



CITY OF CHESTERFIELD

Public Health & Safety Committee Meeting

September 27, 2021

5:30 PM

Conference Room 202

I. Call to Order

II. Roll Call

III. Approval of Minutes

May 18, 2021

IV. Deer Hunting issues

The committee will discuss the City's deer hunting regulations/requirements, particularly regarding notification to contiguous properties.

V. Sweet Gum Trees

The Committee will consider potential regulations/control of Sweet Gum Trees within the City.

VI. Highway Traffic Enforcement

The committee will revisit the previous adopted practice of no stationary radar on the Interstate.

VII. Fireworks

The Committee will review/discuss resident complaints and past and present enforcement practices regarding enforcement of illegal fireworks discharge.

VIII. Crime Reduction/Prevention Strategy

Chief Johnson will provide an update on the Crime Reduction/Prevention Strategy Program.

IX. Next Meeting

X. Adjourn

MINUTES
PUBLIC HEALTH & SAFETY COMMITTEE MEETING
MAY 18, 2021

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- I. The meeting was called to order at 5:30 PM by Chairperson Councilmember Tom DeCampi.

- II. Roll Call

Councilmember Tom DeCampi, Ward IV, Chairperson, Councilmember Barbara McGuiness, Ward I. Councilmember Aaron Wahl, Ward II, Councilmember Michael Moore, Ward III. Also, in attendance were Chief Ray Johnson, Captain Michael Thompson, Captain Dan Dunn.

- III. Approval of Minutes

The Committee members reviewed the minutes of the February 24, 2021 meeting. Councilmember DeCampi motioned and Councilmember Moore seconded to approve the minutes. Regarding actions taken since the last meeting, Councilmember Moore asked if signs had been placed in the area near Rivers Edge Park. Chief Johnson responded that the signs have been ordered. Councilmember Moore also voiced concern regarding securing signatures from property owners contiguous to common ground area. Councilmember DeCampi noted this item was not on the agenda for this meeting but will be added to the agenda for the next meeting. The motion to approve the minutes of the February 24th meeting carried 4-0.

- IV. Election of Vice-Chairperson of the Public Health & Safety Committee and Liaison to the Police Personnel Board.

Councilmember McGuiness motioned and Councilmember Moore seconded to nominate Councilmember Wahl for the position of Vice-Chairman of the Public Health & Safety Committee. The motion was approved 4-0.

Councilmember McGuiness motioned and Councilmember DeCampi seconded to nominate Councilmember Moore to the position of Liaison to the Police Personnel Board. The motion approved 4-0.

- V. City of Chesterfield – Title VI Plan

Chief Johnson introduced a Resolution approving the policy covered under Title VI of the Civil Rights Act, The Americans with Disabilities Act of 1990 and Executive Order 13166. The City has had a Title VI Plan and Policy Statement but there were "housekeeping" changes that need to be made: specifically changing the contact for the City from a named specific person to City Clerk. The Policy Statement deals with assurances of no discrimination in City activities and operation and the procedure to file complaints dealing with the above. Chief Johnson also noted that the Title VI Policy Statement is a requirement for entering into the agreement to assign a Chesterfield Police Officer to the St. Louis County Fusion Center (next agenda item). Councilmember McGuiness

motioned and Councilmember Moore seconded to move this item on to City Council with a recommendation for approval. The motion carried 4-0.

VI. Assignment of an Officer to the St. Louis County Fusion Center

Chief Johnson informed the Committee members that the St. Louis County Fusion Center has requested a Chesterfield Police Officer be assigned as an Intelligence Analyst with all salary and benefit expenses to be covered by the agreement. The Fusion Center is federally funded and coordinates information of nefarious groups/persons that may be operating in the St. Louis County area. The City would benefit from all intelligence gathered by all members of the Fusion Center. This is a two-year assignment and an officer has already been chosen from within the Department. The participation in this group requires that the City enter into an agreement with the St. Louis County Fusion Center. This agreement has been vetted by the City Attorney and the City Administrator.

Councilmember McGuinness motioned and Councilmember DeCampi seconded to pass this item on to City Council with a recommendation for approval. The motion carried 4-0.

VII. Parkway School District SRO Agreement

Chief Johnson informed the Committee that the Parkway School District has requested a modification in their School Resource Officer Agreement which is up for renewal July, 2021. The modification would add a "liability disclaimer" in the event of certain occurrences (acts of God or the public enemy, riots, strikes, fires, explosions, accidents, pandemics, governmental action of any kind or other causes of similar character beyond the control and without the fault or negligence of the City of the District). This wording is the same as is currently in place in the Rockwood School District Agreement. Councilmember McGuinness voiced concern that this clause would allow the Parkway School District to opt in and out of the agreement and also who decides exactly what is a "pandemic". The financial obligations were further discussed. It was noted that this past year, School Resource Officers were kept employed by the school districts during the pandemic. However, if they had been dismissed it would have resulted in a financial burden to the City budget.

Councilmember McGuinness motioned and Councilmember DeCampi seconded to oppose the requested wordage and to maintain the status quo with the Parkway School District Contract keeping the wording the same as in the past. There was further discussion regarding the actual cost of the program to the City noting that the School Resource Officers are funded for 75% of each year and they then are funded for the additional part of the year directly by the City. Chief Johnson noted that the officers revert to patrol duties during the summer assisting with the coverage of vacation time by other officers and also assist with Safety Town. After discussion, the motion carried 3-1 with Councilmember Wahl voting "no".

VIII. Quarterly Update – Crime Reduction/Prevention Strategy

As required by City Council, a Crime Reduction/Prevention Strategy Plan was implemented. Chief Johnson proceeded to report the current status of response to those strategies. He noted that all twelve of the strategies are currently in progress. He noted that the Automatic License Plate Recognition system has been purchased and is in the

process of being linked to fixed cameras. He also noted that the partnering with neighboring municipalities for the sharing of resources, information, and staffing has worked very well. The work on each of the strategies will continue with additional quarterly updates.

Councilmember DeCampi noted that action items from this meeting will not be included on the agenda for the May 19, 2021 Council meeting due to time and notice constraints, but they will be included on the June 7, 2021 City Council meeting agenda.

Having no further business. The meeting adjourned at 6:46 PM.

Mike Geisel

City Administrator



690 Chesterfield Pkwy W

Chesterfield MO 63017

Phone 636-537-4711

Fax 636-537-4798

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OFFICE OF THE CITY ADMINISTRATOR

TO: Public Health and Safety committee

Date: September 9, 2021

RE: Archery hunting

Over the last few years, City Council has repeatedly discussed deer population reduction, specifically addressing the permitted culling of deer by archery methods. In addition, staff has had multiple communications with the public, trustees, and the suburban hunters group. While this program has been quite successful through the years, there remain some conflicts and confusion that can be readily rectified.

It should be understood that absent the City Ordinance authorizing archery hunting under certain specific conditions, archery hunting would be prohibited for the majority of the City of Chesterfield. There are properties in excess of ten acres and properties outside of the Monarch-Chesterfield Levee where hunting is otherwise allowed and the additional restrictions created by our archery hunting ordinance are inapplicable.

The City Council has previously adopted ordinances allowing for archery deer hunting, on properties of a minimum size, with specific restrictions as to the location, process, and reporting of harvested deer. In addition, our ordinances require full compliance with Missouri Department of Conservation (MDC) rules and regulations. There are no special provisions authorizing the harvesting of deer out of season, without state permits, or by methods restricted by MDC.

While the City's ordinance permits and prescribes archery deer hunting, it should be understood that the City's involvement is passive. The City accepts and files landowner authorizations, indemnity documents, hunter identification and insurance. The City also receives information related to harvested animals and compiles reports related thereto. Most of the documentation associated with the archery program relies on attestations by the landowner or hunter. Like most City ordinances, the City does not actively validate those

attestations. While the City will investigate specific complaints or inquiries, the City does not pro-actively verify a landowner or hunter's attestations regarding notification or other ordinance requirements. This is no different than any other ordinance within the City. Once the required paperwork with the required signature attesting to compliance is provided, the landowner\applicant has presumptively met the requirements. If, and only if a complaint is received, would the City initiate an investigation. The City does not, other than accepting the attestation, verify that each contact notification has been made. Frankly, since many of our residents oppose deer hunting in general, such verification would be difficult if not impossible. Further, the notification itself, often inflames those who oppose hunting and see the notification as an opportunity to prevent hunting activities.

Over the course of the last two decades, there have been minimal complaints. The vast majority of the complaints relate to permitting the harvesting of urban deer as a permitted activity. Roughly half of the residents desire a deer eradication program, while the other half desire to protect and cultivate the herd. Only twice, am I aware of a complaint regarding an alleged violation of notice, and both appear to have originated from the same source. In short, the problem is less about notification, than about allowing deer hunting at all.

