopts the Minimum Construction Standards for On-Site Sewage Disposal Systems, which are on file in the office of the County Clerk, as criteria governing the design and construction of systems in the unincorporated areas of Platte County, Missouri. The County Commission also adopts the rules and regulations set forth herein to guide the Board, the Health Officer, the Sanitarian and any other legally designated representative in the application and administration of "The Standards" on file in the County Commission's office. (County Order No. 5-96, 5-6-96)

SECTION 235.030: PERMIT

Any person, firm or corporation wishing to construct a system must first obtain a permit from the Sanitarian. (County Order No. 5-96, 5-6-96)

SECTION 235.040: APPLICATION FORM

A. Any person, firm or corporation wishing to apply for a permit shall submit their application on a form supplied by the Sanitarian as approved by the Board. An applicant may only request a permit to install a system to serve an eligible lot or lots. The applicant shall supply all information required to complete the application form and, in addition, the applicant shall submit soil percolation tests or a soil morphology prepared by a registered professional engineer, registered architect, registered geologist, sanitarian or soil scientist and a plat of the site where the construction is to take place, showing the location of the system and all buildings located on the site.

B. If, upon review of the permit application, the Sanitarian believes in his/her sole discretion that additional information is necessary to properly evaluate the permit application, the Sanitarian shall notify the applicant and the applicant must promptly supply such additional necessary information. (County Order No. 5-96, 5-6-96)

SECTION 235.050: APPLICATION PROCESSING

All permit applicants shall be reviewed by the Sanitarian. The Sanitarian shall examine the application to determine whether or not it meets the criteria set forth in "The Standards". Upon reviewing the completed application, including any additional information requested, the Sanitarian shall take action within five (5) working days from the date of receipt of the application as follows:

1. *No permit necessary.* If the Sanitarian determines that no permit is necessary for the system described in the permit application, the Sanitarian shall provide the applicant with a letter setting forth that determination.

2. *Application accepted.* If the Sanitarian determines that the permit application is complete and

describes a system that should be approved, the Sanitarian shall issue a permit allowing construction of the system.

3. *Denial.* If the Sanitarian determines that the permit application should be denied, he/she shall issue a letter to the applicant stating that determination.

4. *Modification.* If the Sanitarian determines that the permit application should be approved if the applicant agrees to make certain modifications to the system, the Sanitarian shall issue a letter to the applicant stating that determination. The letter shall include a specific description of the modifications necessary to obtain approval of the application. If the applicant signifies his/her agreement to the proposed modifications by signing a copy of the Sanitarian's letter and returning said signed copy to the Sanitarian, then the Sanitarian shall issue a permit approving the application as modified. (County Order No. 5-96, 5-6-96)

SECTION 235.060: PERMIT DENIAL

The Sanitarian may deny a permit for any justifiable reason including, but not limited to, the following:

1. The permit application is incomplete.

2. The system described in the application does not meet "The Standards".

3. The system, if constructed, will cause violation of applicable State surface or ground water standards.

4. The system serves a building which is located within three hundred (300) feet of a sanitary sewer to which connection is practical and is permitted by the controlling authority for the sanitary sewer. (County Order No. 5-96, 5-6-96)

SECTION 235.070: PERMIT APPLICATION MODIFICATION

The Sanitarian may require modification of the plans described in any permit application if in his/her judgment such modifications are necessary for the proposed system to meet the criteria of "The Standards". (County Order No. 5-96, 5-6-96)

SECTION 235.080: APPEAL

A. Any applicant aggrieved by a decision of the Sanitarian may appeal that decision to the Health Officer. The notice of appeal must be made in writing within forty five (45) days of the Sanitarian's decision. The notice shall state the specific reasons for the applicant's disagreement with the Sanitarian's decision.

B. Upon receipt of a notice of appeal, the Health Officer shall schedule a hearing to be held within thirty (30) days of the filing of the notice of appeal.

C. The hearing shall be conducted by the Health Officer. At the conclusion of the hearing, the Health Officer, in his/her sole discretion, may affirm or reverse the decision of the Sanitarian. The Health Officer shall make his/her decision in writing and shall supply a copy of his/her decision to the

applicant within fifteen (15) days of the conclusion of the hearing. (County Order No. 5-96, 5-6-96)

SECTION 235.090: CONSTRUCTION

A. Upon receipt of a permit, the applicant may construct the system described in the permit application in accordance with the statements, representations and procedures outlined in the application and supporting documents.

B. If the applicant should discover after beginning construction that he/she cannot construct the system in accordance with the statements, representations and procedures presented in his/her application and supporting documents, he/she may request approval for a modification of the plans set forth in his/her application. Such a request for modification could involve a modification of the materials and/or procedures specified in the permit application and shall specify alternate materials and/or procedures which meet the criteria of "The Standards".

C. The applicant shall make his/her request for modification in writing to the Sanitarian. The Sanitarian shall process the request for modification in the same manner described in the procedures set forth in these regulations for processing an original application.

D. The applicant shall notify the Sanitarian at least twenty-four (24) hours prior to backfilling and burial of the system. The Sanitarian will perform a final inspection of the system prior to burial to insure compliance with "The Standards". The Sanitarian shall then provide documentation of the satisfactory completion of the system.

If the applicant shall fail to notify the Sanitarian before burial of the system, the Health Officer, in his/her sole discretion, may order the applicant to uncover the system to allow inspection, may suspend or revoke the applicant's permit, and may bring an action for injunctive relief in the Circuit Court of Platte County. (County Order No. 5-96, 5-6-96)

SECTION 235.100: DURATION AND RENEWAL

A permit issued pursuant to this Chapter shall be valid for a period of one (1) year from the date of issuance. An applicant may request renewal of a permit for an additional one (1) year period by filing his/her request for renewal in writing with the Sanitarian at least thirty (30) days prior to the expiration date of the original permit. If the applicant shall fail to renew the permit prior to its expiration date, the permit shall expire and the applicant must request a new permit prior to beginning or continuing construction of a system. (County Order No. 5-96, 5-6-96)

SECTION 235.110: TRANSFER

A permit issued pursuant to these regulations may be transferred from the original applicant to a new owner of the property on which the system is to be constructed. The applicant shall file his/her application for transfer of the permit with the Sanitarian. The Sanitarian shall process the application for transfer in accordance with the procedures set forth in this Chapter for processing an original application. (County Order No. 5-96, 5-6-96)

SECTION 235.120: REVOCATION

A. The Sanitarian may revoke a permit before construction of a system is completed for any reason necessary to insure full compliance with "The Standards" and any other applicable Statutes or regulations. The reasons for revocation may include, but are not limited to, the following:

   1. Non-compliance by the applicant with the terms of the permit.

   2. Unapproved deviation by the applicant from the design and construction plans and specifications set forth in his/her complete application and supporting documents.

   3. A determination that the applicant supplied false information in the application and/or supporting documents.

   4. Changed site conditions which would result in violations of "The Standards".

B. The Sanitarian shall notify the applicant in writing of his/her decision to revoke the permit. The notification shall include the reasons for revocation of the permit. If the applicant wishes to appeal the decision of the Sanitarian, he/she may do so in accordance with the provisions for appeal as set forth in this Chapter. (County Order No. 5-96, 5-6-96)

SECTION 235.130: VIOLATION

A. No person, firm or corporation shall construct any system in the unincorporated areas of Platte County, Missouri, without authorization by a permit issued in accordance with this Chapter.

B. No person, firm or corporation shall construct a system pursuant to a permit that has expired or has been revoked.

C. No person, firm or corporation shall construct a system in a manner which deviates in any way from the plans and specifications set forth in the complete application and supporting documents submitted to the Sanitarian.

D. No person, firm or corporation shall construct a system unless a permit has been issued to them or transferred to them.

E. No person, firm or corporation shall operate or use a malfunctioning on-site sewage disposal system, and no person, firm or corporation shall allow such a malfunctioning on-site sewage disposal system to be operated or used within the boundaries of their property. (County Order No. 5-96, 5-6-96)

SECTION 235.140: ENFORCEMENT

A. If the Sanitarian should have reasonable grounds to believe that a person, firm or corporation is constructing, operating or using a system in violation of this Chapter or is allowing the construction, operation or use of a system in violation of this Chapter, the Sanitarian shall serve a notice of violation on the person, firm or corporation setting forth the nature of the violation and any remedial action required. The notice of violation may be served by either of the following methods:

1. Personal service upon the person, firm or corporation accused of the violation or their representatives at the construction site, or
2. Mailing a copy of the notice of violation, by first class mail, postage prepaid, to the last known address of the person, firm or corporation and by posting a copy of said notice at the construction site.

B. If the person, firm or corporation continues construction activity or fails to take the remedial action specified in the notice within ten (10) days of the service of the notice, the Health Officer may seek injunctive relief in the Circuit Court of Platte County, Missouri, to abate, restrain, enjoin or correct the violation and to prevent any construction in violation of this Chapter, and these remedies shall be in addition to the penalties described in Section 235.160 of this Chapter.

C. If the person, firm or corporation disagrees with the findings of the Sanitarian as set forth in the notice of violation, they may appeal said findings in accordance with the appeals procedures set forth in this Chapter. (County Order No. 5-96, 5-6-96)

SECTION 235.150: FEES

The Platte County Health Center shall assess and collect a fee of one hundred dollars ($100.00) for issuing a permit to construct an on-site sewage disposal system. The Platte County Health Center shall assess and collect a fee of seventy-five dollars ($75.00) to inspect an existing on-site sewage disposal system pursuant to a request from a lending institution that provides either government loans or conventional loans.

The fees provided in this Section shall be paid to the Platte County Health Center in the form of United States currency, a personal check, or a cashier's check and shall be paid at the time of an application for construction or inspection. (County Order No. 5-96, 5-6-96; County Order No. 21-04§1, 3-25-04)

SECTION 235.160: PENALTIES

Any person, firm or corporation who fails to comply with any provision of this Chapter or any order or notice of violation issued pursuant to this Chapter shall be deemed guilty of a County ordinance violation and shall be subject to a penalty of up to five hundred dollars ($500.00). Each day or any part thereof in which such violation occurs or continues shall constitute a separate violation punishable by a separate penalty assessment. (County Order No. 5-96, 5-6-96)

CHAPTER 240: PUBLIC HEALTH EMERGENCY REGULATIONS

SECTION 240.010: PURPOSE

To assure that timely and effective declarations of true emergencies relative to the health and well-being of the residents of Platte County are enacted and to assure that all measures are taken to prevent and contain secondary transmission of diseases and/or conditions. (County Order No. 75-03, 10-16-03)

SECTION 240.020: DEFINITIONS

As used in this Chapter, the following words and terms shall mean:

EMBARGO: The detention of food, medicine, supplies, equipment or other materials until such time as a determination can be made as to whether the products or items require condemnation and destruction in the interest of safeguarding public health, whether the items are safe or may be salvaged, decontaminated or disinfected.

ISOLATION: The separation for the period of communicability of infected individuals and animals from other individuals and animals, in places and under conditions as will prevent the direct or indirect transmission of the infectious agent from infected individuals or animals to other individuals or animals who are susceptible or who may spread the agent to others.

QUARANTINE: A period of detention for persons or animals that may have been exposed to a communicable disease. The purpose of quarantine is to prevent effective contact with the general population.

1. *Complete quarantine:* A limitation of freedom of movement of persons or animals exposed to a communicable disease, generally for a period of time not longer than the longest period of communicability of the disease, in order to prevent effective contact with the general population.

2. *Modified quarantine:* A selective, partial limitation of freedom of movement of persons or animals determined on the basis of differences in susceptibility or danger of disease transmission. Modified quarantine is designed to meet particular situations and includes, but is not limited to, the exclusion of children from school, the closure of schools and places of public or private assembly and the prohibition or restriction of those exposed to a communicable disease from engaging in a particular occupation. (County Order No. 75-03, 10-16-03)

SECTION 240.030: DECLARATION OF PUBLIC HEALTH EMERGENCY

The Director of the Platte County Health Department or the Director's designated representative, shall have the power to declare a public health emergency or crisis and establish such isolation, quarantine and/or embargo as may be deemed necessary to protect the health and well-being of the residents and citizens of Platte County against infectious, contagious, communicable or dangerous diseases and conditions. Those diseases include but are not limited to those listed in 19 CSR 20-20.010 (36) and (37) and 19 CSR 20-20.040, 19 CSR 20-20.050, and 19 CSR 20-20.060, and Chapter 196, RSMo. (County Order No. 75-03, 10-16-03)

SECTION 240.040: NOTICE AND ASSISTANCE

If there is an imminent public health danger requiring the establishment of isolation, quarantine or embargo, the Platte County Public Health Director or designee shall immediately notify the County Emergency Management Director who shall then assist with notifying and obtaining the assistance of law enforcement and other necessary personnel, as further set forth in the County emergency preparedness plan. The Director shall work in conjunction with the County Emergency Management Director, and such local law enforcement, the State Health Department and laboratory, medical personnel and CDCP, as he/she deems necessary. (County Order No. 75-03, 10-16-03)

SECTION 240.050: AUTHORITY OF DIRECTOR

The Platte County Health Director shall have authority within the County to do one (1) or more of the following:

1. Identify persons (and/or animals) subject to quarantine and/or isolation, whether by name, by group, by location or by any other reasonable means;

2. Determine the geographic boundaries of the quarantine or isolation, and, in connection therewith, post signs, cause doors to be locked or guarded and/or roadways to be blocked;

3. Establish precautions to be taken by emergency personnel and any other persons entering or leaving the quarantine or isolation area;

4. Assist in making arrangements for food, shelter and medical care for any persons subject to quarantine or isolation;

5. Establish zones within a quarantine area depending upon likelihood of exposure;

6. Authorize the movement and method of transportation of persons subject to quarantine or isolation;

7. Determine and establish the length of time which the quarantine or isolation is imposed;

8. Close any school or place of public or private assembly;

9. Inspect any premise that he/she has reasonable grounds to believe are in a condition conducive to the spread of any communicable disease;

10. Collect specimens or samples for laboratory analysis to confirm or rule out the presence of biological, chemical or physical agents and determine the source of the infection, epidemic or exposure;

11. Confer with medical advisors, laboratories or others making report of such conditions;

12. Make a complete epidemiological, environmental or occupational industrial hygiene investigation and record the findings as indicated;

13. Provide the opportunity to immunize all contacts of persons suffering from the disease (if available);

14. Establish other control measures including disinfection or decontamination;

15. Order examinations necessary to determine presence of food borne, water-borne or vector-borne infection or disease;

16. Exclude persons who are infected with a communicable disease from the production,

preparation, manufacture, packaging, storage, sale, distribution or transportation of foods;

17. Exclude food supplies known or suspected to transmit food borne infection from distribution and use, and order the destruction of embargoed foods and supplies pursuant to the provisions of Chapter 196, RSMo. (County Order No. 75-03, 10-16-03)

SECTION 240.060: PENALTY FOR VIOLATION OF QUARANTINE, ISOLATION OR EMBARGO

A. Any quarantined or isolated person who leaves the boundary established, or who intentionally exposes or contacts another person shall, upon conviction, be guilty of a Class A misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00), or imprisonment for not more than one (1) year, or both. Each occasion is a separate offense.

B. Any unauthorized person who enters or leaves an area of isolation or quarantine shall, upon conviction, be guilty of a Class A misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00), or imprisonment for not more than one (1) year, or both. Each occasion is a separate offense.

C. Any unauthorized person who moves or attempts to move any quarantined or embargoed animal or thing shall, upon conviction, be guilty of a Class A misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00), or imprisonment for not more than one (1) year, or both. Each occasion is a separate offense.

D. *Right To Petition For An Injunction.* In addition to the remedies and penalties set forth in this Chapter, the Director of the Platte County Health Department may petition the Circuit Court of Platte County to enjoin any violation of this Chapter that constitutes a threat to the public health, safety or welfare. The remedies set forth herein are cumulative and not exclusive, and the County or the Health Department may seek any legal or equitable remedy at its disposal, regardless of whether it has exhausted any other remedy available to it under this Chapter. (County Order No. 75-03, 10-16-03)

SECTION 240.065: APPLICATION OF PENALTIES FOR VIOLATION OF ISOLATION, QUARANTINE AND/OR EMBARGO ORDERS.

The criminal penalties set forth in Section 240.060 for violation of an isolation, quarantine and/or embargo order entered by the Director of the Platte County Health Department after declaration of a public health emergency or crisis shall not be applicable and effective against any individual or entity accused of violating such Order unless and until said isolation, quarantine and/or embargo order made by the Director of the Platte County Health Department shall have been ratified and approved by the Platte County Commission within fifteen (15) days after the declaration of public health emergency is ordered by the Director of the Platte County Health Department (County Order No. 2020-CO-077, 05-04-2020)

SECTION 240.070: RIGHTS OF AFFECTED PERSONS

Any person subject to a quarantine or isolation shall have access to telephone, wireless communication and e-mail communication, to the extent available. Any person subject to isolation or quarantine shall

be entitled to petition the court for a declaration as to whether the imposition of this Chapter upon him/her is reasonable under the circumstances, and to a hearing before a circuit court judge on an expedited basis. Said person may present evidence by telephone or other electronic means. (County Order No. 75-03, 10-16-03)

SECTION 240.080: JURISDICTION

This Chapter shall apply to unincorporated Platte County, Missouri, and to incorporated Cities in Platte County that have less than seventy-five thousand (75,000) population. This Chapter shall not apply to Cities that have a population of seventy-five thousand (75,000) or over; which are maintaining an organized health department. (County Order No. 75-03, 10-16-03)

SECTION 240.090: AUTHORITY

Revised Missouri Statute Sections 192.010 et seq., 196.010 et seq., 205.010 et seq., including Section 205.100 RSMo., which provides "The County Commission or Commissions shall annually at their February meeting, appoint the Director of the Public Health Center as County Health Officer and such County Health Officer shall exercise all of the rights and perform all of the duties pertaining to that office as set forward under the health laws of the State and rules and regulations of the Department of Health and Senior Services". (For those laws-see Sections 192.020 and 192.260, RSMo.) (County Order No. 75-03, 10-16-03)

TITLE III. TRAFFIC CODE

CHAPTER 300: GENERAL REGULATIONS

SECTION 300.010: CITATION OF CODE

This Code shall be known and may be cited as the "Traffic Code of the County of Platte, Missouri".

SECTION 300.020: AUTHORITY

This Code is adopted in the manner prescribed by law in accordance with the authority granted to First Class Counties by Section 304.130, RSMo.

SECTION 300.030: DEFINITIONS AND RULES OF CONSTRUCTION

In the construction of this Traffic Code, the following definitions and rules of construction shall be observed, unless it shall be otherwise expressly provided, or unless inconsistent with the manifest intent of the County Commission, or unless the context clearly requires otherwise.

ALLEY OR ALLEYWAY: Any street with a roadway of less than twenty (20) feet in width.

