

TENTATIVE AGENDA
RAYTOWN BOARD OF ALDERMEN
COMMITTEE OF THE WHOLE
JUNE 13, 2017
WORK SESSION
RAYTOWN CITY HALL
10000 EAST 59TH STREET
RAYTOWN, MISSOURI 64133
6:00 P.M.

1. Marketing Committee

Point of Contact: Mike McDonough, Mayor

2. Body-Worn Cameras

Point of Contact: Jim Lynch, Police Chief

3. Chickens

Point of Contact: Teresa Henry, City Clerk

4. Cleanup Day

Point of Contact: Missy Wilson, Economic Development Administrator

5. Personnel Policy

Point of Contact: Tom Cole, City Administrator

CLOSED SESSION

Notice is hereby given that the Mayor and Board of Aldermen may conduct a closed session, pursuant to the following statutory provisions:

610.021(1) Legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys;

ADJOURNMENT

6-6-17 BOA Work Session Discussion

Evaluation of logistical demands related to body-worn cameras.

The Police Department has tested and utilized body-worn cameras (BWC) for the past two years. They have demonstrated to be a valuable tool in many different facets.

The logistical issues have become much more problematic. The sheer volume of data that must be managed, sorted and stored is quite large. In order to meet the requests of the judicial systems, the data must be managed as “digital evidence”. Currently, two full-time police officers assigned to the Investigations Unit, spend most of their work day managing these videos – rather than their regular duties. This workload will increase in the future as more video is collected.

There is pending legislation which may address the complexities of BWC's in police operations. Missouri House bill 1516 is one such example. However, currently there is no legal requirement for body worn cameras.

The Police Department is seeking guidance in dealing with the logistical complications of maintaining the use of body worn cameras by exploring the possibility of additional (civilian) FTE's to assist in digital media management and examining the budgetary impact of growing media storage space.

SECOND REGULAR SESSION

HOUSE BILL NO. 1516

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ELLINGTON.

4134H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 590, RSMo, by adding thereto one new section relating to video cameras for law enforcement officers.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 590, RSMo, is amended by adding thereto one new section to be known as section 590.715, to read as follows:

590.715. 1. All uniformed law enforcement officers in this state shall wear a video camera affixed to the law enforcement officer's uniform while on duty. The video camera shall record the interaction between a law enforcement officer and a member of the public. The recording shall include both audio and video.

2. All law enforcement agencies shall preserve any recordings made by a video camera under this section for a minimum of thirty days and shall develop any policies and procedures necessary to execute the provisions of this section.

3. The provisions of this section shall not apply to detectives or other law enforcement officers while they are working in an undercover capacity, or to any law enforcement officer in any situation where the wearing of such a video camera would endanger the safety of the officer or the public.

4. Five percent of all fines collected by a city, town, village, or county, excluding any fines collected for traffic violations or amended charges from traffic violations, shall be used to fund the video cameras required in this section for such city, town, village, or county.

✓

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

Chapter 6 - ANIMALS^[1]

Footnotes:

--- (1) ---

State Law reference— Agriculture and animals, RSMo 261.010 et seq.; disposal of dead animals, RSMo 269.010 et seq.; animals restrained from running at large, RSMo 270.010 et seq.; strays, RSMo 271.010 et seq.; fences and enclosures generally, RSMo 272.010 et seq.; local option regarding fences and enclosures, RSMo 272.210; dogs and cats, RSMo 273.010 et seq.; local option dog tax, RSMo 273.040 et seq.; animal care and facilities licensing and regulation, RSMo 273.325 et seq.; adoption and purchase of animals from shelters and human societies, RSMo 273.400 et seq.; pet spay and neuter fund, RSMo 301.387; authority for municipal inspection of animals intended as food, RSMo 71.730; offenses against police animals, RSMo 575.350, 575.353; animal neglect and abandonment, RSMo 578.009; animal abuse, RSMo 578.012; impoundment of animal running at large, RSMo 578.016; keeping dangerous wild animals, RSMo 578.023.

ARTICLE I. - IN GENERAL

Sec. 6-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate care means normal and prudent attention to the needs of an animal or fowl, including that care which is normally necessary to maintain good health in the specific species of animal or fowl.

Adequate food means wholesome foodstuffs suitable for the species provided at suitable intervals in a sanitary manner in quantities sufficient to maintain good health in an animal or fowl considering its age and condition.

Adequate health care means the provision to each healthy animal or fowl of all immunizations and preventative care required to maintain good health; space adequate to allow the animal or fowl rest and exercise sufficient to maintain good health; grooming as required so that they are free from dangerous matting which affects their health; and the provision to each sick, diseased, or injured animal or fowl of necessary veterinary care or humane death.

Adequate restraint means restraint by a hand held leash, a tether, or a structure such as a fence, kennel or cage, that is sufficient to prevent an animal being loose; from causing damage to any property or injury to any person or other animal; or from causing fear of bodily harm to any person. See also section 6-103 regarding adequate restraint.

Adequate shelter means a structurally sound, properly ventilated, safe, sanitary and weatherproof shelter suitable for the species, condition and age of the animal or fowl which provides access to shade from direct sunlight and regress from exposure to inclement weather conditions. The area where animals or fowl are kept must be kept free from unsanitary conditions, vermin-harboring debris, rodents, refuse, or any dangerous protuberances that can provide an opportunity for injury or a danger to the health of the animal or fowl.

Adequate water means a continual access to or access at suitable intervals to a supply of clean, fresh, potable water provided in a sanitary manner suitable for the species, condition and age of the animal or fowl in sufficient amounts to maintain good health in the animal or fowl. Such water will be provided in a secure manner so that the container cannot be overturned.

Animal means any live, vertebrate creature, domestic or wild, except fowl or human beings, including dogs and cats of either sex.

Animal control officer means any person employed by the city to enforce this chapter, including, but not limited to, general code enforcement officers, commissioned city police officers, or any person designated by the director.

Animal or fowl at large means any animal or fowl not adequately restrained.

Animal shelter means any facility or facilities designated by the director as an approved facility for the confinement of any animal or fowl.

Auction means any place or facility where animals or fowl are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter. This definition does not apply to individual sales of single animals or fowl by owners.

Caged household fowl means any bird kept in a cage as a pet by its owner, harbinger or keeper exclusively inside a dwelling, including, but not limited to, finches, canaries, minas, budgerigars, cockatiels, parakeets and parrots.

Citation means a general ordinance summons.

Commercial animal establishment means any pet shop, grooming shop, riding school, stable, kennel for hire, guard dog service, dog trainer, performing animal exhibition, or other business keeping animals in stock for retail or wholesale trade, or any establishment performing one or more of the principal activities of the aforementioned establishments.

Department means the department of development and public affairs or such other department as may be designated by the city clerk.

Director means the director of public works, or any designated representative of the director of public works, or such other person as the city clerk may designate.

Domestic animal means any animal domesticated by a person so as to live and breed in a tame condition. Domestic animals shall further be classified as follows:

Agricultural domestic animals means domestic animals commonly referred to as livestock such as horses, donkeys, sheep, goats, cattle, and swine, except for pot-bellied pigs which shall specifically be deemed to be a household domestic animal for purposes of regulation in this chapter.

Household domestic animals means domestic animals, including dogs, cats and pot-bellied pigs, small warm-blooded animals commonly kept as house pets such as rats, mice, gerbils, rabbits, ferrets, guinea pigs, hamsters, birds, and small cold-blooded animals commonly kept as house pets such as fish and nonpoisonous lizards and snakes.

Exotic animal means any non-indigenous animal, not occurring naturally in the city, either presently or historically, excluding dogs, cats and domestic animals defined herein. Exotic animals include, but shall not be limited to, the following: animals of the ape species, leopards, lions, tigers, bobcats, panthers, venomous or poisonous animals, alligators and crocodiles.

Fowl means chickens, ducks, geese, turkeys, doves, pigeons, Cornish game hens or other fowl raised for profit, hobby or kept as pets.

Hand held leash means any strap, rope, or chain used as a restraint for animals constructed to provide secure attachment to an animal's harness or collar.

Harboring or harborer means any person who offers asylum, refuge, or sanctuary to any animal.

Keeper means any person who offers asylum, refuge, or sanctuary to any animal. Also see *Harboring or harborer*.

Microchip means a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for the purposes of identification and/or recovery of the animal and properly registered as specified by the department.

Own means having the right of property or custody of an animal; or the keeping or harboring an animal; or having the care or possession of an animal; or knowingly permitting an animal to remain in, on or about any premises occupied by or under the control of the owner of the animal.

Owner means any person owning, keeping or harboring an animal or who shall allow any animal to habitually remain or to be lodged or fed within any house, store, yard, enclosure or property occupied by or under the control of such person.

Person means any person, firm, partnership, corporation or association.

Pot-bellied pig means a domestic miniature Vietnamese, Chinese, or Oriental pot-bellied pig. A pot-bellied pig is distinguished from other swine by the following traits: erect ears, sway back, curved belly, straight tail, shorter snout and coloring, which may be black, white or a combination of black and white.

Secure temporary enclosure means a secure enclosure used for purposes of transporting an exotic or dangerous animal, including a top and bottom permanently attached to the sides except for a door for entry and exit of the animal. The enclosure must be of such material, and the door closed and secured in such a manner, that the animal cannot exit the enclosure on its own or have the capacity to bite any person in close proximity to the enclosure.

Service dog means a dog that has been specially trained to do work or perform tasks which benefit a particular person with a disability. Service dog includes:

Guide dog means a dog that has been specially trained to assist a particular blind or visually impaired person;

Hearing dog means a dog that has been specially trained to assist a particular deaf or hearing-impaired person;

Medical alert or respond dog means a dog that has been trained to alert a person with a disability that a particular medical event is about to occur or to respond to a medical event that has occurred;

Mobility dog means a dog that has been specially trained to assist a person with a disability caused by physical impairments.

Therapeutic aviary means any large enclosure used to confine birds that is maintained inside a long-term care facility licensed by the state.

Veterinary medical care facility means a facility that has the primary function of providing medical care for animals and is operated by a currently licensed veterinarian.

Wild animal means an animal not specifically bred over many generations to adapt to human confinement, company and control such as raccoons, wildfowl, skunks, and opossums.

(Code 1969, § 4-1; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2475-82, § 1, 12-7-1982; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4260-97, § 1, 5-6-1997; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5239-07, §§ 1, 2, 7-3-2007; Ord. No. 5244-07, § 1, 7-17-2007; Ord. No. 5288-08, § 1, 5-20-2008)

State Law reference— Dog defined, RSMo 273.010, 273.040; boarding kennel, commercial breeder, commercial kennel, contract kennel, dealer, hobby or show breeder, and pet shop defined, RSMo 273.325; dangerous animals, RSMo 578.023.

Sec. 6-2. - Penalties generally.

- (a) Except as otherwise specifically provided in this chapter, any person who shall violate, fail, neglect or refuse to comply with any provisions of this chapter shall be subject, upon conviction to the penalty or penalties provided in section 1-22, except as otherwise expressly provided herein.
- (b) In addition to the foregoing penalties, any person who violates this article shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of this article.
- (c) A judge may order removal from the city of any animal with a history of causing violations of this chapter or the humane destruction of a dog with a known history of behavioral problems or traits that may pose a danger or nuisance to the public health, safety or welfare.

(Code 1969, § 4-45; Ord. No. 5191-07, § 1, 3-6-2007)

Secs. 6-3—6-22. - Reserved.

ARTICLE II. - ADMINISTRATION

Sec. 6-23. - Duty of director.

Except where otherwise provided, it shall be the duty of the director to administer and enforce the provisions of this chapter, including promulgating policies and procedures for administration and enforcement of the provisions of this chapter.

(Code 1969, § 4-2; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-24. - Animal control officers; position and duties.

There is hereby created the position of animal control officer subject to the jurisdiction of the director. It shall be the duty of an animal control officer to enforce all the provisions of this chapter and be subject to emergency call in the performance of the duties of said position on a 24 hours per day, seven days per week basis as per city and department call out policies.

(Code 1969, § 4-3; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-25. - Duty of the police department.

It shall be the duty of the police department to enforce the provisions of this chapter and to assist the director and any animal control officer in enforcing the provisions of this chapter.

(Code 1969, § 4-4; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-26. - Department to keep records.

The department shall keep a record in which shall be entered all official transactions relating to animal control.

(Code 1969, § 4-5; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2475-82, § 2, 12-7-1982; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-27. - Interfering with officers prohibited.

It shall be unlawful for a person to hinder, molest or interfere with any police officer or animal control officer in the performance of their duties pursuant to the provisions of this chapter.

(Code 1969, § 4-25.1; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 5191-07, § 1, 3-6-2007)

Secs. 6-28—6-57. - Reserved.

ARTICLE III. - CARE AND CONTROL REGULATIONS

DIVISION 1. - GENERALLY

Sec. 6-58. - Household domestic animals permitted.

Household domestic animals may be owned, kept or harbored within the city, in accordance with the terms of this chapter.

(Code 1969, § 4-6; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-59. - Certain livestock prohibited in city.

- (a) No agricultural domestic animals (except horses) shall be kept, harbored or maintained within the city.
- (b) No horses shall be kept or maintained within 100 feet of the nearest portion of any building in any way used by human beings, other than those occupied by the owner or keeper of any such horses. Beyond this limitation of 100 feet, not more than two of the aforesaid horses shall be kept, provided that the limitations of two horses shall not apply to a riding stable, nor shall the limitation of two such animals apply to a commercial stockyard or land zoned for agricultural use. Stables for the housing of any of the horses shall comply with all zoning restrictions.
- (c) All manure accumulations in the area where animals are kept shall be removed, stored or disposed of in such a manner as to prevent noxious odors, the breeding of flies, and the spread of disease.
- (d) Wild animals not prohibited from being kept as pets shall also be so kept in compliance with the statutes, regulations and treaties of the state and the federal government.
- (e) Animals currently authorized under existing ordinances of the city and approved by the director shall be allowed to continue in existence so long as said animals shall continue to meet all requirements of said existing ordinances. The housing of such animals shall be in accordance with subsection (b) of this section.

(Code 1969, § 4-17; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4276-97, §§ 1—5, 6-3-1997; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

State Law reference— Authority to prohibit livestock, poultry at large, RSMo 79.400.

Sec. 6-60. - Limitation on number of dogs, cats, pot-bellied pigs and caged household fowl.

- (a) *Limitation on number of dogs, cats, and pot-bellied pigs.* It shall be unlawful and a public nuisance for any person to keep or allow to be kept at a single residence more than four dogs, four cats or one pot-bellied pig, or any combination of such animals exceeding four in number, over the age of 90 days.
- (b) *Limitation on number of caged household fowl.* It shall be unlawful and a public nuisance for any person to keep or allow to be kept at a single residence more than six caged household fowl, over the age of 90 days.
- (c) *Removal authorized.* When animals or fowl in excess of the limit established in the preceding subsections are found at a residence, all of the animals or fowl found at the residence may be removed to an animal shelter to be handled as if stray animals or fowl, except that the person in charge of the residence, if present, may designate and retain up to four licensed animals or six caged household fowl.

(Code 1969, § 4-26; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5244-07, § 3, 7-17-2007; Ord. No. 5288-08, § 2, 5-20-2008)

Sec. 6-61. - Additional requirements for keeping pot-bellied pigs.

In addition to compliance with the all other sections of this chapter, including, but not limited to, the sections on licensing and restraint of animals, the following additional requirements shall apply to the keeping of pot-bellied pigs:

- (1) *Harboring outdoors prohibited.* It shall be unlawful for any person to keep or maintain pot-bellied pigs outdoors. A person may permit pot-bellied pigs outdoors for brief periods, as necessary for exercise or for the elimination of waste. The outdoor area used for exercise and waste elimination must be a secure area from which the pot-bellied pig may not escape.
- (2) *Spay or neuter required.* All pot-bellied pigs kept within the city must be either spayed or neutered. Under no circumstances may a person engage in the propagation or breeding of pot-bellied pigs within the city limits.
- (3) *Vaccinations required.* All pot-bellied pigs kept within the city must be vaccinated against erysipelas, rhinitis and bordetella.
- (4) *Daily cleaning of exercise area required.* All locations where pot-bellied pigs are kept shall be kept in a clean and sanitary condition. Exercise areas shall be cleaned of swine excrement on a daily basis.

(Code 1969, § 4-43.1; Ord. No. 5288-08, § 5, 5-20-2008)

Sec. 6-62. - Animals prohibited in designated establishments.

All animals shall be prohibited from those premises known as grocery stores, restaurants, and other food service establishments, except service dogs.

(Code 1969, § 4-14; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4275-97, § 1, 6-3-1997; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-63. - Abandonment.

It shall be unlawful for any owner or keeper to abandon any animal. For the purpose of this section, to abandon means for the owner or keeper to leave an animal without demonstrated or apparent intent to recover or to resume custody; to leave an animal for more than 12 hours without providing for adequate care, adequate food, adequate health care, adequate shelter, or adequate water for the duration of the absence; or, to turn out or release an animal for the purpose of causing it to be impounded.

(Code 1969, § 4-13; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 5191-07, § 1, 3-6-2007)

State Law reference— Animal abuse, RSMo 578.012; animal neglect or abandonment, RSMo 578.009; baiting or fighting of animals unlawful, RSMo 578.173.

Sec. 6-64. - Cruelty to animals and fowl.

- (a) No owner or keeper of an animal shall fail to provide the animal with adequate care, adequate food, adequate health care, adequate shelter, and adequate water. Any owner, keeper or harbinger of an animal in this city by the act of owning, keeping or harboring such animal does thereby authorize the director, any animal control officer, and any police officer to enter the yard where such animal is kept, if the director reasonably believes that the animal is kept in an unlawful, cruel, or inhumane manner, and to examine such animal and to seize and impound such animal at the municipal animal shelter when, in said examiner's opinion, it is being kept in an unlawful, cruel, or inhumane manner.
- (b) No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse an animal.
- (c) No person shall:
 - (1) Own, possess, keep, or train any dog, with the intent that such dog shall be engaged in an exhibition of fighting with another dog;
 - (2) For amusement or gain, cause any dog to fight with another dog, or cause any dogs to injure each other;
 - (3) Permit any act as described in subsection (c)(1) or (2) of this section to be done on any premises under the person's charge or control, or aid or abet any such act; or
 - (4) Knowingly be present, as a spectator, at any place, building, or structure where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at such preparations, or knowingly be present at such exhibition or at any other fighting or injuring as described in subsection (c)(2) of this section, with the intent to be present at such exhibition, fighting, or injuring;
- (d) No person shall cause, instigate or permit any dogfight, cockfight or other combat between animals or

between animals and humans. Any animal so used shall be seized and impounded. Nor shall any person attend such unlawful exhibition or be umpire or judge at such.

- (e) No person shall willfully administer any poison to any domesticated animal or shall willfully expose any poisonous substance where the same may be likely to be eaten by any domesticated animal.
- (f) The operator of a motor vehicle which strikes any animal shall as soon as possible, report the accident to the animal control officer.
- (g) Vendors of such fowl younger than eight weeks of age shall provide and operate brooders or other heating devices as may be necessary to maintain the fowl in good health, and shall keep adequate food and water available to the fowl.
- (h) No person shall offer to give, or give away any live animal or fowl as a prize or business inducement.
- (i) Whenever any animal is found confined in a motor vehicle under weather conditions that endanger its life as determined by the director, the director or the director's designee is hereby authorized, with assistance from the police department, to enter such vehicle and rescue such animal and thereafter impound it. A prominent written notice shall be left on or in the vehicle advising that the animal has been removed under the authority of this section and impounded.
- (j) No person shall tether, confine or restrain any animal in such a way as to permit said animal to become frequently entangled in such tether, or to render said animal incapable of accessing adequate care, adequate food, adequate health care, adequate shelter, and adequate water.
- (k) Any duly authorized animal control officer or law enforcement official may seek a warrant from the appropriate court, which shall include the municipal court, to enable him to enter private property, excluding structures, in order to inspect, care for, or impound neglected or abused animals.
 - (1) All requests for such warrants shall be accompanied by an affidavit stating the probable cause to believe an animal is being neglected or abused. A person acting under the authority of a warrant shall:
 - a. Be given a disposition hearing before the court through which the warrant was issued, within 30 days of the filing of the request for the purpose of granting immediate disposition of the animals impounded;
 - b. Place impounded animals in the care or custody of a veterinarian, the appropriate animal control authority, or an animal shelter. If no appropriate veterinarian, animal control authority, or animal shelter is available; the animal shall not be impounded unless it is diseased or disabled beyond recovery for any useful purpose;
 - c. Humanely kill any animal impounded if it is determined by a licensed veterinarian that the animal is diseased or disabled beyond recovery for any useful purpose;
 - d. Not be liable for any necessary damage to property while acting under such warrant.
 - (2) The owner or custodian or any person claiming an interest in any animal that has been impounded because of neglect or abuse may prevent disposition of the animal by posting bond or security in an amount sufficient to provide for the animal's care and keeping for at least 30 days, inclusive of the date on which the animal was taken into custody. Notwithstanding the fact that bond may be

posted pursuant to this subsection, the authority having custody of the animal may humanely dispose of the animal at the end of the time for which expenses are covered by the bond or security, unless there is a court order prohibiting such disposition. Such order shall provide for a bond or other security in the amount necessary to protect the authority having custody of the animal from any cost of the care, keeping or disposal of the animal. The authority taking custody of an animal shall give notice of the provisions of this section by posting a copy of this section at the place where the animal was taken into custody or by delivering it to a person residing on the property.

- (3) The owner or custodian of any animal humanely killed pursuant to this section shall not be entitled to recover any damages related to nor the actual value of the animal if the animal was found by a licensed veterinarian to be diseased or disabled, or if the owner or custodian failed to post bond or security for the care, keeping and disposition of the animal after being notified of impoundment.

(l) Nothing in this section shall be construed to prohibit:

- (1) The use of dogs in the management of livestock by the owner of such livestock or the owner's employees or agents or other persons in lawful custody of such livestock;
- (2) The use of dogs in hunting; or
- (3) The training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law.

(Code 1969, § 4-19; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4277-97, § 1, 6-3-1997; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5239-07, § 6, 7-3-2007; Ord. No. 5246-07, § 2, 7-17-2007)

State Law reference— Animal abuse, RSMo 578.012; animal neglect or abandonment, RSMo 578.009; baiting or fighting of animals unlawful, RSMo 578.173.

Sec. 6-65. - Injuring and capturing animals unlawful; exceptions.

It shall be an offence to willfully injure, kill, capture, trap, or poison any animal, or attempt same, except as necessary for:

- (1) Human safety;
- (2) Destruction of rats, mice and other pests;
- (3) Veterinary medical practice;
- (4) Termination of suffering; or
- (5) The performance of official duties by public employees.

(Code 1969, § 4-20; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-66. - Certain feeding of animals, birds or fowl prohibited.

It shall be unlawful for any person to feed, scatter food or leave food of any type or kind in the parks, playgrounds, play fields, parkways, boulevards in streets of this city for any birds, fowl or animals. It shall be unlawful to feed, scatter or leave food of any type upon private property if such action in any way causes said birds, fowl or animals to defecate, soil, defile or damage public or private property other than that of the owner, or if it creates an offensive, disagreeable, noxious smell or odor or, in any way serves to injure, annoy or inconvenience any neighbor.

Code 1969, § 4-25; Ord. No. 4278-97, § 1, 6-3-1997; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-67. - Dogs or other animals putting persons in fear.

No person shall own, keep or harbor any animal, which by jumping upon or threatening persons upon public or private property shall cause person(s) to be put in fear of injury. This section shall apply to animals while being walked on a leash and the unprovoked attack by an animal on a leash upon any person shall constitute an assault by the person holding the leash and failing to prevent the unprovoked attack by such animal.

(Code 1969, § 4-28; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 3095-87, § 1, 7-7-1987; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-68. - Animals in heat; breeding of animals prohibited.

- (a) The owner, keeper or harbinger of any female animal in heat shall confine any female animal in heat within a building in such a manner that the animal shall not be accessible to other animals except when out upon such person's premises briefly for toilet purposes while on a hand-held leash and under direct control of said person.
- (b) No person shall commercially breed any animal within the city. "Breeding" shall be deemed to have occurred upon the production of a litter, whether such litter results from sexual activity or artificial insemination, and whether such sexual activity was intentional or the result of improper confinement. "Commercial breeding" is deemed to occur if any offspring produced as a result of breeding is sold or exchanged for anything of value.
- (c) An animal may be privately bred to produce not more than one litter in a calendar year. Any offspring produced as a result of private breeding may not be sold or exchanged for anything of value.
- (d) No person shall sell any animal or fowl within the city except at a commercial animal establishment. The sale of animals from property zoned or used residentially is prohibited.

(Code 1969, § 4-29; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5245-07, § 1, 7-17-2007)

Sec. 6-69. - Animals at large prohibited.

- (a) It shall be unlawful for any person, owning, keeping or harboring any animal or fowl to permit said

animal or fowl to be at large within the city. When any animal or fowl is on the property of the owner, keeper or harbinger and adequately restrained, such animal or fowl will not be deemed to be at large.

- (b) A person using a service dog shall be deemed to be in compliance with this section.
- (c) Official use of dogs by any governmental unit shall be deemed in compliance with this section.

(Code 1969, § 4-30; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2550-83, § 1, 7-5-1983; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4031-94, § 1, 10-4-1994; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-70. - Banned animal not to be returned to city.

It shall be unlawful for a person to own, harbor or keep within the city an animal that has been ordered removed under the terms of this chapter, except a person may temporarily transport such animal continuously through the city, only if such animal is being transported either from a point outside the city directly to a destination outside the city, or from a point outside the city to an airport, trans station or bus station within the city. During such transportation, the owner may only stop in the city where such stoppage is necessary and solely related to the continuing ability of the owner to continue said transportation, including, but not limited to, the refueling or repair of a motor vehicle. The animal must be maintained at all times inside a secure temporary enclosure, which may include inside of the passenger compartment of a private motor vehicle, with all accessible windows closed, adequate shelter must be maintained for such animal confined in a motor vehicle.

(Code 1969, § 4-44; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-71. - Dead animals.

- (a) *Responsibility.* The department shall be responsible for the removal of all dead wild animals found within the city and all dead animals found on public property or thoroughfares within the city.
- (b) *Removal of domestic dead animals on private property.* All domestic dead animals shall be removed or otherwise disposed of in a sanitary manner by the owner or proprietor of the premises within 12 hours after the death of such animal. If not so removed or disposed of, the director shall remove such animal. The costs associated for the removal of such animal will be charged directly to the property owner or proprietor.
- (c) *Access.* On occupied property, the owner or the tenant thereof shall provide easy access to the subject animal for purposes of its removal.
- (d) *Notice.* No person owning or having in his possession the carcass of any animal not to be used for food shall permit the same to remain in or upon any street, sidewalk, park, public ground, private lot, or other place without at once giving notice to the department.

(Code 1969, § 4-33; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-72. - Animal auctions.

No animal auction shall be conducted or maintained in any block of ground in the city where a majority of the frontage of any side of such block is occupied and used for residential purposes. It shall further be unlawful to offer any animal for sale at auction, unless the same is done in a barn, stable or other covered enclosure. Where any animal is offered for sale at auction, the auctioneer so offering the same for sale shall first make a minute description of such animal in a well-bound book, which book shall be at all times open for inspection by any city official.

(Code 1969, § 4-34; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 5191-07, § 1, 3-6-2007)

Secs. 6-73—6-102. - Reserved.

DIVISION 2. - RESTRAINT AND CONFINEMENT

Sec. 6-103. - Animals to be adequately restrained; tethering.

- (a) It shall be unlawful for an owner, keeper or harbinger of an animal or fowl to keep said animal without it being adequately restrained.
- (b) It shall be unlawful for an owner, keeper or harbinger of an animal or fowl to allow such animal to run at large.
- (c) It shall be unlawful for an owner, keeper or harbinger of animal to tether the animal outside except when the owner, keeper or harbinger of the animal is visibly supervising the animal, whether outside or from inside a residence.
- (d) Nonpoisonous snakes shall be kept in locked, escape-proof cages and shall not be permitted to escape while being handled by owner, keeper or handler.
- (e) Cats regardless of age or sex which cause injury to persons or damage to property or that create a nuisance shall be deemed not adequately restrained.

(Code 1969, § 4-15; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5246-07, § 1, 7-17-2007)

State Law reference— Animals restrained from running at large, RSMo 270.010 et seq.; strays, RSMo 271.010 et seq.; fences and enclosures generally, RSMo 272.010 et seq.; local option regarding fences and enclosures, RSMo 272.210; dogs prohibited from running at large, RSMo 322.020.

Sec. 6-104. - Dogs and cats in enclosures.

- (a) *Location.* It shall be unlawful for any person to keep or maintain any pen or other enclosure (except a fence) for the housing of dogs or cats within ten feet of any property line or within 15 feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the dogs or cats.
- (b) *Condition of enclosure.* Any pen or other enclosure wherein dogs or cats are kept, or permitted to be

shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin and free from objectionable odors.

- (c) *Existing establishments.* Any pen or other enclosure authorized under existing ordinances of the city and approved by the director shall be allowed to continue in existence so long as said pen or enclosure shall continue to meet all requirements of said existing ordinances.

(Code 1969, § 4-16; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-105. - Small animals and fowl in pens.

- (a) *Location.* It shall be unlawful for any person to keep or maintain any chicken coop, dove cote, rabbit hutch or other yard establishment for the housing of fowl or small animals, except dogs and cats, closer than 100 feet to the nearest portion of any building occupied by or in any way used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or closer than 25 feet to the property line of the lot on which such fowl or animals are kept for sale within a bona fide produce market, commission house or store for purposes of trade and while so kept are confined in small coops, boxes or cages, or where such animals or fowl are kept for purposes of research in a laboratory.
- (b) *Odors.* Every coop, dove cote, rabbit hutch or other yard establishment shall be kept so that no offensive, disagreeable or noxious smell or odor shall arise therefrom to the injury, annoyance or inconvenience of any inhabitants of the neighborhood.
- (c) *Disposal of manure.* Every coop, dove cote, rabbit hutch or other yard establishment shall be provided with a watertight and flytight receptacle for manure, of such dimension as to contain all accumulations thereof, which receptacle shall be emptied sufficiently often and in such manner as to prevent its becoming a nuisance. Such receptacle shall be securely covered at all times, except when open during the deposit or removal of manure or refuse therefrom. No manure shall be allowed to accumulate except in such receptacle. All such manure, when removed from the receptacle shall be buried with covering of not less than six inches of earth, or if used as fertilizer, thoroughly spaded into the ground, or shall be removed from the property.
- (d) *Fowl; maintenance of enclosures.* All earthen yards or runways wherein fowl are kept or permitted to be shall be spaded and then limed once every three months from the month of April through the month of December. For the purpose of killing flies and other insects, all structures, pens or coops wherein fowl are kept or permitted to be shall be sprayed with such substances as will eliminate such insects.
- (e) *Condition of enclosure.* Any structure, pen, coop, or yard wherein animals or fowl are kept, or permitted to be shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin and free from objectionable odors. The enclosed area of all such structures shall be constructed in such a way as to be dry at all times on the inside.
- (f) *Number of animals, fowl.* Except where fowl, rabbits or other small animals are kept for sale within a bona fide produce market, commission house or store for the purpose of trade and while so kept are confined in small coops, boxes, cages, or where such animals or fowl are kept for purposes of research in a laboratory it shall be unlawful for any person to keep or maintain, within 100 feet of the nearest

portion of any dwelling or other building occupied by or in anyway used by human beings except for a dwelling occupied by the owner or keeper of such animals, more than four fowl, rabbits, or other small animals over 90 days of age. The provisions of this subsection shall not apply to caged household fowl or therapeutic aviary.

- (g) *Keeping of fowl.* As to the keeping and harboring of chickens or other domestic fowl for whatever purpose maintained, the director shall have authority to promulgate regulations subject to the approval of the board of aldermen providing that such shall be kept in such a manner as to prevent a nuisance or health hazard. (Refer to subsections (a) through (f) of this section.)
- (h) *Existing establishments.* Any coop, hutch, loft or other yard establishment currently authorized under existing ordinances of the city and approved by the director shall be allowed to continue in existence so long as said coop, hutch, loft, or other yard establishments shall continue to meet all requirements of said existing ordinances.

(Code 1969, § 4-18; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5239-07, § 5, 7-3-2007; Ord. No. 5244-07, § 2, 7-17-2007)

Sec. 6-106. - Pens, runs, cages; odors.

Every pen, run, cage or other yard establishment wherein any animal is kept shall be maintained so that no offensive, disagreeable or noxious smell or odor shall arise therefrom to the injury, annoyance or inconvenience of any neighbor.

(Code 1969, § 4-21; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-107. - Disposal of manure.

No manure shall be allowed to accumulate in any pen, run, cage, yard or other establishment wherein an animal or fowl is kept.

(Code 1969, § 4-22; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-108. - Penalties; animal at large or failure to adequately restrain.

- (a) *Impoundment, microchipping, issuance of citation.* For any animal at large or not adequately restrained, an animal control officer may impound the animal but not issue a citation, if it is the belief of the officer that this is a first offense, the animal is properly licensed and the animal is not otherwise in violation of this chapter. Upon impoundment, the animal shall also be microchipped and the owner shall be responsible for impoundment fees and the cost of microchipping.
- (b) *Penalty for first offense.* Upon conviction of a first offense for an animal running at large or failure to adequately restrain, the penalty shall be a fine of \$125.50 and the animal shall be microchipped.
- (c) *Penalty for second offense.* Upon conviction of a second offense for an animal running at large or failure to adequately restrain, the penalty shall be a fine of not less than \$250.50, up to 90 days in jail, and the

animal shall be microchipped.

- (d) *Penalty for third offense.* Upon conviction of a third or subsequent offense for an animal running at large or failure to adequately restrain, the penalty shall be a fine of not less than \$500.00, up to 90 days in jail and the animal shall be microchipped and removed from the city limits.
- (e) *Authority, limitations.* For purposes of this section:
- (1) Proof of conviction of a previous offense shall not require proof that the same animal was involved; and
 - (2) A conviction occurring more than five years ago shall not be considered a prior offense.
- (f) *Guilty plea, payment out of court for first offense.* Any person charged with a first offense for failure to adequately restrain an animal or allowing an animal to run at large, shall have the option of paying the specified fine upon entering a plea of guilty and upon waiving appearance in court and upon a plea of not guilty shall be entitled to a trial as authorized by law.
- (g) *Court authorized to reduce fine on second offense if animal spayed or neutered.* The fees specified in this section may be reduced or waived by the municipal court for any person pleading or found guilty of a second offense for failure to adequately restrain an animal or allowing an animal to run at large if the person presents credible evidence to the court showing that the animal has been spayed or neutered.
- (h) *Payment of additional fees and expenses required.* In addition to the foregoing penalties, any person who violates this division shall pay all expenses, including shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of the provisions regarding animals at large and adequate restraint.

