



**THE CITY OF
HARRISONVILLE**
WHERE TRADITION MEETS INNOVATION

**AGENDA
CITY OF HARRISONVILLE
PLANNING & ZONING COMMISSION
REGULAR MEETING
CITY HALL
FEBRUARY 16, 2023
6:00 PM**

- 1. Call to Order**
 - A. Roll Call**
- 2. Approval of Minutes**
 - A. Planning & Zoning Commission - Regular Meeting - Jan 19, 2023 6:00 PM**
- 3. Agenda Items**
 - A. Selection of 2023 Vice-Chair**
 - B. Public Hearing for Various Code Amendments**
 - C. Consideration for Various Code Amendments**
- 4. Discussion Items**
- 5. Adjourn**

Posted on City Hall Bulletin Board this 9th day of February, 2023.

Daniel Barnett , City Clerk



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

DRAFT
MINUTES
CITY OF HARRISONVILLE
PLANNING & ZONING COMMISSION
REGULAR MEETING
CITY HALL
JANUARY 19, 2023
6:00 PM

1. Call to Order

The meeting was called to order at 6:01 PM by Mayor Judy Bowman

Attendee Name	Organization	Title	Status	Arrived
Kevin Wood	Harrisonville	Chair	Present	
Chris Chiodini	Harrisonville		Absent	
Scott Milner	Harrisonville		Present	
Judy Bowman	Harrisonville	Mayor	Present	
Cheryl Bush	Harrisonville		Present	
Barrett Welton	Harrisonville		Present	
Wilbert Crawford	Harrisonville		Present	
Brian Pulliam	Harrisonville		Present	
Milton Siegenthaler	Harrisonville		Present	

Also in attendance were Christina Stanton, Community Development Director; and Jamie Martin, Recording Secretary.

2. Approval of Minutes

A. Planning & Zoning Commission - Regular Meeting - Dec 15, 2022 6:00 PM

Wilbert Crawford made a motion to approve the minutes from the December 15, 2022, minutes as written. Kevin Wood seconded. The motion passed.

**Mayor Bowman abstained from voting.*

RESULT:	ACCEPTED [7 TO 0]
AYES:	Wood, Milner, Bush, Welton, Crawford, Pulliam, Siegenthaler
ABSTAIN:	Judy Bowman
ABSENT:	Chris Chiodini

3. Agenda Items

A. Selection of 2023 Chair, Vice Chair and Secretary

Wilbert Crawford nominated Kevin Wood for Chairman. Barrett Welton seconded. The motion passed unanimously.

Kevin Wood nominated Chris Chiodini for Vice-Chairman. Mayor Bowman suggested that the Commission table the nomination until the next meeting to get Chris's opinion since he was not able to attend this meeting. The Commission agreed.

Jamie Martin will continue as Recording Secretary.

B. Zoning Code Changes Pertaining to Amendment 3 - PUBLIC HEARING

Christina Stanton presented the Staff Report for proposed zoning code changes pertaining to Amendment 3 that was passed in the State of Missouri at the November 2022 election. She said that they were new definitions added to Section 405.030.B and several definitions amended in the same. Another change was amending Section 405.573, which did not do away with the "Medical" portion, but did update the standards for both "Medical" and "Non-Medical" adult use. Also, the Land Use Table will be updated. Director Stanton stated that these changes are in line with the State.

Kevin Wood asked if staff had spoke with other cities or the Missouri Municipal League about these changes. Director Stanton said that she had reached out to neighboring communities and legal both. The other cities were not covering the residential side of the amendment since the State has that covered.

Mayor Bowman stated that the City can not be more strict than the State.

There were further questions about the residential parts of the amendment that the Commission would like researched and emailed to them.

Mayor Bowman pointed out that the Board of Alderman have had to make many changes due to Amendment 3 passing, including updating the Personnel Policies, and retiring the current K-9 that the Police Department uses.

Director Stanton said that there are a lot of moving pieces and that it was better to update the zoning codes as quickly as possible.

With no questions or comments from the public, Chairman Wood closed the Public Hearing at 6:17 PM.

C. Zoning Code Changes Pertaining to Amendment 3 - CONSIDERATION

With no further comments or questions from the Commission, Brian Pulliam made a motion to approve the changes as presented. Barrett Welton seconded. The motion passed unanimously.

RESULT:	RECOMMENDED FOR BOARD APPROVAL [UNANIMOUS]
MOVER:	Brian Pulliam
SECONDER:	Barrett Welton
AYES:	Wood, Milner, Bowman, Bush, Welton, Crawford, Pulliam, Siegenthaler
ABSENT:	Chris Chiodini

4. Discussion Items

Director Stanton let the Commission know that there will be several code amendments coming up at the next couple meetings. This will be mostly clean up items.

5. Adjourn

With nothing further to come before the Commission, Wilbert Crawford made a motion to adjourn. Mayor Bowman seconded. The meeting was adjourned at 6:20 PM.

Respectfully Submitted,

Jamie Martin, Recording Secretary

STAFF REPORT

TO: Planning & Zoning Commission
FROM: Christina Stanton,
DATE: February 9, 2023
SUBJECT: Selection of 2023 Vice-Chair

Type of Item: *Approval*

- A. Action Item (ID # 4430)**
Selection of 2023 Vice-Chair

STAFF REPORT

TO: Planning & Zoning Commission
FROM: Christina Stanton,
DATE: February 8, 2023
SUBJECT: Public Hearing for Various Code Amendments

Type of Item: *Public Hearing*

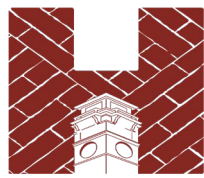
B. Action Item (ID # 4428)

Various Code Amendments

Attachments:

2-16-23 P&Z Packet1 (PDF)

2-16-23 P&Z Clean Copies Packet 2 (PDF)



To: Planning & Zoning Commission

From: Christina Stanton, AICP, Community Development Director

Date: February 16, 2023

Re: Various Code Amendments

GENERAL INFORMATION

Applicant: N/A

Requested Actions: Consideration of proposed Code changes

Date of Application: N/A

PROPOSAL

Staff is proposing various Municipal Code changes to address areas of the Code that would greatly benefit from clarification, simplification, and general clean-up. The following items fall into that category:

- Section 405.205.A.1: The R-4 Zoning District's height requirement contains language pertaining to when elevators are required, but this language is contradictory with the requirements found in the adopted Building Codes so staff is recommending striking the contradictory language.
- Section 405.305: Height and Area Regulations for the CBD-2, Downtown Fringe Business, District. Minor corrections. There is a reference to CBD-1 that should say CBD-2 and a reference to CBDP-1 that should say CBDP-2.
- Section 405.525: Special Use Permits
 - Adult Use Facility/Adult Business—Staff noticed that the regulations pertaining to these uses did not match with those in Chapter 650. After some research staff learned that the language in Division 2, Article XIX—Special Use Permits was adopted on May 24, 1993 by Ordinance 1972. Ordinance 1972 was supposed to have been removed and replaced by the language in Ordinance 2756, which was adopted by the Board on February 19, 2002. This amendment corrects that oversight. Additionally, staff would like to point out the following differences:
 - The 1993 Adult Use Regulations only allowed these uses within the Service Business (C-2) District with an approved Special Use Permit; however, the 2002 Adult Business Regulations appear to allow these uses in either General Industrial (M-2) or Planned General Industrial (MP-2) District with no mention of a special use.
 - The 1993 Adult Use Regulations required a separation distance of 1,500 feet from “any religious institution, schools or public park or any property zoned for residential use”, but the 2002 Adult Business Regulations only required a separation distance of 1,000 feet from the same uses.
 - After additional discussion with staff's legal counsel, it was noted that:
 - RSMo. 573.531 states that no “sexually oriented business” can be located within 1,000 feet of any primary or secondary school, house of worship, state-licensed day care facility,

public library, public park, residence, or other sexually oriented business. This would not apply to any business established prior to August 28, 2010. This would be good to have in our code for any future adult business. A “sexually oriented business” as defined by Missouri statutes includes all adult businesses contemplated in the Harrisonville code.

- The above statute only states that a business cannot be located within 1,000 feet. Presumably, the City could extend this amount to 1,500, or 2,000 feet in separation if it desires.
- Pawnshop/Small Loan Establishment—Staff recently learned that this use is listed in Chapter 630, with regulations pertaining to separation distances that should be located under the Zoning Regulations. The proposed changes move those parts of the regulations pertaining to the separation distances and signage into the Zoning Regulations and leave the other portions where they currently reside in Chapter 630 of the Municipal Code.
- Tattooing, Body Piercing and Branding—The proposed changes mirror corrections that were adopted as part of Ordinance 3382, which was adopted on October 3, 2016, with recent Zoning Regulation Code changes in mind. Additionally, since this use was not previously listed anywhere in the Zoning Regulations it is being added to the Land Use Table.
- Crematorium—Human or Animal. This use was not previously recognized in the Zoning Regulations, despite an existing Special Use Permit for said use. Staff is recommending placing it under Article XIX: Special Use Permits, with the condition that it is only allowed within the Light Industrial (M-1) or General Industrial (M-2) District.
- Section 405.555: Prohibited Uses. Proposing removing incineration of “dead animals” from the list of prohibited uses. This is in conjunction with the proposed addition of “Crematorium—Human or Animal”, which would allow for a veterinary clinic to be able to have this service if they were located in either the M-1 or M-2 District and obtained an approved Special Use Permit for said use.
- Section 410.550.F—Staff recently learned of amendments to other sections of the Code (515.100 and 530.030), which occurred in 2021 and changed the length of time for performance bonds from one (1) year to two (2) years. This section of the Code was not updated concurrently and needs to be corrected to align with the previous Code updates.

The following items contain new or substantially new regulations that will provide clarification and address questions and concerns that staff has been receiving recently:

- Section 405.030.B: Adding definitions for “on-site temporary storage unit” and “intermodal container”.
- Section 405.550: Accessory Uses.
 - Proposing adding “and Structures” to the Section title,
 - Correcting outline numbers/characters to make list of uses flow properly,
 - Adding “Fence Regulations” to provide clarity and simplify sight distance requirements for fences, and
 - Adding regulations pertaining to temporary storage units and intermodal containers.

Additionally, this contains amendments to the Land Use Table to mirror the proposed changes.

PREVIOUS ACTIONS

- May 13, 1991—The Board of Aldermen approved Zoning Ordinance #1825, which established most of our current zoning districts.
- January 11, 1993—The Board of Aldermen approved Ordinance #1930, which amended the commercial districts from the 1825 Ordinance and created the current commercial districts.

- May 24, 1993—The Board of Aldermen adopted Adult Use Regulations that were placed in Section 21, Subsection C, as item #30 (this is currently codified as Division 2, Article XIX—Special Use Permits, in Chapter 405—Zoning Regulations) by approval of Ordinance #1972.
- February 19, 2002—The Board of Aldermen adopted Adult Business Regulations that were to remove and replace Section 21-C-30 of the Zoning Regulations (current day Division 2, Article XIX—Special Use Permits, in Chapter 405—Zoning Regulations) by approval of Ordinance #2756.
- February 18, 2003—The Board of Aldermen adopted regulations for “Pawnbrokers and Small Loan Establishments” by approving Ordinance #2806. This was to replace then existing language under Chapter 18, which was “Licenses”.
- October 3, 2016—The Board of Aldermen approved Ordinance #3382, which amended then current regulations in Chapter 640 (Tattoo, Piercing and Branding) and added regulations regarding the same to Section 405.525; however, this does not appear to have been completed as adopted and the proposed changes are to correct that prior oversight.
- September 20, 2021—The Board of Aldermen approved Code amendments to Sections 515.100 and 530.030 that, among other things, changed the length of time for performance bonds from one (1) year to two (2) years.
- February 6, 2023—Staff presented the proposed Code changes to the Board of Aldermen in the Work Session. Items discussed include:
 - whether to place a limit on the number of accessory structures in the Agriculture (A) and Estate (E) Districts;
 - whether to have a lot coverage requirement on the following Districts: Agriculture (A), Estate (E), Non—Retail Business (C-O), Local Business (C-1), Downtown Core Business (CBD-1), Downtown Fringe Business (CBD-2), Service Business (C-2), Limited Industrial (M-1), and General Industrial (M-2);
 - Major differences between the 1993 Adult Use and the 2002 Adult Business Regulations (Ordinances 1972 and 2756, respectively); and
 - Whether to remove “Alcoholic beverages shall not be sold for consumption on the premises” within the C-1 District’s Performance Standards or remove the “P”., for the C-1 District, from “establishments which serve or sell alcoholic beverages” in the Land Use Table.

KEY ISSUES

- Currently the Zoning Regulations:
 - Do not place any limit on the number of accessory structures for neither the Agriculture (A) nor the Estate (E) Districts;
 - Do not contain any lot coverage requirement for the following Districts:
 - Agriculture (A),
 - Estate (E),
 - Non-Retail Business (C-O),
 - Local Business (C-1),
 - Downtown Core Business (CBD-1),
 - Downtown Fringe Business (CBD-2),
 - Service Business (C-2)
 - Do not address whether “on-site temporary storage” or “intermodal containers” are allowed, and if so how;
 - Are not clear about requirements pertaining to fencing and the only reference to sight distance currently in the Code are the AASHTO (American Association of State Highway and Transportation Officials) requirements that don’t make logical sense when looking at fencing in residential areas;
 - Contains a regulation pertaining to elevators that contradicts the adopted 2018 ICC Building Code;
 - Contains incorrect District references under “Height and Area Regulations” for the CBD-2 District;

- Contains “Adult Use Facility” Regulations that should have been removed and replaced in 2002, and they contradict Chapter 650;
- Do not contain any reference to “Pawnshop” or “Small Loan Establishment” beyond the reference added when the Land Use Table was created because staff became aware of the use listed in Chapter 630 but overlooked adding the pertinent portions to the Zoning Regulations at that time;
- Do not contain any reference to “Tattoo, Piercing and Branding Establishments” because staff was unaware of the use currently listed in Chapter 640;
- Do not contain any reference to “Crematorium” despite an existing approved (and previously amended) Special Use Permit.

ATTACHMENTS

1. Staff Commentary and Mark-ups
 - a. Accessory Uses and Structures
 - i. Dimensional Standards
 - b. R-4 and CBD-2 Height
 - c. Adult Business Regulation Clean-up
 - d. Pawnbroker/Small Loan Establishments
 - e. Tattooing, Body Piercing and Branding
 - f. Crematorium and Prohibited Uses
2. Land Use Table Mark-ups
3. Clean Copy of Affected Regulations and Land Use Table

STAFF CONTACT: Christina Stanton, AICP—Director of Community Development



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Existing Municipal Code in black.

Removals in red.

Additions in green.

Highlights = Discussion.

CS commentary in blue.

Staff Commentary

Initially, staff noticed that the Detached Accessory Building(s) section of the Code does not mention several Districts (Agriculture (A), Estate (E), Non-Retail Business (C-O), Limited Industrial (M-1), and General Industrial (M-2)). This prompted questions about what is allowed, and staff took a closer look at each specific zoning district and created a “Dimensional Standards” Table for simplification and ease of comparison.

- Currently, the Codes do not state whether there is or isn’t any limit on the number of accessory structures for either the Agriculture (A) District or the Estate (E) District. At the February 6, 2023 Board of Aldermen Work Session it was discussed and determined that we don’t want to have a limit on the number of accessory structures in either of these districts.
- Currently, the following districts do not appear to have a lot coverage requirement: Agriculture (A), Estate (E), Non-Retail Business (C-O), Local Business (C-1), Downtown Core Business (CBD-1), Downtown Fringe Business (CBD-2), Service Business (C-2) Limited Industrial (M-1), and General Industrial (M-2). At the February 6, 2023 Board of Aldermen Work Session staff asked whether they should have lot coverage requirements. Staff discussed the APWA Runoff Coefficients with the Board and it was determined that neither the Agriculture (A) nor the Estate (E) Districts should have lot coverage requirements, but that the other districts should follow the standards of the APWA Runoff Coefficients. These changes are reflected in the Dimensional Standards Table, future Appendix B to Chapter 405.
 - Districts Local Business (C-1), Downtown Core Business (CBD-1), Downtown Fringe Business (CBD-2), and Service Business (C-2) are listed under “Detached Accessory Building(s)”. These Districts allow for one (1) detached accessory building not to exceed two hundred (200) square feet in the side or rear providing it meets setbacks.

As staff further reviewed this Section it became evident that a recent Code change had left the flow of the outline characters in the Section out of order, so staff has corrected this.

Additionally, staff has added new regulations pertaining to “on-site temporary storage units” and “intermodal containers” and fencing. The language pertaining to temporary storage units and containers are to address recent questions and concerns that have been brought forward on these matters. The subpart on “Fence Regulations” is an effort to clarify and simplify requirements pertaining to fencing and sight distance.

Section 405.550 Accessory Uses and Structures.

[Ord. No. 1825, 5-13-1991; Ord. No. 2504 §1, 6-8-1998; Ord. No. 3038 §3, 6-2-2008; Ord. No. 3107 §§8 — 9, 10-19-2009; Ord. No. 3166 §1, 6-20-2011]

A. General Regulations. Buildings and structures may be erected and land may be used for purposes which are clearly incidental to and customarily and commonly associated with the main permitted use of the premises. A use or structure shall be considered an accessory when it is associated in



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conjunction with the principal use and is incidental and integrally related to the principal use. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, and heat or glare which is injurious, unhealthful or disturbing to adjacent property or the users thereof and shall be on the premises of the main use. The following uses shall be permitted as accessory to main uses permitted in this Chapter:

1. Home-Based Work and Occupations as defined and limited by Sections 71.990 and 89.500, RSMo., and as restated herein:

[Ord. No. 3611, 11-7-2022]

- a. As used in this Section, the following terms mean:

GOODS

Any merchandise, equipment, products, supplies, or materials.

HOME-BASED BUSINESS

Any business operated in a residential dwelling that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.

- b. Any person who resides in a residential dwelling may use the residential dwelling for a home-based business unless such use is restricted by:
 - (1) Any deed restriction, covenant, or agreement restricting the use of land; or
 - (2) Any master deed, bylaw, or other document applicable to a common-interest ownership community.
- c. Except as prescribed under Subsection (A)(4) of this Section, a political subdivision shall not prohibit the operation of a no-impact, home-based business or otherwise require a person to apply for, register for, or obtain any permit, license, variance, or other type of prior approval from the political subdivision to operate a no-impact, home-based business. For the purposes of this Section, a home-based business qualifies as a no-impact, home-based business if:
 - (1) The total number of employees and clients on-site at one (1) time does not exceed the occupancy limit for the residential dwelling; and
 - (2) The activities of the business:
 - (a) Are limited to the sale of lawful goods and services;
May involve having more than one (1) client on the property at one (1) time;
 - (b) Do not cause a substantial increase in traffic through the residential area;
 - (c) Do not violate any parking regulations established by the political subdivision;
 - (d) Occur inside the residential dwelling or in the yard of the residential dwelling;
 - (e) Are not visible from the street; and



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(f) Do not violate any narrowly tailored regulation established under Subsection (A)(4) of this Section.

d. A political subdivision may establish reasonable regulations on a home-based business if the regulations are narrowly tailored for the purpose of:

- (1) Protecting the public health and safety, including regulations related to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, and noise control; or
- (2) Ensuring that the business activity is compliant with State and Federal law and paying applicable taxes.

e. No political subdivision shall require a person, as a condition of operating a home-based business, to:

- (1) Rezone the property for commercial use;
- (2) Obtain a home-based business license; or
- (3) Install or equip fire sprinklers in a single-family detached residential dwelling or any residential dwelling with no more than two (2) dwelling units.

f. Whether a regulation complies with this Section is a judicial question.

Section 89.500, Home-based work — limitation on zoning restrictions.

g. As used in this Section, the term "home-based work" means any lawful occupation performed by a resident within a residential home or accessory structure, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood.

h. A zoning ordinance or regulation adopted pursuant to this Chapter that regulates home-based work shall not:

- (1) Prohibit mail order or telephone sales for home-based work;
- (2) Prohibit service by appointment within the home or accessory structure;
- (3) Prohibit or require structural modifications to the home or accessory structure;
- (4) Restrict the hours of operation for home-based work; or
- (5) Restrict storage or the use of equipment that does not produce effects outside the home or accessory structure.

i. A zoning ordinance or regulation adopted pursuant to this Chapter that regulates home-based work shall not contain provisions that explicitly restrict or prohibit a particular occupation.

j. The application of this Section does not supersede any deed restriction, covenant, or agreement restricting the use of land nor any master deed, by law or other document applicable to a common interest ownership community.



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k. The following conditions and restrictions apply to such home occupations:

[Ord. No. 3611, 11-7-2022]

- (1) Traffic and parking. If parking for a home occupation occurs in a manner or frequency which causes disturbance to the normal traffic flow for the neighborhood, the occupation shall be considered a business best operated in a commercial district rather than as a home occupation and will no longer be permitted as an accessory use.
- (2) Changes to exterior. The appearance of a dwelling as a residence shall not be altered to the extent that attention is drawn to the structure as a business operation.
- (3) Nuisance controls. A home occupation shall not create noise, dust or dirt, heat, smoke, odors, vibration or glare or bright lighting which would be in excess of that created by a single residential dwelling. The production, dumping or storage of combustible or toxic substances shall not be permitted on site. Additionally, a home occupation shall not create interference with, or fluctuations of, radio or television transmission or reception.
- (4) Signage. No signage or other forms of advertising pertaining to the home occupation may be placed or painted onto the exterior of the residence or in the yard of a residence, except as permitted by Chapter 435, Signs.
- (5) Other regulations. Home occupations shall comply with all other local, State or Federal regulations pertinent to the activity pursued, and the imposition of requirements under this Chapter shall not be construed as an exemption from such regulations.
- (6) For the purpose of defining the occupancy limit for the residential dwelling, herein referenced in the applicable State Statutes, the occupancy limit shall be as stated in the City of Harrisonville's adopted Building Code, the ICC International Building Code, one (1) occupant per two hundred (200) square feet, of owner or tenant controlled, occupiable building or space, not including common areas of rented or leased spaces, as per IBC, Chapter 10, Table 1004.5.
- (7) Sales of Lawful Goods and Services by home-based businesses shall be by appointment only and within the home or accessory structure only. Any modifications or alterations to structures which would normally require a building permit shall require the home-based business owner to apply for a building permit before commencing with any such work.
- (8) No home-based business activity may be undertaken which is visible from the street or public way. No equipment or materials used in a home-based business or occupation may be stored outside of the residence or accessory buildings.



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- (9) All home-based businesses shall be prohibited from any business activity which compromises the public health and safety, including regulations related to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, and noise control.
 - (10) All home-based businesses shall be required to comply with all State and Federal laws and pay all applicable taxes and fees. Any home-based business which chooses to apply for a City of Harrisonville business license, for any reason, shall comply with Chapter 605 of the Harrisonville Municipal Code.
 - (11) Types of businesses specifically prohibited from home-based business status include but are not limited to manufacturing, providing, or selling of any intoxicating liquor, cigarettes or any tobacco products, amusements, pawn brokers or small loan establishments, massage services, health care services, adult businesses, and tattooing or body piercing or body branding.
 - (12) Any home-based businesses which cause any substantial increase, at any time, in traffic through a residential area, or causes any violations of any City of Harrisonville parking regulations, is prohibited.
 - (13) Any home-based businesses which cause any violations of Harrisonville Municipal Code, including but not limited to Chapters: 200, 205, 208, 210, 215, 220, 225, 230, 240, 245, 250, 255, and 260, is prohibited.
 - (14) No home-based business which sells goods or services to clients by appointment shall operate this aspect of the business outside of normally accepted business hours of 8:00 A.M. to 6:00 P.M., Monday through Saturday and 12:00 P.M. to 6:00 P.M., Sunday. In person client transactions outside of these hours will be determined to change the residential character of the residential building and adversely affect the character of the surrounding neighborhood and will be prohibited.
2. (Reserved)^[1] [1] *Editor's Note: Former Subsection (C) regarding home occupations was repealed 11-7-2022 by Ord. No. 3611. See Subsections (A) and (B) of this Section.*
 3. *Detached Accessory Building(s).*
- [Ord. No. 3451, 11-5-2018; Ord. No. 3602, 9-19-2022]
- a. For any "R-1," "R-1B," "R-1M," "R-2," or "R-2B" zoned lot, two (2) detached accessory building(s) may be permitted, one (1) of the two (2) may be an accessory dwelling unit for any "R-1", or "R-1B". For any "R-3" or "R-4" zoned lot, one (1) or more detached accessory buildings may be permitted. Accessory structures are permitted as long as said structure complies with the standards outlined within the Zoning Code of Ordinances for the City of Harrisonville ("Code"), as enacted from time to time. A detached accessory



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- building shall be located not less than eight (8) feet from any side or rear lot line and no closer to the front of the building than eight (8) feet. Accessory buildings required to be supported by a concrete foundation shall not be located within a dedicated easement of any kind. The accessory building shall be complementary with **construction type**, style and color of the primary structure. In the case of corner lots, accessory buildings shall be set back not less than the distance required for residences from side streets. Lot coverage for the house and any accessory structure shall not exceed thirty-five percent (35%). All accessory structures are to be approved by the Director of Community Development, or the Housing and Zoning Specialist. Any appeals shall be directed to the Board of Aldermen and that action shall be final.
- b. For any "C-1," "CBD-1," "C-2," and "CBD-2" zoned lot, one (1) detached accessory building not to exceed two hundred (200) square feet may be permitted in the side or rear yard providing it is set back not less than eight (8) feet from any side or rear lot line and no closer to the front of the building than eight (8) feet. Any existing or future accessory building, whether for storage or for sale, on any property of which any portion of the property is in the flood zone, will require a building permit and must also be anchored to grade to resist the effects of buoyancy, dislocation, or movement causing damage to property or public facilities; elevation of flood waters; or create a hazardous condition to any person or property.
 - c. In any residential district, on-site temporary storage units may not be located on any lot for more than forty-five (45) days within any twelve-month period. Said units must be located on paved off-street surfaces. No such unit shall block any sidewalk, easement, right-of-way, or be located within any sight triangle as defined in Section 410.160 of the Municipal Code. Doors must always be secured except during times of loading and unloading. No such unit shall be located on any undeveloped lot.
 - d. Intermodal Containers. This section clarifies the allowable uses for intermodal containers, also known as connex, mobile, and shipping containers. The following regulations shall apply to proposed and existing containers being used in the City of Harrisonville prior to the adoption of this Ordinance. Said containers are prohibited in all Residential Districts.
 - (1) Temporary Uses.
 - (a) Commercial Districts. Containers shall only be used when tied to an active building permit.
 - (b) Industrial Districts. Industrially zoned properties that utilize containers shall do so for storage purposes only.
 - (2) Location Drawing Required for Industrial Districts. A drawing shall be submitted using aerial imagery to depict where on the property the containers will be located.



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The drawing shall be provided to the Community Development Department for the purposes of reviewing with other Departments to determine adequate life safety measures. Location approval is determined by the City Fire Marshal in conjunction with the Community Development Department.

- (3) Containers shall not be stacked.
- (4) Said units may not be placed directly on soil or in grassy areas and shall not be placed within any easement on the property. Containers shall be located no closer than fifty (50) feet from any public right-of-way and follow the screening requirements of Section 405.570 of the Municipal Code.
 - (a) Screening is not required for containers tied to an active building permit.
 - (b) Proximity to right-of-way exceptions will be granted by the Community Development Department when containers are tied to an active building permit.
 - (c) Containers tied to an active building permit may not be placed in grassy areas and shall not be placed within any easement on the property. No such unit shall block any sidewalk, right-of-way, or be located within any sight triangle as defined in Section 410.160 of the Municipal Code. Doors must always be secured except during times of loading and unloading.
- (5) City Fire Marshal approval is required for storage of certain items. The property owner shall also provide a method of labeling the containers in accordance with the adopted Fire Code and it's referenced standards to the materials being stored. City Fire Marshal is to approve the labeling prior to installation.
- (6) Doors must always be secured except during times of loading and unloading.
- (7) Any existing or future containers on any property of which any portion of the property is in the flood zone, will require a building permit and must also be anchored to grade to resist the effects of buoyancy, dislocation, or movement causing damage to property or public facilities; elevation of flood waters; or create a hazardous condition to any person or property.

4. Fence Regulations.

a. Definitions:

- (1) Decorative fence. A decorative fence shall be of open construction of at least fifty percent. Materials allowed for construction of a decorative fence are wrought iron, square tubing and/or metal pipe.
- (2) Privacy fence. An enclosure presenting a solid appearance used as a boundary, means of protection, privacy screening or confinement. Materials allowed for construction of a privacy fence are wood or vinyl, except posts which may be made of metal. Maximum board width for wood is twelve inches.



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- (3) Open wire fence. Materials allowed for construction of an open wire fence are chain link and metal posts.
- (4) Fence height. The vertical distance measured from the top of the fence to ground level adjacent to the exterior of the fence.
- (5) Sight Triangle. A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.
- b. Permit required. It is unlawful to erect any fence in the City of Harrisonville without first obtaining an approved building permit from the Community Development Department. A building permit is required to construct or replace a fence when:
 - (1) A new fence is being constructed.
 - (2) An existing fence is being extended.
 - (3) An existing fence is being replaced with a new fence that is a different size, at a different location, or of a different material.
 - (4) More than fifty percent (50%) of the linear length of an existing fence section (side or rear yard) or more than fifty percent (50%) of the entire fence is being replaced.
- c. Permit fee. The fee for submitting a building permit application shall be in accordance with Municipal Ordinance Section 500.030.
- d. General Construction Regulations.
 - (1) All fences shall be constructed in a workmanship-like manner with a finished surface facing outward from the property, all horizontal and vertical support is to remain inside the fenced area.
 - (2) A maximum fence height of six feet shall be permitted in the side and rear yards only.
 - (3) Only decorative fencing material is permitted in the front yard setback with a maximum height of forty-two inches.
 - (4) Screening material of any type shall not be woven through or attached to a chain link fence in any residential zoning district. Barbed wire shall only be permitted in non-residentially zoned areas atop security fences that measure at least six feet in height.
 - (5) In areas zoned for agricultural use that do not abut a residentially zoned area, electrically charged fences and barbed wire fences are permitted at any height.
 - (6) All exposed metal, except galvanized metal, shall have a colored finish coat.
 - (7) No more than two different types of fencing material are permitted for construction.
- e. Fence location. Fencing, screening, and the like shall only be erected per the following:
 - (1) No fence shall be constructed within the required sight triangle.
 - (2) Fences are permitted within a platted easement if there are no plat restrictions prohibiting fences in an easement and the property owner removes the fence, or portion thereof, necessary for the City or utility company to gain access to the easement for maintenance



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purposes. Should the property owner fail to remove the fence sections located within the easement, the City or utility company may do so.

(3) No fence shall be installed or maintained within any drainage way, detention facility, or engineered swale which will create ponding on adjacent property, divert water onto the adjoining property, or impede drainage.

(4) On corner lots, a privacy fence, chain link fence, decorative fence, wall, or hedge may be constructed or planted to a maximum height of six feet abutting the front yard setback line in the rear yard of the home. For the purposes of this Section, the rear yard is defined as the side of the house opposite the front door. (See figure 1.)

(5) If all the following conditions apply to a corner lot, then the privacy fence, chain link fence, decorative fence, wall or hedge may be installed to a height of six feet abutting the property line in the rear yard of the structure. (See figure 2.)

- a. If the rear yard of a corner lot is adjacent to the rear yard of another corner lot.
- b. The front of each home on each lot faces in opposite directions.
- c. There is no driveway to either home from the street adjacent to the side yard of both lots.

(6) On double-frontage lots whose rear yard abuts an arterial, collector or local street, a privacy fence, chain link fence, decorative fence, wall or hedge may be constructed or planted to a maximum height of six feet abutting the rear property line provided the fence, wall or hedge does not encroach into a platted landscape buffer, sight triangle, right-of-way or easement and there is no direct access to the arterial or collector road.

(7) In the front yard setback, fences shall not be placed any closer than six feet to the street right of way.

f. Fence Maintenance.

- (1) All fences shall be maintained in their original upright condition.
- (2) Fences with a painted or similar surface finish shall be maintained in their original condition.
- (3) Missing Boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

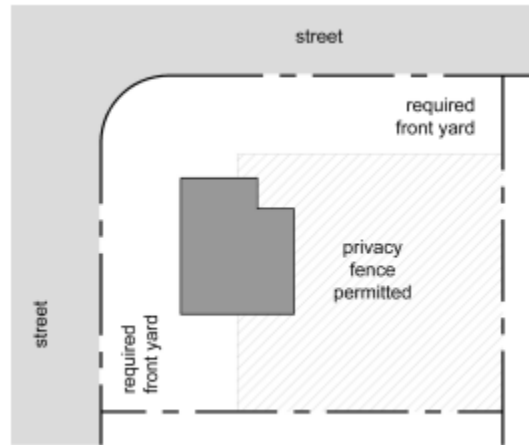
g. Nonconforming. Any fence legally erected prior to the date of adoption of this ordinance, and not in compliance with the provisions of this section, shall be considered a non-conforming structure. Repairs to a non-conforming structure are permitted, however where fifty percent or more of the linear length of an entire fence or fence section is being reconstructed or replaced, such fence or fence section shall comply with current adopted Municipal Code.



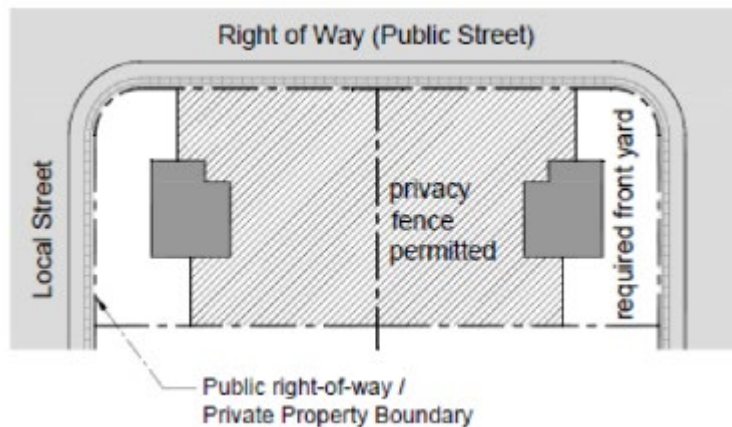
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CORNER LOT FIGURE 1



CORNER LOT FIGURE 2

h. SIGHT TRIANGLE

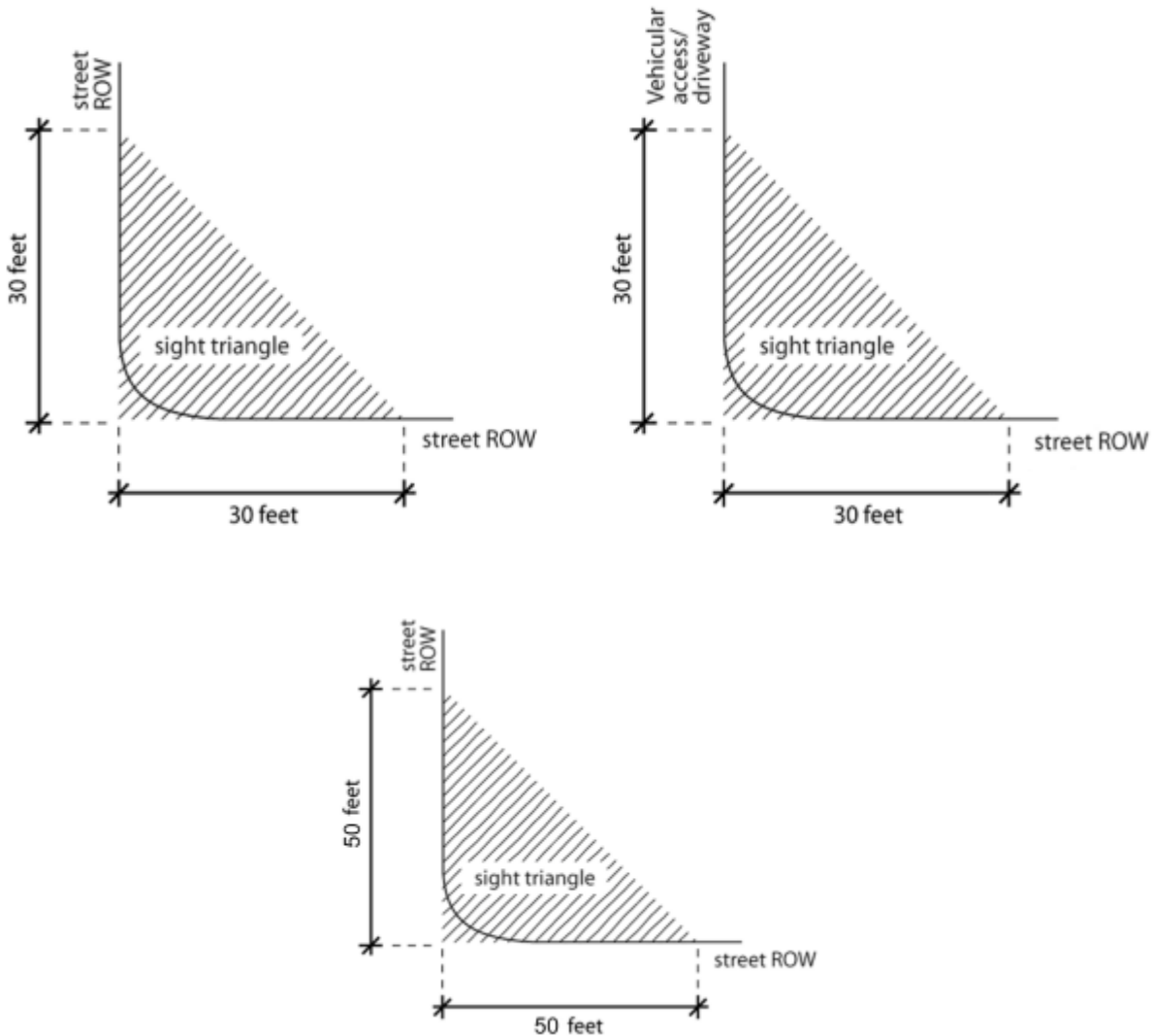
- (1) No sign, fence, wall, shrub or other obstruction with a height between two and eight feet shall be located in a sight triangle.
- (2) Sight triangles must be provided at all street intersections and the intersection of a vehicular access way or driveway and a street.
- (3) The sight triangle includes the area created by the street right-of-way lines extending 30 feet from their intersection. Where a street right-of-way intersects a vehicular access way or driveway, the sight triangle includes the area created by the street right-of-way line and the edge of the drive extending 30 feet from their intersection.
- (4) When an arterial street intersects another arterial street or railway, the sight triangle is increased to 50 feet from the intersection of the right-of-way lines.
- (5) The City of Harrisonville is authorized to trim, remove or order removal of structures, signs, landscaping, or other materials that violate this section.



