

outline is defined and used in this document

## **TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE**

### **CHAPTER 200: POLICE DEPARTMENT**

#### **SECTION 200.010: CHIEF OF POLICE—APPOINTMENT—QUALIFICATIONS**

The Mayor with the approval of a majority of the members of the Board of Aldermen shall appoint a Chief of Police who shall perform all duties required of the Marshal by law and any other Police Officers found by the Board of Aldermen to be necessary for the good government of the City. The Chief of Police shall be twenty-one (21) years of age or older.

#### **SECTION 200.020: SIZE OF POLICE FORCE—POWERS**

The Police of the City may be appointed in such numbers, for such times and in such manner as may be prescribed by ordinance. They shall have power to serve and execute all warrants, subpoenas, writs or other process and to make arrests in the same manner as the Marshal. They may exercise such powers in areas leased or owned by the municipality outside of the boundaries of such municipality. The Marshal and Policemen shall be conservators of the peace and shall be active and vigilant in the preservation of good order within the City.

#### **SECTION 200.030: CITY MAY ENTER INTO AGREEMENT**

The Board of Aldermen of the City may by ordinance enter into a contract or agreement with any other political subdivision for the provision of Police services by one political subdivision to another on request as provided for in Section 70.815, RSMo. The terms "*Chief of Police*", "*Police*", "*Police Officer*" and "*Police Department*", as used herein, shall refer to Law Enforcement Officers of the contracting entity.

## CHAPTER 205: ANIMAL REGULATIONS

### ARTICLE I. GENERALLY

#### SECTION 205.010: DEFINITION OF TERMS

As used in this Chapter, unless the context otherwise indicates, the following terms shall have these prescribed meanings:

*ADEQUATE CARE:* Normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal.

*ADEQUATE CONTROL:* To reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal or property.

*AFFECTED WITH RABIES:* Infected with the rabies virus as determined by standard laboratory testing.

*ANIMAL:* Any living animal, domestic or wild, excepting birds, fish, amphibians and farm animals.

*AT LARGE:* Off the premises of the owner and not under the control of the owner or a competent member of his/her immediate family, either by leash, cord or chain.

*CAT:* Both male and female members of the feline family at least six (6) months of age.

*COMPETENT PERSON:* A human being that is capable of controlling and governing the dog in question and to whose commands the dog is obedient.

*DOG:* Both male and female members of the canine family at least six (6) months of age.

*EXPOSED TO RABIES:* When bitten by or fought with or has come in close contact with a dog or other animal shown to be infected with the rabies virus as determined by standard laboratory testing.

*OWNER:* In addition to its ordinary meaning, any person who keeps or harbors an animal or professes to be owning, keeping or harboring an animal.

*VICIOUS DOG:* Any of the following dogs:

1. Any dog, whether or not running at large and whether or not unrestrained, that without provocation has bitten any person not a trespasser causing serious physical injury to that person.
2. Any unrestrained dog, whether or not running at large, that without provocation has attempted to bite any person not a trespasser which would cause serious physical injury to that person.
3. Any unrestrained dog, whether or not running at large, that without provocation has placed any person not a trespasser in apprehension of immediate serious physical injury.

4. Any dog that has killed another dog, cat or other domestic animal without provocation. (Ord. No. 159 §I, 12-8-87)

#### **SECTION 205.020: LICENSING REQUIREMENTS**

Every person, firm, corporation or association which owns, controls, manages or possesses in whole or in part any dog, cat or other animal, or who permits a dog, cat or other animals to come in or about any home, place, business or other premises owned or controlled by such person, firm, corporation or association in the City of Marthasville, shall procure a license for each such dog, cat or other animal as required by this Chapter. When a license tag is procured, the owner shall keep the same securely fastened by means of a collar about the neck of the dog, cat or other animal at all times. In addition, if the tag supplied by the City does not contain the owner's name and address, the owner shall fasten another tag with this information thereon. (Ord. No. 159 §II, 12-8-87)

#### **SECTION 205.030: LICENSE TAG REQUIRED**

On or before the first (1st) day of May of each year, the owner of each dog, cat or other animal, then over the age of six (6) months, kept within the City and for each dog, cat or other animal then or thereafter in the City, on attaining six (6) months of age during the year, shall secure from the City Collector a license tag for such dog, cat or other animal, which license tag shall be issued upon payment of a two dollar (\$2.00) fee. (Ord. No. 159 §III, 12-8-87)

#### **SECTION 205.040: REGISTRATION REQUIREMENTS**

It shall be the duty of the owner of every dog, cat or other animal kept within the City, subject to the license tag specified in the preceding Section, to cause the same to be registered at the office of the City Collector in the City animal register and the City Collector shall enter into the City animal register the date of application for the license tag, the number of the tag issued, to whom and for whom issued and the breed, sex and color of such dog, cat or other animal. The City Collector shall thereupon furnish to the person a metallic plate or tag having plainly marked, cast or stamped thereon the figures indicating the year for which the tag was issued and a number corresponding with the number of the entry on the animal's register. Such plate or tag shall be attached to a substantial collar to be worn by the dog, cat or other animal for which the plate or the tag was issued; provided however, that before any dog, cat or other animal required by the preceding Section to have a City license tag shall be registered at the office of the City Collector as required in this Section, there shall be presented to the City Collector a written statement briefly describing such dog, cat or other animal sought to be registered and naming the alleged owner thereof, signed by a duly licensed veterinarian who shall certify that such dog, cat or other animal has been immunized against rabies or accompanied by a rabies control tag and the date of the immunization. Such date of immunization and effective period of the immunization shall be recorded at the time of registration of such dog, cat or other animal. (Ord. No. 159 §IV, 12-8-87)

#### **SECTION 205.050: CITY CLERK TO SUPPLY TAGS**

The City Clerk is authorized annually to procure on behalf of the City a supply of license plates or tags sufficient for the need of that particular year. (Ord. No. 159 §V, 12-8-87)

**SECTION 205.060: LEASHING REQUIREMENTS**

It shall be unlawful for any person or persons owning, controlling, harboring, possessing or having the management or care, in whole or in part, of any dog, cat or other animal to permit such dog, cat or other animal to run at large. For the purpose of this Article, every dog, cat or other animal when on any street, alley or any other public place in the City of Marthasville which is not attached to a leash, the other end of which is securely held by a competent person, or when on private property within said City, which is either not attached to a leash, the other end of which is securely held by a competent person, or which is not so confined as to prevent its straying from the premises shall be deemed running at large; provided however, that a dog, cat or other animal bearing an identification tag containing the name and address of its owner and a current City license tag securely fastened to collar about the neck of such animal may remain in an enclosure on the property of its owner without leash or other confinement. (Ord. No. 159 §VI, 12-8-87)

**SECTION 205.070: ENFORCEMENT OFFICIALS**

The Board of Aldermen does hereby create the office of Impounding Officer, to which said position the Mayor may appoint a suitable person; provided however, that the Board of Aldermen may, in its discretion and in lieu of the creation of the office of the City Impounding Officer, enter into a contract with any person, firm, corporation, organization or agency for the control, pickup and disposition of any animals which are found in violation of this Article within the City of Marthasville. Such contraction shall be in writing and shall fix the compensation to be paid and shall be for such period and upon such terms and conditions as the Board of Aldermen may impose. The person, firm, corporation, organization or agency so selected shall perform all the duties and be subject to all the requirements of this Article applicable to the City Impounding Officer in addition to the duties imposed by such contract. The Mayor may, in addition, authorize the Police Department to pick up and restrain animals found within the City in violation of this Article. (Ord. No. 159 §VII, 12-8-87)

**SECTION 205.080: IMPOUNDING GENERALLY**

The Impounding Officer, Police Officer or any person designated by the Board of Aldermen shall have the power to catch, confine and impound dogs, cats or other animals as follows:

1. All dogs, cats or other animals which are required to have licenses and which are without a license displayed in the manner provided herein; and all dogs, cats or other animals running off the owner's premises and not securely led by a leash.
2. All female dogs, cats or other animals licensed or unlicensed, not securely confined in an enclosed place while in heat.
3. All dogs, cats or other animals affected with rabies and all dogs, cats or other animals suspected of being exposed to or affected with rabies, including dogs, cats or other animals known to have been bitten by a rabid animal, whether such dog, cat or other animal is running at large or on a leash, and whether it is licensed or unlicensed.
4. All dogs, cats or other animals with vicious propensities.