(Code 1969, § 4-46; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5288-08, § 6, 5-20-2008)

Secs. 6-109—6-129. - Reserved.

DIVISION 3. - NUISANCE ANIMALS

Sec. 6-130. - Public nuisance.

Any animal or fowl (or groups of animals and/or fowl) shall be considered a public nuisance if it:

- (1) Interferes with any passerby or chases passing vehicles including bicycles;
- (2) Attacks any other animal;
- (3) Is in heat and not properly confined as provided in this chapter;
- (4) Is not adequately restrained either on or off the property of its owner, keeper, or harborer;
- (5) Is at large;
- (6) Is ridden on public property without a permit or which obstructs or interferes with vehicular or pedestrian traffic;
- (7) Causes injury to any person;

- (8) Threatens or causes a condition which endangers public health;
- (9) Causes fear of bodily harm to any person;
- (10) Impedes refuse collection by ripping any bag or tipping any container of such; or
- (11) Damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.

(Code 1969, § 4-7; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-131. - Private property rights.

- (a) When an animal is a public nuisance constituting a clear and present danger, the director, animal control officers, and police officers are authorized to enter without warrant upon private property (excluding buildings) to seize such animal to abate the public nuisance.
- (b) By the authority of this section, when it is the belief of the director, an animal control officer, or a police officer, that an animal has been cruelly mistreated in violation of this chapter or is suffering, the animal may be seized from the property of its owner or keeper to abate the mistreatment or the suffering of that animal and it may be confined at an animal shelter for disposition under the terms of this chapter.
- (c) Any animal that has possibly exposed a person to rabies through a bite wound or other tissue invasion and that is found on the property of the owner or keeper may be removed from that property by the director, an animal control officer, or police officer if such owner or keeper is not available, willing and able to surrender the animal for the observation required by this chapter.

(Code 1969, § 4-12; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-132. - Excessive animal noise.

No person shall own or keep any animal that by making excessive noise disturbs a neighborhood. The following definitions and conditions shall be specifically applicable to enforcement of the aforesaid prohibition of this section:

- (1) The term "excessive noise" means and includes any noise produced by an animal that is so loud and continuous or untimely as to disturb the peace and quiet of a neighbor.
- (2) The term "neighbor" means an individual residing in a residence structure which is within 100 yards of the property on which the animal is kept or harbored and who does, in writing by signing a general ordinance summons (GOS), state that he will testify under oath to said animal making excessive noise.
- (3) If a summons is issued charging violation of this section, a subpoena shall also be issued to the disturbed neighbor to testify in the matter.

(Code 1969, § 4-27; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Secs. 6-133—6-162. - Reserved.

DIVISION 4. - RABIES CONTROL

Sec. 6-163. - Rabies vaccination tag required.

- (a) It shall be the duty of every person owning, keeping or harboring in the city any dog, cat or ferret over the age of 90 days to procure from a licensed veterinarian a tag or emblem evidencing a current inoculation of said animal against rabies within the preceding 12 months.
- (b) No owner or keeper of any dog, cat or ferret shall allow or permit such dog, cat or ferret to be outside the residence of said owner or keeper at any time other than when enclosed on all sides in a cage or covered dog run without having attached to a collar about the neck of such animal or to a secure body harness a rabies vaccination tag. All veterinarians shall issue rabies vaccination certificates and tags in a uniform color and shape as recommended for each year by the National Association of State Public Health Veterinarians.
- (c) Upon a plea of guilty or conviction of a first offense for failure to display a rabies tag pursuant to this section, the penalty shall be a fine of \$50.50 plus court costs. Any person charged with a first offense for failure to adequately display a rabies tag shall have the option of paying the specified fine upon entering a plea of guilty and upon waiving appearance in court.
- (d) Upon conviction of a second offense for failure to display a rabies tag pursuant to this section, the penalty shall be a fine of \$100.50 plus court costs.
- (e) Upon conviction of a third offense for failure to display a rabies tag pursuant to this section, the penalty shall be a fine of \$250.50 plus court costs.
- (f) Upon conviction of a fourth or subsequent offense for failure to display a rabies tag pursuant to this section, the penalty shall be a fine of \$500.00 plus court costs.

(Code 1969, § 4-23; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2475-82, § 4, 12-7-1982; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5239, § 3, 7-3-2007; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-164. - Misusing rabies tags.

It shall be unlawful for a person to use for any animal a rabies certificate, tag or emblem issued for a different animal.

(Code 1969, § 4-24; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2475-82, § 5, 12-7-1982; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Secs. 6-165—6-181. - Reserved.

DIVISION 5. - LICENSING^[2]

Footnotes:

-- (2) --

State Law reference— Dogs and cats, RSMo 273.010 et seq.; local option dog tax, RSMo 273.040 et seq.

Sec. 6-182. - License for dogs, cats, ferrets, pot-bellied pigs required.

- (a) *License required.* Any person who shall keep or harbor upon the person's premises a dog, cat, ferret, or pot-bellied pig over the age of 90 days shall obtain a license for the same from the director within 14 days of bringing such animal into the city. It shall be unlawful to keep or harbor a dog, cat, ferret, or pot-bellied pig within the corporate limits of the city, unless such animal is licensed as provided herein. The licensing provisions of this section shall not apply to any nonresident keeper or harborer of a dog, cat, ferret, or pot-bellied pig while such nonresident is passing through the city, provided such dog, cat, ferret, or pot-bellied pig shall remain on leash or otherwise adequately restrained.
- (b) *Application for license; issuance; fee.* Any person keeping or harboring a dog, cat, ferret, or pot-bellied pig shall file an application on a form approved by the director. Said application shall include, but not be limited to, the following information:
- (1) The name, address, contact information, and date of birth of the person keeping or harboring the animal, who must be at least 18 years of age.
 - (2) The registered and/or common name, age, breed, physical description, and sex of the animal, and a statement as to whether the animal has been sterilized.
 - (3) A state driver's license number, state issued identification number, or social security number for the person keeping or harboring the animal.
 - (4) A statement as to whether the specific animal has ever been banned in or ordered removed from another community.
 - (5) A valid certificate evidencing current vaccinations required by regulations of the city or state law.
 - (6) Proof of personal liability insurance in an amount of not less than \$100,000.00 per person and \$300,000.00 per occurrence, for any animal deemed dangerous by the municipal court, or as provided under this chapter.
 - (7) A license fee, in an amount specified by the board of aldermen by resolution as set out in the schedule of fees and charges maintained in the city clerk's office. The board of aldermen may provide by resolution for different fees for sterilized dogs, cats, ferrets or pot-bellied pigs; dogs deemed dangerous by the municipal court or as provided in this chapter; service dogs; pro-ration of licenses issued for a period of less than one full year; and, if applicable, a late registration fee. All of these fees shall be listed in the schedule of fees and charges maintained in the city clerk's office.
- (c) *Issuance of license.* The director shall issue a license upon completion of an application and payment of

the applicable fee, provided however that the director is hereby authorized to deny a license for any specific animal that has ever been banned in or ordered removed from the city or another community. The director shall issue a receipt and a numbered metallic or plastic tag for each dog, cat, ferret, or pot-bellied pig licensed. A record of all licenses issues shall be maintained, in numeric order and by address of the licensee.

- (d) *Duration, renewal of license; revocation.* Such license shall be valid from the date of issuance until the expiration date of the applicable animal's rabies vaccination, unless revoked in accordance with the terms of this chapter. Any violation of the sections of this chapter shall constitute sufficient cause for revocation of such license. Licenses shall be renewed on or before the date that the rabies vaccination expires.
- (e) *Unlawful to provide false information.* It shall be unlawful for any person to provide false information on an application for license.
- (f) *Limitation on number of licenses.* No more than four licenses shall be issued for any one address, for dogs, cats, ferrets and pot-bellied pigs over the age of 180 days.
- (g) *Lost or destroyed licenses.* If a license certificate or tag is lost or destroyed, the applicant may obtain a duplicate from the director or the director's designee, for a fee, as specified by resolution of the board of aldermen.
- (h) *Unlawful use of license or tag.* It shall be unlawful for a person to use a license certificate or tag for an animal other than the animal for which it was issued.
- (i) *Wearing of license or identification tag required.* No owner or keeper of any dog, cat, ferret or pot-bellied pig shall allow such animal to be outside the residence of the owner or keep, at any time other than when enclosed on all sides in a cage or covered run with a roof and secure floor, without having attached to a collar about the neck of such animal or to a secure body harness, the license tag, except when such animal is being handled in the course of an organized training or exhibition program.
- (j) *Removal of license or identification tag prohibited.* No person shall remove, or cause to be removed, the collar, harness or the license tag from any licensed dog, cat, ferret, or pot-bellied pig without the consent of the owner or keeper of the animal.
- (k) *Penalty for first offense.* Upon plea of guilty or conviction of a first offense for failure to display a license pursuant to this section, the penalty shall be a fine of \$50.50 plus court costs. Any person charged with a first offense for failure to display a license tag shall have the option of paying the specified fine upon entering a plea of guilty and upon waiving appearance in court.
- (l) *Penalty for second offense.* Upon conviction of a second offense for failure to display a license pursuant to this section, the penalty shall be a fine of \$100.50 plus court costs.
- (m) *Penalty for third offense.* Upon conviction of a third offense for failure to display a license pursuant to this section, the penalty shall be a fine of \$250.50 plus court costs.
- (n) *Penalty for fourth and subsequent offense.* Upon conviction of a fourth or subsequent offense for failure to display a license pursuant to this section, the penalty shall be a fine of \$500.00 plus court costs.

(Code 1969, § 4-43; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5239-07, § 4, 7-3-2007; Ord. No. 5288-08, § 4, 5-20-2008; Ord. No. 5384-10, § 1(4-43), 12-21-2010; Ord. No. 5450-13, § 1, 4-16-2013)

Secs. 6-183—6-202. - Reserved.

DIVISION 6. - ANIMAL BITES

Sec. 6-203. - Animals biting, etc.—Reporting.

Persons are encouraged to report to the department or the police department any personal injury caused by a warm-blooded animal through having been bitten, clawed or scratched. An official report shall than be taken and filed in the department.

(Code 1969, § 4-35; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-204. - Same—Allowing prohibited, delivery for observation, fees and costs.

- (a) It shall be unlawful for any person owning, keeping or harboring any animal to permit, suffer or allow said animal to cause injury, bite or scratch, or claw any person.
- (b) In the event any animal shall injure, bite or scratch any person, said animal shall be immediately taken up by the department or the owner, keeper, or harbinger, and delivered to a veterinarian, approved by the director, for observation for a period of not less than ten days from the date of the injury, bite, or scratch. Said animal shall be kept during such period in the custody of the department. The owner, keeper or harbinger shall be responsible for any and all associated fees or costs.

(Code 1969, § 4-36; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 2951-86, § 3, 6-3-1986; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-205. - Same—Redemption after observation.

If, within such period of observation following the taking up and/or impoundment as provided in section 6-204, such animal does not develop or manifest evidence of hydrophobia or rabies or other diseases communicable to human beings, said animal may be redeemed by the owner upon the payment of fees as determined by the director and/or veterinarian.

(Code 1969, § 4-37; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-206. - Observation of animal not confined in pound or veterinary hospital.

If it be the judgment of a licensed city veterinarian, certified in writing, that confinement in the pound or veterinary hospital would prove to be detrimental to the health of an animal subject to the provisions of this article, then same shall be confined by the owner, keeper and/or harbinger upon his premises, provided that said owner, keeper and/or harbinger shall deliver said animal to the said veterinarian for examination every other day during said ten-day period.

(Code 1969, § 4-38; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-207. - Disposal of animal not redeemed after observation period.

If, after ten days of observation, a domesticated animal is not redeemed, the same shall be disposed of in compliance with this chapter.

(Code 1969, § 4-39; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-208. - Disposal of animal manifesting symptoms of disease.

If a domesticated animal subject to the provisions of this article manifests symptoms of disease, as herein provided, it shall be the duty of the animal control officers and veterinarian to determine the fate of said animal, as per commonly accepted veterinary practices.

(Code 1969, § 4-40; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-209. - Authority to impound upon request.

For the purpose of disease or injury control, the department is hereby empowered to impound and observe pets in transit through the city at the request of any official animal control agency, health officer, or law enforcement agency of another jurisdiction.

(Code 1969, § 4-41; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 5191-07, § 1, 3-6-2007)

Secs. 6-210—6-226. - Reserved.

DIVISION 7. - DANGEROUS ANIMALS

Sec. 6-227. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Attack means aggressive physical contact.

Dangerous dog means any dog that without justification attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals. No dog may be declared dangerous:

- (1) If the dog was protecting or defending a person within the immediate vicinity of the dog from an attack or assault;
- (2) If at the time the person was committing a crime or offense upon the property of the owner, or custodian, of the dog;
- (3) If the person was teasing, tormenting, abusing or assaulting the dog, or in the past had teased, tormented, abused or assaulted the dog;
- (4) If the dog was attacked or menaced by the domestic animal, or the domestic animal was on the property of the owner or custodian of the dog;
- (5) If the dog was responding to pain or injury, or protecting itself, its kennels or its offspring;
- (6) If the person or domestic animal was disturbing the dog's natural functions such as sleeping or eating;
- (7) If the dog was in official use by any governmental unit; and/or
- (8) Neither growling or barking, nor both, shall alone constitute grounds upon which to find a dog to be dangerous.

Hearing officer means the city administrator or such person as the city administrator may designate.

Serious injury means any physical injury consisting of broken bones or a permanently disfiguring laceration requiring either multiple stitches or cosmetic surgery.

(Code 1969, § 4-50; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-228. - Actions allowed by authorized persons against a dangerous dog prior to hearing.

- (a) If any dog shall attack a person or domestic animal that was peaceably conducting himself in any place where the person or domestic animal may lawfully be, any person, for the purpose of preventing imminent injury or further injury, may use such force as is required to stop the attack.
- (b) An animal control officer, code enforcement officer, or police officer acting pursuant to official duties may, where the threat of serious injury to a person or domestic animal is imminent and unjustified, use such force as is required to prevent such injury.
- (c) It shall be the duty of any person slaying such animal to forthwith deliver or cause to be delivered all the

remains of such animal to a licensed veterinarian designated by director. A departure from this procedure must be requested of and authorized by the director.

(Code 1969, § 4-51; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-229. - Hearing procedure.

- (a) Any person may make a complaint of an alleged dangerous dog, as that term is defined herein, to an animal control, code enforcement officer, or police officer. Such officers shall immediately inform the complainant of the right to commence a proceeding provided for below, and if there is reason to believe the dog is a dangerous dog, the officer shall commence such proceeding on behalf of the city.
- (b) Any person may and any animal control officer, code enforcement officer, or police officer shall, make a complaint under oath or affirmation of an alleged dangerous dog as that term is defined herein on forms provided by the city. If the director determines that there is probable cause to believe the dog is a dangerous dog, the dog shall be immediately seized and held pending an administrative determination as herein provided.
- (c) Whether or not the director finds there is probable cause for such seizure, within ten business days, and upon written notice of not less than three calendar days to the owner of the dog, the hearing shall be held on the complaint before the hearing officer.
- (d) After hearing, where a dog is determined by the hearing officer to be dangerous pursuant to clear and convincing evidence, the owner of such animal shall register the animal with the city, including the owner(s) names, addresses and telephone numbers and provide prompt notification to the city of any changes in the residence or ownership of the dog, including names, addresses and telephone numbers for new residences or new owners; any change in the health status of the animal; any further instances of attack; any claims made or lawsuits brought as a result of further instances of attack; or the death of the animal.
- (e) After hearing, where a dog is determined by the hearing officer to be dangerous, the animal shall at all times wear a fluorescent orange collar.
- (f) The hearing officer may also order any one or all of the following, but subsections (f)(4), (5), and (10) of this section, or any one of them, may only be imposed where there has been serious injury to a person:
 - (1) Indoors, when not alone, the dog shall be under the control of a person 18 years of age or older.
 - (2) Outdoors and unattended, the dog shall be kept within a fenced area from which it cannot escape, and the fence shall be constructed so as not to permit the dog to reach its mouth through the fence.
 - (3) Outdoors, the dog shall be attended and kept within a fenced area from which it cannot escape and the fence shall be constructed so as not to permit the dog to reach its mouth through the fence.
 - (4) Outdoors, the dog shall be attended and muzzled. Such muzzle shall not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.
 - (5) Outdoors and unattended, the dog must be confined to an escape-proof kennel or structure of the following descriptions:

- a. Such kennel or structure shall allow the dog to stand normally and without restriction, and shall be at least 2.5 times the length of the dog, and shall protect the dog from the elements.
 - b. Fencing materials shall not have openings with a diameter of more than two inches, and in the case of wooden fences, the gaps shall not be more than two inches.
 - c. Any gates within such kennel or structure shall be lockable and of such design as to prevent the entry of children or the escape of the animal, and when the dog is confined to such kennel or structure and unattended, such locks shall be kept locked.
 - d. The kennel or structure may be required to have double exterior walls to prevent the insertion of fingers, hands or other objects.
- (6) Placement of a sign or signs of a description and in places directed by the judge, advising the public of the presence and tendencies of the dog.
 - (7) Attendance by the dog and its owner/custodian at training sessions conducted by a board certified veterinarian or other recognized expert in the field and completion of training or any other treatment as deemed appropriate by such expert. The owners of the dog shall be responsible for all costs associated with the evaluation and training ordered under this section.
 - (8) Neutering or spaying of the dog at the owner's expense, unless medically contraindicated as determined by a board certified veterinarian, chosen by the director, or unless the owner offers proof that the animal is registered with the American Kennel Club and removes the dog from the city limits.
 - (9) That the dog be microchipped.
 - (10) The procurement of liability insurance in an amount to be determined by the judge, but in no case in an amount of less than \$100,000.00 per person and \$300,000.00 per occurrence.
- (g) A final decision of the hearing officer may be appealed to the municipal court.
- (Code 1969, § 4-52; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-230. - Failure to comply with conditions.

It shall be unlawful for any person to violate any conditions ordered by the hearing officer.

(Code 1969, § 4-53; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-231. - Further incident.

- (a) After a hearing as described above, if a further incident of attack occurs, it shall be unlawful for any person to keep or harbor the dangerous dog within the city.
- (b) Upon conviction of a violation of this section, in addition to any other remedy, the court may order the humane destruction of the dog or the removal of the dog from the city.

(Code 1969, § 4-54; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-232. - Provisions applicable to guard dogs.

Any guard dog (for the purpose of this chapter here defined as a dog not owned by a governmental unit which dog is used to guard public or private property) used in the city by virtue of such use is hereby declared to be subject to the requirements of this article and this chapter; must be controlled by its keeper; and must not be used in a manner which, as determined by the director, endangers individuals not on the premises guarded. Any person operating a guard dog service shall register such business with the director and shall notify the director of all premises to be guarded before such service begins. All premises guarded shall be posted in a manner that is conspicuously visible and legible identifying the dangerous animal.

(Code 1969, § 4-55; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-233. - Dangerous animals, other than dogs.

- (a) The keeping or harboring of dangerous animals, other than dogs, within the city is hereby prohibited. The director shall have the authority to declare an animal dangerous because of its past or present behavior, violations, its inherently dangerous nature, including, but not limited to, exotic animals and animals with a venomous or poisonous bites, as to persons or animals, vicious or ferocious disposition, or manifests a disposition to bite or attack. Such declaration shall be grounds for the impoundment and destruction of the animal unless, without danger to the public, it can be and is removed from the city within 24 hours. Notice of said dangerous animal declaration shall be signed by the director and furnished to the owner, keeper or harbinger of said dangerous animal.
- (b) It shall be unlawful for any person to bring into the city or to keep or harbor within the city any wild or exotic animal, unless such animal is at all times kept within the home or residence of the keeper or harbinger, and is in compliance with all applicable state and federal requirements. The director of animal control shall have the authority to declare an animal to be in violation of this section.
- (c) Subsections (a) and (b) of this section shall apply to any animal vertebrate or invertebrate, warm-blooded or cold-blooded, carnivorous or omnivorous.

(Code 1969, § 4-56; Ord. No. 5191-07, § 1, 3-6-2007)

Secs. 6-234—6-259. - Reserved.

ARTICLE IV. - COMMERCIAL ANIMAL ESTABLISHMENTS

Sec. 6-260. - Operating standards of establishment.

- (a) *Compliance with ordinances required.* Any person who shall keep or harbor upon his premises more than four domesticated small animals 90 days of age or older shall be deemed the operator of a commercial animal establishment. It shall be unlawful to operate a commercial animal establishment

within the corporate limits of the city, except in compliance with this chapter and the zoning ordinances of the city.

- (b) *Confinement of animals.* If any commercial animal establishment operates within 200 feet of a building used or occupied as a residence, except for the keeper of the kennels, the kennel animals shall be continuously confined within the kennel building and not be allowed to run at large or be in the outdoor enclosures of the kennel.
- (c) *Maintenance of kennel animals.* Commercial animal establishments shall provide all animals a constant supply of wholesome food and water or in lieu thereof shall publicly post and follow a schedule for adequate feeding and watering; shall maintain and house animals in separate compartments, and separate outdoor runways; and shall not allow physical contact between the animals except when breeding; and except in cases of mothers and their young. The inside and outside areas shall be completely cleaned twice a day. Breeding of animals shall not be done in public view. All disease-infected animals shall be segregated and treated or humanely destroyed to prevent the spread of disease.

(Code 1969, § 4-42; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2475-82, § 10, 12-7-1982; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 5191-07, § 1, 3-6-2007)

Secs. 6-261—6-283. - Reserved.

ARTICLE V. - ENFORCEMENT

DIVISION 1. - GENERALLY

Secs. 6-284—6-314. - Reserved.

DIVISION 2. - IMPOUNDMENT

Sec. 6-315. - Impoundment and violation notice.

- (a) Any animals or fowl that is a public nuisance as defined in this chapter or is abandoned, or whose seizure and impoundment are otherwise authorized by this chapter or by state law, shall be seized and impounded in a humane manner by the animal control officer or any police officer. Impoundment shall be in any facility designated by the director.
- (b) The director and animal control officers are hereby specifically authorized to issue citations to any owner, keeper, or harbinger of any animal or fowl found to be in violation of any section of this chapter.
- (c) Whenever any animal or fowl is confined by the authority of this chapter, it shall be the duty of the confining shelter to release the same, under the terms of this chapter, upon satisfactory proof that the person claiming the animal or fowl is entitled to possession thereof and upon payment to the city of all applicable fees or penalties prescribed by ordinance.

(d) The board of aldermen shall, by resolution, set fees sufficient to cover the cost of impounding animals. (Code 1969, § 4-8; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2475-82, § 3, 12-7-1982; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 5191-07, § 1, 3-6-2007)

State Law reference— Impounding of dogs, RSMo 273.100; impoundment of animal found off custodian's property, RSMo 578.016; municipal authority to impound animals and impose lien for cost thereof, RSMo 430.165.

Sec. 6-316. - Notification of capture and impoundment.

After the impoundment of any animal or fowl, if the owner of any animal or fowl can by any reasonable means be identified and located, the owner shall within one business day be notified that the animal or fowl has been impounded. No liability shall be attached to the city or to the director for failure to give such notice. The owner or keeper of an impounded animal or fowl who does not redeem the animal or fowl may still be charged with violation of any applicable section or sections of this chapter.

(Code 1969, § 4-9; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-317. - Disposition of animals.

Except as otherwise specifically provided in this chapter, impounded animals shall be disposed of as follows:

- (1) *Length of time before disposition.* If the owner does not redeem an animal within ten business days after impoundment, the animal may be disposed of in a humane manner. The director, or his representative, may extend the period of impoundment.
- (2) *Destruction to prevent suffering.* When an animal arrives at a shelter and is so sick or in an injured condition that, in the judgment of the director or a licensed veterinarian, human compassion requires that the suffering be promptly ended, said time period shall not apply and the animal will be humanely destroyed to prevent needless suffering.
- (3) *Animal adoption generally.* The director may, in lieu of having an unclaimed animal humanely destroyed as provided herein, give such animal into the custody of any adult requesting custody (animal adoption) of such specific animal as a pet after viewing it, provided that, in the judgment of the director, said person will humanely care for such animal and will not permit its use for laboratory or experimental purposes. The director shall not approve the adoption of any such animal until any such animal has been sterilized by a licensed veterinarian, as required by RSMo 273.403. If more than one qualified person requests an animal, the director may award it to the custody of the person who is determined best qualified to humanely care for said animal.
- (4) *Adoption with intent to sell prohibited; number of animals restricted.* No animal will be given to the custody of a person who, in the judgment of the director or animal shelter, is requesting the animal

with the intent to sell it. No more than four animals may be given into the custody of any individual or family.

- (5) *Vaccination before release; cost.* No animal will be given for release to redeemer or adopting party until said animal has been properly vaccinated for rabies or such other vaccinations as required by city regulations or state law. Any costs of inoculation or certification shall be the responsibility of the redeemer or adopting party.
- (6) *Certification of inoculation.* Certification by a licensed veterinarian attesting that the impounded animal has been inoculated for rabies or such other vaccinations as required by city regulations or state law shall be furnished to the director prior to the release of said animal.
- (7) *Circumventing chapter, fraud prohibited.* It shall be unlawful for any person to adopt or trick to redeem or obtain any animal for adoption for the purpose of circumventing any section in this chapter, and it further will be unlawful to engage in any fraudulent scheme, device, or trick to obtain any animal for adoption; it further will be unlawful for any person to aid or assist such tricks, devices or schemes.

(Code 1969, § 4-31; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2475-82, § 9, 12-7-1982; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4220-96, § 1, 11-19-1996; Ord. No. 4220-96, § 1, 11-19-1996; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4279-97, § 1, 6-3-1997; Ord. No. 4680-01, § 1, 2-20-2001; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5239-07, § 7, 7-3-2007; Ord. No. 5288-08, § 3, 5-20-2008)

Sec. 6-318. - Impounded animals; fees.

A redemption and/or impoundment fee shall be charged when the animal control officers pick up any animal and transported to the animal shelter. It shall be the responsibility of the director to ascertain, if possible, the owner or keeper of said animal and to collect said fees. An owner must pay these fees and any associated costs in full to obtain custody of their animal, but this payment is not required for animal adoption. No impounded animal shall be redeemed until the director receives a certification of rabies inoculation and the animal is licensed if required by the terms of this chapter. The fee is approved by the board of aldermen and listed in the schedule of fees and charges maintained in the city clerk's office.

(Code 1969, § 4-32; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 2765-85, § 1, 3-5-1985; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 5191-07, § 1, 3-6-2007; Ord. No. 5384-10, § 1(4-32), 12-21-2010)

Secs. 6-319—6-339. - Reserved.

DIVISION 3. - MUZZLING

Sec. 6-340. - Authority of the director to order confinement or muzzling of animal.

Notwithstanding any other provisions of this chapter to the contrary, it shall be the duty of the director, or the director's designee, whenever in that person's judgment the health and welfare of the city is endangered by the number of rabid domestic animals running at large to publish a proclamation ordering and requiring all persons owning, keeping and/or harboring domesticated animals to confine the same, for a period not less than 30 days, nor more than 90 days, from the date of such proclamation, by good and sufficient means, to the house or yard wherein such person resides, or to effectively muzzle such animal for said period of time.

(Code 1969, § 4-10; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 4274-97, § 1, 6-3-1997; Ord. No. 5191-07, § 1, 3-6-2007)

Sec. 6-341. - Violation of proclamation ordering muzzling.

The owner, keeper and/or harbinger of any domesticated animal found running at large within the confines of the city during the period in the director's proclamation is hereby deemed to have created a nuisance, and shall be charged with violation of this chapter. If any domesticated animal running at large, be found lacking a muzzle or being insecurely muzzled it shall be the duty of the animal control officers or police officer to destroy said animal.

(Code 1969, § 4-11; Ord. No. 2039-80, § 2, 3-20-1980; Ord. No. 4225-96, § 6, 12-17-1996; Ord. No. 5191-07, § 1, 3-6-2007)

Teresa Henry

From: Paul <paulcharlescesare@hotmail.com>
Sent: Tuesday, May 16, 2017 6:26 PM
To: Mayor Mike McDonough; Alderman Eric Teeman; Alderman Bonnaye Mims; Alderman Karen Black; Alderman Jason Greene; Alderman Jim Aziere; Alderman Mark Moore; Alderman Bill Van_Buskirk; Alderman Steve Meyers; Alderman Ryan Myers; Alderman Frank Hunt
Cc: Teresa Henry; Tom Cole
Subject: Raytown ordinance related to small animals and chickens

Dear City of Raytown Board of Aldermen:

Thank you for holding a work group meeting last week to discuss a waiver to the current ordinance regarding small animals and chickens. Had I known of the meeting more than a few hours in advance of its commencement, I would certainly have provided this information to you for your review. My gratitude to Alderman Teeman for raising this issue at the Board meeting and for providing me with information about the discussion. Below is something similar to what I handed Alderman Teeman at an earlier Board of Aldermen meeting. There is more to this e-mail than was contained in that document, however, especially responding to the work group questions raised at the meeting held on Tuesday, May 9th.

I respectfully propose that the current Code of Ordinances, Section 6-105, be amended to include an exemption such as that in the City of Kansas City, Missouri's Code of Ordinances, Section 14-15, (i). This would allow for an urban gardener to house fowl or other small animals within one's own yard in the more urban areas of the City of Raytown, such as where I live (8418 Spring Valley Rd.) with the written approval of neighbors. It has been my observation that there is not enough space in many (if not most) yards in my neighborhood that would accommodate the 100-foot rule currently in place in the aforementioned ordinance.

With the exemption in place in the City of Kansas City, Missouri, a resident may seek an exemption such that the distance is reduced to 25 feet, affording a greater likelihood that the few people wishing to keep laying hens or even rabbits, for example, may do so. This does not allow for front yard coops/hutches, nor does it exempt property owners from maintaining their coops in a manner conducive to the public's health. The waiver/exemption would simply shorten the distance from 100 feet to 25 feet. It would also require the person keeping such hens/rabbits to acquire the approval of neighboring properties' residents every 5 years. Were this waiver in existence when I had my chickens, I am confident that my neighbors would have agreed to it and my little two-year-old girl would not have had to say goodbye to her pets. Indeed, some of her first words were, "Go see beautiful happy blue bok-boks."

Per the May 9th meeting, there was a question raised about the desire for neighbors to sell their properties, following their approval of a neighbor having chickens. Certainly, legal counsel would need to be sought on this topic, but my rational answer to this hypothetical circumstance would be that a person who is looking to sell property in the near future would likely have a conversation with the neighbor wishing to have chickens and likely would not sign a waiver. In such a case, this lack of support would prohibit the ownership of chickens on the adjacent property.

As Raytown offers many favorable housing options for younger families wishing to purchase a home and there is an increasingly growing trend occurring that more of those younger families are interested in

gardening/sustainable food production, the city has an opportunity to increase the potential to lure such families to relocate within its borders. Mine is such a family, and I enjoy the thought of teaching my children how to garden in a way that is sustainable, using poultry to do so, in addition to the other benefits of simply having chickens as pets.

After doing some research into the ordinances of other municipalities in the metro KC area, I have found the following (in alphabetical order):

- Grandview, MO:
https://www.municode.com/library/mo/grandview/codes/code_of_ordinances?nodeId=CH6BU
- Kansas City, MO:
 - https://www.municode.com/library/mo/kansas_city/codes/code_of_ordinances?nodeId=PTIIC OOR CH14AN S14-15KESMANFOPE
 - <http://kcmo.gov/neighborhoods/animals-2/licenses-2/>
- Roeland Park, KS: ○ <http://www.roelandpark.net/wordpress/wp-content/uploads/Hen-Brochure-updated-7-28-2016.pdf>
- Shawnee, KS: ○ <http://www.cityofshawnee.org/WEB/ShawneeCMS.nsf/vwContent/9B548993065DC79B862575890052323B?OpenDocument>
- Wyandotte County, KS: Article V, Section 7-175:
https://www.municode.com/library/ks/wyandotte_county_-_unified_government/codes/code_of_ordinances?nodeId=CH7AN ARTVLIET DIV2KERE S7-175SMANFOPE

The following is an article from the Rodale Institute, a nationally regarded authority on the raising of organic gardens. I would encourage you not only to read the article, but also to view links therein regarding the Centers for Disease Control and other governmental agencies interested in keeping the unnecessary use of antibiotics very low, as is currently not the case in conventional agriculture. This, in addition to taking strides toward self-sufficiency, is one reason my family and I are interested in raising our own food. As a professional within the public health community, I am very much interested in this issue. Rodale Institute article: <https://rodaleinstitute.org/antibiotics-are-for-treating-infections-period/>

I look forward to working with you to do further research on this matter and determine the best manner in which to benefit the residents of the City of Raytown. I also look forward to participating in any future work group meetings as they arise. Please advise the appropriate administrative personnel of my contact information (e-mail: paulcharlescesare@hotmail.com and telephone: 816-531-2448) and add me to any contact lists pertaining to such a work group. Again, thank you for considering this proposal.

Sincerely,
Paul Cesare

ARTICLE IV. - LIVESTOCK AND POULTRY

Sec. 4-194. - Sale of chickens and ducklings.

Chickens or ducklings younger than eight weeks of age may not be sold in quantities of less than 25 to a single purchaser.

(Code 1976, § 6-1.6; Ord. No. 77-859, § 1, 2-8-1977; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-195. - Keeping livestock.

No person shall keep any livestock in a building used for residential purposes or where more than five persons are employed in said building where such livestock is being maintained. This prohibition shall not apply where the persons residing or working in such building is employed to care for such livestock.

(Code 1976, § 6-2; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-196. - Keeping livestock near residences; number of animals kept.

No livestock shall be kept or maintained within 75 feet of the nearest portion of any building occupied by or in any way used by human beings as a residence, other than such dwelling occupied by the owner or keeper of such animal or animals. Beyond the aforementioned limitation of 75 feet, not more than two animals per acre or part of an acre shall be kept or maintained; provided, however, a limitation of two animals shall not apply to a riding stable, a commercial stockyard or land zoned for agricultural purposes.