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5. *Additional Uses.* A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation, provided that the articles produced or constructed are not sold on the premises. Such additional uses as private swimming pools, gardens, customary pets, television and radio antennae not exceeding sixty (60) feet in height, signs as permitted by ordinance, parking areas, play equipment, and other similar uses shall be allowed. Any accessory use which exceeds ten (10) feet in height shall be located a distance inside the property line at least equal to one-third ($\frac{1}{3}$) its height. **Fences in these districts shall not be higher than three (3) feet six (6) inches in the front yard provided the fence is a split rail or picket type fence (chain link or similar material is not permitted in**



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the front yard), six (6) feet in the side yard and eight (8) feet in the rear yard, provided sight distance as shall be maintained on corner lots.

6. Storage Of Equipment, Vehicles, or Recreational Vehicles.

[Ord. No. 3577, 2-22-2022]

a. In any zoning district, parking or storage of vehicles is permitted only:

- (1) On a driveway; or Inside a completely enclosed structure; or
- (2) On a paved or impervious surface; or
- (3) In the rear of the building.

The vehicle does not have to be upon a paved or impervious surface if it is shielded from public view.

- b. No vehicle may be parked or stored on the grass in the front yard area.
- c. No vehicle may be parked or stored in rights-of-way, unless parking is allowed, and rights-of-way areas are paved or approved gravel surfaces.
- d. No vehicle may be parked or stored in any public easement.
- e. Recreational vehicles may not be occupied within the City limits for living, sleeping, or cooking purposes for more than fourteen (14) days in a calendar year, unless approved by a special use permit.
- f. Off-street parking areas must be used solely for the parking of operable motor vehicles for patrons, occupants, or employees of the use to which the parking area serves.
- g. Stored vehicles or equipment shall not protrude into public property or obstruct sidewalks.
- h. No vehicle shall be parked or stored on an undeveloped lot.
- i. Exceptions may be granted with prior approval from the Code Enforcement Officer or Building Official.

7. Commercial Vehicle Parking In Residential Zones.

a. It shall be unlawful to park or store any commercial vehicle which is licensed for over twelve thousand (12,000) pounds on any street or highway or public or private property in any residentially zoned district within the City of Harrisonville, Missouri. In no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted in a residential zoned district. Other vehicles specifically prohibited from parking on any street or highway or public or private property in any residentially zoned district are: Flatbed trucks, dump trucks, utility wreckers, boom trucks, bucket trucks, tandem axle trucks, cab and chassis trucks. This does not preclude the parking of standard pickups. Exception: Limited parking is permissible during loading and unloading or during the time necessary to carry out a service upon property in the block the vehicle is parked, and the parking of construction vehicles on an active construction site is also permitted. A "commercial



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vehicle" is any motor vehicle used in or by a business in furtherance of the business or any vehicle licensed as a commercial vehicle.

b. The operation or use of a motor vehicle in violation of the provisions of this Section shall be prima facie evidence that said motor vehicle was at the time of such violation controlled, operated and used by the owner thereof.

c. If any vehicle is found in violation of any provision in this Section, the owner or person in whose name said vehicle is registered in the records of any City, County, or State shall be held prima facie responsible for such violation, if the driver thereof is not present.

8. *Districts "R-3" And "R-4"*. In the "R-3" and "R-4" Districts, permitted accessory uses are as follows: Parking areas, signs as permitted by ordinance, recreation areas including tenant used swimming pools and minor recreation buildings, trash collection enclosures, power generators, vending machines for tenant use and other similar uses.

9. *Districts "C-O" And "C-1"*. In the "C-O" and "C-1" Districts, accessory uses are as follows: Parking areas, signs as permitted by ordinance, vending machines, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, radio, television or microwave antennae not exceeding sixty (60) feet in height, flagpoles, cooling towers and other similar use.

10. *Districts "CBD-1", "CBD-2" And "C-2"*. In the "CBD-1", "CBD-2" and "C-2" Districts, permitted accessory uses are as follows: Parking areas, signs as permitted by ordinance, flood lighting and other similar uses. In "C-2", washing and other passenger car cleaning shall be permitted as an accessory use in service stations.

11. *Districts "M-1" And "M-2"*. In the "M-1" and "M-2" Districts, permitted accessory uses are as follows: Parking and loading areas, signs as permitted by ordinance, security and screen fencing, radio and microwave towers to heights as set out in this Chapter, gate house, loading equipment, employee recreation and other similar uses.

12. *Motor Hotels*. The following are accessory uses within a motor hotel: A restaurant, banquet rooms, liquor, notions and magazine counters, vending machines, beauty and barber shops, flower and gift shops, provided all are within the main building and designed to serve primarily the occupants and patrons of the motor hotel.

13. *Hospitals*. The following are accessory uses in connection with a hospital: Residential quarters for staff and employees, nursing or convalescent quarters, storage and utility buildings, food service and vending machines, laundry and other similar services for hospital personnel, visitors and patients.

14. *Utility Buildings*. Outside storage of materials and equipment is an accessory use in connection with utility buildings, provided all outside storage is screened from view from off



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the premises. Any of the accessory uses listed in this Section may be specifically prohibited or further controlled by restrictions written into the special use permit prior to its being approved.

15. Accessory Utility Facilities. Accessory utility facilities shall be allowed in all districts only pursuant to the provisions of Section 405.551 of the City Code.

16. Electric Vehicle Charging Stations.

[Ord. No. 3576, 2-22-2022]

- a. Commercial electric vehicle charging stations, defined as an installation for the retail sales of electric vehicle charging services, and pursuant with Section 386.020(15)(c), RSMo., shall be permitted in any "R-4" Zoning District apartment complex, any "C" Zoning District or any "M" Zoning District.
- b. Individual privately owned or leased electric vehicle charging stations, defined as an installation for the sole use of the electric vehicle owner or lessee, shall be permitted in any zoning district.
- c. Commercial electrical vehicle charging stations shall be required, as any other retail sales business, to have a current City business license, pursuant to Chapter 605, Licenses, of the Municipal Code; and shall apply for a City commercial occupancy permit upon changes in ownership.
- d. Initial electric vehicle charging station installations, both commercial electric vehicle charging stations and individual electric vehicle charging stations, shall apply for a building permit for installation and construction, inspection, and final approval; and shall obtain approval for electric utility service from the City of Harrisonville Electric Department.

Section 405.030 Definitions and Rules of Construction.

[Ord. No. 1825, 5-13-1991; Ord. No. 2504 §1, 6-8-1998; Ord. No. 3107 §§1 — 2, 10-19-2009]

Definitions to be added to Subpart B:

On-site temporary storage unit

A smaller scale, standardized shipping container designed and built for transport. On-site temporary storage units are used for storage of personal belongings and transportation from one site to another.

Intermodal container

A large, standardized shipping container designed and built for intermodal freight transport. Such containers are designed for different modes of transport from ship to rail and to truck without unloading and reloading their cargo. Intermodal containers are primarily used to store and transport



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materials and products efficiently and securely in the global containerized intermodal freight transportation system.

Section 405.110.A.3: Accessory uses, including repair shops, sheds, garages, barns, silos, irrigation wells and pumps, bunk houses, incidental dwellings, buildings and structures customarily required for any of the above uses. **There shall be no limit on the number of allowed accessory structures within this district.**

Section 405.125.A.2: **There shall be no limit on the number of allowed accessory structures within this district.**

Section 405.225.A.5: **The building coverage shall not exceed eighty-five percent (85%).**

Section 405.255.A.5: **The building coverage shall not exceed eighty-five percent (85%).**

Section 405.285.A.5: **The building coverage shall not exceed ninety-five percent (95%).**

Section 405.305.A.5: **The building coverage shall not exceed ninety-five percent (95%).**

Section 405.325.A.5: **The building coverage shall not exceed eighty-five percent (85%).**

Section 405.495.A.5: **The building coverage shall not exceed sixty percent (60%).**

Section 405.515.A.5: **The building coverage shall not exceed eighty percent (80%).**

Dimensional Standards

District	Lot Width	Lot Area	Lot Depth	Setbacks			Height	Lot Coverage
				Front	Side	Rear		
A	350 ft.	5 Ac.	N/A	50 ft.	15 ft.	50 ft.	35 ft.	N/A
E	250 ft.	3 Ac.	N/A	50 ft.	20 ft.	50 ft.	35 ft.	N/A
R-1	75 ft.	8,500 sqft.	N/A	30 ft.	20 ft. total, 8 ft. min.	30 ft.	35 ft. *	35%
R-1B	50 ft.	5,000 sqft. Per family	100 ft.	25 ft.	5 ft.; 10 ft. on street side for corner lots	30 ft.	35 ft. *	35%
R-1M*	See Section 405.160.							
R-2	80 ft. *	8,500 sqft. For Single-Family; 6,000 sqft. For Two-Family Dwellings	N/A	30 ft.	20 ft. total, 7.5 ft. min.; 20 ft. on street side for corner lots	20 ft.	35 ft.	35%
R-2B	50 ft.	5,000 sqft. Per family	N/A	25 ft.	5 ft.; 10 ft. on street side for corner lots	30 ft.	35 ft. *	35%
R-3	N/A	4,000 sqft. Per Family	N/A	30 ft.	15 ft.	15 ft.	2 stories, plus basement	35%
R-4	N/A	3,000 sqft. Per 4 bedroom unit; 2,500 sqft. Per 3 bedroom unit; 2,100 sqft. Per 2 bedroom unit; 1,650 sqft. Per 1 bedroom unit	N/A	30 ft. plus 3 ft. for each story in excess of 4	15 ft. *	30 ft. for bldgs. Up to 4 stories; equal to height of bldg. for bldgs. In excess of 4 stories	No max. or min., governed by yard rqmts.	35%
C-O	N/A	N/A	N/A	35 ft.	15 ft. *	30 ft.	3 stories; up to 144 ft. in CP-O	85%
C-1	N/A	N/A	N/A	35 ft.	15 ft. *	15 ft.	3 stories	85%
CBD-1	N/A	N/A	N/A	0 ft.	0 ft. *	0-25 ft. *	3 stories; up to 12 stories in CBDP-1	95%
CBD-2	N/A	N/A	N/A	0 ft.	0 ft. *	0-25 ft. *	3 stories; up to 12 stories in CBDP-2	95%
C-2	N/A	N/A	N/A	35 ft.	15 ft.	15 ft.	3 stories; up to 12 stories in CP-2	85%
M-1	N/A	N/A	N/A	35 ft.	40 ft. total; 15 ft min.; 20 ft. on street side for corner lots or abutting a zoned residential lot	25 ft.	3 stories or 50 ft.; MP-1 or over 30 ac. 150 ft.	60%
M-2	N/A	N/A	N/A	25 ft.	10 ft.	20 ft.	150 ft.	80%

*Denotes additional requirements located within the text for that specific District's specific requirement.

Table 5602-2 Documented Extreme Stream Flows in Kansas City Area and Surrounding Region

ID No.	USGS Station Number	Station Name	Contributing Drainage Area (sq. miles)	Date of Max. Discharge	Max. Recorded Discharge (cfs)	Max. Discharge per Basin Area (cfs/acre)	Period of Record (Water Yr.)	References
45.	--	Stratton Creek near Washta, Iowa	1.9	9-Aug-61	11,000	9.0	--	2
46.	--	West Fork Big Blue River trib. near York, Nebr.	6.9	9-Jul-50	23,000	5.2	--	2
47.	08057140	Cottonwood Creek at Forest Lane, Dallas, Tx.	8.5	28-Apr-66	17,600	3.2	1962-78	5,7
48.	--	Ranch Creek near Halley, Okla.	17.1	4-Sep-40	32,400	3.0	--	2

References Cited:

1. Alexander and Wilson. Technique for Estimating the 2-to 500-Year Flood Discharges on Unregulated Streams in Rural Missouri. USGS WRIR 95-4231. 1995
2. Crippen and Bue. Maximum Floodflows in the Conterminous United States. USGS WSP 1887. 1977.
3. Hauth. Floods in Kansas City, Missouri and Kansas, September 12-13, 1977. USGS Prof. Paper 1169. 1981.
4. Rasmussen and Perry. Estimate of Peak Streamflows for Unregulated Rural Streams in Kansas. USGS WRIR 00-4079. 2000.
5. Sauer et al. Flood Characteristics of Urban Watersheds in the United States. USGS WSP 2207. 1983.
6. USGS. Kansas-Missouri - Floods of July 1951. USGS WSP 1139. 1952.
7. USGS. Surface-Water Data for the Nation. Peak flow database at <http://waterdata.usgs.gov/nwis/sw>. Queried January 2003.

5602.3 Runoff Coefficients

- A. Basis of Curve Number Coefficients:** All Curve Number coefficients in this section are values for Hydrologic Group "C" soils. For soils in other Hydrologic Groups, equivalent SCS Curve Numbers can be found in SCS Technical Release No. 55. No soil disturbed by construction shall be assigned a Hydrologic Group classification of 'A' or 'B'.
- B. Standard Land Use/Zoning Classifications:** Runoff Coefficients relative to development, undeveloped land and land use shall have the values indicated in Table 5602-3.

Table 5602-3: Runoff Parameters

Land Use / Zoning	Average Percent Impervious	Average Percent Pervious	Rational Method "C"	SCS Curve Number
Business				
Downtown Area	95	5	0.87	97
Neighborhood Areas	85	15	0.81	94
Residential				
Single Family Areas	35	65	0.51	82
Multifamily Areas	60	40	0.66	88
Churches & Schools	75	25	0.75	92

Table 5602-3: Runoff Parameters

Land Use / Zoning	Average Percent Impervious	Average Percent Pervious	Rational Method "C"	SCS Curve Number
Industrial				
Light Areas	60	40	0.66	88
Heavy Areas	80	20	0.78	93
Parks, Cemeteries	10	90	0.36	76
Railroad Yard Areas	25	75	0.45	80
Undeveloped Areas	0	100	0.30	74
All Surfaces				
Impervious: Asphalt, Concrete, Roofs, etc.	100	0	0.90	98
Turfed	0	100	0.30	74
Wet Detention Basins	100	0	0.90	98

- C. **Rational Method "C" for Non-Standard Land Use/Zoning Classifications:** The "C" value can be calculated from any type of land use and known percent impervious surface from the following equation:

$$C = 0.3 + 0.6 \cdot I$$

Where:

I = percent impervious divided by 100

- D. **Un-zoned, but Master Planned Areas:** Areas whose future land use is defined by an adopted land use plan shall be assigned runoff coefficients for the land use indicated on such plan.
- E. **Agricultural and Unplanned Areas**
1. **Existing Conditions:** For purposes of determination of development impact, undeveloped areas whose current land use is agriculture (crops, pasture, meadow) shall be assigned a maximum of 0% impervious surface or a maximum Curve Number equivalent to good condition pasture, grassland or range ($C=0.30$, $CN=74$).
 2. **Proposed Conditions:** Undeveloped areas designated as agricultural or those areas for which no specific land use is indicated shall be assigned a minimum of 35% impervious surface for purposes of the design of storm drainage systems ($C=0.51$, $CN = 82$).
- F. **Composite Coefficients:** As an alternative to the above coefficients and for areas not listed above (office parks, shopping centers, trailer parks, etc.), a composite runoff coefficient based on the actual percentages of pervious and impervious surfaces shall be used.



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Existing Municipal Code in black.

Removals in red.

Additions in green.

Highlights = Discussion.

CS commentary in blue.

Staff Commentary

While reviewing the dimensional standards of the various zoning districts staff became aware that the R-4 Height requirement contained language requiring an elevator on all buildings over 2 ½ stories, which is contradictory to elevator requirements contained within the adopted 2018 International Residential Code (IRC). Staff is proposing to remove the contradictory language to avoid future potential conflicts in Code. Additionally, staff noticed that the CBD-2 District contains a reference to the CBD-1 and CBDP-1 that should be CBD-2 and CBDP-2, respectively. Additionally, staff noticed that the C-1 District specifically states "Alcoholic beverages shall not be sold for consumption on the premises" under Section 405.250-Performance Standards. Staff had not noticed this when the Land Use Table was created so this contradiction needs corrected. The Board has asked that the restriction be removed from Section 405.250-Performance Standards.

Section 405.205 Height and Area Regulations.

[Ord. No. 1825, 5-13-1991; Ord. No. 3107 §7, 10-19-2009]

A. In District "R-4", the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows:

1. Height. No maximum or minimum height required except as governed by yard requirements, **provided all buildings exceeding two and one-half (2½) stories shall be equipped with elevators.**
2. Front yards. Any building hereafter constructed shall provide for a front yard, the minimum depth of which shall be at least thirty (30) feet plus three (3) feet for each story in excess of four (4).
3. Side yards. There shall be a side yard on each side of the building equal to the height of the building wall adjacent to said yard, except that in no case shall the side yard be less than fifteen (15) feet.
4. Rear yards. The depth of the rear yard shall be at least thirty (30) feet for buildings up to four (4) stories and at least the height of the building for buildings in excess of four (4) stories.
5. Lot area per family. Every apartment complex and every senior citizens dwelling hereafter constructed shall provide a lot area per unit of not less than the following:
 - a. Four (4) bedroom unit 3,000 square feet
 - b. Three (3) bedroom unit 2,500 square feet
 - c. Two (2) bedroom unit 2,100 square feet
 - d. One (1) bedroom unit 1,650 square feet



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6. The building coverage shall not exceed thirty-five percent (35%).

Section 405.305 Height and Area Regulations.

[Ord. No. 1825, 5-13-1991]

A. In District "CBD-12", the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted upon any lot shall be as follows:

1. Height. Buildings or structures shall not exceed three (3) stories in height, except that in a District "CBDP-12" buildings and structures shall not exceed twelve (12) stories in height.
2. Front yards. No front yard is required.
3. Side yards. No side yard is required except that where a side line of a lot in this district abuts the side line of a lot in a District "R-1" to "C-O" inclusive, a side yard shall then be provided the same as required in the district it abuts.
4. Rear yards. No rear yard is required except that where a rear line of a lot in this district abuts upon land in a District "R-1" to "C-O" inclusive, a rear yard of not less than twenty-five (25) feet shall then be provided in this district.

Section 405.250 Performance Standards.

[Ord. No. 1825, 5-13-1991]

A. The following standards shall not be exceeded by any use in this district:

1. No wholesale sales shall be conducted.
2. No merchandise or equipment shall be stored or displayed outside a building.
3. All products shall be sold and all services rendered inside a building, except that banks and savings and loan establishments may have drive-in or walk-up service.
4. No noise, smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
5. Alcoholic beverages shall not be sold for consumption on the premises.



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Existing Municipal Code in black.

Removals in red.

Additions in green.

Highlights = Discussion.

CS commentary in blue.

Staff Commentary

Staff recently learned that there are a number of uses listed within Title VI: Business and Occupations that are either not listed within Chapter 405: Zoning Regulations or have contradictory information. One such use is pertaining to "Adult Use". Staff has learned that the language that is in Chapter 405: Zoning Regulations was added after the passage of Ordinance #1972 on May 24, 1993. This language was supposed to have been removed and replaced with the language contained in Ordinance #2756 passed on February 19, 2002. This never happened, instead the language from that Ordinance was placed under Title VI: Business and Occupations. In an effort to correct this, staff is recommending striking the existing language under Division 2—Adult Use Facility, Article XIX—Special Use Permits, in Chapter 405: Zoning Regulations and replacing with appropriate Sections from Chapter 650—Adult Business Regulations, in Title VI: Business and Occupations.

It is worth noting that the 1993 Adult Use Regulations only allowed these uses within the Service Business (C-2) District with an approved Special Use Permit; however, the 2002 Adult Business Regulations appear to allow these uses in either General Industrial (M-2) or Planned General Industrial (MP-2) District with no mention of a special use. Additionally, it is also important to note that the 1993 regulations required a separation distance of 1,500 feet from "any religious institution, school or public park or any property zoned for residential use", but the 2002 regulations only required a separation distance of 1,000 feet from the same uses.

Chapter 405. Zoning Regulations

ARTICLE XIX. Special Use Permits

Division 2. Adult Use Facility

Section 405.530. Definitions Relating To Division 2.

[Ord. No. 1825, 5-13-1991]

As used in this Division, the following terms shall have these prescribed meanings:

ADULT ARCADE

Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five (5) or fewer people per machine at any one time and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas".

ADULT BOOKSTORE



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An establishment having as at least ten percent (10%) portion of its stock in trade books, photographs, magazines, films for sale or viewing on the premises by use of motion picture devices or other coin-operated means or other periodicals which are distinguished or characterized by their principal emphasis on matters depicting, describing or relating to "specified sexual activities" as said term is defined herein.

ADULT ENTERTAINMENT ESTABLISHMENT

Any of the establishments, businesses, buildings, structures or facilities defined in other Subparagraphs of this definitional Section of this Chapter.

ADULT ENTERTAINMENT FACILITY

Any building, structure or facility which contains or is used entirely or partially for commercial entertainment, including theaters used for presenting live presentations, video tapes or films predominately distinguished or characterized by their principal emphasis on matters depicting, describing or relating to specified sexual matters depicting, describing or relating to specified sexual activities, as said term is defined herein, and exotic dance facilities (regardless of whether the theater or facility provides a live presentation, video tape or film presentation), where the patrons either:

1. Engage in personal contact with or allow personal contact by employees, devices or equipment or by personnel provided by the establishment which appeals to the prurient interest of the patrons; or
2. Observe any live presentation, video tape or film presentation of persons wholly or partially nude with their genitals or pubic region exposed or covered only with transparent or opaque covering or in the case of female persons with the areola and nipple of the breast exposed or covered only with transparent or opaque covering or to observe specified sexual activities as said term is defined herein. This definition includes facilities and establishments where private or club membership to said facility or establishment is permitted or allowed.

BATHHOUSE

An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the State of Missouri.

ESCORT

A person who, for consideration, agrees or offers to act as a companion, guide or date for another person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

ESCORT AGENCY

A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one (1) of primary business purposes for a fee, tip or other consideration.

ESTABLISHMENT

Includes any of the following:

1. The opening or commencement of any adult entertainment establishment as a new business;
2. The conversion of an existing business to an adult entertainment establishment;
3. The addition of adult entertainment activity to a current business which activity falls within the definition of an adult entertainment establishment under this Section;
4. The relocation of any existing adult entertainment establishment as the term is defined in this Section.

MESSAGE SHOP

An establishment which has a fixed place of business having a source of income or compensation sixty percent (60%) or more of which is derived from the practice of any method of pressure on or



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friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating external parts of the human body with the hands or with the aid of any mechanical electric apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotion, ointment or other similar preparations commonly used in the practice of massage under such circumstances that it is reasonably expected that the person to whom the treatment is provided or some third (3rd) person on his/her behalf will pay money or give other consideration or gratuity; provided that this term does not include any establishment operated or supervised by a medical or chiropractic practitioner or professional physical therapist licensed by the State of Missouri.

MODELING STUDIO

An establishment or business which provides for a fee or compensation the services of modeling on premises for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise. This does not apply to public or private schools wherever persons are enrolled in a class.

NUDITY OR STATE OF NUDITY

The appearance of a human bare buttock, anus, male genitals, female genitals or female breasts.

PERMITTEE AND/OR LICENSEE

A person in whose name a permit and/or license to operate an adult entertainment establishment has been issued.

PERSON

An individual, proprietorship, partnership, corporation, association or other legal entity.

SPECIFIED SEXUAL ACTIVITIES

Sexual conduct, being acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's unclothed genitals, pubic area, buttocks or, if such person is female, her breast; sexual excitement, being the condition of a male or female genitals when in a state of sexual stimulation or arousal; or sadomasochistic abuse being flagellation or torture by or upon a person or the condition of being fettered, bound or otherwise physically restrained.

[Ord. No. 2756 §1, 2-19-2002]

For the purpose of this code, the following words and phrases shall have the following interpretation and/or meanings.

ADULT

A person who has attained the age of eighteen (18) years.

ADULT BUSINESS ESTABLISHMENT

Any establishment having as a material portion of its business the offering of entertainment, services, stocks in trade or materials, scenes or other representations predominately distinguished by or characterized by emphasis on depiction or description of an erotic nature including, but not limited to, depiction or descriptions of "specified sexual activities" or "specified anatomical areas" (separately defined). The definition of "adult business establishment" also includes, but is not limited to, any and all of the following specific adult businesses as defined herein:

1. Adult Arcade: Any business establishment or concern to which the public is permitted or invited and where coin- or slug-operated or electronically, electrically or mechanically controlled amusement devices, still or motion picture machines, projectors, videos or other image-producing devices are maintained to show images on a regular or substantial basis, where the images so displayed relate to specified sexual activities or exhibition of specified anatomical areas.

2. Adult Encounter Parlor: An establishment where a regular and substantial portion of its business is the provision of premises where customers congregate, associate or consort with employees, performers and/or other customers or private contractors who display specified



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anatomical areas in the presence of such customers, with the intent of providing sexual arousal or excitement to such customers.

3. Adult Entertainment Cabaret: An establishment where a regular and substantial portion of its business is providing adult entertainment which features strippers, male or female, impersonators, or live performances, or material which depict, portray, exhibit or display specified anatomical areas or specified sexual activities or are intended to arouse or excite the sexual desires of the entertainer, other entertainer or customer.

4. Adult Entertainment Studio (includes the terms "rap studio", "exotic dance studio", "sensitivity studio" or "encounter studio"): An establishment whose premises are physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises, and where a regular and substantial portion of its business is providing entertainment which features materials or live performances characterized by an emphasis on or features materials relating to specified sexual activities or the exhibition of specified anatomical areas.

5. Adult Media Outlet: See definition below.

6. Adult Motel: An enterprise where a regular and substantial portion of its business is offering public accommodations for the purpose of viewing closed-circuit television transmissions, films, movies, motion pictures, video cassettes, videotapes, slides or other photographic reproductions which are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas and which rents room accommodations for less than six (6) hours at a time.

7. Adult Motion Picture Theater: An enclosed building used for presenting or showing, for monetary consideration, movie or video films or pictures or other material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (separately defined) for observation by customers therein. Said adult motion picture theaters generally show "X" rated movies.

8. Adult Newsrack: Any coin- or card-operated device that offers for sale by dispensing printed material which is distinguished or characterized by its emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

9. Adult Retail Establishment: A business which offers for sale or rent instruments, devices, gifts or paraphernalia which are designed or marketed for use in connection with specified sexual activities, clothing that graphically depicts specified anatomical areas or any of the material sold or rented in an "adult media outlet" as defined below, if a substantial or significant portion of such items are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas". For purposes of this Subsection, the presumptions relative to what constitutes a "substantial or significant" portion of business set forth in the definition whether an item is "designed or marketed for use" in connection with specified sexual activities, the following guidelines may be considered:

- a. Expert testimony as to the principal use of the term;
- b. Evidence concerning the total business of a person or business establishment and the type of merchandise involved in the business;
- c. National and local advertising concerning the use of the item;
- d. Evidence of advertising concerning the nature of the business establishment;
- e. Instructions, graphics or other material contained on the item itself or on the packaging materials for the item;
- f. The physical or structural characteristics of the item;



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g. The manner in which the item is displayed, including its proximity to other regulated merchandise or signage relating to items in a display area.

Any person may request an interpretive ruling from the City, or his/her designee, as to whether a particular item is considered by the City to be "designed or marketed for use" in connection with specified sexual activities. An application for an interpretive ruling shall be made in writing on a form provided by the City and shall be accompanied by such other information as may reasonably be requested under the circumstances pertaining to the specific item about which a ruling is requested. The City shall issue a written interpretive ruling within ten (10) business days following submission of a completed application. The decision of the City may be appealed to the City Administrator within fifteen (15) days following the interpretive ruling by submitting a written notice of appeal to the City Clerk.

10. Adult Theater: An establishment where a regular and substantial portion of its business is providing the live performance of activities relating to specified sexual activities or exhibition of specified anatomical areas of live performers for observation by customers.

11. Bathhouse: An enterprise where a regular and substantial portion of its business is offering baths and/or showers with other persons present who are nude or displaying specified anatomical areas.

12. Body Painting Studio: An establishment where a regular and substantial portion of its business is the application of paint or other substance to or on the human body by any means of application, technique or process when the subject's body displays for customer view specified anatomical areas.

13. Escort Bureau: Any person, business or agency which, for a fee, commission, hire, reward or profit, furnishes or offers to furnish escorts or persons who, for hire or reward, accompany others to or about social affairs, entertainment or places of amusement or who consort with others, for hire or reward, about any place of public resort or within any private quarters.

14. Wet T-Shirt Contests: Any exhibition, dance or modelling predominately distinguished by, or characterized by, soaking t-shirts for the purpose of rendering the shirt less than one hundred percent (100%) opaque. Thereby, rendering the female breast less than completely and opaquely covered.

ADULT ENTERTAINMENT

Any exhibition, dance, pantomime, modeling or other performance predominately distinguished by or characterized by emphasis on depiction or description of an erotic nature including, but not limited to, depiction or descriptions of "specified sexual activities" or "specified anatomical areas" (separately defined).

ADULT MEDIA

Magazines, books, videotapes, movies, slides, paraphernalia or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (separately defined).

ADULT MEDIA OUTLET

An establishment that rents, sells or offers for viewing or other use any adult media and which meets at least one (1) of the following tests:

For purposes of this Subsection, it shall be presumed that a "substantial or significant" portion of a business is devoted to the sale or rental of such items if any one (1) or more of the following criteria are satisfied:



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1. More than thirty percent (30%) of the floor area is devoted to adult media (not including storerooms, stock areas, bathrooms, basements or any portion of the business not open to the public); or
2. More than thirty percent (30%) of the gross sales (including rentals) result from the sale or rental of adult media;
3. Thirty percent (30%) or more of the dollar value of all merchandise displayed at any time is attributable to adult media;
4. Thirty percent (30%) or more of all inventory consists off adult media at any time;
5. Thirty percent (30%) or more of the merchandise displayed for sale consists of adult media;
6. Thirty percent (30%) or more of the stock in trade consists of such items at any time.

BOOTH

A small enclosure that separates the occupant from patrons or customers.

CUSTOMER

Any person who:

1. Is allowed to enter an adult business establishment in return for the payment of an admission fee or any other form of consideration or gratuity; or
2. Enters an adult business establishment and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or
3. Is a member of or on the premises of an adult business establishment operating as a private club.

DAY CARE FACILITY

Any establishment that provides, on a regular basis, supervision, protection, and care for individuals on a regular basis away from their primary residences for less than twenty-four (24) hours per day.

EMPLOYEE

Any person who renders any service whatsoever to the customers of an adult business establishment or who works in or about an adult business establishment and who receives compensation for such service or work from the operator or owner of the business or from the customers therein. "Employee" includes, but is not limited to, managers, entertainers and independent contractors who work in or at or render any services directly related to the operation of an adult business establishment.

ENTERTAINER

Any person who provides adult entertainment within an adult business establishment, whether or not a fee is charged or accepted for the entertainment.

EROTIC

Devoted to or tending to arouse or excite sexual desires.

FOOT-CANDLE

A unit of illumination lighting a surface, on which there is uniformly distributed a light flux of one (1) lumen over an area of one (1) square foot. A lumen is a unit of measure of the quantity of light energy emitted by a light source without regard to the effectiveness of its distribution. A candela is the unit of intensity of a light source in a specific direction. One (1) candela directed perpendicular to a surface one (1) foot away generates one (1) foot-candle of light. A light source of one (1) candela emits a total of twelve and fifty-seven hundredths (12.57) lumens. For the purposes of this code, the lumen output values shall be the initial lumen output ratings of a lamp.

GROUP BOARDING HOME FOR ADULTS

A residential dwelling unit for six (6) or more persons, eighteen (18) years of age or over.

GROUP BOARDING HOME FOR MINORS



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A residential facility for six (6) or more persons under eighteen (18) years of age who for various reasons cannot reside in their natural home and where twenty-four (24) hour adult care, supervision and consultation exists.

MANAGER

Any person who manages, directs, administers, or is in charge of the affairs of or conduct of any portion of any activity of any adult business.

MINOR

A person less than eighteen (18) years of age.

NUDITY

Exposing any of the human male or female genitals, pubic hair or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering below a point immediately below the top of the areola or the showing of the covered male genitals in a discernible turgid state.

NURSING FACILITY

A building or a group of buildings where, for compensation pursuant to the previous arrangement, care is offered or provided for three (3) or more persons suffering from illness, other than a contagious disease, or sociopathic or psychopathic behavior, which is not of sufficient severity to require hospital attention, or for three (3) or more persons requiring further institutional care after being discharged from a hospital.

OPERATE

To own, conduct or maintain the affairs of an adult business establishment.

OPERATOR

Any person, partnership or corporation operating, conducting or maintaining an adult business establishment.

PARK

Any public or private land designated for park or recreational activities but not limited to a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness area or similar land.

PERSON

Any individual, partnership, corporation, trust, incorporated or unincorporated association, joint venture, governmental entity or other entity or group of persons however organized.

RELIGIOUS INSTITUTION

A structure or site such as a church, synagogue, chapel, sanctuary or cathedral used primarily for religious activity or worship and related religious activities.

RESIDENTIAL ZONE

Any property within the City which is zoned or used for residential purposes. The zoning designations refer to the Sections in the City zoning ordinance as may be amended from time to time and include any property in the City which is zoned "A" (Agricultural), "E" (Estate), "EP" (Planned Estate), "R-1" (Single-Family), "RP-1" (Planned Single-Family Residential), "R-1M" (Manufactured Home Park), "RP-1M" (Planned Manufactured Home Park), "R-2" (Two-Family) "RP-2" (Planned Two-Family Residential), "R-3" (Cluster/Garden Apartment District), "RP-3" (Planned Cluster/Garden Apartment District), "R-4" (Apartment), "RP-4" (Planned Apartment).

SCHOOL

Any institution of teaching, whether public or private. This definition includes, but is not limited to, a nursery school, kindergarten, elementary school, junior high school, senior high school, college and university.

SPECIFIED ANATOMICAL AREAS



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These include:

1. Less than completely and opaquely covered: human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola; and
2. Human or simulated male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

Sexual conduct including, but not limited to:

1. Human genitals in a state of sexual stimulation or arousal; and/or
2. Acts of human masturbation, sexual intercourse or arousal; and/or
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; and/or
4. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; and/or
5. Human excretion, urination, menstruation, vaginal or anal irrigation; and/or
6. Fondling or other erotic touching of clothed or unclothed human genitals, pubic region, buttock, or female breast; and/or
7. Acts involving animals or latent objects.

Section 405.535. Special Use Permit Required.

[Ord. No. 1825, 5-13-1991]

The following uses of property are considered adult entertainment activities and may be located only in districts zoned "C-2" as a special use: Adult arcade, adult bookstore, adult entertainment facility, bathhouse, escort agency, massage shop, modeling studio. This special use is subject to renewal on an annual basis through the City's Planning and Zoning Commission.

Section 405.535. Location and Distance Requirements.

[Ord. No. 2756 §1, 2-19-2002]

A. Adult business establishments may be located in any property zoned "M-2" and "MP-2". No adult business establishment shall be located in any zoning district of the City except "M-2" and "MP-2".

B. Residential. Adult business establishments may not be located within one thousand (1,000) feet of any property zoned or used for residential purposes.

C. Schools, Parks, Religious Institutions, Group Homes, Nursing Facility, Hospitals And Libraries. No adult business establishment shall be permitted to locate or expand within one thousand (1,000) feet of any private or public school, public park, day care facility, group home for adults or minors, nursing facility, hospital, library or religious institution or place of worship.

D. Other Adult Uses. No adult business establishment shall be permitted to locate or expand within two thousand (2,000) feet of another adult business establishment.

E. Facilities With A Liquor License. No adult business establishment shall be permitted to locate or expand within two thousand (2,000) feet of any business licensed to sell or serve alcoholic liquor or cereal malt beverages, whether or not such business is also an adult business establishment.

F. Measurement Of Distance.

1. The distance between any adult business establishment and any religious institution, school, group home, nursing facility, hospital, library, public park or child care facility or any property zoned for residential use shall be measured in a straight line, without regard to



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intervening structures, from the closest property line of the adult business use to the closest property line of the religious institution or place of worship, private or public school, public park, child care facility, property zoned for residential use, group home, nursing facility or hospital.

2. The distance between any two (2) adult business establishments or between any adult business establishment and a business licensed to sell or serve alcoholic or cereal malt beverages shall be measured in a straight line, without regard to intervening structures, from the closest property line of each business.

Section 405.540. Special Conditions.

[Ord. No. 1825, 5-13-1991]

A. No adult arcade, adult bookstores, adult entertainment facility, bathhouse, escort agency, massage shop or modeling studio shall be permitted within one thousand five hundred (1,500) feet of any religious institution, school or public park or any property zoned for residential use. Such distance shall be measured in a straight line without regard to intervening properties from the closest exterior structural wall of the adult entertainment establishment to the closest property line of the religious institution, school or public park or the property zoned for residential use.

B. No adult entertainment establishment shall be allowed to locate or expand within one thousand (1,000) feet of other adult entertainment use or of any business licensed to sell or serve alcoholic beverages whether or not such business is also an adult entertainment establishment as defined in this Division. The distance between any two (2) adult entertainment establishments or between an adult entertainment establishment and a business selling or serving alcoholic beverages shall be measured in a straight line without regard to intervening structures from the closest exterior structural wall of each business.

C. All access to and from the adult entertainment establishment shall be provided from a street classified as a thoroughfare or arterial road.

D. The property on which such use is located shall have a minimum of one hundred (100) feet of street frontage.

E. The property on which the use is located shall be screened by a solid masonry wall at least eight (8) feet in height along all interior property lines.

F. The facility on which the use is located and the parking for such facility shall have a front yard setback of twenty (20) feet, a side yard setback of ten (10) feet and a rear yard setback of ten (10) feet.

G. Off-street parking shall be provided at a ratio of one (1) parking space per seventy-five (75) square feet of interior floor area. All off-street parking requirements shall conform to the City's ordinance regarding same.

H. All landscaping and screening requirements of this City ordinance shall be observed.

I. The facility in which the use is located shall be designed in such a fashion that all openings, entries and windows prevent view into such facilities from any pedestrian, sidewalk, walkway, street or other public area. No adult entertainment activity shall take place partially or totally outside the adult entertainment establishment.

J. The facility in which such a use is located shall be limited to one (1) wall-mounted sign no greater than one (1) square foot of sign per linear foot of wall length, not to exceed a total of fifty (50) square feet; said sign shall not flash, blink or move by mechanical means and shall not extend above the roof line of the building. Further, no merchandise or pictures of products or entertainment on the



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premises shall be displayed in window areas or any area where such merchandise or pictures can be viewed from the sidewalk in front of the building. No flashing lights and/or lighting which leaves the impression of motion or movement shall be permitted.

K. Lighting the parking area must provide a minimum light level of one-fourth (.25) foot-candles over the entire parking area, but in no point shall the light level exceed three (3.0) foot-candles, nor shall any increase in light levels or visible glare be permitted at the lot line.