5. Dogs, cats or other animals impounded in accordance with this Article shall be impounded in a designated facility by and under the supervision of the Board of Aldermen.
6. The Impounding Officer shall post a notice within twenty-four (24) hours after impounding on the bulletin board of the City shed, describing every dog, cat or other animal caught and impounded. Like notice shall be given to the City Collector. (Ord. No. 159 §VIII, 12-8-87)

#### **SECTION 205.090: RIGHT OF ENTRY**

The Impounding Officer or any other person, firm, corporation, organization or agency with which the City has contracted, according to the provisions of this Chapter and the members of the Police Department while in pursuit of a dog, cat or other animal running at large, shall have the right of entry to any lots or lands including those of the owner of such dog, cat or other animal for the purpose of collecting any dog, cat or other animal found in violation of this Article. (Ord. No. 159 §IX, 12-8-87)

#### **SECTION 205.100: INTERFERENCE WITH ENFORCEMENT OFFICIALS**

Any person who shall interfere with or obstruct a City Official in the reasonable performance of his/her duty in apprehending any dog, cat or other animal for impounding or investigation under this Article, or any person who shall refuse to deliver up his/her dog, cat or other animal upon request by a proper City Official, whenever such official has reasonable cause to believe that such dog, cat or other animal is unlicensed or has not been inoculated against rabies within a period of one (1) year, or such dog, cat or other animal is running at large in violation of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as hereinafter provided. (Ord. No. 159 §X, 12-8-87)

#### **SECTION 205.110: RABID DOGS, CATS OR OTHER ANIMALS TO BE CONFINED**

- A. No person, firm, corporation or association owning or having custody or control of any dog, cat or other animal affected with rabies or any dog, cat or other animal which has been exposed to rabies or which shows symptoms or indication of having rabies shall permit such dog, cat or other animal to be upon any street, alley, public place or private property within the City other than the property of the owner or custodian of such dog, cat or other animal, and then only if such dog, cat or other animal is so confined as to prevent its straying from the premises.
- B. Every person, firm, corporation or association owning or having custody or control of any dog, cat or other animal which has bitten a person, or which acts in a manner suggesting that it is or may be affected with rabies, shall impound such dog, cat or other animal in the facility designated by the City of Marthasville for a period of ten (10) days for observation. If such person, firm, association or corporation shall fail to have such dog, cat or other animal impounded as herein required, the official or officials charged with the enforcement of this Article shall impound such dog, cat or other animal as herein provided. (Ord. No. 159 §XI, 12-8-87)

**SECTION 205.120: QUARANTINE ORDER TO BE ISSUED BY MAYOR—TO BE PUBLISHED AND POSTED**

Whenever rabies becomes prevalent in the City, the Mayor shall, according to the necessity of the case, issue a quarantine order, requiring every owner or person in charge of any dog or dogs within the limits of the City, to either kill or impound his/her dog or dogs or to have such dog or dogs immunized. Said order shall be published once in the paper officially publishing the business of the City and, in the absence of such paper, shall be posted as in case of sales of personal property. The Mayor is authorized by proclamation to terminate any such quarantine whenever, in his/her judgment, the necessity for it no longer exists.

**SECTION 205.130: NOTIFICATION OF DESTRUCTION OF RABID ANIMAL**

Any person destroying an animal affected with rabies or suspected of being affected with rabies shall immediately notify the Police and shall provide the Police with all pertinent information respecting persons bitten or suspected of being bitten by such animal and also with all pertinent information respecting any other animal exposed to the animal destroyed. The Impounding Officer shall have the right to forthwith destroy any dog, cat or other animal in his/her custody or possession, which dog, cat or other animal is at large, and which dog, cat or other animal bears no evidence of current immunization for rabies, and which animal has been identified as having bitten or scratched any person within ten (10) days of its capture by the Impounding Officer. (Ord. No. 159 §XIII, 12-8-87)

**SECTION 205.140: REPORTING ANIMAL BITES**

Every physician shall report to the Chief of Police pertinent information concerning any resident of the City of Marthasville who has been bitten by an animal suspected of being rabid and every veterinarian shall report all pertinent information concerning rabid animals under his/her care. (Ord. No. 159 §XIV, 12-8-87)

**SECTION 205.150: REDEMPTION OF NON-RABID ANIMALS**

Any dog, cat or other animal captured and impounded as authorized by this Article and determined not to be affected with rabies may be redeemed by the owner or other person having the right of possession of such animal upon presentation of a proper license and upon payment of a redemption fee plus any expense of taking, impounding and keeping of said animal. If the animal is not redeemed in the manner provided in Section 205.160 below after his/her capture, such animal shall be destroyed. In case any impounded animal is unlicensed and uninoculated, the owner may redeem such animal by obtaining a license and paying the redemption fee and depositing the sum of twenty-five dollars (\$25.00) with the City Collector. It shall be the duty of such owner to furnish an inoculation certificate within five (5) days thereafter, and upon furnishing such certificate the deposit shall be returned. Failure to exhibit such certificate within the required time shall subject the owner or person redeeming such animal to the penalties provided for the violation of this Article. (Ord. No. 159 §XV, 12-8-87)

**SECTION 205.160: REDEMPTION OF NON-RABID ANIMALS—REDEMPTION FEES**

The redemption fee provided for by the preceding Section shall be fifteen dollars (\$15.00) for the first (1st) time any dog, cat or other animal is impounded, thirty-five dollars (\$35.00) for the second (2nd) time such dog, cat or other animal is impounded and sixty-five dollars (\$65.00) for each time thereafter such dog, cat or other animal is impounded. (Ord. No. 159 §XVI, 12-8-87)

**SECTION 205.170: EXAMINATION AND DISPOSAL OF RABID ANIMALS**

The Mayor or a person designated by him/her shall dispose of any dog, cat or other animal affected with rabies, and he/she shall have the power to examine and impound any animal bitten by or exposed to any animal affected with rabies. (Ord. No. 159 §XVII, 12-8-87)

**SECTION 205.180: CARE OF ANIMALS**

The owner and/or custodian of a dog, cat or other animal shall provide humane shelter from heat, cold, rain, snow or other conditions that could be harmful to the animal and they shall provide the animal adequate food and drink to maintain the animal in good health and shall not treat such animal in a cruel and inhumane manner. (Ord. No. 159 §XVIII, 12-8-87)

**SECTION 205.190: BARKING OR ANNOYING DOGS**

No person, firm, corporation or association which owns, controls, manages or possesses any dog, cat or other animal shall own, keep or harbor upon his/her premises any dog that by frequent and habitual barking, yelping or howling or by immediate threat of attacking or biting causes fear or annoyance to the person or persons living in the immediate area or to persons passing upon the streets and sidewalks. (Ord. No. 159 §XIX, 12-8-87)

**SECTION 205.200: AUTHORITY OF IMPOUNDING AND OTHER ENFORCEMENT OFFICIALS**

- A. The Impounding Officer, Police Officer, authorized contractor or any person designated by the Board of Aldermen shall have the power to catch, confine and impound all animals enumerated in Section 205.080 in the same manner as set forth in this Chapter. The Impounding Officer, Police Officer, authorized contractor or any person designated by the Board of Aldermen shall have the power to immobilize any animal, which poses a risk or serious physical harm or death to any person, by tranquilizers or other safe drugs if immediately available, or the animal may be killed if immobilization is not safely possible.
- B. The Impounding Officer, Police Officer, authorized contractor or any person designated by the Board of Aldermen shall also have the power to remove or dispose of any nest or shelter of any animal which is in a location that presents a threat of stinging or biting to any person on any street, sidewalk, shopping area, park, parking lot or other place open to the public or presents a threat of stinging or biting to any person on private property adjacent to the nest or shelter.

**SECTION 205.210: RESTRICTION ON NUMBER OF DOGS AND CATS ON PREMISES**

It shall be unlawful for any person or persons to keep on their premises more than four (4) adult dogs or more than four (4) adult cats unless person or persons shall have received a variance from the requirements of this Section from the Board of Aldermen. (Ord. No. 159 §XXII, 12-8-87)

**ARTICLE II. VICIOUS DOGS****SECTION 205.220: VICIOUS DOGS PROHIBITED—EXCEPTIONS**

It shall be unlawful to own, keep or harbor a vicious dog in the City of Marthasville except in accordance with the following provisions:

1. *Leash and muzzle.* No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts or buildings. In addition, all vicious dogs on a leash outside its kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
2. *Confinement.* All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine vicious dogs must be locked with a key or combination lock when such dogs are within the structure. Said structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be imbedded in the ground no less than two (2) feet. Also, such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
3. *Confinement indoors.* No vicious dog may be kept on a porch, patio or any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
4. *Signs.* All owners, keepers or harborers of vicious dogs within the City shall display in a prominent place on their premises a sign easily readable by the public using the words "*Beware of Dog*". In addition, a similar sign is required to be posted on the kennel or pen of such dog.

**ARTICLE III. ADDITIONAL ANIMAL REGULATIONS****SECTION 205.230: ANIMAL NEGLECT OR ABANDONMENT**

- A. A person is guilty of animal neglect when he/she has custody or ownership or both of an animal and fails to provide adequate care or adequate control which results in substantial harm to the animal.