(Code 1976, § 6-3; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2003-2991, § 1, 8-12-2003)

Sec. 4-197. - Keeping poultry.

It shall be unlawful, and it is hereby declared a public nuisance for any person in charge of a residence to keep, harbor or maintain or allow to be kept more than four poultry animals per acre or part of an acre at such residence unless the residence is licensed as a commercial animal establishment with proper zoning classification therefor.

(Code 1976, § 6-3.1; Ord. No. 87-1766, § 1, 10-13-1987; Ord. No. 2003-2991, § 1, 8-12-2003)

Sec. 4-198. - Keeping livestock to conform to zoning, building regulations.

Stables, barns or other buildings erected for the housing of livestock shall comply with all zoning and building restrictions applicable.

(Code 1976, § 6-4; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-199. - Cleanliness of premises where livestock kept.

Every stable, barn, building or other structure wherein any livestock are kept or maintained, shall be maintained in a clean and sanitary condition at all times, devoid and free of all rodents and vermin and free from objectionable odor, smell or stench.

(Code 1976, § 6-5; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-200. - Disposal of manure.

Every stable, barn or other structure in which livestock are kept or maintained shall be provided with a watertight and flytight receptacle for manure of such dimensions as to contain all accumulations of manure, which receptacle shall be emptied sufficiently often and in such manner as to prevent its becoming a nuisance. Such receptacle shall be kept securely covered at all times except when open during the deposit or removal of manure or refuse. No manure or refuse shall be allowed to accumulate except in such receptacle and all such manure or refuse when removed from the receptacle shall be buried with a covering of not less than six inches of earth, or if used as fertilizer, shall be thoroughly spaded into the ground or shall be removed from the property.

(Code 1976, § 6-6; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-201. - Control of livestock, poultry off premises of owner.

All livestock and poultry shall be kept under the control of the owner at all times when off the premises of the owner.

(Code 1976, § 6-7; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 70-482, § 1, 11-23-1970; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-202. - Livestock, poultry at large.

All livestock and poultry shall be kept under the control of their owners at all times and shall be prohibited from running at large. Any livestock or poultry found running at large may be impounded and sold by the chief of police in the same manner as wrecked or abandoned motor vehicles and other personal property in accordance with article II of chapter 19.

(Code 1976, § 6-8; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 70-482, § 1, 11-23-1970; Ord. No. 87-1766, § 1, 10-13-1987)

Sec. 4-203. - Driving livestock, poultry on streets.

All livestock and poultry upon a roadway or city street shall be under the control of its owner, and its owner shall keep livestock and poultry as near to the right-hand side of the roadway or street as practicable, exercising the highest degree of care when passing a standing motor vehicle or one proceeding in the same direction, and shall not have the livestock or poultry upon the street or roadway at nighttime.

(Code 1976, § 6-9; Ord. No. 67-308, § 6.34, 8-31-1967; Ord. No. 70-482, § 1, 11-23-1970; Ord. No. 87-1766, § 1, 10-13-1987)

Secs. 4-204—4-229. - Reserved.

Chapter 215. Dogs, Cats, Animals and Dangerous Animals

Article I. General Provisions

Section 215.125. Livestock and Farm Animals.

[Ord. No. 3179 §3, 11-1-1999]

No livestock or farm animals, even if considered pets by the owner, shall be kept in any residentially zoned district within the City of Blue Springs unless they are allowed and approved as a Conditional Use pursuant to Title IV of the Code of Ordinances, City of Blue Springs, Missouri.

Sec. 2.105.140. - Wild animals and fowl.

- (a) An owner of any wild animals or fowl, except for animals prohibited under section 2.105.185 of this chapter, shall obtain a special permit issued by the state wildlife conservation department and shall further register such animal or fowl with the city public safety department.
- (b) Any wild animals or fowl shall not be permitted to run at large at any time within the city, and except when such animal or fowl is inside of a private building, it shall be kept in a soundly constructed pen which shall provide adequate shelter against weather and the elements, and which pen shall be enclosed on all sides in such manner as to prevent the escape of such animal or fowl.

(Ord. No. 4.022, § 2, 2-26-2007)

Sec. 2.105.160. - Keeping horses, livestock and fowl.

Horses, livestock and fowl must be kept on a lot containing at least three acres under the following conditions. Livestock may be kept on less than three acres upon obtaining a special use permit. All applications for a special use permit shall be submitted to the animal control officer for investigation and recommendations prior to approval by the city council. Horses, ponies, cattle, hogs, mules, sheep, goats and other animals shall be kept in a detached accessory building which shall be located not less than 100 feet from any street, and not less than 50 feet from any property line. Not more than one horse, pony, cattle, hog, mule, sheep, goat or other animal shall be kept on each 10,000 square feet of land area. Not more than 25 fowl shall be kept on each 20,000 square feet of land area. Fowl shall not be kept or housed within 30 feet of a street or property line.

(Ord. No. 4.022, § 2, 2-26-2007)

Sec. 4-4. - Permitting fowl to run at large prohibited; enclosure required.

It shall be unlawful for any person owning, controlling, harboring, possessing or having the management or care, in whole or in part, of any fowl, to permit such fowl to run at large. In areas of the City of Grandview zoned as R-1A, R-1 and R-1M (Single Family Residential Districts), only female chickens shall be allowed and must be kept in compliance with the Zoning Ordinance of the City of Grandview pertaining to accessory uses. In those areas of the City of Grandview zoned as AG (Agricultural District), there shall be no limit on the number or type of fowl allowed to be housed on each tract of land therein. All fowl kept in areas zoned AG shall be kept in an enclosure approved by the community development department prior to the commencement of construction, and such enclosure shall be maintained in a clean and sanitary condition at all times. Such structure shall be inspected by the community development department on a regular basis to ensure that the structure is maintained according to the provisions in Chapter 6 of the Code of Laws. In areas of the city zoned AG, the minimum distance between the structure housing the fowl and the nearest dwelling unit or place of business, except the house of the person keeping the fowl, shall be one hundred fifty (150) feet.

(Ord. No. 4107, § 2, 10-23-90; Ord. No. 5526, § 1, 9-24-02; Ord. No. 6164, § 1, 1-22-08; Ord. No. 6527, § 4, 3-27-12)

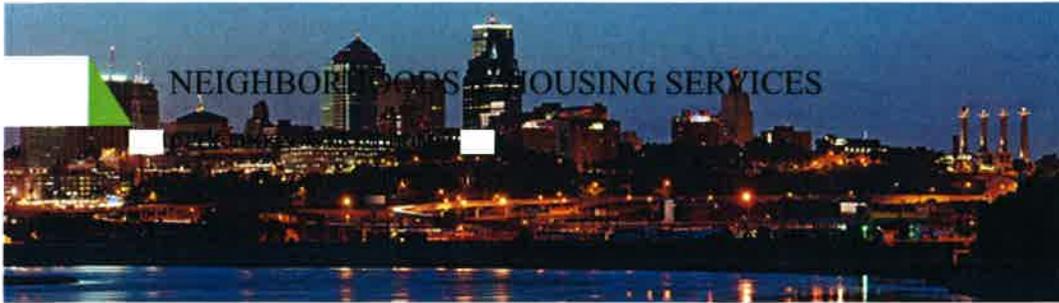
Sec. 14-15. - Keeping of small animals and fowl in pens.

- (a) *Location of pens; enclosure required.* It shall be unlawful for any person to keep or maintain any chicken coop, dove cote, rabbit hutch or other pen, cage or enclosure for the housing of fowl or small animals, except dogs and cats, closer than 100 feet to the nearest portion of any residence or dwelling other than the dwelling occupied by the owner or keeper of the animals or fowl, except for such fowl or animals kept for sale within a bona fide produce market, commission house or store for purposes of trade and while so kept are confined in small coops, boxes or cages, or where such animals or fowl are kept for purposes of research in a laboratory or in areas zoned for agricultural use. Animals and fowl so kept or maintained shall be enclosed on all sides and shall not be allowed to run or fly at large, except for homing pigeons.
- (b) *Control of odors.* Every coop, dove cote, rabbit hutch or other yard establishment shall be kept so that no offensive, disagreeable or noxious smell or odor shall arise therefrom to the injury, annoyance or inconvenience of any inhabitants of the neighborhood.
- (c) *Storage and disposal of manure.* Every coop, dove cote, rabbit hutch or other yard establishment shall be provided with a watertight and flytight receptacle for manure, of such dimension as to contain all accumulations thereof, which receptacle shall be emptied sufficiently often and in such manner as to prevent its becoming a nuisance. Such receptacle shall be securely covered at all times except when open during the deposit or removal of manure or refuse therefrom. No manure shall be allowed to accumulate except in such receptacle. All such manure, when removed from the receptacle, shall be buried with a covering of not less than six inches of earth, or, if used as fertilizer, thoroughly spaded into the ground, or shall be removed from the property.
- (d) *Maintenance of enclosures for fowl.* All earthen yards or runways wherein fowl are kept or permitted to be shall be spaded and then limed once every three months from the month of April through the month of December. For the purpose of killing flies and other insects, all structures, pens or coops wherein fowl are kept or permitted to be shall be sprayed with such substances as will eliminate such insects.
- (e) *Condition of enclosure; inspections.* Any structure, pen, coop or yard wherein animals or fowl are kept or permitted to be shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors. The enclosed area of all such structures shall be constructed in such a way as to be dry at all times on the inside. The person maintaining any such structure, pen, coop or yard in the city does by such act of maintenance authorize the director of health to at any time inspect any such structure or premises and issue any such order as may be necessary to carry out the provisions of this section.
- (f) *Number of animals or fowl; keeping of roosters.* Except where fowl, rabbits or other small animals are kept for sale within a bona fide produce market, commission house or store for the purpose of trade and while so kept are confined in small coops, boxes or cages, or where such animals or fowl are kept for purposes of research in a laboratory, or in areas zoned for agricultural use, it shall be unlawful for any person to keep or maintain, within 100 feet of the nearest portion of any residence or dwelling

except for a dwelling occupied by the owner or keeper of such animals, more than 15 chickens or other domestic fowl four months or more of age or more than 50 chicks or other domestic fowl under four months of age, or more than ten rabbits or other small animals over the age of four months, or more than 25 rabbits or other small animals under the age of four months. No rooster which crows shall be kept within 300 feet of any residence or dwelling except that of the owner or keeper.

- (g) *Sale of baby fowl.* Fowl younger than eight weeks of age may not be sold or offered for sale in a quantity of less than 15 birds to an individual purchaser. Vendors of such fowl shall provide and operate brooders or other heating devices as may be necessary to maintain the fowl in good health, and shall keep adequate food and water available to the fowl.
- (h) *Authority to prescribe additional regulations.* As to the keeping and harboring of chickens or other domestic fowl, for whatever purpose maintained, the director of health shall have authority to promulgate regulations to provide that such shall be kept in such a manner as to prevent a nuisance or health hazard.
- (i) *Special exceptions.* The director of neighborhoods and housing services is hereby authorized to grant special exceptions to the distance requirements set forth in subsections (a) and (f) of this section provided that signed consents are obtained from the owners or occupants of the residences or dwellings that are within the minimum distance requirement and provided further that no special exception shall be granted for fowl, rabbits, or other small animals kept in front yards. Any exception granted shall be for an initial period of one year and shall be subject to biannual inspection by the director, or the director's designee. Refusal to allow such inspection by the person who has been granted the exception shall void the exception. The exception is subject to renewal after one year and every five years thereafter, at which time the director shall require signed consents from the owners or occupants of the residences or dwellings that are within the minimum distance requirement in order to renew the exception. The decision of the director on whether to renew the exception may be appealed to the property maintenance appeals board, as provided for in section 56-343, by the applicant or the homes association or registered neighborhood organization that serve the site. Nothing in this subsection shall be construed to authorize the granting of a special exception to any other subsection of section 14-15. Section 88-10-08-C shall govern any conflict between the provisions of this subsection and any private homeowner covenants or restrictions. Furthermore, no exception to the distance requirements shall be granted under this subsection if such exception creates a nuisance or health hazard.
- (j) Nothing herein is intended to preclude any person from filing a private nuisance action for any offensive use caused by keeping small animals and fowl.
- (k) In a residentially zoned district, with the exception of R-80, the onsite sale or donation of eggs is prohibited, except for eggs produced on site.

(Code of Gen. Ords. 1967, § 6.13; Ord. No. 48707, 6-22-78; Ord. No. 53297, 10-22-81; Ord. No. 951372, § 1, 11-9-95; Ord. No. 011104, § 1, 8-16-01; Ord. No. 110479, § 1, 7-14-11; Ord. No. 130506, § 1, 7-18-13)



Neighborhoods & Housing

City Hall, 414 E. 12th St.
Kansas City, MO 64106
816-513-3200

DEPARTMENT HOME

<http://kcmo.gov/neighborhoods> | [SITE MAP](#)

<http://kcmo.gov/neighborhoods/sitemap/>

Animal licenses (animal tags)

Residents are required by Chapter 14 of the [Code of Ordinances](#)

(<http://www.municode.com/resources/gateway.asp?sid=25&pid=10156>) to license their cats, dogs and ferrets. This can be done at the City's [Animal Shelter](http://kcmo.gov/neighborhoods/animals-2/) (<http://kcmo.gov/neighborhoods/animals-2/>), at veterinarians' offices if they are [authorized](/neighborhoods/animals/where-to-get-pet-licenses/) (</neighborhoods/animals/where-to-get-pet-licenses/>) to process licenses, or at the [PetData website](http://www.petdata.com/for-pet-owners/kcm/) (<http://www.petdata.com/for-pet-owners/kcm/>).

Licensing a pet and keeping the license on its collar helps ensure that the owner will be notified if the pet is impounded. One-year pet licenses are \$10 and three-year pet licenses are \$27.

Anyone who locates or recovers a stray animal licensed with the City is encouraged to contact [311](http://kcmo.gov/311) (<http://kcmo.gov/311>) or check [PetData](http://www.petdata.com/cs/kcm/) (<http://www.petdata.com/cs/kcm/>) and get the owner's contact information so the pet can be returned to its rightful owner.

Additional permits for animal-related businesses

- **Animal Show Permit** □ Any circus, stock show, rodeo, petting zoo, pony ride or animal display in the City of Kansas City Mo., must have a special permit from the Animal Health and Public Safety Office, 2534 Prospect Ave. Call 816-513-9808 to request an application be faxed, or [download](http://kcmo.gov/neighborhoods/wp-content/uploads/sites/10/2013/09/ANIMALSHOWAPPLICATION.pdf) (<http://kcmo.gov/neighborhoods/wp-content/uploads/sites/10/2013/09/ANIMALSHOWAPPLICATION.pdf>) it. There is an inspection first and a \$100 permit fee due at that time. Only one permit and fee is needed as long as the event is only held on consecutive days.
- **Commercial Animal Establishment Permit** □ Owners of pet shops, boarding stables, boarding kennels or businesses that stock and deal in live animal commerce must have a special permit from the Animal Health and Public Safety Office at 2534 Prospect Ave. Call 816-513-9808 to request an application be faxed, or you can [download](http://kcmo.gov/neighborhoods/wp-content/uploads/sites/10/2013/09/CommercialAnimalEstablishmentApplication2.pdf) (<http://kcmo.gov/neighborhoods/wp-content/uploads/sites/10/2013/09/CommercialAnimalEstablishmentApplication2.pdf>) it. There is a \$100 annual permit fee and an annual inspection prior to renewal. The operation must be zoned for that kind of business and meet City codes.
- **Domestic Animal Avocation Permit** □ Owners of hobby kennels, hobby catteries, rescue kennels or rescue catteries must have a special permit from the Animal Health and Public Safety Office at 2534 Prospect Ave. Call 816-513-9808 to request an application be faxed, or [download](#)

<http://kcmo.gov/neighborhoods/wp-content/uploads/sites/10/2013/09/DomesticAnimalAvocationPermit.pdf>) it.

The permit allows up to 10 dogs or 10 cats older than 180 days. Written consent is required from all owners and tenants of any lots within 150 feet of the applicant's property for a hobby kennel and within 50 feet for a hobby cattery. For a rescue permit, applicants also will also need to obtain a license from the State of Missouri (available through the City's Animal Health and Public Safety Office). There is a \$100 annual permit fee and an annual inspection of any private property used for keeping animals prior to [renewal \(http://kcmo.gov/neighborhoods/wp-content/uploads/sites/10/2013/09/DomesticAnimalAvocationRenewal.Permit.pdf\)](http://kcmo.gov/neighborhoods/wp-content/uploads/sites/10/2013/09/DomesticAnimalAvocationRenewal.Permit.pdf).

- **Special Exception Permit for Chickens** □ This residential permit allows those who do not meet the 100-foot distance requirement from their neighbors to keep or maintain up to 15 chickens at a residence after first getting permission from the owners and occupants of any buildings within the minimum distance requirement. The Animal Health and Public Safety Office at 2534 Prospect Ave. will provide the application, or you may [download \(https://data.kcmo.org/Neighborhoods/Special-Exception-for-Chickens-Application/8fve-iz7j\)](https://data.kcmo.org/Neighborhoods/Special-Exception-for-Chickens-Application/8fve-iz7j) information about it. There is no fee for this permit, but it is subject to renewal after one year and every five years thereafter.



Get the new Parks & Rec
Activities Guide today

Learn about this season's programs,
activities and events presented by
Kansas City Parks and Recreation!

Download

[\(http://kcparks.org/resources/ss2017/\)](http://kcparks.org/resources/ss2017/)
the 2017 Spring and Summer
Activities Guide. It's got everything
from shelters and community

IS THERE ANYTHING WRONG WITH THIS PAGE? (</neighborhoods/animals-2/licenses-2/?toggle=feedback#feedback>)

UPCOMING EVENTS

TOP SEARCHES

Meetings, event times are subject to change. Please check with your neighborhood group(s).

May 18 - [Blue Valley Neighborhood Association Meeting](#)

May 22 - [Sheffield Neighborhood Association Meeting](#)

May 30 - [Westside Community Meeting](#)

1. [trash pickup \(http://kcmo.gov/?s=trash+pickup\)](http://kcmo.gov/?s=trash+pickup)
2. [bulky pickup \(http://kcmo.gov/?s=bulky+pickup\)](http://kcmo.gov/?s=bulky+pickup)
3. [leaf brush drop off \(http://kcmo.gov/?s=leaf+brush+drop+off\)](http://kcmo.gov/?s=leaf+brush+drop+off)
4. [tow lot \(http://kcmo.gov/?s=tow+lot\)](http://kcmo.gov/?s=tow+lot)
5. [animal control \(http://kcmo.gov/?s=animal+control\)](http://kcmo.gov/?s=animal+control)
6. [recycling \(http://kcmo.gov/?s=recycling\)](http://kcmo.gov/?s=recycling)
7. [yard waste \(http://kcmo.gov/?s=yard+waste\)](http://kcmo.gov/?s=yard+waste)
8. [impound \(http://kcmo.gov/?s=impound\)](http://kcmo.gov/?s=impound)

Search KCMO.gov for anything using the box in the top right corner of the page!

VIDEO



<http://kcmo.gov/311>



GOOD

- ▾ [Bids](http://kcmo.gov/bids)
- ▾ [Ethics Hotline](http://kcmo.gov/auditor)
- ▾ [Open Data](https://data.kcmo.org/)
- ▾ [Public Meetings](http://cityclerk.kcmo.org)
- ▾ [Newsletters](http://kcmo.gov/subscrip)
- ▾ [Channel 2](http://kcmo.gov/citymai)
- ▾ [KC Green](http://kcmo.gov/kcgree)
- ▾ [News Releases](http://kcmo.gov/news)
- ▾ [New KC Moniker](http://kcmo.gov/thenew)
- ▾ [KCMORE](http://kcmo.gov/kcmore)
- ▾ [KC BizCare](http://kcmo.gov/citymai)
- ▾ [Social Media](http://kcmo.gov/social/)
- ▾ [The Rumor Page](http://kcmo.gov/runorp)
- ▾ [KC Stat Dashboard](https://kcstat.kcmo.org/)
- ▾ [Employee Home](http://kcmo.gov/employ)

Translate this site
<https://translate.google.com/#auto/es/http%3A%2F%2Fkcmo.gov/neighborhoods/animals-2/licenses-2/> | [About KCMO.gov \(http://kcmo.gov/welcome/\)](http://kcmo.gov/welcome/) | [Contact \(http://kcmo.gov/contact/\)](http://kcmo.gov/contact/) | [ADA \(http://kcmo.gov/ada/\)](http://kcmo.gov/ada/) | [Privacy Policy \(http://kcmo.gov/privacy-policy/\)](http://kcmo.gov/privacy-policy/) | [Legal Notice \(http://kcmo.gov/legal-notice/\)](http://kcmo.gov/legal-notice/)



Application For "Special Exception" To Section 14-15 Of The Kansas City Code For Keeping Of Small Animals And Fowl In Pens In A Residentially Zoned Neighborhood

**Animal Health and Public Safety
2534 Prospect
Kansas City, MO 64127**

Name of Applicant

PHONE #

Address for which Applicant desires a "Special Exception" for keeping small animals or fowl in pens

Is the Applicant resident on the lot or on a contiguous lot on which the small animals or fowl are to be located?

Number of animals kept on property. (Please specify animals to be kept)

Small Animal and Fowl Permit Holder must renew their Permit every five years from the date of issue, with the Manager of Animal Health and Public Safety.

Subject to the penalties under 14-50 of the Kansas City Code of General Ordinances, I hereby certify that the above information is true and correct to the best of my knowledge and belief.

Date of Application _____

Signature of Applicant _____

Email: _____

Sec. 4-10. - Keeping poultry generally.

No person, except as may be permitted by city zoning regulations, shall be permitted to own or have in his possession any live poultry (chickens, ducks, geese, guineas, or turkeys) within the city, unless batteries, poultry equipment and poultry yards are kept clean and sanitary at all times.

(Ord. No. 3556, 7-28-75)

ARTICLE XI. - ACCESSORY USES AND STRUCTURES

Sec. 30-79. - Purpose.

There are uses and structures that are clearly incidental to the primary use of a structure or lot. Accessory uses and structures shall be constructed, maintained, and conducted to be obviously secondary in nature and not to disturb or cause injury in any way to surrounding properties and neighborhoods. The determination of structures and uses considered to be accessory shall be made by the director.

(Ord. No. 8804, § I, 4-11-05)

Sec. 30-80. - Accessory uses, in general.

A use shall be considered accessory only if it is secondary in size, scale, and/or purpose to a primary land use. Uses shall be allowed as accessory uses only to existing primary uses and structures, and at any time the primary use or structure is abandoned, all accessory uses shall cease operation.

(Ord. No. 8804, § I, 4-11-05)

Sec. 30-80.1. - Accessory uses, residential.

For all residential districts, the following uses may be allowed as accessory to the principal residential use:

- (1) Home occupation and home office shall be licensed in accordance with Chapter 18 of the City Code and be in accordance with the following provisions:
 - a. It shall be clearly secondary to the residential use of the structure;
 - b. One person, in addition to those who are permanent residents of the dwelling, may be employed on site;
 - c. Business shall be conducted only within an enclosed living area of the dwelling and shall not be permitted out-of-doors or in any accessory structure;
 - d. There shall be no storage of equipment, merchandise, supplies, or packaging waste associated with the home occupation outside of the dwelling or garage;
 - e. There shall be no change in the residential appearance of the dwelling or premises or any visible evidence of the conduction of a home occupation, with the exception of a single, non-illuminated wall sign not exceeding one square foot in area. Vehicle signage is limited to one vehicle at any given time;
 - f. The use of commercial vehicles in conjunction with a home occupation is strictly limited to one (1) vehicle not to exceed twelve thousand (12,000) pounds in gross vehicle weight and twenty-two (22) feet in length, owned by a resident of the dwelling, which must be parked in a garage

or residential driveway on site;

- g. No mechanical equipment shall be utilized, except that which is customarily used for household or leisure purposes (examples of prohibited equipment include commercial kitchens, examination or treatment rooms, kilns in excess of six (6) cubic feet, paint booths, high voltage wiring, oversized plumbing, etc.);
 - h. The conduct of any home occupation or office shall not reduce the number of parking spaces below what is required by ordinance;
 - i. Customers, students, or clients shall be limited to ten (10) per day, and not more than four (4) at the same time;
 - j. In no case shall a home occupation be open to customers, clients or students at a time earlier than 8:00 a.m. or later than 8:00 p.m.;
 - k. The use or storage of highly flammable, combustible or explosive material is prohibited;
 - l. No activity shall be allowed that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat or glare noticeable outside the structure; and
 - m. Accumulation of inventories for public sale on premises and/or sale of any merchandise or products on display within or outside the residence are prohibited, provided that orders placed by private clients or at a sales party may be filled on premises.
- (2) Babysitting for four (4) or fewer children unrelated to the babysitter.
- (3) Day care home for the care of more than four (4) but less than ten (10) children unrelated to the operator, in accordance with the following provisions:
- a. Complies with all rules, regulations and licensing requirements adopted by the State of Missouri through its Division of Family Services;
 - b. Is an accessory use of a residence occupied by the operator;
 - c. Be so developed, maintained, and operated that the building and yards have the appearance and character of a single-family dwelling, and do not detract from abutting single-family dwelling properties;
 - d. All play equipment and required outdoor play area is in the rear yard;
 - e. Outdoor play only between 8:00 a.m. and 6:00 p.m.; and
 - f. One non-illuminated wall sign not to exceed one square foot in area may be allowed to advertise the day care home.
- (4) Home parties for the purpose of selling merchandise or taking orders are permitted by private invitation only, shall not exceed twenty-five (25) guests, and shall not be held more than four (4) times per year.
- (5) Short term sales of used household and garden items commonly referred to as "garage sales," "basement sales," "yard sales," or "rummage sales," may be held, in accordance with the following provisions:

- a. Sales are conducted on the owner's property;
 - b. Two (2) sales per year are allowed, each lasting no more than three (3) days' duration; and
 - c. Items for sale shall be limited to second-hand household and garden items.
- (6) A hobby by the occupant for personal enjoyment and recreation, provided that articles produced or constructed are not sold. These hobbies may include uses such as gardens, customary pets, television and radio antenna not exceeding sixty (60) feet in height, signs as permitted by ordinance, parking areas, tool sheds as provided for under this article, play equipment, and other similar uses.
- (7) The keeping of livestock in accordance with the following provisions:
- a. For lots which are at least thirty thousand (30,000) square foot [feet] in area, the keeping of livestock is allowed in accordance with the following provisions:
 1. There shall be a minimum of thirty thousand (30,000) square feet of lot area for one horse or cow, or four (4) goats or sheep, or ten (10) fowl or rabbits kept;
 2. There shall be an additional minimum of twenty thousand (20,000) square feet of lot area for every additional one horse or cow, four (4) goats or sheep, or ten (10) fowl or rabbits kept;
 3. A structure for the shelter or feeding of livestock shall not be located in the front yard and shall be located at least one hundred (100) feet from any lot line and at least three hundred (300) feet from a dwelling other than the dwelling owned and resided in by the owner of the lot on which the structure or shelter is located; and
 4. All animals shall be kept at least ten (10) feet from any lot line.
 - b. For single-family residential lots smaller than thirty thousand (30,000) square foot [feet] in area, or larger lots which cannot satisfy the setbacks outlined in [section] 30-80.1, up to six (6) female chickens (hens) may be kept in accordance with the following provisions:
 1. Prior to keeping or housing hens, a person shall first submit an application for a hen permit to the City of Liberty Planning Division. Said permits may be issued for a one-year period and may be renewed for two (2) years. Permits are non-transferable. Each applicant must submit information or evidence of the following for permits and renewal permits:
 - i. All hens must have access to a covered enclosure (or coop) that allows for the housing of the hens. In addition, all coops must have direct access to an enclosed run area. All coops and runs shall be located in the rear yard and be designed in a manner to minimize their visual impact. All coops and runs shall be at least ten (10) feet from any property line and at least thirty (30) feet from any residential structure not owned by the permittee.
 2. The keeping of roosters and guinea hens, or any fowl other than female chickens, is prohibited.
 3. At all times, hens shall either be kept in a coop or a run as defined above.

4. All feed and other items associated with the keeping of hens shall be kept clean and sanitary at all times and be protected so as to prevent the infestation of rats, mice, or other rodents.
 5. The hens are not raised for the purpose of slaughtering.
 6. Notwithstanding the issuance of a permit by the city, private restrictions on the use of property shall remain enforceable and may prohibit the keeping of hens as provided herein. A permit issued to a person whose property is subject to private restrictions that prohibit the keeping of hens is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
 7. If the requirements of this section are not fully complied with, the city may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation.
- (8) The planting, cultivating and harvesting of crops shall occur at least two hundred fifty (250) feet from any residential building, other than that owned and resided in by owner of the lot on which the planting, cultivating and harvesting shall take place;
- (9) Temporary real estate sales office, including model units, may be located on a property for sale limited to the period of sale;
- (10) In districts RNC and RN only, a bed and breakfast establishment may be operated, in accordance with the following provisions:
- a. The owner or provider of a bed and breakfast establishment is the principal resident of the dwelling and there are no employees except immediate members of the family household;
 - b. A minimum of two (2) off-street parking spaces plus one per guestroom are provided;
 - c. A maximum of four (4) guestrooms are provided;
 - d. There shall be no change in the residential appearance of the structure;
 - e. Signage shall be limited to the following:
 - (i) One non-illuminated attached sign not exceeding four (4) square feet in area; and
 - (ii) One freestanding sign in accordance with the following provisions:
 1. The sign shall respect the character of the area;
 2. The sign shall be located within twenty (20) feet of the main entrance to the business;
 3. The signboard shall not exceed six (6) square feet in area;
 4. The height of the top of the signboard, post, or any other supporting elements shall not exceed six (6) feet; and
 5. The sign may be lit by directed exterior illumination only; and
 - f. No food preparation, except beverages, is allowed within the individual guestrooms.

(Ord. No. 8804, § I, 4-11-05; Ord. No. 9559, § XI, 3-22-10; Ord. No. 9638, § II, 10-25-10; Ord. No. 10273, § I, 10-13-2014)

Sec. 30-80.2. - Accessory uses, non-residential.

- (1) In district CBD, off-street parking may be provided as an accessory use in accordance with the following provisions:
 - a. Low level screening of not less than three (3) feet shall be provided for each elevation abutting a public street;
 - b. Each entrance and exit to the parking area shall be constructed so that vehicles entering or leaving the parking area shall be clearly visible to a pedestrian on any sidewalk at a distance of not less than ten (10) feet from the access; and
 - c. Appropriate signs, including stop signs posted at exits to streets, shall be provided.
- (2) The following uses shall be allowed as accessory to the principal commercial or industrial use in districts MU through M-2, inclusive, unless otherwise noted.
 - a. Parking and loading areas as provided for in Article XIII of this UDO.
 - b. Outdoor patio areas, accessory to a business, for the sale or service of food and beverages, including alcohol, in accordance with the following provisions:
 - (i) Amplified music or noise shall be permitted in accordance with all other applicable city codes, including section 22-13.1, excessive audible noise;
 - (ii) The patio area shall be included in calculating off-street parking requirements;
 - (iii) The patio area shall be a physically defined space and shall not impede the flow of pedestrian traffic;
 - (iv) Lighting shall be designed so that it does not negatively impact adjacent properties;
 - (v) The patio area shall have an established occupancy limit per City Fire Code standards;
 - (vi) If the patio area is located on a public sidewalk, the property owner assumes liability of the defined area and agrees to indemnify the City of Liberty from any liability, attorneys fees, costs and expenses incurred as a result of the patio operation and shall provide the city proof of public liability insurance on the premises annually; and
 - (vii) The proposed use does not adversely impact the public health, safety, comfort or general welfare.
 - c. Day care center, accessory to a primary business or institution, in accordance with the following provisions:
 - (i) Operations shall comply with all rules, regulations, and licensing requirements adopted by the State of Missouri through its Division of Family Services, unless specifically exempted from such requirements;
 - (ii) One parking space per employee including operator, plus one space per ten (10) users is provided;
 - (iii) Adequate off-street parking and loading areas shall be convenient for customers;
 - (iv)

Access, loading, and parking plans shall be approved in conjunction with a final development plan;

- (v) One wall-mounted sign no greater than one square foot in area;
- (vi) Out-door play only between 8:00 a.m. and 6:00 p.m;
- (vii) If located adjacent to any residential property, the building and yards shall not detract from abutting residential properties;
- (viii) Play equipment and all out-door facilities shall only be placed within a rear yard that is totally enclosed by a fence with an automatically closing and latching gate;
- (ix) If play area is within fifty (50) feet of a one- or two-family residential structure, it shall be buffered with a 4-foot wide strip of densely planted shrubs or trees at least four (4) feet high at the time of planting of a type that will form a year-round dense screen at least five (5) feet high or a uniformly planted fence at least six (6) feet high; and
- (x) Lights must be oriented away from residential structures.

(Ord. No. 8804, § I, 4-11-05; Ord. No. 9325, § I, 6-23-08; Ord. No. 10240, § I, 7-28-2014)

Sec. 30-81. - Accessory structures, in general.

A structure shall be considered accessory if it is secondary in size, scale, and use to the primary structure on a lot. All accessory structures shall be located within a side or rear yard and shall not exceed the size of the primary structure. Seasonal accessory structures shall be safely secured from the general public until such time of use.

(Ord. No. 8804, § I, 4-11-05)

Sec. 30-81.1. - Accessory structures, in all districts.

- (1) Satellite and dish antennas that are greater than one meter in diameter shall require a permit for installation and be subject to the following provisions:
 - a. Any accessory antenna or structure greater than ten (10) feet in height shall have a minimum setback equal to one-third ($1/3$) its total height;
 - b. A dish for private reception may be no larger than ten (10) feet in diameter and twelve (12) feet in height. It shall be placed at grade within the rear or side yard at least ten (10) feet from any property line with decorative landscaping to conceal the base;
 - c. Roof-mounted facilities may be allowed when proven ground-mounted facilities will not be functional. A roof-mounted dish may be no larger than ten (10) feet in diameter and twelve (12) feet higher than the roof surface. It shall be screened from view and have a minimum setback of one hundred fifty (150) per cent of its height. A signed report from an engineer will be required verifying the structural integrity of the installation system; and
 - d.