We have thoroughly reviewed the existing code requirements and have taken a pro-active approach to offer amendments based upon our experiences with archery hunts over the years.

The current notification requirements are, in my opinion, onerous and ineffective. The requirement to notify "contiguous" properties often leads to onerous requirements notifying properties that are not impacted while not informing non-contiguous properties that are likely to be impacted. As such, we have proposed changes to the notification requirements, redefining the term contiguous. Further, when hunting is authorized within subdivision common ground, the notification obligation is placed upon the subdivision trustees. After all, they are the individuals authorizing the hunting activity and have the best communication channels with their residents. See section 205.420 6d

Prior to any hunting activity on a property, the contiguous neighbors must be notified in writing. The hunter must be able to show the appropriate documentation of receipt of the notification of the approximate date and time period of the hunt. In the event hunting is authorized by subdivision trustees within subdivision common ground, the trustees shall be responsible for notifying the appropriate property owners and retaining evidence thereof. For purposes of this sub-section, contiguous shall mean any adjoining or abutting property

within a 200-yard radius from the planned hunting location, and any properties immediately abutting the hunters travel route from their vehicle to the planned hunting location.

City Council previously reduced the minimum acreage required for bow hunting, to ½ Acre minimum. This is equivalent to a square lot of less than 150 feet per side. We believe that this lot size is too small and should return to one acre. It is also recognized that the minimum lot size can be achieved by combining adjacent lots\parcels. Although bow hunters are very efficient, archery is different than hunting with a firearm. An animal struck with a lethal bow shot, will likely travel a short distance before expiring. A perfectly executed archery shot does not typically drop the animal immediately. It is probable and predictable that a successful archery shot would result in an animal leaving the bounds of a ½ acre lot, creating neighborhood conflicts. This is compounded by other site requirements, which limit the hunter's location within the authorized parcel. See section 205.430 I

No hunting is authorized on tracts of land under one acre in area, except that adjacent property owners may combine their parcels to satisfy the property line discharge restrictions contained in Sections (f) and (h) herein. All other provisions of the Deer Control Policy shall apply to combined lots.

The Liability indemnity requirements have confused some participating landowners. While the City has been flexible in interpreting who was required to provide the indemnification and how that could be shared between the property owner and the hunter, the ordinance was not. As such, we've revised the language in this section to reflect that the City cares not whether the hunter or the property owner provides the indemnity. See section 205.420 A3

Prior to any hunting activity, the property owner shall provide to the Police Department, a certificate of insurance or indemnity bond providing evidence of a policy of liability insurance and/or indemnity bond in an amount not less than \$1,000,000 per occurrence insuring or bonding the property owner and/or the designated hunter. The indemnity may be provided by the property owner, or the hunter, or the property owner and the hunter may provide shared indemnity to reach the minimum limits mandated by this sub-paragraph. Said liability insurance and/or indemnity bond shall provide insurance coverage and/or indemnity for all claims for damages resulting from any act of negligence of the designated hunter or by any agent, assign, employee, independent contractors, or licensee of the designated hunter.

The current code limits the maximum shot distance to not more than 20 yards. It is our opinion that this is unnecessarily restrictive and while archery shots are typically limited by physical impediments, a more reasonable maximum shot limitation is 40 yards. See section 205.430 H

All hunting shall be conducted from an elevated position that is at least ten (10) feet in height and faces the interior of the property. The elevated position (deer stand) shall be located in such a way as to direct arrows towards the interior of the property and to prevent any arrow from landing any closer than twenty-five (25) feet from any side or rear property line. No arrow shall be shot from a distance greater than forty (40) yards.

Finally, the existing code has duplicate and redundant requirements of the Missouri Department of Conservation, such as safety training, hunting licenses, calendar season, and hunting hours. We have made an effort to delete redundant requirements throughout and simply require all hunting activities to be in accordance with the hunting regulations of the State of Missouri. All miscellaneous changes are reflected in the redline version of the proposed ordinance attached hereto. See section 205.420 A 4-5 and section 205.450 A-C

All current laws of the State of Missouri as regards to the regulations of hunting shall be obeyed within the corporate limits of Chesterfield.

All activities related to a hunt or harvesting of wildlife shall be in conformance with the Missouri Department of Conservation rules and regulations.

Any person who kills any deer while hunting shall follow all Missouri Department of Conservation guidelines regarding field dressing and processing of the animal.

Any person who field dresses or otherwise processes a deer shall properly dispose of the discarded organs and/or body parts in accordance with the Missouri Department of Conservation rules and regulations.

We look forward to discussing the proposed amendments with the Committee and will be available to respond to any questions.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE REPEALING CITY OF CHESTERFIELD ORDINANCE 2952 TO UPDATE THE REQUIREMENTS FOR DEER CONTROL POLICY AND DEER HUNTING REGULATIONS.

WHEREAS, the City Council of the City of Chesterfield, Missouri, has received numerous reports of property damage due to the increase in the deer population within the corporate boundaries of Chesterfield and adjoining municipalities, and

WHEREAS, the City Council of the City of Chesterfield, Missouri, finds that an increasing deer population within the corporate boundaries of Chesterfield and adjoining municipalities constitutes a threat to personal property within the City and that the continued growth of the deer population within the corporate boundaries of Chesterfield and adjoining municipalities also creates potential hazard to the physical safety of children, homeowners, residents, pedestrians and motorists, and

WHEREAS, it is the intent of the City Council of the City of Chesterfield, Missouri in enacting the Deer Control Policy and Hunting Regulations to exercise reasonable police power over the growth of the deer population in order to safeguard the general welfare and safety of the community.

WHEREAS, in order to preserve the physical safety of children, homeowners, residents, pedestrians and motorists within the City of Chesterfield, and in order to prevent additional property damage by deer to residences within the City of Chesterfield, the City Council hereby enacts the following Deer Control Policy and Hunting Regulations.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Notwithstanding any other Ordinance relating to the discharge of firearms of the City of Chesterfield, the Municipal Code of the City of Chesterfield, Missouri, is hereby amended by adding a new CHAPTER: *DEER CONTROL POLICY AND HUNTING REGULATIONS*. Article V Deer Control Policy and Hunting Regulations

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

ARCHERY DEVICE: Any longbow, crossbow or compound bow.

FIREARM: The term "firearm" as is used in this Ordinance means any rifle, shotgun, weapon or similar mechanism by whatever name known, which is designed to expel a projectile or projectiles through a gun barrel, tube, pipe, cylinder or similar device by the action of any explosive. The term "firearm" shall not apply to devices used exclusively for commercial, industrial or vocational purposes.

PROJECTILE WEAPON The term "projectile weapon" means any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.

UNDER THE INFLUENCE: Under the influence shall be defined by the state regulation applied to motor vehicle operation.

SECTION 205.420 Hunting Regulations Within the City Limits

A. Regulation of hunting within the corporate limits of the City of Chesterfield during deer hunting season set by the Missouri Department of Conservation or such other specific time authorized by the City of Chesterfield.

1. Discharging or releasing arrows or bolts from Archery Devices, or crossbows, within the City limits is restricted to hunting activities permitted under this Ordinance.
2. Prior to any hunting activity under this article, the property owner shall notify the Chesterfield Police Department of his or her intent to hunt on their property. The notification shall include the names of all property owners, the address of the proposed hunt property, the dates of the proposed hunt, and the names of all proposed hunters. In addition to the foregoing, the property owner shall complete a *Notification of Intent to Hunt* form and return said form to the Police Department prior to engaging in or authorizing any hunting activity on their property.
3. Prior to any hunting activity, the property owner shall provide to the Police Department, a certificate of insurance or indemnity bond providing evidence of a policy of liability insurance and/or indemnity bond in an amount not less than \$1,000,000 per occurrence insuring or bonding the property owner and/or the designated hunter. The indemnity may be provided by the property owner, or the hunter, or the property owner and the hunter may provide

shared indemnity to reach the minimum limits mandated by this sub-paragraph. Said liability insurance and/or indemnity bond shall provide insurance coverage and/or indemnity for all claims for damages resulting from any act of negligence of the designated hunter or by any agent, assign, employee, independent contractors, or licensee of the designated hunter.

4. All current laws of the State of Missouri as regards to the regulations of hunting shall be obeyed within the corporate limits of Chesterfield.
5. All activities related to a hunt or harvesting of wildlife shall be in conformance with the Missouri Department of Conservation rules and regulations.
6. Permission to Hunt
 - a. It shall be unlawful for any person carrying an archery device of any type, to knowingly enter into the premises of another, or to discharge any of the afore-stated devices while on the premises or property of another without first having obtained permission in writing from the owner, lessee, or person in charge of such premises or property. The duly obtained written permission shall be carried on the person of the hunter requesting and receiving such permission. This Section shall not apply to a person carrying or discharging such a device while in the immediate presence of the owner, lessee, or person in-charge of said premises or property.
 - b. In addition to the requirements set forth herein, it shall be at the discretion of the owner, lessee, or person in-charge of any premises or property to set the parameters under which any person may hunt upon any such premises or property under the control of the owner, lessee, or person in-charge.
 - c. No person without lawful authority, or without the expressed or implied consent of the owner, lessee or their agent, shall enter any building or enter upon any enclosed or improved real estate, lot or parcel of ground in the City of Chesterfield; or being upon the property of another, shall fail or refuse to leave such

property when requested to do so by owner, lessee, or person in-charge of said property.