Section 405.540. General Regulations and Requirements.

[Ord. No. 2756 §1, 2-19-2002]

A. Age Restriction. Only adults, as defined in this code, shall be permitted on the premises of any adult business establishment. If alcoholic or cereal malt beverages are sold or served on the premises, only persons twenty-one (21) years of age or older may be permitted on the premises.

B. Hours Of Operation. It shall be unlawful for any adult business establishment to be conducted, operated, or otherwise open to the public, customers or members between the hours of 12:00 Midnight and 10:00 A.M. Monday through Saturday. No adult business establishment shall be open on any Sunday.

C. Exterior Display. The premises of all adult business establishments shall be so constructed as to ensure that the interior of the premises is not observable from the exterior of the building. In addition, all windows will be covered to prevent viewing of the interior of the building from the outside and all exterior doorways must be constructed with an anteroom or foyer so as to prevent observation of the interior of the premises from the exterior of the building.

D. Nudity Prohibited. No manager, employee, entertainer or customer in an adult business establishment shall be unclothed, nude or in such less-than-opaque and complete attire, costume or clothing, so as to expose to view any "specified anatomical area".

E. Protective Barrier Required. Any adult business establishment engaging in the display or performance of live models, dancers, entertainers or other performers shall erect a platform at least two (2) feet above the primary level of the customer floor level on which the employee or entertainer must be contained, shall not permit customers within ten (10) feet of the employee or entertainer and shall, in addition, erect a protective barrier from floor to ceiling of sufficient strength to prevent customers from entering the area of the employee or entertainer or touching the employee or entertainer in any manner. Further, it shall be unlawful for any customer to be upon any portion of the stage during a performance or for an owner, operator or manager to permit a customer to be upon any portion of the stage during the performance.

F. Erotic Touching Prohibited. No employee, dancer, entertainer or customer of an adult business establishment shall be permitted to manually or through other bodily contact stimulate the genitals, pubic region, breasts or buttocks of themselves or any other person.

G. Display Or Performance. No adult business establishment shall permit any employee, entertainer, model, dancer, other performer or customer to participate in any entertainment, live display or performance which depicts, describes or simulates "specified sexual activities" or contains any acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

H. Devices. No employee, model, dancer, entertainer, other performer or customer shall wear or use any device or covering exposed to view which simulates any "specified anatomical area", nor shall any employee, model, danger, entertainer, other performer or customer use artificial devices or inanimate objects to depict any of the prohibited activities described in this code.



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I. *Entertainer Payment Or Gratuity.* No model, dancer, entertainer or other performer, while on the premises of an adult business establishment, shall solicit, demand or receive any payment or gratuity from any customer directly, rather all gratuities shall be placed in a permanently affixed receptacle provided for gratuities. No gratuity may be offered or accepted while a performance is being conducted.

J. *Lighting.* All adult business establishments shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than two (2) foot-candle as measured at the floor level, and such illumination must be maintained at all times that any customer is present in or on the premises.

K. *Vending Machines Prohibited.* No coin- or token-operated vending machine which sells adult media may be located in a place open to the public, except that said machines are permitted in public places from which minors are excluded.

L. *Closed Booths Or Rooms Prohibited.* The premises of all adult business establishments shall be physically arranged in such a manner that the entire interior portion of any booths, cubicles, rooms or stalls is visible from a public common area of the premises.

1. Visibility shall not be blocked or obscured by doors, curtains, drapes, or any other obstruction whatsoever.

2. The entire body of any viewing person must also be visible from the public common area without the assistance of mirrors or other viewing aids.

3. No booth shall be occupied by more than one (1) customer at a time.

4. No holes shall be permitted between booths or individual viewing areas.

M. *Identification Cards.* Any adult business employee issued a permit by the City Clerk under the provisions contained herein shall, at all times when working in an adult business establishment, have in such employee's possession a valid identification card issued by the City bearing the permit number, the employee's physical description and a photograph of such employee. Such identification card shall be laminated to prevent alteration.

N. *Ventilation And Sanitation Requirements.* The premises of all adult business establishments shall be kept in a sanitary condition. Separate dressing rooms and restrooms for men and women shall at all times be maintained and kept in a sanitary condition.

O. *Manager On Premises.*

1. A permitted manager shall be on duty at all adult business establishments at all times the premises are open for business. The name of the manager on duty shall be prominently posted during business hours.

2. It shall be the responsibility of the manager to verify that every employee within any adult business establishment possesses a current and valid permit and have in their possession a current and valid identification card at all times while working.

P. *General Prohibitions.* No owner, operator, manager, or other person in charge of the premises of an adult business establishment shall:

1. Knowingly permit alcoholic liquor or cereal malt beverages to be brought upon the premises unless authorized to do so by a properly issued and current liquor license as required by City ordinances;

2. Knowingly allow or permit the sale, distribution, delivery or consumption of any controlled substance or illegal drug or narcotic on the premises;

3. Knowingly allow or permit any person under the age of eighteen (18) to be in or upon the premises of an adult business establishment or any person under the age of twenty-one (21) if alcohol or cereal malt beverages are sold;



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4. Knowingly allow or permit any act of prostitution or patronizing prostitution on the premises, as prohibited by State law or City ordinance;

5. Knowingly allow or permit a violation of this code or applicable City ordinance; or

6. Knowingly allow any entertainer, employee, manager or operator to perform any work, service or entertainment directly related to the operation of an unlicensed adult business.

Q. Facilities Necessary. No adult business license to conduct a bathhouse or body painting studio shall be issued unless an inspection by the Director of Community Development or his/her authorized representative reveals that the premises on which the applicant intends to conduct such business complies with each of the following minimum requirements:

1. The walls shall be clean and painted with washable, mold-resistant paint in all rooms where water or steam baths are given or showers taken. Floors shall be free of any accumulation of dust, dirt or refuse. All equipment used in the business' operation shall be maintained in a clean and sanitary condition. Towels, linens and items for personal use of operators and patrons shall be clean and freshly laundered for each patron. Heavy, white paper may be substituted for sheets provided that such paper is changed for every patron. No activity related to an adult business shall be carried on within any cubicle, room, booth, or any area within any permitted establishment, which is fitted with a door capable of being locked.

2. Toilet facilities shall be provided in convenient locations. A single water closet per sex shall be provided for each twenty (20) or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one (1) water closet has been provided. Toilet facilities shall be designated as to the gender accommodated therein.

3. Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.

The Director of Community Development shall certify that the proposed business establishment complies with all of the requirements of this Section and shall give or send such certification to the City Clerk. Provided however, that nothing contained herein shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises nor to preclude authorized inspection thereof. The Director of Community Development may recommend the issuance of a license contingent upon compliance with all requirements of this Section.

Section 405.545. Site Plan Required.

[Ord. No. 1825, 5-13-1991]

A. Each application for special use permit shall require the submission of accompanying site plan.

The site plan shall include, as a minimum, the following information:

1. The site plan shall be drawn at a scale of one (1) inch equals fifty (50) feet or larger.
2. The site plan shall delineate the property lines of the proposed project and shall indicate the zoning and present use of abutting properties.
3. The site plan shall delineate existing rights-of-way and easements.
4. The site plan shall delineate the general location and width of all proposed streets and public rights-of-way, such as alleys, pedestrian ways and easements.



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5. The site plan shall delineate the solid masonry screening as provided in Section **405.540(E)** above.
6. The site plan shall delineate the proposed building layout with the front, side and rear building setbacks as required in Section **405.540(F)** above.
7. The site plan shall characterize the proposed usage of the building and description of the proposed use by type, character and intensity.
8. The site plan shall delineate the location, number of parking spaces and the proposed parking and loading ratio and its location and requirements in accordance with Section **405.540(G)** above.
9. The site plan shall delineate all points of access and egress in accordance with Section **405.540(C)** above.
10. The site plan shall present in tabular form the proposed net density of the use provided the number of seats, employees or other applicable unit of measure.
11. The site plan shall delineate the gross floor area of the building or structure.
12. The site plan shall detail the proposed stages of construction for all land in development and improvements within the proposed district.
13. The site plan shall describe the landscaping to be provided.
14. The site plan shall delineate the proposed exterior lighting in accordance with Section **405.540(K)** above.
15. The site plan shall delineate the proposed architectural details of the facility in accordance with Section **405.540(I)** above.
16. The site plan shall indicate the signage in accordance with Section **405.540(J)** above.
17. The site plan shall set forth any other information necessary for determination of the suitability of the proposed use for the site.
18. The site plan shall show that the measurements from the building to surrounding structures and property lines comply with this Chapter.

Section 405.545. Notification Requirements.

[Ord. No. 2756 §1, 2-19-2002]

Signage. All adult business establishments shall maintain on the premises a sign on which the upper-case letters shall be at least two (2) inches high and lower-case letters shall be at least one (1) inch high, which shall be conspicuously displayed in the common area at the principal entrances to the adult business establishment and which shall read as follows:

THIS ADULT BUSINESS IS
REGULATED BY THE CITY OF HARRISONVILLE, MISSOURI
EMPLOYEES, MODELS, DANCERS AND ENTERTAINERS:

- * Are not permitted to engage in any type of sexual conduct or in prostitution on the premises, or to fondle or caress the breasts, pubic region, buttocks or genitals of any employee, customer or other entertainer or to permit any employee, customer or other entertainer to fondle or caress the breasts, pubic region, buttocks or genitals of said entertainer.
- * Are not permitted to solicit, demand or receive any payment or gratuity from any customer, except as follows: A gratuity may be placed in a permanently affixed receptacle provided for gratuities but not while a performance is being conducted.



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- * No nudity is permitted.

CUSTOMERS ARE:

- * Not permitted to be upon stage at any time.
- * Not permitted to caress or fondle the breasts, pubic region, buttocks or genitals of any employee, server, entertainer or customer or engage in solicitation for prostitution.

Section 405.547. Inspections.

[Ord. No. 2756 §1, 2-19-2002]

A. Any duly authorized officer of the City, including, but not limited to, the City Administrator, the City Attorney, Police Officers, Code Compliance Officers, Community Development Department employees, Fire Department officials, may from time to time make an inspection of each adult business establishment for the purposes of determining that the provisions of this code are complied with. Such inspections shall be at reasonable times and in a reasonable manner. It shall be unlawful for anyone to fail to allow such officer immediate access to the premises or to hinder such officer in any manner.

B. Any business that engages in the barter, rental or sale of items consisting of printed matter, pictures, slides, records, videotapes, compact discs, motion pictures, films or other media, if such business is not open to the public in general but only to one (1) or more classes of the public, excluding any minor by reason of age, or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" shall be deemed to have consented to periodic entry into and inspection of the business premises by appropriate City Officials and inspection by those officials of only those business records necessary for the limited purpose of determining whether such business enterprise is an "adult business establishment" as defined herein. This entry and inspection shall take place during hours when such business is open to the public, unless otherwise requested by the business, and shall not unreasonably interfere with the conduct of business.

Chapter 650. Adult Business Regulations

Section 650.010. Title.

[Ord. No. 2756 §1, 2-19-2002]

This Chapter shall be known as the "Adult Business Code" and may be cited as such and will be referred to in this Chapter as the "code".

Section 650.020. Purpose.

[Ord. No. 2756 §1, 2-19-2002]

It is the purpose of this code to regulate sexually oriented businesses in order to promote the health, safety, morals and general welfare of the citizens of the City and to establish reasonable and uniform



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regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City. The provisions of this code have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this code to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Chapter to condone or legitimize the distribution of obscene material.

Section 650.030. Applicability of Code.

[Ord. No. 2756 §1, 2-19-2002]

A. The establishment of any adult business is subject to these regulations and shall include any of the following activities:

1. The opening of such a business as a new business.
2. The relocation of an adult business establishment.
3. The conversion of an existing business to an adult business establishment.
4. An increase of the square footage of an existing adult business establishment.
5. The conversion of an existing adult business establishment to a different type of adult business establishment.

B. An adult business establishment lawfully operating as a conforming business is not rendered non-conforming by the location, subsequent to the granting or renewal of the adult business license, of a school, park, religious institution, group home, nursing facility, hospital, library or property zoned or used for residential purposes located within the City limits and within one thousand (1,000) feet of the adult business establishment. This provision applies only to the renewal of a valid adult business establishment license and does not apply when an application for a new business license is submitted after a previous license has lapsed or has been revoked.

Section 650.040. Severability.

[Ord. No. 2756 §1, 2-19-2002]

In any case where a provision of this code is found to be in conflict with a provision of any other ordinance or other legislation of the City existing on the effective date of this code, the provision which establishes the higher standard for the promotion and protection of the safety, welfare and health of the people shall prevail. If any part of this code should be declared invalid for any reason, such decisions shall not affect the remaining portions of this code.

Section 650.050. Liberal Construction.

[Ord. No. 2756 §1, 2-19-2002]

The provisions of this code shall be liberally construed to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

Section 650.060. Definitions.

[Ord. No. 2756 §1, 2-19-2002]



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For the purpose of this code, the following words and phrases shall have the following interpretation and/or meanings.

ADULT

A person who has attained the age of eighteen (18) years.

ADULT BUSINESS ESTABLISHMENT

Any establishment having as a material portion of its business the offering of entertainment, services, stocks in trade or materials, scenes or other representations predominately distinguished by or characterized by emphasis on depiction or description of an erotic nature including, but not limited to, depiction or descriptions of "specified sexual activities" or "specified anatomical areas" (separately defined). The definition of "adult business establishment" also includes, but is not limited to, any and all of the following specific adult businesses as defined herein:

1. Adult Arcade: Any business establishment or concern to which the public is permitted or invited and where coin- or slug-operated or electronically, electrically or mechanically controlled amusement devices, still or motion picture machines, projectors, videos or other image-producing devices are maintained to show images on a regular or substantial basis, where the images so displayed relate to specified sexual activities or exhibition of specified anatomical areas.

2. Adult Encounter Parlor: An establishment where a regular and substantial portion of its business is the provision of premises where customers congregate, associate or consort with employees, performers and/or other customers or private contractors who display specified anatomical areas in the presence of such customers, with the intent of providing sexual arousal or excitement to such customers.

3. Adult Entertainment Cabaret: An establishment where a regular and substantial portion of its business is providing adult entertainment which features strippers, male or female, impersonators, or live performances, or material which depict, portray, exhibit or display specified anatomical areas or specified sexual activities or are intended to arouse or excite the sexual desires of the entertainer, other entertainer or customer.

4. Adult Entertainment Studio (includes the terms "rap studio", "exotic dance studio", "sensitivity studio" or "encounter studio"): An establishment whose premises are physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises, and where a regular and substantial portion of its business is providing entertainment which features materials or live performances characterized by an emphasis on or features materials relating to specified sexual activities or the exhibition of specified anatomical areas.

5. Adult Media Outlet: See definition below.

6. Adult Motel: An enterprise where a regular and substantial portion of its business is offering public accommodations for the purpose of viewing closed-circuit television transmissions, films, movies, motion pictures, video cassettes, videotapes, slides or other photographic reproductions which are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas and which rents room accommodations for less than six (6) hours at a time.

7. Adult Motion Picture Theater: An enclosed building used for presenting or showing, for monetary consideration, movie or video films or pictures or other material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (separately defined) for observation by customers therein. Said adult motion picture theaters generally show "X" rated movies.



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8. Adult Newsrack: Any coin- or card-operated device that offers for sale by dispensing printed material which is distinguished or characterized by its emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

9. Adult Retail Establishment: A business which offers for sale or rent instruments, devices, gifts or paraphernalia which are designed or marketed for use in connection with specified sexual activities, clothing that graphically depicts specified anatomical areas or any of the material sold or rented in an "adult media outlet" as defined below, if a substantial or significant portion of such items are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas". For purposes of this Subsection, the presumptions relative to what constitutes a "substantial or significant" portion of business set forth in the definition whether an item is "designed or marketed for use" in connection with specified sexual activities, the following guidelines may be considered:

- a. Expert testimony as to the principal use of the term;
- b. Evidence concerning the total business of a person or business establishment and the type of merchandise involved in the business;
- c. National and local advertising concerning the use of the item;
- d. Evidence of advertising concerning the nature of the business establishment;
- e. Instructions, graphics or other material contained on the item itself or on the packaging materials for the item;
- f. The physical or structural characteristics of the item;
- g. The manner in which the item is displayed, including its proximity to other regulated merchandise or signage relating to items in a display area.

Any person may request an interpretive ruling from the City, or his/her designee, as to whether a particular item is considered by the City to be "designed or marketed for use" in connection with specified sexual activities. An application for an interpretive ruling shall be made in writing on a form provided by the City and shall be accompanied by such other information as may reasonably be requested under the circumstances pertaining to the specific item about which a ruling is requested. The City shall issue a written interpretive ruling within ten (10) business days following submission of a completed application. The decision of the City may be appealed to the City Administrator within fifteen (15) days following the interpretive ruling by submitting a written notice of appeal to the City Clerk.

10. Adult Theater: An establishment where a regular and substantial portion of its business is providing the live performance of activities relating to specified sexual activities or exhibition of specified anatomical areas of live performers for observation by customers.

11. Bathhouse: An enterprise where a regular and substantial portion of its business is offering baths and/or showers with other persons present who are nude or displaying specified anatomical areas.

12. Body Painting Studio: An establishment where a regular and substantial portion of its business is the application of paint or other substance to or on the human body by any means of application, technique or process when the subject's body displays for customer view specified anatomical areas.

13. Escort Bureau: Any person, business or agency which, for a fee, commission, hire, reward or profit, furnishes or offers to furnish escorts or persons who, for hire or reward, accompany others to or about social affairs, entertainment or places of amusement or who consort with others, for hire or reward, about any place of public resort or within any private quarters.



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14. Wet T-Shirt Contests: Any exhibition, dance or modelling predominately distinguished by, or characterized by, soaking t-shirts for the purpose of rendering the shirt less than one hundred percent (100%) opaque. Thereby, rendering the female breast less than completely and opaquely covered.

ADULT ENTERTAINMENT

Any exhibition, dance, pantomime, modeling or other performance predominately distinguished by or characterized by emphasis on depiction or description of an erotic nature including, but not limited to, depiction or descriptions of "specified sexual activities" or "specified anatomical areas" (separately defined).

ADULT MEDIA

Magazines, books, videotapes, movies, slides, paraphernalia or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (separately defined).

ADULT MEDIA OUTLET

An establishment that rents, sells or offers for viewing or other use any adult media and which meets at least one (1) of the following tests:

For purposes of this Subsection, it shall be presumed that a "substantial or significant" portion of a business is devoted to the sale or rental of such items if any one (1) or more of the following criteria are satisfied:

1. More than thirty percent (30%) of the floor area is devoted to adult media (not including storerooms, stock areas, bathrooms, basements or any portion of the business not open to the public); or
2. More than thirty percent (30%) of the gross sales (including rentals) result from the sale or rental of adult media;
3. Thirty percent (30%) or more of the dollar value of all merchandise displayed at any time is attributable to adult media;
4. Thirty percent (30%) or more of all inventory consists off adult media at any time;
5. Thirty percent (30%) or more of the merchandise displayed for sale consists of adult media;
6. Thirty percent (30%) or more of the stock in trade consists of such items at any time.

BOOTH

A small enclosure that separates the occupant from patrons or customers.

CUSTOMER

Any person who:

1. Is allowed to enter an adult business establishment in return for the payment of an admission fee or any other form of consideration or gratuity; or
2. Enters an adult business establishment and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or
3. Is a member of or on the premises of an adult business establishment operating as a private club.

DAY CARE FACILITY

Any establishment that provides, on a regular basis, supervision, protection, and care for individuals on a regular basis away from their primary residences for less than twenty-four (24) hours per day.

EMPLOYEE

Any person who renders any service whatsoever to the customers of an adult business establishment or who works in or about an adult business establishment and who receives compensation for such service or work from the operator or owner of the business or from the customers



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therein. "Employee" includes, but is not limited to, managers, entertainers and independent contractors who work in or at or render any services directly related to the operation of an adult business establishment.

ENTERTAINER

Any person who provides adult entertainment within an adult business establishment, whether or not a fee is charged or accepted for the entertainment.

EROTIC

Devoted to or tending to arouse or excite sexual desires.

FOOT-CANDLE

A unit of illumination lighting a surface, on which there is uniformly distributed a light flux of one (1) lumen over an area of one (1) square foot. A lumen is a unit of measure of the quantity of light energy emitted by a light source without regard to the effectiveness of its distribution. A candela is the unit of intensity of a light source in a specific direction. One (1) candela directed perpendicular to a surface one (1) foot away generates one (1) foot-candle of light. A light source of one (1) candela emits a total of twelve and fifty-seven hundredths (12.57) lumens. For the purposes of this code, the lumen output values shall be the initial lumen output ratings of a lamp.

GROUP BOARDING HOME FOR ADULTS

A residential dwelling unit for six (6) or more persons, eighteen (18) years of age or over.

GROUP BOARDING HOME FOR MINORS

A residential facility for six (6) or more persons under eighteen (18) years of age who for various reasons cannot reside in their natural home and where twenty-four (24) hour adult care, supervision and consultation exists.

MANAGER

Any person who manages, directs, administers, or is in charge of the affairs of or conduct of any portion of any activity of any adult business.

MINOR

A person less than eighteen (18) years of age.

NUDITY

Exposing any of the human male or female genitals, pubic hair or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering below a point immediately below the top of the areola or the showing of the covered male genitals in a discernible turgid state.

NURSING FACILITY

A building or a group of buildings where, for compensation pursuant to the previous arrangement, care is offered or provided for three (3) or more persons suffering from illness, other than a contagious disease, or sociopathic or psychopathic behavior, which is not of sufficient severity to require hospital attention, or for three (3) or more persons requiring further institutional care after being discharged from a hospital.

OPERATE

To own, conduct or maintain the affairs of an adult business establishment.

OPERATOR

Any person, partnership or corporation operating, conducting or maintaining an adult business establishment.

PARK

Any public or private land designated for park or recreational activities but not limited to a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness area or similar land.



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PERSON

Any individual, partnership, corporation, trust, incorporated or unincorporated association, joint venture, governmental entity or other entity or group of persons however organized.

RELIGIOUS INSTITUTION

A structure or site such as a church, synagogue, chapel, sanctuary or cathedral used primarily for religious activity or worship and related religious activities.

RESIDENTIAL ZONE

Any property within the City which is zoned or used for residential purposes. The zoning designations refer to the Sections in the City zoning ordinance as may be amended from time to time and include any property in the City which is zoned "A" (Agricultural), "E" (Estate), "EP" (Planned Estate), "R-1" (Single-Family), "RP-1" (Planned Single-Family Residential), "R-1M" (Manufactured Home Park), "RP-1M" (Planned Manufactured Home Park), "R-2" (Two-Family) "RP-2" (Planned Two-Family Residential), "R-3" (Cluster/Garden Apartment District), "RP-3" (Planned Cluster/Garden Apartment District), "R-4" (Apartment), "RP-4" (Planned Apartment).

SCHOOL

Any institution of teaching, whether public or private. This definition includes, but is not limited to, a nursery school, kindergarten, elementary school, junior high school, senior high school, college and university.

SPECIFIED ANATOMICAL AREAS

These include:

1. Less than completely and opaquely covered: human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola; and
2. Human or simulated male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

Sexual conduct including, but not limited to:

1. Human genitals in a state of sexual stimulation or arousal; and/or
2. Acts of human masturbation, sexual intercourse or arousal; and/or
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; and/or
4. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; and/or
5. Human excretion, urination, menstruation, vaginal or anal irrigation; and/or
6. Fondling or other erotic touching of clothed or unclothed human genitals, pubic region, buttock, or female breast; and/or
7. Acts involving animals or latent objects.

Section 650.070. General Regulations and Requirements.

[Ord. No. 2756 §1, 2-19-2002]

A. Age Restriction. Only adults, as defined in this code, shall be permitted on the premises of any adult business establishment. If alcoholic or cereal malt beverages are sold or served on the premises, only persons twenty-one (21) years of age or older may be permitted on the premises.

B. Hours Of Operation. It shall be unlawful for any adult business establishment to be conducted, operated, or otherwise open to the public, customers or members between the hours of 12:00 Midnight and 10:00 A.M. Monday through Saturday. No adult business establishment shall be open on any Sunday.



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C. Exterior Display. The premises of all adult business establishments shall be so constructed as to ensure that the interior of the premises is not observable from the exterior of the building. In addition, all windows will be covered to prevent viewing of the interior of the building from the outside and all exterior doorways must be constructed with an anteroom or foyer so as to prevent observation of the interior of the premises from the exterior of the building.

D. Nudity Prohibited. No manager, employee, entertainer or customer in an adult business establishment shall be unclothed, nude or in such less-than-opaque and complete attire, costume or clothing, so as to expose to view any "specified anatomical area".

E. Protective Barrier Required. Any adult business establishment engaging in the display or performance of live models, dancers, entertainers or other performers shall erect a platform at least two (2) feet above the primary level of the customer floor level on which the employee or entertainer must be contained, shall not permit customers within ten (10) feet of the employee or entertainer and shall, in addition, erect a protective barrier from floor to ceiling of sufficient strength to prevent customers from entering the area of the employee or entertainer or touching the employee or entertainer in any manner. Further, it shall be unlawful for any customer to be upon any portion of the stage during a performance or for an owner, operator or manager to permit a customer to be upon any portion of the stage during the performance.

F. Erotic Touching Prohibited. No employee, dancer, entertainer or customer of an adult business establishment shall be permitted to manually or through other bodily contact stimulate the genitals, pubic region, breasts or buttocks of themselves or any other person.

G. Display Or Performance. No adult business establishment shall permit any employee, entertainer, model, dancer, other performer or customer to participate in any entertainment, live display or performance which depicts, describes or simulates "specified sexual activities" or contains any acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

H. Devices. No employee, model, dancer, entertainer, other performer or customer shall wear or use any device or covering exposed to view which simulates any "specified anatomical area", nor shall any employee, model, dancer, entertainer, other performer or customer use artificial devices or inanimate objects to depict any of the prohibited activities described in this code.

I. Entertainer Payment Or Gratuity. No model, dancer, entertainer or other performer, while on the premises of an adult business establishment, shall solicit, demand or receive any payment or gratuity from any customer directly, rather all gratuities shall be placed in a permanently affixed receptacle provided for gratuities. No gratuity may be offered or accepted while a performance is being conducted.

J. Lighting. All adult business establishments shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than two (2) foot-candle as measured at the floor level, and such illumination must be maintained at all times that any customer is present in or on the premises.

K. Vending Machines Prohibited. No coin- or token-operated vending machine which sells adult media may be located in a place open to the public, except that said machines are permitted in public places from which minors are excluded.

L. Closed Booths Or Rooms Prohibited. The premises of all adult business establishments shall be physically arranged in such a manner that the entire interior portion of any booths, cubicles, rooms or stalls is visible from a public common area of the premises.

1. Visibility shall not be blocked or obscured by doors, curtains, drapes, or any other obstruction whatsoever.



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2. The entire body of any viewing person must also be visible from the public common area without the assistance of mirrors or other viewing aids.

3. No booth shall be occupied by more than one (1) customer at a time.

4. No holes shall be permitted between booths or individual viewing areas.

M. Identification Cards. Any adult business employee issued a permit by the City Clerk under the provisions contained herein shall, at all times when working in an adult business establishment, have in such employee's possession a valid identification card issued by the City bearing the permit number, the employee's physical description and a photograph of such employee. Such identification card shall be laminated to prevent alteration.

N. Ventilation And Sanitation Requirements. The premises of all adult business establishments shall be kept in a sanitary condition. Separate dressing rooms and restrooms for men and women shall at all times be maintained and kept in a sanitary condition.

O. Manager On Premises.

1. A permitted manager shall be on duty at all adult business establishments at all times the premises are open for business. The name of the manager on duty shall be prominently posted during business hours.

2. It shall be the responsibility of the manager to verify that every employee within any adult business establishment possesses a current and valid permit and have in their possession a current and valid identification card at all times while working.

P. General Prohibitions. No owner, operator, manager, or other person in charge of the premises of an adult business establishment shall:

1. Knowingly permit alcoholic liquor or cereal malt beverages to be brought upon the premises unless authorized to do so by a properly issued and current liquor license as required by City ordinances;

2. Knowingly allow or permit the sale, distribution, delivery or consumption of any controlled substance or illegal drug or narcotic on the premises;

3. Knowingly allow or permit any person under the age of eighteen (18) to be in or upon the premises of an adult business establishment or any person under the age of twenty-one (21) if alcohol or cereal malt beverages are sold;

4. Knowingly allow or permit any act of prostitution or patronizing prostitution on the premises, as prohibited by State law or City ordinance;

5. Knowingly allow or permit a violation of this code or applicable City ordinance; or

6. Knowingly allow any entertainer, employee, manager or operator to perform any work, service or entertainment directly related to the operation of an unlicensed adult business.

Q. Facilities Necessary. No adult business license to conduct a bathhouse or body painting studio shall be issued unless an inspection by the Director of Community Development or his/her authorized representative reveals that the premises on which the applicant intends to conduct such business complies with each of the following minimum requirements:

1. The walls shall be clean and painted with washable, mold-resistant paint in all rooms where water or steam baths are given or showers taken. Floors shall be free of any accumulation of dust, dirt or refuse. All equipment used in the business' operation shall be maintained in a clean and sanitary condition. Towels, linens and items for personal use of operators and patrons shall be clean and freshly laundered for each patron. Heavy, white paper may be substituted for sheets provided that such paper is changed for every patron. No activity related to an adult business shall be carried on within any cubicle, room, booth, or any area within any permitted establishment, which is fitted with a door capable of being locked.



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2. Toilet facilities shall be provided in convenient locations. A single water closet per sex shall be provided for each twenty (20) or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one (1) water closet has been provided. Toilet facilities shall be designated as to the gender accommodated therein.

3. Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.

The Director of Community Development shall certify that the proposed business establishment complies with all of the requirements of this Section and shall give or send such certification to the City Clerk. Provided however, that nothing contained herein shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises nor to preclude authorized inspection thereof. The Director of Community Development may recommend the issuance of a license contingent upon compliance with all requirements of this Section.

Section 650.080. Notification Requirements.

[Ord. No. 2756 §1, 2-19-2002]

Signage. All adult business establishments shall maintain on the premises a sign on which the upper-case letters shall be at least two (2) inches high and lower-case letters shall be at least one (1) inch high, which shall be conspicuously displayed in the common area at the principal entrances to the adult business establishment and which shall read as follows:

THIS ADULT BUSINESS IS
REGULATED BY THE CITY OF HARRISONVILLE, MISSOURI
EMPLOYEES, MODELS, DANCERS AND ENTERTAINERS:

- * Are not permitted to engage in any type of sexual conduct or in prostitution on the premises, or to fondle or caress the breasts, pubic region, buttocks or genitals of any employee, customer or other entertainer or to permit any employee, customer or other entertainer to fondle or caress the breasts, pubic region, buttocks or genitals of said entertainer.
- * Are not permitted to solicit, demand or receive any payment or gratuity from any customer, except as follows: A gratuity may be placed in a permanently affixed receptacle provided for gratuities but not while a performance is being conducted.
- * No nudity is permitted.

CUSTOMERS ARE:

- * Not permitted to be upon stage at any time.
- * Not permitted to caress or fondle the breasts, pubic region, buttocks or genitals of any employee, server, entertainer or customer or engage in solicitation for prostitution.

Section 650.090. Licensing and Permitting Requirements.



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[Ord. No. 2756 §1, 2-19-2002]

A. Adult Business Establishment License Required. No person shall operate an adult business establishment without having first obtained an annual adult business license from the City Clerk. A separate license shall be required for each and every separate place of business conducted by any one (1) applicant. Such permit shall be valid only from January first (1st) to December thirty-first (31st). Every person obtaining an adult business license shall post such license in a conspicuous place and manner on the adult business establishment premises. The failure to post an adult business license in the manner required herein shall be prima facie evidence that the adult business does not have such a license. In addition, it shall be prima facie evidence that any entertainer, employee, manager or owner who performs any business, service or entertainment in an adult business in which an adult business license is not posted in the manner required herein has knowledge that such business is not licensed.

1. License application. When making application to the City for an adult business establishment license, the applicant shall provide the following information which shall be signed by the applicant, verified, notarized and be accompanied by the license and classification fees:

- a. The name, residence address, home telephone number, date and place of birth and social security number of the applicant and his/her relationship to the business.
- b. The business name, address and telephone number of the establishment. The tax identification number and registered agent if the owner is required to have a tax identification number or registered agent.
- c. The names, residence addresses, residence telephone numbers, social security numbers and dates of birth of any stockholder, partner or member who owns more than ten percent (10%) interest in such adult business establishment.
- d. The name, address and telephone number of the owner of the property at which the business will be located.
- e. A description of the adult entertainment or similar business history of the applicant and of all the partners and of all corporate officers and directors and any stockholder, partner or member who owns more than ten percent (10%) interest in such adult business establishment previously operating in this or another City, County or State, where it has had a business license revoked or suspended, the reason therefor and the activity or occupation subjected to such action, suspension or revocation.
- f. A verified statement from the applicant and any stockholder, partner or member who owns more than ten percent (10%) interest in such adult business establishment that each such person has not been convicted of or diverted from prosecution of a felony or released from confinement for conviction of any felony, whichever event is later, within five (5) years immediately preceding the application, or has not been convicted of or diverted from prosecution of a misdemeanor or public offense, or released from confinement for conviction of a misdemeanor or public offense, whichever event is later, within two (2) years immediately preceding the application, where such felony, misdemeanor or public offense involved sexual offenses, prostitution, indecent exposure, sexual abuse of a child or pornography and related offenses, or driving under the influence of intoxicating liquor or drugs as defined in Missouri Statutes, City ordinances, or the law of another City or State which prohibits driving under the influence of alcohol and/or drugs, or controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Statutes or City ordinances.



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g. A full set of fingerprints and two (2) photographs, to be taken by the Harrisonville Police Department, of the applicants and of any stockholder, partner or member who owns more than ten percent (10%) interest in such adult business establishment.

h. If the applicant is a corporation or limited liability company, a current certificate of registration issued by the Missouri Secretary of State.

i. On applications requesting a license or renewal of license to operate a bathhouse or body painting studio, the applicant shall provide for each employee a health certificate from a duly licensed Missouri physician stating that within thirty (30) days prior thereto, the applicant and all other persons working on the premises have been examined and found free of any contagious or communicable disease. For each person who is subsequently employed, a health certificate shall be submitted to the City Clerk forty-eight (48) hours prior to the time such person begins employment.

B. Employee Permit Required. All persons employed in an adult business establishment, including managers or operators, must annually obtain an adult business employee permit. This permit will be valid from January first (1st) to December thirty-first (31st).

1. Permit application. Any person applying for an adult business employee permit shall provide the following information which shall be signed by the applicant, be verified, notarized and be accompanied by the license and classification fees:

a. The applicant's name, home address, home telephone number, date of birth, social security number, and any stage names or nicknames used in entertaining or performing.

b. The name and address of each business at which the applicant intends to work as a manager, operator, employee or dancer, model, entertainer or other performer.

c. A Missouri State Highway Patrol Request for Criminal Record Check form shall be filled out by the applicant in its entirety and submitted to the City with the application material.

d. A statement from the applicant that he/she has not been convicted of or diverted from prosecution of a felony or released from confinement for conviction of any felony, whichever event is later, within five (5) years immediately preceding the application, or has not been convicted of or diverted from prosecution of a misdemeanor or public offense, or released from confinement for conviction of a misdemeanor or public offense, whichever event is later, within two (2) years immediately preceding the application, where such felony, misdemeanor or public offense involved sexual offenses, prostitution, indecent exposure, sexual abuse of a child or pornography and related offenses, or driving under the influence of intoxicating liquor or drugs as defined in Missouri Statutes, City ordinances, or the law of another City or State which prohibits driving under the influence of alcohol and/or drugs, or controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Statutes or City ordinances.

e. A full set of fingerprints and two (2) photographs taken by the Harrisonville Police Department.

f. The applicant shall provide documentation that he/she has attained the age of eighteen (18) years or twenty-one (21) years of age if the adult business establishment in which the applicant will be working sells or serves alcoholic or cereal malt beverages. Any of the following shall be accepted as documentation of age:



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- (1) A motor vehicle operator's license issued by any State bearing the applicant's photograph and date of birth;
- (2) A state-issued identification card bearing the applicant's photograph and date of birth;
- (3) An official and valid passport issued by the United States of America;
- (4) An immigration card issued by the United States of America;
- (5) Any other form of picture identification issued by a governmental entity that is deemed reliable by the City Clerk; or
- (6) Any other form of identification deemed reliable by the City Clerk.

g. A statement signed under oath that the applicant has personal knowledge that the information in the permit application is true and correct and that the applicant has read the provisions of this code regulating adult business establishments.

C. License, Classification And Fees.

- 1. The application for a license shall be accompanied by payment in full of the fee stated herein by certified or cashier's check or money order, and no application shall be considered complete until such fee is paid.
- 2. The classification of licenses and fees shall be as follows:
 - a. Adult business establishment license fee is three hundred dollars (\$300.00) per year.
 - b. Change of address fee for adult business establishment is ten dollars (\$10.00) per year.
 - c. Adult business employee permit application fee is one hundred dollars (\$100.00) per year.
 - d. Change of address for adult business employee permit is ten dollars (\$10.00) per year.

D. Application Processing.

- 1. Upon receipt of an application for an adult business establishment license or adult business employee permit, the City Clerk shall immediately transmit one (1) copy of the application to the Chief of Police for investigation of the application. In addition, the City Clerk shall transmit a copy of the application to the Director of Community Development.
- 2. It shall be the duty of the Chief of Police to investigate such application to determine whether the information contained in the application is accurate and whether the application meets the requirements herein for issuance of the license or permit. The Chief of Police shall report the results of the investigation to the City Clerk not later than twenty (20) working days from the date the application is received by the City Clerk. It shall be the duty of the Director of Community Development to determine whether the structure where the adult business will be conducted complies with the requirements and meets the standards of the applicable health, zoning, building code, fire and property maintenance ordinances of the City. The Director of Community Development shall report the results of his/her investigation to the City Clerk not later than twenty (20) working days from the date the application is received by the City Clerk. Upon receipt of the reports from the Chief of Police and the Director of Community Development, the City Clerk shall determine if the license application meets the criteria for approval and shall issue license if it does and deny the license if it does not.