AUTHORIZED EMERGENCY VEHICLE: A vehicle publicly owned and operated as an ambulance, or a vehicle publicly owned and operated by the State Highway Patrol, Police or Fire Department, Sheriff or Constable or Deputy Sheriff, traffic officer or any privately owned vehicle operated as an ambulance when responding to emergency calls and Highway Department vehicles when responding to hazardous conditions caused by disaster or storm.

COMMERCIAL VEHICLE: Every vehicle designed, maintained or used primarily for the for hire transportation of property or passengers.

CROSSWALK:

1. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs from the edges of the traversable roadway.

2. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

DRIVER: Every person who drives or is in actual physical control of a vehicle.

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

INTERSECTION:
1. The area embraced within the prolongation or connection of the lateral curb lines or, if none,

then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

2. Where a highway includes two (2) roadways thirty (30) feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty (30) feet or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection.

MOTOR VEHICLE: Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors and motorized bicycles.

OFFICIAL TIME STANDARD: Whenever certain hours are named herein they shall mean standard time or daylight-saving time as may be in current use in the County.

OFFICIAL TRAFFIC CONTROL DEVICES: All signs, signals, markings and devices not inconsistent with this Chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

PARK OR PARKING: The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

PEDESTRIAN: Any person afoot.

PERSON: Every natural person, firm, co-partnership, association or corporation.

POLICE OFFICER: Every officer of the Sheriff's Department, State Highway Patrol, Municipal Police Department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

PRIVATE ROAD OR DRIVEWAY: Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

RAILROAD: A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

RIGHT-OF-WAY: The right of one (1) vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

ROADWAY: That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways the term *"roadway"* as used herein shall refer to any such roadway separately but not to all such roadways collectively.

SAFETY ZONE: The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

SIDEWALK: That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

STOP: When required, complete cessation from movement.

STOP OR STOPPING: When prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic control sign or signal.

STREET OR HIGHWAY: The entire width between the lines of every way publicly maintained when any part thereof is open to the uses of the public for purposes of vehicular travel. *"State highway"*, a highway maintained by the State of Missouri as a part of the State Highway System.

TRAFFIC: Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

TRAFFIC CONTROL SIGNAL: Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

VEHICLE: Any mechanical device on wheels, designed primarily for use, or used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power, or vehicles used exclusively on fixed rails or tracks, cotton trailers or motorized wheelchairs operated by handicapped persons.

SECTION 300.040: SPEED LIMITS - EMERGENCY VEHICLES

The speed limits established pursuant to this Section shall not apply to the operation of any emergency vehicle as defined in Section 304.022, RSMo.

SECTION 300.050: STOP SIGNS

Except when directed to proceed by a Law Enforcement Official or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

SECTION 300.060: PENALTY

Any person who violates any of the regulations established in this Title shall be guilty of a misdemeanor and may be punished by a term of imprisonment not to exceed one (1) year, or by a fine not to exceed one thousand dollars ($1,000.00), or by both fine and imprisonment. (County Order No. 60-02 §5, 12-19-02)

CHAPTER 305: MISCELLANEOUS DRIVING AND PARKING REGULATIONS

SECTION 305.010: OPERATING VEHICLE ON ROADS WITH TIRES CARRYING MUD, ETC., PROHIBITED

A. No person shall operate any vehicle, the wheels or tires of which carry onto or deposit mud, dirt, sticky substances, litter or any other foreign matter of any kind on any hard surface County road, street or highway located in the unincorporated territory of Platte County, Missouri. Removal of deposit of mud, dirt, sticky substances, litter or other foreign matter from the roadway by the operator or his/her agent within four (4) hours of the time of the deposit shall constitute a full exoneration of any offense committed pursuant to this Subsection.

B. The owner or lessor of a motor vehicle which violates any of the provisions of this Section shall be equally liable for such violation and shall be liable for the imposition of any fine established under this Section. The owner or lessor of an offending motor vehicle shall not be liable when the vehicle is being permissibly used by a lessee or other party if the registered owner or lessor of such vehicle furnishes the name, address and operator's license number of the person leasing or using the vehicle at the time the violation occurred to the County within three (3) working days from the time of receipt of written request for such information.

C. The provisions of this Section shall not apply to any person operating a farm tractor, any agricultural equipment or implement or a vehicle transporting such equipment or implement.

D. Any person who violates any of the regulations established in this Section shall be guilty of an infraction and may be punished by a fine not to exceed two hundred dollars ($200.00). (County Order No. 38-99, 6-17-99)

SECTION 305.020: PARKING REGULATIONS

A. Temporary parking shall be restricted on all County roads located within the boundaries of platted subdivisions pursuant to the following standards:

1. No parking shall be allowed if the paved or improved surface of the County road is less than twenty (20) feet wide.

2. Parking shall only be allowed on one (1) side of the road if the paved or improved surface of the County road is greater than twenty (20) feet but less than twenty-four (24) feet wide.

3. Parking shall be allowed on both sides of the road if the paved or improved surface of the County road is equal to or greater than twenty-four (24) feet wide.

4. No overnight parking of commercial vehicles, such as tractor-trailers, dump trucks, business vans, etc., shall be allowed at any time.

5. All restrictions on permanent parking as set forth in Title IV of this Code shall remain in full force and effect.

B. No parking shall be allowed within fifteen (15) feet of any fire hydrant. Any curb adjacent to a fire hydrant shall be painted yellow to provide notice of this parking prohibition.

C. Streets designated as prohibited parking are set forth in Schedule III.

D. In measuring the paved surfaces for the purpose of determining the applicability of the parking regulations set forth in Subsection (A) of this Section, the improved surface of the roadway will be measured from the back of one (1) curb to the back of the curb on the opposite side of the travelled roadway. (County Order No. 36-97, 12-18-97; County Order No. 38-99, 6-17-99)

SECTION 305.030: COURTHOUSE PARKING LOTS

A. This Commission desires to establish regulations for the reasonable use of the parking lots located on the County property in Platte City, Missouri, lying north of Main Street, west of Fourth Street, south of Vine Street and east of Second Street, hereinafter referred to as "the courthouse parking lots".

B. The County Commission may designate certain parking spaces in the courthouse parking lots as "handicapped" parking spaces. Handicapped parking spaces may only be used when a physically disabled occupant is in the motor vehicle at the time of parking or when a physically disabled person is being delivered or collected by a properly marked vehicle which is parked for the sole use of the physically disabled person.

C. The County Commission may designate certain parking spaces in the courthouse parking lots as "reserved" parking spaces. Any parking spaces so designated shall be used only by the designated individuals between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday.

D. The County Commission may designate certain parking spaces in the courthouse parking lots as "visitor's" parking spaces. Any parking spaces so designated shall be used only by non-courthouse employees between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday.

E. Any vehicle parked in a parking space in violation of these regulations may be towed at the direction of the Platte County Sheriff or his/her designee to an appropriate storage area at the vehicle owner's expense.

F. Violation of the parking regulations set forth herein shall constitute an infraction punishable by a fine of up to two hundred dollars ($200.00).

G. These regulations shall be codified, printed and made available for public use by the Clerk of the County Commission.

H. Adequate signs warning of these parking regulations shall be posted at the entrance of the courthouse parking lots described herein. (County Order No. 32-97, 12-11-97; County Order No. 12-08, 1-31-08)

SECTION 305.040: VIOLATION OF PARKING REGULATIONS

A. If any vehicle is found in violation of any of the parking regulations established by the County Commission of Platte County, Missouri, including but not limited to the parking regulations established in Section 305.020 hereof and the driver of the vehicle is not present, the owner or person in whose name such vehicle is registered in the records of any City, County or State

shall be responsible for such violation if the vehicle was being used with permission. Proof of the ownership shall be prima facie evidence that the vehicle was being operated with permission of the owner.

B. No liability shall be imposed on the owner-lessor of a motor vehicle when the vehicle is being permissibly used by a lessee and is illegally parked if the registered owner-lessor of such vehicle furnishes the name, address and operator's license number of the person renting or leasing the vehicle at the time the violation occurred to the County within three (3) working days from the time of receipt of written request for such information. Any registered owner-lessor who fails or refuses to provide such information within the period required by this paragraph shall be liable for the imposition of any fine established by County regulation.

C. If an officer shall observe a vehicle without a driver parked or standing in violation of any of the parking regulations of Platte County, Missouri, the officer shall take such information displayed on the vehicle as is required to enable the officer to identify the owner and shall conspicuously affix to such vehicle a traffic summons for the owner to answer the charge against him/her in the Circuit Court of Platte County, Missouri. (County Order No. 21-98, 5-21-98)

SECTION 305.050: WEIGHT LIMITS DESIGNATED FOR CERTAIN ROADS

A. Pursuant to Section 304.220, RSMo., the County Commission has the authority to establish maximum weight limits on County roads and bridges in such amounts as will preserve the road or bridge and provide a reasonable margin of safety to users thereof.

B. The County Commission wishes to set a maximum weight limit of ten (10) tons on the following roads in Platte County:

1. Childress Road.

2. Broken Bridge Road.

3. Brightwell Road, which becomes NW 72nd Street in Smart Estates.

C. Any person who shall violate the provisions of Section 304.220, RSMo., and this order shall be guilty of a misdemeanor and shall be liable in a civil action for any damages to the road or bridge.

1. The Platte County Commission does hereby order the load limit for the streets designated in Subsection (B) above, and that notice of such weight limit shall be given by posting signs at convenient and public places along such road. (County Order No. 21-95, 9-28-95; County Order No. 3-96, 5-2-96; County Order No. 7-96, 6-6-96)

TRAFFIC SCHEDULES

SCHEDULE I. SPEED LIMITS

Speed limits on the following streets, when signs are posted, shall be as follows, and no vehicle shall be operated in excess of the speed limits established in this schedule:

Location	***Speed Limit***
All gravel and oiled roads in Platte County	45 mph, unless otherwise posted
All County roads located within the boundaries of platted subdivisions in Platte County	25 mph, unless otherwise posted
All paved County roads not located within the boundaries of platted subdivisions in Platte County	45 mph, unless otherwise posted
67th Street	25 mph
68th Terrace-9700-9900 blocks; two-tenths (2/10) mile, east from Blair Road	25 mph
70th Place	25 mph
70th Terrace	25 mph
71st Street-9600-10000 blocks; three-tenths (3/10) mile, west from Blair and east from Wheaton	25 mph
71st Terrace-9800-10000 blocks; two-tenths (2/10) mile, west from Edgehill	25 mph
77th Terrace	25 mph
136th Street-from the east right-of-way line of Interstate Highway 435 to North Nevada Road	45 mph
Alan Circle	25 mph
Algier Road	35 mph
Altus Drive	25 mph
Amber Court	25 mph
Avalon	25 mph
Baker Road	35 mph
Baker Road-from N Highway to NW 112th Street	20 mph

SCHEDULE I. SPEED LIMITS (cont.)

Location	*Speed Limit*
Ball Knob Road	35 mph
Bethel Road	35 mph
Bethel Road-from Missouri Highway 92 to HH Highway	45 mph
Bethel Terrace	25 mph
Blair Road-from 45 Highway to Eastside Drive	30 mph
Blue Grass Drive	25 mph
Blum Road	25 mph
Boyd Lane	35 mph
Brandt Lane	35 mph
Brightwell Road	25 mph
Brink Drive	25 mph
Brink Myers Road-from 45 Highway to Union Chapel Road	35 mph
Broken Bridge Court	25 mph
Broken Bridge Lane	25 mph
Brostrom-Mace Road to Eastside Drive	25 mph
Buck Creek	25 mph
Buckwood Drive	25 mph
Cable Bridge Road	35 mph
Caldwell Avenue	25 mph
Carter Drive	25 mph
Casper Road	15 mph
Cedar Bend	25 mph
Cheri Lane	25 mph
Chez La Terre	25 mph
Cimarron Drive	20 mph

SCHEDULE I. SPEED LIMITS (cont.)

Location	*Speed Limit*
Clemstone Drive	25 mph
Cobblestone Circle	25 mph
Cobblestone Drive	25 mph
Cockran Road	35 mph
Cockriel Road	35 mph
Colony Circle	25 mph
Coots Lane	35 mph
Coronado	25 mph
Countryside Circle	25 mph
Countryside Lane	25 mph
Countryside Road	35 mph
Countrywood Lane	25 mph
Covered Bridge Road	35 mph
Crest Drive	25 mph
Crooked Road-from the Parkville City limits to 45 Highway	35 mph
Crossroads-Blair Road to Parkville City limits	25 mph
Custer Drive	25 mph
Davidson Drive	35 mph
Davis Chapel Road	35 mph
Dawson dead-end	35 mph
Deer Trails	25 mph
Diamond Court	25 mph
Dick's Creek	35 mph

SCHEDULE I. SPEED LIMITS (cont.)

Location	*Speed Limit*
Dowling Lane-from Ode Road to Humphrey Road	35 mph
Duncan Road	35 mph
Eastside Drive-from Missouri Highway 45 to Swamp Road	35 mph
Eastside Drive-from Weatherby Lake City limits to 9 Highway	30 mph
Edgehill Drive 7100 block; one-tenth (1/10) mile, north from 71st Street and south from 71st Terrace	25 mph
Edgerton Junction	35 mph
Elliot Court	25 mph
Emerald Hills Drive	25 mph
Fairgrounds Road-outside Tracy City limits	35 mph
Fairway Drive	25 mph
Farmers Lane-from Winan Road west to HH Highway	45 mph
Farra Lane	35 mph
Fawn Drive	25 mph
FF Highway-from Parkville City limits west to Union Chapel Road	45 mph
Flint Street	25 mph
Fox Road-from Jones Myer Road to 45 Highway	35 mph
Fry Road	35 mph
Fulk Lane	35 mph
Gabe Lane	25 mph
Gale Road	25 mph
Gates Drive	25 mph
Gilly Drive	25 mph
Gooseneck Bend	35 mph

SCHEDULE I. SPEED LIMITS (cont.)

Location	***Speed Limit***
Graden Road	30 mph
Grass Pad Road-from 45 Highway to Platte River Road	35 mph
Green Hills Road-from West Platte Road to 52nd Street	30 mph
Hackberry Lane	35 mph
Hackett Road	35 mph
Hampton Woods Circle	25 mph
Hampton Woods Drive	25 mph
Hickory Hollow	25 mph
Hidden Valley Drive	25 mph
High Drive	25 mph
Highland Terrace	25 mph
Hillsboro Road-from Jones Myer Road to Farley Hampton Road	35 mph
Hogan Drive	15 mph
Holland Branch Road	35 mph
Homer White Road	20 mph
Hoover Road-from 92 Highway to Kara Lane	35 mph
Hoover Road-from Winan Road east to the section line	45 mph
Hornback Road	35 mph
Hounker Road	25 mph
Interurban Road-Basswood Springs area to NW 144th Street	45 mph
Interurban Road-from three hundred (300) feet west of HH Highway to Basswood Springs area	45 mph

SCHEDULE I. SPEED LIMITS (cont.)

Location	***Speed Limit***
Interurban Road-from HH Highway to Oil Well Road, except that portion of Interurban Road located within the City limits of Camden Point, Missouri	45 mph
Interurban Road-two-tenths (2/10) of a mile in Basswood Springs area	25 mph
Ironstone Circle	25 mph
Ironwood Drive	25 mph
Jana Court	25 mph
Jade Street	25 mph
Jannet Avenue	25 mph
Jantzen Lane	25 mph
John Anders	25 mph
Jones Road	15 mph
Jordan Road	35 mph
Jowler Creek Road	35 mph
Kara Street	25 mph
Kerns Drive	25 mph
Kevin Circle	25 mph
Kimberly Downs	25 mph
Kirk Avenue	25 mph
Kirk Bottom Road	35 mph
Kisker Road	35 mph
Lake Crest Lane	25 mph
Lakeport Lane	25 mph
Lakewood Drive	25 mph
Lamar Drive-Brostrom to NW Lingley	25 mph
Langley Court	25 mph

SCHEDULE I. SPEED LIMITS (cont.)

Location	***Speed Limit***
Lanter Lane	35 mph
Leipard Lane-from 92 Highway to Stone Street	25 mph
Lema Road	15 mph
Linder Lane	25 mph
Lisa's Lane	25 mph
Mace Road-from Barry Road south seven-tenths (.7) of a mile	45 mph
Malcolm Lake Road-West of B Highway	35 mph
Maple-Locust to Oak	25 mph
Martin	25 mph
Martin Circle	25 mph
Martin Road	35 mph
Mastern Drive	25 mph
McLiney Lane	35 mph
Meadow Lane Drive-approximately five-hundredths (.05) mile of road on Meadow Lane	25 mph
Mellon's Bridge Road	35 mph
Mirror Lake Court	25 mph
Mirror Lake Drive	25 mph
Mirror Lake Terrace	25 mph
Misty Lane	25 mph
Misty Springs Circle	25 mph
Monticello Court	25 mph
Monticello Drive	25 mph
Monticello Terrace	25 mph
Montrose Circle	25 mph

SCHEDULE I. SPEED LIMITS (cont.)

Location	***Speed Limit***
Moore Road-from Baker Road to Hillsboro Road	35 mph
Moreil Drive	25 mph
Mt. Zion Road	35 mph
North American Avenue	35 mph
North Crooked Road-from 45 Highway to K Highway	35 mph
North Farley Road	35 mph
North Overland Drive	25 mph
Northwood Road-from the City limits of Kansas City to the City limits of Riverside	35 mph
NW 48th Street	25 mph
NW 48th Terrace	25 mph
NW 49th Street	25 mph
NW 49th Terrace	25 mph
NW 50th Street	25 mph
NW 50th Terrace	25 mph
NW 51st Street	25 mph
NW 51st Terrace	25 mph
NW 60th Street	25 mph
NW 61st Terrace	25 mph
NW 65th Street	25 mph
NW 67th Street-Blair Road to Mirror Lake Drive	25 mph
NW 68th Street-Willowick to Mace Road	25 mph
NW 71st Street	25 mph
NW 71st Terrace	25 mph
NW 72nd Street	25 mph

SCHEDULE I. SPEED LIMITS (cont.)

Location	***Speed Limit***
NW 73rd Street	25 mph
NW 74th Street	25 mph
NW 76th Street	25 mph
NW 76th Street-From NW Nevada to N Highway	25 mph
NW 77th Street	25 mph
NW 78th Terrace	25 mph
NW 79th Street	25 mph
NW 79th Street Terrace	25 mph
NW 136th Street-from C Highway west to Walker Road	35 mph
NW 136th Street-from Running Horse Road west to Humphreys Access	45 mph
NW 136th Street-Running Horse Road to Interstate 435 West	35 mph
NW 136th Street-from Walker Road west to the City limits of Kansas City	45 mph
NW Baker Road	35 mph
NW Baker Road Circle	25 mph
NW Berkely	25 mph
NW Childress	35 mph
NW Fisk	25 mph
NW Hillview Road Circle	25 mph
NW Lingley-Eastside Drive to NW 73rd Street	25 mph
NW Locust-Lingley to Maple	25 mph

SCHEDULE I. SPEED LIMITS (cont.)