- d. Prior to any hunting activity on a property, the contiguous neighbors must be notified in writing. The hunter must be able to show the appropriate documentation of receipt of the notification of the approximate date and time period of the hunt. In the event hunting is authorized by subdivision trustees within subdivision common ground, the trustees shall be responsible for notifying the appropriate property owners and retaining evidence thereof. For purposes of this sub-section, contiguous shall mean any adjoining or abutting property within a 200-yard radius from the planned hunting location, and any properties immediately abutting the hunters travel route from their vehicle to the planned hunting location.
7. In addition to the rules and regulations of the Missouri Department of Conservation, any individual who successfully harvests a deer during a hunt must report the hunter's name, sex of the deer, and the location of the harvest within two (2) business days by calling Chesterfield Police Department during normal business hours or by delivering written notification to the Police Department.
8. Prior to entering a property to hunt, it shall be the hunter's responsibility to permanently mark each arrow or other projectile with his or her Missouri Department of Conservation identification number. Possessing unmarked archery projectiles during a hunt shall be deemed a violation.
9. Nothing in this Deer Control Policy shall authorize the parking or standing of vehicles on private property without the consent of the property owner or to park a vehicle in any manner otherwise prohibited by the City Code.

SECTION 205.430 **Specific actions prohibited/Required**

- A. It shall be unlawful for any person to discharge any archery device across any street, sidewalk, road, highway or playground.

- B. It shall be unlawful for any person to discharge an archery projectile, at or in the direction of any person, vehicle, dwelling, house, church, school, playground or building.
- C. It shall be unlawful any person to discharge an archery device within one hundred fifty (150) yards of any church, school, or playground.
- D. It shall be unlawful for any person to discharge an archery device within thirty (30) yards of any dwelling, building, structure, or vehicle, unless the hunter has previously received express authority to discharge the archery device within thirty (30) yards from the owner of the dwelling, building, structure, or vehicle.
- E. No arrow, bolt or other projectile used to hunt pursuant to the Deer Control Policy may be discharged or projected at such an angle or distance as to land on public or private property other than the property on which the hunt has been authorized.
- F. No arrow, bolt or other projectile used to hunt deer pursuant to the Deer Control Policy may be discharged or projected at such an angle or distance as to land within seventy-five (75) feet of any front-yard property line.
- G. No arrow or other projectile used to hunt deer pursuant to the Deer Control Policy may be discharged or projected at such an angle or distance as to land within fifty (50) feet of any street or public-right of way.
- H. All hunting shall be conducted from an elevated position that is at least ten (10) feet in height and faces the interior of the property. The elevated position (deer stand) shall be located in such a way as to direct arrows towards the interior of the property and to prevent any arrow from landing any closer than twenty-five (25) feet from any side or rear property line. No arrow shall be shot from a distance greater than forty (40) yards.
- I. No hunting is authorized on tracts of land under one acre in area, except that adjacent property owners may combine their parcels to satisfy the property line discharge restrictions contained in Sections (f) and (h) herein. All other provisions of the Deer Control Policy shall apply to combined lots.

- J. It shall be unlawful for any person under the age of eighteen (18) years old to hunt deer within the city limits of Chesterfield.
- K. No person shall possess, consume or be under the influence of alcohol or any other controlled substance while engaged in hunting activities within the city limits of Chesterfield.

Section 205.440. Deer Retrieval

- A. Any person who kills or injures any deer while hunting shall make a reasonable search to retrieve the deer and take it into their possession.
- B. This section does not authorize the act of trespass.
- C. It shall be the hunter's responsibility to immediately notify any property owner, other than the specific property owner who previously authorized the hunt, if they suspect that an injured or dead deer may be located on their property.
- D. It shall be the hunter's responsibility to obtain the permission of any property owner upon which an injured or dead deer is located prior to engaging in a reasonable search and retrieval of the deer.
- E. In the event that a hunter cannot obtain the permission of a property owner to conduct a reasonable search and retrieval of an injured or dead deer, the hunter shall immediately notify the Missouri Department of Conservation.

Section 205.450. Field Dressing

- A. Any person who kills any deer while hunting shall follow all Missouri Department of Conservation guidelines regarding field dressing and processing of the animal.
- B. Any person who kills any deer while hunting shall take all precautionary measures to avoid field dressing the deer in a public or conspicuous location.
- C. Any person who field dresses or otherwise processes a deer shall properly dispose of the discarded organs and/or body parts in accordance with the Missouri Department of Conservation rules and regulations.

Section 205.460. Violations and Penalties

- a. Any person, entity, or group of individuals who shall perform an act in violation of this section, or who shall fail to follow the rules and/or regulations contained in this section, shall be deemed to have committed a misdemeanor.
- b. The penalty for violating any provision of this section shall be the assessment of a fine up to \$1,000.00 per violation. In addition to any fine imposed herein, the Municipal Court shall have authority to issue a sentence of confinement in jail up to a period of ninety (90) days per violation. Each individual violation may be punishable separately as determined by the Municipal Judge.

Section 2. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed and held for naught.

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved this _____ day of _____, 2021.

Presiding Officer

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD _____

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~~SECTION 1: DEFINITIONS.~~—As used in this ~~Article~~Section the following terms shall have these prescribed meanings:

ARCHERY DEVICE: —Any longbow, crossbow or
compound bow.

~~CROSSBOW: A device for discharging quarrels, bolts, or arrows, formed of a bow set cross-wise on a stock, usually drawn by means of a mechanism and discharged by the release of a trigger.~~

FIREARM: (a) — The term “firearm” as is used in this Ordinance means any rifle, shotgun, weapon or similar mechanism by whatever name known, which is designed to expel a projectile or projectiles through a gun barrel, tube, pipe, cylinder or similar device by the action of any explosive. The term “firearm” shall not apply to devices used exclusively for commercial, industrial or vocational purposes.

PROJECTILE WEAPON — (b) — The term “projectile weapon” means any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.

UNDER THE INFLUENCE: Under the influence shall be defined by the ~~state~~ state regulation applied to motor vehicle operation.

SECTION 205.420 Hunting Regulations Within The City Limits:
— ESTABLISHING

A. Regulation ~~EGULATIONS~~ of hunting within the corporate limits of the City of Chesterfield during deer hunting season set by the Missouri Department of Conservation or such other specific time authorized by the City of Chesterfield.

- 1a. Discharging or releasing arrows or bolts from Archery Devices, or crossbows, within the ~~city~~ City limits is ~~restricted~~ limited to hunting activities permitted under this Ordinance.
- 2b. Prior to any hunting activity under this ~~section~~ article, the property owner shall notify the Chesterfield Police Department of his or her intent to hunt on ~~his or her~~ their property. The notification shall include the names of all property owners, the address of the proposed hunt property, the dates of the proposed hunt, and the names of all proposed hunters. In addition to the foregoing, the property owner shall complete a *Notification of Intent to Hunt* form and return said form to the Police Department prior to engaging in or ~~permitting~~ authorizing any hunting activity on ~~his or her~~ their property.

- e3. Prior to the engagement of any hunting activity, the property owner shall provide to the Police Department, a certificate of insurance or indemnity bond providing evidence of a policy of liability insurance and/or indemnity bond in an amount not less than \$1,000,000 per occurrence insuring or bonding the property owner and/or the designated hunter. The indemnity may be provided by the property owner, or the hunter, or of the property owner and the hunter may provide shared indemnity be combined to reach the minimum limits mandated by this sub-paragraph. Said liability insurance and/or indemnity bond shall provide insurance coverage and/or indemnity for all claims for damages resulting from any act of negligence of the designated hunter or by any agent, assign, employee, independent contractors, or licensee of the designated hunter.
- 4d. All current laws of the State of Missouri as regards to the regulations of hunting shall be obeyed within the corporate limits of Chesterfield.
- e5. All activities related to a hunt or harvesting of wildlife ~~The hunt shall be in conformance with the to all state regulations as defined by the~~ Missouri Department of Conservation rules and regulations.
- 6f. Permission to Hunt
- a1. It shall be unlawful for any person carrying an archery device of any type, to knowingly enter into the premises of another, or to discharge any of the aforesaid devices while on the premises or property of another without first having obtained permission in writing from the owner, lessee, or person in charge of such premises or property. The duly obtained written permission shall be carried on the person of the hunter requesting and receiving such permission. This Section shall not apply to a person carrying, or discharging such a device while in the immediate presence of the owner, lessee, or person in-charge of said premises or property.
- 2b. In addition to the requirements set forth herein, it shall be at the discretion of the owner, lessee, or person in-charge of any premises or property to set the parameters under which any person may hunt upon

any such premises or property under the control of the owner, lessee, or person in-charge.