E. Criteria For Approval. A license or permit shall be issued if the City finds that:

- 1. The business for which a license is required will be conducted in a building, structure and location which complies with the requirements and standards of the applicable zoning and building codes of the City as well as the requirements of this code; and



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2. The applicant has not made any knowingly false, misleading or fraudulent statement of material fact in the application for a license or permit or in any report or record which may be required to be filed with the City Clerk; and

3. The applicant and all employees, agents, partners, directors, officers or managers shall have attained the age of eighteen (18) years, or if the business for which the license is required sells or serves alcoholic or cereal malt beverages, then the applicant and all employees, agents, partners, directors, officers or managers have attained the age of twenty-one (21) years; and

4. The applicant or any partner or any stockholder, partner or member who owns more than ten percent (10%) interest in such entity has not been convicted of or diverted from prosecution of a felony or released from confinement for conviction of any felony, whichever event is later, within five (5) years immediately preceding the application, or has not been convicted of or diverted from prosecution of a misdemeanor or public offense, or released from confinement for conviction of a misdemeanor or public offense, whichever event is later, within two (2) years immediately preceding the application, where such felony, misdemeanor or public offense involved sexual offenses, prostitution, indecent exposure, sexual abuse of a child or pornography and related offenses, or driving under the influence of intoxicating liquor or drugs as defined in Missouri Statutes, City ordinances, or the law of another City or State which prohibits driving under the influence of alcohol and/or drugs, or controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Statutes or City ordinances; and

5. The applicant or any stockholder, partner or member who owns more than ten percent (10%) interest in such entity has not had a license or permit issued under the provisions of this code or another State, County or municipality's regulations governing adult entertainment or similar businesses revoked within five (5) years immediately preceding the application.

F. Disapproval Of Application. If an application for a license is disapproved, the applicant shall be immediately notified by registered or certified mail to the applicant's last known address, and the notification shall state the basis for such disapproval. Any applicant aggrieved by the disapproval of a license application may seek judicial review in the Cass County District Court in a manner provided by law. Such appeal shall be filed within thirty (30) days of the final decision of the City Clerk. The action taken by the City Clerk to issue or to deny issuance of a license shall be final and subject to judicial review.

G. Suspension And Revocation Of License. Whenever the City has information that:

1. The owner or operator of an adult business establishment has violated or knowingly allowed or permitted the violation of any of the provisions of this code; or

2. There have been recurrent violations of provisions of this code that have occurred under such circumstances that the owner or operator of an adult business establishment knew or should have known that such violations were committed; or

3. The adult business establishment license was obtained through knowingly false statements in the application for such license or renewal thereof; or

4. The adult business establishment knowingly failed to make a complete disclosure of all information in the application for such license or renewal thereof; or

5. The owner or operator or any stockholder, partner or member who owns more than ten percent (10%) interest in such entity has become disqualified from having a license by a conviction or diversion described in Subsection **(E)** of this Section, Criteria for Approval; or

6. Any cost or fee required to be paid by this code is not paid; or



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7. An operator employs anyone who does not have a permit or provides space on the premises, whether by lease or otherwise, to an independent contractor who performs as an entertainer without a permit,

then the City may, upon five (5) days of posting notice on the adult business establishment's principal entrance, suspend the business license for a period not to exceed sixty (60) days. Within ten (10) days of the date of the notice, the City Administrator shall hold a hearing to ascertain all facts in the matter. Notice of such hearing shall be in writing and shall set forth the reason for the hearing and shall be served upon the licensee or by registered or certified mail to the licensee's last known business address. In the event that the City is not able to serve notice upon the licensee, and any notice sent by mail is returned by the postal service, the City shall cause such notice to be posted at the principal entrance of the adult business establishment, and such posting shall be a valid means of service. If the City Administrator finds and concludes from the evidence that the licensee has violated any of the above provisions, he/she may suspend, revoke or, in the case of a renewal application, refuse to renew such license. Following the entry of an order by the City Administrator suspending or revoking a license issued pursuant to this code, such licensee or applicant may seek judicial review in a manner provided by law. The City Clerk shall stay enforcement of such order for a period of time not to exceed thirty (30) days pending the filing and/or final disposition of proceedings for judicial review.

H. Suspension And Revocation Of Permit. Whenever the City has information that:

1. The permittee has violated or knowingly allowed or permitted the violation of any of the provisions of this code; or
2. There have been recurrent violations of provisions of this code that have occurred under such circumstances that the permittee knew or should have known that such violations were committed; or
3. The adult business employee permit was obtained through knowingly false statements in the application for such permit or renewal thereof; or
4. The permittee knowingly failed to make a complete disclosure of all information in the application for such permit or renewal thereof; or
5. The permittee has become disqualified from having a permit by a conviction or diversion described in Subsection (E) of this Section, Criteria for Approval; or
6. The adult business establishment license for the business in which the permittee is working has been suspended or revoked,

then the City may, five (5) days after sending notice to the permittee by placing such notice in the U.S. mail to the home address provided on the permittee's application, suspend the permit for a period not to exceed sixty (60) days. Within ten (10) days of the date of the notice, the City Administrator shall hold a hearing to ascertain all facts in the matter. Notice of such hearing shall be in writing and shall set forth the reason for the hearing and shall be served upon the permittee in person or by registered or certified mail to the address provided on the permittee's application.

In the event that the City is not able to serve notice upon the permittee in person, and any notice sent by mail is returned by the postal service, service shall still be considered valid. An appeal



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taken from an order of suspension shall not suspend the order of suspension during the pendency of any such appeal. If the City finds and concludes from the evidence that the permittee has violated any of the above provisions, it may suspend, revoke or, in the case of a renewal application, refuse to renew such permit. Following the entry of an order by the City Administrator suspending or revoking a permit issued pursuant to this code, such permittee or applicant may seek judicial review in a manner provided by law. The City Administrator shall stay enforcement of such order for a period of time not to exceed thirty (30) days pending the filing and/or final disposition of proceedings for judicial review.

I. Change Of Address. Any adult business establishment changing its address must reapply for an adult business establishment license and pay the appropriate license and classification fee. The application must be provided to the City Clerk's office prior to opening at the new location.

Section 650.100. Transfer of Permits, Licenses and Fees.

[Ord. No. 2756 §1, 2-19-2002]

A. Business licenses and employee permits are not transferable, and such authority as a license or permit confers shall be conferred only on the individual or business named therein.

B. Any applications made, fees paid and licenses or permits obtained under any of the provisions of this code shall be in addition to and not in lieu of any other fees, permits or licenses required to be paid or obtained under any other ordinance of this City.

C. All adult business licenses shall be issued only for the one (1) adult business use listed on the application. Any change in the type of adult use shall invalidate the adult business license and require the licensee to obtain a new license for the change in use. A separate license is required for each adult use.

Section 650.110. Renewal.

[Ord. No. 2756 §1, 2-19-2002]

A. A license or permit may be renewed by making application to the City Clerk on application forms provided for that purpose. Licenses and permits shall expire on December thirty-first (31st) of each calendar year, and renewal applications for such licenses and permits shall be submitted between December first (1st) and December thirty-first (31st).

B. Upon timely application and review as provided for a new license or permit, a license or permit issued under the provisions of this code shall be renewed by issuance of a new license or permit in the manner provided herein.

C. If the application for renewal of license or permit is not made during the time provided herein, the expiration of such license or permit shall not be affected, and a new application shall be required.

D. Following the entry of an order by the City Administrator disapproving the renewal application for a license or permit, such licensee or applicant may seek judicial review in a manner provided by law. The City Administrator shall stay enforcement of such order for a period of time not to exceed thirty (30) days pending the filing and/or final disposition of proceedings for judicial review.

Section 650.120. Operator Responsibility.



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[Ord. No. 2756 §1, 2-19-2002]

A. In addition to the other requirements set out in this code, the operator of an adult business establishment shall also have the following responsibilities:

1. Every act or omission by an employee constituting a violation of the provisions of this code shall be deemed an act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator or as a result of the operator's failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.
2. The operator shall be responsible for the conduct of all employees while on the licensed premises, and any act or omission of any employee constituting a violation of the provisions of this code shall be deemed the act or omission of the operator for the purposes of determining whether the license for the adult business establishment shall be suspended, revoked or renewed.
3. The operator shall maintain a register of all employees, showing the name, and aliases used by the employee, home address, age, birth date, sex, weight, height, color of hair and eyes, phone numbers, Social Security number, date of employment and termination, and duties of each employee.

The above information on each employee shall be maintained in the register on the premises for a period of one (1) year following termination. The operator shall make the register of employees available immediately upon demand of any Law Enforcement Officer at all reasonable times.

Section 650.130. Inspections.

[Ord. No. 2756 §1, 2-19-2002]

A. Any duly authorized officer of the City, including, but not limited to, the City Administrator, the City Attorney, Police Officers, Code Compliance Officers, Community Development Department employees, Fire Department officials, may from time to time make an inspection of each adult business establishment for the purposes of determining that the provisions of this code are complied with. Such inspections shall be at reasonable times and in a reasonable manner. It shall be unlawful for anyone to fail to allow such officer immediate access to the premises or to hinder such officer in any manner.

B. Any business that engages in the barter, rental or sale of items consisting of printed matter, pictures, slides, records, videotapes, compact discs, motion pictures, films or other media, if such business is not open to the public in general but only to one (1) or more classes of the public, excluding any minor by reason of age, or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" shall be deemed to have consented to periodic entry into and inspection of the business premises by appropriate City Officials and inspection by those officials of only those business records necessary for the limited purpose of determining whether such business enterprise is an "adult business establishment" as defined herein. This entry and inspection shall take place during hours when such business is open to the public, unless otherwise requested by the business, and shall not unreasonably interfere with the conduct of business.



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Section 650.140. Regulations.

[Ord. No. 2756 §1, 2-19-2002]

The City Administrator shall have the power to promulgate regulations as may be necessary and feasible for the carrying out of the duties of this code and which are not inconsistent with the provisions of this code.

Section 650.150. Location and Distance Requirements.

[Ord. No. 2756 §1, 2-19-2002]

A. Adult business establishments may be located in any property zoned "M-2" and "MP-2". No adult business establishment shall be located in any zoning district of the City except "M-2" and "MP-2".

B. Residential. Adult business establishments may not be located within one thousand (1,000) feet of any property zoned or used for residential purposes.

C. Schools, Parks, Religious Institutions, Group Homes, Nursing Facility, Hospitals And Libraries. No adult business establishment shall be permitted to locate or expand within one thousand (1,000) feet of any private or public school, public park, day care facility, group home for adults or minors, nursing facility, hospital, library or religious institution or place of worship.

D. Other Adult Uses. No adult business establishment shall be permitted to locate or expand within two thousand (2,000) feet of another adult business establishment.

E. Facilities With A Liquor License. No adult business establishment shall be permitted to locate or expand within two thousand (2,000) feet of any business licensed to sell or serve alcoholic liquor or cereal malt beverages, whether or not such business is also an adult business establishment.

F. Measurement Of Distance.

1. The distance between any adult business establishment and any religious institution, school, group home, nursing facility, hospital, library, public park or child care facility or any property zoned for residential use shall be measured in a straight line, without regard to intervening structures, from the closest property line of the adult business use to the closest property line of the religious institution or place of worship, private or public school, public park, child care facility, property zoned for residential use, group home, nursing facility or hospital.

2. The distance between any two (2) adult business establishments or between any adult business establishment and a business licensed to sell or serve alcoholic or cereal malt beverages shall be measured in a straight line, without regard to intervening structures, from the closest property line of each business.

Section 650.160. Penalties.

[Ord. No. 2756 §1, 2-19-2002]

A. Any person who violates the provisions of this code shall be guilty of a municipal offense and, upon conviction, shall be punished by a fine of not less than one dollar (\$1.00) but no more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days or shall be both so fined and imprisoned. In addition, any violation of this code shall be grounds for the City Clerk to revoke any or all licenses or permits issued by the City.



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B. Each violation of this code shall be considered a separate offense, and any violation continuing more than one (1) day shall be considered a separate offense for each day of violation.

C. The conduct of any business within the City in violation of any of the terms of this code is hereby found and declared to be a public nuisance and the City Attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and enjoyment thereof, in the manner provided by law, and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such adult business establishment and restrain and enjoin any person from conducting, operating or maintaining an adult business establishment contrary to the provisions of this code.



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2nd search term



Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS

Chapter 573

< > • **Effective - 01 Jan 2017, 2 histories, see footnote** ↓

573.531. Establishment of business, prohibited where — nudity in establishment prohibited — display of sexual activities, requirements — state requirements — hours of operation — minors and alcohol prohibited — definitions. — 1. No person shall establish a sexually oriented business within one thousand feet of any preexisting primary or secondary school, house of worship, state-licensed day care facility, public library, public park, residence, or other sexually oriented business. This subsection shall not apply to any sexually oriented business lawfully established prior to August 28, 2010. For purposes of this subsection, measurements shall be made in a straight line, without regard to intervening structures or objects, from the closest portion of the parcel containing the sexually oriented business to the closest portion of the parcel containing the preexisting primary or secondary school, house of worship, state-licensed day care facility, public library, public park, residence, or other sexually oriented business.

2. No person shall establish a sexually oriented business if a person with an influential interest in the sexually oriented business has been found guilty of any of the following specified offenses for which less than eight years has elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is later:

- (1) Rape and sexual assault offenses;
- (2) Sexual offenses involving minors;
- (3) Offenses involving prostitution;
- (4) Obscenity offenses;
- (5) Offenses involving money laundering;
- (6) Offenses involving tax evasion;

(7) Any attempt, solicitation, or conspiracy to commit one of the offenses listed in subdivisions (1) to (6) of this subsection; or

(8) Any offense committed in another jurisdiction which if committed in this state would have constituted an offense listed in subdivisions (1) to (7) of this subsection.

3. No person shall knowingly or intentionally, in a sexually oriented business, appear in a state of nudity.

4. No employee shall knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition unless the employee, while semi-nude, shall be and

remain on a fixed stage at least six feet from all patrons and at least eighteen inches from the floor in a room of at least six hundred square feet.

5. No employee, who appears in a semi-nude condition in a sexually oriented business, shall knowingly or intentionally touch a patron or the clothing of a patron in a sexually oriented business.

6. A sexually oriented business, which exhibits on the premises, through any mechanical or electronic image-producing device, a film, video cassette, digital video disc, or other video reproduction, characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements:

(1) The interior of the premises shall be configured in such a manner that there is an unobstructed view from an operator's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose;

(2) An operator's station shall not exceed thirty-two square feet of floor area;

(3) If the premises has two or more operator's stations designated, the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the operator's stations;

(4) The view required under this subsection shall be by direct line of sight from the operator's station;

(5) It is the duty of the operator to ensure that at least one employee is on duty and situated in an operator's station at all times that any patron is on the portion of the premises monitored by such operator station; and

(6) It shall be the duty of the operator and of any employees present on the premises to ensure that the view area specified in this subsection remains unobstructed by any doors, curtains, walls, merchandise, display racks, or other materials or enclosures at all times that any patron is present on the premises.

7. Sexually oriented businesses that do not have stages or interior configurations which meet at least the minimum requirements of sections [573.525](#) to [573.537](#) shall be given one hundred eighty days after August 28, 2010, to comply with the stage and building requirements of sections [573.525](#) to [573.537](#). During such one hundred eighty-day period, any employee who appears within view of any patron in a semi-nude condition shall remain, while semi-nude, at least six feet from all patrons.

8. No operator shall allow or permit a sexually oriented business to be or remain open between the hours of 12:00 midnight and 6:00 a.m. on any day.

9. No person shall knowingly or intentionally sell, use, or consume alcoholic beverages on the premises of a sexually oriented business.

10. No person shall knowingly allow a person under the age of eighteen years on the premises of a sexually oriented business.

11. As used in this section, the following terms mean:

(1) "**Establish**" or "**establishment**", includes any of the following:

(a) The opening or commencement of any sexually oriented business as a new business;

(b) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or

(c) The addition of any sexually oriented business to any other existing sexually oriented business;

(2) "**Influential interest**", includes any of the following:

(a) The actual power to operate a sexually oriented business or control the operation, management, or policies of a sexually oriented business or legal entity which operates a sexually oriented business;

(b) Ownership of a financial interest of thirty percent or more of a business or of any class of voting securities of a business; or

(c) Holding an office, such as president, vice president, secretary, treasurer, managing member, or managing director, in a legal entity which operates a sexually oriented business;

(3) "**Viewing room**", the room, booth, or area where a patron of a sexually oriented business would ordinarily be positioned while watching a film, video cassette, digital video disc, or other video reproduction.

(L. 2010 S.B. 586 & 617, A.L. 2014 S.B. 491)

Effective 1-01-17

---- end of effective 01 Jan 2017 ----

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End

573.531

1/1/2017

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THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

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Existing Municipal Code in black.

Removals in red.

Additions in green.

Highlights = Discussion.

CS commentary in blue.

Staff Commentary

Staff recently learned that there are a number of uses listed within Title VI: Business and Occupations that are either not listed within Chapter 405: Zoning Regulations or have contradictory information. This is one of those uses.

Under Section 405.525.C add the following:

11. Pawnshop/Small Loan Establishment, as defined in Section 630.050. The following special conditions and regulations shall apply to pawnshop or small loan establishments to protect the character of residential and commercial areas and preserve the value of the property throughout the City.

- a. A pawnshop of small loan establishment shall not be established or expanded within three hundred (300) feet of the property line of a church, school or public park or within three hundred (300) feet of the boundary line of an established residential neighborhood. [Ord. No. 3329 §1, 9-8-2015]
- b. A pawnshop or small loan establishment shall not be established or expanded within two hundred (200) feet of any other pawnshop or small loan establishment.
- c. A pawnshop or small loan establishment shall only be allowed in appropriate zoning districts as defined by the Harrisonville zoning ordinance.
- d. A pawnshop or small loan establishment shall only be allowed with a special use permit.
- e. All signs pertaining to a pawnshop or small loan establishment shall be affixed to the building in which business is being conducted. In addition, all pawnshop or small loan establishments are required to comply with the City Sign Regulations and obtain a sign permit before establishment of signage.

Chapter 630. Pawnbrokers and Small Loan Establishments

Section 630.010. Title.

[Ord. No. 2806 §1(18-31), 2-18-2003]



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This Chapter shall be known as the "Pawnshop and Small Loan Establishment Regulations" and may be cited as such.

Section 630.020. Purpose.

[Ord. No. 2806 §1(18-32), 2-18-2003]

A. The intent of this Chapter is to regulate pawnshops and small loan establishments and their business practices in order to protect and promote public safety and welfare. This will be accomplished by:

1. Requiring a clean, healthy and safe environment in which business may be conducted.
2. Promoting professionalism and prohibiting illegal acts.
3. Requiring insurance coverage.
4. Enabling authorities to collect information that will assist law enforcement officials with investigations.
5. Providing an annual license fee to partially cover the expenses associated with the background investigation and review and processing of reports.
6. Providing geographic limitations designed to preserve the value of the property throughout the City.
7. Providing geographic limitations designed to protect the character of residential and commercial areas.

Section 630.030. Applicability of Code.

[Ord. No. 2806 §1(18-33), 2-18-2003]

A. Every pawnshop and small loan establishment shall conform to the requirements of this Chapter, irrespective of when such pawnshop or small loan establishment started business within the City limits unless otherwise allowed for in these regulations.

B. Any pawnshop or small loan establishment existing prior to the adoption of this Chapter shall be considered non-conforming and shall be exempt from Section 630.140 (Signage) and Section 630.150 (Geographic Limitations) of this Chapter so long as the pawnshop or small loan establishment or accompanying signage is not expanded or discontinued for more than ninety (90) days.

Section 630.040. Severability.

[Ord. No. 2806 §1(18-34), 2-18-2003]

In any case where a provision of this Chapter is found to be in conflict with a provision of any other ordinance or other legislation of the City existing on the effective date of this Chapter, the provision which establishes the higher standard for the promotion and protection of the safety, welfare and health of the people shall prevail. If any part of this Chapter should be declared invalid for any reason, such decisions shall not affect the remaining portions of this Chapter.

Section 630.050. Definitions.



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[Ord. No. 2806 §1(18-35), 2-18-2003]

For the purpose of this Chapter, the following words and phrases shall have the following interpretation and/or meanings:

ANTIQUE DEALER

Those who sell relics or objects of an earlier period which are considered valuable and the value of which is based at least in part on age.

PAWNBROKER

Any person engaged in the business of lending money on the security of pledged goods or engaged in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

PAWNSHOP

The location at which or premises in which a pawnbroker conducts business.

PERSON

Any individual, partnership, corporation, joint venture, trust, association or any other legal entity however organized.

PLEDGED GOODS

Tangible personal property which is deposited or otherwise actually delivered into possession of a pawnbroker in the course of his/her business in connection with a pawn transaction.

SECURED PERSONAL CREDIT LOAN

Every loan of money made in this State, the payment of which is secured by a security interest in tangible personal property which is physically delivered into the hands of the lender at the time of the making of the loan and which is to be retained by the lender while the loan is a subsisting obligation.

SMALL LOAN ESTABLISHMENT

The location at which or premises in which secured personal credit loans are granted.

VALUE

The fair market value of the article at the time and place of the acquisition of the article by the dealer or, where no reasonable monetary value can be ascertained, the cost of replacement of the article. It is expressly provided that value, as used in this Chapter, shall not be determined by the cost of the article as paid by the dealer.

Section 630.060. Business License Required.

[Ord. No. 2806 §1(18-36), 2-18-2003]

A. It shall be unlawful for any person within the City limits to act as agent for, cause the solicitation of, advertise or promote or participate directly or indirectly in the operation of a pawnshop or small loan establishment without first obtaining a business license issued by the City. No such license shall be issued unless the pawnshop, small loan establishment or any person engaged in the activity of such establishment fully complies with the provisions of this Chapter, regardless of the location of such establishment or place where such activity is conducted.

B. It shall be further unlawful for any person within the City limits to participate directly or indirectly in or for the operation of business activity under a different name or designation than those herein specified for the purpose of carrying out activity or activities defined in this Chapter.



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Section 630.070. Pawnshop/Small Loan Establishment License Requirements.

[Ord. No. 2806 §1(18-37), 2-18-2003]

A. No person shall establish a pawnshop or small loan establishment within the City limits of Harrisonville, Missouri, without obtaining a pawnshop/small loan establishment license. The annual pawnshop or small loan establishment license fee shall be six hundred dollars (\$600.00) per year.

B. The applicant must have net assets of at least fifty thousand dollars (\$50,000.00) readily available for the use in conducting business as a pawnshop or small loan establishment. If the City is unable to verify that the applicant meets the net assets required, the applicant must present a finding, including the presentation of a current balance sheet, by an independent certified public accountant that the accountant has reviewed the books and records of the applicant and the applicant meets the net assets requirement of this Chapter.

C. No pawnshop or small loan establishment business owner may have a felony or misdemeanor conviction which directly relates to the duties and responsibilities of the occupation of pawnbrokers or otherwise makes the applicant presently unfit to own a pawnshop or small loan establishment. A Missouri State Highway Patrol Request for Criminal Record Check form shall be filled out by the applicant in its entirety and submitted to the City with the application material.

D. No employee of a pawnshop or small loan establishment may have a felony or misdemeanor conviction which directly relates to the duties and responsibilities of the occupation or otherwise makes the applicant presently unfit to run or be employed in a pawnshop or small loan establishment. A Missouri State Highway Patrol Request for Criminal Record Check form shall be filled out by the applicant in its entirety and submitted to the City prior to employment.

E. Every pawnshop or small loan establishment owner to whom a license is granted to carry out a pawnshop or small loan business in Harrisonville shall enter into a bond to the City, with good and sufficient security to be approved by the City Administrator, in the sum of five thousand dollars (\$5,000.00) conditioned for the due observance of this Chapter and all ordinances that shall be passed or be enforced regarding pawnshop or small loan establishment owners at any time during the continuance of any such license.

Section 630.080. Disposal of Goods.

[Ord. No. 2806 §1(18-38), 2-18-2003]

A. No pawnshop or small loan establishment shall expose for sale or sell or dispose of any article or articles within seven (7) days of the time of purchasing, except when redeemed by the owner.

B. No gold, silver, diamonds or other precious or semi-precious gems or metals received shall be removed from the place of business, recut or melted within seven (7) days after receipt thereof, except when redeemed by the owner.

C. In case the person obtaining the loan fails to pay the interest or principal when due, the pawnshop or small loan establishment shall not sell the article pawned with him/her as security for such loan until the expiration of sixty (60) days from the date of such failure. The



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person failing may at any time within the sixty (60) days redeem the article if he/she pays the full amount of the principal and interest due at the date of such redemption according to the terms of the contract. If the person obtaining the loan fails to redeem the article within sixty (60) days, that person shall thereby forfeit all right, title and interest in such article to such pawnbroker who then acquires and possess an absolute right in and to then hold and dispose of as his/her own property.

Section 630.090. Books and Records.

[Ord. No. 2806 §1(18-39), 2-18-2003]

A. Each pawnshop or small loan establishment shall keep consistent and adequate books and records of purchases relating to the licensee's transactions. Said books and records shall be preserved for a period of at least seven (7) years from the date of last transaction recorded therein. The records must contain, but are not limited to, the following information:

1. Time, date and place of purchase of each item.
2. Name of individual acting on behalf of dealer in making purchase.
3. Name, age and address of seller.
4. Confirmation of seller's identification through a driver's license, State identification card or other adequate picture ID. The dealer shall include in the record any identification numbers that may be displayed on the merchandise identification. Any purchase without such proof is prohibited.
5. A description of item being sold with any identification numbers or markings.
6. A clear and identifiable fingerprint of the right thumb of the seller if said merchandise is valued over seven hundred fifty dollars (\$750.00) .
7. A clear and identifiable photograph accompanied by a detailed written description of each item if said merchandise is valued over seven hundred fifty dollars (\$750.00).

Section 630.100. Weekly Report To Police Department.

[Ord. No. 2806 §1(18-40), 2-18-2003]

It shall be the duty of every pawnshop and small loan establishment to make out and deliver to the Harrisonville Police Department, on the first (1st) Tuesday of every week, a legible and accurate copy of their register of all property received, deposited or purchased during the previous week. Furthermore, the register shall at all times be open to the inspection of commissioned Police Officers.

Section 630.110. Receipts.

[Ord. No. 2806 §1(18-41), 2-18-2003]

Every pawnshop or small loan establishment shall give to each person who pledges property to secure a loan or who leaves property for any reason a plainly written receipt or ticket having upon it a full copy of all the entries required by this Chapter to be kept in the businesses register and no charge should be made for such receipt.

Section 630.120. Receiving Pledged Goods From Minors.



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[Ord. No. 2806 §1(18-42), 2-18-2003]

No pawnshop or small loan establishment shall take, buy or receive any personal property from any person under the age of eighteen (18) years without the written consent of such individual's parents or legal guardians. Said written consent shall be kept on file with the books and records.

Section 630.130. Hours of Business Operation.

[Ord. No. 2806 §1(18-43), 2-18-2003]

Business shall only be conducted between the hours of 7:00 A.M. and 9:00 P.M.

Section 630.140. Signage.

[Ord. No. 2806 §1(18-44), 2-18-2003]

All signs pertaining to a pawnshop or small loan establishment shall be affixed to the building in which business is being conducted. In addition, all pawnshop or small loan establishments are required to comply with the City sign regulations and obtain a sign permit before establishment of signage.

Section 630.150. Geographic Limitations.

[Ord. No. 2806 §1(18-45), 2-18-2003]

A. The following special conditions and regulations shall apply to pawnshop or small loan establishments to protect the character of residential and commercial areas and preserve the value of the property throughout the City.

1. A pawnshop or small loan establishment shall not be established or expanded within three hundred (300) feet of the property line of a church, school or public park or within three hundred (300) feet of the boundary line of an established residential neighborhood.

[Ord. No. 3329 §1, 9-8-2015]

2. A pawnshop or small loan establishment shall not be established or expanded within two hundred (200) feet of any other pawnshop or small loan establishment.

3. A pawnshop or small loan establishment shall only be allowed in appropriate zoning districts as defined by the Harrisonville zoning ordinance.

4. A pawnshop or small loan establishment shall only be allowed with a special use permit.

Section 630.160. Exemptions.

[Ord. No. 2806 §1(18-46), 2-18-2003]

A. The provisions of this Chapter shall not apply to the following:

1. Transactions between one licensed, established dealer in the normal course of business and another licensed, established dealer.



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2. Any precious metal or gem dealer, at least ninety percent (90%) of whose gross income is derived from the sale of newly manufactured merchandise and who certifies this to the Director of the Department of Finance upon the enactment of this Chapter and thereafter whenever a retail business license shall be obtained or renewed.
3. Estates purchased through banks, attorneys or at an auction or estate sale.
4. Out-of-state purchases transacted through the United States mail.
5. Industrial residue or by-products purchased from manufacturing firms.
6. Coins which are not currently in circulation, purchased for their numismatic value.
7. Monetized bullion including Krugerrands, Canadian Maple Leaf, Mexican five hundred (500) Pesos and United States silver and gold coins.
8. Antique dealers.

Section 630.170. Penalty.

[Ord. No. 2806 §1(18-47), 2-18-2003]

A. Any person who violates the provisions of this Chapter shall be guilty of a municipal offense and, upon conviction, shall be punished by a fine of not less than one dollar (\$1.00) but no more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days or shall be both so fined and imprisoned. In addition, any violation of this Chapter shall be grounds for the Board of Aldermen to revoke any or all licenses or permits issued by the City.

B. Each violation of this Chapter shall be considered a separate offense and any violation continuing more than one (1) day shall be considered a separate offense for each day of violation.

C. The conduct of any business within the City in violation of any of the terms of this Chapter is hereby found and declared to be a public nuisance and the City Attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and enjoinder thereof in the manner provided by law and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such pawnshop or small loan establishment and restrain and enjoin any person from conducting, operating or maintaining a pawnshop or small loan establishment contrary to the provisions of this Chapter.

Section 630.180. Revocation of License.

[Ord. No. 2806 §1(18-48), 2-18-2003]

If any pawnshop, small loan establishment or employee of such business violates any of the provisions of this Chapter or Chapter 367, RSMo., and is finally convicted in any court of the City or State, he/she may have their pawnshop/small loan establishment license suspended or revoked by the Board of Aldermen after a hearing. Fourteen (14) days' written notice of the hearing stating the grounds thereof shall be delivered at their place of business or by leaving or posting said notice at said address. The pawnshop or small loan establishment shall have the right at the hearing to be represented by an attorney, to cross-examine witnesses, to present evidence and to testify on their own behalf. The hearing shall be held in public at a regular or special meeting of the Board of Aldermen. If suspension or revocation of the license occurs, no license fee shall be refunded.



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Existing Municipal Code in black.

Removals in red.

Additions in green.

Highlights = Discussion.

CS commentary in blue.

Staff Commentary

Staff recently became aware that much of Chapter 640 was repealed in 2016, by Ordinance #3382. The proposed changes makes the corrections that should have occurred at that time with recent Zoning Regulation Code changes in mind.

Under Section 405.525.C add the following:

12. Tattoo, Piercing and Branding Establishments provided that:

- a. The establishment is located within the “C-2” Service Business District and the “CBD-1” Downtown Core Business District.
- b. The establishment comply with all applicable laws of the State of Missouri.

Chapter 640. Tattooing, Body Piercing and Branding Regulations

Section 640.010. Title.

[Ord. No. 2823 §1(16-30), 4-7-2003]

This Chapter shall be known as the "Tattooing, Body Piercing and Branding Regulations" and may be cited as such.

Section 640.020. Purpose.

[Ord. No. 2823 §1(16-31), 4-7-2003]

A. The intent of this Chapter is to regulate tattooing, body piercing and branding establishments and their business practices in order to protect and promote public health, safety and welfare. This will be accomplished by:

1. Requiring a clean, healthy and safe environment in which business may be conducted.
2. Promoting professionalism.
3. Requiring insurance coverage.
4. Providing an annual license fee to partially cover the expenses associated with the background investigation and review and processing of reports.
5. Providing geographic limitations designed to preserve the value of the property throughout the City.



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6. Requiring a special use permit to help promote a clean, healthy and safe environment.

Section 640.030. Applicability.

[Ord. No. 2823 §1(16-32), 4-7-2003]

Every tattooing, body piercing and branding establishment shall conform to the requirements of this Chapter, irrespective of when such establishment started business within the City limits.

Section 640.040. Severability.

[Ord. No. 2823 §1(16-33), 4-7-2003]

In any case where a provision of this Chapter is found to be in conflict with a provision of any other ordinance or other legislation of the City existing on the effective date of this Chapter, the provision which establishes the higher standard for the promotion and protection of the safety, welfare and health of the people shall prevail. If any part of this Chapter should be declared invalid for any reason, such decisions shall not affect the remaining portions of this Chapter.

Section 640.050. Liberal Construction.

[Ord. No. 2823 §1(16-34), 4-7-2003]

The provisions of this Chapter shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety and welfare.

Section 640.060. Definitions.

[Ord. No. 2823 §1(16-35), 4-7-2003]

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this Section shall govern the construction, meaning and application of words and phrases as used in this Chapter.

APPLICANT

The individual or corporation applying for a tattoo, body piercing and branding establishment permit.

BODY PIERCING

Piercing of the skin for the express intention of the insertion of any object including, but not limited to, jewelry; provided however, that the piercing of the lobes of the ears shall be specifically excluded from the purview of this Chapter.

BRANDING

Burning the skin for the express intention of placing designs, letters, scrolls, figures, symbols or any other permanent marks upon the skin.

CERTIFICATE OF INSPECTION



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The written approval from the City that the tattooing establishment has been inspected and meets all the requirements of this Chapter relating to physical facilities, equipment and layout for the operation of a tattoo, body piercing and branding establishment.

CITY

The City of Harrisonville, Missouri.

EMPLOYEE

Any person over eighteen (18) years of age, other than an operator, who renders any service in connection with the operation of a establishment and receives compensation from the owner of the business or its patrons.

ESTABLISHMENT

A tattoo, body piercing and branding establishment.

OPERATOR

Any individual, firm, company, corporation or association that performs or practices the art of tattooing, body piercing or branding.

PATRON

Any person over sixteen (16) years of age who receives a tattoo or body piercing under such circumstances that it is reasonably expected that he/she will pay money or give any other consideration therefore.

PHYSICIAN

Any person authorized to practice medicine pursuant to the laws of the State of Missouri.

TATTOO, TATTOOED AND TATTOOING

Any method of placing designs, letters, scrolls, figures, symbols or any other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to touch or puncture the skin. The painting of the face, temporary tattoos and other non-permanent markings shall be specifically excluded from the purview of this Chapter.

Section 640.070. Permit Required.

[Ord. No. 2823 §1(16-36), 4-7-2003]

A. No person shall engage in or carry on the business of operating a tattoo, body piercing or branding establishment unless he/she has a valid certification by a professional tattooist organization or diploma indicating training in performing invasive procedures of this type and has a valid permit issued by the City pursuant to the provisions of this Chapter for each and every separate office or place of business conducted by such person within the City.

B. No person shall tattoo the body of any other person or practice the art of tattooing upon the person of another or engage in body piercing upon the person of another or brand the body of any other person unless it is done in accordance with FDA recommendations, infection control guidelines and quality assurance policies as developed and overseen by a physician consultant maintained under contract.

C. No artist or person shall engage in the art of tattooing and body piecing without written certification from a physician of current Hepatitis A vaccination and written verification acceptable to the City's EMS Director of training in bloodborne pathogens disease prevention techniques.

Section 640.080. Permit Application.



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[Ord. No. 2823 §1(16-37), 4-7-2003]

A. Any person desiring a permit to operate a tattoo, body piercing and branding establishment shall file a written application with the City on a form to be furnished by the City. The applicant shall accompany the application with a tender of the correct permit fee as hereinafter provided and shall, in addition, furnish the following:

1. The type of ownership of the business, i.e., whether individual, partnership, corporation or otherwise.
2. The name, style and designation under which the business or practice is to be conducted.
3. The business address and all telephone numbers of the business to be conducted.
4. The following personal information concerning the applicant, if an individual and concerning each stockholder holding more than ten percent (10%) of the stock of the corporation, each officer and each director, if the applicant is a corporation and concerning the partners, including limited partners, if the applicant is a partnership and concerning the manager or other person principally in charge of the operation of the business:
 - a. Name, complete residence address and residence telephone number.
 - b. The two (2) previous addresses immediately prior to the present address of the applicant.
 - c. Written proof of age with State-issued photo identification.
 - d. Height, weight and color of hair and eyes.
 - e. Certificate or other written proof that the physician is authorized to practice medicine within the State of Missouri.
 - f. Copy of contract with physician consultant detailing standard operating protocols, ensuring public health risks are reduced.
5. Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application on the qualifications of the applicant for the permit.
6. Written declaration by the applicant, under penalty of perjury, that the information contained in the application is true and correct, with said declaration being duly dated and signed in the City.
7. A completed Missouri State Highway Patrol Request for Criminal Records Check form.
8. All permits shall be renewed on an annual basis. Applications shall be submitted to the City no later than the first (1st) of January in any calendar year.

Section 640.090. Review of Permit Application.

[Ord. No. 2823 §1(16-38), 4-7-2003]

A. Upon receiving the application for a tattoo, body piercing and branding establishment or for a permit to do tattooing, body piercing or branding, the City shall review the application.

B. In the case of applications for a tattoo, body piercing and branding establishment permit, the City shall conduct or cause to be conducted an investigation of the premises where the tattoo, body piercing or branding establishment is to be conducted for the purpose of assuring that the premises comply with all the sanitation requirements set forth in this Chapter and with the regulations of public health, safety and welfare.



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C. Before any permit shall be issued under this Chapter, the City Director of Codes Administration, the Chief of Police and Director of Community Development shall first sign their approval of the application.

Section 640.100. Issuance or Denial of Permit Revocation or Suspension of Permit.

[Ord. No. 2823 §1(16-39), 4-7-2003]

A. Any City special use permit or City business license issued to an Operator, as defined under Missouri regulations 20 CSR 2267-1.010, shall be subject to suspension or revocation by the City for violation of any provision of the City Cod, the Revised Statutes of Missouri, or the Missouri Code of State Regulations or for any grounds that would warrant the denial or issuance of such permit or license in the first place. The City, upon such revocation or suspension, shall state the reasons in writing, specifying the particular grounds for such revocation or suspension.

B. Any permit holder may appeal a revoked permit to the Board of Aldermen. The accused shall have the right to be represented by an attorney, to present evidence and to testify on his/her own behalf. The hearing shall be held in public at a regular or special meeting of the Board of Aldermen. If suspension or revocation of the license occurs, no license fee shall be refunded.