A temporary antenna for demonstration purposes may be installed for seventy-two (72) hours or less and shall not be located within the public right-of-way or alley.

- (2) Fences, provided they are constructed of chain link, wood, wrought iron, masonry, decorative wire, or composite or synthetic materials appropriate to the general character of the neighborhood, in accordance with the following provisions:
 - a. In residential districts, fences may be permitted in accordance with the following:
 - (i) Front yard: fence may not exceed four (4) feet in height and shall be uniformly open to an extent equal to but not less than fifty (50) per cent of its surface area. Prior to the installation of a front yard fence, the written consent of all abutting property owners, including directly across the street, is required;
 - (ii) Side and rear yard street side elevations: a fence adjacent to any public street shall be no greater than five (5) feet in height and must also be uniformly open or perforated;
 - (iii) Side and rear yard: Maximum height is six (6) feet; and
 - (iv) No fence shall impede vision of traffic on adjacent streets, alleys, and drives.
 - b. Fences using electrified wire, barbed wire, or razor wire are not allowed for use on residential property.
 - c. In commercial and industrial districts, fences shall be allowed in the rear and side yard only and no fence shall be more than six (6) feet in height.
 - d. There shall be no limitation on height for fences used for agricultural lots in the A, agricultural district.
- (3) All accessory renewable energy structures shall require a building permit for installation and be subject to the following provisions:
 - a. Renewable energy facilities shall be no higher than current zoning height restrictions for the district. Ground mounted solar collectors that do not exceed eight (8) feet in total height are permitted within the rear yard provided they are not visible from any public street.
 - b. Roof-mounted solar collectors shall not extend above the peak of the roof on which they are mounted.
 - c. Roof-mounted solar collectors which are visible from any public street shall be flush mounted.
 - d. Roof-mounted solar collector components servicing the collector panel shall be concealed and all exposed metal shall be finished with similar colors to the structure on which it is mounted.
 - e. Wind turbines shall be set back a distance greater than or equal to the overall blade tip height of the wind turbine from any property line.
 - f. A neutral, non-reflective exterior color designed to blend with the surrounding environment shall be required for all renewable energy facilities.
 - g. Wind turbines shall be lighted only if required by the Federal Aviation Administration. Lighting of other parts of a renewable energy facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting

properties.

- h. No signage or advertising shall be allowed on the facilities.
- i. Utility connections shall be located underground.
- j. All appurtenant structures to solar and wind facilities shall be subject to reasonable regulations and shaded from view by vegetation and/or located in an underground vault and joined or clustered to avoid adverse visual impacts.
- k. The renewable energy facility must be dismantled and removed within 12 months after operations have ceased.
- l. For all sites located within a historic district zoning, an application for a certificate of appropriateness shall have been obtained.
- m. All accessory renewable energy structures which exceed current height or setback requirements for the zoning district and all commercial solar or wind farms shall be processed as a special use application under section 30-25.5 (44) Renewable energy facilities for commercial use or non-conforming accessory facilities.
- n. The principal use of the accessory renewable energy structure shall be the powering of the primary structure. Incidental selling of power back to the electric grid from an accessory structure shall not constitute a commercial use.

(Ord. No. 8804, § I, 4-11-05; Ord. No. 9432, § IV, 3-23-09)

Sec. 30-81.2. - Accessory structures, residential districts.

One detached accessory structure shall be allowed in the rear or side yard at least five (5) feet from the lot line and at least ten (10) feet from any other structure. In addition, one minor accessory structure no larger than one hundred twenty (120) square feet in area may be allowed. Lots zoned A, agricultural district, shall not be subject to this provision.

- (1) All accessory structures within any residential district shall comply with the following maximum building footprint requirements:
 - a. No greater than eight hundred (800) square feet on lots less than (½) acre;
 - b. No greater than one thousand (1,000) square feet on lots (½) acre to one acre;
 - c. No greater than one thousand five hundred (1,500) square feet on lots greater than one, but less than three (3) acres; and
 - d. Lots having three (3) or more acres are allowed more than one accessory structure, provided the footprints of all accessory structures do not exceed a total of two thousand five hundred (2,500) square feet.
- (2) A carport may only be allowed in the side or rear yard and shall be at least five (5) feet from the lot line.
- (3)

Residential swimming pools and landscape features with water greater than two (2) feet in depth shall be allowed in the rear or side yard at least five (5) feet from the property line and at least twenty (20) feet from the primary structure on any adjoining lot, in accordance with the following provisions:

- a. Permanent in-ground, above-ground and on-ground pools, spas, hot tubs and other water features must be enclosed and separated from adjoining properties by a 4-foot high fence with a secured gate; and
 - b. Portable pools and temporary water features greater than two (2) feet in depth, including inflatable pools, shall be securely covered or drained when not in use.
- (4) A recreational court/play area shall respect the setbacks established for all residential accessory structures and shall be safely situated not less than five (5) feet from any rear or side lot line. Any lighting shall be designed to eliminate visibility beyond the property.
- (5) A deck, patio, or gazebo shall be allowed only in the rear yard and located at least five (5) feet from any lot line.
- (6) In districts A, R-1A, RNC, RN, and MU, one accessory apartment shall be allowed, in accordance with the following:
- a. The apartment shall be secondary to an owner-occupied dwelling;
 - b. At least one hundred fifty (150) square feet of living space shall be provided for each occupant; and
 - c. Detached structures shall be built in accordance with the area requirements for accessory structures as noted above.

(Ord. No. 8804, § I, 4-11-05; Ord. No. 9195, § XX, 9-10-07)

Sec. 30-81.3. - Accessory structures, non-residential.

- (1) In districts CO through M-2 inclusive, parking structures shall be allowed as accessory to a primary business or institution for the purposes of fulfilling on-site parking requirements and parking for the general public.
- (2) For uses generally permitted in districts C-2 and C-3, an accessory structure shall be allowed for the purpose of displaying merchandise, in accordance with an approved final development plan. This structure shall provide adequate screening for any merchandise enclosed, and shall not interfere with the general circulation of vehicle or pedestrian traffic.

(Ord. No. 8804, § I, 4-11-05)

Sec. 30-81.4. - Accessory utility uses and facilities; all districts.

Every public utility, cable company, video service provider and other users of the city rights-of-way or adjacent easements to provide services shall comply with the supplemental regulations in this section regarding the placement of accessory utility facilities on public or private property. For purposes of this section, "accessory utility facilities" shall mean such facilities, including pedestals, boxes, vaults, cabinets, or other ground-mounted or below-ground facilities that directly serve the property or local area in which the facility is placed, are not primarily for transmission or distribution to other locations, do not materially alter the character of the neighborhood or area, and otherwise are customarily found in such areas. Except where limited by other provisions of city ordinance, accessory utility facilities shall be subject to the following supplementary regulations:

- (1) *Approval; design; location; application.* The design, location, and nature of all accessory utility facilities on private or public property shall require approval of the city, which approval shall be considered in a nondiscriminatory manner, in conformance with this Ordinance, and subject to reasonable permit conditions as may be necessary to meet the requirements of this Ordinance. In considering applications individual or multiple location applications, the city shall review the request to ensure the proposed facilities do not impair public safety, harm property values or significant sight-lines, or degrade the aesthetics of the adjoining properties or neighborhood, and taking into consideration reasonable alternatives. Any material changes or extensions to such facilities or the construction of any additional structures shall be subject to the requirements and approvals as set forth herein. Unless otherwise prohibited, utility facilities subject to this subsection may be located in minimum setback areas provided that all other requirements are met. To the extent not prohibited by RSMo 67.2707.3, the time, method, manner or location of facilities to be located in the rights-of-way may be established or conditioned by the city to protect the rights-of-way or to ensure public safety. An inspection fee shall be required as may be established by the city to reimburse the city for the costs of review and inspection of accessory utility facilities as may be permitted by applicable law.
- (2) *General regulations.* The following general regulations apply to all accessory utility facilities:
 - a. All such facilities shall be placed underground, except as otherwise provided in subsections (3) and (4) herein or as approved by special use permit.
 - b. All such facilities shall be constructed and maintained in such a manner so as not to emit any unnecessary or intrusive noise.
 - c. All facilities that are no longer operational shall be deemed abandoned after six (6) continuous months of non-use, and shall therefore be removed within thirty (30) days thereafter at the cost of the utility.
 - d. Unless otherwise restricted, utility poles for authorized above ground lines or facilities shall be permitted up to forty-five (45) feet in height where utilities are not otherwise required to be placed underground; provided that such poles shall be no higher than necessary, maintained

so as to avoid leaning from upright position, and without use of guy wires crossing rights-of-way or pedestrian routes except where approved by the city as necessary due to the lack of feasible alternatives.

- e. Utility facilities placed in designated historic areas may be subject to additional requirements regarding the placement and appearance of facilities as may be necessary to reasonably avoid or reduce any negative impact of such placement.
- f. The responsibility for the maintenance of landscaping or vegetation is the responsibility of the facility owner. Any damage during installation or maintenance of facilities shall be promptly remedied.
- g. No facilities may be located so as to interfere, or be likely to interfere, with any public facilities or use of public property.

(3) *Single-family residential districts.* In single-family residential districts and rights-of-way adjacent thereto, unless approved as part of a final plat, facilities are permitted in accordance with the following standards:

- a. Wherever feasible, all facilities shall be installed underground
- b. Wherever it is not feasible to install facilities underground, above ground facilities may be installed in the side or rear yard provided facilities do not exceed four (4) feet in height from grade or twelve (12) square feet in area.
- c. Where it is not feasible to install facilities underground or in the side or rear yard, above ground facilities may be installed in the front yard or within the rights-of-way provided the facility does not exceed three (3) feet in height from grade or eight (8) square feet in area.
- d. Any proposed facility that does not meet the above-referenced standards may only be permitted by special use permit in accordance with section 30-25 of this UDO.

(4) *All other districts.* In all other districts and rights-of-way adjacent thereto, unless approved as part of a final development plan, facilities are permitted in accordance with the following standards:

- a. Wherever feasible, all facilities shall be installed underground
- b. Wherever it is not feasible to install facilities underground, above ground facilities may be installed in the side or rear yard provided facilities do not exceed six (6) feet in height from grade or sixteen (16) square feet in area and provided the facility is located in the least visible location.
- c. Where it is not feasible to install facilities underground or in the side or rear yard, above ground facilities may be installed in the side or front yard or within the rights-of-way provided the facility does not exceed three (3) feet in height from grade or twelve (12) square feet in area.
- d. Any proposed facility that does not meet the above-referenced standards may only be permitted by special use permit in accordance with section 30-25 of this UDO.

(5)

Landscape screening. Where appropriate, landscaping shall be provided for all authorized aboveground facilities taller than two (2) feet in height from grade or covering in excess of four (4) square feet in area. A landscape plan identifying the size and species of landscaping materials shall be submitted by the facility owner and approved by the city prior to installation of any facility requiring landscaping. The facility owner shall be responsible for the installation, maintenance and replacement of the landscaping, unless an agreement exists between the property owner and the facility owner whereby any or all of these responsibilities has been transferred to the property owner. Alternative screening or concealment may be approved by the city to the extent it meets or exceeds the purposes of these requirements.

- (6) *Compliance with other laws.* All accessory utility facilities shall be subject to all other applicable regulations and standards as established as part of the City Code, including but not limited to building codes, zoning requirements and rights-of-way management regulations in addition to the supplementary regulations herein. The provisions of this section shall not apply to any circumstance or entity in which application under such circumstances is preempted or otherwise precluded by superseding law.

(Ord. No. 9182, § I, 8-27-07; 9254, § I, 1-28-08; Ord. No. 9307, § I, 5-27-08)

Sec. 21-2. - Enumeration of nuisances.

The following are hereby declared, defined and deemed to be nuisances for purposes of this article; provided, however, that the following enumeration shall not be deemed to be exclusive:

- (1) *Establishments or structures which emit noxious odors.*
- (2) *Substances emitting noxious odors*, including but not limited to: any stable, stall, shed, compartment in any yard or appurtenance thereof in which any horse, cattle, cows, swine, dogs, rabbits or any other animal, chickens or any other fowl shall be kept, or any place in which manure or liquid discharges of such animals shall collect or accumulate, and which stable, stall, shed or compartment, or any yard or appurtenance thereof, is not kept in a clean and wholesome condition, so that an offensive smell shall be allowed to escape therefrom. Nothing in this article shall be so construed as to include manure deposits upon any private property for the purpose of cultivating the same.
- (3) *Carcasses of animals* remaining exposed twelve (12) hours after death.
- (4) *Abandoned, discarded or unused objects or equipment* such as: vehicles, furniture, stoves, refrigerators, freezers, toilets, water heaters, air conditioners, sinks; all ashes, cinders, slops, filth, excrement, boards, lumber scraps, sawdust, wood or metal shavings, rubber, old tires, plastic containers, bags, wrappers, stones, rocks, sand, oil, coal, gasoline, paint, dirt, dust, straw, soot, sticks, boxes, barrels, buckets, kegs, crates, cans, bottles, cartons, paper, trash, leavings, rubbish (rubbish shall mean solid waste consisting of combustible and noncombustible waste materials from residential apartments, commercial, industrial, institutional establishments, including yard waste and items commonly referred to as "trash"), manure, broken ware, iron or other metal, rags old wearing apparel, sweepings, refuse, debris, vehicle parts, broken concrete, slag, garbage, offal, putrid fish, meat entrails, decayed fruits or vegetables, wastewater, animal or vegetable products or matter, broken glass, bones, tacks, nails, wire, grass, dead limbs, leaves, brush, logs, weeds, foliage or shrub cuttings or clippings, or any other offensive or disagreeable substance or things thrown, cast dropped, blown, spilled, poured, discharged or swept, left or deposited by anyone in or upon any premises.

The outside covering or fencing, through the use of a tarpaulin or other nonstructural material, of abandoned, discarded or unused objects or equipment.

Compost piles. Grass, dead limbs, leaves, brush, logs, weeds, foliage, shrub cuttings or clippings are permitted as part of a compost pile located on a lot or tract used for single-family or two-family residential purposes. The compost piles:

- a. Must be located in the rear yard only. No compost piles are allowed in front or side yards. They may be no less than fifteen (15) feet from any other building on the premises.
- b. May contain the aforementioned materials as well as manure, straw, hay, sawdust and soil.
- c.

Must be no larger than one hundred fifty (150) cubic feet. A pile shall not exceed four (4) feet in height. Only one compost pile is permitted on any residential premises up to one acre. On residential premises of more than one acre, no more than two (2) compost piles are permitted.

- d. The pile must be maintained in an enclosure and must be in moist condition. Permitted enclosure materials include woven wire or wood slat fence, cement blocks or bricks and boards of lumber.
- e. The director of community development has the authority to grant exemptions to these regulations. If a property owner cannot meet the placement, size or quality standards, he or she may establish other reasonable compost piles with the approval of the director of community development.

- (5) *Malfunctioning private sewage disposal systems* which allow polluted, raw or partially treated waste water or effluent to be deposited or stand upon any premises. When any private sewage disposal system has been determined to be malfunctioning in such condition as to emit any offensive, noxious or disagreeable odor, the owner of the subject premises will be ordered to repair or make connection to the public sewer, if available.

Private sewer disposal system shall mean any arrangement of devices and structures used for receiving, transporting, treating and disposing of sewage, including private and community sewer lines.

- (6) *Unlicensed, inoperable, junked, etc., vehicles.*

- a. Any vehicle which is not currently licensed and is not visible displaying current license plates on the vehicle which remains parked or stored on private property longer than ten (10) days.
- b. Any inoperable, partially dismantled, junked, wrecked, discarded motor vehicle or major parts of such vehicle; any vehicle under repair or not then in such condition of maintenance as to be operated in a normal and safe manner.

Except, that this section shall not apply to any vehicle in an enclosed building or so located upon the property as not to be readily visible from any public place or from any surrounding private property; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city or any other public agency or entity, or in a zoning district permitting such use.

- (7) *Storage of old, unused, etc., vehicles and machinery.* The outside storage through the use of a tarpaulin or other nonstructural covering of old, unused, stripped, junked or other vehicles not in good and safe operating condition or not currently licensed, or of any other vehicles, machinery, implements and/or equipment or personal property of any kind which are no longer safely usable for the purposes for which it was manufactured.

- (8) *The parking of vehicles* on that part of a residential front yard other than a parking space.

Parking space shall mean an area on a lot sufficient to store one vehicle, but shall not be less than nine (9) feet wide and twenty (20) feet in length and shall be connected to a public street or alley by a driveway not less than nine (9) feet wide. The parking space and connected driveway shall be constructed in such a way as to clearly define the boundaries between the parking space and the adjacent yard area. Minimally, it shall be constructed of at least six (6) inches of crusher run rock, or equivalent inch, and shall be shaped and compacted.

Yard, front, shall mean a yard across the full width of the lot extending back from all lot lines abutting a public street to the principal structure.

- (9) *A live or dead tree* which constitutes a hazard to the safety of persons or of property, private or public. The director of community development and the director of parks and recreation may enter at all reasonable times upon any privately owned property for the purposes of inspection and investigation of any tree which may be in a hazardous condition.
- (10) *Building material* abandoned or stored in an area where construction is not in progress and in an area not properly zoned for such storage; however, such storage shall be permitted in an area where construction is in progress and a valid building permit issued by the city is in effect. Such permitted storage shall not extend more than thirty (30) days beyond the expiration of the building permit or completion of construction, whichever first occurs. Usable building materials for use on the premises may be temporarily stored in the open. They shall be placed at least eighteen (18) inches off the ground, and stacked neatly.
- (11) *Weeds or noxious plants* allowed to stand any season of the year.
- (12) *Any building or structure*, or portion thereof, which is open to unauthorized or unlawful entry.
- (13) *All articles, acts, or things whatsoever* caused, kept, maintained or permitted by any person to the injury, inconvenience or annoyance of the public.
- (14) *All pursuits* followed or engaged in or acts done by any person to the injury, annoyance, or inconvenience of the public.
- (15) *Swimming pool discharge* The discharge of water from swimming pools or swimming pool backwashes onto adjoining property. Such discharge shall be directed and channeled into the public storm sewer system.
- (16) Any building, structure or portion thereof that is structurally unsound or displays any of the following conditions:
 - a. Roofs, eaves or soffits that are open to the elements.
 - b. Gutters and downspouts that are damaged and not directing rainwater runoff as appropriate.
 - c. Any exterior opening that is not fitted with a window, door, basement hatchway cover or crawl space cover, as appropriate.
 - d. Windows that do not include intact glass windowpanes.
 - e. Windows or exterior doors that do not fit well within their frames.

- f. Foundations that are open to the elements.
 - g. Exterior wall surfaces that are not sheathed with weather resistant and durable materials consistent with those permitted under the city's building codes.
 - h. Attachments to structures, including but not limited to porches, landings, fire escapes, decks, railings and exterior stairs that are not safe and functional.
 - i. Fencing that is in disrepair, deteriorated or collapsed or does not function as intended.
- (17) *Sight distance on corner lots.* All corner lots shall provide sight distance triangles in both directions, the short leg of which shall be twenty (20) feet, and the long leg of which shall be one hundred forty (140) feet measured along the curb line or edge of the pavement. Within the area of the triangle there shall be no sight-obscuring or partly obscuring wall, fence, sign or foliage higher than twenty-four (24) inches above curb grade or in the case of trees, foliage lower than six (6) feet when planted. Mature trees shall not have foliage lower than ten (10) feet in the public right-of-way. Vertical measurement shall be made at the top of the curb on the street or alley adjacent to the nearest street of the triangle or, if no curb exists, from the edge of the nearest traveled way. These restrictions shall apply to basically level and square intersections. Intersections on grades, curves, or acute angles shall require special considerations.
- (18) *Off-street parking.* Off-street parking shall be limited to the following:
- a. Automobiles.
 - b. Trucks and vans less than one (1) ton.
 - c. One (1) truck or van one (1) ton or larger, provided it does not exceed twenty (20) feet in length or does not exceed twelve thousand (12,000) pounds in gross weight.
 - d. One (1) recreational vehicle.

(Ord. No. 5944, § 1, 6-4-90; Ord. No. 6335, § 1, 4-13-92; Ord. No. 6364, § 1, 5-26-92; Ord. No. 6591, § 1, 5-10-93; Ord. No. 7630, § I, 4-13-98; Ord. No. 7839, § I, 7-26-99; Ord. No. 8747, § I, 11-22-04; Ord. No. 9025, § I, 8-28-06)

SECTION 205.215: - OFFENSIVE ODORS

It shall be unlawful for any person to keep any animals or fowl in a pen, shed, yard or other confined area within the City limits of Raymore from which any deleterious or offensive odors shall be emitted. The maintaining of animals or fowl in such conditions shall be a violation of this Section.

(Ord. No. 27090 §1, 8-27-07)

**City of Roeland Park**
4600 W. 51st Street
Roeland Park, KS 66205
Phone: 913-722-2600



Coops & Enclosures

- Chickens must be kept in a clean, safe and healthy enclosure. Enclosures shall consist of a coop and may also include a run. Any run must be attached to the coop.
- Chickens must be kept in the covered enclosure at all times; and it shall be rodent and predator resistant.
- All Coops, Runs, and Chicken Tractors shall be constructed of sturdy wire or wooden fencing.
- All Coops shall be inspected and approved by the Building Inspector.
- Enclosures may only be located in the rear yard of the property, as defined in Chapter 16.
- Coop must be located at least ten (10) feet from the property line and at least forty (40) feet from any adjacent residential dwelling, church, school, or place of business.

(1) Each Coop must be built with a minimum of 12 square feet per chicken, not to exceed 85 square feet total (2 square feet of inside area per chicken).

(2) The Coop shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked. Opening windows and vents must be covered with predator- and bird-proof wire of less than one-inch openings.

(3) All Coops, Runs, and Tractors shall be designed so as to be easily maintained.

(4) The Coop, Run, and Chicken Tractor shall be constructed with durable materials that will hold up to the weather and environment.

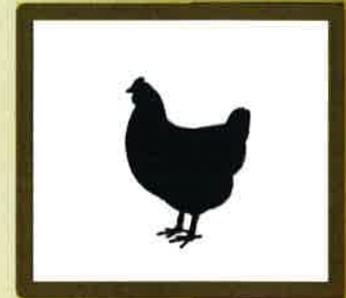
(5) Used materials (reclaimed material) for enclosures must be approved by the Building Inspector as referenced in the adopted International Residential Code. The use of scrap, waste board, sheet metal, or similar materials is prohibited.

(6) Chicken Runs and Tractors must be located at least 10 feet from the property line.



City of Roeland Park

Keeping Backyard Hens



- Coop
 - Permit
 - Fee
 - Support
- 

Permit Application

Any person wishing to keep chickens in the City must obtain a permit from the City prior to acquiring chickens

Permit for Keeping Chickens

- No roosters are allowed.
- Maximum of 6 chickens of 16 weeks of age or older or 1 clutch (8) chicks per year.
- Strict guidelines for the placement, appearance and size of structure.
- Inspection by Building Inspector and/or Codes Official.
- Chickens cannot be running free in yard.
- The property must be occupied by the person requesting the permit.



Licensing and Permit Application Fee

Application fee \$80.00 valid for 1 year.

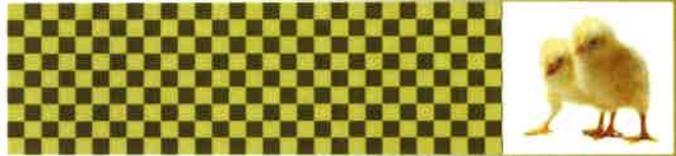
Renewal fee \$20.00 (must be submitted prior to the expiration date of the previous permit)

Renewal applications will be reviewed by the City Clerk for approval.

Revocation of Permit

The City Council may refuse to renew or revoke a special permit if, following a public hearing, it finds any of the following:

- (1) The premises are being maintained in violation of any applicable law of the State of Kansas or of the City.
- (2) The premises are being maintained so as to be a public nuisance.
- (3) The premises are being maintained so as to be detrimental to the health, safety or peace of mind of persons residing in the immediate vicinity.



ENFORCEMENT

- Lack of care, illness issues, and abuse complaints will be handled through Code Enforcement and/or Police.
- No chickens are allowed to run at-large.

NO ROOSTERS



Please contact Roeland Park City Hall at 913-722-2600 with any questions or concerns.

Definitions

COOP: a structure for housing poultry during non-daylight hours

ENCLOSURE: fenced areas that restrain the animals to a particular premise

CHICKEN TRACTOR: a moveable chicken enclosure

CHICKEN RUN: an enclosed area in which animals are allowed to move around

Other resources:

WWW.MYCITYHENS.COM

mycityhens@gmail.com



Special Animal Permit

City Departments

- ▶ City Manager
- ▶ City Clerk
- ▶ Codes Division
- ▶ Development Services
- ▶ Finance Department
- ▶ Fire
- ▶ Human Resources
- ▶ Information Technology
- ▶ Municipal Court
- ▶ Parks and Recreation
- ▶ Planning and Zoning
- ▶ Police
- ▶ Public Information
- ▶ Public Works
- ▶ Stormwater Management
- ▶ Shawnee Town 1929

Job Openings

Online Services

Citizen Service Requests

E-Subscribe

Current Projects

Bid Opportunities

Sustainable Shawnee

Maps

Facility Rental

CityLine Newsletter

Parks & Recreation Brochure

Community History

Odor Concerns

Train Horn Noise Update

Aquatic Center

Volunteer Opportunities

Trash, Recycling and Yard Waste

[Animal Permits and Licenses](#)

A Special Animal Permit is required to keep the following animals with the City:

- More than two (2) Dogs over the age of six (6) months;
- More than two (2) Cats over the age of six (6) months;
- Large Animals, as defined in Chapter 6.04;
- Fowl, as defined in Chapter 6.04;
- Chickens;
- Domesticated hares and/or rabbits and/or ferrets;
- Bees; and
- Domesticated Rodents.

General Regulations (applies to all the animals listed above)

- Valid rabies certificates must be submitted for all other dogs and/or cats at the time of application.
- All neighbors within 200 feet of the applicant's property will be notified.
- Applicants may not have more than three valid complaints within the previous 12 month period.
- Applicants may not have more than three valid animal violations within the previous 24 month period.
- All applicants will be required to have an inspection of the premises by a Community Service officer prior to approval of the permit.
- Applicants should check with homes association to determine if the number of type of animals requested is allowed.
- A new permit is required if any animal is replaced or added or if the applicant moves to a new address with the City.
- All permits shall be valid for one calendar year (January 1 to December 31).
- Renewal permits must be submitted no later than twenty-five days prior to the end of the license year.

Chicken Regulations

- No more than 10 Chickens can be kept in the City.
- Roosters are not allowed in the City.
- Chicken Coops, Runs, and/or Tractors must be at least 10 feet from the nearest property line and at least 40 feet from any adjacent residential dwelling, church, school or place of business.
- Chicken Coops, Runs, and/or Tractors must be inspected by a Community Service Officer prior to obtaining Chickens.
- Chickens must be kept in a clean, safe and healthy environment at all times. Chickens must be kept in a Coop, Chicken Run, or Chicken Tractor at all times. Coops, Runs and Tractors shall be:
 - Inspected by and receive the written approval of a Community Service Officer during the permitting process.
 - Built with and maintain a minimum of 2 square feet per Chicken, but shall not exceed 100 square feet total.
 - Enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked. Opening windows and vents must be covered with predator and bird-proof wire of less than one inch openings.
 - Consist of sturdy wire or wooden fencing and shall be designed so as to be easily maintained.
 - Constructed and maintained with durable materials that will hold up to weather and environment. Used materials (reclaimed material), scrap, waste board, sheet metal, or similar materials are prohibited.
 - Subject to inspection by a Community Service Officer as needed to verify and maintain compliance with this Section.
- Chicken waste is the responsibility of the owner. No more than three cubic feet of Chicken waste may be maintained as manure fertilizer. The Coop, Chicken Run, and Chicken Tractor and surrounding area must be kept free from trash and accumulated Chicken waste droppings. The Chicken owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.

A complete list of regulations can be found in [Chapter 6.10](#) of the Shawnee Municipal Code.

Application

The completed application and fee must be submitted by mail or in person to City Clerk's office, 11110 Johnson Drive, Shawnee, KS 66203.

[Special Animal Permit Application](#) (pdf)

[Special Animal Permit Brochure \(pdf\)](#)
[Backyard Chicken Brochure \(pdf\)](#)

Fee

- New Special Animal Permit fee: \$50.00
- Renewal Special Animal Permit fee: \$15.00

These fees are non-refundable and no prorated fee is available.

Listen

www.GoodStartsHere.org

Sec. 7-175. - Small animals and fowl in pens.

- (a) Fowl shall mean those domestic birds commonly kept for the production of meat, eggs, or feathers. Fowl shall include, but not be limited to, chickens, ducks, turkeys, geese, swans, peafowl, guinea fowl, ostriches, and emus. Fowl shall not be permitted in any area of the city not zoned agricultural with the following exceptions:
- (1) Ducks.
 - (2) Female chickens.
- (b) This section does not apply to the keeping of dogs or cats.
- (c) Except where fowl or animals are kept for sale within a bona fide produce market, commission house or store for the purposes of trade and while so kept are confined in small coops, boxes or cages, or where such animals or fowl are kept for purposes of research in a laboratory, or less than five birds are kept in a home as pets, such as canaries, parakeets, parrots, finches, and doves, it shall be unlawful for any person to keep or maintain any chicken coop, dove cote, rabbit hutch or other yard establishment for the housing of fowl or small animals closer than 25 feet to the nearest portion of any building occupied by or in anywise used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or closer than ten feet to the property line of the lot. Animals and fowl so kept or maintained shall be enclosed on all sides and shall not be allowed to run or fly at large, except for homing pigeons.
- (d) The maximum number of permitted fowl shall not exceed six, regardless of the size of the lot.
- (Code 1988, § 7-101; Ord. No. O-22-03, § 1, 6-5-2003; Ord. No. O-63-16, § 1, 10-27-2016)

Sec. 7-176. - Maintenance of enclosures for fowl.

All earthen yards or runways wherein five or more fowl are kept or permitted to be shall be spaded and then limed once every three months from the month of April through the month of December. For the purpose of killing flies and other insects, all structures, pens or coops wherein fowl are kept or permitted to be shall be sprayed with such substances as will eliminate such insects.

(Code 1988, § 7-102; Ord. No. O-22-03, § 1, 6-5-2003; Ord. No. O-63-16, § 1, 10-27-2016)

Sec. 7-177. - Condition of enclosures.

- (a) This section does not apply to the keeping of dogs or cats.
- (b) Any structure, pen, coop, or yard wherein animals or fowl are kept or permitted to be shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors. Applicants for permits shall include a vermin control plan with the application. Permit holders shall use bait boxes to safely poison rodents and vermin. The enclosed area of all such structures shall be constructed in such a way as to be dry at all times on the inside. The person

maintaining any aforementioned structure, pen, coop or yard in the city does by such act of maintenance authorize the director of health to, at any time, inspect any such structure or premises and issue any such order as may be necessary to carry out the provisions of this section.

- (c) For every three chickens, a minimum of one laying box space, with a minimum size of one square foot, shall be required. Each laying box shall contain adequate clean bedding material such as hay or other soft material. Laying boxes shall not be required for ducks.

(Code 1988, § 7-103; Ord. No. O-22-03, § 1, 6-5-2003; Ord. No. O-63-16, § 1, 10-27-2016)

Antibiotics are for treating infections. Period.

Posted on Wednesday, October 2nd, 2013 at 11:03 am.

Posted by Rodale Institute



By Susan A. Schneider, Director of LL.M. Program in Agricultural & Food Law at Arkansas School of Law and contributor to the Agricultural Law blog.

On September 16, the Centers for Disease Control issued its report, *Antibiotic Resistance Threats in the United States, 2013*. The report characterizes the problem as follows:

"Each year in the United States, at least 2 million people acquire serious infections with bacteria that are resistant to one or more of the antibiotics designed to treat those infections. At least 23,000 people die each year as a direct result of these antibiotic-resistant infections. Many more die from other conditions that were complicated by an antibiotic-resistant infection.

Antibiotic-resistant infections add considerable and avoidable costs to the already overburdened U.S. healthcare system. In most cases, antibiotic-resistant infections require prolonged and/or costlier treatments, extend hospital stays, necessitate additional doctor visits and healthcare use, and result in greater disability and death compared with infections that are easily treatable with antibiotics. The total economic cost of antibiotic resistance to the U.S. economy has been difficult to calculate. Estimates vary but have ranged as high as \$20 billion in excess direct healthcare costs, with additional costs to society for lost productivity as high as \$35 billion a year (2008 dollars)."

Bacteria evolve quickly, and the development of some resistance over time can be anticipated. However, the more antibiotics that are used and the conditions under which they are used can dramatically speed this process. The CDC Report identifies the use (and overuse) of antibiotics as "the single most important factor in the development of resistant bacteria."

The Report identifies the use of antibiotics in livestock production as one significant contributor to the development of resistance. This conclusion has been reached in numerous scientific studies confirming this connection. See, for example, *No Time to Lose: 147 Studies Supporting Public Health Action To Reduce Antibiotic Overuse In Food Animals* (IATP, Nov. 8, 2012).

Antibiotics are used in livestock production in three ways. First, they are used to treat disease and infection, much as they are used for humans or for pets. In addition, however, they are used extensively at sub-therapeutic levels (i.e., below the level that you would use to treat infection) in order to prevent infection and increase growth rates. Many of these antibiotics are sold over-the-counter without veterinary prescription and added to feed and water at low levels. FDA's most recent report on antibiotic use revealed that in 2011, 29.9 million pounds of antibiotics were used in livestock production, compared to only 7.7 million pounds used for human treatment. This data is graphically shown by the Pew Campaign on Human Health and Industrial Farming:

Record-High Antibiotic Sales for Meat and Poultry Production

Antibiotic overuse is breeding new, resistant strains of bacteria that infect people. But industrial farms haven't gotten the message.

In 2011, 29.9 million pounds of antibiotics were sold in the United States for meat and poultry production

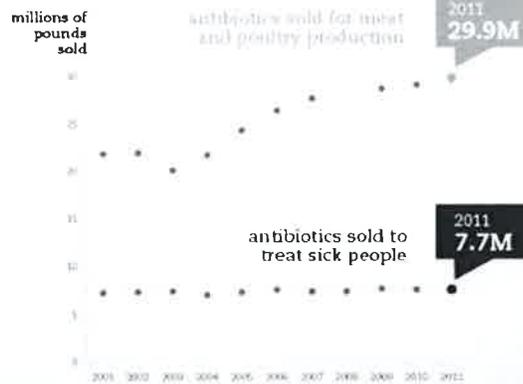


3.9 times greater

Yet, in the same period, only 7.7 million pounds of antibiotics were sold to treat sick people in the United States.