3. ~~The hunter on any property upon which the permission to hunt has been granted, shall be held responsible for the actions of those persons to whom such permission has been granted by the landowner, lessee, or person in-charge.~~

4c. No person without lawful authority, or without the expressed or implied consent of the owner, lessee or his agent, shall enter any building or enter upon any enclosed or improved real estate, lot or parcel of ground in the City of Chesterfield; or being upon the property of another, shall fail or refuse to leave such property when requested to do so by owner, lessee, or person in-charge of said property.

5d. Prior to any hunting activity on a property, the
~~c~~Contiguous neighbors must be notified in writing by the property owner and ~~the~~ The hunter property owner must be able to show the appropriate documentation of receipt of the notification of the approximate date and time period of the hunt. In the event hunting is authorized by subdivision trustees within subdivision common ground, the trustees shall be responsible for notifying the appropriate property owners and retaining evidence thereof. For purposes of this subsection, contiguous shall mean any adjoining or abutting property within a 200 yard radius from the planned hunting location, and any properties immediately abutting the hunters travel route from their vehicle to the planned hunting location that shares a common property line (or point) with the lot on which the proposed hunt shall occur. Lots separated by streets, common areas, or other public thoroughfares shall not be considered contiguous.

§7. In addition to the rules and regulations of the ~~any~~ requirements ~~imposed by~~ Missouri Department of Conservation regulations, any individual who successfully harvests a deer during a hunt must report the hunter's name, sex of the deer, and the location of the harvest within two (2) business days by calling Chesterfield Police Department during normal business hours or by delivering written notification to the Police Department.

- h8. ~~Prior to entering a property to hunt, discharging an archery device intended to be used for hunting, it shall be the hunter's responsibility to permanently mark each arrow or other projectile with his or her Missouri Department of Conservation identification number. Possessing unmarked archery projectiles during a hunt shall be deemed a violation.~~
- i9. ~~Nothing in this Deer Control Policy shall authorize the parking or standing of vehicles on private property without the consent of the property owner or to park a vehicle in any manner otherwise prohibited by the City Code. All hunters shall park their vehicles on the same property on which they are hunting.~~
- j. ~~Prior to hunting within the city limits of Chesterfield, every individual seeking to hunt shall provide a certificate of completion of an archery device hunter safety course as approved or provided by the Missouri Department of Conservation.~~

SECTION 205.430-3: Specific actions prohibited/Required
SPECIFIC ACTIONS PROHIBITED/REQUIRED:

- aA. It shall be unlawful for any person to discharge any archery device across any street, sidewalk, road, highway or playground.
- bB. It shall be unlawful for any person to discharge an archery projectile, at or in the direction of any person, vehicle, dwelling, house, church, school, playground or building.
- eC. It shall be unlawful any person to discharge an archery device within one hundred fifty (150) yards of any church, school, or playground.
- D. It shall be unlawful for any person to discharge an archery device within thirty (30) yards of any dwelling, building, structure, or vehicle, unless the hunter has previously received express authority to discharge the archery device within thirty (30) yards from the owner of the dwelling, building, structure, or vehicle.

dE. No arrow, bolt or other projectile used to hunt deer pursuant to the Deer Control Policy may be discharged or projected at such an angle or distance as to land on public or private property other than the property on which the hunt has been authorized.

eF. No arrow, bolt or other projectile used to hunt deer pursuant to the Deer Control Policy may be discharged or projected at such an angle or distance as to land within seventy-five (75) feet of any front-yard property line.

fG. No arrow or other projectile used to hunt deer pursuant to the Deer Control Policy may be discharged or projected at such an angle or distance as to land within fifty (50) feet of any street or public-right of way.

gH. All hunting shall be conducted from an elevated position that is at least ten (10) feet in height and faces the interior of the property. The elevated position (deer stand) shall be located in such a way as to direct arrows towards the interior of the property and to prevent any arrow from landing any closer than twenty-five (25) feet from any side or rear property line. No arrow shall be shot from a distance greater than twenty (~~20~~40) yards.

hI. No hunting is authorized on tracts of land under one half (~~1/2~~) acre in area, except that adjacent property owners may combine their parcels to satisfy the property line discharge restrictions contained in Sections (fe) and (gh) herein. All other provisions of the Deer Control Policy shall apply to combined lots.

iJ. It shall be unlawful for any person under the age of eighteen (18) years old to hunt deer within the city limits of Chesterfield.

jK. No person shall possess, consume or be under the influence of alcohol or any other controlled substance while engaged in hunting activities within the city limits of Chesterfield.

Section 205.4404÷ Deer Retrieval~~EER RETRIEVAL~~

aA. Any person who kills or injures any deer while hunting shall make a reasonable search to retrieve the deer and take it into their~~his or her~~ possession.

bB. This section does not authorize the act of trespass.

eC. It shall be the hunter's responsibility to immediately notify any property owner, other than the specific property owner who previously authorized the hunt, if they suspect of the fact that an injured or dead deer is ~~is~~ may be located on his or her ~~their~~ property.

dD. It shall be the hunter's responsibility to obtain the permission of any property owner upon which an injured or dead deer is located prior to engaging in a reasonable search and retrieval of the deer.

eE. In the event that a hunter cannot obtain the permission of a property owner to conduct a reasonable search and retrieval of an injured or dead deer, the hunter shall immediately notify the Missouri Department of Conservation.

Section 205.450: Field Dressing ~~FIELD CLEANING~~

aA. Any person who kills any deer while hunting shall follow all Missouri Department of Conservation guidelines regarding field dressing and processing of the animal.

bB. Any person who kills any deer while hunting shall take all precautionary measures to avoid field dressing the deer in a public or conspicuous location.

eC. Any person who field dresses or otherwise processes a deer shall properly dispose of the discarded organs and/or body parts in accordance with the Missouri Department of Conservation rules and regulations ~~plastic bags in private trash depositories, or by other appropriate means. Nothing contained herein shall authorize the illegal dumping of solid waste or authorize the illegal dumping of bio-hazardous waste.~~

Section 205.460: Violations and Penalties ~~PENALTY FOR VIOLATION~~

a. Any person, entity, or group of individuals who shall perform an act in violation of this section, or who shall fail to follow the rules and/or regulations contained in this section, shall be deemed to have committed a misdemeanor.

- b. The penalty for violating any provision of this section shall be the assessment of a fine up to \$1,000.00 per violation. In addition to any fine imposed herein, the Municipal Court shall have authority to issue a sentence of confinement in jail up to a period of ninety (90) days per violation. Each individual violation may be punishable separately as determined by the Municipal Judge.

Section 2. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed and held for naught.

Section 3. ~~Nothing in this Ordinance shall be construed as to affect any suit or proceeding pending in any Court, or any right acquired or liability incurred, or any cause or causes of action acquired or existing under any act or Ordinance hereby amended.~~

Section 4. ~~Except as amended herein, Title II of the Municipal Code, City of Chesterfield, Missouri, shall be and will remain in full force and effect.~~

Section 5. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved this _____ day of _____, 2021~~17~~.

Presiding Officer

MAYOR

ATTEST:

June 1, 2021

06-04-20220420 64

Mr. Michael Geisel, City Administrator
690 Chesterfield Pkwy W
Chesterfield, MO 63017-4000

Dear Mr. Geisel,

We are writing to you as our efforts at submitting an anonymous complaint directly to the Police has been dismissed. We need to remain anonymous as these are our neighbors and they face a serious charge. We followed the Safety Committee meeting of 2/24/2001, and several other serious breaches of the Ordinance became obvious, as outlined below.