- B. A person is guilty of animal abandonment when he/she has knowingly abandoned an animal in any place without making provisions for its adequate care.
- C. Animal neglect or animal abandonment are ordinance violations. For a first (1st) offense of either violation, a term of imprisonment not to exceed fifteen (15) days or a fine not to exceed five hundred dollars (\$500.00) or both such fine and imprisonment may be imposed. For a second (2nd) or subsequent violation of either offense, a term of imprisonment not to exceed ninety (90) days or a fine not to exceed five hundred dollars (\$500.00) or both such fine and imprisonment may be imposed. All fines and penalties for a first (1st) conviction of animal neglect or animal abandonment may be waived by the court provided that the person found guilty of animal neglect or abandonment shows that adequate, permanent remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care and maintenance of neglected or abandoned animals may not be waived.
- D. In addition to any other penalty imposed by this Section, the court may order a person found guilty of animal neglect or animal abandonment to pay all reasonable costs and expenses necessary for:
  - 1. The care and maintenance of neglected or abandoned animals within the person's custody or ownership;
  - 2. The disposal of any dead or diseased animals within the person's custody or ownership;
  - 3. The reduction of resulting organic debris affecting the immediate area of the neglect or abandonment; and
  - 4. The avoidance or minimization of any public health risks created by the neglect or abandonment of the animals.

#### **SECTION 205.240: ANIMAL ABUSE**

A person is guilty of animal abuse when a person:

- 1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of Sections 578.005 to 578.023 and 273.030, RSMo.;
- 2. Purposely or intentionally causes injury or suffering to an animal; or
- 3. Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control.

*Note—Under certain circumstances this offense can be a felony under state law.*

#### **SECTION 205.250: KNOWINGLY RELEASING AN ANIMAL**

- A. A person commits the offense of knowingly releasing an animal if that person, acting without the consent of the owner or custodian of an animal, intentionally releases any animal that is lawfully confined for the purpose of companionship or protection of persons or property or for recreation, exhibition or educational purposes.

- B. As used in this Section, "*animal*" means every living creature, domesticated or wild, but not including *Homo sapiens*.
- C. The provisions of this Section shall not apply to a public servant acting in the course of such servant's official duties.

**SECTION 205.260: DANGEROUS WILD ANIMALS PROHIBITED**

No person may keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarondi, hyena, wolf, bear, non-human primate, coyote, any deadly, dangerous or poisonous reptile, or any deadly or dangerous reptile over eight (8) feet long, in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge.

## CHAPTER 210: OFFENSES

### ARTICLE I. GENERAL PROVISIONS

#### SECTION 210.005: DEFINITIONS

In this Chapter, unless the context requires a different definition, the following shall apply:

*AFFIRMATIVE DEFENSE:* Has the meaning specified in Section 556.056, RSMo.

*BURDEN OF INJECTING THE ISSUE:* Has the meaning specified in Section 556.051, RSMo.

*COMMERCIAL FILM AND PHOTOGRAPHIC PRINT PROCESSOR:* Any person who develops exposed photographic film into negatives, slides or prints or who makes prints from negatives or slides for compensation. The term "*commercial film and photographic print processor*" shall include all employees of such persons but shall not include a person who develops film or makes prints for a public agency.

*CONFINEMENT:*

1. A person is in confinement when he/she is held in a place of confinement pursuant to arrest or order of a court and remains in confinement until:
  - a. A court orders his/her release;
  - b. He/she is released on bail, bond or recognizance, personal or otherwise; or
  - c. A public servant having the legal power and duty to confine him/her authorizes his/her release without guard and without condition that he/she return to confinement.
2. A person is not in confinement if:
  - a. He/she is on probation or parole, temporary or otherwise; or
  - b. He/she is under sentence to serve a term of confinement which is not continuous or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport him/her to or from a place of confinement.

*CONSENT:* Consent or lack of consent may be expressed or implied. Assent does not constitute consent if:

1. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor;
2. It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

3. It is induced by force, duress or deception.

*CRIMINAL NEGLIGENCE:* Has the meaning specified in Section 562.016, RSMo.

*CUSTODY:* A person is in custody when he/she has been arrested but has not been delivered to a place of confinement.

*DANGEROUS FELONY:* The felonies of arson in the first degree, assault in the first degree, attempted forcible rape if physical injury results, attempted forcible sodomy if physical injury results, forcible rape, forcible sodomy, kidnapping, murder in the second degree, assault of a Law Enforcement Officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, and abuse of a child pursuant to Subdivision (2) of Subsection (3) of Section 568.060, RSMo., child kidnapping and parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty (120) days under Section 565.153, RSMo.

*DANGEROUS INSTRUMENT:* Any instrument, article or substance which, under the circumstances in which it is used, is readily capable of causing death or other serious physical injury.

*DEADLY WEAPON:* Any firearm, loaded or unloaded, or any weapon from which a shot, readily capable of producing death or serious physical injury, may be discharged or a switchblade knife, dagger, billy, blackjack or metal knuckles.

*FELONY:* Has the meaning specified in Section 556.016, RSMo.

*FORCIBLE COMPULSION:* Means either:

1. Physical force that overcomes reasonable resistance; or
2. A threat, express or implied, that places a person in reasonable fear of death, serious physical injury or kidnapping of himself/herself or another person.

*INCAPACITATED:* That physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act. A person is not "*incapacitated*" with respect to an act committed upon him/her if he/she became unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act after consenting to the act.

*INFRACTION:* Has the meaning specified in Section 556.021, RSMo.

*INHABITABLE STRUCTURE:* Has the meaning specified in Section 569.010, RSMo.

*KNOWINGLY:* Has the meaning specified in Section 562.016, RSMo.

*LAW ENFORCEMENT OFFICER:* Any public servant having both the power and duty to make arrests for violations of the laws of this State, and Federal Law Enforcement Officers authorized to carry firearms and to make arrests for violations of the laws of the United States.

*MISDEMEANOR:* Has the meaning specified in Section 556.016, RSMo.

*OFFENSE:* Any felony, misdemeanor or infraction.

*PHYSICAL INJURY:* Physical pain, illness, or any impairment of physical condition.

*PLACE OF CONFINEMENT:* Any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of a crime be held.

*POSSESS OR POSSESSED:* Having actual or constructive possession of an object with knowledge of its presence. A person has actual possession if he/she has the object on his/her person or within easy reach and convenient control. A person has constructive possession if he/she has the power and the intention at a given time to exercise dominion or control over the object either directly or through another person or persons. Possession may also be sole or joint. If one (1) person alone has possession of an object, possession is sole. If two (2) or more persons share possession of an object, possession is joint.

*PUBLIC SERVANT:* Any person employed in any way by a government of this State who is compensated by the government by reason of his/her employment, any person appointed to a position with any government of this State, or any person elected to a position with any government of this State. It includes, but is not limited to, legislators, jurors, members of the judiciary and Law Enforcement Officers. It does not include witnesses.

*PURPOSELY:* Has the meaning specified in Section 562.016, RSMo.

*RECKLESSLY:* Has the meaning specified in Section 562.016, RSMo.

*RITUAL OR CEREMONY:* An act or series of acts performed by two (2) or more persons as part of an established or prescribed pattern of activity.

*SERIOUS EMOTIONAL INJURY:* An injury that creates a substantial risk of temporary or permanent medical or psychological damage manifested by impairment of a behavioral, cognitive or physical condition. "*Serious emotional injury*" shall be established by testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable degree of medical or psychological certainty.

*SERIOUS PHYSICAL INJURY:* Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.

*SEXUAL CONDUCT:* Acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification.

*SEXUAL CONTACT:* Any touching of the genitals or anus of any person, or the breast of any female person, or any such touching through the clothing for the purpose of arousing or gratifying sexual desire of any person.

*SEXUAL PERFORMANCE:* Any performance, or part thereof, which includes sexual conduct by a child who is less than seventeen (17) years of age.

*VOLUNTARY ACT:* Has the meaning specified in Section 562.011, RSMo.

## **ARTICLE II. OFFENSES AGAINST THE PERSON**

### **SECTION 210.010: ASSAULT**

A person commits the offense of assault if:

1. The person attempts to cause or recklessly causes physical injury to another person;
2. With criminal negligence the person causes physical injury to another person by means of a deadly weapon;
3. The person purposely places another person in apprehension of immediate physical injury;
4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person;
5. The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative; or
6. The person knowingly causes physical contact with an incapacitated person, as defined in Section 475.010, RSMo., which a reasonable person, who is not incapacitated, would consider offensive or provocative.