Location	***Speed Limit***
NW Mace Road-from a point beginning one thousand three hundred twenty (1,320) feet south of its intersection with NW Barry Road to a point one thousand three hundred forty (1,340) feet south of the intersection with NW Barry Road, then east eight hundred (800) feet	25 mph
NW Mace Road-from NW Barry Road south approximately one thousand three hundred twenty (1,320) feet	35 mph
NW Montrose	25 mph
NW Naylor Road	35 mph
NW Nevada	25 mph
NW Revere Street	25 mph
NW Tiffany Park Road	35 mph
NW Waldron Drive	35 mph
NW Waldron Road	35 mph
NW Winan	25 mph
NW Windover Road	35 mph
Oak-Maple to Locust	25 mph
Oberdiek Lane	35 mph
Ode Road-from North Farley Road to 92 Highway	35 mph
Oil Well Road	35 mph
Old Pike Road	35 mph
Overhill Drive-9700 block; one-tenth (1/10) mile, east and south from Blair and north from 68th Terrace	25 mph
Pampas	25 mph
Paradise Valley-From Platte Road to NW 51st Terrace	25 mph

SCHEDULE I. SPEED LIMITS (cont.)

Location	*Speed Limit*
Parkdale Road-from Green Hills Road to Kansas City, Missouri, City limits	30 mph
Platte Hills	25 mph
Platte River Road-from the Farley Village limits to Grass Pad Road	35 mph
Player	15 mph
Pleasant Drive	25 mph
Pleasant Grove Road	35 mph
Pleasantview Drive	25 mph
Porter Road	25 mph
Quail Run Drive-6500-6600 blocks; three-tenths (3/10) mile, east and south from Blair Road	25 mph
Raintree Drive-at Crooked Road for southbound traffic on Raintree Drive	25 mph
Rattlesnake Cut	15 mph
Red Oak Lane-9800 block; one-tenth (1/10) mile, west from Graden Road	25 mph
Red Rock Drive	25 mph
Ridgewood Drive	25 mph
Ringgold Road	35 mph
River Road-from Waldron Drive to Bridge No. 202005	25 mph
Robin Hood Lane-from the Kansas City, Missouri City limits to East Martin Road	35 mph
Rock Garden	25 mph
Rule Lane	25 mph
Running Horse Road-from 120th Street north to Prairie View	45 mph
Saddle Club Court	25 mph

SCHEDULE I. SPEED LIMITS (cont.)

Location	***Speed Limit***
Sage	25 mph
Searcy Drive-6900 block; three-tenths (3/10) mile, north from Kerns and south from Blum Road	25 mph
Second Creek Road	35 mph
Settle's Station Road	35 mph
Settle's Station Road South-from Sharp Station Road	35 mph
Sexton Road	35 mph
Shaggy Bark Drive-9800-9900 blocks; two-tenths (2/10) mile, east from Blair and west from Graden Road	25 mph
Shane Lane	25 mph
Sharp Station Road	45 mph
Shelly Drive	25 mph
Sherwood Forest Road	35 mph
Singleton Branch Road	35 mph
Sioux Court	25 mph
Sioux Drive	25 mph
Skinner Lake Road	35 mph
Smith Road	35 mph
Smith's Fork Road	35 mph
Smither Road	25 mph
Snook Road	35 mph
South Bluff Road-from Missouri Highway 45 to the Weston City limits	20 mph
South Crooked Road-all of the portions from 45 Highway to FF Highway located in the unincorporated area of the County	25 mph
South Crooked Road-from 45 Highway to Parkville City limits	35 mph

SCHEDULE I. SPEED LIMITS (cont.)

Location	***Speed Limit***
South Ridgley Road-from E Highway to Cockran Road	35 mph
South View Cove	25 mph
Southridge Drive	25 mph
Stephanie Lane	25 mph
Stillings Road-from 45 Highway to the platted area of Stillings	35 mph
Stillings Road-within the platted area of Stillings	25 mph
Stone Street	25 mph
Stubb's Station Road	35 mph
Styne Road	35 mph
Sumac Circle	25 mph
Terra Pulchra Drive	25 mph
Timber Creek Circle	25 mph
Timber Creek Drive	25 mph
Timber Creek Lane	25 mph
Timber Ridge	25 mph
Todd Creek Road	35 mph
Tucson	25 mph
Twin Springs	25 mph
Union Chapel Road-from Missouri Highway 45 to River Road	30 mph
Union Mill Road	35 mph
Valley Drive	25 mph
Valley Road	25 mph
Valley View	25 mph

SCHEDULE I. SPEED LIMITS (cont.)

Location	***Speed Limit***
View Cove Circle-9700-9800 blocks; two-tenths (2/10) mile, south from 71st Street	25 mph
Village Circle Drive	25 mph
Walker Road	35 mph
West Gale Circle	25 mph
West Gale Road	25 mph
Wheaton Drive-7000 block; two-tenths (2/10) mile, north from Blum Road and south from 71st Street	25 mph
White Oak	25 mph
Williams Road	35 mph
Willow Lane	25 mph
Willowick-Eastside Drive to NW 68th Street	25 mph
Winan Road-7000-7100 blocks; two-tenths (2/10) mile, north from Blum Road and south from 71st Street	25 mph
Winan Road-from 92 Highway north to B Highway	45 mph
Woodland View Drive-from Twin Springs to Parkville City limits	25 mph
Woodridge Drive	25 mph
Woody Creek Road-from NW 48th Street to NW 51st Terrace	25 mph
Yukon	25 mph
(County Order No. 10-90, 6-7-90; County Order No. 34-90, 11-15-90; County Order No. 12-91, 5-21-91; County Order No. 17-91, 7-2-91; County Order No. 23-92, 10-20-92; County Order No. 27-94, 2-23-95; County Order No. 36-97, 12-18-97; County Order No. 38-99, 6-17-99; County Order No. 28-01, 6-14-01; County Order No. 57-01, 12-13-01; County Order No. 60-02, 12-19-02; County Order No. 01-04 §§1-2, 1-15-04); County Order No. 224, 07-18-16;	

SCHEDULE II. STOP INTERSECTIONS

The following stop intersections are hereby designated:

Location	***Restriction***
Elm Grove Road and North American Avenue	3-way stop
Hidden Valley Road and Gilley Road	2-way stop
Interurban Road and Winan Road	4-way stop
North Nevada Avenue and Northwest 66th Street	3-way stop
Crooked Road and Raintree Drive	3-way stop
Walnut Creek Circle at Raintree Drive	1-way stop
Northwest Monticello Court and Northwest Monticello Drive	2-way stop
Northwest Monticello Terrace and Northwest Monticello Drive	2-way stop
(Adopted as County Order No. 7-9-91; County Order No. 002-95, 4-20-95; County Order No. 36-97, 12-18-97; County Order No. 60-02, 12-19-02; County Order No. 13-05, 3-24-05)	

SCHEDULE III. PARKING RESTRICTIONS

Table III-A. Prohibited Parking

No parking shall be allowed on the following streets:

Location
Blair Road: From 45 Highway to Eastside Drive Crossroads: From Blair Road to Parkville City limits Eastside Drive: From Parkville City limits to the Weatherby Lake City limits Graden Road: From 45 Highway to Blair Road Kerns Road: From Blair Road to City limits of Weatherby Lake NW 50th Street, northwest side: From 6560 NW 50th Street to 6712 NW 50th Street South Crooked Road: From Missouri Highway 45 south to Raintree Drive (County Order No. 36-97, 12-18-97; County Order No. 38-99, 6-17-99; County Order No. 01-04 §3, 1-15-04)

TITLE IV: LAND USE is located under the Planning and Zoning Department.

http://co.platte.mo.us/docs/planning_zoning/zoning_order.pdf

TITLE V: BUILDING CODE.

- International Building Code 2006 version (as amended)
- International Residential Code 2006 version (as amended)
- International Plumbing Code 2006 version (as amended)
- International Mechanical Code 2006 version (as amended)
- International Fuel Gas Code 2006 version (as amended)
- International Energy Conservation Code 2006 version (as amended)
- National Electrical Code 2005 version (as amended)

TITLE VI. BUSINESS AND OCCUPATION

CHAPTER 600: ALCOHOLIC BEVERAGES

SECTION 600.010: LIQUOR LICENSE FEES

A. Section 311.220, RSMo., 1986, authorizes Counties to adopt ordinances providing for the assessment and collection of County liquor license fees according to the State Liquor License Fee Schedule. Such a schedule was approved by the voters of Platte County on August 7, 1990, and adopted by the County Commission.

B. The Platte County Commission hereby adopts the following liquor license fee schedule:

Domestic Wine (per 500 gallons)	$5.00
3.2% Non-Intoxicating Beer by the Drink-Picnic	$10.00
Original Package 3.2% Beer	$15.00
Original Package 5% Beer	$15.00
3.2% Non-Intoxicating Beer by the Drink	$25.00
5% Beer by the Drink-Picnic	$25.00
Retail Liquor by the Drink-Picnic	$25.00
5% Beer by the Drink-Wine	$35.00
5% Beer by the Drink	$35.00
Original Package Liquor (unincorporated area)	$50.00
Consumption of Intoxicating Liquor	$60.00
Wine Manufacturer	$100.00
22% Solicitor	$100.00
5% Beer by the Drink-Wine-Picnic (6/15 to 7/15)	$100.00
Original Package Liquor (incorporated area)	$100.00
Liquor Manufacturer	$200.00
5% Beer by the Drink-Sunday--Bar-Exempt	$200.00
5% Beer by the Drink-Restaurant-Bar-Wine	$200.00
5% Beer by the Drink-Restaurant-Bar	$200.00
Sunday-Bar-Exempt	$200.00
Restaurant-Bar-Resort	$200.00
Restaurant-Bar	$200.00
Liquor Solicitor	$250.00
Liquor by the Drink-Extended Hours	$300.00
Retail Liquor by the Drink-Exempt	$300.00
Retail Liquor by the Drink-Resort	$300.00
Retail Liquor by the Drink	$300.00
Liquor Manufacturer Solicitor	$450.00
Liquor Wholesale Solicitor	$500.00

(County Order of 6-12-90; Voter Approved)

SECTION 600.020: FAILURE TO PAY REQUIRED COUNTY LIQUOR LICENSE FEE

A. No person, firm, partnership or corporation shall manufacture, sell or expose for sale upon any premises in Platte County, Missouri, any alcoholic beverages without displaying upon the premises a current and valid County liquor license. The failure to display such a license upon any premises in Platte County, Missouri, in which alcoholic beverages are manufactured, sold or exposed for sale shall be considered a violation of this Chapter.

B. The failure of any holder of a State liquor license permit at premises located within Platte County, Missouri to pay the lawfully assessed County liquor license fee shall be considered a violation of this Chapter.

C. Violation of Section 600.010 shall, upon conviction, be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment in the County Jail for a term not exceeding ninety (90) days, or by both such fine and imprisonment. (County Order of 4-2-91)

CHAPTER 605: BUSINESS REGULATIONS

SECTION 605.010: WRECKER OR TOW SERVICE BUSINESSES-LICENSING AND FEE

A. Section 301.344, RSMo., was recently amended by Senate Bill 560 to require Counties to license wrecker or tow service businesses registered with the United States Department of Transportation when such businesses are either physically located within the County or when the business conducts more than fifty percent (50%) of its wrecker or tow service business within the County.

B. The County Commission believes it would be in the best interest of the citizens of Platte County to issue the wrecker or tow service business licenses in accordance with Statute.

C. Platte County Commission does hereby order as follows:

1. Any wrecker or tow service business registered with the United States Department of Transportation shall obtain a license from the County Clerk of Platte County, Missouri, if:

   a. The business is physically located in Platte County, Missouri; or

   b. The business conducts more than fifty percent (50%) of its wrecker or tow service business activities in Platte County, Missouri.

2. The fee for the license shall be set at seventy-five dollars ($75.00) per year, per business and twenty-five dollars ($25.00) per year, per vehicle. The license shall be issued on or before January first (1st) of each year and shall expire on December thirty-first (31st). The license fee shall not be prorated for periods of less than one (1) year.

D. *Penalty.* Any person, wrecker or tow service business which fails to obtain a license from the County Clerk or pay the fee for said license as required by this Section shall upon conviction thereof be punished by a fine of not less than five dollars ($5.00) nor more than

five hundred dollars ($500.00) or by imprisonment in the County jail for a term not exceeding one (1) year or by both said fine and imprisonment. (County Order No. 36-96, 12-31-96; County Order No. 02-03 §1, 1-9-03)

TITLE VII. RIGHT-OF-WAY MANAGEMENT

CHAPTER 700: RIGHT-OF-WAY REGULATIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 700.010: AUTHORITY

This Order is adopted in pursuance of the authority granted by the State of Missouri in Sections 67.1830, 67.1832, 67.1837, 67.1838, 67.1842, 67.1844, and 67.1846 RSMo. et seq. and Chapter 229
RSMo. (County Order No. 92-04, 12-30-04; County Order No. 04-10, 3-18-10; County Order No.
11-10, 5-24-10)

SECTION 700.020: PURPOSE, NECESSITY, AND INTENT

A. The County Commission finds that the enactment of a Right-of-Way Management Ordinance for Public Utilities and other users of the Public Right-of-Way will have a beneficial impact on all of the citizens of the County. The use of the Public Right-of-Way is increasing due to the advancements in technology, changes in federal and state law, and increased demand for services from residents, businesses, educational institutions, governmental offices located in the County, and other public and private institutions. The County Commission further finds that the public convenience, health, safety and welfare can be best served by establishing regulatory power and procedures to protect the Public Right-of-Way, ensure the orderly development of infrastructure which serves the County, while at the same time not creating barriers which prohibit or effectively prohibit competition. The County Commission further recognizes the necessity for sound management practices in light of the increased use of the right-of-way and the fact that the right-of-way is a limited resource, and for treating each Right-of-Way User equitably and in a competitively neutral manner with considerations that may be unique to the technologies and situation of each particular Right-of-Way User. The County Commission further finds that such regulatory powers are vested in the County or such Persons as the County shall designate.

B. The County seeks to serve the public by providing for the following:

1. Permit requirements for Public Utility Right-of-Way Users and others seeking to Excavate or engage in a Special Use within a Public Right-of-Way;

2. Management of the Public Rights-of-Way consistent with applicable Law; and

3. Imposition of notice, safety, and Restoration requirements on Public Utilities and other Persons desiring to Excavate or conduct a Special Use upon the Public Rights-of-Way.

SECTION 700.030: REGISTRATION BY PUBLIC UTILITIES

Public Utility Right-of-Way Users may, but are not required to, register with the Director of Public Works as herein provided in order to facilitate the issuance of permits.

SECTION 700.040: PERMITS REQUIRED: PUBLIC UTILITY RIGHT-OF-WAY USERS AND OTHERS

A. No Public Utility or Public Utility Right-of-Way User shall perform Excavation, as that term is defined in this Chapter, through, on, under, across, or within a Public Right-of-Way in any manner without first obtaining a Public Utility Right-of-Way Permit from the County as provided in this Chapter.

B. All Persons not included in the definition of "Public Utilities" or "Public Utility Right-of-Way Users" who intend to undertake any of the following activities through, on, under, across, or within a Public Right-of-Way in any manner shall first secure a Special Use Right-of-Way Permit issued by the Director pursuant to this Chapter, to-wit: encroaching or Excavating on a Public Right-of-Way, laying, locating, erecting, removing, installing, constructing, maintaining, operating, or repairing poles, equipment, facilities, devices, materials, apparatuses or media of any kind for any purpose whatever.

C. All Public Utilities intending to undertake an activity through, on, over, under, across, or within a Public Right-of-Way that is not encompassed within the definition of Excavation, but which encroaches upon or impedes the use of the Public Right-of-Way, or constitutes the placement or suspension of a Facility over the Public Right-of-Way without Excavation shall first secure a Special Use Right-of-Way Permit issued by the Director pursuant to this Chapter.

SECTION 700.050: DEFINITIONS

A. For the purpose of this Chapter 700, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given in this Section.

B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense, words in the single number include the plural number, and words in the plural number include the single number. The words "shall" and "will" are mandatory and the word "may" is permissive. Words not defined shall be given their common and ordinary meaning. The word "herein" means "in this Ordinance;" the word "Regulations" means "this Ordinance."

ABANDONED EQUIPMENT OR FACILITIES: Any equipment, materials, apparatuses, devices or Facilities that are:

1. Declared abandoned by the owner of such equipment, materials, apparatuses, devices or Facilities; or

2. No longer in active use, physically disconnected from a portion of the operating Facility or any other Facility that is in use or in service, and no longer capable of being used for the same or similar purpose for which the equipment, materials, apparatuses or Facilities were installed; or

3. No longer in active use and the owner of such equipment, materials, apparatuses, devices or Facilities fails to respond within thirty (30) days to a written notice sent by the County that the County deems such equipment, materials, apparatuses, devices or Facilities abandoned.

AFFILIATE: Each person, directly or indirectly, controlling, controlled by, or under common control with the licensee; provided that Affiliate shall in no event mean any limited partner or shareholder holding an interest of less than 15 percent of such licensee, or any creditor of such licensee solely by virtue of its status as a creditor and which is not otherwise an Affiliate by reason of owning a controlling interest in, being owned by, or being under common ownership, common management, or common control with, such licensee.

APPLICABLE CODES AND STANDARDS: National safety codes, industry construction standards, and to local safety codes not more stringent than national safety codes.

APPLICABLE SOFTWARE: Computer software, if any, used or maintained by the Right-of-Way User for project data and mapping.

APPLICANT: Any Person that applies for a Public Utility Right-of-Way Permit, or Special Use Right-of-Way Permit.

APPLICATION: The forms on which an Applicant submits a request for a Public Utility Right-of- Way Permit or Special Use Right-of-Way Permit. An Application consists of all written documentation and representations, in whatever form, including the Applicant's registration information if used by the Applicant, made by the Applicant to the County regarding the matters pertaining to a requested Permit.

AREA OF INFLUENCE: That area around a Street Excavation or Right-of-Way activity where the pavement and sub-grade is impacted by the Excavation or activity and is subject to more rapid deterioration.

THIS CHAPTER OR CHAPTER: This Right-of-Way Management Ordinance.

CABLE FRANCHISE: A Franchise to Construct and operate a Cable System or provide Cable Service as provided by Law.

COLLOCATION: The shared use of Facilities, including, but not limited to, the placement of conduit owned by more than one Right-of-Way User in the same trench or boring and the placement of equipment owned by more than one user in the same or connected conduit. Collocation does not include interconnection of Facilities or the sale or purchase of capacity (whether bundled or unbundled).

COUNTY (OR THE COUNTY): The County of Platte, Missouri as now constituted.

COUNTY COMMISSION (OR THE COMMISSION): The governing body of the County.

COUNTY ENGINEER: The County Engineer, of Platte County, Missouri or the authorized representative.

CODE: The collection of all Ordinances adopted by the County Commission of the County of Platte, Missouri.

COMPLETED APPLICATION: That point at which an Applicant has submitted all documents, plans, specifications and information required by this Chapter, has fully paid all applicable fees required by this Chapter, and satisfied all other requirements for consideration of the Application by the County under this Chapter.