- A. Attached is a copy of the complaint submitted to the Police dated January 28, 2021 (marked as 5-A). A City employee erroneously changed the dates of the hunt seasons. The dates on our complaint are correct as submitted. The minutes of the 2/24/2021 Safety Committee meeting indicate the complaint was "unfounded: All records on file at the Police Department indicated that proper notification had been made by the Suburban Deer Hunters". As neighbors of these properties, we can tell you that we were NOT informed of the hunts, which is why we made the complaint in the first place. Does anyone think there is even a remote possibility that we forgot receiving the notices two years in a row? The only way to clear up this confusion is to have those records from the Police Department included with the upcoming Safety Committee packet addressing this complaint. Someone is not telling the truth, and the records with the Police Department will reveal who that is—and they can be held accountable.
- B. *City Ordinance No 2952: "Contiguous neighbors must be notified in writing by the property owners and the property owner must be able to show the appropriate documentation of receipt of notification of the approximate date and time period of the hunt...contiguous shall mean any adjoining property that shares a common property line (or point) with the lot on which the proposed hunt shall occur."*

At the 2/24/2021 Safety Committee meeting, document pages 30 and 32 were provided to the Committee (pages attached). According to these documents, the City's law was clearly and intentionally broken by the following people:

1. Lou Salamone with the Suburban Bowhunters wrote a letter to Chief Johnson (page 30) and indicated in the first paragraph that "a few properties notified per the arrangement with the trustees of Westbury Manor...The trustees did not want all the houses that touch that piece notified for fear of backlash". Continue reading the second paragraph where he decides that "nosey neighbors or some contiguous neighbors may receive a notice but are far enough away that never know we were performing this service....It definitely is a tough situation to prioritize between the two choices." The law is very clear, and Lou Salamone does not have the authority to change it or prioritize who needs to be notified or decide we are "nosey" when we are concerned about safety. If he is speaking as the head of Suburban Bowhunters, which he appears to be, the Council needs to take action to ban them from participating in any future Chesterfield hunts in addition to punishment in Municipal Court. Sid Salamone has proven, in his own letter, that he cannot be trusted to follow the Ordinance. The page "Firm Mailing Book for Accountable Mail" (page 32) contains a hand written note that the "arrangement with president Laura Ryterski to hunt a small section and only notify a few surrounding neighbors." We would like to submit a complaint that Lou Salamone intentionally failed to comply to the Ordinance and he needs to be held accountable.
2. We would like to submit a complaint that Laura Ryterski (and any other trustee of Westbury Manor) knowingly broke the City's law by deciding that only certain neighbors need be notified of a hunt the City permitted on a lot, in spite of them being contiguous

neighbors. She and the other trustees, too, need to be held accountable for their unlawful acts in accordance with the enforcement procedures in the Ordinance.

- C. On pages 23-24 of the 2/24/2021 Safety Committee documents, a list of "Bow Hunting Properties 2020-21" was provided.

City Ordinance No 2952: "No hunting is authorized on tracts of land under one half (1/2) acre in area, except that adjacent property owners may combine their parcels to satisfy the property line discharge restrictions contained in Sections (e) and (g) herein."

The following properties appear to be less than ½ acre and not adjacent to another permitted property. (This was a quick review; the City needs to do a thorough review and owners breaking the ½ acre law need to be cited along with the City employee issuing the unlawful permit being held accountable. Apparently, no one is checking to make sure of compliance with this section of the Ordinance before issuing the permit.) The listing does not provide the addresses of the Common Ground Areas, however, and it is possible a parcel could be adjacent to permitted Common Ground. It also seems that several "General Properties" are "Common Ground Areas" and are miscategorized on the listing. We would like to lodge complaints that the property owners of the following addresses, in addition to any others that are less than ½ acre, broke City Ordinance No 2952:

1. 14595 Ansonborough Ct. .363 acres
2. 227 Kaywin .3614 acres
3. 14911 Lake Manor Court .3599 acres
4. 917 Silver Buck Lane .345 acres
5. 14848 Sycamore Manor .3398 acres
6. 15910 Wilson Woods .4532 acres

- D. Either Chief Johnson (and the rest of the officials who received the 2/24/2021 Safety Committee packet) didn't bother to read the letter from Lou Salamone or they agree with Lou Salamone's decision to only notify certain contiguous neighbors, clearly breaking the Ordinance with absolutely no repercussions. Either way, this behavior is very concerning and needs to be addressed. We question whether the City is serious about the safety precautions in the Ordinance or are they just in the law to deceive us into feeling more comfortable? If you aren't serious about enforcing the safety provisions, then you need to amend the Ordinance and remove them. These documents prove that we cannot trust hunters and land owners to voluntarily comply with them. They need enforcement.

We are copying in the Safety Committee Members as all of these issues (A through D) need to be addressed in a public forum, with documents provided by the City addressing each issue and action taken to hold people accountable. Without the proper enforcement, we have NO safety rules regarding deer hunts—which is where we're at. The recent accident with the turkey hunter shooting a jogger should make us all realize that discharging weapons around people is dangerous—especially when innocent people have no idea a hunt is in progress in a densely populated area because laws are being intentionally ignored.

Thank you in advance. We will continue to follow the Safety Committee meetings—just wish we could observe them on-line as we must now rely on the minutes, as we need to remain anonymous.

CC: Safety Committee Chairperson DeCampi
Safety Committee Member McGuinness
Safety Committee Member Wahl
Safety Committee Member Moore

- 72. 1308 Towles Farm Ct.
- 73. 303 Villa Hill (Westbury Manor)
- 74. 1251 Walnut Hill Farm Drive
- 75. 1296 White Road*
- 76. 17114 Wildhorse Creek Road
- 77. 16902 Wildhorse Creek Road
- 78. 17917 Wildhorse Creek Road
- 79. 16357 Wilson Farm Drive
- 80. 16409 Wilson Farm Drive
- 81. 16464 Wilson Farm Drive
- 82. 16190 Wilson Manor Drive
- 83. 16191 Wilson Manor Drive
- 84. 15910 Wilson Woods

84 Individual Properties
6 Common Ground area
1/19/21

Chief Johnson,

I included some pages from my Firm Mailing Book which shows examples of properties notified thru the mail. A good example is page 11 that shows a few properties notified per the arrangement with the trustees of Westbury Manor in which we hunt the address 303 Villar Hill but we are just behind 229 Heather Crest Court and park in their driveway. The trustees did not want all the houses that touch that piece notified for fear of backlash. It also has been such a difficult year because so many people were home / working from home and cabin fever had many people out and about hiking / getting outdoors that may contribute to recent complaints.

There are other scenario's where residents want us to hunt but fear backlash from nosey neighbors or some contiguous neighbors that may receive a notice but are far enough away that never know we were performing this service. It has happened quite often that hunting spots were lost because a certain neighbor was notified and the resident performing the hunt received harassment, they gave up on doing nuisance deer control. It definitely is a tough situation to prioritize between the two choices.

I also included Ballwin's notification form 1A and my accompanying letter 1B to help explain it. There has been much confusion in the past so we had to come up with something to help it along and doing a survey has helped enormously when combined with an explanation of who we were and how we perform this service. Sending the notice alone was not working.

Lou Salamone

Suburban Bowhunters

Bow Hunting Properties 2020-21

Common Ground Areas

Baywood Village Condominiums
 Baxter Lakes Subdivision
 Claymont Woods Common Ground
 Conway Forest Common Ground
 The Forest
 Westfield Farm Subdivision

General Properties

1. 14639 Adgers Wharf Drive
2. 14647 Adgers Wharf Drive
3. 200 Ambridge Ct.
4. 1684 Ansonborough Drive
5. 1688 Ansonborough
6. 1690 Ansonborough
7. 1691 Ansonborough
8. 14595 Ansonborough Ct.
9. 11 Arrowhead Estates Ct.
10. 16 Arrowhead Estates Ct.
11. 17 Arrowhead Estates Ct.
12. 1604 Baxter Forest Ct.
13. 16583 Baxter Forest Ct.
14. 14570 Bexhill Court
15. 14573 Bexhill Ct.
16. 14062 Boxford Ct.
17. 1344 Carriage Crossing
18. 1348 Carriage Crossing
19. 1492 Carriage Crossing
20. 17123 Chaise Ridge
21. 15145 Chamisal Drive
22. 3 Chesterfield Lakes Drive
23. 24 Chesterfield Lakes Drive
24. 40 Chesterfield Lakes Drive
25. 54 Chesterfield Lakes Drive
26. 26 Chesterfield Lakes Drive
27. 5 Chesterton Lane
28. 25 Chesterton Lane
29. 26 Chesterton Lane
30. 27 Chesterton Lane
31. 1711 Claymont Estates Ct.
32. 1300 Colony Way Ct.
33. 1306 Colony Way Ct.
34. 14555 Conway Road
35. 14703 Deerhorn Drive
36. 16817 Eagle Bluff Court
37. 1425 Fox Hill Farms
38. 1443 Fox Hill Farms
39. 207 Grand Banks Ct.
40. 14907 Greenleaf Valley
41. 404 Griffith Lane
42. 223 Heather Crest Drive
43. 229 Heather Crest Ct.
44. 2176 Hickory Drive
45. 1619 Huguenot Court
46. 15107 Isleview Drive
47. 15109 Isleview Drive
48. 227 Kaywin
49. 14161 Olive (behind Chesterfield Vet Ctr)
50. 14911 Lake Manor Court
51. 1533 Pacland Place
52. 520 Redondo
53. 1374 Regency Estates
54. 1390 Regency Estates Ct.
55. 21 Ridgecrest Drive
56. 23 Ridge Crest Drive
57. 338 Ridge Trail Drive
58. 339 Ridge Trail Drive
59. 75 River Valley Drive
60. 14515 Rogue River*
61. 17055 Rooster Ridge Road
62. 917 Silver Buck Lane
63. 1364 Still House Creek Road
64. 15189 Strollways
65. 15193 Strollways
66. 63 Sunny Hill Ct.
67. 65 Sunny Hill
68. 14848 Sycamore Manor
69. 1575 Timberlake Manor Parkway
70. 1579 Timberlake Parkway
71. 1300 Towles Farm Ct.



