

**STURGEON CITY CODE**

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**CHAPTER 15: MISCELLANEOUS**

**Article I. Numbering of Business houses and Residences.**

**Section 15.200      Numbering of Buildings, Division Line Method.**

That the Norfolk and Western railroad right-of-way (formerly Wabash Railroad) shall be the division line for the number of business houses and residences north and south thereof. That Ogden Street shall be the division line for the number of business houses and residences east and west thereof. That all business houses and residences on the east side of all north-south streets and on the south side of all east-west streets shall be given even numbers. All business houses and residences on the west side of all north-south streets and on the north side of all east-west streets shall be assigned odd numbers. That all business houses and residences shall be assigned numbers, beginning at the intersection of the Norfolk and Western Railroad and Ogden Street and shall radiate north, south, east and west therefrom beginning with the number one hundred as the lowest assigned number. Numbers shall be assigned in blocks of one hundred per block or equivalent. For example, the first business house on Ogden Street north of the railroad and on the east side of the street shall be 100 North, and the first number to be assigned to a business house or residence on the west side of Ogden Street and south of the railroad shall be 101 South.

(Ord. 279, Sec. 1, Approved and Effective August 23, 1966.)

**Section 15.210      Clerk to Keep Map, Assign Numbers.**

It shall be the duty of the City Clerk to maintain a detailed map of the City of Sturgeon and to assign numbers to all business houses and residences of the City of Sturgeon, and to vacant lots, if deemed necessary or upon request of the owner thereof, or the Post Office.

(Ord. 279, Sec. 2, Approved and Effective August 23, 1966.)

**Section 15.220      Owner to Display Number.**

It shall be the duty of the owner or occupant of each business house or dwelling to install or display the assigned number of such business house or residence in a conspicuous place on the front of such business house or residence, and each such number shall be at least two and one half inches (2 1/2") in height.

(Ord. 279, Sec. 3, Approved and Effective August 23, 1966.)

**Section 15.340      Penalty**

Violation of this code shall constitute a misdemeanor; punishable by a fine (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.520.) for each day such violation shall continue to exist. The city clerk shall not issue a business license for any salvage yard, if the Mayor or the City Planning and Zoning Commission shall certify to the clerk that such salvage yard operation, or proposed salvage yard operation, is not in compliance with the requirements of this code. In addition, after affording the owner notice and an opportunity to be heard, the board of aldermen may revoke the business license of any person, corporation or other entity found by the board to be operating a salvage yard that is not in compliance with this code.

(Ord. 508, Sec. 1 through Sec. 4, Approved and Effective March 1, 1993.)

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### Article II. Salvage Yards

#### Section 15.400 Salvage Yards Defined and Regulated.

It shall be unlawful for any person to operate or maintain a salvage yard within the City limits of Sturgeon, Missouri.

For the purposes of this code the following words and/or phrases will have the meaning indicated below. **Salvage yard** shall mean any tract of land containing any exposed wrecked or disabled motor vehicle(s) (or parts of a motor vehicle or motor vehicles) for more than ninety (90) consecutive days.

A tract of land shall not be deemed a salvage yard due solely to the fact that it contains a wrecked or disabled motor vehicle, if, within ninety (90) days of the arrival of said motor vehicle onto said land, the owner or manager thereof shall commence a project of repair and restoration of said vehicle, and said repair and restoration shall continue unabated until said vehicle shall be restored to working order. Repair and restoration work shall be deemed to have continued unabated, so long as no period of seven consecutive days shall elapse without substantial repair or restoration work having been performed on said vehicle.

(Ord. 677 Sec. 2 through Sec. 4, Approved and Effective June 23, 2008; Ord. 664 Sec. 2 through 5, Approved and Effective May 29, 2007, Repealed; Ord. 508, Sec. 1 through Sec. 4, Approved and Effective March 1, 1993, Repealed)

#### Section 15.410 Pre-existing Salvage Yards.

All pre-existing salvage yards not subject to this code shall install and maintain a fence completely surrounding the salvage yard with a height of not less than eight (8) feet. All salvage vehicles, junk parts, and junk pieces shall be confined in and below the confines of this fence. All such fences shall be located entirely within the boundaries of the land of the owner of the salvage yard. All plans for such fences shall be signed and stamped with approval from a certified engineering firm at the cost of the landowner and presented to and approved by the Board of Aldermen of the City of Sturgeon, Missouri before any such construction shall be commenced.