CONSTRUCT: Includes construct, install, erect, build, affix or otherwise place any fixed structure or object, in, on, under, through or above the Right-of-Way.

DEGRADATION: The actual or deemed reduction in the useful life of the Public Right-of-Way resulting from the cutting, Excavation or Restoration of the Public Right-of-Way.

DEPARTMENT OF PUBLIC WORKS: The Department of Public Works of Platte County.

DIRECTOR: The Director of the Platte County Public Works Department. The term "Director" includes the employees of Platte County Public Works acting under the supervision of the Director as part of the implementation and enforcement of this Chapter.

EFFECTIVE DATE: The date on which this Right-of-Way Management Ordinance is adopted into
Law by the Platte County Commission.

EMERGENCY: Includes, but is not limited to, the following:

1. An unexpected or unplanned outage, cut, rupture, leak or any other failure of a Public Utility facility that prevents or significantly jeopardizes the ability of a Public Utility to provide service to customers; or

2. An unexpected or unplanned outage, cut, rupture, leak or any other failure of a Public Utility Facility that results or could result in danger to the public or a material delay or hindrance to the provision of service to the public if the outage, cut, rupture, leak or any other such failure of Public Utility Facilities is not immediately repaired, controlled, stabilized or rectified; or

3. Any occurrence involving a Public Utility Facility that a reasonable Person could conclude under the circumstances that immediate and undelayed action by the Public Utility is necessary and warranted.

EXCAVATION AND EXCAVATE: Terms used interchangeably to mean any act by which earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground is cut into, dug, uncovered, removed or otherwise displaced, including boring and trenching, by means of any tools, equipment or explosives, except that the following shall not be deemed Excavation:

1. Any de minimis displacement or movement of ground caused by pedestrian or vehicular traffic; or

2. The replacement of utility poles and related equipment at the existing general location that does not involve either a street or sidewalk cut; or

3. Any other activity which does not disturb or displace surface conditions of the earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground.

FACILITIES AND FACILITY: Are used interchangeably and shall mean any tangible thing located wholly or partially in, above or underneath the Public Right-of-Way, including, but not limited to, equipment, devices, materials, apparatuses, conduits, ducts, lines, pipes, wires, hoses, cables, culverts, tubes, poles, towers, manholes, transformers, regulator stations, underground vaults, receivers, transmitters, satellite dishes, micro cells, Pico cells, repeaters, amplifiers, appliances, pedestals, boxes, antennas, gates, motors, and other media of every description and all other devices and systems used for the purpose of transmission, collection, exchange, and distribution of communications, information, substances, data, and electronic or electrical current or impulses for the collection, exchanges or dissemination of a product, commodity, or service.

FCC: Federal Communications Commission.

GEOGRAPHICAL INFORMATION SYSTEM (GIS): A computerized, spatial coordinate mapping and relational database technology which:

1. Captures, assembles, stores, converts, manages, analyzes, amalgamates and records, in the digital mode, all kinds and types of information and data; and
2. Transforms such information and data into intelligence and subsequently retrieves, presents and distributes that intelligence to a user for use in making the intelligent decisions necessary for sound management.

GOVERNING BODY: The County Commission of the County of Platte, Missouri.

GOVERNMENTAL ENTITY: Any county, township, city, town, village, school district, library district, road district, drainage or levee district, sewer district, water district, fire district or other municipal corporation, quasi-municipal corporation or political subdivision of the State of Missouri or of any other state of the United States and any agency or instrumentality of the State of Missouri or of any other state of the United States or of the United States.

LAW: All federal, state, county or local law now in force or hereafter adopted.

MANAGING THE PUBLIC RIGHT-OF-WAY: The actions the County takes, through reasonable exercise of its police powers, to impose rights, duties and obligations on all users of the Right-of- Way, including the County, in a reasonable, competitively neutral and nondiscriminatory and uniform manner, reflecting the distinct engineering, construction, operation, maintenance and public work and safety requirements applicable to the various users of the Public Right-of-Way, provided that such rights, duties and obligations shall not conflict with any federal law or regulation.

MANAGEMENT COSTS OR RIGHTS-OF-WAY MANAGEMENT COSTS: The actual costs the County imposes pursuant to this Chapter and applicable Law.

MISSOURI ONE CALL: The procedural requirements for Excavation and utility safety established by Sections 319.010, et seq. of the Revised Statutes of Missouri as amended and the terms and conditions of Missouri One Call System, Inc.

PAVEMENT: Includes Portland cement concrete pavement, asphalt concrete pavement, asphalt treated road surfaces and any aggregate base material.

PERMITEE: The Person to whom a Public Utility Right-of-Way Permit or Special Use Right-of- Way Permit has been issued under this Chapter, and may be used in this Chapter interchangeably with the terms Public Utility Right-of-Way User and Special Use Right-of-Way User.

PERSON: Any natural Person and all domestic and foreign corporations, closely-held corporations, limited liability companies, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, businesses, common law trusts, societies and any other legal entity, including Public Utilities.

PUBLIC IMPROVEMENT: Any project undertaken by the County, or its agents, contractors, or subcontractors, for the construction, reconstruction, maintenance, or repair of any public infrastructure, including without limitation, roads, streets, alleys, bridges, bikeways, parkways, sidewalks, sewers, drainage facilities, traffic control devices, street lights, public facilities, and public buildings on land owned or controlled by the County.

PUBLIC RIGHT-OF-WAY: Sometimes abbreviated herein as "Right-of-Way," shall mean the area on, below, or above any public roadway, highway, street or alleyway, in which the County has an ownership interest, but not including:

1. The airwaves above a Public Right-of-Way with regard to cellular or other non-wire telecommunications or broadcast service; or

2. Easements obtained by utilities or private easements in platted subdivisions or tracts, (excluding those dedicated or acquired for public use); or

3. Railroad Rights-of-Way and ground utilized or acquired for railroad Facilities; or

4. Poles, pipes, cables, conduits, wires, optical cables, or other means of transmission, collection or exchange of communications, information, substances, data, or electronic or electrical current or impulses utilized by a municipally owned or operated utility pursuant to Chapter 91, RSMo., or pursuant to a charter form of government.

PUBLIC UTILITY: Every cable television service provider, every pipeline corporation, gas corporation, electrical corporation, rural electric cooperative, telecommunications company, water corporation, heating or refrigerating corporation or sewer corporation under the jurisdiction of the public service commission; every municipally owned or operated utility pursuant to Chapter 91, RSMo., or pursuant to a charter form of government or cooperatively owned or operated utility pursuant to Chapter 394, RSMo.; every street light maintenance district; every privately owned utility; and every other entity, regardless of its form of organization or governance, whether for profit or not, which in providing a public utility type of service for members of the general public, utilizes pipes, cables, conduits, wires, optical cables, Facilities, or other means of transmission, collection or exchange of communications, information, substances, data, or electronic or electrical current or impulses, in the collection, exchange or dissemination of its product or services through the Public Right-of-Way. "Public Utility" shall include a Public Utility provider that does not own Facilities in the Public Right-of-Way but uses the Public Right-of-Way by interconnecting with or using the network elements of another Public Utility utilizing the Public Right-of-Way, and/or by leasing excess capacity from another Public Utility.

PUBLIC UTILITY RIGHT-OF-WAY USER (SOMETIMES RIGHT-OF-WAY-USER): A Public Utility owning, controlling, or utilizing a Facility in the Public Right-of-Way.

PUBLIC UTILITY RIGHT-OF-WAY PERMIT: A permit issued by the County authorizing the performance of Excavation in the Public Right-of-Way.

REPAIR: In the context of Repairing the Public Right-of-Way means the temporary Construction work necessary to make the Right-of-Way useable.

RESTORATION: The process by which a Public Right-of-Way and surrounding area, including pavement and foundation, is returned to the same condition, or better, than existed before the commencement of the Excavation or Special Use.

ROUTINE SERVICE OPERATION: A work activity that makes no material change to the Facilities and does not disrupt traffic.

SERVICE: A commodity provided to a Person by means of a delivery system that is comprised of Facilities located or to be located in the Right-of-Way, including, but not limited to, gas, telephone, cable television, Internet services, Open Video Systems, alarm systems, steam, electric, water, telegraph, data transmission, petroleum pipelines, or sanitary sewerage.

SERVICE PROVIDER: Any Person that is a provider of a Service for or without a fee that has the requisite certifications and authorizations from applicable governmental entities, including the Missouri Public Service Commission and the FCC, to provide such service. Service provider includes both Facility-based Service Providers and reseller Service Providers.

STREET: The pavement and sub-grade of a public residential, collector or arterial roadway.

SPECIAL USE: The term "Special Use" (a) in the case of all Persons not falling within the definition of a Public Utility, shall mean all activities encompassed within Section 229.300 RSMo., including, but not limited to such activities as encroachment or Excavation on, or the impeding the use of, a Public Right-of-Way, the laying, locating, erecting, removing, installing, constructing, maintaining, operating, or repairing poles, equipment, Facilities, devices, materials, apparatuses or media of any kind for any purpose whatever, through, on, under, across, or within a Public Right-of- Way in any manner; and, (b) in the case of a Public Utility, the term shall mean uses on, of, or affecting the Public Right-of-Way that are encompassed within the activities in Section 700.040C of this Chapter and Section 229.300 RSMo., but which do not fall within the definition of Excavation.

SPECIAL USE RIGHT-OF-WAY PERMIT: A permit issued by the County to any Person, including a Public Utility Right-of-Way User, for the purpose of authorizing a Special Use of the Public Right- of-Way.

TRENCHLESS TECHNOLOGY: The use of directional boring, horizontal drilling and micro-tunneling and other techniques in the Construction of Facilities underground which results in the least amount of disruption and damage to the Public Right-of-Way as possible.

ARTICLE II. PUBLIC UTILITIES

SECTION 700.060: REGISTRATION – PUBLIC UTILITY RIGHT-OF-WAY USERS

A. All Public Utility Right-of-Way Users may, but are not required to, register with the Director of Public Works of the County.

B. The Director and the Public Right-of-Way User may refer to and use the information supplied with the registration under this Section as part of the Application for permits.

C. As part of its registration, each Public Utility Right-of-Way User shall designate a local individual familiar with the Facilities who will act as a local agent for the Public Utility Right-of-Way User and will be responsible for satisfying information requirements of this Chapter and shall report changes in its registration within thirty (30) days of the change or upon Application for a Public Utility Right- of-Way Permit, whichever occurs first.

D. The valid registration shall be on the form provided by the County and at a minimum shall include the following:

1. Identity and legal status of the Public Utility Right-of-Way User; and

2. Name, address, telephone number and e-mail address of the employee, agent or officer of the Public Utility Right-of-Way User responsible for the accuracy of the registration statement. Such employee, agent or officer shall be the Person to whom notices shall be sent, and shall be responsible for facilitating all necessary communications; and

3. Name, address, telephone number and e-mail address of the employee, agent or officer of the Public Utility Right-of-Way User who shall be available at all times to act on behalf of the Public Utility Right-of-Way User in the event of an Emergency; and

4. Proof of any necessary permit, license, certification, grant, registration, franchise agreement or any other authorization required by any appropriate Governmental Entity, including, but not limited to, the Federal Communications Commission or the Missouri Public Service Commission; and

5. Description of the Public Utility Right-of-Way User's use or intended use of the Public Right- of-Way; and

6. Information which identifies any Person that interconnects with or uses the Public Utility Right- of-Way User's Facilities in the Public Right-of-Way or leases any excess capacity from the Public Utility Right-of-Way User; and

7. A list of authorized agents, contractors or subcontractors eligible to obtain permits on behalf of the Public Utility Right-of-Way User. A registration may be updated or revised at any time by an authorized representative of the Public Utility Right-of-Way User; and

8. Information sufficient to determine the amount of net assets of the Public Right-of-Way User; and

9. The name, street address, and phone number of the agent designated to receive all notices under this Chapter and service of process; and

10. Information sufficient to determine the Public Utility Right-of-Way User is subject to franchising by Missouri law.

ARTICLE III. PUBLIC UTILITIES RIGHT-OF-WAY PERMIT

SECTION 700.070: PERMIT APPLICATION

A. Except in cases of Emergencies, a Public Utility Right-of-Way User shall not perform Excavation upon, over, under or within the Public Right-of-Way without first having received a permit for such Excavation upon submission of a written Application for a Public Utility Right-of-Way Permit for Excavation to the Public Works Director. A Public Utility Right-of-Way User, or an authorized contractor, or other agent of the Public Utility Right-of-Way User designated to perform the Excavation, may file the Application. Every Application shall be signed by the Public Utility for which the Application is filed and, when applicable, by the contractor or agent filing on behalf of a Public Utility Right-of-Way User. The Application shall be made on forms provided by the Director.

B. A Public Utility Right-of-Way User desiring to perform Excavation in the Public Right-of-Way to Repair, Construct or install new Facilities, extend Facilities, or replace existing Facilities in the Public Right-of-Way shall submit with the Application three (3) sets of construction plans and specifications. The Public Works Director may require that any drawings, plans and/or specifications submitted be certified by a Missouri registered professional engineer stating that such drawings, plans and/or specifications comply with all Applicable Codes and Standards, and technical codes as may be applicable to the permit Application. The permit Application shall include the following:

1. The location of all visible topographic features affected by the project within the Public Right- of-Way; and

2. The horizontal and vertical location of other Facilities in the Public Right-of-Way within the project limits verified by compiling data from other Public Utility Right-of-Way Users and acquisition of filed data; and

3. The Subsurface Utility Engineering Study required by this Chapter; and

4. Complete plan and profile drawings indicating the horizontal and vertical location of all components of the proposed project, the design details of such proposed project, and other related information including, but not limited to, pipe and manhole flow line elevations, type and size of the proposed Facilities, and other related structures; and

5. Complete plan and profile drawings detailing the Restoration of the Public Right-of-Way and the design details of such Restoration, including the proposed pavement and Public Right-of- Way Restoration as provided in Section 700.180 of this Chapter; and

6. An erosion control plan in compliance with applicable provisions of this Chapter; and

7. A safety plan indicating the methods to be used for the protection of the general public from injury including, but not limited to, the proposed use of barricades, signs, lights, fencing and other barriers. The safety plan shall be in compliance with applicable Law, including, but not limited to, the rules, regulations and standards adopted pursuant to the Williams-Steiger Occupational Safety and Health Act of 1970 and applicable amendments ("OSHA"); and

8. A traffic control plan in compliance with the applicable provisions of the Chapter; and

9. A work plan including a schedule indicating the extent and duration of Excavation work and Restoration work, including a proposed start and end date; and

10. Designation of the responsible party for Restoring roadways after occupation of the Right-of- Way; and

11. Evidence that the Applicant has obtained and secured all certificates and other authorizations required by Law in order to Construct and operate the proposed Facilities in the manner proposed by the Applicant.

C. Alternate Application for a Permit – No Material Change: A Public Utility Right-of-Way User desiring to Excavate in the Public Right-of-Way for the purpose of Repairing or maintaining existing Facilities that results in no material change to the Facilities, shall submit with the Application for a Public Utility Right-of-Way Permit three (3) sets of construction plans and specifications that, if required by the Public Works Director, bears the stamp of a professional engineer duly licensed and registered in the State of Missouri. The permit Application shall include the following:

1. Standard details including the type and nature of the work; and

2. A safety plan indicating the methods used to protect the general public from injury including, but not limited to, the proposed use of barricades, signs, lights, fencing and other barriers. Such safety plan shall be in compliance with applicable Law, including but not limited to OSHA; and

   a. An erosion control plan as required by applicable provisions of this Chapter; and

   b. A traffic control plan in compliance with the applicable provisions of this Chapter; and

   c. Drawings detailing the Restoration of the Public Right-of-Way, including, proposed pavement and Public Right-of-Way Restoration as provided in Section 700.180 of this Chapter; and

   d. A landscape plan; and

   e. A schedule for Excavation work and Restoration work, including a proposed start and end date.

County Clerk's Office Updated 05.04.2020

SECTION 700.080: PROCESSING OF APPLICATIONS AND APPROVAL; TRANSFER OF PERMIT

A. The Director shall process each completed Application for a Public Utility Right-of-Way Permit within thirty-one (31) days from the date of the receipt of the Application. The Director may require an Applicant to separate proposed work into individual or distinct Applications due to the complexity of a proposed project or for other reasonable reasons.

B. If the Director determines that an Applicant has complied with the requirements of this Chapter, the Director shall issue a Public Utility Right-of-Way Permit.

C. A Public Utility Right-of-Way Permit shall be valid only for the area of the Public Right-of-Way specified within the Public Utility Right-of-Way Permit. No Public Utility Right-of-Way User may cause or allow Excavation outside the area specified in the Public Utility Right-of-Way Permit. In the event an area greater than that which is specified in the Public Utility Right-of-Way Permit must be Excavated, the Public Utility Right-of-Way User, prior to commencement of the additional or new Excavation, must: (a) make an Application for a Public Utility Right-of-Way Permit amendment describing the area in which the Excavation will occur; and (b) pay any additional fees required thereby.

D. A copy of the Public Utility Right-of-Way Permit issued shall be posted in at least one conspicuous place at each Excavation site for public display. The permit must be available for inspection at all times by the Director, his designee and department employees, the public, and law enforcement officers.

SECTION 700.090: DENIAL OF APPLICATION FOR PUBLIC UTILITY RIGHT-OF-WAY PERMIT

The Public Works Director may deny an Application for a Public Utility Right-of-Way Permit for any of the following reasons:

1. The Public Utility Right-of-Way User fails to provide all the necessary information and documents required by this Chapter or reasonably requested by the Director for managing the Public Right-of-Way; or

2. The Public Utility Right-of-Way User has failed to return the Public Right-of-Way to its previous condition under a previous Public Utility Right-of-Way Permit; or

3. The Public Works Director has provided a reasonable, competitively neutral, and nondiscriminatory justification for requiring an alternative method for performing the work identified in the Application or a reasonable alternative route that will result in neither additional installation expense up to ten percent (10%) to the Public Utility Right-of-Way User nor a declination of service quality; or

4. The Public Works Director determines that the denial is necessary to protect the public health, safety or welfare, provided that the denial under this Section does not extend to those items under the jurisdiction of the Missouri Public Service Commission, the denial does not interfere with a Public Utility's right of eminent domain of private property, and is imposed on a competitively neutral and nondiscriminatory basis. In determining whether denial of a Public Utility Right-of-Way Permit Application is necessary to protect the public health, safety or welfare, the factors Public Works Director may consider include, but are not limited to, one or more of the following factors:

a. The extent to which the Public Right-of-Way space where the Public Utility Right-of-Way Permit is sought is available, including the consideration of competing demands for the particular space in the Public Right-of-Way, or other general conditions of the Public Right-of-Way;

b. The applicability of any Order, Code provision, or other regulations that affect the location of Facilities in the Public Right-of-Way;

c. The degree of disruption to surrounding communities and businesses that will result from the use of that part of the Public Right-of-Way, including whether the issuance of a Public Utility Right-of-Way Permit for the particular dates and/or times requested will cause a conflict or interfere with an exhibition, celebration, festival, or any other event;

d. Whether the area is environmentally sensitive as defined by Law or is a historic district as defined by local ordinance.