City of Chesterfield, MO
Wednesday, July 21, 2021

Chapter 215. Nuisances

State Law References: Power of City to abate and remove nuisances, §§ 77.530, 77.560, RSMo.; disposal of dead animals generally, §§ 269.010 et seq., RSMo.

Article I. Vegetation

Section 215.010. Definitions.

[CC 1990 § 20-1; Ord. No. 2498 § 1, 11-17-2008; Ord. No. 2679, 11-7-2011; Ord. No. 2704, 6-4-2012; Ord. No. 2802, 7-21-2014]

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

INVASIVE PLANT

A vegetation species that grows aggressively in the State of Missouri, as listed by the Missouri Department of Conservation.

LESSEE

Any person, agent, operator, firm, or corporation having possession, occupancy or control of all or a portion of a premises pursuant to a written or unwritten lease, contract, agreement, or license with the owner.

NATIVE PLANT

A vegetation species that existed prior to the arrival of settlers within the State of Missouri, as listed by the Missouri Department of Conservation.

NOXIOUS WEED

A vegetation species that is listed as a Missouri State Noxious Weed by the United States Department of Agriculture.

NUISANCE PLANT

Toxic species known to cause death or severe allergic reactions among a segment of the human population such as poison hemlock, poison ivy, and ragweed.

OWNER

Any person, agent, operator, firm or corporation having a legal or equitable interest in the property, or recorded in the official records of the State, County or Municipality as holding title to the property, or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON HAVING CONTROL

Any occupant, representative or employee of an owner or lessee, or any person eighteen (18) years of age or older who has charge, care or control of any portion of a premises.

PREMISES

A lot, plot, or parcel of land, including any structures thereon.

ROLL-OFF TRASH CONTAINER

Any rented bulk solid waste receptacle placed temporarily on property and used to handle solid waste disposal related to temporary activities such as moving, cleaning, remodeling or other construction at a site. Such container is typically rented or leased to owners or occupants of property for their temporary use and which is typically delivered and removed by truck. This term shall not be interpreted to refer to a trash container or dumpster that is stored in a more permanent manner on the property and is referenced and regulated by ordinance or this Code and is further required to be screened from public view.

SIGHT DISTANCE

The clear line of sight necessary for pedestrian safety or safe operation of a motorized vehicle.

STORMWATER

Rainfall runoff, snow melt runoff and surface runoff and drainage.

STORMWATER MANAGEMENT FACILITY

Structure and constructed feature designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the stormwater system. Stormwater management facilities included vegetative or structural measures, or both, to control the increased volume, rate, and quality of stormwater runoff caused by man-made changes to land.

TURF GRASS

A type of vegetation ground cover, managed by weed removal and mowing to maintain a uniform height.

TURF WEED

Broadleaf weeds, annual and perennial grasses that invade or disrupt the uniformity of turf grass lawns.

Section 215.020. Administration.

[CC 1990 § 20-2; Ord. No. 2498 § 1, 11-17-2008; Ord. No. 2704, 6-4-2012; Ord. No. 2802, 7-21-2014]

- A. Every owner, lessee or person in control of a property upon which a subdivision plat has been recorded in accordance with law and all property within one hundred (100) feet from the outboundary of an occupied or improved subdivision or upon the right-of-way adjoining such premises in the City of Chesterfield shall keep said property free of public nuisances as described in Section **215.030** of this Article.
- B. This Section shall apply to any violations cited after the date of this Article. All violations of the original Ordinance No. 192, Ordinance No. 385, or Ordinance No. 578 cited prior

to the date this Article was adopted shall be prosecuted in accordance with the provisions set out in the original applicable on the date of violation.

Section 215.030. Public Nuisance Declared.

[CC 1990 § 20-3; Ord. No. 2498 § 1, 11-17-2008; Ord. No. 2679, 11-7-2011; Ord. No. 2704, 6-4-2012; Ord. No. 2802, 7-21-2014]

A. Public nuisances of the City are hereby declared to be as follows:

1. Any act committed or suffered to be committed by any person, or any substance kept, maintained, placed, or thrown upon any public or private premises which constitutes a hurt, injury, inconvenience or danger to the health, safety or welfare of the public or residents and occupants of the immediate vicinity as determined by the Director of Planning.
2. The above public nuisance declaration shall include, but not be limited to, the following:
 - a. Discharge of piped potable or non-potable water, including groundwater, stormwater, and pool water, release of liquids, chemicals, oils, or substances upon any right-of-way, including streets, alleys, tree lawns, sidewalks, bike trails, or in close proximity to natural streams or neighboring premises that constitutes a hurt, injury, inconvenience or danger to the health, safety, or welfare of the public or residents of the immediate vicinity. At a minimum, piped residential downspouts or basement sump pumps shall be daylighted to surface discharge at least ten (10) feet away from a neighboring property line.
 - b. Maintaining or permitting conditions that promote or allow mosquito, cockroach, flea, or other insect infestations to develop upon a premises or in stagnant pools or impoundments of water, that constitute a hurt, injury, inconvenience or danger to the health, safety, or welfare of the public or residents of the immediate vicinity.
 - c. Emission of any offensive, noxious or toxic gas, effluvia or odor that constitutes a hurt, injury, inconvenience or danger to the health, safety, or welfare of the public or residents and occupants of the immediate vicinity.
 - d. Dead animal carcasses permitted to remain upon a premises for more than twenty-four (24) hours.
 - e. Keeping, maintaining, or permitting animals of any kind, domestic or wild, upon a premises in such a manner or condition that same constitutes a hurt, injury, inconvenience or danger to the health, safety, or welfare of the public or residents or occupants of the immediate vicinity.
 - f. Keeping, maintaining or permitting of trash, debris, garbage, rubbish, junk, decaying vegetation or animal matter or other substance upon a premises constituting a hurt, injury, inconvenience or danger to the health, safety or welfare of the public or residents and occupants of the immediate vicinity.
 - g. Failure to mow or cut turf grass or turf weeds to maintain a maximum height of not more than ten (10) inches, or failure to control or remove listed (Section

215.070) nuisance plants, invasive plants and noxious weeds in such a manner that constitutes a hurt, injury, inconvenience or danger to the health, safety or welfare of the public or residents and occupants of the immediate vicinity. Managed stands of native plants, ornamental grasses, or shrubs, and cultivated agricultural crops, vegetable gardens or flower gardens exceeding ten (10) inches in height are permitted provided they are maintained free of turf weeds and grasses, nuisance plants, invasive plants and noxious weeds, are kept at least four (4) feet from a property line, and do not impair sight distance, or constitute a hurt, injury, inconvenience or danger to the health, safety or welfare of the public or residents and occupants of the immediate vicinity.

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- h. Placement or dumping of dead plant material such as lawn clippings, weeds, leaves, tree trunks, and tree branches in or near storm sewers, creeks, drainage swales, stream banks, or steep slopes in such a manner that constitutes a hurt, injury, inconvenience or danger to the health, safety or welfare of the public or residents and occupants of the immediate vicinity. Erosion control devices such as silt fence, riprap, erosion control blankets, check dams, or seed and mulch placed near creeks, in drainage swales, on stream banks, or upon steep slopes, shall comply with the City of Chesterfield Erosion Control Manual.
 - i. Any standing or fallen dead tree, dead tree limbs, dead shrubs, and trees that are more than fifty percent (50%) dying, damaged, or diseased to constitute a hurt, injury, inconvenience or danger to the health, safety, or welfare of the public or residents and occupants of the vicinity. Removal of any dead or dying tree shall comply with the City of Chesterfield Tree Manual.
 - j. Any unfenced in-ground swimming pool, any unsecured building or structure, or any dilapidated or unsafe building, fence, retaining wall, or structure located upon any public or private place or premises in such condition that same constitutes a hurt, injury, inconvenience or danger to the health, safety or welfare of the public or the residents and occupants of the immediate vicinity.
 - k. The use of light sources shall comply with the City of Chesterfield Lighting Code. Official or approved emergency, construction, safety and warning lighting are generally permitted.
 - l. Placement of a roll-off trash container on property for an uninterrupted period exceeding ninety (90) consecutive days or positioned so as to create an obstruction for a roadway, alley or sidewalk constituting an inconvenience or danger to the health, safety or welfare of the public or residents and occupants of the immediate vicinity.
 - m. Any stormwater management facility located on any lot or land shall be declared a public nuisance for failure to maintain the private stormwater management facility if it has conditions impairing its proper operation, including, but not limited to, excessive sediment, extensive ponding of water, rubbish and trash, noxious weeds or invasive plants or nuisance plants exceeding ten (10) inches in height, or any material which is unhealthy or impacts the proper operation of the private stormwater management facility.
 - n. Maintaining any partly dismantled, wrecked, dilapidated, abandoned or non-operative automobile or other motor vehicle or parts thereof which are found

upon any private property and which are not housed in a garage, basement or other enclosed building or except as authorized by Section 405.04.140(A)(14)(c)(5) of the Zoning Ordinance of the City. Any motor vehicle or automobile or any elements thereof found disassembled upon private property shall be considered to be dismantled, abandoned, wrecked or dilapidated for the purpose of this Article when such automobile or other vehicle is found lacking essential component parts which prevent it from being immediately operative under its own power or which vehicle or automobile is not properly licensed.
[CC 1990 § 18-146; Ord. No. 313 § 1, 6-19-1989]

3. Native plants, turf grass, ornamental grasses, or shrubs, including plants that are part of an approved, designed private stormwater facility or MSD-approved guidance document do not constitute a public nuisance.