The City shall issue a tattoo, body piercing and branding establishment permit within forty-five (45) days of receipt of the application, unless the City finds that:

- 1. The correct permit fee has not been tendered to the City and, in the case of a check or bank draft, honored with payment upon presentation.**
- 2. The operation, as proposed by the applicant, if permitted, would not comply with all applicable laws including, but not limited to, the City's building, zoning and health regulations.**
- 3. The applicant has knowingly made any false, misleading or fraudulent statement of fact in the application for the permit or in any document required by the City in connection therewith.**
- 4. The applicant has operated a tattoo or body piercing establishment and has had a license denied, revoked or suspended for any of the above causes by the City or any other State or local agency within two (2) years prior to the date of the application.**
- 5. The applicant, if an individual or any of the officers and directors, if the applicant is a corporation or any of the partners, including limited partners, if the applicant is a partnership and the manager or other person principally in charge of the operation of the business is not over the age of twenty-one (21) years.**
- 6. The manager or other person principally in charge of the operation of the establishment is not a physician licensed to practice medicine pursuant to the laws of the State of Missouri.**
- 7. The applicant has not provided the City with documentation that he/she has and maintains in full force and effect a policy of liability and malpractice insurance issued by an insurance company licensed to do business in the State of Missouri covering death, personal injury and property damage in the minimum amount of one million dollars (\$1,000,000.00) per person and per occurrence.**



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Section 640.110. **Display of Permit Required Business License Required.**

- A. No person, firm, partnership, association or corporation shall operate a tattooing, body piercing and branding establishment without first having obtained a business license issued by the City of Harrisonville. Such license shall only be granted after the Operator, as defined under 20 CSR 2267-1.010, meets the City Code requirements to obtain a business license and provides written proof to the City that they have a current Missouri State license for such business establishment as required under Sections 324.520 to 324.524, Revised Statutes of Missouri and the Missouri Code of State Regulations promulgated thereunder. As part of the Business License application the Operator shall submit a completed Missouri State Highway Patrol Request for Criminal Records Check form. It is unlawful to conduct such a business unless the license issued is current, unrevoked and not suspended.
- B. It shall be further unlawful for any person, organization or company within the City limits to participate directly or indirectly in or for the operation of business activity under a different name or designation than those herein specified but for the purpose of carrying out activity or activities defined in Sections 324.520 to 324.524, Revised Statutes of Missouri or the regulations promulgated thereunder.

[Ord. No. 2823 §1(16-40), 4-7-2003]

The tattoo, body piercing and branding establishment permittee shall display his/her permit and that of each and every person employed in the establishment in an open and conspicuous place on the premises of the tattoo or body piercing establishment.

Section 640.120. **Permit Fee Enforcement.**

In addition to any enforcement by the State of Missouri under its statutes or regulations, it shall be the duty and responsibility of the City Administrator, Harrisonville Police Department, City Clerk and/or the Community Development Director to enforce these sections of Chapter 640. When, on the basis of a complaint, personal observation and/or other information, an authorized enforcement official reasonably suspects that a violation has occurred, it is the applicant's responsibility to cooperate with the investigating official(s).

[Ord. No. 2823 §1(16-41), 4-7-2003]

The permit fee for a tattoo, body piercing and branding establishment shall be six hundred dollars (\$600.00) for the first (1st) year of licensing and two hundred fifty dollars (\$250.00) each year thereafter. Partial years may be prorated. If an establishment has body piercing, branding and/or tattooing, there shall be a separate fee for each establishment.

Section 640.130. **Permit Renewal Penalty.**

In addition to any actions taken or penalties imposed by the State of Missouri pursuant to Sections 324.520 to 324.524, Revised Statutes of Missouri, or the Missouri Code of State Regulations promulgated thereunder, or by the City pursuant to other sections of the City Code, the City may take the following actions with respect to any violation under this Section 640:



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- A. Any person who violates the provisions of this Chapter, Sections 324.520 to 324.524, Revised Statutes of Missouri, or the Missouri Code of State Regulations promulgated thereunder shall be guilty of a municipal offense and, upon conviction, shall be punished by a fine of not less than one dollar (\$1.00) but no more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days or shall be both so fined and imprisoned. In addition, any violation of this Chapter shall be grounds for the City to revoke any or all licenses or permits issued by the City.
- B. Each violation of this Chapter, Sections 324.520 to 324.524, Revised Statutes of Missouri, or the Missouri Code of State Regulations promulgated thereunder shall be considered a separate offense and any violation continuing more than one (1) day shall be considered a separate offense for each day of violation.
- C. The conduct of any business within the City in violation of any of the terms of this Chapter, Sections 324.520 to 324.524, Revised Statutes of Missouri, or the Missouri Code of State Regulations promulgated thereunder is hereby found and declared to be a public nuisance and the City Attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and enjoinder thereof in the manner provided by law and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such establishment and restrain and enjoin any person from conducting, operating or maintaining a tattooing and body piercing establishment contrary to the provisions of this Chapter, Sections 324.520 to 324.524, Revised Statutes of Missouri, or the Missouri Code of State Regulations promulgated thereunder.

[Ord. No. 2823 §1(16-42), 4-7-2003]

Any person desiring a permit to operate a tattoo, body piercing and branding establishment shall file a written application by January first (1st) with the City on a form to be furnished by the City. The establishment permit shall be valid for one (1) year and renewed annually.

Section 640.140. Permit Not Transferable.

[Ord. No. 2823 §1(16-43), 4-7-2003]

No tattoo, body piercing and branding establishment permit shall be transferable, separable or divisible and such authority as a permit confers shall be conferred only on the permittee named therein.

Section 640.150. Operator's Permit — Application.

[Ord. No. 2823 §1(16-44), 4-7-2003]

A. Any person desiring a permit to do tattoos or engage in body piercing or engage in branding shall file a written application with the City on a form to be furnished by the City. The operator shall tender with the application the correct permit fee as hereinafter provided and shall, in addition, furnish the following:

1. The business address and all telephone numbers where the establishment is to be operated.

a. The following personal information concerning the operator:

(1) Name, complete residence address and residence telephone numbers.



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- (2) Written proof of age with State-issued photo identification.
 - (3) Height, weight and color of hair and eyes.
 - (4) Name, complete residence address and residence and all office telephone numbers of the physician who is to be in charge of the establishment.
 - (5) A statement, in writing, from a licensed physician, other than the physician who is under contract for the establishment, that he/she had examined the operator within thirty (30) days of the date of the application and believes the applicant to be free of all communicable diseases.
 - (6) Documentation that he/she has and maintains in full force and effect a policy of liability and malpractice insurance issued by an insurance company licensed to do business in the State of Missouri covering death, personal injury and property damage in the minimum amount of one million dollars (\$1,000,000.00) per person and per occurrence.
 - (7) Diploma, certificate or other written proof of graduation from a recognized school by the person who shall be directly responsible for the operation and management of the tattoo or body piercing establishments.
 - (8) Written certification from a physician of current Hepatitis A B vaccination.
 - (9) Written verification acceptable to the City's EMS Director of training in disease prevention and bloodborne pathogens.
2. Authorization for the City, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the operator.
 3. Written declaration by the operator, under penalty of perjury, that the information contained in the application is true and correct, with said application being duly dated, notarized and signed in the City.

Section 640.160. Operator's Permit — Fee.

[Ord. No. 2823 §1(16-45), 4-7-2003]

The permit fee for each person employed on the premises who will do tattooing or body piercing under the direction of a physician shall be seventy dollars (\$70.00) per year. Partial years may be prorated.

Section 640.170. Operator's Permit — Renewal.

[Ord. No. 2823 §1(16-46), 4-7-2003]

Any person desiring a permit to do tattoos or engage in body piercing or engage in branding shall file a written application by January first (1st) with the City on a form to be furnished by the City. The operator's permit shall be valid for one (1) year and renewed annually.

Section 640.180. Revocation or Suspension of Permit.

[Ord. No. 2823 §1(16-47), 4-7-2003]

A. Any permit issued pursuant to this Chapter shall be subject to suspension or revocation by the City for violation of any provision of this Chapter or for any grounds that would



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warrant the denial or issuance of such permit in the first place. The City, upon such revocation or suspension, shall state the reasons in writing, specifying the particular grounds for such revocation or suspension.

B. Any permit holder may appeal a revoked permit to the Board of Aldermen. The accused shall have the right to be represented by an attorney, to present evidence and to testify on his/her own behalf. The hearing shall be held in public at a regular or special meeting of the Board of Aldermen. If suspension or revocation of the license occurs, no license fee shall be refunded.

Section 640.190. Business License Required.

[Ord. No. 2823 §1(16-48), 4-7-2003]

A. No person, firm, partnership, association or corporation shall operate a tattooing, body piercing and branding establishment without first having obtained a business license issued by the City of Harrisonville. It is unlawful to conduct such a business unless the license issued is current, unrevoked and not suspended.

B. It shall be further unlawful for any person, organization or company within the City limits to participate directly or indirectly in or for the operation of business activity under a different name or designation than those herein specified but for the purpose of carrying out activity or activities defined in this Chapter.

Section 640.200. Health and Sanitation Requirements.

[Ord. No. 2823 §1(16-49), 4-7-2003]

A. Each tattoo, body piercing and branding establishment shall comply with the following requirements:

1. The room in which tattooing or body piercing is done shall have an area of not less than one hundred (100) square feet. The walls, floors and ceilings shall have an impervious, smooth and washable surface.
2. A handwash sink outside the toilet room shall be located in the establishment and shall be accessible at all times that the tattoo or body piercing establishment is open for business. The lavatory shall be supplied with hot and cold running water, soap and sanitary towels.
3. All tables and other equipment shall be constructed of easily sanitized material, shall be painted or finished in a light color with a smooth, washable finish and shall be separated from waiting customers or observers by a panel at least six (6) feet or one and eighty-three hundredths (1.83) meters high or by a door.
4. The entire premises and equipment shall be maintained in a clean, sanitary condition and in good repair.
5. The licensee who shall apply the tattoo, perform the branding or perform the body piercing or the person working under the direction of a physician who shall apply the tattoo or perform the body piercing or perform the branding shall wash his/her hands thoroughly with soap and water before starting to tattoo or body pierce. The hands shall be dried with individual, single-use towels.



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6. No tattooing, body piercing or branding shall be done on any skin surface that appears yellow, has a rash, pimples, boils or infections or manifests any evidence of any other unhealthy condition.
7. No skin area shall be penetrated, abraded or treated with chemicals for the purpose of removing, camouflaging or altering any blemish, birthmark, scar, branding or tattoo.
8. Safety razors with a new, single-surface blade for each customer or patron or a straight-edged razor may be used and shall be thoroughly cleaned and sterilized before use on each customer or patron.
9. The area to be tattooed, branded or body pierced shall first be thoroughly washed for a period of two (2) minutes with warm water to which has been added an antiseptic liquid soap. A sterile, single-use sponge shall be used to scrub the area. After shaving and before tattooing has begun, a solution of seventy percent (70%) alcohol shall be applied to the area with a single-use sponge used and applied with a sterile instrument.
10. Only petroleum jelly in collapsible metal or plastic tubes or its equivalent shall be used on the area to be tattooed and it shall be applied with sterile gauze.
11. The use of styptic pencils, alum blocks or other solid styptic to check the flow of blood is prohibited.
12. Inquiry shall be made and anyone giving a history of recent jaundice or hepatitis shall not be tattooed or body pierced.
13. Single-service or individual containers of dye or ink shall be used for each patron and the container therefore shall be discarded immediately after completing the work on a patron and any dye in which the needles were dipped shall not be used on another person. Excess dye or ink shall be removed from the skin with an individual sterile sponge or a disposable paper tissue which shall be used only on one (1) person and then immediately discarded. After completing work on any person, the tattooed area shall be washed with sterile gauze and saturated with an antiseptic soap solution or a seventy percent (70%) alcohol solution. The tattooed area shall be allowed to dry and petroleum jelly from a collapsible or plastic tube shall be applied using sterile gauze. A sterile gauze dressing shall then be fastened to the tattooed area with adhesive.
14. All clean and ready-to-use needles and instruments shall be kept in a closed glass or metal case or storage cabinet when not in use. Such cabinets shall be maintained in a sanitary manner at all times.
15. A steam sterilizer (autoclave) shall be provided for sterilizing all needles and similar instruments before use on any patron. Sterilization of equipment shall be accomplished by exposure to live steam for at least thirty (30) minutes at a minimum pressure of fifteen (15) pounds per square inch at a temperature of two hundred forty degrees Fahrenheit (240°F) or one hundred sixteen degrees Celsius (116°C).
16. The needles and instruments required to be sterilized shall be so used, handled and temporarily placed during tattooing, body piercing or branding that they will not be contaminated.
17. Gloves shall be worn with any procedure that involves contact with a patron's blood.



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18. Immediately after piercing, tattooing or branding, the patron shall be advised on the care of the site so body pierced or tattooed and to consult a physician at the first (1st) sign of infection.

19. Forceps, accessory equipment and jewelry must be disinfected with a chemical disinfectant registered by the Environmental Protection Agency as being tuberculocidal when used at recommended dilutions.

20. Needles shall not be bent or broken prior to disposal. Operator shall take precautions to prevent injuries from contaminated needles.

21. Needles shall be disposed of directly into a solid puncture-resistant container.

22. Needles as well as gloves, gauze and other materials saturated with blood shall be discarded in a plastic bag and placed into a cardboard box prior to off-site disposal. A written agreement for disposal of such biohazard waste shall be with an authorized service for disposal of medical waste.

23. The premises shall be kept clean and free of vermin at all times. There shall be no fly or mosquito breeding places or rodent harborage in the areas where procedures are conducted. Pets and non-human animals shall not be permitted in or on the premises.

Section 640.210. Records.

[Ord. No. 2823 §1(16-50), 4-7-2003]

Each tattoo, body piercing and branding establishment shall maintain permanent records for each patron. Before the tattooing, body piercing or branding operation begins, the patron shall be required personally to enter on a record form provided for such establishments the date, his/her name, his/her address, his/her age and his/her signature. The records shall also provide that the patron does not have any jaundice or hepatitis and, if so, the date of such jaundice or hepatitis. Such records shall be maintained in the establishment and shall be available for examination by the City. Such records shall be maintained by the establishment for a period of not less than two (2) years.

Section 640.220. Report of Infections.

[Ord. No. 2823 §1(16-51), 4-7-2003]

No patron having any skin infection or any disease of the skin or any communicable disease whatsoever shall be tattooed, pierced or branded. All infections resulting from the practice of tattooing, body piercing or branding which become known to the establishment shall be promptly reported to the City's EMS Director by the operator of the tattoo, body piercing and branding establishment and the infected patron shall be referred immediately to a physician.

Section 640.230. Pigments and Dyes.

[Ord. No. 2823 §1(16-52), 4-7-2003]

All pigments, dyes, colors and any other material used in tattooing shall be sterile and free from bacteria, virus particles and noxious agents and substances and the pigments, dyes and



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colors used from stock solutions for each patron shall be placed in a single-service receptacle and such receptacle and remaining solution shall be discarded after use on each patron.

Section 640.240. Bandages and Surgical Dressings.

[Ord. No. 2823 §1(16-53), 4-7-2003]

All bandages and surgical dressings used in connection with the tattooing, body piercing or branding of a person shall be sterile.

Section 640.250. Supervision of Establishment.

[Ord. No. 2823 §1(16-54), 4-7-2003]

Each tattoo, body piercing and branding establishment shall have on the premises written protocols for standard operating procedures as supervised and enforced by physician consultant.

Section 640.260. Hours of Operation.

[Ord. No. 2823 §1(16-55), 4-7-2003]

Business shall only be conducted between the hours of 7:00 A.M. and 7:00 P.M.

Section 640.270. Geographic Limitations.

[Ord. No. 2823 §1(16-56), 4-7-2003]

A. The following geographic conditions shall apply to protect the character of residential and commercial areas and preserve the value of the property throughout the City.

1. A tattooing, body piercing and branding establishment shall not be established within five hundred (500) feet of the district boundary line of any residential zoning district.

2. A tattooing, body piercing and branding establishment shall not be established or expanded within five hundred (500) feet of the property line of a church, school or public park.

3. A tattooing, body piercing and branding establishment shall only be allowed in appropriate zoning districts with a special use permit as defined by the Harrisonville zoning ordinance.

Section 640.280. Certain Persons Prohibited On Premises.

[Ord. No. 2823 §1(16-57), 4-7-2003]

No tattoo, body piercing and branding establishment shall permit any person under the age of sixteen (16) years to come or remain on the premises of any establishment, unless such person is on the premises on lawful business.

Section 640.290. Alcoholic Beverages Prohibited.

[Ord. No. 2823 §1(16-58), 4-7-2003]



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No person shall sell, give, dispense, provide or keep or cause to be sold, given, dispensed, provided or kept any alcoholic beverage on the premises of any tattoo, body piercing and branding establishment.

Section 640.300. Enforcement.

[Ord. No. 2823 §1(16-59), 4-7-2003]

It shall be the duty and responsibility of the City Administrator, Director of Codes Administration, Harrisonville Police Department, City Clerk and/or the Community Development Director to enforce these regulations. When, on the basis of a complaint, personal observation and/or other information, an authorized enforcement official reasonably suspects that a violation has occurred, it is the applicant's responsibility to cooperate with the investigating official(s).

Section 640.310. Penalty.

[Ord. No. 2823 §1(16-60), 4-7-2003]

A. Any person who violates the provisions of this Chapter shall be guilty of a municipal offense and, upon conviction, shall be punished by a fine of not less than one dollar (\$1.00) but no more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days or shall be both so fined and imprisoned. In addition, any violation of this Chapter shall be grounds for the City to revoke any or all licenses or permits issued by the City.

B. Each violation of this Chapter shall be considered a separate offense and any violation continuing more than one (1) day shall be considered a separate offense for each day of violation.

C. The conduct of any business within the City in violation of any of the terms of this Chapter is hereby found and declared to be a public nuisance and the City Attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and injunction thereof in the manner provided by law and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such establishment and restrain and enjoin any person from conducting, operating or maintaining a tattooing and body piercing establishment contrary to the provisions of this Chapter.



Existing Municipal Code in black.

Removals in red.

Additions in green.

Highlights = Discussion.

CS commentary in blue.

Staff Commentary

Staff has learned that, while a Special Use Permit has been previously issued (and renewed) for a crematorium, the use itself is not identified anywhere within the Zoning Regulations. Additionally, it has come to staff's attention that the City's Animal Shelter has an incinerator for the cremation of dead animals and this use is currently listed as a prohibited use. The proposed correction adds "Crematorium—Human or Animal" as a use allowed with an approved Special Use Permit in either of the industrial districts and removes incineration of "dead animals" from the list of prohibited uses.

Under Section 405.525.C add the following:

13. Crematorium—Human or Animal, provided that:

a. The use is located within the Light Industrial (M-1) or General Industrial (M-2) District.

Section 405.555 **Prohibited Uses.**

[Ord. No. 1825, 5-13-1991]

No lot, parcel or tract of land shall be used and no building or structure shall be erected, altered or remodeled for any of the following uses: abattoirs; composting, fertilizer manufacture; dumping, reduction or incineration of garbage, **dead animals**, offal or refuse; storage, curing or tanning of raw hides or skins; refining of petroleum or coal oil; salt works, stockyards or slaughter of animals or fowl; creosote manufacture or treatment; distillation of bones, fat rendering, glue manufacture.



Existing Municipal Code in black.

Removals in red.

Additions in green.

Highlights = Discussion.

CS commentary in blue.

Staff Commentary

Staff recently learned that a number of code updates occurred in 2021 that changed bonding for construction or repair (Section 515.100) and permitting provisions (Section 530.030); however, it appears that the provisions under Section 410.550 – Guarantee of Completion of Improvements were missed. This created a contradiction in the Code. Staff is recommending the changes below to align with the Code changes that occurred in 2021.

Under Section 410.550.F add the following:

As a guarantee that all public improvements have been done in a satisfactory manner, the subdivider shall provide a maintenance bond to the City **in the amount of fifty percent (50%) of the equal to the total estimated cost of the work, except where authorization for the construction of residential sidewalks and driveways within street rights-of-way, required by ordinance, has been granted by their inclusion in a building permitsaid requirements as determined by the City Administrator and approved by the Board of Aldermen. Said bond shall be required only for the first (1st) year following the City Administrator's acceptance of such improvements for maintenance. The amount of the bond shall be filed with the City Clerk in an amount acceptable to the City Administrator in such form as accepted by the Board of Aldermen. The bond shall guarantee satisfactory performance and completion of the work to the satisfaction of the Director of Public Works or the Building Official within a time limit specified on said permit. The bond shall also guarantee maintenance of the work performed for two (2) years. The City may consider a lump sum biennial bond for multiple projects performed by utility companies or their contractors, the cost of which shall be determined by the number of projects and estimated total valuation of work.**

For projects with valuation of work to be constructed or repaired below Five Thousand Dollars (\$5,000.00) the permittee may at their option deposit funds in the amount of the construction or repair to the City to be held in escrow guaranteeing the performance and maintenance of said work for a period of two (2) years. The minimum amount for any bond, or deposit placed in escrow, shall be \$2,000.00, no matter what the work valuation is.

Council Bill No. 2021-080

Ordinance No. 3568

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF
HARRISONVILLE, MISSOURI AMENDING SECTIONS 515.100 AND 530.030 OF THE
HARRISONVILLE MUNICIPAL CODE**

WHEREAS, the Board of Aldermen wishes to amend Sections 515.100 and 530.030 of the Harrisonville Municipal Code.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HARRISONVILLE, MISSOURI, AS FOLLOWS:

Section 1: Section 515.100 of the Harrisonville Municipal Code is hereby amended to read as follows:

“Section 515.100. Construction or Repair By Property Owner.
[CC 1977 §30-12; Ord. No. 1344 §1, 1-5-1983]

A. The Director of Public Works or the Building Official is hereby authorized to issue Right of Way Work permits, upon request, to owners of private property, their representatives or contractors to grade, construct, repair or reconstruct pavements, curbs, gutters, driveways from curb to property line, sidewalks, sewers, street lighting systems and appurtenances, at their own expense, in the public streets or alleys adjacent to or running through their property when the same are, in his/her judgment, reasonably necessary. No person shall begin any such improvement until such permit shall have been issued.

1. Plan, specifications. Prior to issuance of the permit, plans shall be prepared by such owners and submitted to the Director of Public Works or the Building Official for his/her approval. Such plans shall indicate thereon the location, extent and character of the work proposed to be done with an estimate of the amount of the various materials, installation and services to be incorporated in the work. The plans shall have such cross sections, profiles and such other information as necessary for the Director of Public Works or the Building Official to determine that the plan conforms with the specifications of the City. The plans shall conform and the work shall be done according to the standard specifications of the City for public work of like character.

All such work shall be done under the direction and supervision and to the satisfaction of the Director of Public Works or the Building Official. Acceptance of the completed facility by the Director of Public Works or the Building Official shall be made only after proper evidence that all bills for labor, materials and equipment have been paid.

2. Performance and maintenance bonds. The Director of Public Works or the Building Official shall require the permittee to furnish a surety bond, otherwise known as a

performance and maintenance bond, equal to the estimated cost of the work; except where authorization for the construction of residential sidewalks and driveways within street rights-of-way, required by ordinance, has been granted by their inclusion in a building permit. The bond shall guarantee satisfactory performance and completion of the work to the satisfaction of the Director of Public Works or the Building Official within a time limit specified on said Right of Way Work permit. The bond shall also guarantee maintenance of the work performed for two (2) years.

2 a. For projects with valuation of work to be constructed or repaired below Five Thousand Dollars (\$5,000.00) the permittee may at their option deposit funds in the amount of the construction or repair to the City to be held in escrow guaranteeing the performance of said work, and maintenance of said work for a period of two (2) years.

2 b. The minimum amount for any bond, or deposit placed in escrow, shall be \$2,000.00, no matter what the work valuation.

3. Indemnification of City during construction.

The applicant shall be required to furnish the City evidence of general liability insurance in the amount of one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) per project to insure and protect the City from all damage that may arise from such disturbance prior to acceptance by the City after backfilling.

The City of Harrisonville shall have no duty to pay damages unless the defenses of sovereign and governmental immunity are inapplicable. Nothing in this Section shall reflect an intent by the City of Harrisonville to waive any defenses of sovereign and governmental immunity.

4. Penalties. Any person, whether owner, representative, contractor, subcontractor or foreman, who shall grade, construct, repair, reconstruct or alter any public street, pavement, curb, gutter, driveway, sidewalk or sewer within any public way or any public sewer adjacent to or running through any private property within a public right-of-way without first securing a permit therefor issued by the Director of Public Works or the Building Official shall be deemed guilty of a violation of this Section and upon conviction thereof shall be fined in a sum of not more than five hundred dollars (\$500.00).

5. Right of Way Work Permits applicable to this Chapter shall have a fee collected, based on the dollar valuation of the work to be constructed or repaired, of a minimum of Forty Dollars (\$40.00) for the first Two Thousand Dollars (\$2,000.00) of valuation plus Four Dollars (\$4.00) per Thousand Dollars (\$1,000.00) of additional valuation thereafter, except where authorization for the construction or repair of residential sidewalks and driveways within street rights-of-way, required by ordinance, has been granted by their inclusion in a building permit.

6. Required ROW permit inspections shall be as determined by the Director of Public Works or the Building Official and shall be listed on ROW permits issued.

Required Special Inspections, by a City approved 3rd party inspection service, shall be as determined by the Director of Public Works or the Building Official, and shall be listed on ROW permits issued. Special Inspections may include, but not be limited to, fill compaction and concrete testing.

Section 2: Section 530.030 of the Harrisonville Municipal Code is hereby amended to read as follows:

“Section 530.030 Permitting Provisions — Permit Requirements.
[Ord. No. 2958 §1(36-3), 2-21-2006]

A. Any person desiring to conduct facilities work within the public rights-of-way must first apply for and obtain a permit in addition to any other building permit, license, easement or authorization required by law, unless such facilities work must be performed on an emergency basis, then the person conducting the work shall, as soon as practicable, notify the City of the location of the work and apply for the required permit by the first (1st) business day following the commencement of the facilities work.

1. All applications for permits shall be submitted to the City. The City shall design and make available standard forms for such application, requiring such information as the City determines to be necessary, consistent with the provisions of this Chapter to accomplish the purposes of this Chapter.

2. Each such application shall be accompanied by payment of fees as designated in this Chapter.

3. The City shall review each application for a permit and, upon determining that the applicant has authority to perform the desired facilities work, and that the applicant has submitted all necessary information, including but not limited to, performance bonds and proof of insurance, and has paid the appropriate fee, shall issue the permit, except as provided in Subsection (4).

4. It is the intention of the City that disruption of the public rights-of-way should be minimized. Upon receipt of an application for a permit, the City shall do the following:

a. Evaluate the degree of disturbance necessary to perform the facilities work. If the applicant can show to the Director of Public Works or the Building Official, reasonable satisfaction that the facilities work involves any of the following:

- (1) No significant disruption or disturbance to the public rights-of-way, or
- (2) Is time sensitive maintenance; then the City shall grant the permit in accordance with departmental policies and procedures provided that if the permit is not issued within ten (10) business days, the applicant may appeal as provided in Subsection (8); and

b. For circumstances where the City determines that there will be significant excavation of the public rights-of-way and no exemption under Subsection (4)(a) or any other provision of this Section applies, the City may, consistent with Subsection (3), direct the permit holders performing the facilities work in the same area to consult on how they may schedule and coordinate their work to accomplish the goal of this Section.

5. Each permit shall include the projected start time and termination date(s) or, if such dates are unknown at the time the permit is issued, a provision requiring the permit holder to provide the City with reasonable advance notice of such dates once they are determined; length of public rights-of-way; number of road crossings; information regarding scheduling and coordination of facilities work if applicable; and location of facilities.

6. The City may include conditions and requirements as are reasonably necessary to protect structures and facilities in the public rights-of-way from damage, including the designation of corridors within the rights-of-way available for use by the applicant, and for the proper restoration of such public rights-of-way, structures and facilities, and for the protection of the public and the continuity of pedestrian and vehicular traffic.

7. The City may deny a permit application subject to, but not limited to, the following reasons if deemed in the public's interest:

- a. Failure to return the right-of-way to its previous condition under previous permits.
- b. Conflict with or disruption to existing utilities, transportation or City use
- c. The area is environmentally sensitive as defined by State or Federal Statutes.
- d. Applicant's failure to provide required information.
- e. Applicant is in violation of any provision of this Chapter.
- f. Street cut or disturbance would result in an unsafe condition.

Notwithstanding the provisions of Subsections (7)(b) and (7)(c) above, the City will assess the applicant's alternative routes for the placement of facilities.

8. Applicant may appeal any final decisions to the City Administrator. Appeals shall be requested in writing and will be heard within sixty (60) days.

9. Applicant must pay the following fees and provide the following deposits, bonds and proof of insurance in accordance with Section 530.050 of this Chapter:

- a. Performance and maintenance bonds. The Director of Public Works or the Building Official shall require the permittee to furnish a surety bond, otherwise known as a performance and maintenance bond, equal to the estimated cost of the work, except where authorization for the construction of residential sidewalks and driveways within street rights-of-way, required by ordinance, has been granted by their inclusion in a building permit. The bond shall guarantee satisfactory performance and completion of the work

to the satisfaction of the Director of Public Works or the Building Official within a time limit specified on said special permit. The bond shall also guarantee maintenance of the work performed for two (2) years. The City may consider a lump sum biennial bond for multiple projects performed by utility companies or their contractors, the cost of which shall be determined by the number of projects and estimated total valuation of work.

For projects with valuation of work to be constructed or repaired below Five Thousand Dollars (\$5,000.00) the permittee may at their option deposit funds in the amount of the construction or repair to the City to be held in escrow guaranteeing the performance and maintenance of said work for a period of two (2) years. The minimum amount for any bond, or deposit placed in escrow, shall be \$2,000.00, no matter what the work valuation is.

b. The applicant shall be required to furnish the City evidence of general liability insurance in the amount of one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) per project to insure and protect the City from all damage that may arise from such disturbance prior to final acceptance by the City.

The City of Harrisonville shall have no duty to pay damages unless the defenses of sovereign and governmental immunity are inapplicable. Nothing in this Section shall reflect an intent by the City of Harrisonville to waive any defenses of sovereign and governmental immunity.

c. Right of Way Work Permits applicable to this Chapter shall have a fee collected, based on the dollar valuation of the work to be constructed or repaired, of a minimum of Forty Dollars (\$40.00) for the first Two Thousand Dollars (\$2,000.00) of valuation plus Four Dollars (\$4.00) per Thousand Dollars (\$1,000.00) of additional valuation thereafter, except where authorization for the construction or repair of residential sidewalks and driveways within street rights-of-way, required by ordinance, has been granted by their inclusion in a building permit.

Any fees collected pursuant to this Section will be used only to reimburse the City for its actual costs of managing the rights-of-way.

10. Required ROW permit inspections shall be as determined by the Director of Public Works or the Building Official and shall be listed on ROW permits issued.

Required Special Inspections, by a City approved 3rd party inspection service, shall be as determined by the Director of Public Works or the Building Official, and shall be listed on ROW permits issued. Special Inspections may include, but not be limited to, fill compaction and concrete testing.

Section 5. That this Ordinance shall be in effect immediately upon its passage and approval.

READ FOR THE FIRST TIME BY TITLE ONLY ON THE 20TH DAY OF SEPTEMBER, 2021 AND WAS READ FOR A SECOND TIME BY TITLE ONLY ON THE 20TH DAY OF SEPTEMBER, 2021 AND PASSED BY THE BOARD OF ALDERMEN THIS 20TH DAY OF SEPTEMBER, 2021.

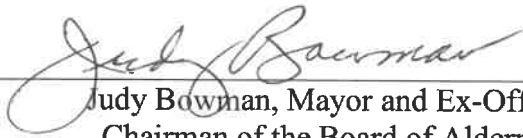
VOTE TAKEN AS FOLLOWS:

AYES: Davidson, Doerhoff, Franklin, Mills, Milner, Reece, Turner, Zaring

NAYS:

ABSENT:

ABSTAIN:


Judy Bowman, Mayor and Ex-Officio
Chairman of the Board of Aldermen

ATTEST:


Daniel Barnett, City Clerk

WITNESS my hand and seal this 20th day of September, 2021.

Land Use Table

Land Use/Zoning District	A	E	R-1	R-1B	R-1M	R-2	R-2B	R-3	R-4	C-0	C-1	CBD-1	CBD-2	C-2	M-1	M-2
Agriculture																
Abattoir																
Agriculture	P															
Dairy Farming	P															
Farming	P															
Fish Hatcheries, Apiaries, Aviaries	P															
Forests, Wildlife and Conservation Preserves	P															
Fur Farming	P															
Livestock and Poultry Raising	P															
Medical Marijuana Cultivation Facility	P														P	P
Mushroom Barns and Caves	P															
Truck Garden	P															
Riding Stables and Tracks	P															
Sale or Marketing of Products Raised on Premises	P															
Residential																
Accessory Dwelling Unit	P	P	P	P												
Dwelling, Apartment Complex									P				P	P		
Dwelling, Garden Apartments								P		P						
Dwelling, Loft												P	P	P		
Dwelling, Multi-Family									P				P	P		
Dwelling, Patio House								P		P						
Dwelling, Single-Family	P	P	P	P		P	P	P	P	P			P			
Dwelling, Town Home								P		P						
Dwelling, Two-Family or Duplex						P	P	P	P	P			P			
Dwelling, Zero Lot Line Home								P		P						
Manufactured Home					P											
Mobile Home					P											
Modular Home		P			P											
Institutional																
Cemeteries	S									S	S	S	S	S	S	S
Charity and Welfare													P	P		
Church, Synagogue, Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Community Building (Publicly Owned and Operated)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Correctional Facility	S									S	S	S	S	S	S	S

Land Use/Zoning District	A	E	R-1	R-1B	R-1M	R-2	R-2B	R-3	R-4	C-0	C-1	CBD-1	CBD-2	C-2	M-1	M-2
Cultural Exhibits and Services				S*			S*					P	P	P		
Fairgrounds	S	S								S	S	S	S	S	S	S
Fire Station	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Library, Public	P			S*			S*			P	P	P	P	P		
Museums, Public	P			S*						P	P	P	P	P		
Parks and Playgrounds (Publicly Owned)	P	P	P	P	P	P	P	P		P	P					
Penal Institution	P															
Philanthropic or Eleemosynary Institution	P															
Picnic Grove	P															
Police	P															
Post Office										P	P	P	P	P		
Public Administration Building	P															
Schools, Public or Private	P	P	P	P		P	P	P		P	P	P	P	P		
Schools, Trade														P		
Sewage Treatment Facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Substation, Electric Utility	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Swimming Pool, Commercial														P		
Swimming Pool, Public			P	P		P	P	P		P	P					
Towers, Microwave Transmitting and/or Receiving	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Towers and Stations, Radio or TV	S									S	S	S	S	S	S	S
Utility Facility, Public or Private	P	S	S	S	P	S	S	S	S	S	P	P	P	P	P	P
Water Tower or Storage Facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Water Treatment Facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Commercial																
Adult Arcade														S		
Adult Bookstore														S		
Adult Business Establishment														S		
Adult Entertainment Facility														S		
Adult Media Outlet														S		
Animal Hospital, Small	S									S	P	S	S	S	S	S
Antiques											P	P	P	P		
Appliance Repairs, Small											P	P	P	P		
Art Studio				p*			p*									
Artist and Hobby Supplies											P	P	P	P		

Land Use/Zoning District	A	E	R-1	R-1B	R-1M	R-2	R-2B	R-3	R-4	C-0	C-1	CBD-1	CBD-2	C-2	M-1	M-2
Assembly and Meeting Halls														P		
Athletic and Baseball Fields, Commercial	S									S	S	S	S	S	S	S
Athletic and Baseball Fields, Non-Commercial	P	P	P	P	P	P	P	P	P							
Automobile Repair and Washing														P		
Automobile Supplies													P	P		
Automotive Equipment, Trucks, Trailers, Boats, Camping Accessories, Tools, Farm Machinery and Supplies, Building Supplies and Lawn Accessories (Sale at Retail or Wholesale or Rental of)														P		
Bar														P		
Barber or Beauty Shop				P*			P*			P	P	P	P	P		
Bathhouse														S		
Bed and Breakfast				S*			S*									
Bicycle Sales											P	P	P	P		
Body Shop															P	P
Bridal Shop				S*			S*					P	P	P		
Cleaning of Commodity (not Junk or Salvage)															P	P
Cleaning, Pressing and Dyeing Plants (Including Laundries)																P
Clinic										P	P	P	P	P		
Club												P	P	P		
Coffee Shop				S*			S*			P	P	P	P	P		
Contractor's Supplies and Equipment, Sales and Service																P
Convenience Store, w/o Pumps												P	P	P		
Custom Maintenance													P	P		
Crematorium--Human or Animal															S	S
Day Care Home (10+ Children)	S	S								P	P			P		
Delivery Services													P	P		
Drive-in Theater	S									S	S	S	S	P		
Driving Range	S									P	P			P		
Drug Store											P	P	P	P		
Dry Cleaning											P	P	P	P		

Land Use/Zoning District	A	E	R-1	R-1B	R-1M	R-2	R-2B	R-3	R-4	C-0	C-1	CBD-1	CBD-2	C-2	M-1	M-2
Entertainment Facility, Public or Private													P	P		
Equipment Repair, Small													P	P		
Escort Agency														S		
Establishments which serve or sell alcoholic beverages											P	P	P	P		
Exposition Center/Building(s)	S									S	S	S	S	S	S	S
Exterminating and Disinfecting Services														P		
Farm Supplies and Equipment, Sales and Service																P
Financial Institution				P*							P	P	P	P		
Flower Shop				S*			S*				P	P	P	P		
Funeral Home	S	S	S							S	S	S	S	S	S	
Furniture and Appliances, Retail											P	P	P	P		
General Repair and Fix-It Shop														P		
Gift Shop				S*			S*				P	P	P	P		
Golf Courses and Clubhouses (Private)	P		P	P		P	P	P		P	P					
Greenhouse, Nursery (Commercial)	P									S	S	S	S	P	S	S
Group Boarding Home	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Handcrafting													P	P		
Hardware and Paint, Retail											P	P	P	P		
Hospital	P	S	S	S	S	S	S	S	S	P	P	S	S	S	S	S
Hotel												P	P	P		
Hydroponic Farm, Commercial	S									S	S	S	S	S	S	S
Interior Decorating				P*			P*				P	P	P	P		
Investigative and Protective Services												P	P	P		
Janitorial Services														P		
Jewelry Store				S*			S*				P	P	P	P		
Kennel, Commercial	P													P	S	S
Laundry											P	P	P	P		
Massage Establishment														P		
Massage Shop														S		
Medical Marijuana Dispensary Facility										P	P			P		
Medical Marijuana Testing Facility										P	P			P	P	P
Medical or Dental Offices or Labs				P*			P*			P	P	P	P	P		
Medical Supplies											P	P	P	P		

Land Use/Zoning District	A	E	R-1	R-1B	R-1M	R-2	R-2B	R-3	R-4	C-0	C-1	CBD-1	CBD-2	C-2	M-1	M-2
Miniature Golf														P		
Modeling Studio														S		
Mortuary	S	S	S							P	P	S	S	S	S	
Motel												P	P	P		
Motorcycle Sales													P	P		
Movie Rentals											P	P	P	P		
Music Supplies											P	P	P	P		
Novelties											P	P	P	P		
Nursing Home	P	S	S													
Office, Real Estate				S*			S*			P	P	P	P	P		
Offices, Administrative or Professional				p*			p*			P	P	P	P	P		
Offices, General											P	P	P	P		
Optical Shop											P	P	P	P		
Outpatient Facility, Alcohol or Drug Abuse											P	S	P	P		
Pawnshop/Small Loan Establishment														S		
Pet Grooming (with all animals kept indoors)														P		
Petroleum Products (not dispensing or bulk plants)													P	P		
Photography Service				p*			p*				P	P	P	P		
Photographic Equipment											P	P	P	P		
Recreational Facility, Non-Commercial					P								P	P		
Recreational Facility, Commercial	S									S	S	S	S	S	S	S
Recreational Park, Commercial													P	P		
Residential Care Facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Residential Facility, Alcohol or Drug Abuse											S	S	S	S		
Restaurant											P	P	P	P		
Retail Store											P	P	P	P		
Sanitarium	P															
Seamstress and Tailoring				p*			p*				P	P	P	P		
Shoe Repairs											P	P	P	P		
Special Care Facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Sports-Related Activity or Facility, Commercial	S									S	S	S	S	S	S	S
Tattoo, Piercing and Branding Establishments												S		S		
Tobacco Products, Retail											P	P	P	P		
Toys and Sporting Goods, Retail											P	P	P	P		
Veterinarian	P									S	S	S	S	S	S	S
Industrial																

Land Use/Zoning District	A	E	R-1	R-1B	R-1M	R-2	R-2B	R-3	R-4	C-0	C-1	CBD-1	CBD-2	C-2	M-1	M-2
Airport and/or Landing Fields, Public/Private	S														S	S
Asphalt and/or Concrete Batch Plant	S														S	S
Assembling															P	P
Bakery														P		
Bottling														P		
Building Materials Stores and Yards																P
Bus Barns or Lots																P
Cold Storage Plant																P
Composting, Fertilizer Manufacture																
Contractor's Shop and/or Yard (including construction equipment and/or materials storage areas)	S													S	S	S
Creosote Manufacture or Treatment																
Disassembling															P	P
Distillation of Bones, Fat Rendering, Glue Manufacture																
Dumping, Reduction or Incineration of Garbage, Dead Animals , Offal or Refuse																
Fabrication															P	P
Farm Implement Repair Service	S													P	S	S
Freight Terminal															P	P
Frozen Foods (Including Lockers)														P		
Machine and Welding Shop																P
Manufacture or Assembly of products to be sold at retail on the premises												P	P	P	P	
Manufacturing															P	P
Medical Marijuana-Infused Products Manufacturing Facility															P	P
Mini-Warehouse Facility														S	S	
Oil and/or Gas Drilling and Production	S														S	S
Packaging															P	P
Petroleum Storage																P

Land Use/Zoning District	A	E	R-1	R-1B	R-1M	R-2	R-2B	R-3	R-4	C-0	C-1	CBD-1	CBD-2	C-2	M-1	M-2
Plumbing and Sheet Metal Shop																P
Printing and Publishing											P	P	P	P		
Processing															P	P
Quarrying, Mining or Removal and Processing of Sand, Gravel or Stone	S														S	S
Radio or TV Studio (w/o Broadcasting Towers)										P	P	P	P	P		
Railroad Rights-of-Way (Excluding Railroad Yards)	P	P	P	P		P	P	P		P	P					
Refining of Petroleum or Coal Oil																
Repairing															P	P
Retail Sales of Concrete from Small Batch Plant														S		
Salt Works, Stockyards or Slaughter of Animals or Fowl																
Salvage and Scrap Metals (Handling, Storage, or Processing)	S														S	S
Sanitary Landfills	S														S	S
Servicing or Testing of Commodities (except Junk or Salvage)															P	P
Storage															P	P
Storage of Boat, Recreational Vehicle, and/or Any Other Vehicle	S									S	S	S	S	S	S	S
Storage, Curing or Tanning of Raw Hides or Skins																
Truck and Bus Storage and Service																P
Warehousing															P	P
Wholesaling													P	P	P	P

P*=Permitted Use on Mechanic or Independence Street.