ON THE RISE



We need more detailed information on how widely antibiotics are being used to make animals grow faster and to compensate for overcrowded and unsanitary conditions.

Urge Congress and the FDA to rein in the overuse of antibiotics in food animal production. Visit www.saveantibiotics.org to take action.

*Excluding ionophores, which are used only on animals, 73 percent of antibiotics sold in the United States are intended for use in food animal production.

- Human Medicine (Source: IMS Health, Incorporated)
- Food Animal Production (Source: Animal Health Institute survey of its members, 2004-2007; U.S. Food and Drug Administration, 2009-2011)



(<http://www.pewhealth.org/other-resource/record-high-antibiotic-sales-for-meat-and-poultry-production-85899449119>)

The CDC Report identifies several different ways that the use of antibiotics in livestock production can affect antibiotic resistance and human health. Animals are fed antibiotics at low levels and consequently develop resistant bacteria in their guts. This drug-resistant bacteria can be found on the meat and transmitted to humans through handling the raw meat or consuming it without proper cooking. Similarly, the drug-resistant bacteria may be found in the feces of the animal and transferred to cropland through fertilizer use or water runoff. Any contamination of crops can pass the drug-resistant bacteria on to humans who consume the contaminated food or come in contact with the contaminated water.

The report cites the [FDA Draft Guidance for Industry](http://www.fda.gov/downloads/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/UCM299624.pdf) on the use of antibiotics in animal agriculture as a positive step. This Guidance identifies certain categories of antibiotics as particularly important for treatment of human disease, calls for veterinary oversight of the use of these medically important antibiotics, and seeks the voluntary adoption of the "judicious use" of antibiotics in livestock feed.

Onkos, however, argue that the pharmaceutical and livestock industries have too much financial stake in the use of antibiotics for any voluntary guidance to work. Moreover, they argue that the FDA's definition of "judicious use" will do little to reduce the use of antibiotics.

The FDA indicates that medically important antibiotics should not be used for "increased rate of weight gain" or "improved feed efficiency." However, these antibiotics could be used for "the treatment, control, and prevention of specific diseases." This allows the continued use of medically important antibiotics, given at low levels in feed, for the prevention of disease rather than saving these drugs for the treatment of disease when it occurs. Note that weight gain and feed efficiency, while not considered to be an appropriate reason for use, will occur as a result of this use. FDA policy was taken to task by Dr. Robert Lawrence of Johns Hopkins Bloomberg School of Public Health in the article in the Atlantic, [The FDA Did Not Do Enough to Reduce Antibiotic Use in Animals](http://www.theatlantic.com/health/archive/2012/04/the-fda-did-not-do-enough-to-restrict-antibiotics-use-in-animals/255878/) (<http://www.theatlantic.com/health/archive/2012/04/the-fda-did-not-do-enough-to-restrict-antibiotics-use-in-animals/255878/>).

As the CDC Report indicates, "[antimicrobial resistance is one of our most serious health threats." And, any use of antibiotics encourages the development of resistance bacteria. Antibiotics must be used sparingly in order to preserve their effectiveness. The report concludes, "These drugs should only be used to treat infections."

Just as we do not give antibiotics for disease prevention in humans, the use of antibiotics for disease prevention in animals must be questioned. This use, particularly when antibiotics important for humans are involved, should not be considered to be "judicious use." Efforts should be made to re-evaluate our production methods to reduce crowding and stress, thereby reducing the risk of disease without the use of sub-therapeutic antibiotics.

[\(http://rodaleinstitute.org/2013/the-land-that-heals/schneider200/\)](http://rodaleinstitute.org/2013/the-land-that-heals/schneider200/) Professor Susan A. Schneider teaches agricultural and food law courses at the University of Arkansas School of Law and serves as the Director of the unique advanced legal degree program, the [LL.M. Program in Agricultural & Food Law](http://law.uark.edu/academics/llm/) (<http://law.uark.edu/academics/llm/>). Schneider was raised on a family farm in Minnesota and has devoted her legal career to work in agricultural and food law. Her private practice experience includes agricultural law work with firms in Arkansas, Minnesota, North Dakota, and Washington, D.C. as well as service as a staff attorney at Farmer's Legal Action Group Inc. (FLAG). She now serves on the FLAG Board of Directors. She is a past president of the American Agricultural Law Association (AALA) and was the recipient of the 2011 AALA Distinguished Service award. She is a frequent speaker at agricultural and food law conferences. Professor Schneider is a significant contributor to the [Agricultural Law blo](http://aglaw.blogspot.com/) (<http://aglaw.blogspot.com/>)g. Her twitter account @aglawllm is followed by many interested in agricultural and food law issues.

Cow photo by USDAgov. (<http://www.flickr.com/photos/usdagov/>)

Tags: [Susan Schneider](https://rodaleinstitute.org/tag/susan-schneider/) (<https://rodaleinstitute.org/tag/susan-schneider/>), [agricultural law](https://rodaleinstitute.org/tag/agricultural-law/) (<https://rodaleinstitute.org/tag/agricultural-law/>), [antibiotic resistance](https://rodaleinstitute.org/tag/antibiotic-resistance/) (<https://rodaleinstitute.org/tag/antibiotic-resistance/>), [farm policy](https://rodaleinstitute.org/tag/farm-policy/) (<https://rodaleinstitute.org/tag/farm-policy/>), [health](https://rodaleinstitute.org/tag/health/) (<https://rodaleinstitute.org/tag/health/>), [human health](https://rodaleinstitute.org/tag/human-health/) (<https://rodaleinstitute.org/tag/human-health/>), [livestock](https://rodaleinstitute.org/tag/livestock-2/) (<https://rodaleinstitute.org/tag/livestock-2/>)



Leave a Reply

Name (required)

Email (will not be published) (required)

Website

Comment

Submit Comment



611 Siegfriedale Road
Kutztown, PA 19530-9320 USA
(610) 683-1400
Email us! (<mailto:info@rodaleinstitute.org>)

Our Mission:

Through organic leadership we improve the health and well-being of people and the planet.

Sign up for our newsletter

Your email address

SIGN UP

Follow us



(<https://twitter.com/rodaleinstitute>)

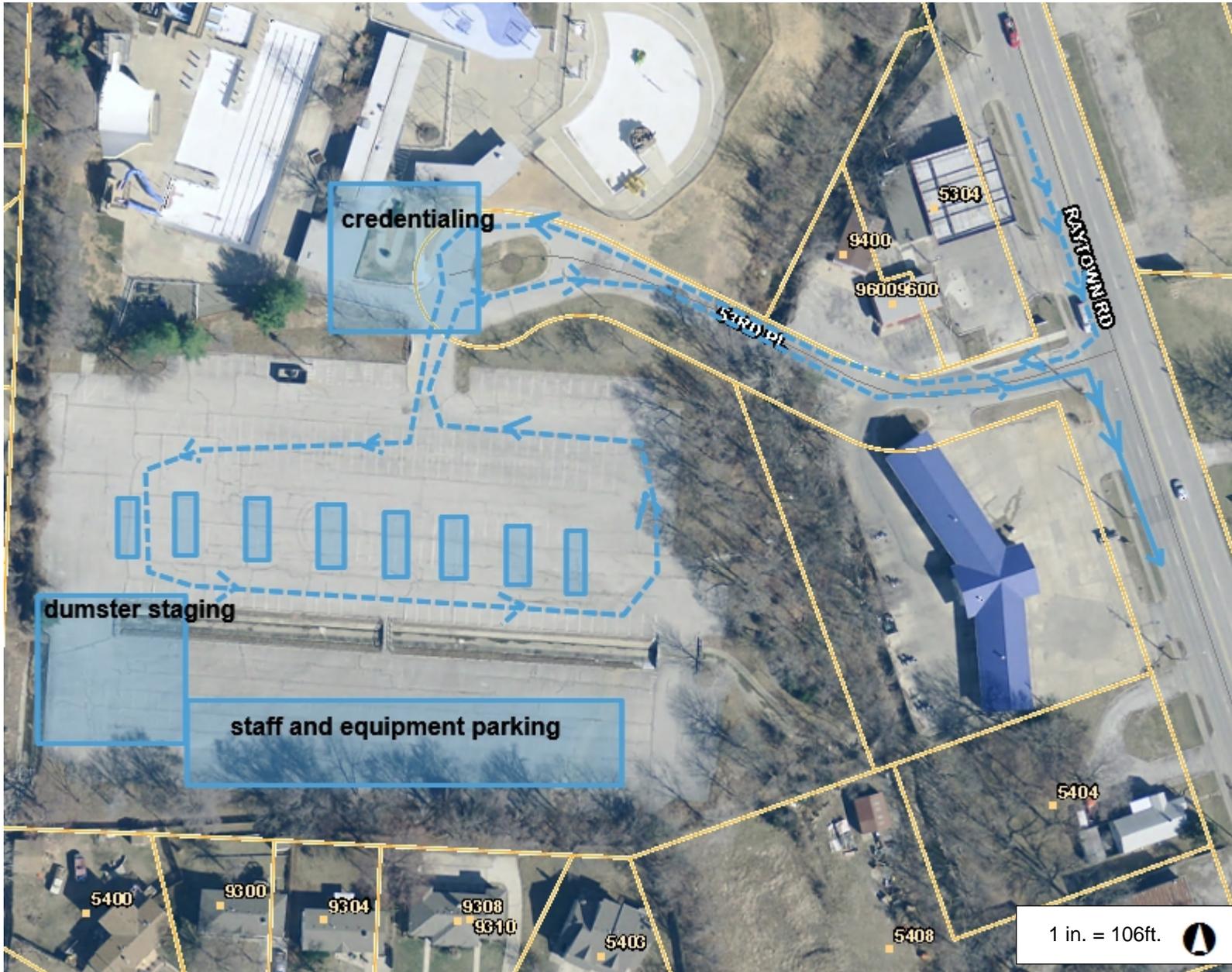


(<http://www.facebook.com/rodaleinstitute>)



(<http://www.youtube.com/user/rodaleinstitute>)

Raytown, MO



Legend

- Road
- Address Point
- City Limit
- Parcel
- Tax Parcel
- Condo

1 in. = 106ft.



212.1 0 106.03 212.1 Feet



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Memo

To: Mayor Michael McDonough, Alderman Frank Hunt, Alderman Karen Black, Alderman Jim Aziere; Alderman Jason Greene; Alderman Ryan Myers; Alderman Mark Moore; Alderman Bill Van Buskirk; Alderman Steve Meyers; Alderman Bonnaye Mims, and Alderman Eric Teeman; Tom Cole, City Administrator

From: Missy Wilson

cc: Teresa Henry, City Clerk
Jason Hanson, Public Works Department
Tony Mesa, Public Works Department

Date: June 2, 2017

Re: Citywide Cleanup Day

I met with Tony Mesa to evaluate various options for a Citywide Cleanup Day. Our research indicated a one day Citywide curbside bulk pickup event would exceed available funds in Fiscal Year 2017.

Staying with the budgeted funds, we are proposing a Citywide Cleanup Day on **Saturday morning, September 23rd** to be held at Super Splash between the hours of 8:00 am to 10:00 am.

Event Costs: Estimated 8 dumpster plus cost per tonnage over 5 tons = \$4,065

Estimated Public Works Fuel & PW Staff time cost = 5,700

Estimated Police Staff and Marketing = 2,235

Grand Total \$12,000

Marketing: Utilize City's Facebook page, mention the event at public speaking engagement, ask Chamber and Main Street Association to promote the event, and include a marketing flyer in sewer billing.

Day of Setup: Attached diagram shows setup for dumpsters, employee parking, equipment parking, residency Checkpoint, and ineligible product turnaround area.

Process: All vehicles would be stopped at the Checkpoint (see on attached map) to confirm residency via driver's license or copy of sewer bill matching name on driver's license. Once residency is confirmed, the vehicle will be directed to a dumpster. The resident will unload their items into a dumpster at the end of dumpsters. Once a dumpster is too full to be loaded from the end, Public Works staff will close the dumpster, use City equipment to pack down the debris, and continue filling resident's debris using City equipment. No construction material will be allowed in dumpsters.

Yard Waster: Should a resident bring yard waste, at Checkpoint the resident will be provided a coupon to take the yard waste to Missouri Organic yard either on Highway 40 or Raytown Road.



PERSONNEL MANUAL

~~DECEMBER 21, 2016~~

April XX, 2017

TABLE OF CONTENTS

INTRODUCTION

I. IN GENERAL

1-1	Equal Opportunity Statement.....	6
1-2	Non-Discrimination and Anti-Harassment	6
1-3	At-Will Employment.....	9
1-4	Definition of Terms.....	9
1-5	Handbook Authorized.....	11
1-6	Responsibility for Administration of Handbook.....	11
1-7	Procedures Not in Derogation of Statutes.....	11
1-8	Savings Clause	11
1-9	Construction of Handbook.....	11

2. PROVISIONS APPLICABLE TO ALL OFFICERS AND EMPLOYEES

2-1	Residency	11
2-2	Nepotism.....	11

DEFERRED COMPENSATION

2-3	Program Established.....	12
2-4	Administration of Program.....	12
2-5	Ownership.....	12
2-6	Contracts Authorized.....	13

3. PROVISIONS APPLICABLE TO UNCLASSIFIED EMPLOYEES

3-1	Appointment of Officers.....	13
3-2	Removal of Appointive Officers	13
3-3	Filling Vacancy in Elective or Appointive Office	13
3-4	Evaluation of Department Heads	13

4. PROVISIONS APPLICABLE TO CLASSIFIED EMPLOYEES

4-1	Application of Article.....	14
4-2	Departmental Regulations Authorized.....	14

EMPLOYMENT

4-3	Recruitment.....	14
4-4	Applications.....	14
4-5	Employment Categories	14
4-6	Employment Offers and Rates	14

OUTSIDE EMPLOYMENT

4-7	Permission and Restrictions.....	14
-----	----------------------------------	----

CERTIFICATION AND APPOINTMENT	15
4-8 Vacancies	15
4-9 Appointments	15
PROBATIONARY PERIOD.....	15
4-10 Purpose.....	15
4-11 Duration	15
RECORDS AND REPORTS.....	16
4-12 Personnel Records.....	16
4-13 Reports	16
4-14 Effective Dates for Salary Changes	16
BENEFITS	16
4-15 Policy	16
4-16 Holidays	16
4-17 Vacation	18
4-18 Sick Leave	19
4-19 Leaves of Absence.....	21
4-20 Insurance Benefits	23
4-21 Pension Plans	24
4-22 Worksite Breastfeeding	24
4-23 Employee Conduct.....	24
SEPARATION FROM MUNICIPAL SERVICE	26
4-24 Resignations	26
4-25 Reduction in Force; Layoff	26
4-26 Separation Pay.....	26
4-27 Termination	26
CITIZENS PERSONNEL COMPLAINTS	26
4-28 Purpose.....	26
4-29 Complaints in Writing	27
4-30 Delivery	27
4-31 City Administrator's Duties	27
GRIEVANCE POLICY.....	27
4-32 Purpose.....	27
4-33 Policy	27
4-34 Grievances to Be in Writing.....	27
4-35 Additional Review.....	28
4-36 Protection.....	28
DISCIPLINARY POLICY	28

4-37	Policy Statement	28
4-38	Purpose.....	28
4-39	Discipline and Dismissal Policy and Procedures.....	29
4-40	Procedure for Appealing Disciplinary Actions	30

5. COMPENSATION AND CLASSIFICATION PLAN

5-1	The Plan.....	33
5-2	Purpose.....	33
5-3	Administration of the Plan	33
5-4	Classification of Positions	34
5-5	Position Descriptions.....	34
5-6	Application of the Compensation Plan	34
5-7	Special Allowances	34
5-8	Working Hours	34
5-9	Time Reporting.....	34

6. VIOLENCE IN THE WORKPLACE

6-1	Purpose.....	35
6-2	Definitions	35
6-3	Prohibited Actions	35
6-4	Employer Responsibilities	36
6-5	Employee Responsibilities	36
6-6	Implementation.....	36
6-7	Reporting Incidents	37
6-8	Conclusion	37

7. SUBSTANCE ABUSE

7-1	Statement of Purpose	37
7-2	Application of this Policy; Definitions.....	38
7-3	Prohibited Acts and Disciplinary Actions	39
7-4	Testing for the Presence of Alcohol and Drugs; When Authorized; What Substances Will Be Tested for	40
7-5	Testing Procedures; Discipline Which May Be Imposed for Confirmed Positive Test Results; Mandatory and Voluntary Referral to Employee Assistance Program.....	41
7-6	Employee Assistance Program	43
7-7	Appeal Rights.....	44
7-8	Statement of Intent to Comply with the Requirements of the Drug-Free Workplace Act	44

Appendix

On Call Policy.....	47
Cell Phone Allowance Policy.....	48
City Owned Vehicle Usage Policy.....	50
Electronic Communication and Internet Usage Policy.....	51
On Call Policy.....	52
Overtime Policy	53
Take Home Vehicle Policy	54
Time Clock Policy.....	55
Travel Policy.....	56
Tuition Reimbursement Policy.....	61

INTRODUCTION

This Employee Handbook is designed to provide you with information about working conditions, benefits, and some of the policies affecting your employment with the City of Raytown (hereinafter "City"). You should read, understand, and comply with all the provisions of the Handbook. It describes many of your responsibilities as a member of our team, and outlines the programs developed by the City to benefit you and your fellow employees.

No employee handbook can anticipate every circumstance or answer every question about policy. As time progresses, it will undoubtedly prove necessary to revise this Handbook. Accordingly, the City reserves the right to revise, supplement, amend or rescind any policies or programs contained in this Handbook from time to time as it deems appropriate, in its sole and absolute discretion. You will, of course, be notified of any such changes to the Handbook as soon as reasonably practicable. The provisions contained in this Handbook supersede any and all contrary verbal or written policies, statements, including previous Handbooks or representations made by the City.

This handbook does not constitute a guarantee of any future policies, procedures or terms of employment.

This handbook is not intended to and does not constitute an employment contract between the City and any of its employees. No individual City official has authority to enter into an oral or written promise or contract of employment. Any employment contract must be approved by the Board of Aldermen (hereinafter "Board"). The terms and provisions of this handbook are subject to change from time to time, with or without notice, at the Board's sole discretion and pursuant to the Board's views regarding the needs of the City with respect to effective administration, supervision and control of facilities, operations, programs and personnel.

Should you have any questions concerning any of the information contained in this handbook, please contact the Human Resources Manager or the City Administrator.

Organization of the City

The City of Raytown is a city of the Fourth Class, located in Jackson County, Missouri, and is part of the Kansas City Metropolitan Area.

The City is governed by a Mayor and a ten-member Board of Aldermen. The day-to-day operation of the City is coordinated by a City Administrator, who is hired by, and reports to, the Board of Aldermen.

The City consists of several departments, each overseen by a department head. These departments are:

1. Administration
2. Development & Public Affairs
3. Emergency Medical Services
4. Finance
5. Municipal Court
6. Parks and Recreation
7. Police
8. Public Works

The City Marshal (Police Chief), City Collector, and the Municipal Judge are elected positions. The Parks Director is appointed by the Park Board. The City Administrator recommends appointment and removal of the remaining Department Heads to the Governing Body.

The Mayor, City Collector and five Aldermen (one from each of the five wards in the City) are elected to four year terms during one election cycle. Two years later, the other five aldermen, the Police Chief and the Municipal Judge are elected to four year terms of office.

Chain of Command / Lines of Authority

Because the situation within every Department of the City is different, the organization of personnel within those Departments also differs. However, some basic principles of management should be adhered to across the board. Those principles are:

1. Unity of Command –each person should only have one person to whom they are directly responsible.
2. Span of Control – each manager / supervisor should only have the number of subordinates they can effectively supervise. This number is dependent upon several factors including; complexity of work being performed, experience level of the subordinate, geographic proximity of the subordinate to the supervisor, and the similarity of the tasks being performed by the subordinates.
3. Parity of Authority and Responsibility – if a subordinate is assigned certain responsibility, he must be given some level of authority i.e. power to perform his responsibility. Both should be clearly defined to the subordinate, so that he knows what he is required to do within the powers delegated to him.

Questions an employee has regarding their responsibilities or duties should be directed to their supervisor.

I. IN GENERAL

1-1. Equal Opportunity Statement.

Equal Employment Opportunity has been, and will continue to be, a fundamental principle at the City, where employment is based upon personal capabilities and qualifications without discrimination because of race, religious creed, color, age, sex, sexual orientation, national origin, ancestry, citizenship status, marital status, disability, military service, veteran status, genetic information or any other protected characteristic as established by law. This policy of Equal Employment Opportunity applies to all policies and procedures relating to recruitment and hiring, compensation, benefits, termination and all other terms and conditions of employment.

The City has overall responsibility for this policy and maintains reporting and monitoring procedures. Employees' questions or concerns should be referred to the Human Resources Manager or the City Administrator.

Appropriate disciplinary action may be taken against any employee willfully violating this policy.

1-2. Non-Discrimination and Anti-Harassment Policy.

The City is committed to maintaining a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the City expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment.

It is the policy of the City to ensure equal employment opportunity without discrimination or harassment on the basis of race, religious creed, color, age, sex, sexual orientation, national origin, ancestry, citizenship status, marital status, disability, military service, veteran status, genetic information or any other status protected under federal, state or local law. The City prohibits and will not tolerate any such discrimination or harassment.

A. Sexual Harassment.

Sexual harassment constitutes discrimination and is illegal under various laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or **non-verbal visual** conduct of a sexual nature. Sex-based harassment—that is, harassment not involving sexual activity or language (e.g., male manager yells only at female employees and not males)—may also constitute discrimination if it is severe or pervasive and directed at employees because of their sex.

B. Other Prohibited Harassment.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, religious creed, color, age, sex, sexual orientation, national origin, ancestry, citizenship status, marital status, disability, military service, veteran status, genetic information or any other characteristic protected by law or that of his/her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

C. Individuals and Conduct Covered.

These policies apply to all applicants and employees, and they prohibit harassment, discrimination and retaliation, whether engaged in by fellow employees, by a supervisor or manager or by someone not directly connected to the City (e.g., an outside vendor, consultant or customer).

Conduct prohibited by these policies is unacceptable in the workplace and in any work related setting outside the workplace, such as during business trips, business meetings and business-related social events.

D. Retaliation Is Prohibited.

The City prohibits retaliation against any individual who, **in good faith**, reports discrimination or harassment or participates in an investigation of such reports. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action up to and including discharge.

E. Complaint Procedure.

Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this complaint procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action. Also, please note, applicable laws establish specific time frames for initiating a legal proceeding pursuant to those laws.

The City strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe they have experienced conduct that they believe is contrary to the City's policy or who have concerns about such matters should file their complaints with an appropriate management official, supervisor, a department head, the Human Resources Manager or the City Administrator before the conduct becomes severe or pervasive. Individuals should not feel obligated to file their complaints with their immediate supervisor first before bringing the matter to the attention of the Human Resources Manager or the City Administrator **if the complaint is in regard to their immediate supervisor.**

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the City strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken. The City will make every effort to stop alleged harassment

before it becomes severe or pervasive, but can only do so with the cooperation of its staff/employees.

The availability of this complaint procedure does not preclude individuals who believe they are being subjected to harassing conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly, thoroughly and impartially. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Misconduct constituting harassment, discrimination or retaliation will be dealt with promptly and appropriately. Responsive action may include, for example, training, referral to counseling, monitoring of the offender and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reduction of wages, demotion, reassignment, temporary suspension without pay or termination, as the Employer believes appropriate under the circumstances.

If an employee making a complaint does not agree with its resolution, the employee may appeal to the Board of Aldermen.

Individuals who have questions or concerns about these policies should talk with the Human Resources Manager or the City Administrator.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions in order to avoid allegations of harassment. The City prohibits disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and perquisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

F. Policy Relating To Persons With Disabilities.

It is the City's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the Employer will provide reasonable accommodations to a qualified individual with a disability, as defined under applicable law, who has made the City aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the City.

Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact the Human Resources Manager or the City Administrator. The City encourages individuals with disabilities to come forward and request reasonable accommodation.

On receipt of an accommodation request, the Human Resources Manager or the City Administrator and your supervisor, if other than the Human Resources Manager or the City Administrator, will meet with you to discuss and identify the precise limitations resulting from the disability and the potential accommodation that the City might make to help overcome those limitations.

The City will determine the feasibility of the requested accommodation considering various factors, including, but not limited to the nature and cost of the accommodation, the availability of tax credits and deductions, outside funding, the City's overall financial resources and organization, and the accommodation's impact on the operation of the City, including its impact on the ability of other employees to perform their duties and on the City's ability to conduct business.

The City will inform the employee of its decision on the accommodation request or on how to make the accommodation. If the accommodation request is denied, employees will be advised of their right to appeal the decision to the Board of Aldermen by submitting a written request within ten business days of the decision explaining the reasons for the request. If the request on appeal is denied, that decision is final.

The law does not require the City to make the best possible accommodation, to reallocate essential job functions, or to provide personal use items (i.e., eyeglasses, hearing aids, wheelchairs).

An employee or job applicant who has questions regarding this policy or believes that he or she has been discriminated against based on a disability should notify the Human Resources Manager or the City Administrator ~~or, if necessary, the Mayor~~. All such inquiries or complaints will be treated as confidential to the extent permissible by law.

1-3. At-Will Employment.

All employment is for an unspecified term and can be terminated, either at the City's or the employee's option, at any time, with or without cause, and with or without advance notice. Nothing herein is intended to create an express or implied contract inconsistent with such "at will" nature of the employment.

1-4. Definition of Terms.

The following words and phrases shall have the meanings indicated throughout this Handbook except where the context clearly indicates otherwise:

Appointing authority. The City Administrator or his duly authorized representative, except as that power is specifically reserved by statute to the Mayor and/or Board of Aldermen.

Appointment. The designation to a position in the municipal service of a person by the appropriate appointing authority.

Classified employee. An employee holding a position in the classified service.

Classified service. The classified service is comprised of all positions not specifically set forth as unclassified.

Date of hire. The date on which an employee is appointed to the municipal service. When an employee is transferred from the unclassified to the classified service, the date of hire shall be the date of his appointment to the classified service.

Demotion. The movement of an employee from a position to a position having a lower maximum salary rate.

Department. Any of the departments in the municipal government, now or as hereafter established by ordinances of the City of Raytown, Missouri.

Department Head. The officially appointed or elected head of any department.

Grievance. A grievance is a disagreement relating to employment and working conditions or relationships between an employee and his supervisor or other employees.

Immediate family. Is defined to include; spouse, domestic partner, cohabitant, child, stepchild, grandchild, parent, stepparent, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, great grandparent, brother, sister, half-brother, half-sister, stepsibling, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin (that is, a child of an aunt or uncle), and spouses thereof.

Throughout this handbook, unless some other meaning and intent is apparent from the context, the masculine gender shall be deemed to include all persons, and the singular the plural, and vice versa.

Layoff. The separation of an employee which has been made necessary by lack of work or funds or other reasons not related to disciplinary action.

Part-time employee. An employee holding a position established on a basis of less than eight (8) hours a day or less than eighty (80) hours in a biweekly pay period.

Regular employee. A classified employee who is not probationary or temporary.

Position. A group of current duties and responsibilities assigned or delegated by the appointing authority, requiring the employment of one person.

Position description. A non-exhaustive written statement of the work performed, delegated responsibility, and qualifications required to perform such work.

Probationary employee. An employee holding a position during a probationary period as herein provided.

Promotion. The movement of an employee from one position to a position having a higher maximum salary rate.

Resident. A person whose principal place of domicile is within the corporate boundaries of the City of Raytown, Missouri.

Salary range. A salary assigned to a class which sets the minimum, midpoint and maximum salary to be paid for the performance of work described, and allows salary advancements within a given range based on merit and other permissible considerations.

Transfer. The movement of an employee from one department or unit of the municipal government to another, or one position to another position having the same maximum salary rate.

Temporary employee. An employee holding a seasonal or intermittent position.

Unclassified employee. An employee holding a position in the unclassified service.

Unclassified service. The unclassified service is comprised of those positions which are filled by City election; and the following appointive positions: City Administrator, Department

Heads, City Treasurer, City Attorney, Prosecuting Attorney, members of all Boards and Commissions, part-time employees, temporary employees, and persons employed by special request of the Mayor and Board of Aldermen for temporary work, or to make or conduct a special inquiry, investigation, examination or installation.

Vacancy. A duly created position which is not occupied and for which funds have been provided.

1-5. Handbook Authorized.

The personnel policies and procedures shall be established and implemented as per City Code Section 2-105, through the adoption of ordinances, where appropriate, and through a personnel handbook. The handbook will supplement and clarify the ordinances, but in the event of conflict between the two, the ordinances shall govern. **In the event a separate previously agreed upon Memorandum of Understanding (MOU) has been issued regarding any subject matter, the MOU shall govern.**

1-6. Responsibility for Administration of Handbook.

Except as otherwise specifically provided by this handbook, other ordinance of the City, or other applicable law, the City Administrator shall be charged with the responsibility for the administration of this handbook.

1-7. Procedures not in Derogation of Statutes.

Nothing contained in this Handbook shall be construed as an infringement of the rights of the Mayor, Board of Aldermen or other elected official as granted by the Revised Statutes of Missouri, nor shall the same be deemed to grant to any employee a property right in his employment, a right to judicial review or any personnel practice or impair the employment at will status of any employee

1-8. Savings Clause.

If any article, division, section, subsection, sentence, clause or phrase of this Handbook is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this handbook.

1-9. Construction of Handbook.

This Handbook shall be construed so as to obtain fairness and substantial justice. No technical violation of a provision of this Handbook shall impair the rights of any employee, supervisor, or the City, in the absence of a showing of prejudice to such party.

2. PROVISIONS APPLICABLE TO ALL OFFICERS AND EMPLOYEES

2-1. Residency.

Applicants for positions in the municipal services except as otherwise provided by law or ordinance are not required to be residents of the City, but are encouraged to become residents upon assuming municipal service.

2-2 Nepotism.

Members of the immediate family of the City Administrator, any Department Director, Municipal Judge, Police Chief, Human Resources Manager, and City Clerk are not eligible for employment.

Members of the immediate family of an existing employee are not eligible for employment in the same division and/or if an on-going direct or indirect supervisory relationship would result from hiring.

Members of the immediate family of an appointee to a City Board, Committee or Commission are not eligible for employment if the Committee has assigned duties or provides advisory oversight to the division in which employment is sought.

In the event these conditions are not met, including changes as a result of marriage, the affected employee(s) has 180 calendar days to conform to this policy. One immediate family member must transfer to an open position in another division or cease employment. Determination of who shall transfer or cease employment will be determined by the affected employee(s). Any such transfer will not guarantee maintenance of current rates of pay or classification. Failure to make a determination in the time allotted will result in termination of the least tenured employee.

Members of the immediate family of the City Administrator, any Department Director, Municipal Judge, Police Chief, Human Resources Manager, and City Clerk are not eligible for employment are not eligible to seek a transfer and must cease employment within 180 calendar days. Failure to cease employment will result in termination.

This policy will be in effect for any employees hired, ~~transferred or promoted~~ after December 21, 2016.

DEFERRED COMPENSATION

2-3. Program Established.

As provided by law, the City of Raytown, Missouri, authorizes the establishment of the City of Raytown deferred compensation program.

2-4. Administration of Program.

The City Administrator or his/~~her~~ representative is hereby designated and appointed administrator of the City of Raytown deferred compensation program and is hereby authorized and directed to invest funds with the consent of the participating employees, in such investments deemed appropriate including but not limited to life insurance or annuity contracts.

2-5. Ownership.

The City of Raytown, Missouri, will be the owner beneficiary and have all rights under any said investments, insurance or annuity contract. This deferred compensation program shall exist and serve in addition to any retirement, pension and benefit system heretofore or hereafter established by the City of Raytown, Missouri. Income deferred under this plan shall continue to be included as regular compensation for the purpose of computing the retirement and pension benefits earned by any employee. However, any sum deferred shall be exempt from taxation as provided by law.

2-6. Contracts Authorized.

The City of Raytown is hereby authorized to enter into a written contract with any of its employees to defer, in whole or in part, any part of its employees' gross compensation and may, with the consent of such employee, invest said funds in any such manner as provided for herein.

3. PROVISIONS APPLICABLE TO UNCLASSIFIED EMPLOYEES

3-1. Appointment of Officers.

- (a) The Mayor shall, by ordinance, resolution or motion, approved by a majority of all the members of the board of aldermen, appoint persons to serve in the various positions of the unclassified service, except as provided in paragraph (b).

3-2. Removal of Appointive Officers.

- (a) The Mayor may, with the consent of a majority of all the members of the Board of Aldermen, remove from office at will any person in the unclassified service, and such person may be removed by a two-thirds vote of all the members of the Board of Aldermen, independent of the Mayor's approval or recommendation.
- (b) In addition to the foregoing, part-time and temporary employees may be removed at will by the City Administrator or his representative, and the Mayor and Board of Aldermen hereby specifically delegate such power to the City Administrator or his representative.
- (c) In addition to the provisions of subsection (a) of this section, any person serving upon a Board or Commission who shall have been appointed to such position by the Board of Aldermen or by the Mayor with the consent of the Board of Aldermen who shall fail to attend three (3) consecutive, regular meetings of such Board or Commission shall be deemed to have resigned there from and a successor may thereafter be appointed. Absences may be excused by the Board or Commission concerned and not be counted as a failure to attend.

3-3. Filling Vacancy in Elective or Appointive Office.

If a vacancy occurs in any elective office, such vacancy shall be filled by the appointing authority as provided by law.

3-4. Evaluation of Department Heads.

- (a) It is the City's policy to provide a compensation package to the Department Heads which will allow the City to compete with other private and public employers in the area for executive level personnel. The City recognizes that the compensation package will require periodic review and adjustment in order to remain competitive and that the performance of the Department Head should be considered in connection with such review.
- (b) The City Administrator shall review the performance of each appointed Department Head each year and shall make recommendations to the Board of Aldermen concerning the compensation and benefit package for each Department Head. **While the City generally provides annual cost of living wage adjustments, merit increases may be made at the discretion of the City Administrator based on budget availability.** As part of such review, the City Administrator shall meet with the various appointed Department Heads concerning his evaluation of the incumbent's performance, communicating his perception of that employee's strengths and weaknesses to the incumbent and to the Board of Aldermen. Such reviews and reports to the Board of Aldermen shall not be open to the public; provided, however, that adjustments in the compensation package and/or salary adjustments, if any, shall be a public record as provided by law.