Section 215.040. Notice To Abate; Posting And Delivery.

[CC 1990 § 20-4; Ord. No. 2498 § 1, 11-17-2008; Ord. No. 2704, 6-4-2012; Ord. No. 2802, 7-21-2014]

- A. Whenever it comes to the attention of the City, or the City receives an allegation of the existence of a public nuisance, the City shall investigate and shall make a determination. If a public nuisance is found to exist, a notice to abate shall be mailed or hand-delivered to the owner, lessee, or person having control of the premises. If mail or hand-delivery is not readily achievable, the property may be posted to provide notification by placing the notice to abate upon a building, tree, or other object upon such property, as may be available.
- B. The notice to abate described in Subsection (A) shall contain:
 1. Address or description of the property;
 2. Ordinance number of the ordinance being violated;
 3. Nature of the violation, and the number of days by which the violation shall be removed or abated; and
 4. Notice of the penalty for a failure to remove or abate the nuisance, stating that if the nuisance reoccurs by the same owner, lessee, or person in charge, a summons will be issued without further notice.
- C. Notice To Abate, First Offense. In all cases where the public nuisance is the first offense of the specified ordinance violation for the person charged therewith, the notice to abate provisions shall be observed. The number of days granted to abate a violation shall not be less than four (4) days, except in emergency cases.

Section 215.050. Summons And Abatement By City.

[CC 1990 § 20-5; Ord. No. 2498 § 1, 11-17-2008; Ord. No. 2704, 6-4-2012; Ord. No. 2802, 7-21-2014]

- A. Upon neglect or failure to act upon the notice to abate, the City shall issue a summons as follows:

1. **Summons, Service Of.** If a notice to abate is issued and the public nuisance has not been removed or abated in the allotted time, the City shall issue a municipal court summons, directed by name to the owner, lessee, or person in charge of the property, showing:
 - a. Address or description of property on which the public nuisance is located, and such other information as may be available to the inspector;
 - b. The ordinance which is being violated and setting forth in general the nature of the public nuisance; and
 - c. Date on which the case will be on the Municipal Court docket for hearing.
2. **Summons, Delivery By Mail.** The City shall cause the summons to be delivered by ordinary mail, postage prepaid to the person named therein at the address shown on the summons, or at such other address as the person charged therewith shall be known to reside. If the mail is duly addressed to the person named in the summons at the address as provided above and is not returned to the City, it shall be deemed to have been delivered and received by the person to whom addressed.
3. **Abatement By City.** If the owner, lessee, or person in charge of property for which a notice to abate has been issued, fails to remove or abate the public nuisance in the time specified, the City may elect to abate the public nuisance in which case the City shall notify the owner, lessee, or person in charge of the property, in writing, a minimum of four (4) days in advance of the date, time, and location of an abatement hearing. The abatement hearing officer shall be the City Administrator or his/her designated representative. The abatement hearing officer shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received. The abatement hearing officer shall review all evidence and may issue an order to abate the nuisance allowing at least five (5) business days after the hearing for abatement to be complete. The order shall include authorization for the City to immediately enter the property and to remove the public nuisance and assess costs pursuant to this Section if such public nuisance is not removed within the time allotted after the abatement hearing.
4. **Assessment Of Costs For Abatement By City.** All costs and expense incurred by the City in removing or abating a public nuisance may be assessed against the property owner in the form of a special tax bill, which special tax bill shall become a lien on the property. Alternatively, the cost of removing or abating the public nuisance may be made a part of a judgment by the municipal court, in addition to any other penalties and costs imposed.
5. **Notice To Abate, Subsequent Offenses.** In all cases where the public nuisance is a repeat or continued offense occurring within a twelve-month period, the notice to abate provisions need not be observed. Thereafter, such owner, lessee, or person having control may be summoned into municipal court to answer the charges, and/or the City shall have the option of performing abatement by City and assessment of costs without another notice to abate being issued. In addition to the court costs normally assessed in all such cases, there shall be added thereto all costs incurred by the City in abating the public nuisance. Each day a violation continues after the expiration of the notice to abate shall constitute a separate offense.

Section 215.060. Violations And Penalties.

[CC 1990 § 20-6; Ord. No. 2498 § 1, 11-17-2008; Ord. No. 2704, 6-4-2012; Ord. No. 2802, 7-21-2014]

- A. Any person, persons, firm, association or corporation violating any provision of this public nuisance Article or any employee, assistant, agent, or any other person participating or taking part in, joining or aiding in a violation of any provision of this public nuisance article may be prosecuted as provided by law for the violation of ordinance of the City of Chesterfield and upon conviction shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) for any one (1) offense or imprisonment in the City jail for not more than three (3) months, or both such fine and imprisonment. Each day a violation continues after service of written notice to abate such violation shall constitute a separate offense.
- B. In addition to the penalties hereinabove authorized and established, the City Attorney shall take such other actions at law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violation of this Article.

Section 215.070. Listings Of Noxious Weeds, Invasive Plants And Native Plants.

[CC 1990 Ch. 20, App. A; Ord. No. 2498 § 1, 11-17-2008; Ord. No. 2704, 6-4-2012; Ord. No. 2802, 7-21-2014]

- A. Noxious Weeds. As may be amended from time to time by the United States Department of Agriculture, Missouri State Listed Noxious Weeds.

- Canada thistle
- Common teasel
- Cut-leaved teasel
- Field bindweed
- Johnson grass
- Kudzu
- Marijuana
- Multiflora rose
- Musk thistle
- Purple loosestrife
- Scotch thistle

- B. Invasive Plants. As may be amended from time to time by the Missouri Department of Conservation and listed in the Missouri Vegetation Manual.

- Autumn olive
- Black locust
- Bush honeysuckles
- Common buckthorn

Crown vetch
Garlic mustard
Gray dogwood
Honey locust (with seeds)
Japanese honeysuckle
Leafy spurge
Osage orange
Reed canary grass
Sericea lespedeza
Sesbania
Smooth sumac
Sweet clover (white and yellow)
Wintercreeper

- C. Native Plants. As may be amended from time to time by the Missouri Department of Conservation and listed on the Grow Native! Website: www.grownative.org.

Section 215.080. Additional Remedies To Recover Costs Of Removal And Abatement Of Certain Nuisances As Assessments On Real Estate.

[CC 1990 § 20-22; Ord. No. 1696 § 1, 12-4-2000]

In addition to any other remedy provided by law or by the City ordinances, if the owner of property has failed to begin or pursue, without unnecessary delay, the removal of a nuisance within the time described by the ordinances of the City of Chesterfield, but no later than sixty (60) days from the date of notice, has not removed or abated a public nuisance which has been declared to exist on any lot or land due to the presence of debris of any kind, including, but not limited to, weed cuttings, cut and fallen trees and shrubs, lumber not piled or stacked twelve (12) inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material that may endanger public safety or any material that is unhealthy or unsafe and declared to be a public nuisance, the cost of such removal or abatement may be added to the annual real estate bill for the property and collected in the same manner and procedure for collecting real estate taxes.

Section 215.090. through Section 215.130. (Reserved)

Article II. Miscellaneous

Section 215.100. Parking Prohibited In Residential Front Yards.

[CC 1990 § 18-104; Ord. No. 163 §§ 1 — 3, 8-15-1988]

A.

No person shall park or permit a vehicle to remain in the front yard of residential property unless such vehicle is parked on a paved driveway or designated parking area as described in Subsection (C).

- B. For the purpose of this Section, "front yard" means the area between a road and a line parallel to the road and intersecting the closest point of a residence. "Required front yard" means the area between a road and the front yard setback line established by application of the zoning ordinance of the City of Chesterfield. "Residential" refers to properties zoned non-urban or residential and includes property used for residential purposes regardless of zoning.
- C. A designated parking area shall be adjacent to and contiguous to the driveway within a residential property and shall be paved. Such designated parking area may not be located within the required front yard, but may be located in any other part of the residential lot, including within a front yard which does not constitute a portion of a required front yard, if any.