(Ord. 677 Sec. 5, Approved and Effective June 23, 2008; Ord. 664 Sec. 2 through 5, Approved and Effective May 29, 2007, Repealed; Ord. 508, Sec. 1 through Sec. 4, Approved and Effective March 1, 1993, Repealed)

#### Section 15.420 Violation/Penalty

Violation of this code shall constitute a misdemeanor punishable by a fine for each day such violation shall continue to exist. The City Clerk shall not issue a business license for any salvage yard, if the Mayor or the City Planning and Zoning Commission shall certify to the Clerk that such salvage yard operation, or proposed salvage yard operation, is not in compliance with the requirements of this code. In addition, after affording the owner notice and an opportunity to be heard, the Board of Aldermen may revoke the business license of any person, corporation or other entity found by the Board to be operating a salvage yard that is not in compliance with this code.

(Ord. 677 Sec. 6, Approved and Effective June 23, 2008; Ord. 664 Sec. 2 through 5, Approved and Effective May 29, 2007, Repealed; Ord. 508, Sec. 1 through Sec. 4, Approved and Effective March 1, 1993, Repealed)

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### Article III: Utility Services To Illegal Aliens and Threat of Identity Theft

#### Section 15.600 Policy.

The State of Missouri has enacted a new law effective in 2008, requiring the City to not provide services to illegal aliens not properly inside the United States. In general this law requires documentation (in the form of a photo ID) in order to open a utility account.

Also the Federal Government through the Federal Trade Commission had adopted what is popularly known as the "Red Flag Rule" requiring creditors (including the municipal utility) to be on the watch for identity theft.

This requirement generally indicates that documentation should be required for directions to be made regarding a customer's account to prove that the customer has in fact given the direction which has been relayed to the City.

Both of these requirements have the potential to make the City's utility operations excessively bureaucratic, and unduly burden our customers with requirements that the customers are likely to regard as foolish and unnecessary. However the purposes of both programs are laudable, and if administered with discretion can improve the services offered by our utility and improve the security of our customers.

(Ord. 687, Sec. 1, Approved and Effective October 27, 2008, New)

#### Section 15.610 Discretion Advised.

The City's utility staff are authorized to use discretion in identifying the requirements contained in this code, and are authorized to vary from the procedures set forth herein when the customer is known to the utility administrators and staff.

This code does not create any legal rights for customers of the City nor does it impose any new obligations on the City utility, except for the requirement that the City administrators and staff be aware of the dual obligations of providing utility service to only lawful residents and to protect our customers against identity theft.

(Ord. 687, Sec. 2, Approved and Effective October 27, 2008, New)

#### Section 15.620 Program Purpose and Definitions

1. Fulfilling requirements of the Red Flags Rule. Under the Red Flag Rule, every financial institution and creditor is required to establish an "Identity Theft Prevention Program" tailored to its size, complexity and the nature of its operation. Each program must contain reasonable policies and procedures to:

- a. Identify relevant Red Flags for new and existing covered accounts and incorporate those Red Flags into the Program;
- b. Detect Red Flags that have been incorporated into the Program;
- c. Respond appropriately to any Red Flags that are detected to prevent and mitigate Identity Theft; and
- d. Ensure the Program is updated periodically, to reflect changes in risks to customers or to the safety

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and soundness of the creditor from Identity Theft.

2. Red Flags Rule definitions used in this Program. The Red Flags Rule defines **Identity Theft** as "fraud committed using the identifying information of another person" and a **Red Flag** as a pattern, practice, or specific activity that indicates the possible existence of Identity Theft.

According to the Rule, a City is a creditor subject to the Rule requirements. The Rule defines creditors "to include finance companies, automobile dealers, mortgage brokers, utility companies, and telecommunications companies. Where non-profit and government entities defer payment for goods or services, they, too, are to be considered creditors."

All the City's accounts that are individual City service accounts held by customers of the City whether residential, commercial or industrial are covered by the Rule. Under the Rule, a **covered account** is:

- a. Any account the City offers or maintains primarily for personal, family or household purposes, that involves multiple payments or transactions; and
- b. Any other account the City offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the City from Identity Theft.