SECTION 700.100: REVOCATION OF PUBLIC UTILITY RIGHT-OF-WAY PERMIT

A. In the event the Director determines that a substantial breach of the terms or material conditions of a Public Utility Right-of-Way Permitee has occurred, he either may assess civil penalties, if provided by Law, until the breach is cured, or revoke the permit, or both. Prior to revocation of the permit or the imposition of penalties, or both, the Director shall give written notice of each substantial breach to the offending Permitee and, unless otherwise provided herein, allow the offending Permitee five (5) days to cure such breach. In circumstances requiring Emergency remedial action for the protection of the health and safety of the public, the preservation or protection of the Public Right- of-Way, or to prevent harm to other utilities using the Right-of-Way, the Director may require the offending Permitee to effect Repairs or take appropriate action immediately.

B. A substantial breach by a Public Utility Right-of-Way User includes, but is not limited to the following:

1. A material violation of a provision of the Public Utility Right-of-Way Permit; or

2. An evasion or attempt to evade any material provision of the Public Utility Right-of-Way Permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the County or its citizens; or

3. A material misrepresentation of fact in the Application for a Public Utility Right-of-Way Permit; or

4. A failure to complete work by the date specified in the Public Utility Right-of-Way Permit, unless a permit extension is obtained, or unless the failure to complete the work is due to reasons beyond the Public Utility Right-of-Way User's control; or

5. A failure to correct, within the time specified by the Director, work that does not conform to any permit granted, or to applicable Law, including this Chapter and Applicable Codes and Standards

SECTION 700.110: APPEALS

A. A Public Utility Right-of-Way User that has been denied a Public Utility Right-of-Way Permit, has had its Public Utility Right-of-Way Permit revoked, believes that the fees imposed upon it by the County do not conform to the requirements of Section 67.1840 RSMo., or asserts any other issues related to the use of the Public Right-of-Way shall be entitled to a review of its disputes by appealing to the Platte County Commission in accordance with this Section.

B. Appeals to the Commission shall be filed within ten (10) days after the date on which the notice of the permit denial, revocation of permit, imposition of fees, or other action or decision subject to appeal is delivered in Person or sent by registered or certified mail to the Public Utility Right-of- Way User, whichever is earlier. The appeal shall be accompanied by a statement in writing under oath setting forth, with particularity, the action or decision subject to appeal and the reasons why it is incorrect or contrary to Law. Appeals shall be filed in Person at the offices of the Clerk of Platte County, or by the United States Postal Service, registered or certified mail, return receipt requested, addressed to the following address: The Platte County Clerk, 415 Third Street, Suite 30, Platte City, Missouri 64079. Appeals filed by registered or certified mail will be deemed filed on the date of mailing as reflected by U.S Postal mark. Appeals filed by any other method of delivery will be deemed filed on the date of receipt by the Office of the Clerk of Platte County.

C. The Person requesting an appeal shall be afforded a hearing on the matter before the Commission within thirty (30) days of the date the appeal is filed. Upon review of the appeal, the Platte County Commission may, in whole or part, affirm or reverse the action taken by the Director of Public Works, extend the time limit of the Director's decision or action, waive requirements of, or grant a variance from the specific provisions of rules applicable to the Person who perfected the appeal. The Commission shall give due consideration to the purposes of the rules in preserving public safety and convenience, integrity of public infrastructure, and the operational safety and function of the Public Right-of-Way.

D. The decision affirming the denial, revocation, fee imposition or dispute resolution shall be in writing and supported by written findings establishing the reasonableness of the decision.

SECTION 700.120: USE OF THE RIGHT-OF-WAY

A. General Provisions

1. The Right-of-Way User shall:

   a. Consult with the Director regarding the location, design, and nature of the Facility prior to installation;

   b. Comply with all requirements of the this Chapter;

   c. Coordinate the placement of Facilities with the Director and other Public Utility Right-of- Way Users;

   d. Locate and install Facilities, and perform Excavation, Restoration and other activities connected therewith in such manner as will avoid, whenever possible, disruption of, or interference with, public improvements, existing Facilities such as pipes, drains,

sewers, irrigation systems, streets, alleys, sidewalks, and the Public Right-of-Way, and private property in and around the area affected by the Excavation or other activity of the Public Utility;

e. When possible, give consideration to any request made by the Director concerning placement of Facilities in private easements in order to limit or eliminate future street improvement relocation expenses;

f. Not interfere with the Facilities of other Right-of-Way Users without express permission.

2. If and when the Director requires or negotiates to have a Public Utility Right-of-Way User cease the use of its existing poles and Facilities and to relocate its Facilities underground, all other Service Providers and Public Utilities using the same poles and Facilities shall also relocate their Facilities and related equipment and connections underground at the same time.

3. The Public Works Director may assign specific corridors within the Public Right-of-Way, or any particular segment thereof as may be necessary, for Facilities that are, or pursuant to current technology the Public Works Director expects someday will be, located in Public Right-of- Way. All Facilities shall be designed and constructed in the proper corridor as designated by the Public Works Director pursuant to the authority contained in this Chapter. All Persons whose Facilities are located in Public Right-of-Way in a position at variance with the corridors established by the Public Works Director shall, no later than at the time of the next Reconstruction or Excavation of the area where its Facilities are located, move the Facilities to the proper corridor designated by the Public Works Director.

4. If, in the preparation and planning of a Right-of-Way project, the Public Works Director deems it appropriate for a conduit for common use to be Constructed along, across or under the Right- of-Way, the Public Works Director may contact all appropriate Right-of-Way Users for their input on the planning and design of such conduit. If a Right-of-Way User desires to Construct, maintain or operate Facilities along such Right-of-Way, the Public Works Director may require the Right-of-Way User to use such conduit, secure appropriate permits, and pay such fees in connection therewith as are consistent with this Chapter, Sections 67.1830 to 67.1850 RSMo. and Chapter 229 RSMo.

5. All Construction work, activities and uses, and all technical standards governing Construction, Reconstruction, installation, operation, testing, use, maintenance, and dismantling of a Right-of- Way User's Facilities in the Right-of-Way shall be in accordance with federal, state and local Law and regulations, and Applicable Codes and Standards including those promulgated by national trade associations commonly associated with the service provided by the Right-of-Way User. Subject to the limitations imposed by the Federal Telecommunications Act 147 U.S.C.A, *et. seq.,* the standards established in this paragraph are minimum standards.

6. The Right-of-Way User shall cooperate promptly and fully with the Director and take all reasonable measures necessary to provide accurate and complete on-site information regarding the nature and horizontal and vertical location of its Facilities located within the Right-of-Way, both underground and overhead, when requested by the Director or his authorized agent for a public improvement. Such location and identification shall be at the sole expense of the Right- of-Way User without any expense to the County, its employees, agents, or authorized contractors.

County Clerk's Office Updated 05.04.2020

B. Construction

1. Before the start date of any Excavation, each Public Utility Right-of-Way User who has Facilities located in the area subject to Excavation shall be responsible for marking the horizontal and approximate vertical placement of all its Facilities in accordance with Missouri One Call System. A Public Utility Right-of-Way User whose Facilities are less than twenty (20) inches below a concrete or asphalt surface shall notify and work closely with, the Person performing Excavation in an effort to establish the exact location of its Facilities and the best procedure for Excavation.

2. The Public Utility Right-of-Way User shall provide the Director of Public Works at least six (6) days written notice before the commencement of any Excavation, and five (5) days written notice to all other Public Utilities affected by the Excavation, Restoration and other activities authorized or encompassed within the Right-of-Way Permit.

3. The Public Utility Right-of-Way User shall provide each owner and each occupant of property within 500 feet of the project at least forty-eight (48) hours written notice before the commencement of any Excavation.

4. The Public Utility Right-of-Way User shall provide the Public Works Director at least seventy- two (72) hours prior written notice before the closure of any roadway, highway, or street, or interruption in traffic flow, and shall provide a safe passing lane unless otherwise approved by the Director.

C. Public Safety

1. Any Right-of-Way User who for any purpose makes or causes to be made any Excavation in, upon, under, through or adjoining any street, sidewalk, alley or other Right-of-Way shall securely cover all openings and store, secure, or remove rubbish, building or other material during Construction over the night time, and enclose and secure and protect the Excavation and surrounding areas affected thereby with good substantial and sufficient barricades or drums equipped with the appropriate type warning lights and orange safety fencing material.

2. Whenever a Right-of-Way User shall Excavate, or use in any fashion, the full width of any street, sidewalk, alley, driveway approach or other Right-of-Way, it shall be the duty of such Right-of-Way User to maintain an adequate passage for vehicles and pedestrians across or around the Excavation until it is refilled as specified.

D. Completion, Mapping, and As-built Drawings

1. All work allowed under the Public Utility Right-of-Way Permit shall be completed by the time required in the Public Utility Right-of-Way Permit. Not less than ten (10) days following the completion of said work, record drawings for all extensions or new installations of Facilities shall be provided to the Director. Abandoned Equipment or Facilities shall also be identified on record drawings.

2. The Right-of-Way User shall keep and maintain accurate records and as-built drawings depicting accurate location of all its Facilities Constructed, Reconstructed, or relocated in the Right-of-Way.

County Clerk's Office Updated 05.04.2020

3. When possible, information and records the Public Utility Right-of-Way User is required to submit to the Director under this Chapter shall be submitted electronically in an Applicable Software format compatible with the County's Geographical Information System (GIS) provided, however, that nothing herein shall be construed to require the Right-of-Way User to acquire or modify its electronic mapping system.

4. Underground Facilities shall be differentiated from overhead Facilities.

5. Mapping and identification shall be at the sole expense of the Service Provider.

6. The drawings shall include results of any post-construction surveys conducted including, but not limited to, the following:

    a. Elevation of all structures, including sanitary sewer manholes, storm sewer inlets, pipe inverts, and structure top elevations;

    b. Final adjusted stationing of all structures, including but not limited to valves, hydrants, and blow-off assemblies; and

    c. Final adjusted contours as featured in the grading and drainage plans.

SECTION 700.130: SUBSURFACE UTILITY ENGINEERING STUDY REQUIRED

A. Prior to commencement of any Excavation in the Public Right-of-Way, the Applicant shall conduct a Subsurface Utility Engineering Study on the proposed route of Excavation, Construction, or expansion, which shall contain the information required herein, and such other information as the Director may require. As part of the Subsurface Utility Engineering Study, the Applicant, at a minimum shall:

    1. Secure all available record plans, plats and other location data indicating the existence and approximate location of all Facilities located underground along the proposed construction route; and

    2. Visibly survey and record the location and dimensions of any above-ground features of all Facilities located underground along the proposed construction route including, but not limited to, manholes, valve boxes, utility boxes, posts and visible street cut repairs; and

    3. Plot and incorporate the project data obtained from completion of the tasks described in subsections A.1 and A.2 above on the Applicant's proposed system route maps and plan sheets; and provide the Director with this information in Applicable Software, if used by the Applicant, and otherwise in the form regularly maintained by the Applicant. To the extent practicable, the CADD files or files in the alternate Applicable Software shall be consistent and compatible with the type and version of the CADD files maintained by the Director; and

    4. Determine and record the presence and approximate horizontal location of all Facilities located underground in the Public Right-of-Way along the proposed system route utilizing surface geophysical designating techniques such as electromagnetic, magnetic and elastic wave locating methods; and

5. Plot, incorporate and reconcile the data obtained by completion of the task described in subsection A.4 above with the updated route maps, system plans and Applicable Software files described in subsection A.3 above and provide the Director with this information; and

6. Where system design and the location of Facilities located underground appear to conflict on the updated system route maps, plans and Applicable Software files, utilize non-destructive digging methods, such as vacuum Excavation, at the critical points identified to determine as precisely as possible, the horizontal, vertical and spatial position, composition, size and other specifications of the conflicting Facilities located underground. An Applicant shall not Excavate more than an eight inch (8") by eight inch (8") hole in the Public Right-of-Way to complete this task without the express, written permission of the Public Works Director; and

7. Based on all of the data collected upon completion of the tasks described in this Section, adjust the proposed Facilities design elevations, horizontal or vertical locations to avoid the need to relocate other Facilities; and

8. All subsurface utility engineering requirements of this Section shall be performed by a firm that specializes in subsurface utility engineering, provided, however, the requirements may be performed by the Applicant if the Applicant possesses the requisite education and experience to complete the study itself. The Applicant shall bear the cost of compliance with this Section of this Chapter.

SECTION 700.140: DESIGN STANDARDS

A. The construction plans and specifications required by this Chapter shall comply with applicable construction and safety codes, this Chapter, and other applicable Law. The design shall not provide for the disruption or interference with any other Facilities or Public Improvement, except as herein provided.

B. New Facilities shall be installed underground or contained within buildings or other structures in conformity with applicable construction and safety codes, this Chapter and other applicable Law. No Person shall erect new poles or other wire holding structures without the Director's consent.

C. All designs and plans, and all Construction, Excavation, and maintenance of Facilities and projects shall be accomplished in the manner resulting in the least amount of damage and disruption of the Public Right-of-Way and surrounding areas. Specifically, every Applicant shall utilize, whenever possible, Trenchless Technology and specify the use of Trenchless Technology in the design of projects located below or under pavements or other locations that will require cutting or patching of Public Right-of-Way. If and when the Public Utility Right-of-Way User for any reason ceases using existing poles and Facilities, all other Public Utility Right-of-Way Users utilizing the same poles and Facilities shall also relocate their Facilities and related equipment and connections underground at the same time.

County Clerk's Office Updated 05.04.2020

SECTION 700.150: ADDITIONAL CONDITIONS AND LIMITATIONS IMPOSED BY DIRECTOR

A. The Public Works Director is authorized to impose on a case-by-case basis, additional conditions consistent with this Chapter and other applicable Law as are necessary to protect the public health, safety or welfare, to manage properly the Public Right-of-Way, and to Restore properly the Public Right-of-Way.

B. The Public Works Director may establish in the Public Utility Right-of-Way Permit, limitations on the amount of Excavation that may occur at one time and the amount of Public Right-of-Way which may be obstructed during Construction.

C. The Public Utility Right-of-Way User shall not permit Excavation to remain open longer than is necessary to complete the Repair or installation, and in no event may Excavation remain open beyond the expiration of the Public Utility Right-of-Way Permit or approved extensions.

D. Non-Emergency Excavation on arterial and collector streets shall be performed during the hours allowed by Law.

E. The Public Works Director may limit the number of conduits that may be installed by each Public Utility Right-of-Way User in order to prevent a Public Utility Right-of-Way User from unreasonably consuming a disproportionate amount of the available Public Right-of-Way, to prevent the deterrence of competition, and to protect the use of the Public Right-of-Way by others.

SECTION 700.160: EMERGENCIES

In the event a Public Utility or Public Utility User must engage in Excavation, or other activity requiring a Public Utility Right-of-Way Permit, before applying for or acquiring the permit because of an "Emergency" as that term is defined in this Chapter, the utility (a) may proceed with all necessary Emergency work without first obtaining a permit; and (b) immediately notify the Director, and when necessary, local police and fire departments and other applicable Emergency personnel, of the necessity of such Emergency work, including the location and type of work required. Not later than five (5) days following the commencement of the Emergency work, the Public Utility performing the Emergency work shall submit an Application therefore as provided in this Chapter, and pay the applicable fees. The Application, and all Excavation and work occasioned by an Emergency, shall comply in all respects with this Ordinance, and other conditions imposed by the Director.

SECTION 700.170: EXTENSIONS OF TIME TO COMPLETE; NOTICE OF COMPLETION

A. All Construction, Excavation, or Restoration work shall be completed by the dates, and within the times of day and week set forth in the Public Utility Right-of-Way Permit, unless the Public Utility Right-of-Way User obtains a waiver, extension, or a new or amended Right-of-Way Permit as provided in this Chapter.

B. If a Public Utility Right-of-Way User is unable to complete the Construction, Excavation, or Restoration work within the time frame and dates set forth in the Public Utility Right-of-Way

Permit, the Public Utility Right-of-Way User may apply to the Director for an extension of time. The Application must be filed in sufficient time within which to allow the Director to act before expiration of the original permit, and shall be accompanied by a statement of reasons for the desired extension, and the changes, if any, the extension may require to the original Application and supporting information. The Public Utility Right-of-Way User shall notify the Public Works Director immediately upon its completion of all work (including Restoration) contemplated by its Public Utility Right-of-Way Permit.

SECTION 700.180: RESTORATION PLAN

A. Unless the Director elects to perform Restoration work as permitted under Section 67.1834 RSMo., each Applicant for a Public Utility Right-of-Way Permit shall provide, as part of its Application, a plan for the Restoration of the Public Right-of-Way and surrounding areas in accordance with the following requirements:

1. All Public Rights-of-Way, the actual Excavation and the surrounding areas, including the paving and its foundations, all areas encompassed by the permit, and all areas that are disturbed or damaged during the work under a Public Utility Right-of-Way Permit shall be Repaired and Restored by the Public Utility Right-of-Way User pursuant to the terms of the approved plans and specifications, the terms of the Public Utility Right-of-Way Permit, this Chapter and other applicable Law. In all events, the Public Right-of-Way shall be Repaired and Restored to a condition as good as that previously existed before such work was commenced; and

2. The Restoration of the Public Right-of-Way must be completed within the time set forth in the Public Utility Right-of-Way Permit. The Public Utility Right-of-Way User shall also inspect the area of the work and maintain the Restored Public Right-of-Way in the condition required hereunder for the full Guarantee Period; and

3. Every Right-of-Way User to whom a Right-of-Way Permit has been granted shall guarantee for a period of four years the Restoration work of the Right-of-Way in the area where such Right- of-Way User conducted Excavation and performed the Restoration ("Guarantee Period"). The guarantee is in addition to, and not in lieu of, bond and other obligations imposed upon the Permitee. The Guarantee Period shall commence when the Restoration work and all required corrections have been inspected and completed to the satisfaction of the Public Works Director. During the Guarantee Period, each Public Utility Right-of-Way User shall, upon notification from the Director, perform all follow-up Restoration work required to correct, Repair, or replace Restoration work performed by a Public Utility Right-of-Way User not properly restored. The follow-up work shall be completed within five (5) calendar days after the receipt of notice from the Director that such follow-up Restoration work is necessary. Follow-up Restoration work required because of an Emergency shall be performed by a Public Utility Right-of-Way User immediately upon verbal or written notification from the County; and

4. All Repairs or replacement shall be commenced within twenty-four (24) hours of notice from the Director. The Public Works Director may inspect the Repairs or replacement of the damage and, if necessary, require the Right-of-Way User to perform any necessary additional work and Repairs.

B. Upon the failure, refusal or neglect of a Public Utility Right-of-Way User to comply with the provisions of this Section, the Public Works Director, after notice is given to such Public Utility Right-of-Way User, may cause the work or other activity required by this Section to be completed or performed, in whole or in part, to the satisfaction of the Director. Upon so doing, the Director shall submit to such Public Utility Right-of-Way User an itemized statement of the actual costs for Repairing and Restoring the Public Right-of-Way. The Public Utility Right-of-Way User shall, within thirty (30) days after receipt of the statement, pay to the County the entire amount thereof. In addition to other remedies available to the County, amounts not paid by the due date may be charged against any performance bond required by this Chapter.