### **SECTION 210.015: DOMESTIC ASSAULT**

A person commits the offense of domestic assault if the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor as defined in Section 455.010, RSMo.; and

1. The person attempts to cause or recklessly causes physical injury to such family or household member;
2. With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument;
3. The person purposely places such family or household member in apprehension of immediate physical injury by any means;
4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member;
5. The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or
6. The person knowingly attempts to cause or causes the isolation of such family or household

member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 210.020: ASSAULT OF A LAW ENFORCEMENT OFFICER, CORRECTIONS OFFICER, EMERGENCY PERSONNEL, HIGHWAY WORKER OR PROBATION AND PAROLE OFFICER**

- A. A person commits the offense of assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer if:
1. Such person recklessly causes physical injury to a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone or Probation and Parole Officer;
  2. Such person purposely places a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer in apprehension of immediate physical injury;
  3. Such person knowingly causes or attempts to cause physical contact with a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer without the consent of the Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer.
- B. As used in this Section, "*emergency personnel*" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in Subdivisions (15), (16), (17) and (18) of Section 190.100, RSMo.
- C. As used in this Section, the term "*Corrections Officer*" includes any jailor or Corrections Officer of the State or any political subdivision of the State.
- D. As used in this Section, the term "*highway worker*", "*construction zone*" or "*work zone*" shall have the same meaning as such terms are defined in Section 304.580, RSMo.
- D. Assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer is an ordinance violation.

**SECTION 210.030: HARASSMENT**

- A. A person commits the offense of harassment if he/she:
1. Knowingly communicates a threat to commit any felony to another person and in so doing, frightens, intimidates, or causes emotional distress to such other person; or

2. When communicating with another person, knowingly uses coarse language offensive to one of average sensibility and thereby puts such person in reasonable apprehension of offensive physical contact or harm; or
  3. Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication; or
  4. Knowingly communicates with another person who is, or who purports to be, seventeen (17) years of age or younger and in so doing and without good cause recklessly frightens, intimidates or causes emotional distress to such other person; or
  5. Knowingly makes repeated unwanted communication to another person; or
  6. Without good cause engages in any other act with the purpose to frighten, intimidate, or cause emotional distress to another person, cause such person to be frightened, intimidated, or emotionally distressed, and such person's response to the act is one of a person of average sensibilities considering the age of such person.
- B. Harassment is an ordinance violation unless:
1. Committed by a person twenty-one (21) years of age or older against a person seventeen (17) years of age or younger; or
  2. The person has previously pleaded guilty to or been found guilty of a violation of this Section, or of any offense committed in violation of any County or municipal ordinance in any State, any State law, any Federal law, or any military law which, if committed in this State, would be chargeable or indictable as a violation of any offense listed in this Subsection.
- C. This Section shall not apply to activities of Federal, State, County or Municipal Law Enforcement Officers conducting investigations of violation of Federal, State, County or municipal law.

#### **SECTION 210.040: FALSE IMPRISONMENT**

A person commits the offense of false imprisonment if he/she knowingly restrains another unlawfully and without consent so as to interfere substantially with his/her liberty.

*Note—Under certain circumstances this offense can be a felony under state law.*

#### **SECTION 210.050: ENDANGERING THE WELFARE OF A CHILD**

- A. A person commits the offense of endangering the welfare of a child if:
1. He/she with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old;
  2. He/she knowingly encourages, aids or causes a child less than seventeen (17) years old to engage in any conduct which causes or tends to cause the child to come within the provisions of paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;

3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years old, he/she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him/her from coming within the provisions of paragraph (c) of Subdivision (1) of Subsection (1) or paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;
  4. He/she knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 195.130, RSMo.; or
  5. He/she operates a vehicle in violation of Subdivision (2) or (3) of Subsection (1) of Section 565.024, RSMo., or Subdivision (4) of Subsection (1) of Section 565.060, RSMo., or Sections 342.020 or 342.030 of this Code, while a child less than seventeen (17) years old is present in the vehicle.
- B. Nothing in this Section shall be construed to mean the welfare of a child is endangered for the sole reason that he/she is being provided non-medical remedial treatment recognized and permitted under the laws of this State.

*Note—Under certain circumstances this offense can be a felony under state law.*

#### **SECTION 210.055: LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE**

- A. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

*COLLISION:* The act of a motor vehicle coming into contact with an object or a person.

*INJURY:* Physical harm to the body of a person.

*MOTOR VEHICLE:* Any automobile, truck, truck-tractor, or any motorbus or motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks.

*UNATTENDED:* Not accompanied by an individual fourteen (14) years of age or older.

- B. A person commits the offense of leaving a child unattended in a motor vehicle if such person knowingly leaves a child ten (10) years of age or less unattended in a motor vehicle and such child injures another person by causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian.

*Note—Under certain circumstances this offense can be a felony under state law.*

### **ARTICLE III. OFFENSES CONCERNING ADMINISTRATION OF JUSTICE**

#### **SECTION 210.060: CONCEALING AN OFFENSE**

A person commits the offense of concealing an offense if:

1. He/she confers or agrees to confer any pecuniary benefit or other consideration to any person

in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof; or

2. He/she accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his/her concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof.

*Note—Under certain circumstances this offense can be a felony under state law.*

#### **SECTION 210.070: HINDERING PROSECUTION**

A person commits the offense of hindering prosecution if for the purpose of preventing the apprehension, prosecution, conviction or punishment of another for conduct constituting a crime he/she:

1. Harbors or conceals such person;
2. Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law;
3. Provides such person with money, transportation, weapon, disguise or other means to aid him/her in avoiding discovery or apprehension; or
4. Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

*Note—Under certain circumstances this offense can be a felony under state law.*

#### **SECTION 210.080: REFUSAL TO IDENTIFY AS A WITNESS**

A person commits the offense of refusal to identify as a witness if, knowing he/she has witnessed any portion of a crime or of any other incident resulting in physical injury or substantial property damage, upon demand by a Law Enforcement Officer engaged in the performance of his/her official duties, he/she refuses to report or gives a false report of his/her name and present address to such officer.

#### **SECTION 210.090: DISTURBING A JUDICIAL PROCEEDING**

A person commits the offense of disturbing a judicial proceeding if, with purpose to intimidate a judge, attorney, juror, party or witness and thereby to influence a judicial proceeding, he/she disrupts or disturbs a judicial proceeding by participating in an assembly and calling aloud, shouting, or holding or displaying a placard or sign containing written or printed matter concerning the conduct of the judicial proceeding or the character of a judge, attorney, juror, party or witness engaged in such proceeding, or calling for or demanding any specified action or determination by such judge, attorney, juror, party or witness in connection with such proceeding.

**SECTION 210.100: TAMPERING WITH A WITNESS—TAMPERING WITH A VICTIM**

- A. A person commits the offense of tampering with a witness if, with purpose to induce a witness or a prospective witness to disobey a subpoena or other legal process, or to absent himself/herself or avoid subpoena or other legal process, or to withhold evidence, information or documents, or to testify falsely, he/she:
1. Threatens or causes harm to any person or property;
  2. Uses force, threats or deception;
  3. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or
  4. Conveys any of the foregoing to another in furtherance of a conspiracy.
- B. A person commits the offense of "victim tampering" if, with purpose to do so, he/she prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from:
1. Making any report of such victimization to any Peace Officer or State, local or Federal Law Enforcement Officer or prosecuting agency or to any judge;
  2. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof; or
  3. Arresting or causing or seeking the arrest of any person in connection with such victimization.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 210.105: TAMPERING WITH PHYSICAL EVIDENCE**

A person commits the offense of tampering with physical evidence if he/she:

1. Alters, destroys, suppresses or conceals any record, document or thing with the purpose to impair its verity, legibility or availability in any official proceeding or investigation; or
2. Makes, presents or uses any record, document or thing knowing it to be false with purpose to mislead a public servant who is or may be engaged in any official proceeding or investigation.

**SECTION 210.110: IMPROPER COMMUNICATION**

A person commits the offense of improper communication if he/she communicates, directly or indirectly, with any juror, special master, referee or arbitrator in a judicial proceeding, other than as part of the proceedings in a case, for the purpose of influencing the official action of such person.

**SECTION 210.120: FALSE IMPERSONATION**

- A. A person commits the offense of false impersonation if such person:
1. Falsely represents himself/herself to be a public servant with purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts, and
    - a. Performs an act in that pretended capacity; or
    - b. Causes another to act in reliance upon his/her pretended official authority.
  2. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and
    - a. Performs an act in that pretended capacity; or
    - b. Causes another to act in reliance upon such representation.
  3. Upon being arrested, falsely represents himself/herself, to a Law Enforcement Officer, with the first and last name, date of birth or Social Security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction, misdemeanor or felony that contains the first and last name, date of birth and Social Security number, or a substantial number of identifying factors or characteristics to that of such other person as to cause such other person to be identified as the actual person arrested or convicted.
- B. If a violation of Subsection (A)(3) hereof is discovered prior to any conviction of the person actually arrested for an underlying charge, then the prosecuting attorney bringing any action on the underlying charge shall notify the court thereof, and the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.
- C. Any person who is the victim of a false impersonation and whose identity has been falsely reported in arrest or conviction records may move for expungement and correction of said records under the procedures set forth in Section 610.123, RSMo. Upon a showing that a substantial number of identifying factors of the victim was falsely ascribed to the person actually arrested or convicted, the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and court records.