S*=Permitted with an Approved Special Use Permit on Mechanic or Independence Street.



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

300 E. Pearl Street, P.O. Box 367 • Harrisonville, MO 64701 • Tel: 816-380-8900 • Fax: 816-380-8906

Section 405.550 Accessory Uses and Structures.

[Ord. No. 1825, 5-13-1991; Ord. No. 2504 §1, 6-8-1998; Ord. No. 3038 §3, 6-2-2008; Ord. No. 3107 §§8 — 9, 10-19-2009; Ord. No. 3166 §1, 6-20-2011]

A. General Regulations. Buildings and structures may be erected and land may be used for purposes which are clearly incidental to and customarily and commonly associated with the main permitted use of the premises. A use or structure shall be considered an accessory when it is associated in conjunction with the principal use and is incidental and integrally related to the principal use. Such accessory buildings and uses shall be so constructed, maintained and conducted as to not produce noise, vibration, concussion, dust, dirt, fly ash, odor, noxious gases, and heat or glare which is injurious, unhealthful or disturbing to adjacent property or the users thereof and shall be on the premises of the main use. The following uses shall be permitted as accessory to main uses permitted in this Chapter:

1. Home-Based Work and Occupations as defined and limited by Sections 71.990 and 89.500, RSMo., and as restated herein:

[Ord. No. 3611, 11-7-2022]

- a. As used in this Section, the following terms mean:

GOODS

Any merchandise, equipment, products, supplies, or materials.

HOME-BASED BUSINESS

Any business operated in a residential dwelling that manufactures, provides, or sells goods or services and that is owned and operated by the owner or tenant of the residential dwelling.

- b. Any person who resides in a residential dwelling may use the residential dwelling for a home-based business unless such use is restricted by:
 - (1) Any deed restriction, covenant, or agreement restricting the use of land; or
 - (2) Any master deed, bylaw, or other document applicable to a common-interest ownership community.
- c. Except as prescribed under Subsection (A)(4) of this Section, a political subdivision shall not prohibit the operation of a no-impact, home-based business or otherwise require a person to apply for, register for, or obtain any permit, license, variance, or other type of prior approval from the political subdivision to operate a no-impact, home-based business. For the purposes of this Section, a home-based business qualifies as a no-impact, home-based business if:



THE CITY OF HARRISONVILLE

WHERE TRADITION MEETS INNOVATION

300 E. Pearl Street, P.O. Box 367 • Harrisonville, MO 64701 • Tel: 816-380-8900 • Fax: 816-380-8906

- (1) The total number of employees and clients on-site at one (1) time does not exceed the occupancy limit for the residential dwelling; and
 - (2) The activities of the business:
 - (a) Are limited to the sale of lawful goods and services;
May involve having more than one (1) client on the property at one (1) time;
 - (b) Do not cause a substantial increase in traffic through the residential area;
 - (c) Do not violate any parking regulations established by the political subdivision;
 - (d) Occur inside the residential dwelling or in the yard of the residential dwelling;
 - (e) Are not visible from the street; and
 - (f) Do not violate any narrowly tailored regulation established under Subsection (A)(4) of this Section.
 - d. A political subdivision may establish reasonable regulations on a home-based business if the regulations are narrowly tailored for the purpose of:
 - (1) Protecting the public health and safety, including regulations related to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, and noise control; or
 - (2) Ensuring that the business activity is compliant with State and Federal law and paying applicable taxes.
 - e. No political subdivision shall require a person, as a condition of operating a home-based business, to:
 - (1) Rezone the property for commercial use;
 - (2) Obtain a home-based business license; or
 - (3) Install or equip fire sprinklers in a single-family detached residential dwelling or any residential dwelling with no more than two (2) dwelling units.
 - f. Whether a regulation complies with this Section is a judicial question.
- Section 89.500, Home-based work — limitation on zoning restrictions.
- g. As used in this Section, the term "home-based work" means any lawful occupation performed by a resident within a residential home or accessory structure, which is clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not change the residential character of the residential building or adversely affect the character of the surrounding neighborhood.
 - h. A zoning ordinance or regulation adopted pursuant to this Chapter that regulates home-based work shall not:
 - (1) Prohibit mail order or telephone sales for home-based work;
 - (2) Prohibit service by appointment within the home or accessory structure;
 - (3) Prohibit or require structural modifications to the home or accessory structure;



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- (4) Restrict the hours of operation for home-based work; or
- (5) Restrict storage or the use of equipment that does not produce effects outside the home or accessory structure.
- i. A zoning ordinance or regulation adopted pursuant to this Chapter that regulates home-based work shall not contain provisions that explicitly restrict or prohibit a particular occupation.
- j. The application of this Section does not supersede any deed restriction, covenant, or agreement restricting the use of land nor any master deed, by law or other document applicable to a common interest ownership community.
- k. The following conditions and restrictions apply to such home occupations:

[Ord. No. 3611, 11-7-2022]

- (1) Traffic and parking. If parking for a home occupation occurs in a manner or frequency which causes disturbance to the normal traffic flow for the neighborhood, the occupation shall be considered a business best operated in a commercial district rather than as a home occupation and will no longer be permitted as an accessory use.
- (2) Changes to exterior. The appearance of a dwelling as a residence shall not be altered to the extent that attention is drawn to the structure as a business operation.
- (3) Nuisance controls. A home occupation shall not create noise, dust or dirt, heat, smoke, odors, vibration or glare or bright lighting which would be in excess of that created by a single residential dwelling. The production, dumping or storage of combustible or toxic substances shall not be permitted on site. Additionally, a home occupation shall not create interference with, or fluctuations of, radio or television transmission or reception.
- (4) Signage. No signage or other forms of advertising pertaining to the home occupation may be placed or painted onto the exterior of the residence or in the yard of a residence, except as permitted by Chapter 435, Signs.
- (5) Other regulations. Home occupations shall comply with all other local, State or Federal regulations pertinent to the activity pursued, and the imposition of requirements under this Chapter shall not be construed as an exemption from such regulations.
- (6) For the purpose of defining the occupancy limit for the residential dwelling, herein referenced in the applicable State Statutes, the occupancy limit shall be as stated in the City of Harrisonville's adopted Building Code, the ICC International Building Code, one (1) occupant per two hundred (200) square feet, of owner or tenant controlled, occupiable building or space, not including common areas of rented or leased spaces, as per IBC, Chapter 10, Table 1004.5.



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- (7) Sales of Lawful Goods and Services by home-based businesses shall be by appointment only and within the home or accessory structure only. Any modifications or alterations to structures which would normally require a building permit shall require the home-based business owner to apply for a building permit before commencing with any such work.
 - (8) No home-based business activity may be undertaken which is visible from the street or public way. No equipment or materials used in a home-based business or occupation may be stored outside of the residence or accessory buildings.
 - (9) All home-based businesses shall be prohibited from any business activity which compromises the public health and safety, including regulations related to fire and building codes, health and sanitation, transportation or traffic control, solid or hazardous waste, pollution, and noise control.
 - (10) All home-based businesses shall be required to comply with all State and Federal laws and pay all applicable taxes and fees. Any home-based business which chooses to apply for a City of Harrisonville business license, for any reason, shall comply with Chapter 605 of the Harrisonville Municipal Code.
 - (11) Types of businesses specifically prohibited from home-based business status include but are not limited to manufacturing, providing, or selling of any intoxicating liquor, cigarettes or any tobacco products, amusements, pawn brokers or small loan establishments, massage services, health care services, adult businesses, and tattooing or body piercing or body branding.
 - (12) Any home-based businesses which cause any substantial increase, at any time, in traffic through a residential area, or causes any violations of any City of Harrisonville parking regulations, is prohibited.
 - (13) Any home-based businesses which cause any violations of Harrisonville Municipal Code, including but not limited to Chapters: 200, 205, 208, 210, 215, 220, 225, 230, 240, 245, 250, 255, and 260, is prohibited.
 - (14) No home-based business which sells goods or services to clients by appointment shall operate this aspect of the business outside of normally accepted business hours of 8:00 A.M. to 6:00 P.M., Monday through Saturday and 12:00 P.M. to 6:00 P.M., Sunday. In person client transactions outside of these hours will be determined to change the residential character of the residential building and adversely affect the character of the surrounding neighborhood and will be prohibited.
2. (Reserved)^[1] ***[1]Editor's Note: Former Subsection (C) regarding home occupations was repealed 11-7-2022 by Ord. No. 3611. See Subsections (A) and (B) of this Section.***



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3. *Detached Accessory Building(s).*

[Ord. No. 3451, 11-5-2018; Ord. No. 3602, 9-19-2022]

- a. For any "R-1," "R-1B," "R-1M," "R-2," or "R-2B" zoned lot, two (2) detached accessory building(s) may be permitted, one (1) of the two (2) may be an accessory dwelling unit for any "R-1", or "R-1B". For any "R-3" or "R-4" zoned lot, one (1) or more detached accessory buildings may be permitted. Accessory structures are permitted as long as said structure complies with the standards outlined within the Zoning Code of Ordinances for the City of Harrisonville ("Code"), as enacted from time to time. A detached accessory building shall be located not less than eight (8) feet from any side or rear lot line and no closer to the front of the building than eight (8) feet. Accessory buildings required to be supported by a concrete foundation shall not be located within a dedicated easement of any kind. The accessory building shall be complementary with construction type, style and color of the primary structure. In the case of corner lots, accessory buildings shall be set back not less than the distance required for residences from side streets. Lot coverage for the house and any accessory structure shall not exceed thirty-five percent (35%). All accessory structures are to be approved by the Director of Community Development, or the Housing and Zoning Specialist. Any appeals shall be directed to the Board of Aldermen and that action shall be final.
- b. For any "C-1," "CBD-1," "C-2," and "CBD-2" zoned lot, one (1) detached accessory building not to exceed two hundred (200) square feet may be permitted in the side or rear yard providing it is set back not less than eight (8) feet from any side or rear lot line and no closer to the front of the building than eight (8) feet. Any existing or future accessory building, whether for storage or for sale, on any property of which any portion of the property is in the flood zone, will require a building permit and must also be anchored to grade to resist the effects of buoyancy, dislocation, or movement causing damage to property or public facilities; elevation of flood waters; or create a hazardous condition to any person or property.
- c. In any residential district, on-site temporary storage units may not be located on any lot for more than forty-five (45) days within any twelve-month period. Said units must be located on paved off-street surfaces. No such unit shall block any sidewalk, easement, right-of-way, or be located within any sight triangle as defined in Section 410.160 of the Municipal Code. Doors must always be secured except during times of loading and unloading. No such unit shall be located on any undeveloped lot.
- d. Intermodal Containers. This section clarifies the allowable uses for intermodal containers, also known as connex, mobile, and shipping containers. The following regulations shall



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apply to proposed and existing containers being used in the City of Harrisonville prior to the adoption of this Ordinance. Said containers are prohibited in all Residential Districts.

- (1) Temporary Uses.
 - (a) Commercial Districts. Containers shall only be used when tied to an active building permit.
 - (b) Industrial Districts. Industrially zoned properties that utilize containers shall do so for storage purposes only.
- (2) Location Drawing Required for Industrial Districts. A drawing shall be submitted using aerial imagery to depict where on the property the containers will be located. The drawing shall be provided to the Community Development Department for the purposes of reviewing with other Departments to determine adequate life safety measures. Location approval is determined by the City Fire Marshal in conjunction with the Community Development Department.
- (3) Containers shall not be stacked.
- (4) Said units may not be placed directly on soil or in grassy areas and shall not be placed within any easement on the property. Containers shall be located no closer than fifty (50) feet from any public right-of-way and follow the screening requirements of Section 405.570 of the Municipal Code.
 - (a) Screening is not required for containers tied to an active building permit.
 - (b) Proximity to right-of-way exceptions will be granted by the Community Development Department when containers are tied to an active building permit.
 - (c) Containers tied to an active building permit may not be placed in grassy areas and shall not be placed within any easement on the property. No such unit shall block any sidewalk, right-of-way, or be located within any sight triangle as defined in Section 410.160 of the Municipal Code. Doors must always be secured except during times of loading and unloading.
- (5) City Fire Marshal approval is required for storage of certain items. The property owner shall also provide a method of labeling the containers in accordance with the adopted Fire Code and it's referenced standards to the materials being stored. City Fire Marshal is to approve the labeling prior to installation.
- (6) Doors must always be secured except during times of loading and unloading.
- (7) Any existing or future containers on any property of which any portion of the property is in the flood zone, will require a building permit and must also be anchored to grade to resist the effects of buoyancy, dislocation, or movement causing damage to



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property or public facilities; elevation of flood waters; or create a hazardous condition to any person or property.

4. Fence Regulations.

a. Definitions:

- (1) **Decorative fence.** A decorative fence shall be of open construction of at least fifty percent. Materials allowed for construction of a decorative fence are wrought iron, square tubing and/or metal pipe.
- (2) **Privacy fence.** An enclosure presenting a solid appearance used as a boundary, means of protection, privacy screening or confinement. Materials allowed for construction of a privacy fence are wood or vinyl, except posts which may be made of metal. Maximum board width for wood is twelve inches.
- (3) **Open wire fence.** Materials allowed for construction of an open wire fence are chain link and metal posts.
- (4) **Fence height.** The vertical distance measured from the top of the fence to ground level adjacent to the exterior of the fence.
- (5) **Sight Triangle.** A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

b. **Permit required.** It is unlawful to erect any fence in the City of Harrisonville without first obtaining an approved building permit from the Community Development Department. A building permit is required to construct or replace a fence when:

- (1) A new fence is being constructed.
- (2) An existing fence is being extended.
- (3) An existing fence is being replaced with a new fence that is a different size, at a different location, or of a different material.
- (4) More than fifty percent (50%) of the linear length of an existing fence section (side or rear yard) or more than fifty percent (50%) of the entire fence is being replaced.

c. **Permit fee.** The fee for submitting a building permit application shall be in accordance with Municipal Ordinance Section 500.030.

d. General Construction Regulations.

- (1) All fences shall be constructed in a workmanship-like manner with a finished surface facing outward from the property, all horizontal and vertical support is to remain inside the fenced area.
- (2) A maximum fence height of six feet shall be permitted in the side and rear yards only.
- (3) Only decorative fencing material is permitted in the front yard setback with a maximum height of forty-two inches.
- (4) Screening material of any type shall not be woven through or attached to a chain link fence in any residential zoning district. Barbed wire shall only be permitted in



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non-residentially zoned areas atop security fences that measure at least six feet in height.

(5) In areas zoned for agricultural use that do not abut a residentially zoned area, electrically charged fences and barbed wire fences are permitted at any height.

(6) All exposed metal, except galvanized metal, shall have a colored finish coat.

(7) No more than two different types of fencing material are permitted for construction.

e. Fence location. Fencing, screening, and the like shall only be erected per the following:

(1) No fence shall be constructed within the required sight triangle.

(2) Fences are permitted within a platted easement if there are no plat restrictions prohibiting fences in an easement and the property owner removes the fence, or portion thereof, necessary for the City or utility company to gain access to the easement for maintenance purposes. Should the property owner fail to remove the fence sections located within the easement, the City or utility company may do so.

(3) No fence shall be installed or maintained within any drainage way, detention facility, or engineered swale which will create ponding on adjacent property, divert water onto the adjoining property, or impede drainage.

(4) On corner lots, a privacy fence, chain link fence, decorative fence, wall, or hedge may be constructed or planted to a maximum height of six feet abutting the front yard setback line in the rear yard of the home. For the purposes of this Section, the rear yard is defined as the side of the house opposite the front door. (See figure 1.)

(5) If all the following conditions apply to a corner lot, then the privacy fence, chain link fence, decorative fence, wall or hedge may be installed to a height of six feet abutting the property line in the rear yard of the structure. (See figure 2.)

a. If the rear yard of a corner lot is adjacent to the rear yard of another corner lot.

b. The front of each home on each lot faces in opposite directions.

c. There is no driveway to either home from the street adjacent to the side yard of both lots.

(6) On double-frontage lots whose rear yard abuts an arterial, collector or local street, a privacy fence, chain link fence, decorative fence, wall or hedge may be constructed or planted to a maximum height of six feet abutting the rear property line provided the fence, wall or hedge does not encroach into a platted landscape buffer, sight triangle, right-of-way or easement and there is no direct access to the arterial or collector road.

(7) In the front yard setback, fences shall not be placed any closer than six feet to the street right of way.

f. Fence Maintenance.

(1) All fences shall be maintained in their original upright condition.

(2) Fences with a painted or similar surface finish shall be maintained in their original condition.

(3) Missing Boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

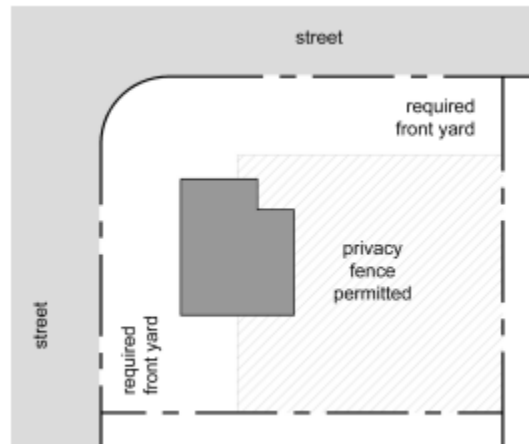


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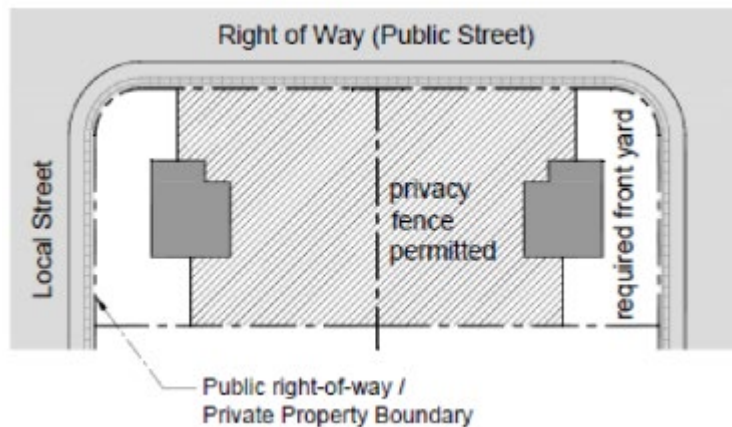
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g. Nonconforming. Any fence legally erected prior to the date of adoption of this ordinance, and not in compliance with the provisions of this section, shall be considered a non-conforming structure. Repairs to a non-conforming structure are permitted, however where fifty percent or more of the linear length of an entire fence or fence section is being reconstructed or replaced, such fence or fence section shall comply with current adopted Municipal Code.



CORNER LOT FIGURE 1



CORNER LOT FIGURE 2

h. SIGHT TRIANGLE

- (1) No sign, fence, wall, shrub or other obstruction with a height between two and eight feet shall be located in a sight triangle.
- (2) Sight triangles must be provided at all street intersections and the intersection of a vehicular access way or driveway and a street.

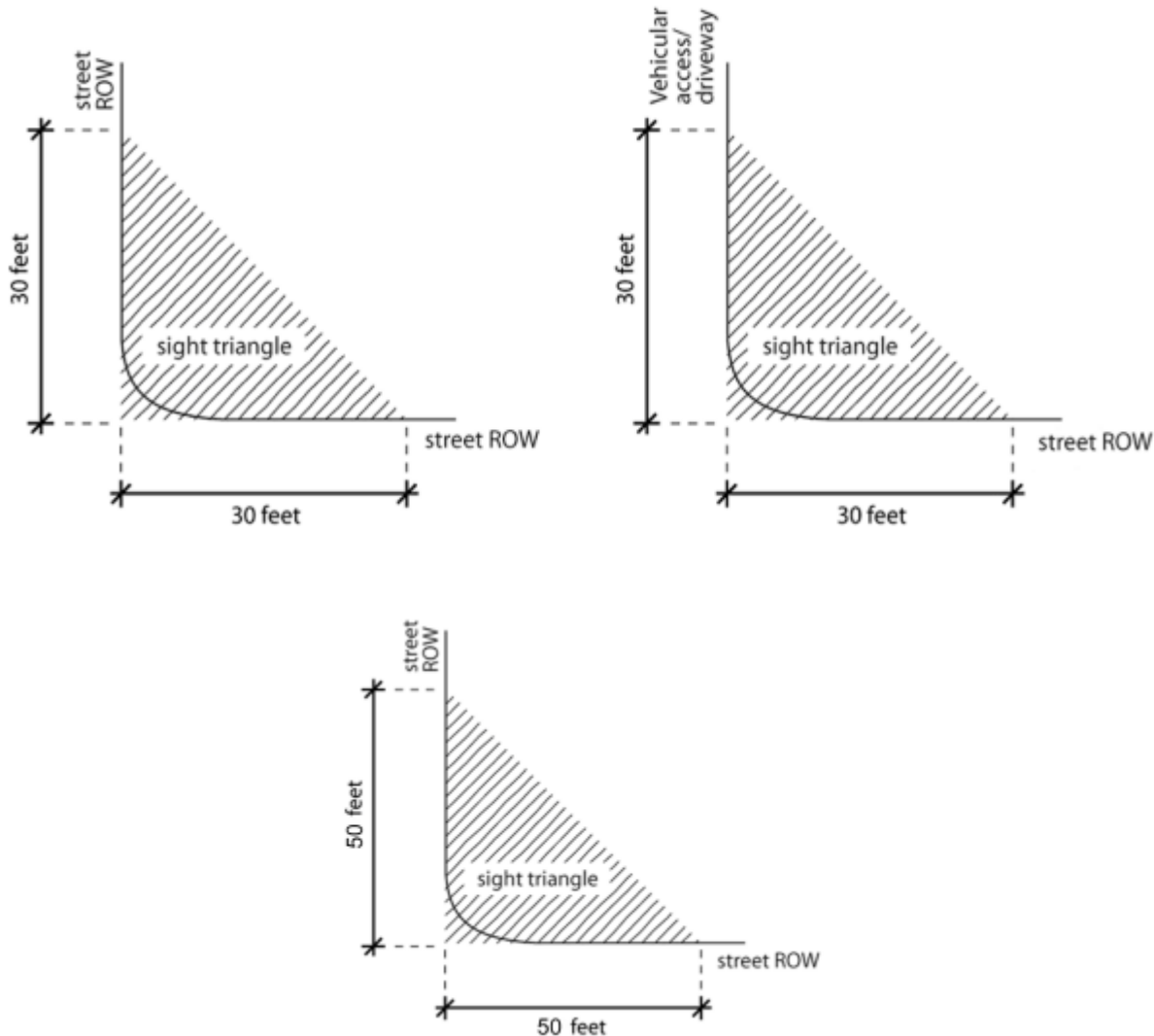


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- (3) The sight triangle includes the area created by the street right-of-way lines extending 30 feet from their intersection. Where a street right-of-way intersects a vehicular access way or driveway, the sight triangle includes the area created by the street right-of-way line and the edge of the drive extending 30 feet from their intersection.
- (4) When an arterial street intersects another arterial street or railway, the sight triangle is increased to 50 feet from the intersection of the right-of-way lines.
- (5) The City of Harrisonville is authorized to trim, remove or order removal of structures, signs, landscaping, or other materials that violate this section.



5. *Additional Uses.* A hobby activity may be operated as an accessory use by the occupant of the premises purely for personal enjoyment, amusement or recreation, provided that the articles produced or constructed are not sold on the premises. Such additional uses as private



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swimming pools, gardens, customary pets, television and radio antennae not exceeding sixty (60) feet in height, signs as permitted by ordinance, parking areas, play equipment, and other similar uses shall be allowed. Any accessory use which exceeds ten (10) feet in height shall be located a distance inside the property line at least equal to one-third (1/3) its height.

6. Storage Of Equipment, Vehicles, or Recreational Vehicles.

[Ord. No. 3577, 2-22-2022]

a. In any zoning district, parking or storage of vehicles is permitted only:

- (1) On a driveway; or Inside a completely enclosed structure; or
- (2) On a paved or impervious surface; or
- (3) In the rear of the building.

The vehicle does not have to be upon a paved or impervious surface if it is shielded from public view.

- b. No vehicle may be parked or stored on the grass in the front yard area.
- c. No vehicle may be parked or stored in rights-of-way, unless parking is allowed, and rights-of-way areas are paved or approved gravel surfaces.
- d. No vehicle may be parked or stored in any public easement.
- e. Recreational vehicles may not be occupied within the City limits for living, sleeping, or cooking purposes for more than fourteen (14) days in a calendar year, unless approved by a special use permit.
- f. Off-street parking areas must be used solely for the parking of operable motor vehicles for patrons, occupants, or employees of the use to which the parking area serves.
- g. Stored vehicles or equipment shall not protrude into public property or obstruct sidewalks.
- h. No vehicle shall be parked or stored on an undeveloped lot.
- i. Exceptions may be granted with prior approval from the Code Enforcement Officer or Building Official.

7. Commercial Vehicle Parking In Residential Zones.

a. It shall be unlawful to park or store any commercial vehicle which is licensed for over twelve thousand (12,000) pounds on any street or highway or public or private property in any residentially zoned district within the City of Harrisonville, Missouri. In no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted in a residential zoned district. Other vehicles specifically prohibited from parking on any street or highway or public or private property in any residentially zoned district are: Flatbed trucks, dump trucks, utility wreckers, boom trucks, bucket trucks, tandem axle trucks, cab and chassis trucks. This does not preclude the parking of standard pickups. Exception: Limited parking is permissible during loading and unloading or during the time necessary to carry out a



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service upon property in the block the vehicle is parked, and the parking of construction vehicles on an active construction site is also permitted. A "*commercial vehicle*" is any motor vehicle used in or by a business in furtherance of the business or any vehicle licensed as a commercial vehicle.

b. The operation or use of a motor vehicle in violation of the provisions of this Section shall be prima facie evidence that said motor vehicle was at the time of such violation controlled, operated and used by the owner thereof.

c. If any vehicle is found in violation of any provision in this Section, the owner or person in whose name said vehicle is registered in the records of any City, County, or State shall be held prima facie responsible for such violation, if the driver thereof is not present.

8. *Districts "R-3" And "R-4"*. In the "R-3" and "R-4" Districts, permitted accessory uses are as follows: Parking areas, signs as permitted by ordinance, recreation areas including tenant used swimming pools and minor recreation buildings, trash collection enclosures, power generators, vending machines for tenant use and other similar uses.

9. *Districts "C-O" And "C-1"*. In the "C-O" and "C-1" Districts, accessory uses are as follows: Parking areas, signs as permitted by ordinance, vending machines, private garages for motor vehicles, apartment for maintenance personnel, low-level exterior lighting, radio, television or microwave antennae not exceeding sixty (60) feet in height, flagpoles, cooling towers and other similar use.

10. *Districts "CBD-1", "CBD-2" And "C-2"*. In the "CBD-1", "CBD-2" and "C-2" Districts, permitted accessory uses are as follows: Parking areas, signs as permitted by ordinance, flood lighting and other similar uses. In "C-2", washing and other passenger car cleaning shall be permitted as an accessory use in service stations.

11. *Districts "M-1" And "M-2"*. In the "M-1" and "M-2" Districts, permitted accessory uses are as follows: Parking and loading areas, signs as permitted by ordinance, security and screen fencing, radio and microwave towers to heights as set out in this Chapter, gate house, loading equipment, employee recreation and other similar uses.

12. *Motor Hotels*. The following are accessory uses within a motor hotel: A restaurant, banquet rooms, liquor, notions and magazine counters, vending machines, beauty and barber shops, flower and gift shops, provided all are within the main building and designed to serve primarily the occupants and patrons of the motor hotel.

13. *Hospitals*. The following are accessory uses in connection with a hospital: Residential quarters for staff and employees, nursing or convalescent quarters, storage and utility buildings, food service and vending machines, laundry and other similar services for hospital personnel, visitors and patients.



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14. Utility Buildings. Outside storage of materials and equipment is an accessory use in connection with utility buildings, provided all outside storage is screened from view from off the premises. Any of the accessory uses listed in this Section may be specifically prohibited or further controlled by restrictions written into the special use permit prior to its being approved.

15. Accessory Utility Facilities. Accessory utility facilities shall be allowed in all districts only pursuant to the provisions of Section 405.551 of the City Code.

16. Electric Vehicle Charging Stations.

[Ord. No. 3576, 2-22-2022]

- a. Commercial electric vehicle charging stations, defined as an installation for the retail sales of electric vehicle charging services, and pursuant with Section 386.020(15)(c), RSMo., shall be permitted in any "R-4" Zoning District apartment complex, any "C" Zoning District or any "M" Zoning District.
- b. Individual privately owned or leased electric vehicle charging stations, defined as an installation for the sole use of the electric vehicle owner or lessee, shall be permitted in any zoning district.
- c. Commercial electrical vehicle charging stations shall be required, as any other retail sales business, to have a current City business license, pursuant to Chapter 605, Licenses, of the Municipal Code; and shall apply for a City commercial occupancy permit upon changes in ownership.
- d. Initial electric vehicle charging station installations, both commercial electric vehicle charging stations and individual electric vehicle charging stations, shall apply for a building permit for installation and construction, inspection, and final approval; and shall obtain approval for electric utility service from the City of Harrisonville Electric Department.

Section 405.030 Definitions and Rules of Construction.

[Ord. No. 1825, 5-13-1991; Ord. No. 2504 §1, 6-8-1998; Ord. No. 3107 §§1 — 2, 10-19-2009]

Definitions to be added to Subpart B:

On-site temporary storage unit

A smaller scale, standardized shipping container designed and built for transport. On-site temporary storage units are used for storage of personal belongings and transportation from one site to another.

Intermodal container



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A large, standardized shipping container designed and built for intermodal freight transport. Such containers are designed for different modes of transport from ship to rail and to truck without unloading and reloading their cargo. Intermodal containers are primarily used to store and transport materials and products efficiently and securely in the global containerized intermodal freight transportation system.

Section 405.110.A.3: Accessory uses, including repair shops, sheds, garages, barns, silos, irrigation wells and pumps, bunk houses, incidental dwellings, buildings and structures customarily required for any of the above uses. There shall be no limit on the number of allowed accessory structures within this district.

Section 405.125.A.2: There shall be no limit on the number of allowed accessory structures within this district.

Section 405.225.A.5: The building coverage shall not exceed eighty-five percent (85%).

Section 405.255.A.5: The building coverage shall not exceed eighty-five percent (85%).

Section 405.285.A.5: The building coverage shall not exceed ninety-five percent (95%).

Section 405.305.A.5: The building coverage shall not exceed ninety-five percent (95%).

Section 405.325.A.5: The building coverage shall not exceed eighty-five percent (85%).

Section 405.495.A.5: The building coverage shall not exceed sixty percent (60%).

Section 405.515.A.5: The building coverage shall not exceed eighty percent (80%).

Dimensional Standards

District	Lot Width	Lot Area	Lot Depth	Setbacks			Height	Lot Coverage
				Front	Side	Rear		
A	350 ft.	5 Ac.	N/A	50 ft.	15 ft.	50 ft.	35 ft.	N/A
E	250 ft.	3 Ac.	N/A	50 ft.	20 ft.	50 ft.	35 ft.	N/A
R-1	75 ft.	8,500 sqft.	N/A	30 ft.	20 ft. total, 8 ft. min.	30 ft.	35 ft. *	35%
R-1B	50 ft.	5,000 sqft. Per family	100 ft.	25 ft.	5 ft.; 10 ft. on street side for corner lots	30 ft.	35 ft. *	35%
R-1M*	See Section 405.160.							
R-2	80 ft. *	8,500 sqft. For Single-Family; 6,000 sqft. For Two-Family Dwellings	N/A	30 ft.	20 ft. total, 7.5 ft. min.; 20 ft. on street side for corner lots	20 ft.	35 ft.	35%
R-2B	50 ft.	5,000 sqft. Per family	N/A	25 ft.	5 ft.; 10 ft. on street side for corner lots	30 ft.	35 ft. *	35%
R-3	N/A	4,000 sqft. Per Family	N/A	30 ft.	15 ft.	15 ft.	2 stories, plus basement	35%
R-4	N/A	3,000 sqft. Per 4 bedroom unit; 2,500 sqft. Per 3 bedroom unit; 2,100 sqft. Per 2 bedroom unit; 1,650 sqft. Per 1 bedroom unit	N/A	30 ft. plus 3 ft. for each story in excess of 4	15 ft. *	30 ft. for bldgs. Up to 4 stories; equal to height of bldg. for bldgs. In excess of 4 stories	No max. or min., governed by yard rqmts.	35%
C-O	N/A	N/A	N/A	35 ft.	15 ft. *	30 ft.	3 stories; up to 144 ft. in CP-O	85%
C-1	N/A	N/A	N/A	35 ft.	15 ft. *	15 ft.	3 stories	85%
CBD-1	N/A	N/A	N/A	0 ft.	0 ft. *	0-25 ft. *	3 stories; up to 12 stories in CBDP-1	95%
CBD-2	N/A	N/A	N/A	0 ft.	0 ft. *	0-25 ft. *	3 stories; up to 12 stories in CBDP-2	95%
C-2	N/A	N/A	N/A	35 ft.	15 ft.	15 ft.	3 stories; up to 12 stories in CP-2	85%
M-1	N/A	N/A	N/A	35 ft.	40 ft. total; 15 ft min.; 20 ft. on street side for corner lots or abutting a zoned residential lot	25 ft.	3 stories or 50 ft.; MP-1 or over 30 ac. 150 ft.	60%
M-2	N/A	N/A	N/A	25 ft.	10 ft.	20 ft.	150 ft.	80%

*Denotes additional requirements located within the text for that specific District's specific requirement.



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Section 405.205 Height and Area Regulations.

[Ord. No. 1825, 5-13-1991; Ord. No. 3107 §7, 10-19-2009]

A. In District "R-4", the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted on any lot shall be as follows:

1. Height. No maximum or minimum height required except as governed by yard requirements.
2. Front yards. Any building hereafter constructed shall provide for a front yard, the minimum depth of which shall be at least thirty (30) feet plus three (3) feet for each story in excess of four (4).
3. Side yards. There shall be a side yard on each side of the building equal to the height of the building wall adjacent to said yard, except that in no case shall the side yard be less than fifteen (15) feet.
4. Rear yards. The depth of the rear yard shall be at least thirty (30) feet for buildings up to four (4) stories and at least the height of the building for buildings in excess of four (4) stories.
5. Lot area per family. Every apartment complex and every senior citizens dwelling hereafter constructed shall provide a lot area per unit of not less than the following:
 - a. Four (4) bedroom unit 3,000 square feet
 - b. Three (3) bedroom unit 2,500 square feet
 - c. Two (2) bedroom unit 2,100 square feet
 - d. One (1) bedroom unit 1,650 square feet
6. The building coverage shall not exceed thirty-five percent (35%).

Section 405.305 Height and Area Regulations.