3-5. Evaluation of Department Employees.

- (a) All Department Directors shall review the performance of each Department employee each year and shall make recommendations to the City Administrator and Human Resources Director regarding compensation and performance. While the City generally provides annual cost of living wage adjustments, merit increases may be made at the discretion of the City Administrator and Department Director based on budget availability. As part of such review, the Department Director shall meet with the individual employees concerning the evaluation of the incumbent's performance, communicating the perception of that employee's strengths and weaknesses to the incumbent and to the Human Resources Director. Such reviews and reports shall be kept in the employees personnel file by the Human Resources Director.**

4. PROVISIONS APPLICABLE TO CLASSIFIED EMPLOYEES

4-1. Application of Article.

This shall apply to all classified employees in the municipal service unless a contrary intent appears, provided that if any person holds both a classified and unclassified position the terms of his employment in the classified position only shall be governed by this article.

4-2. Departmental Regulations Authorized.

Because the situation and requirements of the employees of the various departments are or may be unique to that department, the Department Heads are authorized to make written rules and written regulations governing the conduct and performance of the employees of their respective departments provided that such rules and regulations shall not be in conflict with the statutes, ordinances or general policy and procedure of the City.

EMPLOYMENT

4-3. Recruitment.

The City Administrator or his delegate is responsible for recruiting and application completion for all applicants. The City Administrator or his delegate is exclusively authorized to contact outside employee sources. **For this purpose, "delegate" refers to the Human Resources Director and/or Department Heads.**

4-4. Applications.

Unless otherwise delegated to a Department Head, Applications shall be on the forms prescribed by the City Administrator or his delegate. All employment is contingent upon the veracity of statement made thereon as certified by the applicant's signature.

4-5. Employment Categories.

Classification of a particular position shall be as determined by the City Administrator or his delegate.

4-6. Employment Offers and Rates.

- (a) Job offers to selected applicants, including starting salary and position are made by the appointing authority.
- (b) All offers are contingent upon such additional conditions as the appointing authority may determine.

OUTSIDE EMPLOYMENT

4-7. Permission and Restrictions.

Outside employment constitutes a City employee being self-employed or holding a second job with another employer. Outside employment by a full-time employee is permitted only when such outside employment: (1) is considered secondary to service with the City; (2) does not interfere with the performance of duties for the City; and (3) no legal, financial, or ethical conflicts of interest result from such dual employment. No employee will perform any work for any outside agency during their established work period. No employee will be exempt from performing overtime duty because of outside employment commitments. A written request/notification must be submitted and approved by an employee's Department Head prior to an employee becoming self-

employed or accepting outside employment. **This is not required for small “odd jobs” similar to mowing, painting, multi-level marketing sales, etc that occur on the employees personal/off-hours time.**

CERTIFICATION AND APPOINTMENT

4-8. Vacancies.

Vacancies in the classified service may be filled by reemployment, promotions, original appointment, transfer or demotion as provided in these rules.

It shall be the responsibility of the Department Head to notify the City Administrator or his delegate of any available position.

4-9. Appointments.

Appointing authority. Appointments of personnel to classified or unclassified positions in municipal service may be made only by the appointing authority.

PROBATIONARY PERIOD

4-10. Purpose.

The probationary period shall be utilized by the appointing authority as an opportunity to observe the work of a newly hired employee or a promoted employee. In reviewing the employee's work, the appointing authority may note the employee's attendance, work habits, appearance, cooperation, learning capacity for that position, and other criteria.

4-11. Duration.

- (a) Each employee selected to fill a position with the City must successfully complete a probationary period. This gives the supervisor an opportunity to observe the candidate in order to determine whether or not the person is capable of handling the responsibilities and duties of the job in a satisfactory manner.
- (b) Each employee who moves to a different job classification shall also undergo a probationary period in order to achieve minimal competency in the new position. An employee who fails to satisfactorily complete such probationary period shall be returned to the pay and position he or she held immediately prior to the promotion if this position or a similar position is open and available.
- (c) The duration of the probationary period for both new employees and promoted employees shall be at least six months or more based upon recommendations of the Department Head. The successful completion of a probationary period should not be construed as creating a contract, as guaranteeing employment for any specific duration or to mean that an employee has attained any kind of tenure or right to be terminated only for cause. Rather, it means that although the employee remains an employee at will, the City may, in certain circumstances, elect to utilize progressive discipline to correct performance problems before termination. However, the City retains the absolute discretion to terminate any employee at any time for no reason or for any lawful reason.
- (d) During a probationary period, the City will endeavor to review the performance of the probationary employee on a monthly basis ~~using a City-provided form submitted to Human Resources.~~ **utilizing a standard department evaluation form.**
- (e) Pay increases for probationary employees will be on a discretionary basis.

- (f) If, at any time, during the probationary period, the probationary employee's performance is determined to be unsatisfactory, the employee may be separated from the position immediately.

RECORDS AND REPORTS

4-12. Personnel Records.

- (a) Personnel records are considered confidential, and authorization to see or release information from personnel files is only to be made by the City Administrator or his delegate.
- (b) **Unless otherwise specified by the City Administrator and described in Department Policy**, all documents, reports, forms and papers gathered during any internal investigation relating to personnel or disciplinary action shall become part of the City's personnel records, and a copy of the final report shall be included in the personnel file of any employee affected by the investigation.
- (c) Any document that may lead to disciplinary action shall be provided to the employee. The employee shall have access to his own personnel file during regular business hours. Employees who wish to view their personnel file should contact the Human Resource Manager.

4-13. Reports.

Every appointment, transfer, promotion, demotion, dismissal and disciplinary action of employees in both the classified and unclassified service shall be reported to the human resources office on forms approved for such use, to be reviewed by the City Administrator or his delegate for compliance with this Handbook before becoming effective.

4-14. Effective Dates for Salary Changes.

Salary changes for all classified employees shall be effective not sooner than the beginning of the pay period during which the appropriate form is processed and approved. The human resources office shall provide the appropriate Department Head with employee performance evaluation forms which shall be returned to the human resources office prior to the effective date. **Only under approval of the City Administrator and with extenuating circumstances, may an employee commence additional duties agreed upon in employment without being compensated as the result of a position change or promotion.**

BENEFITS

4-15. Policy.

All employees are expected to schedule and take time off each year for earned vacation and to observe scheduled holidays. The benefits described herein shall be the only benefits or absences from duty authorized. Unless otherwise provided or required by law, benefits will accrue only to full-time, regular employees.

4-16. Holidays.

- (a) The following days shall be paid holidays for City employees:

- New Year's Day, January 1
- Martin Luther King Day
- Memorial Day, last Monday in May
- Independence Day, July 4

- Labor Day, first Monday in September
- Thanksgiving Day, 4th Thursday in November

- Friday following Thanksgiving Day
- Christmas Day, December 25th
- Two floating holidays at employee's discretion

(b) Holiday Observance. Determination of a holiday for shift personnel shall be based on the actual date of the holiday. For employees who normally work Monday–Friday schedules, observance of holidays shall be either the day the holiday falls on, or if the holiday falls on a Saturday the previous Friday will be observed, and, if the holiday falls on a Sunday, the following Monday will be observed.

(c) Holiday Pay. An employee whose regular work day falls on any City-recognized holiday shall receive their regular pay plus holiday pay for the hours worked, but not to exceed the amount of hours of their normal work schedule.

Any 24-hour employee not working the holiday is to receive 8 hours holiday pay at straight time. Any 24-hour employee working the holiday receives pay for working plus time and a half for holiday pay. This is an incentive for crews to cover open shifts on the holidays.

(d) Holiday Call-back. An employee called back to duty on a holiday shall be compensated at 1½ rate and shall receive a minimum of 1 hour of pay. If they are engaged to work after the call in they will receive a minimum of two (2) hours pay. They will still receive their full holiday pay.

(e) Off-duty Shift Workers. Shift workers such as police officers, with the exception of EMS, whose regular scheduled day off falls on any City-recognized holiday shall receive, in addition to his/**her** day off, regular pay as holiday compensation equal to the amount of hours the employee would regularly be scheduled for work. Off-duty EMS shift workers shall receive 12 hours of regular pay on holidays.

(f) Part-time or Seasonal. Part-time and/or seasonal personnel will not be paid for City observed holidays which fall on days for which they would otherwise have been scheduled to work. If part-time or seasonal personnel do work on a City observed holiday, they will be compensated at their regular hourly wage unless they have worked over 40 hours that week at which time they will be compensated at 1½ time rate.

(g) To be eligible for holiday pay an employee must be on the payroll on the day of the holiday, must have worked or been on paid leave the work day prior to the holiday and the work day following the holiday.

(h) Holidays occurring during an employee's paid vacation time will be credited as a holiday and not as a vacation day.

(i) Consideration will be given to employees wishing to observe other religious holidays not a part of the official city holidays. The leave may be charged to vacation, or leave without pay.

(j) Employees, regardless of shift, shall be granted two (2) shifts as floating holidays.

(1) To be eligible for the floating holidays, an employee must have been a regular full-time employee for six (6) months prior to taking such holiday.

(2) Floating holidays must be taken in their entirety and may not be used in increments.

(k) In the rare event of early closure due to weather, natural disaster or unforeseen circumstances, the employees shall be compensated for the entire day as to avoid financial hardship if the employee has already made it to the location of

employment (City Hall, Public Works Garage, EMS Facility, Police Department, Parks Facility, etc.)

4-17. Vacation.

(a) *Amount:*

- (1) Employees in the classified service and unclassified service (excluding elected employees) employed at work on a regular basis of at least forty (40) hours per

week, but not on a 24 hour shift, shall earn vacation time at the following rate, up to a maximum accumulation of two hundred eighty (280) hours:

Classified and Unclassified Employees on shifts less than 24 hours		
Months of Service	Accrual Hours Per Payroll	Max Amount of Accrual Hours
0 – 59	3.7	280
60 – 119	4.7	280
120 – 179	5.6	280
180 – 239	6.5	280
240 +	7.4	280

- (2) Employees in the classified service employed to work on a regular basis of a twenty-four-hour shift day, **and any member of Emergency Medical Services employed prior to January 1, 2017** shall earn vacation time at the following rate up to a maximum accumulation of two hundred eighty-eight (288) hours:

Classified Employees on scheduled to work 24 Hour Shifts		
Months of Service	Accrual Hours Per Payroll	Max Amount of Accrual Hours
0 – 59	4.7	288
60 – 119	6.5	288
120 – 179	8.3	288
180 – 239	10.2	288
240 +	12	288

- (b) *When accrued:* Employees, hired on a full-time basis, shall begin accruing leave at the above scheduled rate with their first payroll.
- (c) *When taken:*
- (1) Vacation requests must be submitted on an absence request form electronically or via hard copy and be approved by the City Administrator or his/her delegate.
 - (2) Vacation leave with pay must be earned before it can be taken.
 - (3) Each Department Head shall schedule vacation leave **on a first come, first served basis. with particular regard to the seniority of employees.**
 - (4) No employee shall be permitted to waive vacation for the purpose of receiving double pay.
- (d) *Holiday during scheduled vacation:* Any holiday which shall occur during an employee's scheduled vacation period shall not be counted as a day of vacation.
- (e) *Sick leave:* Sick leave may not be used to augment vacation time, but earned vacation may be used to augment exhausted sick leave.
- (f) *Vacation pay upon separation from employment:* Employees who separate from City

employment in good standing by giving fourteen (14) calendar days' notice of resignation shall be paid for all vacation accrued but not taken by the date of termination.

Employees terminated by the City for cause or who resign without proper notification shall forfeit accrued vacation credits, unless otherwise disallowed by applicable laws then existing.

4-18. Sick Leave.

Paid sick leave is not required by law and is provided for the benefit of the employee. The City reserves the right to control how, when and in what increments sick leave may be used.

(a) *Amount:*

- (1) Employees in the classified service and the unclassified service, but excluding elected employees, employed to work on a regular basis of forty (40) hours per week, five (5) days per week, shall earn sick leave at the rate of three and seven tenths (3.7) hours per pay period.
- (2) Employees in the classified service, employed to work on a regular basis of a twenty-four-hour shift day, **and any member of Emergency Medical Services employed prior to January 1, 2017** shall earn sick leave at the rate of five and one tenth (5.1) hours per pay period.

(b) *When accrued:* Employees, hired on full-time basis, shall begin accruing sick leave immediately—regardless of whether they have completed their probationary period.

(c) *When taken:*

- (1) Sick leave shall be available for use by an employee upon accrual.
- (2) Sick leave must be earned before it can be taken.
- (3) The following absences are chargeable to sick leave when approved by the City Administrator or his delegate:
 - (A) Loss of work due to illness or injury, including pregnancy, childbirth and related medical conditions.
 - (B) Personal doctor or dentist appointments when emergency or otherwise unavoidable circumstances make it impossible to schedule such appointments during nonworking hours.
 - (C) Necessary care for a family member of the immediate family.
 - (D) Sick leave requests must be approved by the City Administrator or his delegate prior to payroll action.

(d) *Holidays during sick leave:* Any holiday occurring during a period of illness will not be charged against sick leave.

(e) *Illness while on vacation:* No refund of vacation time shall be allowed for illness incurred while on vacation.

(f) *Vacation may augment sick leave:* Vacation credits may be used to augment exhausted sick leave; but sick leave may not be used to augment vacation.

(g) *Pay during illness:* The sick leave program, the weekly indemnity insurance plan, and worker's compensation are intended as a protection against loss of wages during illness or injury when the employee is unable to work. They are not intended to exceed the employee's monthly salary.

- (h) *Sick leave accumulation:*
 - (1) There will be a cap of 1,040 hours placed on sick leave accrual. This cap will be enforced on the last pay period of the fiscal year. Any amount accrued over the cap will be adjusted off.
 - (2) Current employees, as of **April XX, 2017**, with more than 1,040 hours will not lose any accrued time but they will not accrue additional leave until they drop below the cap.

- (i) *Sick leave buyback:* In October of each year employees with a minimum of 360 accrued sick leave hours will be allowed to sell back up to 96 hours of sick leave at their current rate of pay and based on the longevity chart below.

Months of Service	Sellback Ratio
60 - 119	15%
120 - 179	30%
180 - 239	45%
240+	60%

- (j) *Sick leave upon separation:* Employees will be allowed to sell back up to 40 hours of sick leave upon separation from municipal service in good standing. The City will buyback the sick leave at the employee's current rate of pay. Employees may not utilize this and the annual buyback program in the same fiscal year. After notice of separation is given to the employer, no additional use of sick leave will be allowed
- (k) *Reporting illness:* An employee unable to report to work, intending to claim sick leave, shall report prior to the time his work period is to begin. Advance notification guidelines will be established by the Department Head but will be no less than one hour prior to expected start time. Failure to comply with this paragraph may result in disallowance of sick leave for that absence.
- (l) *Abuse of sick leave:* Sick leave is a benefit provided for the employee but it is not intended to be used to supplement vacation or holidays. The City has adopted specific policies in regards to the use of sick leave and any use for other than the stated purposes in this policy will be considered abuse. Sick employees are encouraged to stay home and recover so as not to cause any of their coworkers to become ill. However, abuse of sick leave impacts not just the employer but also co-workers that are required to cover the absent employees duties. Use of unscheduled sick leave for other than actual illness of the employee or to care for the employee's immediate family will be considered abuse. A pattern of suspected abuse including but not limited to the repeated use of unscheduled sick time on or adjacent to weekends, holidays, vacation, pay day or inclement weather or use after vacation time has been denied (regardless of the number of consecutive days) will be considered abuse. Abuse may result in disciplinary action up to and including termination. This policy will not be applicable to FMLA and ADA qualifying events.
- (m) *Physician's statement required:* Sick leave in excess of two work shifts shall be allowed only after such employee presents to the City Administrator or his delegate a written physician's statement certifying that the employee's condition prevented the employee

from performing his duties. The City Administrator or his delegate shall be entitled to request a physician's statement in such other circumstances as deemed appropriate.

(n) Sick leave may be used to augment bereavement.

4.19. Leaves of Absence.

(a) Family and medical leave (FMLA):

- (1) Family and medical leaves of absence shall be granted to employees who have been employed in the municipal service for at least twelve (12) months and for at least one thousand two hundred fifty (1,250) hours during the year preceding the start of leave.
- (2) Family and medical leaves of absence shall be granted for extended periods of time off work due to those reasons required by federal law, including:
 - (a) Birth of a child, and to care for such child;
 - (b) Placement of a child for adoption or foster care;
 - (c) Caring for the employee's seriously ill spouse, child or parent; or
 - (d) Because of a serious health condition that makes the employee unable to perform his or her job functions;
 - (e) For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status; and
 - (f) To care for a covered service member with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the service member.
- (3) Employees will be required to use vacation or sick leave for their first 40 hours of FMLA. After that time, they can either continue to use their accrued leave or they will be placed on leave without pay.
- (4) Except when impracticable, such as in an emergency situation, family and medical leaves of absence should be requested in writing thirty (30) days in advance.
- (5) Family and medical leave may be granted for periods not exceeding twelve (12) weeks during any twelve-month period measured forward from the first use of FMLA.
- (6) Following leaves of absence, employees shall be entitled to be restored to their former position or to an equivalent position with equivalent employee benefits, pay, and other terms and conditions of employment. An employee among the highest paid ten (10) per cent of the employees employed by the employer may be denied such full restoration if substantial and grievous economic injury to the employer would result and the employee is notified of this decision at the time of the leave request.

- (7) All insurance may be continued for the duration of medical and family leave at the level and under the conditions coverage would have been provided if the

employee had continued in employment. Such insurance and any required co-payment shall be paid prior to the first of the month in which it would otherwise expire.

- (8) Prior to reinstatement from leave for a serious health condition, a doctor's statement indicating the employee is able to perform the essential job functions may be required. If, in the opinion of the City Administrator or his delegate, the employee is not so qualified, the employee shall be examined by a physician selected and paid by the City.

- (b) *Military leave:* The City will follow all federal guidelines concerning Military Leave and corresponding pay.

Before any payment of salary is made covering the period of leave, the employee shall file with the City Administrator or his delegate an official order from the appropriate military authority as evidence of such duty for which military leave pay is granted which order shall contain the certification of the employee's commanding officer of performance of duty in accordance with the terms of such order. Additionally, certification of military pay must be provided so that the City can calculate the appropriate city pay.

- (c) *Personal leave:*

- (1) Personal leaves of absence may be granted to full-time employees based upon employee's length of service, total work record, and the reason for the leave of absence.
- (2) Personal leaves of absence may be granted for extended periods of time off work due to compelling, unique and infrequent personal reasons.
- (3) Personal leaves of absence must be requested in writing to the City Administrator or his delegate in advance, except in emergency situations. Personal leave may be granted, with the approval of the City Administrator or his delegate, for periods not exceeding three (3) months. Extensions may be granted.
- (4) Following personal leaves of absence, the City may endeavor to place the employee in the same or similar job, depending on skill and ability. However, return to municipal service shall be at the convenience of the City. In the event that the employee is not reinstated following termination of leave, the employee shall be deemed separated without prejudice.

- (d) *Miscellaneous provisions:*

- (1) Leave shall be allowed only for the stated purpose. In the event an employee engages in any activity inconsistent with that for which the leave was granted or if he shall accept other unapproved outside employment, he shall be deemed to have tendered his resignation without notice at the effective date of the leave.

- (2) During leaves, except as otherwise provided herein, benefits will not accrue nor will holidays be paid. This applies even if an employee chooses to refuse FMLA. Leave will not constitute a break in service for pension purposes or for merit review purposes, but medical, life and other insurance benefits may be continued at the cost of the employee. Such insurance shall be paid for prior to the first of the month in which it would otherwise expire.

During leaves of more than two weeks, but less than a whole month, vacation and sick pay will accrue in the proportion that the number of days worked during the month bears to the number of work days in that month, rounded to the next whole hour.

- (3) Except as otherwise provided herein, leaves of absence will be without pay.
 - (4) Except in the case of military leave, an employee shall use all his accrued sick leave and vacation prior to being granted unpaid leave. An employee may elect to use accrued vacation benefits during additional military leave, but shall not be required to do so.
- (e) *Jury duty.* Employees shall be granted leave during the time they are summoned to appear for jury duty. They shall be paid their regular salary during their attendance and will be allowed to retain any remuneration received for serving.
- (f) *Bereavement leave.*
- (1) Employees are allowed up to three consecutive days off from regularly scheduled duty with regular pay in the event of the death of an immediate family member as defined previously. ~~To be eligible for paid bereavement leave, the employee must attend the funeral of the deceased relative.~~
 - (2) Employees are allowed up to four hours of bereavement leave to attend the funeral of a fellow regular employee or retiree of the City, provided such absence from duty will not interfere with normal operations of the City.

4-20. Insurance Benefits.

Government regulations define standards to protect the privacy of health information. In the course of the employment relationship, an individual's health information may be used by the City when necessary for the administration of workers' compensation benefits, drug or alcohol testing, or health insurance plan benefits. You may be asked to sign an authorization form to permit a Medical Provider or health plan to disclose health information to the City. Any such disclosure will only be used for the specific purpose of the disclosure and the City will take all reasonable precautions to protect the privacy of this information.

The following benefits are provided by the City for the employees. Additional benefits may be made available to the employee from time to time on an individual subscription basis:

- (a) *Worker's compensation insurance.* Employees who are injured or become ill during the course of work are covered by the state worker's compensation act. Employees injured on the job or suffering a work-related illness shall notify their supervisor as soon as possible following the injury or illness.

- (b) The City makes available health, dental and vision care coverages in combination with a life insurance benefit plan for full-time employees and their dependents. The employee shall select life insurance coverage from available options at the employee's cost. In addition, the employee may select health, dental and/or vision care coverage for himself and his dependents, to which the City will contribute an amount determined by the board of aldermen per month per employee for single health care coverage and a separate amount determined by the board of aldermen per month per employee for dental, vision and family health care coverage. Health, dental and vision coverage in excess of the amount determined by the board of aldermen shall be paid for by the employee through payroll deduction.

4-21. Pension Plans.

Membership in pension plans are provided for employees subject to the terms and conditions of the specific trust agreement and/or contract provisions governing such plans.

4-22. Worksite Breastfeeding

Employees shall be provided a place to breastfeed or express their milk. An employee lactation room shall be provided as a private and sanitary place for breastfeeding employees to express their milk during work hours. This room provides an electrical outlet, chair, and nearby access to running water. Employees may use their private office area for breastfeeding or milk expression, if they prefer.

A refrigerator will be made available for safe storage of expressed breastmilk. Employees may use their own cooler packs to store expressed breastmilk, or may store milk in the refrigerator/freezer. Employees should provide their own containers, clearly labeled with name and date. Those using the refrigerator are responsible for keeping it clean.

Employees shall be provided flexible breaks to accommodate breastfeeding or milk expression. A breastfeeding employee shall be provided a flexible schedule for breastfeeding or pumping to provide breastmilk for her child. The time will not exceed normal time allowed for lunch and breaks. For time above and beyond normal lunch and breaks, sick/annual leave time must be used, or the employee can come in a little early or leave a little later to make up the time.

Please contact the Human Resources Manager to discuss.

4-23. Employee Conduct

It is the policy of the City that certain rules and regulation regarding employee behavior are necessary for the efficient operation of the City and for the benefit and protection of the rights and safety of all. Conduct that interferes with operations brings discredit to the City and/or is offensive to citizens or fellow employees will not be tolerated. This section outlines some basic guidelines, bearing in mind that it is impossible to list every possible conduct rule and infraction. The discipline policies cannot cover all circumstances that arise in the employment relationship. Additional reasons for disciplinary action may be necessary depending on the circumstances. While the City may in some cases utilize progressive discipline, employees remain employees at will and may be summarily terminated at any time with or without cause. Discipline—progressive or not—may always include corrective actions up to an including termination.

- (a) All employees are expected to conduct themselves and behave in a manner which is conducive to the efficient operation of the City. As an illustration, some misconduct

which may result in corrective action, up to and including termination, includes failing to abide by the following basic conduct rules:

- (1) Reporting to work punctually as scheduled and being at the workstation—ready for work, at the assigned starting time.
 - (2) Notifying their supervisor when the employee will be absent from work, or is unable to report for work on time.
 - (3) Complying with all City safety and health regulations.
 - (4) Smoking only in specifically designated areas.
 - (5) Wearing clothing appropriate for the work being performed.
 - (6) Performing assigned tasks efficiently and effectively.
 - (7) Maintaining work place and work area cleanliness and orderliness.
 - (8) Treating all citizens and visitors as guest of the City.
 - (9) Endeavoring to rectify identified and/or known poor performance in carrying out job assignments.
- (b) A non-exhaustive list of severe misconduct most likely to result in severe discipline, such as immediate termination, follows:
- (1) The use of alcoholic beverages on City property, work sites or reporting for work while under the influence of alcoholic beverages, or controlled substances which are not prescribed for that employee.
 - (2) Sleeping while on duty.
 - (3) Unacceptable demeanor about work that is visible to coworkers and influences the work environment.
 - (4) Sexual harassment and / or discrimination.
 - (5) Insubordination – the refusal by an employee to follow management’s instructions concerning a job-related matter.
 - (6) Theft or misuse of City property, or of another employee’s property.
 - (7) Falsifying any City record or report, such as an application for employment, a production record, a time card, or shipping or receiving records.
 - (8) Being convicted of a crime of moral turpitude.
 - (9) Being absent without leave.
 - (10) Excessive tardiness or abuse of sick leave.
 - (11) Abuse or damage to City property through negligence or carelessness.
 - (12) Willfully giving a false statement to an investigator during an official investigation.
 - (13) Soliciting, obtaining, accepting or retaining any gift and/or other personal benefit from any supplier, vendor, customer/client, individual or organization doing or seeking business with the City.
 - (14) Unauthorized disclosure of confidential information.

SEPARATION FROM MUNICIPAL SERVICE

4-24. Resignations.

- (a) Any employee may resign in good standing by presenting his resignation in writing fourteen (14) calendar days prior to the effective date and continuing to perform assigned duties without disruption or violation of City policies. Resignation without such advance notice and observance of conduct rules and City policies will result in forfeiture

of all accrued vacation, unless otherwise prohibited by then-existing applicable laws. Such resignation shall be promptly forwarded to the human resources office.

- (b) At the discretion of the Department Head, the employee may be allowed to leave immediately after notice and still be considered to have left in good standing if it is more convenient for the department.

4-25. Reduction in Force; Layoff.

An employee may be separated from municipal service without prejudice because of lack of funds or curtailment of work. Ordinarily, the City gives notice of at least ten (10) working days to such employees prior to separation.

4-26. Separation Pay.

- (a) Upon separation from City employment in good standing employees will receive payment for unused vacation credits accrued and time worked.
- (b) Separated employees will be allowed to sell back up to 40 hours of sick leave upon separation from municipal service in good standing. The City will buy back the sick leave at the employee's current rate of pay. Employees may not utilize this and the annual buyback program in the same fiscal year. After notice of separation is given to the employer no additional use of sick leave will be allowed.
- (c) Upon separation with prejudice, employees will receive payment only for time worked.
- (d) Notwithstanding the foregoing paragraph, no separation pay shall be paid until all property issued to the employee has been returned and all financial obligations to the City have been satisfied.

4-27. Termination.

Any employee may be separated from the municipal service as a result of disciplinary action as hereinafter provided and such separation shall be "with prejudice." However, no separation shall be with prejudice until such time as his termination has become final.

CITIZENS PERSONNEL COMPLAINTS

4-28. Purpose.

It is recognized that many citizens will evaluate the municipal government upon the basis of their observation of and interaction with municipal employees. Therefore, employees should at all times perform their duties efficiently, effectively and with due consideration to the rights of the citizens involved.

This provision excludes the Police Department as they host a separate internal affairs procedure.

4-29. Complaints in Writing.

Unless otherwise addressed in Department policy, all citizens complaints shall be submitted in writing for submission and contain a brief statement of the facts, the complaint and the requests or recommendations, if any, and shall be sworn to by the complainant to be true to the best knowledge and belief of the complainant **before a notary public.**

4-30. Delivery.

Unless otherwise addressed in Department policy, any such written, ~~notarized~~ complaint shall be delivered to the office of the City Administrator, or his delegate, and any complaint which is misdirected by any citizen by delivery to any other person in the municipal service shall promptly be forwarded to the City Administrator, or his delegate. Failure to forward written complaints shall constitute grounds for disciplinary action.

4-31. City Administrator's Duties.

Unless otherwise delegated to a Department Head and described in Department policy, it shall be the duty of the City Administrator or his delegate, upon receipt of any complaint, to initiate an investigation. Upon conclusion of the investigation, the City Administrator or his delegate may find the complaint to be without merit, take corrective action as he deems appropriate, or take appropriate disciplinary action against the employee involved.

GRIEVANCE POLICY

4-32. Purpose.

The City wishes to encourage employees to resolve any conflicts and grievances which arise in the workplace as quickly as possible through informal means. This procedure is designed to provide a framework for the efficient and effective resolution of difficulties that may arise in the workplace, through open communication and discussion between colleagues. The aim of the procedure is to ensure that employees who feel aggrieved about the way they have been treated, either by management or by their colleagues, are given the opportunity to express their views and to have the issues resolved in a fair and speedy manner. The procedure seeks to achieve solutions through appropriate informal methods prior to the use of the formal processes, and is concerned to achieve a mutually acceptable resolution rather than to establish guilt or innocence. The procedure does not provide for sanctions against anyone involved. A separate procedure exists to deal with disciplinary issues.

4-33. Policy.

Employees are strongly encouraged to use informal approaches, such as directly discussing the matter with the person(s) involved, rather than to use the formal procedure. Only if the informal methods fail to bear fruit should the employee use the formal procedure. Where a formal grievance is submitted and the employee subsequently opts to seek a solution informally, the grievance will be placed on hold. If any employee is unable to resolve his grievance informally, he may present his grievance to his Department Head within ten (10) calendar days of the incident.

4-34. Grievances to be in Writing.

All grievances shall be in writing and state the problem or problems as well as the recommended solution. Grievances are not intended to be an alternate means of seeking review of discipline but are intended to address employment or working conditions which affect the grieving employee uniquely or the group of employees of which the grieving employee is a representative member; grievances may also address disagreements or relationships between employees or groups of employees, including supervisors. Any grievance which is determined to be an attempt to seek review of discipline shall be summarily dismissed.

4-35. Additional Review.

Any party to a grievance who is unsatisfied with the outcome may request additional review by presenting to the City Administrator a copy of the grievance, within five (5) calendar

days of the prior disposition, including the reasons for his dissatisfaction and the relief requested.

If no party to a grievance pursues additional review within the five-calendar-day time limits, all parties will be presumed to have been satisfied with the outcome.

4-36. Protection.

No employee shall be disciplined, discriminated against or otherwise prejudiced in any way because of his proper use of the grievance procedure.

DISCIPLINARY POLICY

4-37. Policy Statement.

As a City of the fourth class, all officers and employees serve at the will of the Mayor and Board of Aldermen. Nevertheless, the Mayor and Board intend to promote efficiency and economy in the operation of the City government. Therefore, it shall be the duty of each employee to maintain high standard of conduct and cooperation in their work for the City.

4-38. Purpose.

It is the policy of the City to encourage fair, efficient and equitable solutions for problems arising out of the employment relationship and to meet the requirements of state and federal law.

(a) Scope of Policy.

These policies and procedures are applicable to conduct or job performance of an employee that results in a decision to impose a disciplinary penalty of demotion, suspension without pay or dismissal. It does not apply to:

- (1) Suspension with pay pending investigation of allegations relating to an employee;
- (2) Decisions not to offer reappointment to persons whose appointment for a stated period expires; or
- (3) Dismissal of employees:
 - (a) Who are appointed by the Board of Aldermen and fall under an employment agreement that defines the terms for separation and appeal;
 - (b) Who occupy positions that are dependent upon funding from a specific source and such funding is not received;
 - (c) As a result of reorganization;
 - (d) Because of financial exigency;
 - (e) During the 180-day probationary period; or
 - (f) Who are appointed for a stated period of less than 180 days.

4-39. Employee Discipline.

Occasionally an employee must face discipline for actions that fail to conform to the conduct or performance expected of a City employee in the employee's position. Only a small percentage of employees ever become involved in such actions.

The primary objective of the City's disciplinary process is to correct the problem. Depending on the type of employee and the seriousness of the act, the following disciplinary measures may be implemented: Remedial training, Counseling, Verbal Reprimand, Written Reprimand, Suspension With Pay, Suspension Without Pay, Demotion, or Termination.

Employees who do not have a separate, individual written employment contract or collective bargaining agreement are employed at the will of the City and are subject to termination at any time, for any reason, with or without cause or notice.

Nothing contained in this Handbook, employment applications, memorandums or other material provided to employees in connection with their employment shall require the City to have "just cause" to terminate employees or otherwise restrict the City's right to terminate an employee at any time or for any reason. Statements of specific grounds for termination set forth in this Handbook or elsewhere are not all-inclusive and are not intended to restrict the City's right to terminate at will.

In certain instances, the City may use a progressive disciplinary approach to discipline. The City is not obligated to use any or all of the progressive disciplinary steps available and may begin the disciplinary process at any level, up to and including immediate discharge, depending, among other things, on the severity of the conduct, the employee's prior work performance and disciplinary history, the employee's length of service and any mitigating or other individual circumstances. Other tools which may be utilized by the City include:

- Probation period in conjunction with disciplinary action. In conjunction with an employee receiving disciplinary action, the Department Head may impose a probationary period. The reasons for the probationary period, as well as the length and desired outcomes, will be included in the written disciplinary action.
- Decision-making leave. Decision-making leave with pay may be appropriate in some situations. It may be used alone, as an alternative to other types of discipline or in combination with other forms of discipline. The purpose of decision-making leave with pay is to give employees time to decide if they wish to remain employed by the City, and if so, whether they can and will correct their behavior.
- Administrative leave. During an investigation into alleged offenses or violations of City policies, the City may, in its sole discretion, place the employee on administrative leave. The leave may be with or without pay.

Supervisory / Managerial Responsibilities.