**SECTION 210.130: FALSE REPORTS**

- A. A person commits the offense of making a false report if he/she knowingly:
1. Gives false information to any person for the purpose of implicating another person in a crime or offense;

2. Makes a false report to a Law Enforcement Officer that a crime or offense has occurred or is about to occur; or
  3. Makes a false report or causes a false report to be made to a Law Enforcement Officer, security officer, Fire Department or other organization, official or volunteer which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur.
- B. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement or report before the Law Enforcement Officer or any other person took substantial action in reliance thereon.
- C. The defendant shall have the burden of injecting the issue of retraction under Subsection (B) of this Section.

**SECTION 210.140: RESISTING OR INTERFERING WITH ARREST, DETENTION OR STOP**

- A. A person commits the offense of resisting or interfering with arrest, detention or stop if, knowing that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or detention, the person:
1. Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or
  2. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.
- B. This Section applies to:
1. Arrests, stops or detentions with or without warrants;
  2. Arrests, stops or detentions for any crime, infraction or ordinance violation; and
  3. Arrests for warrants issued by a court or a probation and parole officer.
- C. A person is presumed to be fleeing a vehicle stop if that person continues to operate a motor vehicle after that person has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing that person.
- D. It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 210.150: ESCAPE OR ATTEMPTED ESCAPE FROM CUSTODY**

A person commits the offense of escape from custody or attempted escape from custody if, while being held in custody after arrest for any crime or offense, he/she escapes or attempts to escape from custody.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 210.155: INTERFERENCE WITH LEGAL PROCESS**

- A. A person commits the offense of interference with legal process if, knowing any person is authorized by law to serve process, for the purpose of preventing such person from effecting the service of any process, he/she interferes with or obstructs such person.
- B. "Process" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.

**ARTICLE IV. OFFENSES CONCERNING PUBLIC SAFETY****SECTION 210.160: ABANDONMENT OF AIRTIGHT OR SEMI-AIRTIGHT CONTAINERS**

- A. A person commits the offense of abandonment of airtight icebox if he/she abandons, discards or knowingly permits to remain on premises under his/her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semi-airtight container which has a capacity of one and one-half (1½) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.
- B. Subsection (A) of this Section does not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman.
- C. The defendant shall have the burden of injecting the issue under Subsection (B) of this Section.

**SECTION 210.170: LITTERING**

A person commits the offense of littering if he/she throws or places or causes to be thrown or placed any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse or rubbish of any kind, nature or description on the right-of-way of any public road or State highway or on or in any of the waters in this City or on the banks of any stream or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the Federal Government or the City or on any private real property owned by another without his/her consent.

**SECTION 210.180: LITTERING VIA CARCASSES**

- A. If any person or persons shall put any dead animal, carcass or part thereof, the offal or any other filth into any well, spring, brook, branch, creek, pond or lake, every person so offending shall, on conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).
- B. If any person shall remove or cause to be removed and placed in or near any public road or highway, or upon premises not his/her own, or in any river, stream or watercourse any dead animal, carcass or part thereof, or other nuisance to the annoyance of the citizens of this City, or any of them, every person so offending shall, upon conviction thereof, be fined for every offense not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), and if such nuisance be not removed within three (3) days thereafter, it shall be deemed a second (2nd) offense against the provisions of this Section.

**SECTION 210.190: CORRUPTING OR DIVERTING WATER SUPPLY**

Whoever willfully or maliciously poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes, or whoever willfully or maliciously diverts, dams up and holds back from its natural course and flow any spring, brook or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, Town or City for their use, shall be adjudged guilty of an ordinance violation and punished by a fine not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment and shall be liable to the party injured for three (3) times the actual damage sustained, to be recovered by suit at law.

**SECTION 210.195: KEEPING GASOLINE, ETC., IN ANY BUILDING PROHIBITED**

Gasoline, naphtha, benzine, benzol and other like volatile combustibles or their compounds in excess of five (5) gallons, exclusive of that in the tanks of automobiles or other vehicles, in combustion engines, or in approved portable wheeled tanks in public garages, shall not be kept in any building and shall be kept in an outside tank or tanks and such tanks with a capacity in excess of one hundred (100) gallons shall be adequately and properly diked with a dike having a capacity of not less than equal in volume to that of the tank or tanks so surrounded. (Ord. No. 35AA §1, 4-20-60)

**ARTICLE V. OFFENSES CONCERNING PUBLIC PEACE****SECTION 210.200: PEACE DISTURBANCE**

A person commits the offense of peace disturbance if:

1. He/she unreasonably and knowingly disturbs or alarms another person or persons by:
  - a. Loud noise;

- b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient;
  - c. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out;
  - d. Fighting; or
  - e. Creating a noxious and offensive odor.
2. He/she is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:
    - a. Vehicular or pedestrian traffic; or
    - b. The free ingress or egress to or from a public or private place.

#### **SECTION 210.210: PRIVATE PEACE DISTURBANCE**

A person commits the offense of private peace disturbance if he/she is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:

1. Threatening to commit a crime or offense against any person; or
2. Fighting.

#### **SECTION 210.220: PEACE DISTURBANCE DEFINITIONS**

For the purposes of Sections 210.200 and 210.210, the following words shall have the meanings set out herein:

*PRIVATE PROPERTY:* Any place which at the time is not open to the public. It includes property which is owned publicly or privately.

*PROPERTY OF ANOTHER:* Any property in which the actor does not have a possessory interest.

*PUBLIC PLACE:* Any place which at the time is open to the public. It includes property which is owned publicly or privately.

If a building or structure is divided into separately occupied units, such units are separate premises.

#### **SECTION 210.225: UNLAWFUL ASSEMBLY**

A person commits the offense of unlawful assembly if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence.

**SECTION 210.230: RIOTING**

A person commits the offense of rioting if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence and thereafter, while still so assembled, does violate any of said laws with force or violence.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 210.235: REFUSAL TO DISPERSE**

A person commits the offense of refusal to disperse if, being present at the scene of an unlawful assembly or at the scene of a riot, he/she knowingly fails or refuses to obey the lawful command of a Law Enforcement Officer to depart from the scene of such unlawful assembly or riot.

**ARTICLE VI. OFFENSES CONCERNING WEAPONS AND FIREARMS****SECTION 210.240: DEFINITIONS**

The following words, when used in this Article, shall have the meanings set out herein:

**ANTIQUÉ, CURIO OR RELIC FIREARM:** Any firearm so defined by the National Gun Control Act, 18 U.S.C. Title 26, Section 5845, and the United States Treasury/Bureau of Alcohol, Tobacco and Firearms, 27 CFR Section 178.11:

1. Antique firearm is any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said ammunition not being manufactured any longer; this includes any matchlock, wheel lock, flintlock, percussion cap or similar type ignition system, or replica thereof.
2. Curio or relic firearm is any firearm deriving value as a collectible weapon due to its unique design, ignition system, operation or at least fifty (50) years old, associated with a historical event, renown personage or major war.

**BLACKJACK:** Any instrument that is designed or adapted for the purpose of stunning or inflicting physical injury by striking a person, and which is readily capable of lethal use.

**BLASTING AGENT:** Any material or mixture, consisting of fuel and oxidizer that is intended for blasting, but not otherwise defined as an explosive under this section, provided that the finished product, as mixed for use of shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined.

**CONCEALABLE FIREARM:** Any firearm with a barrel less than sixteen (16) inches in length, measured from the face of the bolt or standing breech.

**DEFACE:** To alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark.

**DETONATOR:** Any device containing a detonating charge that is used for initiating detonation in an explosive, including but not limited to, electric blasting caps of instantaneous and delay types, non-electric blasting caps for use with safety fuse or shock tube and detonating cord delay connectors.

**EXPLOSIVE WEAPON:** Any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon for the purposes of this subdivision, the term "explosive" shall mean any chemical compound mixture or device, the primary or common purpose of which is to function by explosion, including but not limited to, dynamite and other high explosives, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cords, igniter cords, and igniters or blasting agents

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

**FIREARM SILENCER:** Any instrument, attachment or appliance that is designed or adapted to muffle the noise made by the firing of any firearm.