[Ord. No. 1825, 5-13-1991]

A. In District "CBD-2", the height of buildings, the minimum dimensions of lots and yards and the minimum lot area per family permitted upon any lot shall be as follows:

1. Height. Buildings or structures shall not exceed three (3) stories in height, except that in a District "CBDP-2" buildings and structures shall not exceed twelve (12) stories in height.
2. Front yards. No front yard is required.
3. Side yards. No side yard is required except that where a side line of a lot in this district abuts the side line of a lot in a District "R-1" to "C-O" inclusive, a side yard shall then be provided the same as required in the district it abuts.
4. Rear yards. No rear yard is required except that where a rear line of a lot in this district abuts upon land in a District "R-1" to "C-O" inclusive, a rear yard of not less than twenty-five (25) feet shall then be provided in this district.



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Section 405.250 Performance Standards.

[Ord. No. 1825, 5-13-1991]

A. The following standards shall not be exceeded by any use in this district:

- 1. No wholesale sales shall be conducted.**
- 2. No merchandise or equipment shall be stored or displayed outside a building.**
- 3. All products shall be sold and all services rendered inside a building, except that banks and savings and loan establishments may have drive-in or walk-up service.**
- 4. No noise, smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.**

Chapter 405. Zoning Regulations

ARTICLE XIX. Special Use Permits

Division 2. Adult Use Facility

Section 405.530. Definitions Relating To Division 2.

[Ord. No. 2756 §1, 2-19-2002]

For the purpose of this code, the following words and phrases shall have the following interpretation and/or meanings.

ADULT

A person who has attained the age of eighteen (18) years.

ADULT BUSINESS ESTABLISHMENT

Any establishment having as a material portion of its business the offering of entertainment, services, stocks in trade or materials, scenes or other representations predominately distinguished by or characterized by emphasis on depiction or description of an erotic nature including, but not limited to, depiction or descriptions of "specified sexual activities" or "specified anatomical areas" (separately defined). The definition of "adult business establishment" also includes, but is not limited to, any and all of the following specific adult businesses as defined herein:

1. Adult Arcade: Any business establishment or concern to which the public is permitted or invited and where coin- or slug-operated or electronically, electrically or mechanically controlled amusement devices, still or motion picture machines, projectors, videos or other image-producing devices are maintained to show images on a regular or substantial basis, where the images so displayed relate to specified sexual activities or exhibition of specified anatomical areas.

2. Adult Encounter Parlor: An establishment where a regular and substantial portion of its business is the provision of premises where customers congregate, associate or consort with employees, performers and/or other customers or private contractors who display specified anatomical areas in the presence of such customers, with the intent of providing sexual arousal or excitement to such customers.

3. Adult Entertainment Cabaret: An establishment where a regular and substantial portion of its business is providing adult entertainment which features strippers, male or female, impersonators, or live performances, or material which depict, portray, exhibit or display specified anatomical areas or specified sexual activities or are intended to arouse or excite the sexual desires of the entertainer, other entertainer or customer.

4. Adult Entertainment Studio (includes the terms "rap studio", "exotic dance studio", "sensitivity studio" or "encounter studio"): An establishment whose premises are physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises, and where a regular and substantial portion of its business is providing entertainment which features materials or live performances characterized by an



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emphasis on or features materials relating to specified sexual activities or the exhibition of specified anatomical areas.

5. Adult Media Outlet: See definition below.

6. Adult Motel: An enterprise where a regular and substantial portion of its business is offering public accommodations for the purpose of viewing closed-circuit television transmissions, films, movies, motion pictures, video cassettes, videotapes, slides or other photographic reproductions which are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas and which rents room accommodations for less than six (6) hours at a time.

7. Adult Motion Picture Theater: An enclosed building used for presenting or showing, for monetary consideration, movie or video films or pictures or other material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (separately defined) for observation by customers therein. Said adult motion picture theaters generally show "X" rated movies.

8. Adult Newsrack: Any coin- or card-operated device that offers for sale by dispensing printed material which is distinguished or characterized by its emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

9. Adult Retail Establishment: A business which offers for sale or rent instruments, devices, gifts or paraphernalia which are designed or marketed for use in connection with specified sexual activities, clothing that graphically depicts specified anatomical areas or any of the material sold or rented in an "adult media outlet" as defined below, if a substantial or significant portion of such items are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas". For purposes of this Subsection, the presumptions relative to what constitutes a "substantial or significant" portion of business set forth in the definition whether an item is "designed or marketed for use" in connection with specified sexual activities, the following guidelines may be considered:

- a. Expert testimony as to the principal use of the term;
- b. Evidence concerning the total business of a person or business establishment and the type of merchandise involved in the business;
- c. National and local advertising concerning the use of the item;
- d. Evidence of advertising concerning the nature of the business establishment;
- e. Instructions, graphics or other material contained on the item itself or on the packaging materials for the item;
- f. The physical or structural characteristics of the item;
- g. The manner in which the item is displayed, including its proximity to other regulated merchandise or signage relating to items in a display area.

Any person may request an interpretive ruling from the City, or his/her designee, as to whether a particular item is considered by the City to be "designed or marketed for use" in connection with specified sexual activities. An application for an interpretive ruling shall be made in writing on a form provided by the City and shall be accompanied by such other information as may reasonably be requested under the circumstances pertaining to the specific item about which a ruling is requested. The City shall issue a written interpretive ruling within ten (10) business days following submission of a completed application. The decision of the City may be appealed to the City Administrator within fifteen (15) days following the interpretive ruling by submitting a written notice



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of appeal to the City Clerk.

10. *Adult Theater*: An establishment where a regular and substantial portion of its business is providing the live performance of activities relating to specified sexual activities or exhibition of specified anatomical areas of live performers for observation by customers.

11. *Bathhouse*: An enterprise where a regular and substantial portion of its business is offering baths and/or showers with other persons present who are nude or displaying specified anatomical areas.

12. *Body Painting Studio*: An establishment where a regular and substantial portion of its business is the application of paint or other substance to or on the human body by any means of application, technique or process when the subject's body displays for customer view specified anatomical areas.

13. *Escort Bureau*: Any person, business or agency which, for a fee, commission, hire, reward or profit, furnishes or offers to furnish escorts or persons who, for hire or reward, accompany others to or about social affairs, entertainment or places of amusement or who consort with others, for hire or reward, about any place of public resort or within any private quarters.

14. *Wet T-Shirt Contests*: Any exhibition, dance or modelling predominately distinguished by, or characterized by, soaking t-shirts for the purpose of rendering the shirt less than one hundred percent (100%) opaque. Thereby, rendering the female breast less than completely and opaquely covered.

ADULT ENTERTAINMENT

Any exhibition, dance, pantomime, modeling or other performance predominately distinguished by or characterized by emphasis on depiction or description of an erotic nature including, but not limited to, depiction or descriptions of "specified sexual activities" or "specified anatomical areas" (separately defined).

ADULT MEDIA

Magazines, books, videotapes, movies, slides, paraphernalia or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (separately defined).

ADULT MEDIA OUTLET

An establishment that rents, sells or offers for viewing or other use any adult media and which meets at least one (1) of the following tests:

For purposes of this Subsection, it shall be presumed that a "substantial or significant" portion of a business is devoted to the sale or rental of such items if any one (1) or more of the following criteria are satisfied:

1. More than thirty percent (30%) of the floor area is devoted to adult media (not including storerooms, stock areas, bathrooms, basements or any portion of the business not open to the public); or
2. More than thirty percent (30%) of the gross sales (including rentals) result from the sale or rental of adult media;
3. Thirty percent (30%) or more of the dollar value of all merchandise displayed at any time is attributable to adult media;
4. Thirty percent (30%) or more of all inventory consists off adult media at any time;
5. Thirty percent (30%) or more of the merchandise displayed for sale consists of adult media;
6. Thirty percent (30%) or more of the stock in trade consists of such items at any time.

BOOTH

A small enclosure that separates the occupant from patrons or customers.

CUSTOMER



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Any person who:

1. Is allowed to enter an adult business establishment in return for the payment of an admission fee or any other form of consideration or gratuity; or
2. Enters an adult business establishment and purchases, rents or otherwise partakes of any merchandise, goods, entertainment or other services offered therein; or
3. Is a member of or on the premises of an adult business establishment operating as a private club.

DAY CARE FACILITY

Any establishment that provides, on a regular basis, supervision, protection, and care for individuals on a regular basis away from their primary residences for less than twenty-four (24) hours per day.

EMPLOYEE

Any person who renders any service whatsoever to the customers of an adult business establishment or who works in or about an adult business establishment and who receives compensation for such service or work from the operator or owner of the business or from the customers therein. "Employee" includes, but is not limited to, managers, entertainers and independent contractors who work in or at or render any services directly related to the operation of an adult business establishment.

ENTERTAINER

Any person who provides adult entertainment within an adult business establishment, whether or not a fee is charged or accepted for the entertainment.

EROTIC

Devoted to or tending to arouse or excite sexual desires.

FOOT-CANDLE

A unit of illumination lighting a surface, on which there is uniformly distributed a light flux of one (1) lumen over an area of one (1) square foot. A lumen is a unit of measure of the quantity of light energy emitted by a light source without regard to the effectiveness of its distribution. A candela is the unit of intensity of a light source in a specific direction. One (1) candela directed perpendicular to a surface one (1) foot away generates one (1) foot-candle of light. A light source of one (1) candela emits a total of twelve and fifty-seven hundredths (12.57) lumens. For the purposes of this code, the lumen output values shall be the initial lumen output ratings of a lamp.

GROUP BOARDING HOME FOR ADULTS

A residential dwelling unit for six (6) or more persons, eighteen (18) years of age or over.

GROUP BOARDING HOME FOR MINORS

A residential facility for six (6) or more persons under eighteen (18) years of age who for various reasons cannot reside in their natural home and where twenty-four (24) hour adult care, supervision and consultation exists.

MANAGER

Any person who manages, directs, administers, or is in charge of the affairs of or conduct of any portion of any activity of any adult business.

MINOR

A person less than eighteen (18) years of age.

NUDITY

Exposing any of the human male or female genitals, pubic hair or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering below a point immediately below the top of the areola or the showing of the covered male genitals in a discernible turgid state.

NURSING FACILITY



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A building or a group of buildings where, for compensation pursuant to the previous arrangement, care is offered or provided for three (3) or more persons suffering from illness, other than a contagious disease, or sociopathic or psychopathic behavior, which is not of sufficient severity to require hospital attention, or for three (3) or more persons requiring further institutional care after being discharged from a hospital.

OPERATE

To own, conduct or maintain the affairs of an adult business establishment.

OPERATOR

Any person, partnership or corporation operating, conducting or maintaining an adult business establishment.

PARK

Any public or private land designated for park or recreational activities but not limited to a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness area or similar land.

PERSON

Any individual, partnership, corporation, trust, incorporated or unincorporated association, joint venture, governmental entity or other entity or group of persons however organized.

RELIGIOUS INSTITUTION

A structure or site such as a church, synagogue, chapel, sanctuary or cathedral used primarily for religious activity or worship and related religious activities.

RESIDENTIAL ZONE

Any property within the City which is zoned or used for residential purposes. The zoning designations refer to the Sections in the City zoning ordinance as may be amended from time to time and include any property in the City which is zoned "A" (Agricultural), "E" (Estate), "EP" (Planned Estate), "R-1" (Single-Family), "RP-1" (Planned Single-Family Residential), "R-1M" (Manufactured Home Park), "RP-1M" (Planned Manufactured Home Park), "R-2" (Two-Family) "RP-2" (Planned Two-Family Residential), "R-3" (Cluster/Garden Apartment District), "RP-3" (Planned Cluster/Garden Apartment District), "R-4" (Apartment), "RP-4" (Planned Apartment).

SCHOOL

Any institution of teaming, whether public or private. This definition includes, but is not limited to, a nursery school, kindergarten, elementary school, junior high school, senior high school, college and university.

SPECIFIED ANATOMICAL AREAS

These include:

1. Less than completely and opaquely covered: human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola; and
2. Human or simulated male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES

Sexual conduct including, but not limited to:

1. Human genitals in a state of sexual stimulation or arousal; and/or
2. Acts of human masturbation, sexual intercourse or arousal; and/or
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; and/or
4. Masochism, erotic or sexually oriented torture, beating, or the infliction of pain; and/or
5. Human excretion, urination, menstruation, vaginal or anal irrigation; and/or



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6. Fondling or other erotic touching of clothed or unclothed human genitals, pubic region, buttock, or female breast; and/or

7. Acts involving animals or latent objects.

Section 405.535. Location and Distance Requirements.

[Ord. No. 2756 §1, 2-19-2002]

A. Adult business establishments may be located on any property zoned "M-2" with an approved Special Use Permit (SUP).

B. Residential. Adult business establishments may not be located within one thousand (1,000) feet of any property zoned or used for residential purposes.

C. Schools, Parks, Religious Institutions, Group Homes, Nursing Facility, Hospitals And Libraries. No adult business establishment shall be permitted to locate or expand within one thousand (1,000) feet of any private or public school, public park, day care facility, group home for adults or minors, nursing facility, hospital, library or religious institution or place of worship.

D. Other Adult Uses. No adult business establishment shall be permitted to locate or expand within two thousand (2,000) feet of another adult business establishment.

E. Facilities With A Liquor License. No adult business establishment shall be permitted to locate or expand within two thousand (2,000) feet of any business licensed to sell or serve alcoholic liquor or cereal malt beverages, whether or not such business is also an adult business establishment.

F. Measurement Of Distance.

1. The distance between any adult business establishment and any religious institution, school, group home, nursing facility, hospital, library, public park or child care facility or any property zoned for residential use shall be measured in a straight line, without regard to intervening structures, from the closest property line of the adult business use to the closest property line of the religious institution or place of worship, private or public school, public park, child care facility, property zoned for residential use, group home, nursing facility or hospital.

2. The distance between any two (2) adult business establishments or between any adult business establishment and a business licensed to sell or serve alcoholic or cereal malt beverages shall be measured in a straight line, without regard to intervening structures, from the closest property line of each business.

Section 405.540. General Regulations and Requirements.

[Ord. No. 2756 §1, 2-19-2002]

A. Age Restriction. Only adults, as defined in this code, shall be permitted on the premises of any adult business establishment. If alcoholic or cereal malt beverages are sold or served on the premises, only persons twenty-one (21) years of age or older may be permitted on the premises.

B. Hours Of Operation. It shall be unlawful for any adult business establishment to be conducted, operated, or otherwise open to the public, customers or members between the hours of 12:00 Midnight and 10:00 A.M. Monday through Saturday. No adult business establishment shall be open on any Sunday.

C. Exterior Display. The premises of all adult business establishments shall be so constructed as to ensure that the interior of the premises is not observable from the exterior of the building. In addition, all windows will be covered to prevent viewing of the interior of the building from the outside and all



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exterior doorways must be constructed with an anteroom or foyer so as to prevent observation of the interior of the premises from the exterior of the building.

D. Nudity Prohibited. No manager, employee, entertainer or customer in an adult business establishment shall be unclothed, nude or in such less-than-opaque and complete attire, costume or clothing, so as to expose to view any "specified anatomical area".

E. Protective Barrier Required. Any adult business establishment engaging in the display or performance of live models, dancers, entertainers or other performers shall erect a platform at least two (2) feet above the primary level of the customer floor level on which the employee or entertainer must be contained, shall not permit customers within ten (10) feet of the employee or entertainer and shall, in addition, erect a protective barrier from floor to ceiling of sufficient strength to prevent customers from entering the area of the employee or entertainer or touching the employee or entertainer in any manner. Further, it shall be unlawful for any customer to be upon any portion of the stage during a performance or for an owner, operator or manager to permit a customer to be upon any portion of the stage during the performance.

F. Erotic Touching Prohibited. No employee, dancer, entertainer or customer of an adult business establishment shall be permitted to manually or through other bodily contact stimulate the genitals, pubic region, breasts or buttocks of themselves or any other person.

G. Display Or Performance. No adult business establishment shall permit any employee, entertainer, model, dancer, other performer or customer to participate in any entertainment, live display or performance which depicts, describes or simulates "specified sexual activities" or contains any acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

H. Devices. No employee, model, dancer, entertainer, other performer or customer shall wear or use any device or covering exposed to view which simulates any "specified anatomical area", nor shall any employee, model, dancer, entertainer, other performer or customer use artificial devices or inanimate objects to depict any of the prohibited activities described in this code.

I. Entertainer Payment Or Gratuity. No model, dancer, entertainer or other performer, while on the premises of an adult business establishment, shall solicit, demand or receive any payment or gratuity from any customer directly, rather all gratuities shall be placed in a permanently affixed receptacle provided for gratuities. No gratuity may be offered or accepted while a performance is being conducted.

J. Lighting. All adult business establishments shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than two (2) foot-candle as measured at the floor level, and such illumination must be maintained at all times that any customer is present in or on the premises.

K. Vending Machines Prohibited. No coin- or token-operated vending machine which sells adult media may be located in a place open to the public, except that said machines are permitted in public places from which minors are excluded.

L. Closed Booths Or Rooms Prohibited. The premises of all adult business establishments shall be physically arranged in such a manner that the entire interior portion of any booths, cubicles, rooms or stalls is visible from a public common area of the premises.

1. Visibility shall not be blocked or obscured by doors, curtains, drapes, or any other obstruction whatsoever.

2. The entire body of any viewing person must also be visible from the public common area without the assistance of mirrors or other viewing aids.

3. No booth shall be occupied by more than one (1) customer at a time.

4. No holes shall be permitted between booths or individual viewing areas.



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M. Identification Cards. Any adult business employee issued a permit by the City Clerk under the provisions contained herein shall, at all times when working in an adult business establishment, have in such employee's possession a valid identification card issued by the City bearing the permit number, the employee's physical description and a photograph of such employee. Such identification card shall be laminated to prevent alteration.

N. Ventilation And Sanitation Requirements. The premises of all adult business establishments shall be kept in a sanitary condition. Separate dressing rooms and restrooms for men and women shall at all times be maintained and kept in a sanitary condition.

O. Manager On Premises.

1. A permitted manager shall be on duty at all adult business establishments at all times the premises are open for business. The name of the manager on duty shall be prominently posted during business hours.

2. It shall be the responsibility of the manager to verify that every employee within any adult business establishment possesses a current and valid permit and have in their possession a current and valid identification card at all times while working.

P. General Prohibitions. No owner, operator, manager, or other person in charge of the premises of an adult business establishment shall:

1. Knowingly permit alcoholic liquor or cereal malt beverages to be brought upon the premises unless authorized to do so by a properly issued and current liquor license as required by City ordinances;

2. Knowingly allow or permit the sale, distribution, delivery or consumption of any controlled substance or illegal drug or narcotic on the premises;

3. Knowingly allow or permit any person under the age of eighteen (18) to be in or upon the premises of an adult business establishment or any person under the age of twenty-one (21) if alcohol or cereal malt beverages are sold;

4. Knowingly allow or permit any act of prostitution or patronizing prostitution on the premises, as prohibited by State law or City ordinance;

5. Knowingly allow or permit a violation of this code or applicable City ordinance; or

6. Knowingly allow any entertainer, employee, manager or operator to perform any work, service or entertainment directly related to the operation of an unlicensed adult business.

Q. Facilities Necessary. No adult business license to conduct a bathhouse or body painting studio shall be issued unless an inspection by the Director of Community Development or his/her authorized representative reveals that the premises on which the applicant intends to conduct such business complies with each of the following minimum requirements:

1. The walls shall be clean and painted with washable, mold-resistant paint in all rooms where water or steam baths are given or showers taken. Floors shall be free of any accumulation of dust, dirt or refuse. All equipment used in the business' operation shall be maintained in a clean and sanitary condition. Towels, linens and items for personal use of operators and patrons shall be clean and freshly laundered for each patron. Heavy, white paper may be substituted for sheets provided that such paper is changed for every patron. No activity related to an adult business shall be carried on within any cubicle, room, booth, or any area within any permitted establishment, which is fitted with a door capable of being locked.

2. Toilet facilities shall be provided in convenient locations. A single water closet per sex shall be provided for each twenty (20) or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one (1) water



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closet has been provided. Toilet facilities shall be designated as to the gender accommodated therein.

3. Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.

The Director of Community Development shall certify that the proposed business establishment complies with all of the requirements of this Section and shall give or send such certification to the City Clerk. Provided however, that nothing contained herein shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises nor to preclude authorized inspection thereof. The Director of Community Development may recommend the issuance of a license contingent upon compliance with all requirements of this Section.

Section 405.545. Notification Requirements.

[Ord. No. 2756 §1, 2-19-2002]

Signage. All adult business establishments shall maintain on the premises a sign on which the upper-case letters shall be at least two (2) inches high and lower-case letters shall be at least one (1) inch high, which shall be conspicuously displayed in the common area at the principal entrances to the adult business establishment and which shall read as follows:

THIS ADULT BUSINESS IS
REGULATED BY THE CITY OF HARRISONVILLE, MISSOURI
EMPLOYEES, MODELS, DANCERS AND ENTERTAINERS:

- * Are not permitted to engage in any type of sexual conduct or in prostitution on the premises, or to fondle or caress the breasts, pubic region, buttocks or genitals of any employee, customer or other entertainer or to permit any employee, customer or other entertainer to fondle or caress the breasts, pubic region, buttocks or genitals of said entertainer.
- * Are not permitted to solicit, demand or receive any payment or gratuity from any customer, except as follows: A gratuity may be placed in a permanently affixed receptacle provided for gratuities but not while a performance is being conducted.
- * No nudity is permitted.

CUSTOMERS ARE:

- * Not permitted to be upon stage at any time.
- * Not permitted to caress or fondle the breasts, pubic region, buttocks or genitals of any employee, server, entertainer or customer or engage in solicitation for prostitution.

Section 405.547. Inspections.

[Ord. No. 2756 §1, 2-19-2002]

A. Any duly authorized officer of the City, including, but not limited to, the City Administrator, the City Attorney, Police Officers, Code Compliance Officers, Community Development Department



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employees, Fire Department officials, may from time to time make an inspection of each adult business establishment for the purposes of determining that the provisions of this code are complied with. Such inspections shall be at reasonable times and in a reasonable manner. It shall be unlawful for anyone to fail to allow such officer immediate access to the premises or to hinder such officer in any manner.

B. Any business that engages in the barter, rental or sale of items consisting of printed matter, pictures, slides, records, videotapes, compact discs, motion pictures, films or other media, if such business is not open to the public in general but only to one (1) or more classes of the public, excluding any minor by reason of age, or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" shall be deemed to have consented to periodic entry into and inspection of the business premises by appropriate City Officials and inspection by those officials of only those business records necessary for the limited purpose of determining whether such business enterprise is an "adult business establishment" as defined herein. This entry and inspection shall take place during hours when such business is open to the public, unless otherwise requested by the business, and shall not unreasonably interfere with the conduct of business.

Chapter 650. Adult Business Regulations

Section 650.010. Title.

[Ord. No. 2756 §1, 2-19-2002]

This Chapter shall be known as the "Adult Business Code" and may be cited as such and will be referred to in this Chapter as the "code".

Section 650.020. Purpose.

[Ord. No. 2756 §1, 2-19-2002]

It is the purpose of this code to regulate sexually oriented businesses in order to promote the health, safety, morals and general welfare of the citizens of the City and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the City. The provisions of this code have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this code to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Chapter to condone or legitimize the distribution of obscene material.

Section 650.030. Applicability of Code.

[Ord. No. 2756 §1, 2-19-2002]

A. The establishment of any adult business is subject to these regulations and shall include any of the following activities:



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1. The opening of such a business as a new business.
2. The relocation of an adult business establishment.
3. The conversion of an existing business to an adult business establishment.
4. An increase of the square footage of an existing adult business establishment.
5. The conversion of an existing adult business establishment to a different type of adult business establishment.

B. An adult business establishment lawfully operating as a conforming business is not rendered non-conforming by the location, subsequent to the granting or renewal of the adult business license, of a school, park, religious institution, group home, nursing facility, hospital, library or property zoned or used for residential purposes located within the City limits and within one thousand (1,000) feet of the adult business establishment. This provision applies only to the renewal of a valid adult business establishment license and does not apply when an application for a new business license is submitted after a previous license has lapsed or has been revoked.

Section 650.040. Severability.

[Ord. No. 2756 §1, 2-19-2002]

In any case where a provision of this code is found to be in conflict with a provision of any other ordinance or other legislation of the City existing on the effective date of this code, the provision which establishes the higher standard for the promotion and protection of the safety, welfare and health of the people shall prevail. If any part of this code should be declared invalid for any reason, such decisions shall not affect the remaining portions of this code.

Section 650.050. Liberal Construction.

[Ord. No. 2756 §1, 2-19-2002]

The provisions of this code shall be liberally construed to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety, welfare and convenience.

Section 650.070. General Regulations and Requirements.

[Ord. No. 2756 §1, 2-19-2002]

A. Age Restriction. Only adults, as defined in this code, shall be permitted on the premises of any adult business establishment. If alcoholic or cereal malt beverages are sold or served on the premises, only persons twenty-one (21) years of age or older may be permitted on the premises.

B. Hours Of Operation. It shall be unlawful for any adult business establishment to be conducted, operated, or otherwise open to the public, customers or members between the hours of 12:00 Midnight and 10:00 A.M. Monday through Saturday. No adult business establishment shall be open on any Sunday.

C. Exterior Display. The premises of all adult business establishments shall be so constructed as to ensure that the interior of the premises is not observable from the exterior of the building. In addition, all windows will be covered to prevent viewing of the interior of the building from the outside and all exterior doorways must be constructed with an anteroom or foyer so as to prevent observation of the interior of the premises from the exterior of the building.



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D. Nudity Prohibited. No manager, employee, entertainer or customer in an adult business establishment shall be unclothed, nude or in such less-than-opaque and complete attire, costume or clothing, so as to expose to view any "specified anatomical area".

E. Protective Barrier Required. Any adult business establishment engaging in the display or performance of live models, dancers, entertainers or other performers shall erect a platform at least two (2) feet above the primary level of the customer floor level on which the employee or entertainer must be contained, shall not permit customers within ten (10) feet of the employee or entertainer and shall, in addition, erect a protective barrier from floor to ceiling of sufficient strength to prevent customers from entering the area of the employee or entertainer or touching the employee or entertainer in any manner. Further, it shall be unlawful for any customer to be upon any portion of the stage during a performance or for an owner, operator or manager to permit a customer to be upon any portion of the stage during the performance.

F. Erotic Touching Prohibited. No employee, dancer, entertainer or customer of an adult business establishment shall be permitted to manually or through other bodily contact stimulate the genitals, pubic region, breasts or buttocks of themselves or any other person.

G. Display Or Performance. No adult business establishment shall permit any employee, entertainer, model, dancer, other performer or customer to participate in any entertainment, live display or performance which depicts, describes or simulates "specified sexual activities" or contains any acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

H. Devices. No employee, model, dancer, entertainer, other performer or customer shall wear or use any device or covering exposed to view which simulates any "specified anatomical area", nor shall any employee, model, dancer, entertainer, other performer or customer use artificial devices or inanimate objects to depict any of the prohibited activities described in this code.

I. Entertainer Payment Or Gratuity. No model, dancer, entertainer or other performer, while on the premises of an adult business establishment, shall solicit, demand or receive any payment or gratuity from any customer directly, rather all gratuities shall be placed in a permanently affixed receptacle provided for gratuities. No gratuity may be offered or accepted while a performance is being conducted.

J. Lighting. All adult business establishments shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than two (2) foot-candle as measured at the floor level, and such illumination must be maintained at all times that any customer is present in or on the premises.

K. Vending Machines Prohibited. No coin- or token-operated vending machine which sells adult media may be located in a place open to the public, except that said machines are permitted in public places from which minors are excluded.

L. Closed Booths Or Rooms Prohibited. The premises of all adult business establishments shall be physically arranged in such a manner that the entire interior portion of any booths, cubicles, rooms or stalls is visible from a public common area of the premises.

1. Visibility shall not be blocked or obscured by doors, curtains, drapes, or any other obstruction whatsoever.

2. The entire body of any viewing person must also be visible from the public common area without the assistance of mirrors or other viewing aids.

3. No booth shall be occupied by more than one (1) customer at a time.

4. No holes shall be permitted between booths or individual viewing areas.

M. Identification Cards. Any adult business employee issued a permit by the City Clerk under the provisions contained herein shall, at all times when working in an adult business establishment, have



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in such employee's possession a valid identification card issued by the City bearing the permit number, the employee's physical description and a photograph of such employee. Such identification card shall be laminated to prevent alteration.

N. Ventilation And Sanitation Requirements. The premises of all adult business establishments shall be kept in a sanitary condition. Separate dressing rooms and restrooms for men and women shall at all times be maintained and kept in a sanitary condition.

O. Manager On Premises.

1. A permitted manager shall be on duty at all adult business establishments at all times the premises are open for business. The name of the manager on duty shall be prominently posted during business hours.

2. It shall be the responsibility of the manager to verify that every employee within any adult business establishment possesses a current and valid permit and have in their possession a current and valid identification card at all times while working.

P. General Prohibitions. No owner, operator, manager, or other person in charge of the premises of an adult business establishment shall:

1. Knowingly permit alcoholic liquor or cereal malt beverages to be brought upon the premises unless authorized to do so by a properly issued and current liquor license as required by City ordinances;

2. Knowingly allow or permit the sale, distribution, delivery or consumption of any controlled substance or illegal drug or narcotic on the premises;

3. Knowingly allow or permit any person under the age of eighteen (18) to be in or upon the premises of an adult business establishment or any person under the age of twenty-one (21) if alcohol or cereal malt beverages are sold;

4. Knowingly allow or permit any act of prostitution or patronizing prostitution on the premises, as prohibited by State law or City ordinance;

5. Knowingly allow or permit a violation of this code or applicable City ordinance; or

6. Knowingly allow any entertainer, employee, manager or operator to perform any work, service or entertainment directly related to the operation of an unlicensed adult business.

Q. Facilities Necessary. No adult business license to conduct a bathhouse or body painting studio shall be issued unless an inspection by the Director of Community Development or his/her authorized representative reveals that the premises on which the applicant intends to conduct such business complies with each of the following minimum requirements:

1. The walls shall be clean and painted with washable, mold-resistant paint in all rooms where water or steam baths are given or showers taken. Floors shall be free of any accumulation of dust, dirt or refuse. All equipment used in the business' operation shall be maintained in a clean and sanitary condition. Towels, linens and items for personal use of operators and patrons shall be clean and freshly laundered for each patron. Heavy, white paper may be substituted for sheets provided that such paper is changed for every patron. No activity related to an adult business shall be carried on within any cubicle, room, booth, or any area within any permitted establishment, which is fitted with a door capable of being locked.

2. Toilet facilities shall be provided in convenient locations. A single water closet per sex shall be provided for each twenty (20) or more employees or patrons of that sex on the premises at any one time. Urinals may be substituted for water closets after one (1) water closet has been provided. Toilet facilities shall be designated as to the gender accommodated therein.



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3. Lavatories or wash basins provided with both hot and cold running water shall be installed in either the toilet room or a vestibule. Lavatories or wash basins shall be provided with soap in a dispenser and with sanitary towels.

The Director of Community Development shall certify that the proposed business establishment complies with all of the requirements of this Section and shall give or send such certification to the City Clerk. Provided however, that nothing contained herein shall be construed to eliminate other requirements of statute or ordinance concerning the maintenance of premises nor to preclude authorized inspection thereof. The Director of Community Development may recommend the issuance of a license contingent upon compliance with all requirements of this Section.

Section 650.090. Licensing and Permitting Requirements.

[Ord. No. 2756 §1, 2-19-2002]

A. Adult Business Establishment License Required. No person shall operate an adult business establishment without having first obtained an annual adult business license from the City Clerk. A separate license shall be required for each and every separate place of business conducted by any one (1) applicant. Such permit shall be valid only from January first (1st) to December thirty-first (31st). Every person obtaining an adult business license shall post such license in a conspicuous place and manner on the adult business establishment premises. The failure to post an adult business license in the manner required herein shall be prima facie evidence that the adult business does not have such a license. In addition, it shall be prima facie evidence that any entertainer, employee, manager or owner who performs any business, service or entertainment in an adult business in which an adult business license is not posted in the manner required herein has knowledge that such business is not licensed.

1. License application. When making application to the City for an adult business establishment license, the applicant shall provide the following information which shall be signed by the applicant, verified, notarized and be accompanied by the license and classification fees:

- a. The name, residence address, home telephone number, date and place of birth and social security number of the applicant and his/her relationship to the business.
- b. The business name, address and telephone number of the establishment. The tax identification number and registered agent if the owner is required to have a tax identification number or registered agent.
- c. The names, residence addresses, residence telephone numbers, social security numbers and dates of birth of any stockholder, partner or member who owns more than ten percent (10%) interest in such adult business establishment.
- d. The name, address and telephone number of the owner of the property at which the business will be located.
- e. A description of the adult entertainment or similar business history of the applicant and of all the partners and of all corporate officers and directors and any stockholder, partner or member who owns more than ten percent (10%) interest in such adult business establishment previously operating in this or another City, County or State, where it has had a business license revoked or suspended, the reason therefor and the activity or occupation subjected to such action, suspension or revocation.



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f. A verified statement from the applicant and any stockholder, partner or member who owns more than ten percent (10%) interest in such adult business establishment that each such person has not been convicted of or diverted from prosecution of a felony or released from confinement for conviction of any felony, whichever event is later, within five (5) years immediately preceding the application, or has not been convicted of or diverted from prosecution of a misdemeanor or public offense, or released from confinement for conviction of a misdemeanor or public offense, whichever event is later, within two (2) years immediately preceding the application, where such felony, misdemeanor or public offense involved sexual offenses, prostitution, indecent exposure, sexual abuse of a child or pornography and related offenses, or driving under the influence of intoxicating liquor or drugs as defined in Missouri Statutes, City ordinances, or the law of another City or State which prohibits driving under the influence of alcohol and/or drugs, or controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Statutes or City ordinances.

g. A full set of fingerprints and two (2) photographs, to be taken by the Harrisonville Police Department, of the applicants and of any stockholder, partner or member who owns more than ten percent (10%) interest in such adult business establishment.

h. If the applicant is a corporation or limited liability company, a current certificate of registration issued by the Missouri Secretary of State.

i. On applications requesting a license or renewal of license to operate a bathhouse or body painting studio, the applicant shall provide for each employee a health certificate from a duly licensed Missouri physician stating that within thirty (30) days prior thereto, the applicant and all other persons working on the premises have been examined and found free of any contagious or communicable disease. For each person who is subsequently employed, a health certificate shall be submitted to the City Clerk forty-eight (48) hours prior to the time such person begins employment.

B. Employee Permit Required. All persons employed in an adult business establishment, including managers or operators, must annually obtain an adult business employee permit. This permit will be valid from January first (1st) to December thirty-first (31st).

1. Permit application. Any person applying for an adult business employee permit shall provide the following information which shall be signed by the applicant, be verified, notarized and be accompanied by the license and classification fees:

a. The applicant's name, home address, home telephone number, date of birth, social security number, and any stage names or nicknames used in entertaining or performing.

b. The name and address of each business at which the applicant intends to work as a manager, operator, employee or dancer, model, entertainer or other performer.

c. A Missouri State Highway Patrol Request for Criminal Record Check form shall be filled out by the applicant in its entirety and submitted to the City with the application material.

d. A statement from the applicant that he/she has not been convicted of or diverted from prosecution of a felony or released from confinement for conviction of any felony, whichever event is later, within five (5) years immediately preceding the application, or has not been convicted of or diverted from prosecution of a misdemeanor or public offense, or released from confinement for conviction of a misdemeanor or public offense, whichever event is later, within two (2) years immediately preceding the application, where such felony, misdemeanor or public



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offense involved sexual offenses, prostitution, indecent exposure, sexual abuse of a child or pornography and related offenses, or driving under the influence of intoxicating liquor or drugs as defined in Missouri Statutes, City ordinances, or the law of another City or State which prohibits driving under the influence of alcohol and/or drugs, or controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Statutes or City ordinances.

e. A full set of fingerprints and two (2) photographs taken by the Harrisonville Police Department.

f. The applicant shall provide documentation that he/she has attained the age of eighteen (18) years or twenty-one (21) years of age if the adult business establishment in which the applicant will be working sells or serves alcoholic or cereal malt beverages. Any of the following shall be accepted as documentation of age:

- (1) A motor vehicle operator's license issued by any State bearing the applicant's photograph and date of birth;
- (2) A state-issued identification card bearing the applicant's photograph and date of birth;
- (3) An official and valid passport issued by the United States of America;
- (4) An immigration card issued by the United States of America;
- (5) Any other form of picture identification issued by a governmental entity that is deemed reliable by the City Clerk; or
- (6) Any other form of identification deemed reliable by the City Clerk.

g. A statement signed under oath that the applicant has personal knowledge that the information in the permit application is true and correct and that the applicant has read the provisions of this code regulating adult business establishments.

C. License, Classification And Fees.

1. The application for a license shall be accompanied by payment in full of the fee stated herein by certified or cashier's check or money order, and no application shall be considered complete until such fee is paid.

2. The classification of licenses and fees shall be as follows:

- a. Adult business establishment license fee is three hundred dollars (\$300.00) per year.
- b. Change of address fee for adult business establishment is ten dollars (\$10.00) per year.
- c. Adult business employee permit application fee is one hundred dollars (\$100.00) per year.
- d. Change of address for adult business employee permit is ten dollars (\$10.00) per year.

D. Application Processing.

1. Upon receipt of an application for an adult business establishment license or adult business employee permit, the City Clerk shall immediately transmit one (1) copy of the application to the Chief of Police for investigation of the application. In addition, the City Clerk shall transmit a copy of the application to the Director of Community Development.

2. It shall be the duty of the Chief of Police to investigate such application to determine whether the information contained in the application is accurate and whether the application meets the requirements herein for issuance of the license or permit. The Chief of Police shall report the results of the investigation to the City Clerk not later than twenty (20) working days



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from the date the application is received by the City Clerk. It shall be the duty of the Director of Community Development to determine whether the structure where the adult business will be conducted complies with the requirements and meets the standards of the applicable health, zoning, building code, fire and property maintenance ordinances of the City. The Director of Community Development shall report the results of his/her investigation to the City Clerk not later than twenty (20) working days from the date the application is received by the City Clerk. Upon receipt of the reports from the Chief of Police and the Director of Community Development, the City Clerk shall determine if the license application meets the criteria for approval and shall issue license if it does and deny the license if it does not.