C. All Excavation shall have a metal or plastic marker of a color, size and shape approved by the Public Works Director inserted into Restored pavement that shall identify the Public Utility Right-of-Way User.

D. In lieu of requiring a plan of Restoration, the Director may, at his option, perform or caused to be performed all or any portion of the Restoration work, in which case the Public Utility Right-of-Way User shall reimburse to the County the actual Restoration costs within thirty (30) days from a Public Utility Right-of-Way User's receipt of a statement from the Director for such costs.

SECTION 700.190: ABANDONMENT OF EQUIPMENT OR FACILITIES

A. Unless otherwise permitted by the Director in writing, a Public Utility Right-of-Way User shall remove all Abandoned Equipment or Facilities that prevent or significantly impair the Public Right- of-Way use, and Repair and Restore the affected Public Right-of-Way and surrounding area in accordance with the standards set forth in this Chapter and as otherwise required by Law. In the event a Public Utility Right-of-Way User fails to remove such Abandoned Equipment or Facilities, the Director may do so at such Public Utility Right-of-Way User's cost and expense.

B. The Director, upon such terms and conditions as he may reasonably impose, may grant a Public Utility Right-of-Way User permission to abandon, without removing, any equipment or Facilities, so long as such equipment or Facilities abandoned in place does not materially interfere with the use of the Public Right-of-Way, or with the use of the Public Right-of-Way by any Public Utility Right-of- Way User or constitute a threat to public health, safety or welfare.

C. If required by the Director, a Public Utility Right-of-Way User shall submit to the County an accurate map of all Abandoned Equipment and Facilities.

D. In the event abandoned Facilities are found to be a nuisance, the County may exercise any remedies or rights it has at Law or in equity, including, but not limited to, (a) abating the nuisance, or (b) requiring the removal of the Facility by the Right-of-Way User.

SECTION 700.200: DAMAGE TO PROPERTY

Each Public Utility Right-of-Way User shall be responsible for the cost of Repairing or replacing property owned by other Persons in the Public Right-of-Way damaged by the Public Utility Right-of-Way User or its Facilities, or by the County's during, or as part of, its response to an Emergency caused by a Public Utility Right-of-Way User or its Facilities.

SECTION 700.210: PUBLIC RIGHT-OF-WAY VACATION

A. If the County vacates a Public Right-of-Way, the County may reserve for itself and all Public Utility Right-of-Way Users having Facilities in the vacated Public Right-of-Way, the right to install, maintain and operate the Facilities in the vacated Public Right-of-Way and to enter upon such Public Right-of-Way at anytime for the purpose of Reconstructing, inspecting, maintaining, Repairing or restoring the same. The County may retain all necessary easements in vacated Public Right-of-Way in existence at the time of vacation.

B. If the vacation requires the relocation of Facilities, and if:

1. The vacation proceedings are initiated by the Public Utility Right-of-Way User, the User must pay the relocation costs.

2. The vacation proceedings are initiated by the County, the Right-of-Way User must pay the relocation costs unless otherwise agreed to by the County and the User.

3. If a Person other than the Right-of-Way User or the County initiates the vacation proceedings, such other Person must pay the relocation costs.

SECTION 700.220: EFFECT OF PERMIT ON OTHER OBLIGATIONS

A. Nothing in this Chapter, including the issuance of a Public Utility Right-of-Way Permit, relieves the Public Utility Right-of-Way User of its obligations to obtain all other necessary permits, licenses, and authority and to pay all fees required by Law.

B. Public Utility Right-of-Way User shall comply with all Applicable Codes and Standards, and all other applicable Law, including Missouri One Call System.

C. A Public Utility Right-of-Way User is responsible for all work done in the Public Right-of-Way pursuant to the Public Utility Right-of-Way Permit, regardless of who actually performs the work.

D. A Public Utility Right-of-Way User shall not obstruct a Public Right-of-Way to the extent that the obstruction interferes with the natural free and clear passage of water through gutters or other waterways.

SECTION 700.230: REPORTS OF DEVIATION FROM STANDARDS, CONDITIONS, AND TERMS

To insure the safety of the public, other Public Utilities and their employees, and the County employees and contractors, all deviations from the Applicable Codes and Standards, and the placement of Facilities known to a Public Utility or Public Utility User as of the effective date of these regulations, or discovered at any time thereafter, shall be reported in writing to the Director. Reports of deviations known to exist as of the effective date of this Ordinance shall be filed within ninety (90) calendar days of the effective date hereof, and all other reports shall be filed within ten (10) calendar days of discovery. The report of deviations required herein shall set forth the location and exact nature of the deviation, the date of discovery, and a statement by the reporting utility as to

whether the deviation represents a hazardous condition, endangers the public, or interferes with the right of other Public Utilities, the public or any governmental authority to use the Public Right-of-Way affected by such deviations.

SECTION 700.240: TRIMMING OF TREES

A Public Utility Right-of-Way User shall have the authority to trim trees, in accordance with applicable Law and all easement restrictions, upon and above Public Right-of-Way so as to prevent the branches of such trees from coming in contact with Facilities. County representatives shall have the authority to approve all trimming of trees conducted by a Public Utility Right-of-Way User.

SECTION 700.250: INSURANCE AND BONDS

A. Each Public Utility Right-of-Way User operating in the Public Rights-of-Way of Platte County shall secure and maintain Commercial General Liability Insurance ("CGL Insurance") with a combined single limit per occurrence of not less than the amount required by the requirements for CGL Insurance established by the Public Works Director. The CGL Insurance required herein shall be written on a comprehensive form and shall cover claims and liability in connection with or resulting from the Public Utility Right-of-Way User's operations and activities for personal injuries, occupational sickness, disease, death or damage to property of others, including loss of use resulting there from, arising out of any operations or activities of the Public Utility Right-of-Way User, its agents, or any Person directly or indirectly employed by them. The CGL Insurance required herein shall include premises, operations, independent contractors, products-completed operations, personal injury and advertising injury and liability assumed under an insured contract (including the tort liability of another assumed in a business contract) coverage. In particular, and not by way of any limitation, the CGL Insurance shall cover the Public Utility Right-of-Way User's indemnity obligations imposed by Law.

B. Each Public Utility Right-of-Way User operating in the Public Rights-of-Way of Platte County shall secure and maintain commercial automobile liability insurance ("Auto Insurance") with a combined single limit for bodily injury and property damage per accident of not less than the amount required by the requirements for Auto Insurance established by the Public Works Director. This insurance, to be in comprehensive form, which shall cover claims and liability for all injuries and all damage to property arising from the use of automobiles, trucks and motorized vehicles, and shall cover the operation on or off the site of the work of all motor vehicles licensed for highway use whether they are owned, non-owned or leased.

C. Unless waived by the Director, the County shall be endorsed as an additional insured under the policies described subsections A and B above. Nothing contained in this Section, including that the Public Utility Right-of-Way User maintain insurance, is intended as, or shall be construed to be a waiver of the sovereign immunity protections afforded the County under Law.

D. Before commencing any work allowed by the Public Utility Right-of-Way Permit, the Public Utility Right-of-Way User shall procure and furnish to the Department of Public Works, on forms provided or approved by the Director, a payment and performance bond in the amount of the estimated cost of the required Public Right-of-Way, Excavation, Repair and Restoration work to be performed by the Public Utility Right-of-Way User. Such bonds shall be in effect through the duration of the work allowed by the Public Utility Right-of-Way Permit and for the four (4) year Guarantee Period. The bonds required hereunder shall be in a form approved

by the Public Works Director and executed by a responsible surety licensed in the State of Missouri. The Public Utility Right-of-Way User shall require the attorney in fact who executes the required bond on behalf of the surety to affix thereto a certified and current copy of this power of attorney indicating the monetary limit of such power. If the surety of any bond furnished by the Public Utility Right-of-Way User is declared bankrupt or becomes insolvent or its right to conduct business in the State of Missouri is terminated, or it ceases to meet the requirements of this paragraph, the Public Utility Right-of-Way User shall within ten (10) days substitute another bond and surety, both of which must be acceptable to the Public Works Director. If the Public Utility Right-of-Way User fails to make such substitution, the County may procure such required bonds on behalf of the Public Utility Right-of-Way User at the Public Utility Right-of-Way User's expense.

E. A Public Utility Right-of-Way User that demonstrates through certified documents or other means reasonably acceptable to the Public Works Director that the Public Utility Right-of-Way User has Twenty Five Million Dollars ($25,000,000) in net assets and does not have a history of permitting noncompliance within the County, shall not be required to comply with subsections A through D of this Section.

F. All contractors, subcontractors, and agents used for the performance of any work contemplated or covered by a Public Utility Right-of-Way Permit shall be properly licensed and insured pursuant to the laws of the State of Missouri and applicable Law, including this Chapter. Each contractor and subcontractor of the Public Utility Right-of-Way User shall have the same obligations with respect to its work as the Public Utility Right-of-Way User would have pursuant to Sections 67.1830 to 67.1846 RSMo., this Chapter, and other applicable Law as if the work were performed by the Public Utility Right-of-Way User. All Public Utility Right-of-Way Users shall be responsible for (a) ensuring that the work of contractors, subcontractors, and agents is performed consistent with all permits and applicable Law, and (b) promptly correcting acts or omissions by any contractor or subcontractor.

SECTION 700.260: PUBLIC UTILITY RIGHT-OF-WAY PERMIT FEES

A. Each Applicant shall pay to the County a Public Utility Right-of-Way Permit Fee and, when applicable, a supplemental Public Utility Right-of-Way Fee as provided in this Chapter.

B. The initial Public Utility Right-of-Way Permit Fee shall be based upon the County's actual costs in issuing, processing and verifying Applications and inspections of the project site and Restoration work up to two (2) hours. Initial inspections, checking overnight in cases of open cuts, follow-up inspection at the completion of the work, and re-inspection six (6) months and eighteen (18) months later to insure the surface and other Restored areas have remained sound and in compliance with the requirements of this Chapter are additional reasonable and necessary services for which fees may be collected. Each Applicant shall pay the initial Public Utility Right-of-Way Permit Fee to the County at the time the Applicant submits its Application for a Public Utility Right-of-Way Permit.

C. Each Public Utility Right-of-Way User shall pay to the County a supplemental Public Utility Right- of-Way Permit Fee in the amount of all of the County's actual costs reasonably incurred for managing the Public Rights-of-Way, including the following:

1. Inspecting the project site and the Restoration work in excess of the number of hours established for the initial Public Utility Right-of-Way Fee; and

2. Protecting or moving the Public Utility Right-of-Way User's equipment or Facilities after reasonable notification to the Public Utility Right-of-Way User doing the Public Right-of-Way work; and

3. Determining the adequacy of Public Right-of-Way Restoration; and

4. Inspecting and/or testing Restoration work after rejection of improper or defective Restoration work; and

5. Restoring work inadequately performed after the Director has provided notice and a ten (10)- day period for the Public Utility Right-of-Way User to correct such inadequate work; and

6. Revoking the Public Utility Right-of-Way Permit.

D. Fees paid for a Public Utility Right-of-Way Permit subsequently revoked by the Public Works Director are not refundable. Supplemental Public Utility Right-of-Way Permit Fees shall be paid within three days of the date of assessment by the Director.

E. If any project is revised after the Application for it is approved, the Public Works Director may require an additional fee based on the County's actual costs incurred by reason of the revisions and the criteria established in this Chapter.

F. The amount of the Public Utility Right-of-Way Permit Fee set forth in Section 700.270 may be reviewed at any time, and shall be reviewed at least annually, by the Public Works Director and based upon the criteria for assessment of permit fees and Management Costs established in Sections 67.1830 to 67.1847 RSMo. and this Chapter. All adjustments to fees shall be adopted by the County Commission prior to the date on which the adjusted fees are scheduled to take effect.

SECTION 700.270: FEE SCHEDULE

A. The Right-of-Way Permit Fees, including adjustments to the fees, shall be recommended by the Public Works Director, approved by the County Commission and listed in the Schedule of Fees (Exhibit A) maintained in the County Clerk's office.

B. Right-of-Way Fees (Exhibit A) shall be determined on the basis of criteria for assessment of permit fees established in Sections 67.1830 to 67.1847 RSMo., and shall be:

1. Based on the actual, substantiated costs reasonably incurred by the County in managing the Public Right-of-Way;

2. Based on an allocation among all users of the Public Right-of-Way, including the County, which shall reflect the proportionate costs imposed on the County by each of the various types of uses of the Public Right-of-Way;

3. Imposed on a competitively neutral and nondiscriminatory basis;

4. Imposed in a manner so that above ground uses of the Public Right-of-Way do not bear costs incurred by the County to regulate underground uses of the Public Right-of-Way;

5. Applied uniformly to all users of the Public Right-of-Way, including the County.

C. Right-of-Way Management Costs shall:

1. Be the same for all entities doing similar work;
2. Not include payment by a Public Utility Right-of-Way User for the use or rent of the Public Right-of-Way, degradation of the Public Right-of-Way or any costs incurred by the County as outlined in Section 700.260 that are incurred by the County as a result of the use by users of the Public Right-of-Way other than Public Utilities, the fees and costs of litigation that relate to the interpretation of this Chapter or Sections 67.1830 and 67.1838 RSMo., and fees and costs related to appeals taken pursuant to Section 67.1838 RSMo.

SECTION 700.280: VIOLATIONS

A. No Public Utility shall Excavate in the Public Right-of-Way in violation of this Chapter.

B. In the event the Public Works Director determines that a Public Utility Right-of-Way User has committed a violation of any provision this Chapter, or of Sections 67.1830, 67.1832, 67.1837, 67.1838, 67.1842, 67.1844, and 67.1847 RSMo. et seq, or a condition of the Public Utility Right-of- Way Permit, the Public Works Director, in addition to other remedies as provided in this Chapter or by other Law:

C. Shall, prior to the imposition of a civil penalty or revocation of a permit, make written demand upon the Public Utility Right-of-Way User to remedy such violation;

D. May revoke all applicable permits as provided herein;

E. Order the immediate cessation of any work, including work and Excavation being undertaken as a result of an Emergency, which poses a serious threat to the public health, safety or welfare, or which is not in compliance with this Ordinance or the permit at issue, or applicable Law.

F. May assess civil penalties as provided in this Chapter or by other applicable Law.

SECTION 700.290: CIVIL PENALTIES

(RESERVED)

ARTICLE IV. SPECIAL USE RIGHT-OF-WAY PERMIT

SECTION 700.300: PERMIT APPLICATION

1. All Persons desiring to conduct activities defined in this Chapter as a Special Use (hereafter sometimes referred to as "Special Use" or "Special Use Activity") shall, prior to commencing such use, file an Application for a permit, designated as a Special Use Right-of-Way Permit, at the office of the Platte County Director of Public Works ("Director") on forms provided by the Director. The Application shall be accompanied by completed plans and specifications detailing in writing and graphically, the work contemplated by the Application. The Applicant shall state its full name, principal office in the State of Missouri, the local business address, if any, the purpose for which the Application is made, giving the exact location, or locations, of the street, avenue, boulevard, road, alley, public easement, or highway involved, the nature of the proposed use, the starting time and the approximate time desired to complete the particular use, and any additional information as the Director may require of the Applicant in order to protect and preserve the Public Right-of-Way and public safety, and secure full compliance with this Chapter and all applicable Law. The Application form shall contain an agreement by the Applicant that it will restore and replace such street, avenue, boulevard, road, alley, public easement, or highway, affected by the activity proposed in the Application, and a statement that the Applicant has read and understands this Chapter and all appendices hereto, and a statement that the Applicant is at the time of the Application, and will continue to be at all times during the existence of the permit, in compliance with all laws, regulations, work and safety requirements applicable to the Applicant and its use of Public Rights- of-Way. The Application for a permit shall be filed not later than thirty (30) days prior to the date the work identified in the Application is to commence.

2. All contractors, subcontractors, and agents used for the performance of any work contemplated or covered by a Special Use Right-of-Way Permit shall be properly licensed pursuant to the laws of the State of Missouri and applicable Law, including this Chapter. Each contractor and subcontractor of the Special Use Right-of-Way User shall have the same obligations with respect to its work as the Special Use Right-of-Way User would have pursuant to Chapter 229 RSMo., this Chapter, and other applicable Law as if the Special Use Right-of-Way User performed the work. All Special Use Right- of-Way Users shall be responsible for (a) ensuring that the work of contractors, subcontractors, and agents is performed consistent with all permits and applicable Law, and (b) promptly correcting acts or omissions by any contractor or subcontractor.

3. The Application forms supplied by the Director may consist of a single format with parts therein designated on a case-by-case basis by the Director as applicable to the Special Use contemplated by an Applicant, or in multiple formats designed for particular Special Use activities, or some combination of forms and formats suitable to the needs of the Applicant and the Special Use contemplated.

SECTION 700.310: REQUIREMENTS IMPOSED BY ARTICLE III – WHEN APPLICABLE TO SPECIAL USE RIGHT-OF-WAY PERMIT

A. The Director may prescribe in the Application form, or by attachment thereto, such other requirements as he may deem necessary to protect any Public Right-of-Way, street, avenue, boulevard, road, alley, public easement, or highway, or the safety of the public. In lieu of some or all of the requirements imposed by this Article, or as an addition to such requirements, the

Director may incorporate into the Application form or attachment thereto, provisions found elsewhere in this Chapter as may be applicable, or necessary as a condition to granting the Special Use Right-of-Way Permit.

B. Each Special Use Right-of-Way User Applicant shall designate a local Person familiar with the Special Use that will act as a local agent for the Applicant and will be responsible for satisfying information requirements of this Chapter. The Applicant shall present to the Director the agent's name, address, telephone number, fax number and email address. The agent shall be the Person to whom notices shall be sent, and with whom rests the responsibility to facilitate all necessary communications.

SECTION 700.320: ADDITIONAL CONDITIONS

A. The Director is authorized to impose additional conditions consistent with this Chapter and other applicable Law as are necessary to protect the public health, safety or welfare, to manage and Restore properly the Public Right-of-Way.

B. The Director may establish in the Special Use Right-of-Way Permit limitations on the amount of activities that may occur at one time, and the amount of Public Right-of-Way which may be obstructed during such activities.

C. The Special Use Right-of-Way User shall not permit the activity authorized by the Special Use Right-of-Way Permit to continue longer than is necessary to finish the activity, and in no event may a Special Use activity remain open beyond the expiration of the Special Use Right-of-Way Permit or any approved extension.

D. In addition to notice requirements imposed by statute, or by any other part of this Chapter, the appendices hereto, or by the Director as a condition to the issuance of a Special Use Right-of-Way Permit, Special Use Right-of-Way User shall provide to all Public Utilities using the affected Public Rights-of-Way, timely written notice [defined herein as at least ten (10) business days] in advance of any activity covered by a Special Use Right-of-Way Permit Application. Each Special Use Right-of- Way User shall provide evidence of such notice as part of its permit Application.