**GAS GUN:** Any gas ejection device, weapon, cartridge, container or contrivance, other than a gas bomb, that is designed or adapted for the purpose of ejecting any poison gas that will cause death or serious physical injury, but not any device that ejects a repellant or temporary incapacitating substance.

**INTOXICATED:** Substantially impaired mental or physical capacity resulting from introduction of any substance into the body.

**KNIFE:** Any dagger, dirk, stiletto or bladed hand instrument that is readily capable of inflicting serious physical injury or death by cutting or stabbing a person. For purposes of this Article, "knife" does not include any ordinary pocketknife with no blade more than four (4) inches in length.

**KNUCKLES:** Any instrument that consists of finger rings or guards made of a hard substance that is designed or adapted for the purpose of inflicting serious physical injury or death by striking a person with a fist enclosed in the knuckles.

**MACHINE GUN:** Any firearm that is capable of firing more than one (1) shot automatically, without manual reloading, by a single function of the trigger.

**PROJECTILE WEAPON:** 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.

**RIFLE:** Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

**SHORT BARREL:** A barrel length of less than sixteen (16) inches for a rifle and eighteen (18) inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall rifle or shotgun length of less than twenty-six (26) inches.

*SHOTGUN:* Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger.

*SPRING GUN:* Any fused, timed or non-manually controlled trap or device designed or adapted to set off an explosion for the purpose of inflicting serious physical injury or death.

*SWITCHBLADE KNIFE:* Any knife which has a blade that folds or closes into the handle or sheath, and

1. That opens automatically by pressure applied to a button or other device located on the handle; or
2. That opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force.

### **SECTION 210.250: WEAPONS—CARRYING CONCEALED—OTHER UNLAWFUL USE**

A. A person commits the offense of unlawful use of weapons if he/she knowingly:

1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use;
2. Sets a spring gun;
3. Discharges or shoots a firearm except in hunting heritage protection areas as defined in Section 252.243, RSMo.;
4. Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner;
5. Possesses a firearm or projectile weapon while intoxicated;
6. Openly carries a firearm or any other weapon readily capable of lethal use except in hunting heritage protection areas as defined in Section 252.243, RSMo.;
7. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.

B. Subparagraphs (1), (3), (4), (6) and (7) of Subsection (A) of this Section shall not apply to or affect any of the following:

1. All State, County and municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or municipalities of the State, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in

Subsection (10) of Section 571.030, RSMo., and who carry the identification defined in Subsection (11) of Section 571.030, RSMo., or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
  3. Members of the Armed Forces or National Guard while performing their official duty;
  4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal judiciary;
  5. Any person whose bona fide duty is to execute process, civil or criminal;
  6. Any Federal Probation Officer or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. Section 44921;
  7. Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;
  8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Board of Police Commissioners under Section 84.340, RSMo.; and
  9. Any coroner, deputy coroner, medical examiner or assistant medical examiner.
- C. Subparagraphs (1), (5), (6) and (7) of Subsection (A) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subparagraph (1) of Subsection (A) of this Section does not apply to any person twenty-one (21) years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subparagraph (7) of Subsection (A) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.
- D. Subparagraphs (1), (6) and (7) of Subsection (A) of this Section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to Sections 571.101 to 571.121, RSMo., or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State.
- E. Subparagraphs (3), (4), (5), (6) and (7) of Subsection (A) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.
- F. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored

firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 210.255: POSSESSION, MANUFACTURE, TRANSPORT, REPAIR, SALE OF CERTAIN WEAPONS**

- A. Except as provided in Subsection (B) of this Section, it shall be unlawful for any person to knowingly possess, manufacture, transport, repair or sell:
1. An explosive weapon;
  2. An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;
  3. A machine gun;
  4. A gas gun;
  5. A short-barreled rifle or shotgun;
  6. A firearm silencer;
  7. A switchblade knife;
  8. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or
  9. Knuckles.
- B. A person does not commit an offense under this Section if his/her conduct:
1. Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency or a penal institution;
  2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in paragraph (1) of this Subsection;
  3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise;
  4. Was incident to displaying the weapon in a public museum or exhibition; or
  5. Was incident to dealing with the weapon solely as a curio, ornament or keepsake or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon is the type described in paragraphs (1) or (3) of Subsection (A) of this Section, it must be in such a non-functioning condition that it cannot readily be made operable. No barreled rifle, short-

barreled shotgun, machine gun or firearm silencer may be possessed, manufactured, transported, repaired or sold as a curio, ornament or keepsake unless such person is an importer, manufacturer, dealer or collector licensed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968, U.S.C. Title 18, or unless such firearm is an "antique firearm" as defined in Subsection (3) of Section 571.080, RSMo., or unless such firearm has been designated a "collectors item" by the Secretary of the Treasury pursuant to the U.S.C. Title 26, Section 5845(a).

*Note—Under certain circumstances this offense can be a felony under state law.*

#### **SECTION 210.260: DEFACING FIREARM**

A person commits the offense of defacing a firearm if he/she knowingly defaces any firearm.

#### **SECTION 210.270: UNLAWFUL TRANSFER OF WEAPONS**

A person commits the offense of unlawful transfer of weapons if he/she:

1. Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian or recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers any firearm to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian; provided that this does not prohibit the delivery of such weapons to any Peace Officer or member of the Armed Forces or National Guard while performing his/her official duty; or
2. Recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

*Note—Under certain circumstances this offense can be a felony under state law.*

#### **SECTION 210.275: POSSESSION OF CONCEALABLE FIREARM UNLAWFUL FOR CERTAIN PERSONS**

A person commits the crime of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:

1. Such person has been convicted of a felony under the laws of this State, or of a crime under the laws of any State or of the United States which, if committed within this state, would be a felony; or
2. Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 210.280: CARRYING CONCEALED FIREARMS PROHIBITED—PENALTY FOR VIOLATION**

- A. It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any concealed firearm into:
1. Any Police, Sheriff or Highway Patrol office or station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
  2. Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
  3. The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
  4. Any courthouse solely occupied by the Circuit, Appellate or Supreme Court or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This Subdivision shall also include, but not be limited to, any juvenile, family, drug or other court offices, any room or office wherein any of the courts or offices listed in this Subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection. Nothing in this Subdivision shall preclude those persons listed in Subsection (B)(1) of Section 210.250 while within their jurisdiction and on duty, those persons listed in Subsections (B)(2) and (3) of Section 210.250, or such other persons who serve in a law enforcement capacity for a court as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection from carrying a concealed firearm within any of the areas described in this Subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this Subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
  5. Any meeting of the Board of Aldermen. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
  6. Any building owned, leased or controlled by the City of Marthasville identified by signs posted at the entrance to the building. This Subsection shall not apply to any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased or controlled by the City of Marthasville. Persons violating this Subsection may be denied entrance to the building, ordered to leave the building and, if employees of the City, be subjected to disciplinary measures for violation.
  7. Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this Subdivision shall not apply to the licensee of said

establishment. The provisions of this Subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and that receives at least fifty-one percent (51%) of its gross annual income from the dining facilities by the sale of food. This Subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this Subdivision authorizes any individual who has been issued a concealed carry endorsement to possess any firearm while intoxicated.

8. Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
9. Any place where the carrying of a firearm is prohibited by Federal law.
10. Any higher education institution or elementary or secondary school facility without the consent of the Governing Body of the higher education institution or a school official or the district school board. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
11. Any portion of a building used as a child care facility without the consent of the manager. Nothing in this Subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a driver's license or non-driver's license containing a concealed carry endorsement.
12. Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the Gaming Commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
13. Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
14. Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
15. Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one (1) or more signs displayed in a conspicuous place of a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity or person may prohibit persons holding a concealed carry endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry endorsement from

carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry endorsement from carrying a concealed firearm in vehicles owned by the employer.

16. Any sports arena or stadium with a seating capacity of five thousand (5,000) or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
  17. Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- B. Any person violating any of the provisions of Subsection (A) of this Section shall be punished as follows:
1. If the violator holds a concealed carry endorsement issued pursuant to State law, the violator may be subject to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Peace Officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars (\$100.00) for the first (1st) offense. If a second (2nd) citation for a similar violation occurs within a six (6) month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00). If a third (3rd) citation for a similar violation is issued within one (1) year of the first (1st) citation, such person shall be fined an amount not to exceed five hundred dollars (\$500.00). Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the Sheriff of the County which issued the certificate of qualification for a concealed carry endorsement and the Department of Revenue.
  2. If the violator does not hold a current valid concealed carry endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section 100.210 of this Code of Ordinances.
  3. Employees of the City of Marthasville may, in addition to any other punishment hereby, be subject to disciplinary action.
- C. It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty-five dollars (\$35.00), for any person issued a concealed carry endorsement pursuant to State law to fail to carry the concealed carry endorsement at all times the person is carrying a concealed firearm or to fail to display the concealed carry endorsement upon the request of any Peace Officer.