E. Criteria For Approval. A license or permit shall be issued if the City finds that:

1. The business for which a license is required will be conducted in a building, structure and location which complies with the requirements and standards of the applicable zoning and building codes of the City as well as the requirements of this code; and
2. The applicant has not made any knowingly false, misleading or fraudulent statement of material fact in the application for a license or permit or in any report or record which may be required to be filed with the City Clerk; and
3. The applicant and all employees, agents, partners, directors, officers or managers shall have attained the age of eighteen (18) years, or if the business for which the license is required sells or serves alcoholic or cereal malt beverages, then the applicant and all employees, agents, partners, directors, officers or managers have attained the age of twenty-one (21) years; and
4. The applicant or any partner or any stockholder, partner or member who owns more than ten percent (10%) interest in such entity has not been convicted of or diverted from prosecution of a felony or released from confinement for conviction of any felony, whichever event is later, within five (5) years immediately preceding the application, or has not been convicted of or diverted from prosecution of a misdemeanor or public offense, or released from confinement for conviction of a misdemeanor or public offense, whichever event is later, within two (2) years immediately preceding the application, where such felony, misdemeanor or public offense involved sexual offenses, prostitution, indecent exposure, sexual abuse of a child or pornography and related offenses, or driving under the influence of intoxicating liquor or drugs as defined in Missouri Statutes, City ordinances, or the law of another City or State which prohibits driving under the influence of alcohol and/or drugs, or controlled substances or illegal drugs or narcotics offenses as defined in the Missouri Statutes or City ordinances; and
5. The applicant or any stockholder, partner or member who owns more than ten percent (10%) interest in such entity has not had a license or permit issued under the provisions of this code or another State, County or municipality's regulations governing adult entertainment or similar businesses revoked within five (5) years immediately preceding the application.

F. Disapproval Of Application. If an application for a license is disapproved, the applicant shall be immediately notified by registered or certified mail to the applicant's last known address, and the notification shall state the basis for such disapproval. Any applicant aggrieved by the disapproval of a license application may seek judicial review in the Cass County District Court in a manner provided by law. Such appeal shall be filed within thirty (30) days of the final decision of the City Clerk. The action taken by the City Clerk to issue or to deny issuance of a license shall be final and subject to judicial review.

G. Suspension And Revocation Of License. Whenever the City has information that:



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1. The owner or operator of an adult business establishment has violated or knowingly allowed or permitted the violation of any of the provisions of this code; or
2. There have been recurrent violations of provisions of this code that have occurred under such circumstances that the owner or operator of an adult business establishment knew or should have known that such violations were committed; or
3. The adult business establishment license was obtained through knowingly false statements in the application for such license or renewal thereof; or
4. The adult business establishment knowingly failed to make a complete disclosure of all information in the application for such license or renewal thereof; or
5. The owner or operator or any stockholder, partner or member who owns more than ten percent (10%) interest in such entity has become disqualified from having a license by a conviction or diversion described in Subsection **(E)** of this Section, Criteria for Approval; or
6. Any cost or fee required to be paid by this code is not paid; or
7. An operator employs anyone who does not have a permit or provides space on the premises, whether by lease or otherwise, to an independent contractor who performs as an entertainer without a permit,

then the City may, upon five (5) days of posting notice on the adult business establishment's principal entrance, suspend the business license for a period not to exceed sixty (60) days. Within ten (10) days of the date of the notice, the City Administrator shall hold a hearing to ascertain all facts in the matter. Notice of such hearing shall be in writing and shall set forth the reason for the hearing and shall be served upon the licensee or by registered or certified mail to the licensee's last known business address. In the event that the City is not able to serve notice upon the licensee, and any notice sent by mail is returned by the postal service, the City shall cause such notice to be posted at the principal entrance of the adult business establishment, and such posting shall be a valid means of service. If the City Administrator finds and concludes from the evidence that the licensee has violated any of the above provisions, he/she may suspend, revoke or, in the case of a renewal application, refuse to renew such license. Following the entry of an order by the City Administrator suspending or revoking a license issued pursuant to this code, such licensee or applicant may seek judicial review in a manner provided by law. The City Clerk shall stay enforcement of such order for a period of time not to exceed thirty (30) days pending the filing and/or final disposition of proceedings for judicial review.

H. Suspension And Revocation Of Permit. Whenever the City has information that:

1. The permittee has violated or knowingly allowed or permitted the violation of any of the provisions of this code; or
2. There have been recurrent violations of provisions of this code that have occurred under such circumstances that the permittee knew or should have known that such violations were committed; or
3. The adult business employee permit was obtained through knowingly false statements in the application for such permit or renewal thereof; or
4. The permittee knowingly failed to make a complete disclosure of all information in the application for such permit or renewal thereof; or
5. The permittee has become disqualified from having a permit by a conviction or diversion described in Subsection **(E)** of this Section, Criteria for Approval; or



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6. The adult business establishment license for the business in which the permittee is working has been suspended or revoked,

then the City may, five (5) days after sending notice to the permittee by placing such notice in the U.S. mail to the home address provided on the permittee's application, suspend the permit for a period not to exceed sixty (60) days. Within ten (10) days of the date of the notice, the City Administrator shall hold a hearing to ascertain all facts in the matter. Notice of such hearing shall be in writing and shall set forth the reason for the hearing and shall be served upon the permittee in person or by registered or certified mail to the address provided on the permittee's application.

In the event that the City is not able to serve notice upon the permittee in person, and any notice sent by mail is returned by the postal service, service shall still be considered valid. An appeal taken from an order of suspension shall not suspend the order of suspension during the pendency of any such appeal. If the City finds and concludes from the evidence that the permittee has violated any of the above provisions, it may suspend, revoke or, in the case of a renewal application, refuse to renew such permit. Following the entry of an order by the City Administrator suspending or revoking a permit issued pursuant to this code, such permittee or applicant may seek judicial review in a manner provided by law. The City Administrator shall stay enforcement of such order for a period of time not to exceed thirty (30) days pending the filing and/or final disposition of proceedings for judicial review.

I. Change Of Address. Any adult business establishment changing its address must reapply for an adult business establishment license and pay the appropriate license and classification fee. The application must be provided to the City Clerk's office prior to opening at the new location.

Section 650.100. Transfer of Permits, Licenses and Fees.

[Ord. No. 2756 §1, 2-19-2002]

A. Business licenses and employee permits are not transferable, and such authority as a license or permit confers shall be conferred only on the individual or business named therein.

B. Any applications made, fees paid and licenses or permits obtained under any of the provisions of this code shall be in addition to and not in lieu of any other fees, permits or licenses required to be paid or obtained under any other ordinance of this City.

C. All adult business licenses shall be issued only for the one (1) adult business use listed on the application. Any change in the type of adult use shall invalidate the adult business license and require the licensee to obtain a new license for the change in use. A separate license is required for each adult use.

Section 650.110. Renewal.

[Ord. No. 2756 §1, 2-19-2002]

A. A license or permit may be renewed by making application to the City Clerk on application forms provided for that purpose. Licenses and permits shall expire on December thirty-first (31st) of each



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calendar year, and renewal applications for such licenses and permits shall be submitted between December first (1st) and December thirty-first (31st).

B. Upon timely application and review as provided for a new license or permit, a license or permit issued under the provisions of this code shall be renewed by issuance of a new license or permit in the manner provided herein.

C. If the application for renewal of license or permit is not made during the time provided herein, the expiration of such license or permit shall not be affected, and a new application shall be required.

D. Following the entry of an order by the City Administrator disapproving the renewal application for a license or permit, such licensee or applicant may seek judicial review in a manner provided by law. The City Administrator shall stay enforcement of such order for a period of time not to exceed thirty (30) days pending the filing and/or final disposition of proceedings for judicial review.

Section 650.120. Operator Responsibility.

[Ord. No. 2756 §1, 2-19-2002]

A. In addition to the other requirements set out in this code, the operator of an adult business establishment shall also have the following responsibilities:

1. Every act or omission by an employee constituting a violation of the provisions of this code shall be deemed an act or omission of the operator if such act or omission occurs either with the authorization, knowledge or approval of the operator or as a result of the operator's failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

2. The operator shall be responsible for the conduct of all employees while on the licensed premises, and any act or omission of any employee constituting a violation of the provisions of this code shall be deemed the act or omission of the operator for the purposes of determining whether the license for the adult business establishment shall be suspended, revoked or renewed.

3. The operator shall maintain a register of all employees, showing the name, and aliases used by the employee, home address, age, birth date, sex, weight, height, color of hair and eyes, phone numbers, Social Security number, date of employment and termination, and duties of each employee.

The above information on each employee shall be maintained in the register on the premises for a period of one (1) year following termination. The operator shall make the register of employees available immediately upon demand of any Law Enforcement Officer at all reasonable times.

Section 650.140. Regulations.

[Ord. No. 2756 §1, 2-19-2002]

The City Administrator shall have the power to promulgate regulations as may be necessary and feasible for the carrying out of the duties of this code and which are not inconsistent with the provisions of this code.

Section 650.160. Penalties.



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[Ord. No. 2756 §1, 2-19-2002]

A. Any person who violates the provisions of this code shall be guilty of a municipal offense and, upon conviction, shall be punished by a fine of not less than one dollar (\$1.00) but no more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days or shall be both so fined and imprisoned. In addition, any violation of this code shall be grounds for the City Clerk to revoke any or all licenses or permits issued by the City.

B. Each violation of this code shall be considered a separate offense, and any violation continuing more than one (1) day shall be considered a separate offense for each day of violation.

C. The conduct of any business within the City in violation of any of the terms of this code is hereby found and declared to be a public nuisance and the City Attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and enjoyment thereof, in the manner provided by law, and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such adult business establishment and restrain and enjoin any person from conducting, operating or maintaining an adult business establishment contrary to the provisions of this code.



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Under Section 405.525.C add the following:

11. Pawnshop/Small Loan Establishment, as defined in Section 630.050. The following special conditions and regulations shall apply to pawnshop or small loan establishments to protect the character of residential and commercial areas and preserve the value of the property throughout the City.

- a. A pawnshop of small loan establishment shall not be established or expanded within three hundred (300) feet of the property line of a church, school or public park or within three hundred (300) feet of the boundary line of an established residential neighborhood. [Ord. No. 3329 §1, 9-8-2015]
- b. A pawnshop or small loan establishment shall not be established or expanded within two hundred (200) feet of any other pawnshop or small loan establishment.
- c. A pawnshop or small loan establishment shall only be allowed in appropriate zoning districts as defined by the Harrisonville zoning ordinance.
- d. A pawnshop or small loan establishment shall only be allowed with a special use permit.
- e. All signs pertaining to a pawnshop or small loan establishment shall be affixed to the building in which business is being conducted. In addition, all pawnshop or small loan establishments are required to comply with the City Sign Regulations and obtain a sign permit before establishment of signage.

Chapter 630. Pawnbrokers and Small Loan Establishments

Section 630.010. Title.

[Ord. No. 2806 §1(18-31), 2-18-2003]

This Chapter shall be known as the "Pawnshop and Small Loan Establishment Regulations" and may be cited as such.

Section 630.020. Purpose.

[Ord. No. 2806 §1(18-32), 2-18-2003]

A. The intent of this Chapter is to regulate pawnshops and small loan establishments and their business practices in order to protect and promote public safety and welfare. This will be accomplished by:

- 1. Requiring a clean, healthy and safe environment in which business may be conducted.
- 2. Promoting professionalism and prohibiting illegal acts.
- 3. Requiring insurance coverage.



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4. Enabling authorities to collect information that will assist law enforcement officials with investigations.
5. Providing an annual license fee to partially cover the expenses associated with the background investigation and review and processing of reports.
6. Providing geographic limitations designed to preserve the value of the property throughout the City.
7. Providing geographic limitations designed to protect the character of residential and commercial areas.

Section 630.030. Applicability of Code.

[Ord. No. 2806 §1(18-33), 2-18-2003]

A. Every pawnshop and small loan establishment shall conform to the requirements of this Chapter, irrespective of when such pawnshop or small loan establishment started business within the City limits unless otherwise allowed for in these regulations.

B. Any pawnshop or small loan establishment existing prior to the adoption of this Chapter shall be considered non-conforming and shall be exempt from Section 630.140 (Signage) and Section 630.150 (Geographic Limitations) of this Chapter so long as the pawnshop or small loan establishment or accompanying signage is not expanded or discontinued for more than ninety (90) days.

Section 630.040. Severability.

[Ord. No. 2806 §1(18-34), 2-18-2003]

In any case where a provision of this Chapter is found to be in conflict with a provision of any other ordinance or other legislation of the City existing on the effective date of this Chapter, the provision which establishes the higher standard for the promotion and protection of the safety, welfare and health of the people shall prevail. If any part of this Chapter should be declared invalid for any reason, such decisions shall not affect the remaining portions of this Chapter.

Section 630.050. Definitions.

[Ord. No. 2806 §1(18-35), 2-18-2003]

For the purpose of this Chapter, the following words and phrases shall have the following interpretation and/or meanings:

ANTIQUÉ DEALER

Those who sell relics or objects of an earlier period which are considered valuable and the value of which is based at least in part on age.

PAWNBROKER

Any person engaged in the business of lending money on the security of pledged goods or engaged in the business of purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

PAWNSHOP

The location at which or premises in which a pawnbroker conducts business.



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PERSON

Any individual, partnership, corporation, joint venture, trust, association or any other legal entity however organized.

PLEDGED GOODS

Tangible personal property which is deposited or otherwise actually delivered into possession of a pawnbroker in the course of his/her business in connection with a pawn transaction.

SECURED PERSONAL CREDIT LOAN

Every loan of money made in this State, the payment of which is secured by a security interest in tangible personal property which is physically delivered into the hands of the lender at the time of the making of the loan and which is to be retained by the lender while the loan is a subsisting obligation.

SMALL LOAN ESTABLISHMENT

The location at which or premises in which secured personal credit loans are granted.

VALUE

The fair market value of the article at the time and place of the acquisition of the article by the dealer or, where no reasonable monetary value can be ascertained, the cost of replacement of the article. It is expressly provided that value, as used in this Chapter, shall not be determined by the cost of the article as paid by the dealer.

Section 630.060. Business License Required.

[Ord. No. 2806 §1(18-36), 2-18-2003]

A. It shall be unlawful for any person within the City limits to act as agent for, cause the solicitation of, advertise or promote or participate directly or indirectly in the operation of a pawnshop or small loan establishment without first obtaining a business license issued by the City. No such license shall be issued unless the pawnshop, small loan establishment or any person engaged in the activity of such establishment fully complies with the provisions of this Chapter, regardless of the location of such establishment or place where such activity is conducted.

B. It shall be further unlawful for any person within the City limits to participate directly or indirectly in or for the operation of business activity under a different name or designation than those herein specified for the purpose of carrying out activity or activities defined in this Chapter.

Section 630.070. Pawnshop/Small Loan Establishment License Requirements.

[Ord. No. 2806 §1(18-37), 2-18-2003]

A. No person shall establish a pawnshop or small loan establishment within the City limits of Harrisonville, Missouri, without obtaining a pawnshop/small loan establishment license. The annual pawnshop or small loan establishment license fee shall be six hundred dollars (\$600.00) per year.

B. The applicant must have net assets of at least fifty thousand dollars (\$50,000.00) readily available for the use in conducting business as a pawnshop or small loan establishment. If the City is unable to verify that the applicant meets the net assets required, the applicant must present a finding, including the presentation of a current balance sheet, by an



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independent certified public accountant that the accountant has reviewed the books and records of the applicant and the applicant meets the net assets requirement of this Chapter.

C. No pawnshop or small loan establishment business owner may have a felony or misdemeanor conviction which directly relates to the duties and responsibilities of the occupation of pawnbrokers or otherwise makes the applicant presently unfit to own a pawnshop or small loan establishment. A Missouri State Highway Patrol Request for Criminal Record Check form shall be filled out by the applicant in its entirety and submitted to the City with the application material.

D. No employee of a pawnshop or small loan establishment may have a felony or misdemeanor conviction which directly relates to the duties and responsibilities of the occupation or otherwise makes the applicant presently unfit to run or be employed in a pawnshop or small loan establishment. A Missouri State Highway Patrol Request for Criminal Record Check form shall be filled out by the applicant in its entirety and submitted to the City prior to employment.

E. Every pawnshop or small loan establishment owner to whom a license is granted to carry out a pawnshop or small loan business in Harrisonville shall enter into a bond to the City, with good and sufficient security to be approved by the City Administrator, in the sum of five thousand dollars (\$5,000.00) conditioned for the due observance of this Chapter and all ordinances that shall be passed or be enforced regarding pawnshop or small loan establishment owners at any time during the continuance of any such license.

Section 630.080. Disposal of Goods.

[Ord. No. 2806 §1(18-38), 2-18-2003]

A. No pawnshop or small loan establishment shall expose for sale or sell or dispose of any article or articles within seven (7) days of the time of purchasing, except when redeemed by the owner.

B. No gold, silver, diamonds or other precious or semi-precious gems or metals received shall be removed from the place of business, recut or melted within seven (7) days after receipt thereof, except when redeemed by the owner.

C. In case the person obtaining the loan fails to pay the interest or principal when due, the pawnshop or small loan establishment shall not sell the article pawned with him/her as security for such loan until the expiration of sixty (60) days from the date of such failure. The person failing may at any time within the sixty (60) days redeem the article if he/she pays the full amount of the principal and interest due at the date of such redemption according to the terms of the contract. If the person obtaining the loan fails to redeem the article within sixty (60) days, that person shall thereby forfeit all right, title and interest in such article to such pawnbroker who then acquires and possess an absolute right in and to then hold and dispose of as his/her own property.

Section 630.090. Books and Records.

[Ord. No. 2806 §1(18-39), 2-18-2003]

A. Each pawnshop or small loan establishment shall keep consistent and adequate books and records of purchases relating to the licensee's transactions. Said books and records



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shall be preserved for a period of at least seven (7) years from the date of last transaction recorded therein. The records must contain, but are not limited to, the following information:

1. Time, date and place of purchase of each item.
2. Name of individual acting on behalf of dealer in making purchase.
3. Name, age and address of seller.
4. Confirmation of seller's identification through a driver's license, State identification card or other adequate picture ID. The dealer shall include in the record any identification numbers that may be displayed on the merchandise identification. Any purchase without such proof is prohibited.
5. A description of item being sold with any identification numbers or markings.
6. A clear and identifiable fingerprint of the right thumb of the seller if said merchandise is valued over seven hundred fifty dollars (\$750.00) .
7. A clear and identifiable photograph accompanied by a detailed written description of each item if said merchandise is valued over seven hundred fifty dollars (\$750.00).

Section 630.100. Weekly Report To Police Department.

[Ord. No. 2806 §1(18-40), 2-18-2003]

It shall be the duty of every pawnshop and small loan establishment to make out and deliver to the Harrisonville Police Department, on the first (1st) Tuesday of every week, a legible and accurate copy of their register of all property received, deposited or purchased during the previous week. Furthermore, the register shall at all times be open to the inspection of commissioned Police Officers.

Section 630.110. Receipts.

[Ord. No. 2806 §1(18-41), 2-18-2003]

Every pawnshop or small loan establishment shall give to each person who pledges property to secure a loan or who leaves property for any reason a plainly written receipt or ticket having upon it a full copy of all the entries required by this Chapter to be kept in the businesses register and no charge should be made for such receipt.

Section 630.120. Receiving Pledged Goods From Minors.

[Ord. No. 2806 §1(18-42), 2-18-2003]

No pawnshop or small loan establishment shall take, buy or receive any personal property from any person under the age of eighteen (18) years without the written consent of such individual's parents or legal guardians. Said written consent shall be kept on file with the books and records.

Section 630.130. Hours of Business Operation.

[Ord. No. 2806 §1(18-43), 2-18-2003]

Business shall only be conducted between the hours of 7:00 A.M. and 9:00 P.M.



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Section 630.160. Exemptions.

[Ord. No. 2806 §1(18-46), 2-18-2003]

A. The provisions of this Chapter shall not apply to the following:

1. Transactions between one licensed, established dealer in the normal course of business and another licensed, established dealer.
2. Any precious metal or gem dealer, at least ninety percent (90%) of whose gross income is derived from the sale of newly manufactured merchandise and who certifies this to the Director of the Department of Finance upon the enactment of this Chapter and thereafter whenever a retail business license shall be obtained or renewed.
3. Estates purchased through banks, attorneys or at an auction or estate sale.
4. Out-of-state purchases transacted through the United States mail.
5. Industrial residue or by-products purchased from manufacturing firms.
6. Coins which are not currently in circulation, purchased for their numismatic value.
7. Monetized bullion including Krugerrands, Canadian Maple Leaf, Mexican five hundred (500) Pesos and United States silver and gold coins.
8. Antique dealers.

Section 630.170. Penalty.

[Ord. No. 2806 §1(18-47), 2-18-2003]

A. Any person who violates the provisions of this Chapter shall be guilty of a municipal offense and, upon conviction, shall be punished by a fine of not less than one dollar (\$1.00) but no more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days or shall be both so fined and imprisoned. In addition, any violation of this Chapter shall be grounds for the Board of Aldermen to revoke any or all licenses or permits issued by the City.

B. Each violation of this Chapter shall be considered a separate offense and any violation continuing more than one (1) day shall be considered a separate offense for each day of violation.

C. The conduct of any business within the City in violation of any of the terms of this Chapter is hereby found and declared to be a public nuisance and the City Attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and enjoinder thereof in the manner provided by law and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such pawnshop or small loan establishment and restrain and enjoin any person from conducting, operating or maintaining a pawnshop or small loan establishment contrary to the provisions of this Chapter.

Section 630.180. Revocation of License.

[Ord. No. 2806 §1(18-48), 2-18-2003]

If any pawnshop, small loan establishment or employee of such business violates any of the provisions of this Chapter or Chapter 367, RSMo., and is finally convicted in any court of the City or State, he/she may have their pawnshop/small loan establishment license suspended or



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revoked by the Board of Aldermen after a hearing. Fourteen (14) days' written notice of the hearing stating the grounds thereof shall be delivered at their place of business or by leaving or posting said notice at said address. The pawnshop or small loan establishment shall have the right at the hearing to be represented by an attorney, to cross-examine witnesses, to present evidence and to testify on their own behalf. The hearing shall be held in public at a regular or special meeting of the Board of Aldermen. If suspension or revocation of the license occurs, no license fee shall be refunded.

Attachment: 2-16-23 P&Z Clean Copies Packet 2 (Public Hearing for Various Code Amendments)



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Under Section 405.525.C add the following:

12. Tattoo, Piercing and Branding Establishments provided that:

- a. The establishment is located within the “C-2” Service Business District and the “CBD-1” Downtown Core Business District.
- b. The establishment comply with all applicable laws of the State of Missouri.

Chapter 640. Tattooing, Body Piercing and Branding Regulations

Section 640.100. Revocation or Suspension of Permit.

[Ord. No. 2823 §1(16-39), 4-7-2003]

A. Any City special use permit or City business license issued to an Operator, as defined under Missouri regulations 20 CSR 2267-1.010, shall be subject to suspension or revocation by the City for violation of any provision of the City Cod, the Revised Statutes of Missouri, or the Missouri Code of State Regulations or for any grounds that would warrant the denial or issuance of such permit or license in the first place. The City, upon such revocation or suspension, shall state the reasons in writing, specifying the particular grounds for such revocation or suspension.

B. Any permit holder may appeal a revoked permit to the Board of Aldermen. The accused shall have the right to be represented by an attorney, to present evidence and to testify on his/her own behalf. The hearing shall be held in public at a regular or special meeting of the Board of Aldermen. If suspension or revocation of the license occurs, no license fee shall be refunded.

Section 640.110. Business License Required.

- A. No person, firm, partnership, association or corporation shall operate a tattooing, body piercing and branding establishment without first having obtained a business license issued by the City of Harrisonville. Such license shall only be granted after the Operator, as defined under 20 CSR 2267-1.010, meets the City Code requirements to obtain a business license and provides written proof to the City that they have a current Missouri State license for such business establishment as required under Sections 324.520 to 324.524, Revised Statutes of Missouri and the Missouri Code of State Regulations promulgated thereunder. As part of the Business License application the Operator shall submit a completed Missouri State Highway Patrol Request for Criminal Records Check form. It is unlawful to conduct such a business unless the license issued is current, unrevoked and not suspended.
- B. It shall be further unlawful for any person, organization or company within the City limits to participate directly or indirectly in or for the operation of business activity under a different name or designation than those herein specified but for the purpose



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of carrying out activity or activities defined in Sections 324.520 to 324.524, Revised Statutes of Missouri or the regulations promulgated thereunder.

Section 640.120. Enforcement.

In addition to any enforcement by the State of Missouri under its statutes or regulations, it shall be the duty and responsibility of the City Administrator, Harrisonville Police Department, City Clerk and/or the Community Development Director to enforce these sections of Chapter 640. When, on the basis of a complaint, personal observation and/or other information, an authorized enforcement official reasonably suspects that a violation has occurred, it is the applicant's responsibility to cooperate with the investigating official(s).

Section 640.130. Penalty.

In addition to any actions taken or penalties imposed by the State of Missouri pursuant to Sections 324.520 to 324.524, Revised Statutes of Missouri, or the Missouri Code of State Regulations promulgated thereunder, or by the City pursuant to other sections of the City Code, the City may take the following actions with respect to any violation under this Section 640:

- A. Any person who violates the provisions of this Chapter, Sections 324.520 to 324.524, Revised Statutes of Missouri, or the Missouri Code of State Regulations promulgated thereunder shall be guilty of a municipal offense and, upon conviction, shall be punished by a fine of not less than one dollar (\$1.00) but no more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days or shall be both so fined and imprisoned. In addition, any violation of this Chapter shall be grounds for the City to revoke any or all licenses or permits issued by the City.
- B. Each violation of this Chapter, Sections 324.520 to 324.524, Revised Statutes of Missouri, or the Missouri Code of State Regulations promulgated thereunder shall be considered a separate offense and any violation continuing more than one (1) day shall be considered a separate offense for each day of violation.
- C. The conduct of any business within the City in violation of any of the terms of this Chapter, Sections 324.520 to 324.524, Revised Statutes of Missouri, or the Missouri Code of State Regulations promulgated thereunder is hereby found and declared to be a public nuisance and the City Attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or proceeding for the abatement, removal and enjoinder thereof in the manner provided by law and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate or remove such establishment and restrain and enjoin any person from conducting, operating or maintaining a tattooing and body piercing establishment contrary to the provisions of this Chapter, Sections 324.520 to 324.524, Revised Statutes of Missouri, or the Missouri Code of State Regulations promulgated thereunder.



Under Section 405.525.C add the following:

13. Crematorium—Human or Animal, provided that:

a. The use is located within the Light Industrial (M-1) or General Industrial (M-2) District.

Section 405.555 **Prohibited Uses.**

[Ord. No. 1825, 5-13-1991]

No lot, parcel or tract of land shall be used and no building or structure shall be erected, altered or remodeled for any of the following uses: abattoirs; composting, fertilizer manufacture; dumping, reduction or incineration of garbage, offal or refuse; storage, curing or tanning of raw hides or skins; refining of petroleum or coal oil; salt works, stockyards or slaughter of animals or fowl; creosote manufacture or treatment; distillation of bones, fat rendering, glue manufacture.



Under Section 410.550.F add the following:

As a guarantee that all public improvements have been done in a satisfactory manner, the subdivider shall provide a maintenance bond to the City equal to the total estimated cost of the work, except where authorization for the construction of residential sidewalks and driveways within street rights-of-way, required by ordinance, has been granted by their inclusion in a building permit. The bond shall guarantee satisfactory performance and completion of the work to the satisfaction of the Director of Public Works or the Building Official within a time limit specified on said permit. The bond shall also guarantee maintenance of the work performed for two (2) years. The City may consider a lump sum biennial bond for multiple projects performed by utility companies or their contractors, the cost of which shall be determined by the number of projects and estimated total valuation of work.

For projects with valuation of work to be constructed or repaired below Five Thousand Dollars (\$5,000.00) the permittee may at their option deposit funds in the amount of the construction or repair to the City to be held in escrow guaranteeing the performance and maintenance of said work for a period of two (2) years. The minimum amount for any bond, or deposit placed in escrow, shall be \$2,000.00, no matter what the work valuation is.

Land Use Table

Land Use/Zoning District	A	E	R-1	R-1B	R-1M	R-2	R-2B	R-3	R-4	C-0	C-1	CBD-1	CBD-2	C-2	M-1	M-2
Agriculture																
Abattoir																
Agriculture	P															
Dairy Farming	P															
Farming	P															
Fish Hatcheries, Apiaries, Aviaries	P															
Forests, Wildlife and Conservation Preserves	P															
Fur Farming	P															
Livestock and Poultry Raising	P															
Medical Marijuana Cultivation Facility	P														P	P
Mushroom Barns and Caves	P															
Truck Garden	P															
Riding Stables and Tracks	P															
Sale or Marketing of Products Raised on Premises	P															
Residential																
Accessory Dwelling Unit	P	P	P	P												
Dwelling, Apartment Complex									P				P	P		
Dwelling, Garden Apartments								P		P						
Dwelling, Loft												P	P	P		
Dwelling, Multi-Family									P				P	P		
Dwelling, Patio House								P		P						
Dwelling, Single-Family	P	P	P	P		P	P	P	P	P			P			
Dwelling, Town Home								P		P						
Dwelling, Two-Family or Duplex						P	P	P	P	P			P			
Dwelling, Zero Lot Line Home								P		P						
Manufactured Home					P											
Mobile Home					P											
Modular Home		P			P											
Institutional																
Cemeteries	S									S	S	S	S	S	S	S
Charity and Welfare													P	P		
Church, Synagogue, Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Community Building (Publicly Owned and Operated)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Correctional Facility	S									S	S	S	S	S	S	S

Land Use/Zoning District	A	E	R-1	R-1B	R-1M	R-2	R-2B	R-3	R-4	C-0	C-1	CBD-1	CBD-2	C-2	M-1	M-2
Cultural Exhibits and Services				S*			S*					P	P	P		
Fairgrounds	S	S								S	S	S	S	S	S	S
Fire Station	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Library, Public	P			S*			S*			P	P	P	P	P		
Museums, Public	P			S*						P	P	P	P	P		
Parks and Playgrounds (Publicly Owned)	P	P	P	P	P	P	P	P		P	P					
Penal Institution	P															
Philanthropic or Eleemosynary Institution	P															
Picnic Grove	P															
Police	P															
Post Office										P	P	P	P	P		
Public Administration Building	P															
Schools, Public or Private	P	P	P	P		P	P	P		P	P	P	P	P		
Schools, Trade														P		
Sewage Treatment Facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Substation, Electric Utility	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Swimming Pool, Commercial														P		
Swimming Pool, Public			P	P		P	P	P		P	P					
Towers, Microwave Transmitting and/or Receiving	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Towers and Stations, Radio or TV	S									S	S	S	S	S	S	S
Utility Facility, Public or Private	P	S	S	S	P	S	S	S	S	S	P	P	P	P	P	P
Water Tower or Storage Facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Water Treatment Facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Commercial																
Adult Arcade														S		
Adult Business Establishment														S		
Adult Entertainment Facility														S		
Adult Media Outlet														S		
Animal Hospital, Small	S									S	P	S	S	S	S	S
Antiques											P	P	P	P		
Appliance Repairs, Small											P	P	P	P		
Art Studio				p*			p*									
Artist and Hobby Supplies											P	P	P	P		
Assembly and Meeting Halls														P		

Land Use/Zoning District	A	E	R-1	R-1B	R-1M	R-2	R-2B	R-3	R-4	C-0	C-1	CBD-1	CBD-2	C-2	M-1	M-2
Athletic and Baseball Fields, Commercial	S									S	S	S	S	S	S	S
Athletic and Baseball Fields, Non-Commercial	P	P	P	P	P	P	P	P	P							
Automobile Repair and Washing														P		
Automobile Supplies													P	P		
Automotive Equipment, Trucks, Trailers, Boats, Camping Accessories, Tools, Farm Machinery and Supplies, Building Supplies and Lawn Accessories (Sale at Retail or Wholesale or Rental of)														P		
Bar														P		
Barber or Beauty Shop				p*			p*			P	P	P	P	P		
Bathhouse														S		
Bed and Breakfast				S*			S*									
Bicycle Sales											P	P	P	P		
Body Shop															P	P
Bridal Shop				S*			S*					P	P	P		
Cleaning of Commodity (not Junk or Salvage)															P	P
Cleaning, Pressing and Dyeing Plants (Including Laundries)																P
Clinic										P	P	P	P	P		
Club												P	P	P		
Coffee Shop				S*			S*			P	P	P	P	P		
Contractor's Supplies and Equipment, Sales and Service																P
Convenience Store, w/o Pumps												P	P	P		
Custom Maintenance													P	P		
Crematorium--Human or Animal															S	S
Day Care Home (10+ Children)	S	S								P	P			P		
Delivery Services													P	P		
Drive-in Theater	S									S	S	S	S	P		
Driving Range	S									P	P			P		
Drug Store											P	P	P	P		
Dry Cleaning											P	P	P	P		
Entertainment Facility, Public or Private													P	P		
Equipment Repair, Small													P	P		

Land Use/Zoning District	A	E	R-1	R-1B	R-1M	R-2	R-2B	R-3	R-4	C-0	C-1	CBD-1	CBD-2	C-2	M-1	M-2
Escort Agency														S		
Establishments which serve or sell alcoholic beverages											P	P	P	P		
Exposition Center/Building(s)	S									S	S	S	S	S	S	S
Exterminating and Disinfecting Services														P		
Farm Supplies and Equipment, Sales and Service																P
Financial Institution				P*							P	P	P	P		
Flower Shop				S*			S*				P	P	P	P		
Funeral Home	S	S	S							S	S	S	S	S	S	
Furniture and Appliances, Retail											P	P	P	P		
General Repair and Fix-It Shop														P		
Gift Shop				S*			S*				P	P	P	P		
Golf Courses and Clubhouses (Private)	P		P	P		P	P	P		P	P					
Greenhouse, Nursery (Commercial)	P									S	S	S	S	P	S	S
Group Boarding Home	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Handcrafting													P	P		
Hardware and Paint, Retail											P	P	P	P		
Hospital	P	S	S	S	S	S	S	S	S	P	P	S	S	S	S	S
Hotel												P	P	P		
Hydroponic Farm, Commercial	S									S	S	S	S	S	S	S
Interior Decorating				P*			P*				P	P	P	P		
Investigative and Protective Services												P	P	P		
Janitorial Services														P		
Jewelry Store				S*			S*				P	P	P	P		
Kennel, Commercial	P													P	S	S
Laundry											P	P	P	P		
Massage Establishment														P		
Medical Marijuana Dispensary Facility										P	P			P		
Medical Marijuana Testing Facility										P	P			P	P	P
Medical or Dental Offices or Labs				P*			P*			P	P	P	P	P		
Medical Supplies											P	P	P	P		
Miniature Golf														P		
Mortuary	S	S	S							P	P	S	S	S	S	
Motel												P	P	P		
Motorcycle Sales													P	P		

Land Use/Zoning District	A	E	R-1	R-1B	R-1M	R-2	R-2B	R-3	R-4	C-0	C-1	CBD-1	CBD-2	C-2	M-1	M-2
Movie Rentals											P	P	P	P		
Music Supplies											P	P	P	P		
Novelties											P	P	P	P		
Nursing Home	P	S	S													
Office, Real Estate				S*			S*			P	P	P	P	P		
Offices, Administrative or Professional				p*			p*			P	P	P	P	P		
Offices, General											P	P	P	P		
Optical Shop											P	P	P	P		
Outpatient Facility, Alcohol or Drug Abuse											P	S	P	P		
Pawnshop/Small Loan Establishment														S		
Pet Grooming (with all animals kept indoors)														P		
Petroleum Products (not dispensing or bulk plants)													P	P		
Photography Service				p*			p*				P	P	P	P		
Photographic Equipment											P	P	P	P		
Recreational Facility, Non-Commercial					P								P	P		
Recreational Facility, Commercial	S									S	S	S	S	S	S	S
Recreational Park, Commercial													P	P		
Residential Care Facility	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Residential Facility, Alcohol or Drug Abuse											S	S	S	S		
Restaurant											P	P	P	P		
Retail Store											P	P	P	P		
Sanitarium	P															
Seamstress and Tailoring				p*			p*				P	P	P	P		
Shoe Repairs											P	P	P	P		
Special Care Facilities	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Sports-Related Activity or Facility, Commercial	S									S	S	S	S	S	S	S
Tattoo, Piercing and Branding Establishments												S		S		
Tobacco Products, Retail											P	P	P	P		
Toys and Sporting Goods, Retail											P	P	P	P		
Veterinarian	P									S	S	S	S	S	S	S
Industrial																
Airport and/or Landing Fields, Public/Private	S														S	S
Asphalt and/or Concrete Batch Plant	S														S	S
Assembling															P	P

Land Use/Zoning District	A	E	R-1	R-1B	R-1M	R-2	R-2B	R-3	R-4	C-0	C-1	CBD-1	CBD-2	C-2	M-1	M-2
Bakery														P		
Bottling														P		
Building Materials Stores and Yards																P
Bus Barns or Lots																P
Cold Storage Plant																P
Composting, Fertilizer Manufacture																
Contractor's Shop and/or Yard (including construction equipment and/or materials storage areas)	S													S	S	S
Creosote Manufacture or Treatment																
Disassembling															P	P
Distillation of Bones, Fat Rendering, Glue Manufacture																
Dumping, Reduction or Incineration of Garbage, Offal or Refuse																
Fabrication															P	P
Farm Implement Repair Service	S													P	S	S
Freight Terminal															P	P
Frozen Foods (Including Lockers)														P		
Machine and Welding Shop																P
Manufacture or Assembly of products to be sold at retail on the premises												P	P	P	P	
Manufacturing															P	P
Medical Marijuana-Infused Products Manufacturing Facility															P	P
Mini-Warehouse Facility														S	S	
Oil and/or Gas Drilling and Production	S														S	S
Packaging															P	P
Petroleum Storage																P
Plumbing and Sheet Metal Shop																P
Printing and Publishing											P	P	P	P		
Processing															P	P
Quarrying, Mining or Removal and Processing of Sand, Gravel or Stone	S														S	S

Land Use/Zoning District	A	E	R-1	R-1B	R-1M	R-2	R-2B	R-3	R-4	C-0	C-1	CBD-1	CBD-2	C-2	M-1	M-2
Radio or TV Studio (w/o Broadcasting Towers)										P	P	P	P	P		
Railroad Rights-of-Way (Excluding Railroad Yards)	P	P	P	P		P	P	P		P	P					
Refining of Petroleum or Coal Oil																
Repairing															P	P
Retail Sales of Concrete from Small Batch Plant														S		
Salt Works, Stockyards or Slaughter of Animals or Fowl																
Salvage and Scrap Metals (Handling, Storage, or Processing)	S														S	S
Sanitary Landfills	S														S	S
Servicing or Testing of Commodities (except Junk or Salvage)															P	P
Storage															P	P
Storage of Boat, Recreational Vehicle, and/or Any Other Vehicle	S									S	S	S	S	S	S	S
Storage, Curing or Tanning of Raw Hides or Skins																
Truck and Bus Storage and Service																P
Warehousing															P	P
Wholesaling													P	P	P	P

P*=Permitted Use on Mechanic or Independence Street.

S*=Permitted with an Approved Special Use Permit on Mechanic or Independence Street.

STAFF REPORT

TO: Planning & Zoning Commission
FROM: Christina Stanton,
DATE: February 9, 2023
SUBJECT: Consideration for Various Code Amendments

Type of Item: *Approval*

C. Action Item (ID # 4429)

Consideration for Various Code Amendments