Section 215.110. Litter.

[CC 1990 § 31-04-14(A)(14)]

- A. In this Section, the word "litter" means and includes, garbage, trash, refuse, junk, brush, inoperative machinery or other waste material; the phrase "otherwise lawful" means in compliance with applicable zoning district regulations and with all rules, regulations, ordinances, conditions, permits and licenses applicable to the property or activity, whether arising from this Chapter or any other ordinance.
- B. Except as provided in this Section:
 - 1. No persons shall throw or deposit litter on any vacant or occupied property whether owned by such person or not.
 - 2. The owner or person in control of any private property shall, at all times, maintain the premises free of litter.
- C. It shall be lawful:
 - 1. To accumulate or store non-putrescible litter in a sightproof structure or container.
 - 2. To accumulate or store litter produced as an incident of the otherwise lawful use of the same premises where stored, where such storage is pending removal or disposal and does not exceed seven (7) days, provided the litter is placed or stored in a container or otherwise screened from the view of persons upon adjacent property or rights-of-way.
 - 3. To operate an otherwise lawful, sanitary landfill, building demolition material site, vehicle or machinery repair facility, construction material stockpile, sewage treatment facility, salvage yard or junkyard.
 - 4. To store material to be used in an otherwise lawful agricultural or nursery operation on the premises devoted to such use.
 - 5.

To keep not more than one (1) unlicensed vehicle outdoors for hobby or instructional purpose, provided that any such vehicle kept for more than seventy-two (72) hours shall be kept behind the residence or other principal structure on the property.

[1] *Editor's Note: For similar provisions, see Section 405.04.140(A)(14).*

Section 215.120. through Section 215.190. (Reserved)



City of Chesterfield, MO
Tuesday, July 6, 2021

Chapter 203. Fire Prevention and Protection

Article I. Fireworks

Section 203.010. Definitions.

[CC 1990 § 13-21; Ord. No. 88 § 1, 6-1-1988]

As used in this Article, unless clearly indicated otherwise, the following terms means:

CONSUMER FIREWORKS

Explosive devices designed primarily to produce visible or audible effects by combustion and includes aerial devices and ground devices, all of which are classified as fireworks, UN0336, within 49 CFR Part 172.

DISPLAY FIREWORKS

Explosive devices designed primarily to produce visible or audible effects by combustion, deflagration or detonation. This term includes devices containing more than two (2) grains (130 mg) of explosive composition intended for public display. These devices are classified as fireworks, UN0333 or UN0334 or UN0335, within 49 CFR Part 172.

FIREWORKS

Any composition or device for producing a visible, audible, or both visible and audible effect by combustion, deflagration, or detonation and that meets the definition of consumer, proximate, or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations.

PERSON

Any corporation, association, partnership or individual or group thereof.

SALE

An exchange of articles of fireworks for money, including barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as a principal proprietor, salesman, agent, association, co-partnership or one (1) or more individuals.

Section 203.020. Manufacture, Sale, Shipment Unlawful — Exception.

[CC 1990 § 13-22; Ord. No. 88 § 2, 6-1-1988; Ord. No. 686 § 1, 6-15-1992]

A.

It is unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped into the corporate limits of the City of Chesterfield any item of fireworks. This Section applies to non-residents as well as residents of the City.

- B. Any person possessing or transporting special fireworks into the corporate limits of the City of Chesterfield for the purpose of conducting a special fireworks display shall be licensed by the State Fire Marshal as a distributor in accordance with Section 320.126, RSMo., as amended.
- C. Before any permit for a special fireworks display shall be issued by the City Administrator, the fair association, amusement park, organization, firm or corporation making the application therefor shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof.

Section 203.030. Explosion, Ignition, Discharge Unlawful.

[CC 1990 § 13-23; Ord. No. 88 § 3, 6-1-1988]

It is unlawful for any person to explode, ignite or discharge any articles of fireworks within the corporate limits of the City.

Section 203.040. through Section 203.090. (Reserved)

City of Chesterfield, MO
Tuesday, July 6, 2021

Chapter 220. Parks and Recreation

Article II. Parks Rules And Regulations

Section 220.320. Fireworks And Explosives.

[CC 1990 § 22-45; Ord. No. 2938, 2-22-2017]

Except as expressly permitted by the Director of Parks, no person in a park, facility and/or trail shall bring or have in his/her possession, or set off or otherwise cause to explode or discharge or burn, any firecracker, torpedo, rocket, or other fireworks or explosives of inflammable material; nor shall any person throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous.

Ray Johnson

From: Daniel Dunn
Sent: Tuesday, July 06, 2021 11:30 AM
To: Ray Johnson
Cc: Mike Thompson; Cheryl Funkhouser
Subject: Firework Calls

Between July 3rd and the 5th we received **39** calls for fireworks. The same dates last year we received **47** calls.

13725 Olive Blvd.
Chesterfield, MO 63017
Office 314-514-0900 X361
Fax 314-514-0696
www.monarchfpd.org

From: D. Todd Williams <dtoddw@charter.net>
Sent: Monday, July 5, 2021 6:33 PM
To: cityofficials@chesterfield.mo.us
Cc: rjohnson@chesterfield.mo.us; Robin Harris <harris.r@monarchfpd.org>; Jean Millner <millner.j@monarchfpd.org>;
Rick Gans <gans.r@monarchfpd.org>; Derek.Grier@house.mo.gov
Subject: Fireworks in St Louis County/Chesterfield Missouri

https://www.espn.com/nhl/story/_/id/31764017/columbus-blue-jackets-goalie-matiss-kivlenieks-24-dies-tragic-accident

Dear Chesterfield Leaders,

My name is Todd Williams, I live in Ward 3 in Chesterfield for almost 20 years now. I have raised the issue of fireworks since my son, Langston was just a baby, now he is going into 8th grade @ West Middle. Many years ago I would call the Police Department and complain about a certain neighbor in Claymont Woods that was setting off commercial grade fireworks that would rattle the windows in your house, and also wake up my son over & over again.

Councilman Hurt will attest I am a big fan of Chesterfield and love living in this city, I think it is going to take an event like the one referenced above to happen in Chesterfield, Ballwin or name your city in STL County to make a change. We have a so called restriction on fireworks in the county & Chesterfield, but I think we can officially say that is no longer being enforced or listened to by complaining residents.

The problem is not a few bottle rockets or the small fountains someone sets off in their cul-de-sac, we are talking about commercial grade fireworks that do injure people or cause property damage every year. If the City of Chesterfield would enact a fine of \$xxx.xx and actually enforce the law/ordinance and fine them on the first offense you would at least show the residents you are trying!!!!

Good Luck I cannot be the only resident that complains about this issue.

Sincerely,

Todd Williams
1517 Sail Island Ct.
Chesterfield, MO 63017
314-609-7747

Ray Johnson

From: D. Todd Williams <dtoddw@charter.net>
Sent: Friday, July 09, 2021 11:50 AM
To: 'Rick Gans'; cityofficials
Cc: Ray Johnson; 'Robin Harris'; 'Jean Millner'; Derek.Grier@house.mo.gov
Subject: RE: Fireworks in St Louis County/Chesterfield Missouri

Dear Mr. Gans,

Thank you for your response, I realize the Chesterfield Police Department is responsible for enforcing the ordinance, but I was hoping your department could supply some data to back up my point. I am sure during July 3rd-July 5th the amount of calls for explosion/fire calls go up exponentially. I think it would be beneficial to have this data available if Chesterfield decides to actually put some "teeth" in the ordinance and levy some fines.

Thanks for your time,

Todd Williams

From: Rick Gans <gans.r@monarchfpd.org>
Sent: Friday, July 9, 2021 9:21 AM
To: D. Todd Williams <dtoddw@charter.net>; cityofficials@chesterfield.mo.us
Cc: rjohnson@chesterfield.mo.us; Robin Harris <harris.r@monarchfpd.org>; Jean Millner <millner.j@monarchfpd.org>; Derek.Grier@house.mo.gov
Subject: RE: Fireworks in St Louis County/Chesterfield Missouri

Mr. Williams

Thank you for your email and comments. Not only are fireworks noisy, but they also cause injuries and fires each year across the St. Louis area.

As you are likely aware, fireworks ordinances are enforced by the police and not by fire departments or fire districts. We support the efforts of the Chesterfield Police and all other police departments within the Monarch Fire Protection District in this enforcement (Maryland Heights, Creve Coeur, Ballwin, Clarkson Valley and unincorporated St. Louis County). We know they have a difficult task in catching offenders in the act.

While the resumption of public fireworks displays this year did reduce the number of calls we ran for fireworks related incidents, even one was too many.

Rick Gans
Director
Monarch Fire Protection District