All employees with the responsibility and authority to supervise and direct employees under their control shall attempt to resolve issues at the lowest possible supervisory level by administering policies and procedures within their scope of authority; documenting their subordinates' job performance, conduct and behavior as appropriate; properly conducting evaluations of subordinates in a timely manner; recommending discipline of subordinates as required under their departmental and/or City policies and procedures.

Supervisors finding the need to discipline a subordinate, at a level above counseling, will prepare a memo to their Department Head outlining: the problem(s), the offense(s) the employee is alleged to have committed and/or policies violated, the actions taken by the supervisor to address the problem(s) and any recommendation for discipline the supervisor believes appropriate for the offense(s). This packet should be forwarded through the supervisor's chain of command to the Department Head for evaluation.

The Department Head will review the packet for thoroughness and accuracy, as well as the appropriateness of the discipline recommended. The Human Resources Department is available for consultation if needed.

The Department Head will forward his recommendation for discipline to the City Administrator for review.

The City Administrator will review the recommendation and may concur, reject, or modify it. Once the City Administrator determines the course of action, the discipline can be imposed, and the employee notified of the decision.

All forms of discipline should be documented and be placed in the employee's personnel file. A copy of all disciplinary memos will ordinarily be provided to the employee prior to inclusion in their file.

This provision excludes the Police Department as they host a separate Internal Affairs procedure.

4-40. Procedure For Appealing Disciplinary Actions.

Disciplinary actions resulting in dismissal, suspension without pay, or demotion may be appealed by the affected employee pursuant to the process set out below. The time limits set forth in the appeal procedure must be adhered to by both the employee and the appropriate supervisory and administrative personnel unless extended for good cause by the Human Resources Manager. The failure of the employee to process the appeal in a timely manner to the next level shall constitute a withdrawal of the appeal. The failure of supervisory or administrative personnel to respond in a timely manner to an appeal shall constitute authorization for the employee to process the appeal to the next step.

Step One:

The employee may present a written appeal to the Department Head or equivalent within five (5) working days from the date of the disciplinary action. The appeal shall contain a clear and concise statement of why the disciplinary action is inappropriate. Within ten (10) working days of the date of the appeal, a written decision shall be mailed to the employee.

Step Two:

If the employee is not satisfied with the step one decision, the employee may present a written request for a hearing before the City Administrator or designee. The request for a hearing must state with particularity why the disciplinary action was inappropriate and/or why the decision of the step one official should be changed. The request must be made within five (5) working days following the date of the appealed decision. The City Administrator shall, in his or her discretion, either hear the appeal in person or appoint a delegate(s) to hear the appeal. The hearing shall be conducted pursuant to the procedure set out below.

Step Three:

~~If the employee is not satisfied with the step two decision, a written appeal may be made to the Mayor of the City within five (5) working days of the date of the step two~~

~~decision and
must state why such decision is incorrect. The review by the Mayor shall be based solely
upon the step two record and shall not include any new issue or evidence. Within a
reasonable period~~

~~of time, not to exceed thirty (30) days following the date of the appeal, a written decision shall be mailed to the employee. The decision of the Mayor is final.~~

Records of Disciplinary Actions.

Copies of all documents pertaining to disciplinary actions shall be filed in the employee's personnel file.

Step Two Hearing Procedures.

- (1) Pre-Hearing Rules and Procedures.
 - (A) *Naming the Delegate(s)* - If the City Administrator elects to appoint a delegate(s) to hear the appeal, the name or names will be furnished to the employee as soon as practical after the selection is made. If more than one person is appointed, one of such persons shall be designated to serve as chair in the notice to the employee.
 - (B) *Challenges to Impartiality* - An employee may challenge the fairness and impartiality of the City Administrator or an appointed delegate(s). The challenge must be in writing and must clearly state the factual basis for the challenge. A challenge of the City Administrator must be made within five (5) days of the date of the request for a hearing and a challenge of a delegate(s) must be made within five (5) days after the date of the notice appointing the delegate(s). It shall be up to the person challenged to determine whether he or she can serve with fairness and impartiality. If the City Administrator determines that he or she cannot be fair and impartial in the consideration of the appeal, he or she shall appoint a delegate(s) to hear the appeal. If a challenged delegate(s) determines that he or she cannot be fair and impartial in the consideration of the appeal, the City Administrator shall appoint another delegate(s).
 - (C) *Time Limits* - The hearing shall be conducted as soon as practical, but not later than twenty (20) working days following the date of the appeal or the appointment of delegate(s).
 - (D) *Discovery Rights and Document Exchange*.
 - i. The employee may request City documents, records, or exhibits. Such request must accompany the step two written appeal. The requested records will be furnished if, in the opinion of the City Administrator or the designated chair, as the case may be, they are relevant to the appeal and are not made confidential by law.
 - ii. At least five (5) days prior to the time set for the hearing, the City representative for the appeal and the employee shall furnish each other with the names of the witnesses to be called, a summary of their expected testimony, and a copy of each document, record or exhibit to be introduced at the hearing.
- (2) Hearing Rules and Procedures.
 - (A) *Role of Hearing Chair*.
 - i. The City Administrator or the delegate designated as chair shall preside at the hearing and ensure the order of presentation as

well as decide on questions of relevancy. The chair shall also have the discretion to determine the form and scope of cross examination allowed during the hearing.

- ii. Upon request, the chair may consult with and be advised by counsel during the hearing.

(B) *Right to Representation.*

The employee has the right to be represented at the hearing by an attorney or other individual representative.

(C) *Hearing Record.*

In all appeal hearings where the employee is represented by an attorney or an individual from an employee organization, a court reporter shall be furnished by the City to transcribe the hearing and swear in witnesses. The party requesting a copy of the transcript of the proceedings shall be responsible for its cost. In all other appeal hearings the City shall tape the hearing and make a copy of the tape available to the employee on request. The transcript of the court reporter or the tape of the proceedings shall be the official record of the hearing.

(D) *Burden of Proof.*

The City has the burden of proving by a preponderance of credible evidence that good cause exists for the disciplinary action and therefore shall have the right to open and close the proceedings.

(E) *Order of Presentation and Right to Cross-Examination.*

- i. The hearing shall consist of opening statements on behalf of the City and the employee and testimony by witnesses called by the City and the employee, with both parties having the right to cross-examine witnesses and make closing statements.
- ii. Relevant exhibits may be introduced by either party and the chair shall take notice of the employee's personnel record.

(F) *City Employees as Witnesses.*

- i. Any employee can be asked to appear as a witness for either party.
- ii. It shall be the duty of an employee requested to testify to do so as to any facts which may be relevant to the appeal.

3. Post-Hearing Rules and Procedure.

- (A) The delegate(s) shall deliberate, prepare and forward written findings and recommendations to the City Administrator within ten (10) working days after the close of the hearing.
- (B) The City Administrator shall mail his or her decision to the employee within ten (10) working days following the receipt of the findings and recommendations from the delegate(s).

- (C) If the City Administrator has heard the appeal, he or she shall mail a written decision to the employee within ten (10) working days after the close of the hearing.

5. COMPENSATION AND CLASSIFICATION PLAN

5-1. The Plan.

A position classification and compensation plan based upon and graded according to assigned work duties and responsibilities, merit and performance shall be developed and maintained by the City Administrator, or his delegate to provide standardization and the proper classification of all positions.

5-2. Purpose.

The classification plan shall be used:

- (1) To provide like pay for like work;
- (2) To establish educational and work experience qualifications, standards for recruiting, testing and other selection purposes;
- (3) To provide appointing authorities with a means of analyzing work distribution, areas of responsibility, lines of authority, and other relevant relationships between individuals and groups of positions;
- (4) To provide a basis for developing standards of work performance;
- (5) To establish lines of promotional opportunity;
- (6) To indicate employee training needs and development potentials;
- (7) To provide uniform and meaningful titles for all applicable positions;
- (8) To provide the fundamental basis of the compensation program and other aspects of the personnel program;
- (9) To provide a level of compensation that will allow the City to compete in the job market with other private and public employers in the area.

5-3. Administration of the Plan.

The City Administrator, or his delegate shall conduct position classification and compensation studies at such times as he deems necessary, when the duties and responsibilities of existing positions have undergone significant change, when new positions are to be established or upon request of the Board of Aldermen, Department Head or affected employee.

5-4. Classification of Positions.

Each position in the classified service shall be classified at the direction of the City Administrator, or his delegate.

5-5. Position Descriptions.

The City shall maintain a master set of all approved position descriptions which shall constitute the official position descriptions of the position classification plan.

Such position descriptions shall be open for inspection in the office of the human resources by the public under reasonable conditions during regular business hours.

5-6. Application of the Compensation Plan.

The compensation plan shall be applied at the direction of the City Administrator.

5-7. Special Allowances.

All employees who use their personal automobiles in the performance of official duties, either as incidental to or a normal part of their regular assignment, shall be reimbursed on a mileage basis as established by the City Administrator, provided they are not paid a monthly expense allowance for the use of the automobile, and provided prior authorization for use was given.

5-8. Working Hours.

- (a) The 7-day workweek is defined as Sunday through Saturday. Pay day is Friday, and most employees are paid on a biweekly basis.
- (b) City offices serving the public shall be open and staffed each working day, from 8:00 a.m. to 5:00 p.m., Monday through Friday. The City Hall hours will be posted on all City Hall entrances. **Barring any unforeseen circumstances, all City Departments should be available by telephone during working hours.**
- (c) Two (2) rest periods of fifteen (15) minutes each may be provided for employees, scheduled at the discretion of the Department Head.
- (d) Assigned work hours may vary between departments and locations to maintain proper work area coverage and service to the community.

5-9. Time Reporting.

Attendance records are Company records, and care must be exercised in recording the hours worked, overtime hours, and absences. Employees are not to clock or sign in or out for other employees or request or allow other employees to log-in for the employee. Violations of this policy may result in appropriate disciplinary action, up to and including immediate discharge.

All non-exempt employees must record the time they arrived/departed and at lunch, each day, on his/her time record. Each employee is responsible only for his/her own recordkeeping.

Once an employee clocks or signs in, work is to commence immediately. Failure to do so is considered falsification of timekeeping records.

If an employee forgets to clock or sign in or out, he or she must notify his or her supervisor immediately so the time may be accurately recorded for payroll.

6. VIOLENCE IN THE WORKPLACE

6-1. Purpose.

The City of Raytown recognizes the need to provide for the safety and security of all employees, citizens and other persons. Therefore, threats, threatening behavior, or acts of violence against employees, citizens or other persons by anyone on the City's property will not be tolerated. This includes physical attacks, verbal or physical threats, destruction of property, sexual harassment, intimidation or abusive language.

6-2. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings set out in this section, unless the context clearly indicates otherwise:

Harassment. Conduct that is unwelcome and may create an intimidating, hostile or offensive work environment.

Intimidation. Actions that are intended to influence another's behavior by use of fear.

Physical attack. Unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, biting, spitting, and throwing objects.

Property damage. Intentional damage to property, which includes property owned by the City, employees, citizens or other persons.

Threat. The expression of intent to cause physical or mental harm. An expression constitutes a threat without regard as to whether the party communicating the threat has the present ability to carry it out and without regard as to whether the expression is contingent, conditional or future.

Workplace violence. Includes but is not limited to harassment, **intimidation**, threats, physical attack or property damage.

6-3. Prohibited Actions.

- (a) It is a violation of this policy to engage in any act of workplace violence, except for law enforcement personnel as authorized by law and within the confines of the law enforcement agency policies.
- (b) No employee or third party, excluding law enforcement personnel is permitted to bring weapons or firearms into the workplace, ~~or onto the City's property~~, or within City vehicles.
- (c) Any person who poses a threat to himself or others shall be removed from the premises and shall remain off City premises pending notification from the respective Department Head, City Administrator or other authorized personnel.
- (d) The City will initiate an appropriate response that may include, but is not limited to, reassignment of job duties, suspension or termination of employment, suspension and/or termination of any business relationship, and/or criminal prosecution of the person or persons involved.

It is a violation of this policy to engage in any act of workplace violence, except for law enforcement personnel as authorized by law and within the confines of the law enforcement agency policies, and for EMS personnel acting within department policy and

protocols, and within the line of duty.

6-4. Employer Responsibilities.

- (a) The City will issue a copy of this policy to all employees. This policy will be provided to new employees during orientation.
- (b) The City shall cooperate fully with police and other law enforcement officials in the investigation and prosecution of violent acts.
- (c) The City understands the sensitivity and confidentiality of the information requested (threats, restraining orders, property damage, harassment, etc.) and recognizes and will respect the privacy of the reporting employee(s) to the extent authorized by law.

6-5. Employee Responsibilities.

- (a) In the workplace, any employee witnessing violence directed against another or him/herself shall call a supervisor or 911, depending on the situation. The employee should also observe the situation and attempt to get information such as the name and description of the perpetrator, but only if it can be done without endangering the employee or others.
- (b) Any employee having knowledge of workplace violence involving any other employee (as victim or perpetrator) must report such an act to a supervisor immediately. Disciplinary action may result if the employee having knowledge of a suspected violent act fails to report the episode.
- (c) All employees who apply for or obtain a protective or restraining order which lists the City's property or City's facilities, as being protected areas must provide this information to the director of his/her department. The director must report this information to the police chief.
- (d) Employees shall cooperate fully with police and other law enforcement officials in the investigation and prosecution of violent acts.
- (e) All employees are encouraged to communicate with each other to be aware of any unusual activity that may identify the potential for or actual occurrence of workplace violence.
- (f) Suggestions for improvements in safety may be channeled through supervisors, the Department Head or Human Resource Manager.

6-6. Implementation.

Managing a potentially violent situation:

- (1) Employees are expected to assist the general public and fellow employees in a courteous manner, but not subject themselves to abusive conduct if:
 - (A) Confronted by a distraught, harassing or abusively angry person. If a person becomes angry or abusive, the employee should courteously attempt to calm the person down. If that does not work, the employee shall ask a supervisor to intervene.
 - (B) Confronted by a person threatening bodily harm. If an employee feels that he/she or another person is threatened, and in danger of imminent bodily harm, the employee should attempt to leave the scene to call 911, if it can

be done safely. If the supervisor is not aware of the situation, the employee must notify the supervisor as soon as it can be done safely.

- (2) Employees who work in the community are at higher risk of workplace violence.
 - (A) Uniformed officers should always wear bullet-proof vests while on duty.
 - (B) If practicable, field employees will be issued a form of communication, such as cellular phones or radios.
 - (C) Employees are instructed not to enter any location if they feel unsafe unless it is necessary.
 - (D) Employees should utilize the “buddy system” when appropriate.
 - (E) Non-law enforcement personnel should ask the police for assistance if warranted.
 - (F) Require field staff should keep a contact person informed of their location.

6-7. Reporting Incidents.

- (a) Each incident of violent behavior, whether committed by another employee or an external individual, must be reported to a supervisor or Department Head. The incident will be assessed and investigated and the Department Head shall determine the appropriate action to be taken. The Human Resource Manager must be informed of all reported incidents of workplace violence.
- (b) In critical incidents, in which serious threat or injury occurs, emergency responders such as public safety (police/fire) and/or ambulance personnel must be notified immediately.

6-8. Conclusion.

This policy is established for the benefit of all employees, citizens, or other person to ensure a safe workplace. Any questions regarding this policy or violence in the workplace should be directed to the Human Resource Manager.

7. SUBSTANCE ABUSE

7-1. Statement of Purpose.

The purpose of this policy is to set consistent and clear-cut guidelines for the handling of substance abuse cases involving City employees. Through implementation of this policy, the City intends to provide a drug/alcohol-free working environment for its employees, and thereby enhance the ability of City employees to deliver safe and efficient service to the community. It is the intent of this policy to approach substance abuse from the point of view that drug and alcohol dependencies are medical and behavioral problems which can and must be treated. In appropriate cases, disciplinary action will be taken in accordance with the provisions of this policy and the disciplinary policy. Nothing in this policy is intended nor shall be construed as a limitation on the power and authority of the City to take disciplinary action under any applicable provision of the disciplinary policy.

Responsibility of the employee. It is the individual responsibility of each employee and applicant for employment to read, understand and abide by the provisions of this policy. Any questions you have about the application of this policy may be directed to supervisory personnel within your own department or to the Human Resource department.

Employees with substance abuse problems must understand that they are personally responsible for seeking evaluation and undertaking rehabilitation. The City encourages such employees to seek help through the employee assistance program, which will be administered in a manner to provide confidentiality for those who seek treatment. Any employee who is aware that he is dependent upon alcohol or drugs and who either voluntarily admits his dependency to his departmental supervisor or voluntarily seeks treatment through the employee assistance program for his problem shall not be subject to discipline for having admitted that he has such a problem, nor for seeking treatment for such a problem.

Those employees who conceal substance abuse problems from supervisors and do not voluntarily seek help through the employee assistance program place their employment with the City in jeopardy. In the event a concealed substance abuse problem adversely affects job performance, causes or contributes to misconduct either on or off duty, or causes the employee to become involved in criminal activity or proceedings, the employee will be subject to formal discipline as prescribed in this policy and in accordance with the disciplinary policy.

Employees who are ordered by supervisory personnel to seek treatment for substance abuse problems through the employee assistance program may also be subject to formal discipline for actions which are in violation of this policy.

Responsibility of the City of Raytown. Management for the City recognizes that cooperation between employees and management is essential in dealing with the problems caused by substance abuse. The official policy of the City shall be to encourage and assist City employees in voluntarily seeking treatment for substance abuse problems through the employee assistance program. In appropriate cases, as an alternative to or in conjunction with formal disciplinary proceedings, an employee may be ordered to seek assistance for substance abuse problems through the employee assistance program. The employee assistance program will be administered in accordance with the specific provisions set out in subsequent sections of this policy.

7-2. Application of this Policy; Definitions.

The provisions of this policy shall apply to all employees of the City and to all applicants for positions with the City. The City shall apply this policy in a manner which is consistent with its obligations under state and federal law.

The terms "controlled substance", "deliver," "drug", "drug paraphernalia", and "manufacture" as used herein, shall have the same meanings as set out in Chapter 195, R.S.Mo. The terms "controlled substance" and "drug" as used herein shall in all instances include prescription drugs, unless specifically excluded.

The term "drug test" shall refer to a urinalysis or other alternative test, consisting of an initial screening test followed by a confirmatory test in the event the results of an initial screening test are positive.

The term "alcohol test" shall refer to testing of a sample of breath or blood to determine the percentage by weight of alcohol in the blood of the tested subject.

"Intoxicants" shall include any beverage or substance containing alcohol for human consumption.

"Public safety position" shall include all positions falling within the following categories: (a) law enforcement officers; (b) jail detention officers.

"Public health position" shall include all health services positions in which the job duties require an employee to: deliver or assist in the delivery of hands-on diagnosis or treatment of

patients; operate, repair, maintain, or sterilize equipment used in the delivery of health care services; prepare, dispense, stock, or otherwise handle prescription drugs.

“Equipment handling position” shall include all positions in which the employee is regularly required as a part of his duties to operate motorized heavy equipment such as dump trucks, solid waste packer trucks, tractors, bulldozers, earth scrapers, road graders, large backhoes, front end loaders, street sweepers, tank trucks, or any other type of heavy duty self-propelled equipment, excluding automobiles and pickup trucks.

“Reasonable suspicion” shall refer to a suspicion based upon objective facts and circumstances from which an ordinarily careful and prudent supervisor could conclude that an individual is in possession of or under the influence of drugs or alcohol while on City property or while on duty. Circumstances which constitute a basis for determining reasonable suspicion include, but are not limited to: (a) a pattern of abnormal or erratic behavior while on duty; (b) information provided by a reliable and credible source; (c) direct observation of drug or alcohol possession or use; (d) presence of the physical symptoms of drug or alcohol use; such as glassy or bloodshot eyes, odor of intoxicants on breath, slurred speech, poor balance, poor coordination, or impaired reflexes; (e) an admission of possession or use of drugs or alcohol by the employee.

“Employee” means a person appointed to a position in the municipal service for which he is compensated on a full-time or part-time basis. The term employee refers to both male and female employees, and the use of the pronouns “he” and “his” in this policy shall in all instances be read to refer to both male and female employees.

7-3. Prohibited Acts and Disciplinary Actions.

- (a) *Grounds for disciplinary action or denial of employment.* Applicants for employment may be denied employment, and employees may be subject to disciplinary action, up to and including dismissal from employment, for commission of any of the following acts:
- (1) Reporting for work, performing work, or applying for work while under the influence of illegal drugs, prescription drugs, or intoxicants;
 - (2) Using, selling, possessing, manufacturing, or delivering controlled substances or drug paraphernalia at any time or place except as authorized by law, whether on or off duty;
 - (3) Consuming intoxicants while on duty, or possessing intoxicants on City property with the intent to consume them while on duty, except in cases where such consumption is permitted or required in the line of duty;
 - (4) Providing or selling intoxicants to any other person while on duty, except in cases where such activity is permitted or required in the line of duty;
 - (5) Testing positive for the presence of drugs or alcohol following completion of testing procedures authorized by Section 7 of this policy;
 - (6) Failing or refusing to submit to a test sample within two (2) hours after the time a request for a test sample was made, causing or attempting to cause the adulteration of a test sample, submitting or attempting to submit a false test sample, or otherwise obstructing the process of testing for the presence of drugs or alcohol.

- (b) *Termination specifically authorized; when.* Termination of an employee shall be specifically authorized when:
- (1) The employee has sold or attempted to sell controlled substances, whether on or off duty;
 - (2) The employee has possessed or has manufactured a controlled substance under circumstances that create a reasonable inference that the employee intended to sell the controlled substance, whether on or off duty;
 - (3) The employee has used, or has been found to be [in] unauthorized possession of, illegal drugs while on duty; or the employee has been found to be on duty while under the influence of illegal drugs, prescription drugs, or intoxicants;
 - (4) The employee has failed or refused to submit a test sample within two (2) hours after the time a request for a test sample was made, has caused or attempted to cause the adulteration of a test sample, or has submitted or attempted to submit a false test sample following a request for submission of a test sample.
 - (5) The employee has previously been ordered by the appointing authority to seek treatment for a substance abuse problem through the employee assistance program or any treatment facility, and has subsequently committed a new offense involving substance abuse which would constitute grounds for discipline under the provisions of this policy.
- (c) *Disciplinary action shall be independent of all other proceedings.* Disciplinary action which may be undertaken pursuant to this policy and the provisions of the disciplinary policy shall constitute an independent administrative action against the employee involved, and shall not be dependent upon or controlled in any manner by any other civil, administrative, or criminal proceedings which are or may be instituted against the employee.

7-4. Testing for the Presence of Alcohol and Drugs; When Authorized; What Substances Will Be Tested for.

- (a) Pre-employment testing. Effective as of the date of the adoption of this policy:
- (1) A copy of this policy shall be provided to each applicant for employment, who shall sign and date the attached "Receipt of Substance Abuse Policy and Consent to Drug and Alcohol Testing" form, which shall then be made a permanent part of the applicant's file. This form shall be competent evidence in any subsequent proceedings that the applicant has received notice of the provisions of this policy and has consented to testing under the provisions stated herein. A refusal by any applicant to execute this form shall constitute grounds for denial of employment.
 - (2) All applicants shall be subject to mandatory testing for the presence of drugs and alcohol in accordance with the testing procedures herein set out, except that City employees who apply for such positions and who have successfully completed testing as a condition of employment with the City shall not be subject to retesting under this subsection. Those applicants subject to mandatory testing who are conditionally appointed to a public safety, public health, or equipment handling position with the City shall be required to undergo drug testing within the fourteen (14) days following their conditional appointment to a position. The mandatory testing provisions of this subsection shall not apply to the promotion

or transfer of a public safety, public health, or equipment handling employee within his own department.

- (3) Applicants who test positive for the presence of drugs or alcohol may be denied employment.
- (b) *Testing of current employees.* Effective as of the date of the adoption of this policy:
- (1) A copy of this policy shall be provided to every City employee, and each employee shall be required to sign and date the attached receipt form, which shall then be made a permanent part of the employee's personnel file. This form shall be competent evidence in any subsequent proceedings that the employee has received notice of the provisions of this policy.
 - (2) All current City employees shall be subject to testing for the presence of drugs, including prescription drugs, and alcohol upon reasonable suspicion that the employee is under the influence of drugs or alcohol while on duty. A request for the testing of an employee may be initiated by any supervisor who has a reasonable suspicion that the employee is under the influence of drugs or alcohol while on duty. Testing shall be authorized if the request is approved by the highest ranking departmental supervisor available to review the request for testing. Those supervisors with authority to approve a request for testing include Department Heads, assistant Department Heads and division heads; and police majors.
 - (3) An employee who has been ordered to seek treatment for a substance abuse problem through the employee assistance program shall be subject to random testing for the presence of drugs or alcohol during the twelve-month period following the date of the notice of referral to the EAP.
 - (4) An employee who is injured in **an accident during** the course of work shall be tested for the presence of drugs and alcohol.
 - (5) An employee who is involved in a property damage or personal damage accident while on duty shall be tested for the presence of drugs and alcohol.
- (c) *Substances to be tested for.* Testing may be administered to detect the presence and concentration of any substance which acts on the central nervous system as a stimulant, a depressant, or has a dissociative effect. Those substances may include, but are not limited to: alcohol, amphetamines/methamphetamines ("speed"), barbiturates ("downers"), benzodiazepines (tranquilizers, such as valium and librium), cannabinoids (marijuana, hashish), cocaine methadone methaqualone (quaaludes), opiates (codeine, heroin, morphine), phencyclidine (PCP, "angel dust"), and propoxyphene (darvon). Drugs not otherwise listed may be tested to the concentration levels for which testing is customarily accurate, as stated in the manufacturer's specifications for the particular test kit or method to be used.

7-5. Testing Procedures; Discipline Which May Be Imposed for Confirmed Positive Test Results; Mandatory and Voluntary Referral to Employee Assistance Program.

- (a) *The testing agency.* Drug and alcohol testing shall be performed by an independent certified laboratory of the City's choice. All testing shall be performed in accordance with accepted scientific standards. Due care shall be taken by the testing agency to respect the dignity and privacy of individuals required to give test samples. The testing agency shall be responsible for maintaining appropriate chain of custody procedures for all test

samples. The testing agency shall be required to retain unused portions of each test sample that has initially shown a positive result for the presence of drugs or alcohol in order that additional testing may be performed on the sample on behalf of the tested employee.

- (b) *Confidentiality of testing information.* All information regarding the testing of applicants and employees shall be confidential. Laboratory reports and test results shall not be placed in an employee's general personnel file, but shall be kept in a separate confidential medical folder that will be securely kept under the control of the Human Resource Manager who is authorized to release the contents of the confidential medical folder only on a strict need-to-know basis to management-level members of the staff of the personnel office, the law department, and the employee's department; to the Board of Aldermen upon request of the Board; and to the tested employee upon request. Disclosure without employee consent is also authorized if: (a) production of the information is compelled by law, or by judicial or administrative process; (b) the information has been placed at issue in a formal dispute between the City and the employee; (c) the information is to be used in administering an employee benefit plan; (d) the information is needed by medical personnel for the diagnosis or treatment of the employee, and he is unable to authorize disclosure.
- (c) *Confirmation of test results.* A test sample which initially yields a positive result shall be tested a second time using a gas chromatography/mass spectrophotometry (GC/MS) test. If the second test confirms the initial positive test result, the employee or applicant shall be notified of the results in writing. The notification shall identify the particular substance or substances found, and shall specify the concentration level. An employee or applicant whose second test confirms the original positive test result may, at his own expense, have additional testing conducted on the original test sample at a qualified laboratory of his own choosing.
- (d) *Consequences of a confirmed positive test result.*
 - (1) *Job applicants.* Job applicants will be denied employment with the City if an initial positive test result has been confirmed by the GC/MS test.
 - (2) *Current employees.* An employee whose initial positive test result has been confirmed by the GC/MS test is subject to disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary response shall include, but are not limited to: (a) the employee's work history, including length of employment, current level of job performance, past disciplinary actions imposed, including a consideration of whether the employee has been previously disciplined or referred to treatment for substance abuse problems; (b) the job classification of the employee; (c) the specific circumstances which caused the testing to be required, including a consideration of whether the employee's actions caused injury to property or to any person, or created an unreasonable risk of injury to property or to any person; (d) previous efforts on the part of the employee to deal with his substance abuse problem; and (e) the degree to which continued employment of the individual would either enhance or impair the ability of the affected City department to deliver safe and efficient service to the community, including a consideration of whether public trust and confidence in the City service would be adversely affected.
- (e) *Mandatory referral to the employee assistance program.* As an alternative to or in conjunction with formal disciplinary proceedings which may be instituted against an employee for a violation of the provisions of this policy, an employee may be ordered to seek assistance for a substance abuse problem through the employee assistance program. The appointing authority is authorized, in appropriate cases, to suspend the

imposition of formal discipline (dismissal, demotion, reduction in compensation, suspension without pay) for a period not to exceed one (1) year, pending the successful completion of assessment, counseling, and rehabilitation by the employee. Written notice of mandatory referral to the employee assistance program shall be given to the employee.

In the event the employee does not complete assessment, counseling, or rehabilitation, the appointing authority may, within the one-year period following the date of written notice of mandatory referral to the EAP, impose such formal discipline as is authorized under this policy and the disciplinary policy for the offense involved. No formal discipline may be imposed for the underlying offense more than one (1) year after notice of mandatory referral to the EAP.

- (f) *Expungement of drug and alcohol testing records.* Upon written request by the tested employee, all records relating to a request for and the results of drug or alcohol testing may be expunged from an employee's file and destroyed if the results of the testing were negative; provided, that if the employee who has been tested files an appeal, the records shall be preserved until the conclusion of all proceedings arising out of the appeal. This subsection shall not apply to pre-employment testing authorized under this policy, and the results of pre-employment testing shall remain a permanent part of an employee's file.

7-6. Employee Assistance Program.

- (a) *Administration of the EAP.* The employee assistance program will be administered by the Human Resource department. The Human Resource Manager shall develop necessary procedures to maintain confidentiality of records and to ensure that the functions of the employee assistance program are properly carried out.
- (b) *Functions of the EAP.* The employee assistance program will function primarily as an intake and referral service for those employees who have either voluntarily sought help for substance abuse problems or who have been directed by the appointing authority to seek assistance through the program. The Human Resource Manager will compile and maintain all information and records necessary to the task of referring employees to substance abuse treatment services, programs, and institutions in the community. The Human Resource Manager will monitor the progress of employees seeking treatment through the EAP to the extent necessary to document and verify proper administration of employee health care or other applicable benefit plans, including use of leave time.
- (c) *Employee use of leave time while seeking and receiving treatment through the EAP.* Employees who are receiving treatment for substance abuse problems through the EAP are entitled to use all forms of accumulated leave time available to them, including sick leave, vacation time, and compensatory time. Should an employee who is receiving treatment through the EAP prefer to take a leave of absence without pay rather than utilize accumulated leave time; or should an employee exhaust all available leave time prior to receiving medical clearance to return to his work duties, the employee may request a leave of absence without pay, in accordance with the leave of absence and benefits policy. Such a request will be considered in light of all the circumstances of the case, including but not limited to the manpower needs of the affected City department, the medical needs of the employee, and the degree of good faith effort displayed by the employee in dealing with his substance abuse problem. Nothing herein shall be construed to require that a leave of absence without pay must be granted in such cases.
- (d) *EAP records to be held in confidence.* All information regarding mandatory referrals to the employee assistance program shall be confidential. Records of EAP shall not be placed in an employee's general personnel file, but shall be kept in a separate

confidential folder that will be securely kept by the Human Resource Manager. The Human Resource Manager is authorized to release the contents of the confidential folder only on a strict need-to-know basis to management-level members of the staff of the law department, the Human Resource office, and the employee's department; to the whole Board of Aldermen upon request of the Board; and to the employee upon request. Disclosure without employee consent is also authorized if: (a) production of the information is compelled by law, or by judicial or administrative process; (b) the information has been placed at issue in a formal dispute between the City and the employee; (c) the information is to be used in administering an employee benefit plan; (d) the information is needed by medical personnel for the diagnosis or treatment of the employee, and he is unable to authorize disclosure.

7-7. Appeal Rights.

An employee who receives formal discipline (dismissal, suspension without pay, demotion, reduction in compensation) for violation of the provisions of this policy is entitled to the appeal rights granted in the review policy, if applicable.

7-8. Statement of Intent to Comply with the Requirements of the Drug-Free Workplace Act.

In addition to the provisions stated in the text of the substance abuse policy of the City, and in accordance with the requirements placed on the City by the provisions of the Drug-Free Workplace Act of 1988, Public Law 100-690, Title V, Subtitle D, all employees of every department of the City are hereby notified as follows:

- (a) The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on, about, or within any property which is owned, leased, operated, used, maintained or occupied by the City of Raytown, Missouri, as a vehicle or site for the performance of work done in connection with a specific federal grant. Employees who violate this prohibition will be subject to disciplinary action up to and including termination; or mandatory referral for substance abuse assessment, counseling, and rehabilitation; or a combination of these actions, in accordance with the provisions of the substance abuse policy of the City.
- (b) In furtherance of the City's obligation to provide a drug-free workplace, the Human Resource Manager shall establish a drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;
 - (2) The City's policy of maintaining a drug-free workplace;
 - (3) Available sources for drug counseling, rehabilitation, an employee assistance program for substance abuse problems; and
 - (4) The penalties which may be imposed on employees who commit drug abuse violations in the workplace.
- (c) Every employee who is engaged in the performance of any work connected with a federal grant shall be provided with a copy of this statement and of the substance abuse policy of the City.

- (d) Every employee who is engaged in the performance of any work connected with a federal grant shall, as a condition of employment under the grant:
 - (1) Abide by the terms of this statement and of the substance abuse policy of the City;
 - (2) Notify the City of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.
- (e) The City will notify the federal agency through which a grant is administered within ten (10) days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction.
- (f) The City will take one (1) or more of the following actions within thirty (30) days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
 - (1) Impose appropriate personnel action against such an employee, up to and including termination;
 - (2) Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.
- (g) The City will make a good faith effort to continue to maintain a drug-free workplace through implementation of the provisions of this statement and of the substance abuse policy of the City.

Appendix

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Cellular Phone Allowance	Board of Aldermen	July 1, 2012	12-21-2016

I the undersigned employee make a formal request to receive the cellular phone allowance authorized by policy as reimbursement for utilizing my personal cellular phone for city purposes instead of utilizing a city owned phone. I have received and read the cellular phone allowance policy and agree to abide by all rules and regulations required within said policy.