**Identifying information** is defined under the Rule as "any name or number that may be used, alone or in conjunction with any other information, to identify a specific person,"including: name, address, telephone number, social security number, date of birth, government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number, unique electronic identification number, computer's Internet Protocol address, or routing code.

(Ord. 687, Sec. 3, Approved and Effective October 27, 2008, New)

### **Section 15.630 Identification of Red Flags**

In order to identify relevant Red Flags, the City considers the types of accounts that it offers and maintains, the methods it provides to open its accounts, the methods it provides to access its accounts, and its previous experiences with Identity Theft. The City identifies the following red flags, in each of the listed categories:

#### 1. Notifications and Warnings From Credit Reporting Agencies

##### **Red Flags**

- a. Report of fraud accompanying a credit report;
- b. Notice or report from a credit agency of a credit freeze on a customer or applicant;
- c. Notice or report from a credit agency of an active duty alert for an applicant; and
- d. Indication from a credit report of activity that is inconsistent with a customer's usual pattern or activity.

#### 2. Suspicious Documents

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### **Red Flags**

- a. Identification document or card that appears to be forged, altered or inauthentic;
- b. Identification document or card on which a person's photograph or physical description is not consistent with the person presenting the document;
- c. Other document with information that is not consistent with existing customer information (such as if a person's signature on a check appears forged); and
- d. Application for service that appears to have been altered or forged.

### 3. **Suspicious Personal Identifying Information**

#### **Red Flags**

- a. Identifying information presented that is inconsistent with other information the customer provides (example: inconsistent birth dates);
- b. Identifying information presented that is inconsistent with other sources of information (for instance, an address not matching an address on a credit report);
- c. Identifying information presented that is the same as information shown on other applications that were found to be fraudulent;
- d. Identifying information presented that is consistent with fraudulent activity (such as an invalid phone number or fictitious billing address);
- e. Social security number presented that is the same as one given by another customer;
- f. An address or phone number presented that is the same as that of another person;
- g. A person fails to provide complete personal identifying information on an application when reminded to do so (however, by law social security numbers must not be required); and
- h. A person's identifying information is not consistent with the information that is on file for the customer.

### 4. **Suspicious Account Activity or Unusual Use of Account**

#### **Red Flags**

- a. Change of address for an account followed by a request to change the account holder's name;
- b. Payments stop on an otherwise consistently up-to-date account;
- c. Account used in a way that is not consistent with prior use (example: very high activity);
- d. Mail sent to the account holder is repeatedly returned as undeliverable;

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- e. Notice to the City that a customer is not receiving mail sent by the City;
- f. Notice to the City that an account has unauthorized activity;
- g. Breach in the City's computer system security; and
- h. Unauthorized access to or use of customer account information.

5. Alerts from Others

**Red Flag**

- a. Notice to the City from a customer, identity theft victim, law enforcement or other person that it has opened or is maintaining a fraudulent account for a person engaged in Identity Theft.

(Ord. 687, Sec. 4, Approved and Effective October 27, 2008, New)

**Section 15.640      Detecting Red Flags**

1. New Accounts. In order to detect any of the Red Flags identified above associated with the opening of a new account, City personnel will take the following steps to obtain and verify the identity of the person opening the account:

**Detect**

- a. Require certain identifying information such as name, date of birth, residential or business address, principal place of business for an entity, driver's license or other identification;
- c. Verify the customer's identity (for instance, review a driver's license or other identification card);
- d. Review documentation showing the existence of a business entity; and
- e. Independently contact the customer.

2. Existing Accounts

In order to detect any of the Red Flags identified above for an existing account, City personnel will take the following steps to monitor transactions with an account:

**Detect**

- a. Verify the identification of customers if they request information (in person, via telephone, via facsimile, via email);
- b. Verify the validity of requests to change billing addresses; and
- c. Verify changes in banking information given for billing and payment purposes.

(Ord. 687, Sec. 5, Approved and Effective October 27, 2008, New)

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### **Section 15.650      Preventing and Mitigating Identity Theft**

In the event City personnel detect any identified Red Flags, such personnel shall take one or more of the following steps, depending on the degree of risk posed by the Red Flag:

1. Prevent and Mitigate

- a. Continue to monitor an account for evidence of Identity Theft;
- b. Contact the customer;
- c. Change any passwords or other security devices that permit access to accounts;
- d. Not open a new account;
- e. Close an existing account;
- f. Reopen an account with a new number;
- g. Notify the Board of Aldermen for determination of the appropriate step(s) to take;
- h. Notify law enforcement; or
- i. Determine that no response is warranted under the particular circumstances.