**SECTION 210.285: RESERVED**

**SECTION 210.286: "TURKEY SHOOTS" AND OTHER CHARITABLE EVENTS**

The discharge of firearms in connection with any turkey shoots or other charitable event may be authorized by the Board of Aldermen.

**ARTICLE VII. OFFENSES CONCERNING PROPERTY****SECTION 210.290: TAMPERING**

A. A person commits the offense of tampering if he/she:

1. Tamper with property of another for the purpose of causing substantial inconvenience to that person or to another;
2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle;
3. Tamper or makes connection with property of a utility; or
4. Tamper with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:
  - a. To prevent the proper measuring of electric, gas, steam or water service; or
  - b. To permit the diversion of any electric, gas, steam or water service.

B. In any prosecution under paragraph (4) of Subsection (A), proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service with one (1) or more of the effects described in paragraph (4) of Subsection (A), shall be sufficient to support an inference which the trial court may submit to the trier of fact from which the trier of fact may conclude that there has been a violation of such subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 210.300: PROPERTY DAMAGE**

A person commits the offense of property damage if:

1. He/she knowingly damages property of another; or
2. He/she damages property for the purpose of defrauding an insurer.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 210.310: CLAIM OF RIGHT**

- A. A person does not commit an offense by damaging, tampering with, operating, riding in or upon or making connection with property of another if he/she does so under a claim of right and has reasonable grounds to believe he/she has such a right.
- B. The defendant shall have the burden of injecting the issue of claim of right.

**SECTION 210.320: TRESPASS IN THE FIRST DEGREE**

- A. A person commits the offense of trespass in the first degree if he/she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.
- B. A person does not commit the offense of trespass by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:
1. Actual communication to the actor; or
  2. Posting in a manner reasonably likely to come to the attention of intruders.

**SECTION 210.330: TRESPASS IN THE SECOND DEGREE**

- A. A person commits the offense of trespass in the second degree if he/she enters unlawfully upon real property of another. This is an offense of absolute liability.
- B. Trespass in the second degree is an infraction.

**SECTION 210.335: TRESPASS OF A SCHOOL BUS**

A person commits the offense of trespass of a school bus if he/she knowingly and unlawfully enters any part of or unlawfully operates any school bus.

**SECTION 210.340: RECKLESS BURNING OR EXPLODING**

A person commits the offense of reckless burning or exploding when he/she knowingly starts a fire or causes an explosion and thereby recklessly damages or destroys a building or an inhabitable structure of another.

**SECTION 210.350: NEGLIGENT BURNING OR EXPLODING**

A person commits the offense of negligent burning or exploding when he/she with criminal negligence causes damage to property of another by fire or explosion.

**SECTION 210.360: STEALING**

- A. A person commits the offense of stealing if he/she appropriates property or services of another with the purpose to deprive him/her thereof, either without his/her consent or by means of deceit or coercion.
- B. Evidence of the following is admissible in any prosecution pursuant to this Section on the issue of the requisite knowledge or belief of the alleged stealer that:
  - 1. He/she failed or refused to pay for property or services of a hotel, restaurant, inn or boarding house;
  - 2. He/she gave in payment for property or services of a hotel, restaurant, inn or boarding house a check or negotiable paper on which payment was refused;
  - 3. He/she left the hotel, restaurant, inn or boarding house with the intent to not pay for property or services;
  - 4. He/she surreptitiously removed or attempted to remove his/her baggage from a hotel, inn or boarding house; or
  - 5. He/she, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits or reproduces a retail sales receipt, price tag or universal price code label or possesses, with intent to cheat or defraud, the device that manufactures fraudulent receipts or universal price code labels.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 210.365: THEFT OF MOTOR FUEL**

- A. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made.
- B. A person found guilty or pleading guilty to stealing pursuant to Section 210.360 for the theft of motor fuel as described in Subsection (A) shall have his/her driver's license suspended by the court beginning on the date of the court's order of conviction. The person shall submit all of his/her operator's and chauffeur's licenses to the court upon conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the Department of Revenue for administration of such order.

**SECTION 210.370: RECEIVING STOLEN PROPERTY**

- A. A person commits the offense of receiving stolen property if, for the purpose of depriving the owner of a lawful interest therein, he/she receives, retains or disposes of property of another knowing that it has been stolen or believing that it has been stolen.

- B. Evidence of the following is admissible in any criminal prosecution pursuant to this Section to prove the requisite knowledge or belief of the alleged receiver that:
1. He/she was found in possession or control of other property stolen on separate occasions from two (2) or more persons;
  2. He/she received other stolen property in another transaction within the year preceding the transaction charged;
  3. He/she acquired the stolen property for a consideration which he/she knew was far below its reasonable value; or
  4. He/she obtained control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce a person to believe the property was stolen.

*Note—Under certain circumstances this offense can be a felony under state law.*

### **SECTION 210.375: FINANCIAL EXPLOITATION OF THE ELDERLY AND DISABLED**

- A. A person commits the offense of financial exploitation of an elderly or disabled person if such person knowingly and by deception, intimidation or force obtains control over the elderly or disabled person's property with the intent to permanently deprive the elderly or disabled person of the use, benefit or possession of his/her property thereby benefiting such person or detrimentally affecting the elderly or disabled person. Financial exploitation of an elderly or disabled person is a misdemeanor if the value of the property is less than fifty dollars (\$50.00).
- B. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

*DECEPTION:* A misrepresentation or concealment of material fact relating to the terms of a contract or agreement entered into with the elderly or disabled person or to the existing or pre-existing condition of any of the property involved in such contract or agreement or the use or employment of any misrepresentation, false pretense or false promise in order to induce, encourage or solicit the elderly or disabled person to enter into a contract or agreement.

*"Deception"* includes:

1. Creating or confirming another person's impression which is false and which the offender does not believe to be true.
2. Failure to correct a false impression which the offender previously has created or confirmed.
3. Preventing another person from acquiring information pertinent to the disposition of the property involved.
4. Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid or is or is not a matter of official record.
5. Promising performance which the offender does not intend to perform or knows will not be

performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform.

*DISABLED PERSON:* A person with a mental, physical or developmental disability that substantially impairs the person's ability to provide adequately for the person's care or protection.

*ELDERLY PERSON:* A person sixty (60) years of age or older.

*INTIMIDATION:* A threat of physical or emotional harm to an elderly or disabled person, or the communication to an elderly or disabled person that he/she will be deprived of food and nutrition, shelter, prescribed medication, or medical care and treatment.

- C. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.
- D. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his/her property, but through no fault of his/her own has been unable to provide such assistance.
- E. Nothing in this Section shall limit the ability to engage in bona fide estate planning, to transfer property, and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly or disabled person has become accustomed at the time of such actions.
- F. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person.

*Note—Under certain circumstances this offense can be a felony under state law.*

#### **SECTION 210.380: FRAUDULENT USE OF A CREDIT OR DEBIT DEVICE**

A person commits the offense of fraudulent use of a credit device or debit device if the person uses a credit device or debit device for the purpose of obtaining services or property knowing that:

1. The device is stolen, fictitious or forged;
2. The device has been revoked or canceled;
3. For any other reason his/her use of the device is unauthorized; or
4. Uses a credit device or debit device for the purpose of paying property taxes and knowingly cancels said charges or payment without just cause. It shall be prima facie evidence of a violation of this Section if a person cancels said charges or payment after obtaining a property tax receipt to obtain license tags from the Missouri Department of Revenue.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 210.390: DECEPTIVE BUSINESS PRACTICE**

A person commits the offense of deceptive business practice if in the course of engaging in a business, occupation or profession he/she recklessly:

1. Uses or possesses for use a false weight or measure or any other device for falsely determining or recording any quality or quantity;
2. Sells, offers or exposes for sale or delivers less than the represented quantity of any commodity or service;
3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he/she furnishes the weight or measure;
4. Sells, offers or exposes for sale adulterated or mislabeled commodities; or
5. Makes a false or misleading written statement for the purpose of obtaining property or credit.

**SECTION 210.400: ALTERATION OR REMOVAL OF ITEM NUMBERS WITH INTENT TO DEPRIVE LAWFUL OWNER**

A person commits the offense of alteration or removal of item numbers if he/she with the purpose of depriving the owner of a lawful interest therein:

1. Destroys, removes, covers, conceals, alters, defaces or causes to be destroyed, removed, covered, concealed, altered or defaced the manufacturer's original serial number or other distinguishing owner-applied number or mark on any item which bears a serial number attached by the manufacturer or distinguishing number or mark applied by the owner of the item for any reason whatsoever;
2. Sells, offers for sale, pawns or uses as security for a loan any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced; or
3. Buys, receives as security for a loan or in pawn, or in any manner receives or has in his/her possession any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 210.410: FAILURE TO RETURN RENTED PERSONAL PROPERTY—  
ENFORCEMENT PROCEDURE—PENALTY—VENUE**

- A. A person commits the offense of failing to return leased or rented property if, with the intent to deprive the owner thereof, he/she purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property. In addition, any person who has leased or rented personal

property of another, who conceals the property from the owner or who otherwise sells, pawns, loans, abandons or gives away the leased or rented property is guilty of the offense of failing to return leased or rented property. The provisions of this Section shall apply to all forms of leasing and rental agreements including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.