Employee

Date

Department Head

Date

City Administrator

Date

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Cellular Phone Allowance	Board of Aldermen	July 1, 2012	12-21-2016

POLICY STATEMENT:

For those employees required to carry a cell phone for City of Raytown, Missouri (hereinafter "City") business the City will offer the option to either carry a City-issued phone or receive a phone allowance of \$40 per month, at the discretion of the Department Head.

If the employee chooses to receive the phone allowance they will be required to carry their personnel phone during work hours and at other times as deemed necessary by their supervisor. It will also be the responsibility of the employee to ensure that the appropriate City staff is aware of the phone number and that the contact information is kept current. Any employee that receives the cell phone allowance that fails to maintain their personal service will be required to reimburse the city for the months the service is inactive and may be subject to disciplinary action. There will be no requirement to track or submit personal versus city usage as the reimbursement will be a flat \$40 regardless of usage.

If the employee chooses to utilize a City-issued phone, they may be responsible for any damage or lost phones or accessories. The employee will be required to reimburse the City for any non-work related charges on the monthly bill.

Employees may change their preference of a City-issued phone versus using their personal phone only once every two years.

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Use of City-Owned/Leased Vehicles	Board of Aldermen	Jan 1, 2017	12-21-2016

POLICY STATEMENT:

City-owned vehicles are to be used for official City business only. Assignments of City vehicles are subject to the approval of the City Administrator.

Vehicles cannot be used to transport other family members or to attend to personal errands. Passengers in City vehicles are allowed when their presence relates to City business.

Exceptions to this policy may be made with approval by the City Administrator.

Mileage from Home to Work in City Vehicles. The use of a City vehicle to commute to and from work is considered a taxable benefit per IRS guidelines. For tax purposes, those employees authorized to take a City vehicle home will be taxed based on IRS regulation 26 CFR 1.274-5. This tax will be calculated each payroll. (Subject to change with IRS regulations.)

Responsibility of Drivers. Employees operating City vehicles are expected to practice all safety precautions when utilizing a City vehicle. Any employee operating a City vehicle must have an applicable valid driver's license which must be on or accompanying the employee when driving such a vehicle. Seat belts shall be worn by all City employees and passengers while operating or riding in a City vehicle in accordance with State Statutes. Employees may not write, send or read written communications on their wireless communication device while driving. This prohibition includes, but is not limited to, text messages, instant messages, and electronic mail. Failure to comply with these policies may subject the employee to disciplinary action up to and including termination.

Accidents Involving City owned Vehicles. If an employee has an accident while operating a City-owned vehicle which results in personal injury or property damage, the employee shall notify the Police Department immediately and then notify his supervisor. This should be done regardless of how minor the accident appears. The employee shall insist that all parties and property concerned remain at the scene of the accident until police officers can investigate the incident. The employee shall take a mandatory drug test within two hours of an accident involving a City-owned or leased vehicle. Supervisors shall report all accidents to the City Clerk.

Use of Private Vehicles for City Business. If employees are required to use a personal car in the performance of official duties for the City, they may receive a mileage rate as established by the Internal Revenue Service. Expenses for mileage must be submitted to and approved by the employee's Department Head or the City Administrator in the case of a Department Head. Personal injuries may be covered under the Workers' Compensation program; however, damage to personal property is not covered or reimbursed by the City. Adequate auto insurance is required and documentation of coverage may be requested at any time.

Driver License Reviews. The City reserves the right to annually review the driving record of all employees who are authorized to drive a City vehicle or who receive an automobile allowance and are required by their job description to hold a valid driver's license. This screening takes place in order to protect the City and its citizens from liability in the event that a City employee has an accident and someone is injured or property is damaged and to help ensure accountability and responsibility for safe driving when public funds are involved.

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Electronic Communication and Internet Usage	Board of Aldermen	Jan. 1, 2017	12-21-2016

POLICY STATEMENT:

The City recognizes that use of the Internet has many benefits and can make communication more efficient and effective; therefore, employees are encouraged to use the Internet appropriately. Generally, e-mail is not private or confidential. All electronic communications are property of the City of Raytown, Missouri (hereinafter "City"), and the City reserves the right to examine, monitor and regulate e-mail messages, directories and files, as well as Internet usage. Also, the Internet is not secure so do not assume that others cannot read, or possibly alter, your messages. Bear in mind that internal and external e-mail messages may be considered business records subject to discovery in the event of litigation. Be aware of this possibility when sending e-mail within and outside the City.

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
On Call Policy	Board of Aldermen	Jan 1, 2017	12-21-2016

POLICY STATEMENT:

The on-call period will start at a day and time as determined by each department.

The on-call period for each day in which the staff member is to be on standby, but has worked a regular shift, will begin immediately upon the end of said regular shift.

Hourly staff that carry a cell phone or pager for the purpose of responding to after-hours calls (on-call) shall be paid one (1) dollar per-hour standby pay for each hour they are on standby and not on regular paid status.

When called and it is determined that the event does not require the employee to report for duty, that employee will be paid for one (1) hour of time worked.

When called and the need to respond to work is confirmed, the on-call employee shall remain on standby status until they have reported to their regular location of work or the call location, as determined by each department. When the on-call employee has reported for work, they will be on the clock until returned back to standby status or two (2) hours of time worked, whichever is greater.

Overtime pay will not take effect until the employee has worked the required forty (40) hours in a single work week, including any calls out. Standby pay, vacation, sick leave, and holiday pay do not count toward the overtime threshold.

Overtime pay for the Police Department will not take effect until the employee has worked the required eighty (80) regular hours in the two-week pay period, including any calls out. Standby pay, vacation, sick leave and holiday pay do not count toward the overtime threshold.

The following exceptions to the rules above apply as follows:

- (1) Additional calls that occur during the original one (1) hour period when a call does not require that a person report for duty will be handled as part of the original call and the employee will remain on the clock and a new call or one (1) hour period will not be started.
- (2) Additional calls for service required that occur during the original two (2) hour period of pay will be handled as part of the original call and the employee will remain on the clock and a new call or two (2) hour period will not be started.
- (3) Calls that occur less than two (2) hours before the beginning of a normal shift will be paid from the time the call is received until the start of the work day.
- (4) Standby pay ends when either a callout begins or the employee is otherwise on the clock (paid status). Total pay may not exceed twenty-four (24) hours of standby and paid status in a twenty-four (24) hour period.

No individual shall be on-call for more than two consecutive weeks without at least a one-week break.

The person on-call shall return any call or page within fifteen (15) minutes.

The person on-call shall, if called out, report for duty within one (1) hour.

The on-call team shall maintain the ability to report to work without impairment during the entire length of the tour of duty.

It shall be the discretion of each department and its Department Head thereof to determine what constitutes a call that requires a person to report for duty. Every person who may be on-call shall know the calls for which they must respond back to work according to their department policies.

In the case of an injury accident involving a City vehicle or equipment or other property damage, a supervisor must be called and respond to the scene **if possible**.

In the event the on-call employee determines there to be a need for additional help, they must first contact a supervisor for approval.

When there is a real probability that the media may try to interview the on-call employee, all questions shall be directed to the supervisor and/or Department Head **or his/her designee (example: Public Information Officer)**

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
On Call Policy – Police Department	Board of Aldermen	Jan 1, 2017	12-21-2016

POLICY STATEMENT:

The on-call period for personnel will begin immediately upon the end of said regular shift or as designated by the appropriate call rotation schedule.

When on-call personnel are contacted and it is determined that the event does not require the employee to report for duty, that employee will be paid for one (1) hour of time worked.

When the on-call employee has been called to report for work, they will be on the clock until returned back to standby status or two (2) hours of time worked, whichever is greater.

Overtime pay for the Police Department will not take effect until the employee has worked the required eighty (80) regular hours in the two-week pay period, including any calls out. Vacation, sick leave and holiday pay do not count toward the overtime threshold.

The following exceptions to the rules above apply as follows:

- (1) Additional calls that occur during the original one (1) hour period when a call does not require that a person report for duty will be handled as part of the original call and the employee will remain on the clock and a new call or one (1) hour period will not be started.
- (2) Additional calls for service required that occur during the original two (2) hour period of pay will be handled as part of the original call and the employee will remain on the clock and a new call or two (2) hour period will not be started.
- (3) Calls that occur less than two (2) hours before the beginning of a normal shift will be paid from the time the call is received until the start of the work day.
- (4) Work duties that occur outside of an employee's regular work day, but are not initiated by a call-out, will be compensated for the actual time worked.

(5) The above listed compensation rules shall also apply to personnel who respond to an emergency call-out who are not the primary on-call personnel (Investigations, crisis negotiation, SWAT, PIO, etc).

The person on-call shall return any call or page within fifteen (15) minutes. The person on-call shall, if called out, report for duty within one (1) hour.

On-call personnel shall maintain the ability to report to work without impairment during the entire length of the on-call period.

Initiation of a call out is defined by applicable Department policy.

In the event the on-call employee determines there to be a need for additional help, they must first contact a supervisor for approval.

When there is a real probability that the media may try to interview the on-call employee, all questions shall be handled in accordance with Department policy 5.000.

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Overtime Policy	Board of Aldermen	Dec. 21, 2016	12-21-2016

POLICY STATEMENT:

The Department Head shall assign to each employee regular work duties and responsibilities which can normally be accomplished within the established workday and work period. However, occasionally, some overtime work may be necessary. It is the responsibility of the Department Head to determine the need for overtime in order to adequately serve the public and to require employees to perform work in excess of the regular work hours. It is also the responsibility of the Department Head to limit overtime by proper staffing, scheduling, and manpower utilization. All overtime arrangements shall be approved by the Department Head.

In accordance with the Fair Labor Standards Act, the City's Department Heads are executive employees and, as such, are not entitled to overtime pay.

An employee shall accrue overtime as provided by the Fair Labor Standards Act, as amended from time to time.

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Take-home On Call City owned vehicles	Board of Aldermen	Jan. 1, 2017	12-21-2016

POLICY STATEMENT:

The use of City-owned vehicles shall be authorized for take home by command staff and those employees that are on an “on-call” status. The primary purpose of the vehicles shall be to facilitate an accelerated response to critical incidents, investigation of a major crime, or response for any City related after hours call out. Giving these employees the ability to respond and to be equipped with the necessary equipment can expedite response to emergency call outs. It will be at the discretion of the Department Head as to whether or not an employee’s on-call status merits the issuance of a City take home vehicle. All City-owned vehicles authorized for take-home usage ~~will~~ **may** be equipped with GPS tracking devices to allow tracking by the City should the need arise.

When an employee uses a vehicle as an on-call vehicle, that employee shall ensure that the vehicle is loaded with all of the equipment that they could reasonable foresee will be needed to respond to their specific call-out status. All gear and/or weapons will be secured within the capabilities of the vehicle being used.

Due to the vehicles being loaded with sensitive gear and/or weapons, it is preferred that, while not in use, the vehicles be secured in a garage at the employee’s residence.

It is recognized that the vehicle may be needed to conduct reasonable tasks that are not directly work related. This might include trips to a pharmacy, grocery store, etc. Such use will be authorized as long as the destinations are a relatively short distance from the employee’s residence or during commutes to/from work. All equipment shall be properly secured while the vehicle is used in such manner. Passengers in take home vehicles are subject to the same restrictions outlined in the City policy on vehicle usage.

When using a City owned vehicle to respond to an incident in an emergency capacity, the employee shall follow all laws, rules and regulations that govern the operation of an emergency vehicle.

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Time Clock Policy	Board of Aldermen	Dec. 1, 2013	12-21-2016

POLICY STATEMENT:

~~All employees (exempt and nonexempt) are required to use the time clock system to record their hours worked. Nonexempt employees are required to clock in/out for payroll and attendance purposes. The time clock records will be used to track attendance for the exempt employee.~~

~~Employees are required to clock in/out at the time clock located in their department using their time clock badge or from their city computer. If there is a problem with the time clock, the employee should notify the supervisor and the supervisor will manually clock the employee in.~~

~~Employees should clock in no sooner than 10 minutes before the scheduled shift and clock out no later than 10 minutes after the scheduled shift. Nonexempt office employees are required to clock in/out for lunch breaks in addition to the beginning and end of the day. Those employees who are not provided a lunch break or those who work in the field will follow the policy of their assigned departments for lunch breaks. Nonexempt employees are not permitted to perform any work while not clocked in.~~

~~If the employee misses an entry into the timekeeping system, the employee will notify the supervisor as soon as possible. The supervisor will manually enter the employee's work hours via the manager time clock portal. Employees who consistently miss time clock entries will be subject to disciplinary action.~~

~~Nonexempt employees are permitted to work overtime with prior authorization from the supervisor. Overtime includes clocking in early, late or working through the scheduled lunch period. Nonexempt employees who work overtime without prior authorization will be subject to disciplinary procedures.~~

~~Employees may not use another employee's badge to clock in or clock in for another employee. Employees who have lost a badge will report the lost badge to the facilities and payroll departments. The employee will be issued a new badge with the same employee and department numbers. A new code will be assigned to the new badge. Payroll will notify each department of new badge codes each pay period.~~

~~Supervisors are free to use discretion in disciplinary actions when employees violate the time keeping policy and/or procedure. This could include situations where employees may have clocked in, but are repeatedly absent from their work station during work hours or have missed time clock entries in addition to working unscheduled overtime.~~

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Travel Policy	Board of Aldermen	Jan. 1, 2017	12-21-2016

POLICY STATEMENT:

This policy is applicable to all Raytown City officials and employees and applies to all travel on city business outside the city limits and to all travel reimbursements, subject to budget limitations and authenticated expenses.

A. AUTHORIZATION

The City Administrator or his designee (Department Directors) may authorize travel leave and expenses for City business outside the City. All travel requests must be approved by the Department Director, Finance Director and City Administrator prior to its occurrence. In the event of anything that may constitute a “travel emergency,” contact must be made with the Department Director as soon as possible. All travel requests must be submitted on City approved forms. Any employee traveling on official City business shall be accessible via email/phone/text during the extent of the excursion.

B. COST and TIME

Cost and time should guide employees in selecting the appropriate mode of transportation. The City will typically pay for the least expensive mode of transportation unless approved by the City Administrator.

C. VEHICLES

Normally, when travel is required for City business a City vehicle or personal vehicle may be used. Parking expenses will be reimbursed at 100 percent upon presentation of receipts or evidence of parking costs incurred.

1. City Vehicle – When available, a City vehicle may be used for out of town travel purposes. The City shall pay only for expenses incidental to the use of such vehicle (fuel, oil, repairs, etc.). Receipts will be required for reimbursement of actual expenses pertaining to the City vehicle.
2. Personal Vehicle – Use of a personal vehicle shall be reimbursed at an amount equal to the Standard Mileage Rate established annually by the Internal Revenue Service (IRS).
3. Alternate routes which are desirable because of personal affairs of the traveler can be used, but only on the traveler's time and with the traveler bearing the additional cost of the alternate route. Mileage and expenses incurred on alternate routes must be shown on the expense account that is turned in for reimbursement or for advance in funds request.

D. AIR TRANSPORTATION

1. Airfare is required to be approved in advance by the City Administrator and Department Director and may only be considered if travel is beyond a 200 Mile radius of the City.

2. Airfare shall be Coach or Economy Only.

3. Additionally, reimbursement will be made for the use of rental cars, taxi or bus fares, provided such expenses are necessary and reasonable.

E. FOOD and LODGING

For all travel, the total cost of all meals and incidental expenses (M&IE) which includes tips, snacks, grocery store, etc., will be reimbursed in accordance the regular federal per diem rates and procedures published by the General Services Administration (GSA) www.gsa.gov/portal/category/21287 . Any overages of the per diem expenditures shall be the responsibility of the employee or official. Additional information may be found at the official United States General Services Commission website: www.gsa.gov

Whenever authorized by the City Administrator, lodging expenses associated with official city business travel shall be reimbursed for actual expenses incurred. Receipts will be required and use of a City Purchasing Card is preferred. In the event the employee does not have a Purchasing Card, the City shall provide a cash advance to cover the expenses of the trip or reimburse the employee on charges paid once actual expenses and receipts have been received. Cash advances can be obtained by completing the attached Travel Form.

Lodging will be reimbursed at single rates unless two or more employees occupy a single room, or otherwise approved by the City Administrator. It shall be the policy of the City to reimburse for only lodging that is economical and practical. Lodging rates shall generally comply with published GSA rates. Exceptions to this may be granted when less expensive hotel rooms are unavailable or where conferences are held in or nearby the hotel.

Reimbursement will not be made for alcoholic beverages, entertainment expenses, or other sundry items not relevant to the public purpose of the travel.

F. DAY TRIPS

A day trip is considered a trip made for the purpose of conducting City Business within one hundred (100) miles of the Raytown City limits. For training or meetings in which a meal is not included as part of tuition or registration fees, the IRS per diem schedule applies. Receipts are required and overages of expenditures are the responsibility of the employee or official.

G. ENTERTAINMENT

The City realizes that from time to time, it is necessary to entertain dignitaries and state, federal, and business representatives whenever it may be deemed in the best interest of the City. Such expenses may be reimbursed at the discretion of the City Administrator. Receipts will be required before reimbursement can be made. Whenever practical, prior authorization should be obtained from the City Administrator.

H. TRAVEL ADVANCES and REPORTS

City employees and City officials may request a cash advance prior to traveling on City business in accordance with this policy. Lodging will typically be secured prior to travel and paid for with a City Purchasing Card. Where receipts are required and reimbursement necessary, the employee or official shall submit appropriate documentation to the Finance Department. If cash advances at the per diem rate are obtained, receipts are not required. Cash advances are to be requested two weeks prior to

travel.

TRAVEL POLICY AT-A-GLANCE (details can be found in the above narrative)

1. All travel must be approved prior to the trip including cost and time variants.
2. Travel Requests must include:
 - a. A copy of the itinerary, course registration or formal purpose of the trip.
 - b. Map of the route of travel if traveling by car.
 - c. All foreseen costs of the trip including registration, airfare, anticipated mileage, meal and lodging costs.
3. Employees must be generally accessible during the time of travel via email/phone/text.
4. The City Purchasing Card is the preferred method of payment for travel.
5. A City vehicle is the preferred method of travel.
6. If a personal vehicle is used, the traveler shall be reimbursed mileage based on the IRS rate.
7. Air transportation shall be obtained with the most economical rate (economy/coach)
8. Food and Lodging shall be covered based on the IRS per diem rate.
9. All expenditures over the IRS per diem rate shall be the responsibility of the traveler.
10. Cash advances may be obtained two weeks prior to travel dates utilizing the travel forms.
11. All reimbursements and Purchasing Card expenditures must be accompanied with receipts validating/reconciling the expense.

~~(1) Travel authorization for out-of-town trips must be approved by the City Administrator's Office and the department and/or division head prior to the commencement of a trip. An exception is made in the case of emergency vehicles leaving the City for purposes of an emergency response. Out-of-town trips shall be trips outside the 22 county Kansas City Combined Statistical Area for City business purposes. Prior approval is not required by the City Administrator's Office for day travel.~~

~~(2) No expense voucher for out-of-town travel will be paid by the Finance Department without proper travel authorization. Furthermore, failure to receive the authorization may lead to disciplinary action against any employee, including a department and/or division head.~~

~~(3) The purposes for the Travel Request and Expense Statement are as follows:~~

- ~~i. Documentation of permission granted to have a City vehicle outside of the 22 county Kansas City Combined Statistical Area.~~
- ~~ii. Documentation of City employees attending to City business outside of the 22 county Kansas City Combined Statistical Area.~~
- ~~iii. Review of the business purpose for City employees outside of the 22 county Kansas City Combined Statistical Area.~~
- ~~iv. An advance notice of availability of funds for a particular line item in the budget to ascertain whether budgeted funds are available for employees to travel outside the 22 county Kansas City Combined Statistical Area.~~

~~(4) No Travel Request form is required for day travel where no reimbursement is requested. For day travel where reimbursement is requested, the Travel Request~~

~~portion of the statement may be submitted to the City Administrator's office after the approval of the department head and after the travel has been completed. In all other cases, the completed statement must be submitted through the Finance Department for review of the budget expenditure(s). This is done so that, prior to the City Administrator's authorization, it can be ascertained that sufficient budget resources~~

~~exist for employees to travel outside of the City for their particular purpose and that there has not been a mistake made by the division or department head, or the employee, in preparing the travel statement.~~

- ~~(5) In the event an employee travels in-state or out-of-state on a scheduled airline, travel must be the most economical available. Rental or charter aircraft may be allowed if determined by the City Administrator to be of benefit to the City. In no event will the City pay for first class travel unless no other method of transportation is available and prior approval from the City Administrator is received.~~

- ~~(6) Elected officials and employees should reasonably limit the payment of or reimbursements for actual and necessary expenditures for travel and subsistence for attendance at duly authorized conventions, seminars and programs at which they are scheduled to attend or participate. All means of travel and accommodations shall be at the lowest reasonable and appropriate class or rate available under the circumstances. If equivalent local or in-state programs are available, such programs shall be utilized. The expenditure of public money for alcoholic beverages shall be prohibited.~~
- ~~(7) If an attendee arrives more than one day prior to any meeting or conference, or extends an out-of-town stay for personal reasons, the expenses associated with such extra time are considered personal and are not reimbursable by the City. Extending an out-of-town stay for personal reasons when an employee is using a City vehicle is not permitted. Extending an out-of-town stay for more than one day prior to or after a meeting or conference is permitted if lower airfare can be obtained with the extension, but approval from the department head and City Administrator must be obtained prior to finalizing such arrangements. The only exceptions to an out-of-town stay being extended are in the case of illness, acts of nature, accident, or injury to the employee, which would preclude the employee's immediate return to the City. In any event, the City should be notified of such an occurrence.~~
- ~~(8) Use of City Vehicles. The City provides vehicles to certain employees to perform their daily functions, and these vehicles will be used for travel when necessary. For City employees not furnished vehicles, the City has a pool car available which may be used unless the car is unavailable. If a City vehicle is not available, the Department Head may authorize the use of a personal vehicle by the employee, in which case the City will reimburse the employee at the IRS approved mileage rate to the meeting site and back using the shortest route possible. The employee will be required to obtain exact mileage information from a web site travel navigator such as Google Map, or Bing Maps and Directions. This identified mileage estimate will be strictly adhered to when reimbursement is calculated.~~
- ~~(9) Any employee utilizing their personal car must maintain appropriate liability insurance.~~
- ~~(10) If an employee is required to attend an out-of-town meeting or conference, the time spent traveling is counted as "hours worked". Traveling to and from the work site and regular meal period times are not counted as "hours worked". Department heads and supervisors may use flexible time schedules throughout the week in which an employee travels in order to eliminate the need to pay overtime.~~
- ~~(11) City vehicles are to be used for City business purposes for travel outside the City. Passengers in City vehicles should include only the following (unless prior-written approval from the City Administrator is received under special circumstances):~~
- ~~i. City Employees;~~
 - ~~ii. City Board Members;~~

~~iii. Participants in City programs (i.e., City sponsored committees, etc.); and iv. Personnel from other governmental agencies who may be attending the same meeting.~~

~~Note: In the event other governmental personnel or other individuals attending the same meeting, as previously indicated, they may “car pool” with~~

~~City of Raytown personnel to that meeting. It should be determined prior to any request for travel whether or not this will be occurring and what the policy is of that party or governmental agency to reimburse for mileage, gasoline, and parking. This information should be noted on the travel authorization. However, the City will not prohibit car-pooling if another agency does not have a provision for reimbursing the City.~~

~~(12) In the event the City employee is utilizing a City vehicle and has a breakdown, and the cost of repairing that breakdown is minimal (such as repairing a fan belt or flat tire, etc.), the employee will be reimbursed upon presenting a receipt for the repair. In the event of a major breakdown of a City vehicle, the employee should contact the Director of Public Works or their designee who will make arrangements for the repair of that vehicle for the employee. The employee will contact and coordinate with the employee's department head appropriate travel arrangements so that the employee may return or continue the trip.~~

~~(13) Employees utilizing City vehicles or their own vehicle are reminded that deviating from normally traveled routes to and from the meeting site and after arriving at the meeting site may result in the exclusion of 'Workers' Compensation and other insurance coverage. Employees are further reminded of the City's personnel policy regarding the use of drugs and alcohol, which could result in the employee's dismissal.~~

~~(14) All traffic offenses, parking tickets, or other vehicular violations are the responsibility of the employee and will not be paid by the City. Furthermore, such offenses could subject the employee to disciplinary action. Employees are expected to use discretion in the use of City-owned vehicles on out-of-city travel.~~

~~(15) The City will pay registration fees for employees to attend authorized training programs, professional conferences and other city-related meetings and functions. The employee will be responsible for the registration or related fees for any spouse or guest programs associated with a conference for which they wish to participate.~~

~~(16) The City will pay for employee's first attempt to obtain required or volunteer Certification(s) for an employee's position. If the employee fails to successfully obtain the certification, the City will only pay for the travel expense that may be accrued during the retest process. The test fees will be the responsibility of the employee.~~

~~(17) The City will reimburse employees for travel expenses incurred while on City business.~~

~~Receipts with detail on the purchase/service are required for reimbursement in all cases. In an instance where an employee has made an expenditure and has not received a receipt for his expenditure he will not be reimbursed. Exceptions to this rule will be considered by the City Administrator's Office upon recommendations of the department head approving the travel voucher. This will be done rarely, and only in the case of approval of the department head upon presentation by the employee of satisfactory written explanation of the request for reimbursement without a receipt.~~

~~(18) Any dispute regarding an employee's reimbursement for travel expenses may~~

~~be discussed with the City Administrator. The City Administrator's decision shall be final and not subject to appeal.~~

~~(19) Any situation where a City employee may travel to a conference or meeting, whether in state or out of state, with their spouse and/or family member, the City will not pay for travel, meals, or incidental expenses for the employee's spouse and/or family member. In the case of lodging, the employee will be required to pay the~~

~~verification/documentation of the difference of rates. Exceptions will be granted for extraordinary circumstances such as when an employee may be receiving an award, but only upon prior approval from the City Administrator's Office.~~

- ~~(20) On in-state or out-of-state travel, the City will cover a reasonable amount for lodging when an employee must be booked into specific lodging for a conference or meeting. All employees should ascertain whether or not government discounts are available and whether or not the hotel or motel involved will direct-bill the City with presentation of a Tax Exemption Certificate. A Tax Exemption Certificate should be obtained from the Finance Director prior to any approved travel out-of-town.~~
- ~~(21) Whenever possible, the City will request that the hotel/motel bill be charged to an assigned City credit card or direct billed to the City. If neither of the above options are available, the employee will be reimbursed for authorized lodging expenses upon presentation of the required receipts. Department heads shall be responsible for authorizing credit card usage by employees in their department.~~
- ~~(22) Any employee using a credit card will be personally responsible for any purchases that do not have receipts attached to the credit card statement. Only City-related expenses may be charged on a credit card. Reimbursements to the City for personal expenses or expenses of the spouse will not be allowed. Personal phone calls or other non-covered charges on motel bills should be paid by the employee at check-out time.~~
- ~~(23) The City employee, in the course of conducting City business or while attending a business meeting will be reimbursed for meal expenses based upon rates published by the GSA for the nearest metropolitan area to the travel destination.~~
- ~~(24) Employees may either utilize the GSA per diem rate for reimbursement without receipts or utilize a city credit card for actual expenses upon presentation of detailed receipts. If the employee is utilizing a city credit card they must keep all detailed receipts and stay within GSA rates for the area of travel. The IRS Schedule for Per Diem reimbursements will be located on the GSA web site at <http://www.gsa.gov/portal/category/21287> and must be used when calculating the IRS rate for the area in which they are traveling. A copy of the web page showing the allowed rate should be attached to the original request for travel.~~
- ~~(25) An employee should not pay for meals of others during a trip, unless it is approved by the department head, or appointing authority. The business purpose of the meal and names of guests must be stated on the travel expense report as well as on the back side of the receipt. At no time will the City reimburse expenses for alcoholic beverages.~~
- ~~(26) Employees will not be reimbursed for meal expenses that have been included as part of conference or meeting registration fees. These meal expenses must be identified on the Travel Request and Reimbursement form with attached copies of registration materials identifying meal(s) scheduled and applicable payment for these meal(s). The maximum meal allowance can be exceeded for reasonable meal expenses integral to conferences and banquets. The City will not be responsible for snacks or beverages not associated with meals.~~
- ~~(27) An employee that travels out of town two hours prior to a regularly scheduled shift is allowed the daily GSA meals expense for breakfast. An employee that~~

~~arrives back in town two hours after the end of the scheduled shift is allowed the daily GSA meals expense for dinner. In some unusual or unique instances, department heads shall be responsible for making determination on breakfast or dinner. When a meal is included~~

~~in a registration fee or transportation cost or provided as an official function, the above amounts will be deducted from the meal allowance. Therefore, if a continental breakfast is provided at the seminar, no allowance for breakfast will be allowed. An employee departing two hours prior and arriving home two hours after a regularly scheduled shift, with no meal provided as part of the function, will be allowed the full GSA rate per day for meals.~~

~~(28) A 15% tip is allowed in addition to the cost of the meal but included in the meal allowance limit. If the employee chooses to leave a larger tip, the difference will be at the employee's expense. If no tip is granted, tip allowance is not reimbursable. While not always feasible, it is preferable (such as when a credit card is used) to include documentation of the tip.~~

~~(29) If a City employee, acting with discretion and in the interest of City business, purchases a meal for any member of the public, a receipt is also required. Adequate documentation listing the purpose and participants of the setting of the expense should be submitted with the receipt. If such an expense should occur, the amount expended for the guest will not be considered as part of the meal allowance for the employee.~~

~~(30) Foregoing a meal does not allow the employee to accumulate eligible meal allowances.~~

~~For example: if an employee is eligible for breakfast and lunch, but they elect not to eat breakfast, the employee will only be eligible for the lunch allowance.~~

~~(31) The City will not, under any circumstances, pay for or reimburse employees for the purchase of alcoholic beverages or allow alcohol to be purchased with a City credit card.~~

~~(32) Vehicle rental, parking fees, taxi charges, bus or shuttle fares, turnpike expenses and other similar items will be reimbursed when accompanied by a receipt.~~

~~(33) The City will not be responsible for personal expenses such as personal phone calls, beer/alcoholic beverages, snacks, beverages not associated with meals, laundry services or in-room movies that are either charged to the room or otherwise incurred.~~

~~(34) All employees traveling on City business should be reminded that they are representing the citizens of Raytown, their departments or divisions, and the City of Raytown as a whole. They should conduct themselves in an appropriate and professional manner at all times so as not to bring discredit upon themselves, their departments or divisions, or the City of Raytown.~~

SUBJECT	ISSUED BY	EFFECTIVE DATE	REVISION DATE
Tuition Reimbursement Policy	Board of Aldermen	Jan 1, 2017	12-21-2016

POLICY STATEMENT:

The City of Raytown, Missouri (hereinafter “City”) is committed to providing an incentive for City employees to enhance their knowledge, skills and job performance, and at the same time, increase their value to the City as their employer.

Procedure:

The City provides limited, qualifying tuition reimbursement for college and technical school coursework to City employees pursuant to the following procedures and criteria:

- (1) The employee must submit a written request to his/her department head, prior to enrolling in the class, stating the name of the class, the cost and how it will enhance his/her job performance with the City. The employee also must sign the Employee Educational Tuition/Fees Reimbursement Agreement and Withholding Authorization.
- (2) If approved by the department head, this request will be passed on to the City Administrator. The employee will be notified, in writing, whether the request has been approved or denied by the City Administrator.
- (3) If approved by the City Administrator, the City will reimburse the employee the cost of tuition or enrollment fee upon proof of successful completion of the class and documentation of the paid fees. Successful completion of the class will be determined by a grade of “C” or better in college course work, pass in pass/fail courses, or a certificate designating the successful completion of all requirements set forth by the Technical School.
- (4) Reimbursement shall be limited to one three-hour college course per term, or one technical school course per term. Reimbursement requests will be handled on a first come first served basis while funding is available. **“Term” shall be defined as a college semester or the duration of the single course.**
- (5) The City will not reimburse employees for tuition otherwise paid by grants, scholarships, military education programs or funding from other sources.

EMPLOYEE EDUCATIONAL TUITION/FEES REIMBURSEMENT AGREEMENT

This Agreement is made this date _____, between the City of Raytown, hereinafter "City" and _____, hereinafter "Employee."

As part of this Agreement, in accordance with the Tuition Reimbursement policy, **if termination of employment occurs, either voluntarily or involuntarily, within one year from the date the employee is reimbursed for the class, the employee shall be responsible for reimbursing the City of Raytown the cost of the tuition and/or enrollment fee.** By signing this form you are agreeing for the City to deduct the amount owed from any paycheck(s) remaining after notice of termination is provided. The employee is responsible for any costs exceeding his/her total paycheck(s). The City reserves the right to charge interest on any unpaid balance from the date the final paycheck is issued. The City shall also be entitled to reimbursement of all costs associated with collection, including attorney's fees as permitted by law.

Nothing contained in this Agreement shall alter the status of the employee's employment with the City, which is "at will". The employee acknowledges and understands that employment is of no specific duration and can be terminated at any time by either the employee or the City, with or without cause, for any reason or no reason, at any time. The employee acknowledges and agrees that any representations to the contrary are unauthorized and void.

Employee Signature Date

Department Head Signature Date

WITHHOLDING AUTHORIZATION

I, _____, hereby authorize the City of Raytown to withhold from my last paycheck any amount due under the Employee Educational Tuition/Fees Reimbursement Agreement that I entered with the City of Raytown.

DATE RANGE OF CLASS: _____

TITLE OF CLASS: _____

TOTAL COST OF CLASS: \$_____

I understand that if my employment with the City is terminated, voluntarily or involuntarily, within a year of reimbursement of this class, the amount withheld from my last paycheck(s) will be \$_____.

Date Employee Signature

Application Form Tuition Reimbursement

Training Institution: _____

Degree/Certification Program (if any): _____

To be eligible for reimbursement, training must be directly related to skills needed by the City. To which position(s) does this training apply and how will it help improve your performance of duties and/or personal safety/welfare?

Classes: _____	Credit Hrs _____	Cost \$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Class Description(s):

Dates of Enrollment: From: _____ To: _____

I have read and agree to the terms of the City of Raytown Tuition Reimbursement Policy.

Employee Date

Approved:

Department Head Date

City Administrator Date