2. Protect customer identifying information. In order to further prevent the likelihood of identity theft occurring with respect to City accounts, the City will take the following steps with respect to its internal operating procedures to protect customer identifying information:

- a. Ensure that its website is secure or provide clear notice that the website is not secure;
- b. Ensure complete and secure destruction of paper documents and computer files containing customer information;
- c. Ensure that office computers are password protected and that computer screens lock after a set period of time;
- d. Keep offices clear of papers containing customer information;
- e. Request only the last 4 digits of social security numbers (if any);
- f. Ensure computer virus protection is up to date; and
- g. Require and keep only the kinds of customer information that are necessary for City purposes.

(Ord. 687, Sec. 6, Approved and Effective October 27, 2008, New)

### **Section 15.660      Program Updates**

This Program will be periodically reviewed and updated to reflect changes in risks to customers and the

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soundness of the City from Identity Theft. At least every 24 months the Board of Aldermen will consider the City's experiences with Identity Theft situation, changes in Identity Theft methods, changes in Identity Theft detection and prevention methods, changes in types of accounts the City maintains and changes in the City's business arrangements with other entities. After considering these factors, the Board of Aldermen will determine whether changes to the Program, including the listing of Red Flags, are warranted. If warranted, the Program Administrator will update the Program or present the Board of Aldermen with his or her recommended changes and the Board of Aldermen will make a determination of whether to accept, modify or reject those changes to the Program.

(Ord. 687, Sec. 7, Approved and Effective October 27, 2008, New)

### **Section 15.670      Program Administration.**

1. Oversight. Responsibility for developing, implementing and updating this Program lies with an Identity Theft Committee for the City. The Committee is headed by a Program Administrator who may be the Mayor or his or her appointee. Two or more other individuals appointed by the Mayor or the Program Administrator comprise the remainder of the committee membership. The Program Administrator will be responsible for the Program administration, for ensuring appropriate training of City staff on the Program, for reviewing any staff reports regarding the detection of Red Flags and the steps for preventing and mitigating Identity Theft, determining which steps of prevention and mitigation should be taken in particular circumstances and considering periodic changes to the Program.

2. Staff Training and Reports. City staff responsible for implementing the Program shall be trained either by or under the direction of the Program Administrator in the detection of Red Flags, and the responsive steps to be taken when a Red Flag is detected. (The City may include in its Program how often training is to occur. The Program may also require staff to provide reports to the Program Administrator on incidents of Identity Theft, the City's compliance with the Program and the effectiveness of the Program.)

3. Service Provider Arrangements. In the event the City engages a service provider to perform an activity in connection with one or more accounts, the City will take the following steps to ensure the service provider performs its activity in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of Identity Theft.

- a. Require, by contract, that service providers have such policies and procedures in place; and
- b. Require, by contract, that service providers review the City's Program and report any Red Flags to the Program Administrator.

4. Specific Program Elements and Confidentiality. For the effectiveness of Identity Theft prevention Programs, the Red Flag Rule envisions a degree of confidentiality regarding the City's specific practices relating to Identity Theft detection, prevention and mitigation. Therefore, under this Program, knowledge of such specific practices are to be limited to the Identity Theft Committee and those employees who need to know them for purposes of preventing Identity Theft. Because this Program is to be adopted by a public body and thus publicly available, it would be counterproductive to list these specific practices here. Therefore, only the Program's general red flag detection, implementation and prevention practices are listed in this document.

(Ord. 687, Sec. 8, Approved and Effective October 27, 2008, New)

### **Section 15.680      Program Adoption**

The City of Sturgeon developed this Identity Theft Prevention Program ("Program") pursuant to the Federal

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Trade Commission's Red Flags Rule ("Rule"), which implements Section 114 of the Fair and Accurate Credit Transactions Act of 2003. 16 C. F. R. § 681.2. This Program was developed with oversight and approval of the Sturgeon Board of Aldermen. After consideration of the size and complexity of the City's operations and account systems, and the nature and scope of the City's activities, the Board of Aldermen determined that this Program was appropriate for the City of Sturgeon.

(Ord. 687, Sec. 9, Approved and Effective October 27, 2008, New)