SECTION 700.330: PROCESSING APPLICATION AND APPROVAL; TRANSFER OF PERMIT

A. The Director shall process each completed Application for a Special Use Right-of-Way Permit within thirty-one (31) days from the date of the receipt of the Application. The Public Works Director may require an Applicant to separate proposed work into individual or distinct Applications due to the complexity of a proposed project or for other reasonable reasons.

B. If the Director determines that an Applicant has complied with the requirements of this Chapter, the Director shall issue a Special Use Right-of-Way Permit.

C. A Special Use Right-of-Way Permit shall be valid only for the area of the Public Right-of-Way specified within the permit. No Special Use Right-of-Way User may cause or allow activity outside the area specified in the permit. In the event an area greater than that which is specified in the permit must be Excavated, or is affected by or encroached upon by the Permitee's

County Clerk's Office Updated 05.04.2020

activities, the Permitee, prior to commencement of the additional or new Special Use activity, must: (a) make an Application for a Special Use Right-of-Way Permit amendment describing the newly affected area in which the Special Use activity will occur; and (b) pay any additional fees required thereby.

D. A copy of the Special Use Right-of-Way Permit issued shall be posted in at least one conspicuous place on each Right-of-Way activity site for public display. The permit must be available for inspection at all times by the Public Works Director, his designee and department employees, the public, and law enforcement officers.

SECTION 700.340: DENIAL OF APPLICATION FOR SPECIAL USE RIGHT-OF-WAY PERMIT

A. The Public Works Director may deny an Application for a Special Use Right-of-Way Permit for any of the following reasons:

1. The Applicant fails to provide all the necessary information and documents required by this Chapter and reasonably requested by the Director for managing the Public Right-of-Way; or

2. The Public Works Director determines that the denial is necessary to protect the Right-of-Way of, or, any street, avenue, boulevard, road, alley, public easement, or highway, or the public health, safety or welfare. In determining whether denial of a Special Use Right-of-Way Permit Application is necessary to protect the public health, safety or welfare, the factors the Public Works Director may consider include, but are not limited to, the following:

   a. The extent to which the Public Right-of-Way space where the Special Use Right-of-Way Permit is sought is available, including the consideration of competing demands for the particular space in the Public Right-of-Way, or other general conditions of the Public Right-of- Way;

   b. The applicability of any Order, Code provision, or other Law that affects the location of Facilities in the Public Right-of-Way;

   c. The degree of disruption to surrounding communities and businesses that will result from the use of that part of the Public Right-of-Way, including whether the issuance of a Special Use Right-of-Way Permit for the particular dates and/or times requested would cause a conflict or interfere with an exhibition, celebration, festival, or any other event.

3. The area is environmentally sensitive as defined by Law or is a historic district as defined by Law.

SECTION 700.350: REVOCATION OF SPECIAL USE RIGHT-OF-WAY PERMIT

A. In the event the Director determines that a substantial breach of the terms and a material condition of a Special Use Right-of-Way Permit has occurred, he may revoke the permit. Prior to revocation of the permit, the Director shall give written notice of each substantial breach to the offending Permitee and, unless otherwise provided herein, provide the offending Permitee with

County Clerk's Office Updated 05.04.2020

five (5) days to cure such breach. In circumstances requiring Emergency remedial action for the protection of the health and safety of the public, the preservation or protection of the Public Right-of-Way, or to prevent harm to other utilities using the Right-of-Way, the Director may require the offending Permitee to effect Repairs or take appropriate action immediately.

B. A substantial breach by a Special Use Right-of-Way User includes, but is not limited to:

1. A material violation of a provision of the Special Use Right-of-Way Permit; or

2. An evasion or attempt to evade any material provision of the Special Use Right-of-Way Permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the County or its citizens; or

3. A material misrepresentation of fact in the Application for a Special Use Right-of-Way Permit; or

4. A failure to complete work by the date specified in the Special Use Right-of-Way Permit, unless a permit extension is obtained, or unless the failure to complete the work is due to reasons beyond the Special Use Right-of-Way User's control; or

5. A failure to correct, within the time specified by the Director, work that does not conform to applicable Law, including this Chapter.

SECTION 700.360: USE OF THE RIGHT-OF-WAY

A. General Provisions

1. The Right-of-Way User shall:

a. *Consult w*ith the Director regarding the location, design, and nature of the Special Use or the Facility prior to installation, Excavation, or commencement of the Special Use;

b. Comply with all requirements of the County relating to underground Facilities;

c. Coordinate the placement of Facilities and Special Use with the Director and other Public Utility and Special Use Right-of-Way Users;

d. Locate and install Facilities, and perform Excavation and Special Use activities, Restoration and other activities connected therewith in such manner as will avoid disruption of, or interference with, public improvements, existing Facilities such as pipes, drains, sewers, irrigation systems, streets, alleys, sidewalks, and the Public Right-of-Way, and private property in and around the area affected by the Excavation, Special Use, or other activity of the Right-of-Way User;

e. When possible, give consideration to any request made by the Director concerning placement of Facilities in private easements in order to limit or eliminate future street improvement relocation expenses;

f. Not interfere with the Facilities of other Right-of-Way Users without express permission.

2. All Construction work, activities and uses, and all technical standards governing Construction, reconstruction, installation, operation, testing, use, maintenance, and dismantling of a Right-of- Way User's Facilities in the Right-of-Way shall be in accordance with federal, state and local law and regulations, and Applicable Codes and Standards including those promulgated by national trade associations commonly associated with the service provided by the Right-of-Way User. Subject to the limitations imposed by the Federal Telecommunications Act 147 U.S.C.A, *et. seq.,* the standards established in this paragraph are minimum standards.

3. The Public Works Director may assign specific corridors and areas within the Right-of-Way as may be necessary, for each type of Facility that is currently located, or that the Public Works Director expects someday will be located, within the Right-of-Way. All Right-of-Way Permits issued by the Public Works Director shall indicate the proper corridor for the Special Use Right- of-Way User's Facilities.

4. The Special Use Right-of-Way User shall cooperate promptly and fully with the Director and take all reasonable measures necessary to provide accurate and complete on-site information regarding the nature and horizontal and vertical location of its Facilities located within the Right-of-Way, both underground and overhead, when requested by the Director or its authorized agent for a Public Improvement. Such location and identification shall be at the sole expense of the Special Use Right-of-Way User without any expense to the County, its employees, agents, or authorized contractors.

B. Construction

1. Before the start date of any Right-of-Way activity, each Special Use Right-of-Way User who has Facilities located in the area of the Right-of-Way activity shall be responsible for marking the horizontal and approximate vertical placement of all its Facilities in accordance with Missouri One Call System. A Special Use Right-of-Way User whose Facilities are less than twenty (20) inches below a concrete or asphalt surface shall notify and work closely with, the Person performing Right-of-Way activity in an effort to establish the exact location of its Facilities and the best procedure for Right-of-Way activity.

2. The Special Use Right-of-Way User shall provide:

a. The Director of Public Works twenty-four (24) hours written notice before the commencement of any Special Use activity.

b. Each owner and each occupant of property within 500 feet of the project forty-eight (48) hours written notice before the commencement of any Special Use activity.

c. The Public Works Director seventy-two (72) hours prior written notice before the closure of any roadway, highway, or street, or interruption in traffic flow.

d. All notice required by Section 229.350 RSMo., including at least five days' notice to the Persons, firms corporations, Public Utilities and others owning, leasing or operating Facilities or other items identified in Section 229.350 RSMo. of the time and place when

County Clerk's Office Updated 05.04.2020

and where such Facilities or other items must be moved, removed, cut, raised, changed, altered or interfered with by the Special Use activity.

3. All construction work permitted by the Special Use Right-of-Way Permit shall be in accordance with the approved plans and specifications, the terms of the Special Use Right-of-Way Permit, and applicable Law including, but not limited to, this Chapter, and applicable construction and safety codes.

C. Public Safety

1. Any Special Use Right-of-Way User who for any purpose makes or causes to be made any Special Use activity in, upon, under, through or adjoining any street, sidewalk, alley or other Right-of-Way, shall securely cover all openings and store, secure or remove rubbish, building or other material during Construction over the night time, and enclose and secure and protect the Excavation and surrounding areas affected thereby with good substantial and sufficient barricades or drums equipped with the appropriate type warning lights and orange safety fencing material. Whenever a Special Use Right-of-Way User shall Excavate, or use in any fashion, the full width of any street, sidewalk, alley, driveway approach or other Right-of-Way, it shall be its duty to maintain an adequate passage for vehicles and pedestrians across or around the Excavation until it is refilled as specified.

2. Any Excavation or Special Use activity left open overnight on any thoroughfare or collector type-street shall be securely covered. The Special Use Right-of-Way User assumes the sole responsibility for maintaining proper barricades, plates, safety fencing and/or lights as required from the time of opening of the Excavation until the Excavation is surfaced and opened for travel.

D. Completion, Mapping, and As-built Drawings

1. All work allowed under the Special Use Right-of-Way Permit shall be completed by the time required in the Special Use Right-of-Way Permit. Upon the completion of said work, record drawings shall be provided for work, including all extensions or new installations of Facilities, changes and improvements. Abandoned Equipment or Facilities shall also be identified on record drawings.

2. The Special Use Right-of-Way User shall keep and maintain accurate records and as-built drawings depicting accurate location of all its Facilities Constructed, reconstructed, or relocated in the Right-of-Way.

3. When available to the Special Use Right-of-Way User, such information shall be submitted electronically in an Applicable Software format to the extent compatible with the County's Geographical Information System (GIS) provided, however, that nothing herein shall be construed to require the Right-of-Way User to acquire or modify any electronic mapping system.

4. Underground Facilities shall be differentiated from overhead Facilities.

5. Mapping and identification shall be at the sole expense of the Special Use Right-of-Way User.

SECTION 700.370: RESTORATION PLAN

A. Requirement of Restoration.

1. All Special Use Right-of-Way Users shall provide a written plan for Restoration of the Public Right-of-Way, the actual Excavation, the pavement and its foundation, all areas encompassed by the permit, and surrounding areas disturbed or damaged by the User. The Director may prescribe in the Application form, or by attachment thereto, such other requirements as he may deem necessary to protect any Public Right-of-Way, street, avenue, boulevard, road, alley, public easement, or highway or the safety of the public. In lieu of some or all, or as an addition to, the Restoration requirements imposed by these regulations, the Director may incorporate into the Application form or attachment thereto, provisions found elsewhere in this Chapter as may be applicable, or necessary as a condition to granting the Special Use Right-of-Way Permit. Restoration of the Public Right-of-Way shall be completed within the date specified in the Right-of-Way Permit (which shall be less than thirty (30) days from the completion of the Special Use activity), unless the Special Use Right-of-Way User obtains a waiver, extension, or a new or amended Right-of-Way Permit.

2. Upon the failure, refusal or neglect of a Special Use Right-of-Way User to Restore and replace the area affected by the Special Use activity within thirty (30) days of completion of the Special Use activity, the Director shall provide written notice by registered mail to the Special Use Right-of-Way User to make proper Restoration. If the Special Right-of-Way User fails or refuses to make proper Restoration within ten (10) days of the receipt of the registered letter, the Director may cause the Restoration, work or other activity required by this Section to be completed or performed, in whole or in part, to the satisfaction of the County. Upon so doing, The County shall submit to such Special Use Right-of-Way User an itemized statement of the cost for Repairing and Restoring the Public Right-of-Way. The Special Use Right-of-Way User shall, within thirty (30) days after receipt of the statement, pay to the County the entire amount thereof. Amounts not paid by the due date may be charged against the payment and performance bonds, or similar or other surety required by Section 700.400 and Section 229.320 RSMo.

3. The Public Works Director may inspect the Restoration, Repair or replacement work performed by the Special Use Right-of-Way User, and if necessary, require the Right-of-Way User to perform necessary additional work and Repairs necessary to Restore the area affected by the Special Use activity.

SECTION 700.380: DAMAGE TO PROPERTY

Each Special Use Right-of-Way User shall be responsible for the cost of Repairing or replacing property owned by other Persons in the Public Right-of-Way damaged by the Special Use Right-of-Way User or its Facilities, or by the County's during, or as part of, its response to an Emergency caused by a Special Use Right-of-Way User or its Facilities.

SECTION 700.390: EFFECT OF PERMIT ON OTHER OBLIGATIONS

A. Nothing herein, including the issuance of a Special Use Right-of-Way Permit, relieves the Special Use Right-of-Way User of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by any other Law.

B. A Special Use Right-of-Way User shall comply with all requirements of all Construction and safety codes, and all other applicable Law, including Missouri One Call System.

C. A Special Use Right-of-Way User is responsible for all work done in the Public Right-of-Way pursuant to the Special Use Right-of-Way Permit, regardless of who performs the work.

D. Except in the case of an Emergency, and with the approval of the Public Works Director, no Excavation or other Special Use activity may be performed when seasonally prohibited or when conditions are unreasonable for such work.

E. No Special Use Right-of-Way User shall obstruct a Public Right-of-Way to the extent that the obstruction interferes with the natural free and clear passage of water through gutters or other waterways.

SECTION 700.400: BONDS AND INSURANCE

A. Unless otherwise waived by the Director, or exempted by Law, all Public Utilities shall comply with the bonds and insurance requirements imposed under this Chapter.

B. All Applicants for a Special Use Right-of-Way Permit other than Public Utilities, unless otherwise waived by the Director, shall furnish Construction performance and payment bonds with corporate surety, cash, or other approved deposit in such sum sufficient to secure the payment of all wages and costs, and the Repair and Restoration of the Right-of-Way affected by the Applicant's permit Application in the event the Application fails to perform the obligations under the permit, including, but not limited to, the maintenance and Restoration of the affected area as required by this Chapter. All bonds shall be issued on forms provided by the Director and conditioned upon the Applicant maintaining the Repaired or Restored Right-of-Way for a period of six (6) months from the date of completion and require the Applicant to hold Platte County harmless from and against any and all costs, expenses, including attorneys' fees, occasioned by or resulting from any use of such Right-of- Way during the six (6) month period. The requirement to furnish payment and performance bonds under this Section is in addition to, and not in lieu of, requirements imposed by the County elsewhere in Orders and Regulations.

C. Unless otherwise directed or waived by the Director, or exempted by law, all Applicants for a Special Use Right-of-Way Permit shall maintain and provide commercial general liability insurance and commercial automobile liability insurance of the kind, and in the amount required in this Chapter for Public Utilities.

SECTION 700.410: SPECIAL USE RIGHT-OF-WAY PERMIT FEES

A. Each Applicant shall pay to the County a Special Use Right-of-Way Permit fee for each Application for Special Use Right-of-Way Permit. Such Special Use Right-of-Way Permit fee shall be based on the amounts allowed under Law and, if permitted by Law, upon all the County's actual costs in reviewing, issuing, processing and verifying Applications and inspections of the project site and Restoration work.

B. Fees paid for a Special Use Right-of-Way Permit subsequently revoked by the Public Works Director are not refundable.

C. Public Special Use Right-of-Way Permit fees shall be paid by each Applicant to the County at the time the Applicant submits its Application for a Special Use Right-of-Way Permit.

SECTION 700.420: VIOLATIONS

A. In the event the Public Works Director determines that a Person has committed a violation of any provision this Chapter, or of Sections 67.1830, 67.1832, 67.18367, 67.1838, 67.1842, 67.1844, and 67.18467 RSMo. et seq, or a condition of the Special Use Right-of-Way Permit, the Public Works Director, in addition to other remedies and fines as provided in this Chapter, or by other Law:

1. Shall, prior to the imposition of a civil penalty or revocation of a permit, make written demand upon the Public Utility Right-of-Way User to remedy such violation;

2. May revoke all applicable permits as provided herein;

3. May order the immediate cessation of any work, including work and Excavation being undertaken as a result of an Emergency, which poses a serious threat to the public health, safety or welfare, or which is not in compliance with this Ordinance or the permit at issue, or applicable Law;

4. May assess civil penalties or seek other remedies as provided in this Chapter or by Law.

ARTICLE V. INSPECTIONS; DUTY OF PERMITEE TO REPAIR, REMOVE, RELOCATE

SECTION 700.430: INSPECTIONS

A. The Director, his designee, and employees of his department shall have the right to inspect, from time to time, and at any time, Excavation sites, Facilities, activities authorized by Public Utility Right-of-Way Permits, Special Use Right-of-Way Permits, and the Public Right-of-Way generally.

B. The Permitee shall make the Facilities, Excavation and work site available to the Public Works Director, his designee and department employees, and to all others as authorized by Law for inspection at any reasonable times during the course of the Excavation and work, and upon completion of the work or other activity.

SECTION 700.440: DUTY TO REPAIR, REMOVE, RELOCATE

A. In the event the Director determines that an Excavation or encroachment upon the Public Right-of- Way, Special Use activity, or the condition or placement of any equipment, Facilities, devices, materials, apparatuses, structures, and media, or other structures of any type installed or placed on, over or within Public Rights-of-Way:

1. Is dangerous to the public health, safety, and welfare;

2. Prevents or significantly impairs the Right-of-Way use by others;

3. Was, in the case of work performed and projects completed after the effective date of this Chapter, installed or Constructed in violation of any permit or conditions for the issuance of the applicable permit issued under the authority of this Chapter;

4. Constitutes an unreasonable, unlawful, or excessive use of a Public Right-of-Way;

5. Interferes with a Public Improvement undertaken by the County because of traffic conditions, street vacations, freeway grading, sewer, drainage, or tract installation or otherwise interferes with the safety and convenience of ordinary travel over the Public Right-of-Way;

6. Is in violation of this Chapter or other applicable Law;

The Director, in addition to other remedies permitted herein or allowed by Law, may order the Permitee or other user or owner, to make corrections and Repairs, or to protect, support or disconnect a Facility, or, remove the offending Facility or condition.

B. In cases of Emergencies so designated by the Director, the Permitee, user or owner shall effect the required corrections, Repairs, removal or other action specified by the Director immediately upon receipt of the Director's notice. In all other cases, the Permitee, user or owner receiving a notification of, or an order for, correction, Repair, or removal shall comply on or before the date specified by the Director. All corrective action and Repairs shall be at the Permitee's own expense, and in so doing, the Permitee, user or owner shall comply with this Ordinance, including all applicable permit and Restoration requirements, and other applicable Law, and thereafter provide the Director of notification of the completion of the corrective action.

C. The Director, in the Director's discretion, and in lieu of requiring correction, Repair, or removal as above provided, or in the event the Permitee, owner or user of the Public Right-of-Way, after receipt of notice or order, for any reason shall be unable or shall fail or refuse to make the required corrective action, may make necessary Repairs and corrections, and perform all Excavation, street, road and Right-of-Way Restoration. The Permitee shall be responsible for reimbursing the County its actual Repair, removal, and Restoration costs within thirty (30) days of the date of the County's invoice.

ARTICLE VI. CRIMINAL PENALTIES; ADDITIONAL REMEDIES

SECTION 700.450: CRIMINAL PENALTY

Any Person violating the provisions of Sections 229.300 to 229.370 RSMo., or failing to comply therewith, or violating any provision of this Chapter as it relates to Special Uses shall, upon conviction thereof, be deemed guilty of a misdemeanor and subject to such fines, penalties and imprisonment as are provided by statute. Each day during which a violation is committed shall constitute a separate offense. The violation of any provision of this Ordinance is hereby deemed to be grounds for revocation of the permit and registration to operate with the County.

SECTION 700.460: ADDITIONAL REMEDIES

The County shall have the authority to maintain civil suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of this Chapter. In addition to any other remedies provided by Law, the County may institute injunction, mandamus, or other appropriate actions or proceedings to prevent violations of this Chapter and applicable Law. No action taken by the Director, the County or the County's representative, including its attorney, shall be construed to be an election to pursue a particular remedy to the exclusion of any other remedy under this Chapter or available under Law.

ARTICLE VII. MISCELLANEOUS PROVISIONS

SECTION 700.470: SEPARABILITY

If any provision of this Chapter is held by any federal, state or local court, or by any federal or state agency of competent jurisdiction, to be invalid as conflicting with any Law, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such Law or regulation, such provision shall be considered a separate, distinct, and independent part of this Chapter, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such Law or regulation is subsequently repealed, rescinded, amended, or otherwise changed so that the provision which had been held invalid or modified is no longer in conflict with such Law, said provision shall return to full force and effect and shall again be binding on the County and each Public Utility Right-of-Way User and Special Use Permit Right-of-Way User, provided that the County shall give the Public Utility Right-of-Way User or Special Use Permit Right-of-Way User thirty (30) days, or a longer period of time as may be reasonably required for the Public Utility Right-of-Way User or Special Use Permit Right-of-Way User to comply with such a rejuvenated provision, written notice of the change before requiring compliance with such provision.

SECTION 700.480: EXCEPTIONS

A. Regardless of any contrary provisions of this Chapter, nothing contained in this Chapter shall:

1. Relieve the County of any obligations under an existing franchise agreement in effect on May 1, 2001;

2. Relieve a Public Utility Right-of-Way User of the provisions of an existing franchise, franchise fees, license or other agreement or permit in effect on May 1, 2001;

3. Prohibit the County or a Public Utility Right-of-Way User from renewing or entering into a new franchise in compliance with applicable Law;

4. Prohibit the County from enacting, amending, renewing or enforcing Orders permitted by the provisions of Sections 67.1830 to 67.1846 RSMo., Chapters 229 and 231 RSMo., and other applicable Law;

5. Prevent the County from imposing a franchise fee and other terms and conditions permitted by Law in connection with the County granting or renewing a Cable Franchise;

6. Prohibit the County from enforcing the provisions of Sections 67.1830 to 67.1846 RSMo., Chapters 229 and 231 RSMo., or other applicable Law;

7. Relieve any Person from any obligations set forth in Chapters 229 to 231 RSMo., or other applicable Law.

SECTION 700.490: RESERVATION OF RIGHTS

A. In addition to any rights specifically reserved to the County by this Chapter, the County reserves unto itself every right and power which is required to be reserved by a provision of any Order under any registration, permit or other authorization granted under this Chapter.

B. The Director, may grant a waiver or exception to, or permit a variance from, the requirements of this Chapter if an Applicant demonstrates with written evidence that the waiver, exception, or variance will not create any threat to the public health, safety or welfare, and:

   1. The Applicant demonstrates that the increased economic burden and the potential adverse impact on the Applicant's construction schedule resulting from the strict enforcement of the requirement actually or effectively prohibits the ability of the Applicant to provide Public Utility services in the County; or

   2. The Applicant demonstrates that the requirement unreasonably discriminates against the Applicant in favor of another Public Utility Right-of-Way User; or

   3. In the case of a Special Use, a particular requirement is not applicable or suitable to the Application, and granting the waiver, exception, or variance does not otherwise discriminate against other Right-of-Way Users.

C. A grant of special exception to the requirements or to any requirement under this Chapter shall not be deemed to be a waiver of any other requirement of this Chapter or constitute a waiver of any requirement with respect to a new or separate Public Utility Right-of-Way Permit or Special Use Right-of-Way Permit.

SECTION 700.500: NOTICE TO COUNTY

Except in the case of appeals, notice to the County or Director shall be served upon the Director of Public Works, Tracy, Missouri, either personally, or by deposit, postage prepaid, in the United States Postal System addressed as follows:

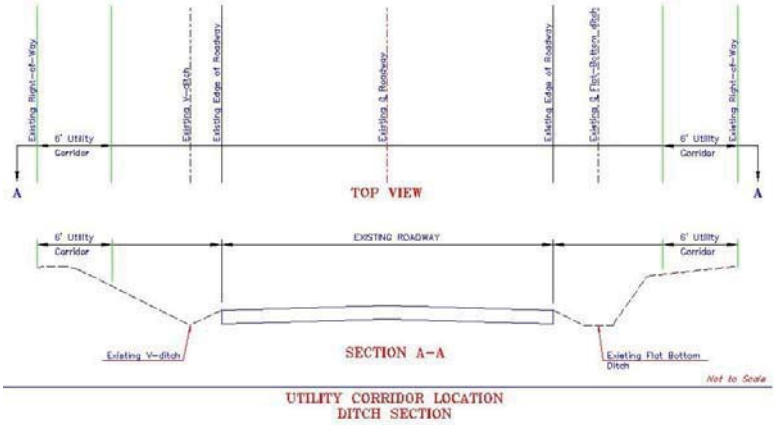
Director of the Department of Public Works
15955 Highway 273
Platte City, Missouri 64079

SECTION 700.510: COUNTY'S FAILURE TO ENFORCE

The County's failure to enforce or remedy any noncompliance of the terms and conditions of this Chapter, or of any permit granted pursuant to this Chapter, shall not constitute a waiver of the County's rights nor a waiver of any obligations imposed upon any Person as herein provided.

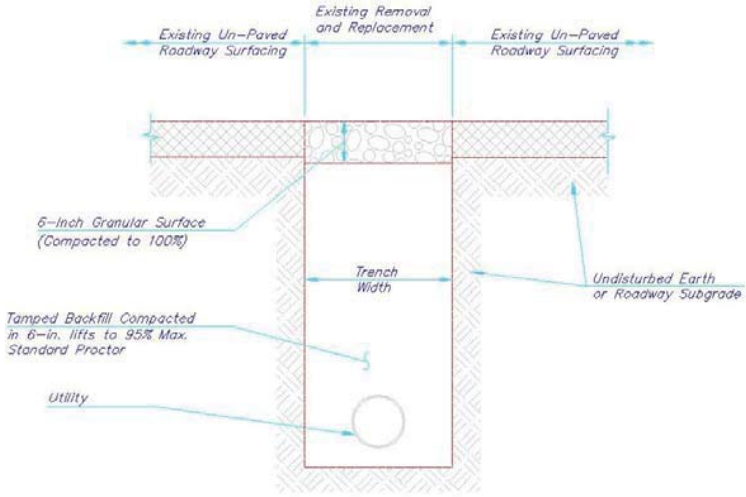
Appendix A

Figure 1: Utility Corridor Location Ditch Section



When relocation is necessary, utilities shall be relocated within or outside the roadway right-of-way as required under the circumstances, as determined by the Director of Public Works in order to complete the project. In roadways with a ditch section, utilities shall be located at the outside 6' of the right-of-way. With prior approval of the Director of Public Works, utilities may be located within the ditch section depending on the ditch hyrdaulics, erodibility of existing soils, future land use and roadway widening, and other factors as determined by the County. See the County regulations for details and requirements..

Figure 2: Unpaved Road Crossing Restoration

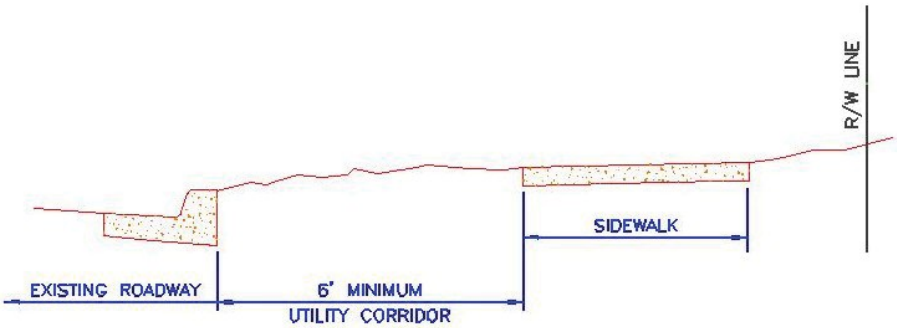


UN-PAVED ROAD CROSSING RESTORATION

Not to Scale

Road crossings requiring roadway restoration are strongly discouraged. The preferred method is boring under the roadway. Any approved plan that calls for cutting and/or removal of roadway surface shall provide for repair of the roadway according to specifications as illustrated above. Trench width shall be adequate for utility to be placed and backfilled in accordance to County specifications. See the County regulations for details and requirements.

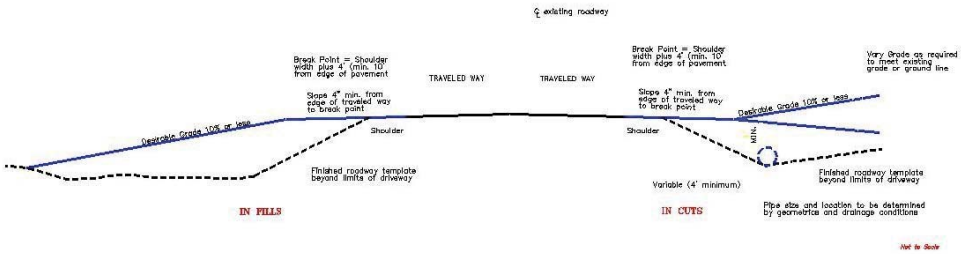
Figure 3: Utility Corridor Location with Sidewalk



UTILITY CORRIDOR LOCATION WITH SIDEWALK

When relocation is necessary, utilities shall be relocated within or outside the roadway right-of-way as required under the circumstances, as determined by the Director of Public Works in order to complete the project. In roadways with a public sidewalk, utilities shall be located between the back of curb or edge of roadway and sidewalk. Any damage to existing roadways, structures, and/or sidewalks shall be repaired in accordance with county specifications. See the County regulations for details and requirements.

Figure 4: Driveway Profile View

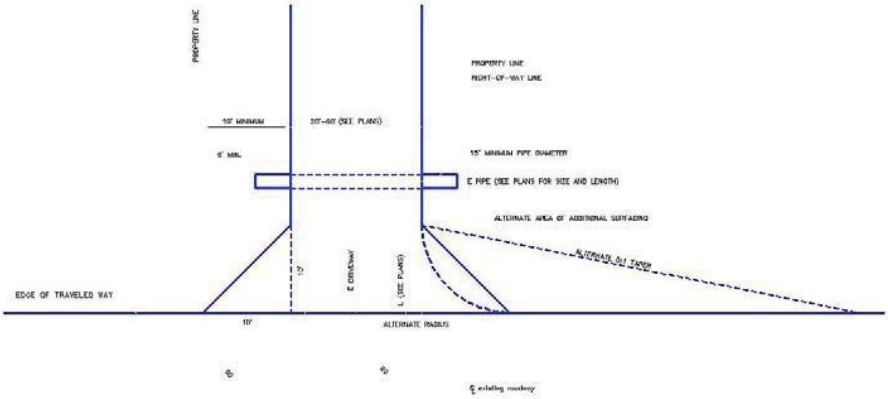


DRIVEWAY PROFILE VIEW

Not to Scale

Surfacing shall be as shown on the plans or permit. Length of pipe shall be determined by depth and location of ditch. (minimum 32' length of minimum 15" diameter pipe). See plans. This drawing illustrates driveway details for minimum situations. Traffic volumes, safety considerations, drainage considerations, local requirements, etc., may dictate more extensive improvements than illustrated. See the County regulations for details and requirements.

Figure 5: Driveway Plan View



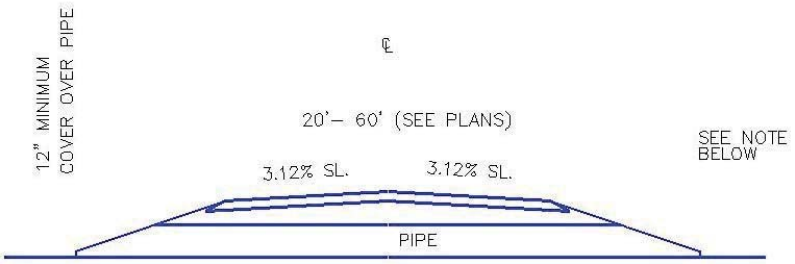
DRIVEWAY PLAN VIEW

Not to Scale

No part of the driveway excluding tapers shall be constructed beyond the property frontage. Surfacing shall be as shown on the plans or permit. Length of pipe shall be determined by depth and location of ditch. (minimum 32' length of minimum 15" diameter pipe). See plans. This drawing illustrates driveway details for minimum situations. Traffic volumes, safety considerations, drainage considerations, local requirements, etc., may dictate more extensive improvements than illustrated. See the County regulations for details and requirements.

Appendix A

Figure 6: Driveway Typical Section

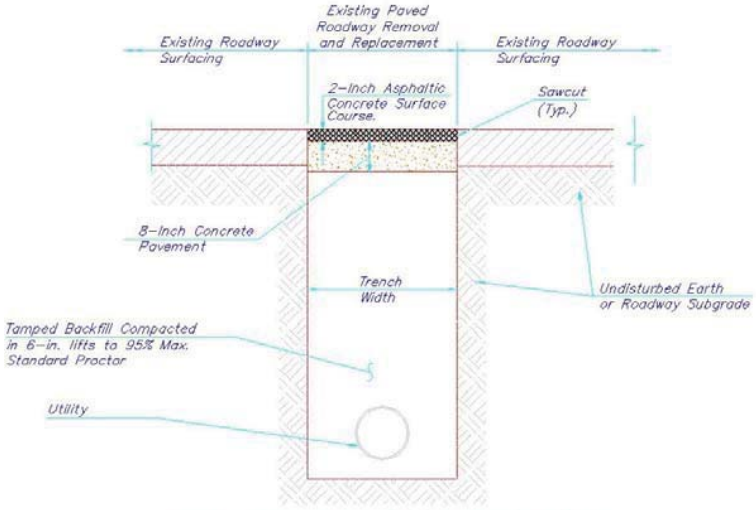


DRIVEWAY TYPICAL SECTION

Not to Scale

For 1 to 1700 vehicles per day on County roadway, use 3:1 driveway side slope (or 6:1 where practicable). For over 1700 vehicles per day on County roadways, use 6:1 slope (or flatter where practicable). Surfacing shall be as shown on the plans or permit. In order to minimize the use of 6:1 sloped end pipe sections on new construction and where possible on existing roadways, the location of the drainage pipe shall be beyond the clear zone distance as shown in the current edition of the "Roadside Design Guide". This drawing illustrates driveway details for minimum situations. Traffic volumes, safety considerations, drainage considerations, local requirements, etc., may dictate more extensive improvements than illustrated. See the County regulations for details and requirements.

Figure 7: Road Crossing Pavement Restoration

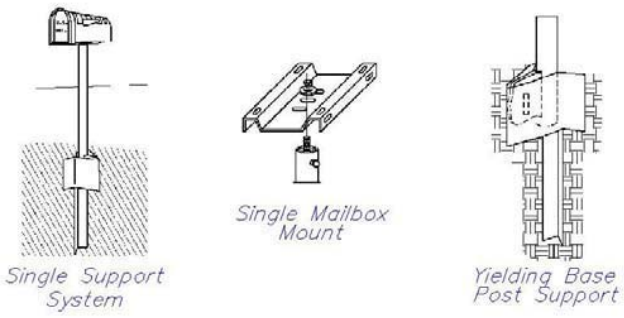


ROAD CROSSING PAVEMENT RESTORATION

Not to Scale

Road crossings requiring pavement restoration are strongly discouraged. The preferred method is boring under the roadway. Any approved plan that calls for cutting and/or removal of roadway surface shall provide for repair of the roadway according to specifications as illustrated above. Saw cuts shall be no more than one-half full depth of existing pavement to produce jagged edges. Trench widths shall be adequate for utility to be placed and backfilled in adherence to county specifications. See the County regulations for details and rquirements.

Figure 8: Mailbox Turnouts and Supports



MAILBOX TURNOUTS AND SUPPORTS

Not to Scale

AASHTO has prepared a guide for erecting mailboxes on highways that recommends a nominal 4"x4" square or 4 1/2" diameter wood posts or 1 1/2" to 2" standard steel or aluminum pipe posts, embedded by no more than 24 in. into the ground, as the maximum strength supports for mailboxes. See figure above of mailbox assembly standards.

During the design stage of a project within roadway right-of-way, any mailbox support which is noted to be in gross violation of the approved mailbox supports should be noted by location. Notice of these mailboxes shall be sent to the local postmaster requesting their assistance in requiring the mail patron to change the mailbox support to comply with national standards and reduce the potential safety hazard. The file shall document the fact that such mailboxes were checked and the action taken through the local postmaster. The Director of Public Works should be furnished copies of necessary correspondence for use after award of the project contract or permit approval.

Any existing mailbox turnouts or mailboxes damaged as part of work within the right-of-way shall be repaired in accordance with county specifications.

Platte County

Department of Public Works

EXHIBIT "A"

2010

RIGHT OF WAY FEE SCHEDULE

Chapter 700:	Right-of-Way Regulations
Article II:	Public Utilities
Section 700.260:	Permit Fees
Subpart C:	*"Each Public Utility Right-of-Way User shall pay to the County a supplemental Public Utility Right-of-Way Permit Fee in the amount of all of the County's actual costs reasonably incurred for managing the Public Rights-of-Way"*

PUBLIC UTILITY FEES	Unit of Measure	Cost per Unit	
Application Fee	LS	$ 5.00	
Plan and Specification Review	Page	$ 15.00	
Inspections	Hour	$ 30.00	(2 Hour Minimum)

Chapter 700:	Right-of-Way Regulations
Article III:	Special Use
Section 700.410:	Permit Fees
Subpart A:	*"Each Applicant shall pay to the County a Special Use Right-of-Way Permit fee for each Application for Special Use Right-of-Way Permit. Such Special Use Right-of-Way Permit fee shall be based on the amounts allowed under Law and, if permitted by Law, upon all the County's actual costs in reviewing, issuing, processing and verifying Applications and inspections of the project site and Restoration work."*

SPECIAL USE FEES	Unit of Measure	Cost per Unit	
Application Fee	LS	$ 5.00	
Plan and Specification Review	Page	$ 15.00	(Commercial)
Plan and Specification Review	Page	$ 10.00	(Residential)
Inspections	Hour	$ 30.00	(2 Hour Minimum)

Submitted by:_____

Greg Sager, Director

EFFECTIVE DATE: March 18, 2010

EXHIBIT "A"