- B. It shall be prima facie evidence of the offense of failing to return leased or rented property when a person who has leased or rented personal property of another willfully fails to return or make arrangements acceptable with the lessor to return the personal property to its owner at the owner's place of business within ten (10) days after proper notice following the expiration of the lease or rental agreement, except that if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the offense of failing to return leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the ten (10) day period prescribed in this Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.
- C. This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement or within ten (10) days after proper notice.
- D. Proper notice by the lessor shall consist of a written demand addressed and mailed by certified or registered mail to the lessee at the address given at the time of making the lease or rental agreement. The notice shall contain a statement that the failure to return the property may subject the lessee to criminal prosecution.
- E. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner shall be guilty of property damage pursuant to Section 210.300 in addition to being in violation of this Section.
- F. Venue shall lie in the County where the personal property was originally rented or leased.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 210.420: PASSING BAD CHECKS**

- A. A person commits the offense of passing a bad check when:
1. With purpose to defraud, the person makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money knowing that it will not be paid by the drawee or that there is no such drawee; or
  2. The person makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money knowing that there are insufficient funds in or on deposit with that account for the payment of such check, sight order or other form of presentment involving the transmission of account information in full and all other checks, sight orders or other forms of presentment involving the transmission of account information upon such funds then outstanding, or that there is no such account or no drawee and fails to pay the check or sight order or other form of presentment involving the transmission of account information within ten (10) days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.
- B. As used in Subparagraph (2) of Subsection (A) of this Section, "*actual notice in writing*" means notice of the non-payment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten (10) day period during which the instrument may be paid and that payment of the instrument within such ten (10) day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 210.425: SHOPLIFTING—DETENTION OF SUSPECT BY MERCHANT—  
LIABILITY PRESUMPTION**

- A. *Definitions.* As used in this Section, the following definitions shall apply:

*MERCANTILE ESTABLISHMENT:* Any mercantile place of business in, at or from which goods, wares and merchandise are sold, offered for sale or delivered from and sold at retail or wholesale.

*MERCHANDISE:* All goods, wares and merchandise offered for sale or displayed by a merchant.

*MERCHANT:* Any corporation, partnership, association or person who is engaged in the business of selling goods, wares and merchandise in a mercantile establishment.

*WRONGFUL TAKING:* Includes stealing of merchandise or money and any other wrongful appropriation of merchandise or money.

- B. Any merchant, his/her agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money from a

mercantile establishment, may detain such person in a reasonable manner and for a reasonable length of time for the purpose of investigating whether there has been a wrongful taking of such merchandise or money. Any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, his/her agent or employee criminally or civilly liable to the person so detained.

- C. Any person willfully concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of Subsection (A), and the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time of such person by a merchant, his/her agent or employee in order that recovery of such merchandise may be effected, and any such reasonable detention shall not be deemed to be unlawful nor render such merchant, his/her agent or employee criminally or civilly liable.

## **ARTICLE VIII. OFFENSES CONCERNING PROSTITUTION AND MORALS**

### **SECTION 210.430: ARTICLE DEFINITIONS**

As used in this Article, the following terms mean:

*PATRONIZING PROSTITUTION:* A person patronizes prostitution if:

1. Pursuant to a prior understanding, he/she gives something of value to another person as compensation for that person or a third (3rd) person having engaged in sexual conduct with him/her or with another;
2. He/she gives or agrees to give something of value to another person on an understanding that in return therefor that person or a third (3rd) person will engage in sexual conduct with him/her or with another; or
3. He/she solicits or requests another person to engage in sexual conduct with him/her or with another, or to secure a third (3rd) person to engage in sexual conduct with him/her or with another, in return for something of value.

*PROSTITUTION:* A person commits prostitution if he/she engages or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by the person or by a third (3rd) person.

*SEXUAL CONDUCT:* Occurs when there is:

1. *Sexual intercourse.* Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.
2. *Deviate sexual intercourse.* Any sexual act involving the genitals of one (1) person and the mouth, hand, tongue or anus of another person.

3. *Sexual contact.* Any touching, manual or otherwise, of the anus or genitals of one (1) person by another done for the purpose of arousing or gratifying sexual desire of either party.

*SOMETHING OF VALUE:* Money or property or any token, object or article exchangeable for money or property.

#### **SECTION 210.440: PROSTITUTION**

A person commits the offense of prostitution if the person performs an act of prostitution.

*Note—Under certain circumstances this offense can be a felony under state law.*

#### **SECTION 210.450: PATRONIZING PROSTITUTION**

- A. A person commits the offense of patronizing prostitution if he/she patronizes prostitution.
- B. It shall not be an affirmative defense that the defendant believed that the person he/she patronized for prostitution was eighteen (18) years of age or older.

*Note—Under certain circumstances this offense can be a felony under state law.*

#### **SECTION 210.460: PROSTITUTION AND PATRONIZING PROSTITUTION—SEX OF PARTIES NO DEFENSE, WHEN**

In any prosecution for prostitution or patronizing a prostitute, the sex of the two (2) parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

1. Both persons were of the same sex; or
2. The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.

#### **SECTION 210.465: PROSTITUTION HOUSES DEEMED PUBLIC NUISANCES**

- A. Any room, building or other structure regularly used for sexual contact for pay as defined in Section 210.430 or any unlawful prostitution activity prohibited by this Article is a public nuisance.
- B. The City Prosecuting Attorney may, in addition to all other sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for sexual contact for pay or unlawful prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one (1) year.
- C. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be

enjoined from engaging in any sexual contact for pay or unlawful prostitution activity anywhere within the jurisdiction of the court.

D. Appeals shall be allowed from the judgment of the court as in other civil actions.

## **ARTICLE IX. SEXUAL OFFENSES**

### **SECTION 210.470: ARTICLE DEFINITIONS**

As used in this Article, the following terms shall have the meanings set forth herein:

*DEVIATE SEXUAL INTERCOURSE:* Any act involving the genitals of one (1) person and the hand, mouth, tongue or anus of another person or a sexual act involving the penetration, however slight, of the male or female sex organ or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

*SEXUAL CONDUCT:* Sexual intercourse, deviate sexual intercourse or sexual contact.

*SEXUAL CONTACT:* Any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing for the purpose of arousing or gratifying sexual desire of any person.

*SEXUAL INTERCOURSE:* Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.

### **SECTION 210.475: INDECENT EXPOSURE (SEXUAL MISCONDUCT)**

A person commits the offense of indecent exposure (sexual misconduct) if such person:

1. Exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm;
2. Has sexual contact in the presence of a third (3rd) person or persons under circumstances in which he/she knows that such conduct is likely to cause affront or alarm; or
3. Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third (3rd) person.

### **SECTION 210.480: SEXUAL MISCONDUCT**

A person commits the offense of sexual misconduct in the first degree if such person purposely subjects another person to sexual contact without that person's consent.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 210.485: CERTAIN OFFENDERS NOT TO BE PRESENT WITHIN FIVE HUNDRED FEET OF SCHOOL PROPERTY, EXCEPTION— PERMISSION REQUIRED FOR PARENTS OR GUARDIANS WHO ARE OFFENDERS, PROCEDURE**

- A. Any person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:
1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Subsection (2) of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The 1st Degree; Subsection (2) of Section 568.080, RSMo., Use Of A Child In A Sexual Performance; Section 568.090, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or
  2. Any offense in any other State or foreign country, or under tribal, federal or military jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not be present in or loiter within five hundred (500) feet of any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance, unless the offender is a parent, legal guardian or custodian of a student present in the building and has met the conditions set forth in Subsection (B) of this Section.

- B. No parent, legal guardian or custodian who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the offenses listed in Subsection (A) of this Section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance unless the parent, legal guardian or custodian has permission to be present from the Superintendent or School Board or in the case of a private school from the Principal. In the case of a public school, if permission is granted, the Superintendent or School Board President must inform the Principal of the school where the sex offender will be present. Permission may be granted by the Superintendent, School Board, or in the case of a private school from the Principal for more than one (1) event at a time, such as a series of events, however, the parent, legal guardian or custodian must obtain permission for any other event he/she wishes to attend for which he/she has not yet had permission granted.
- C. Regardless of the person's knowledge of his or her proximity to school property or a school-related activity, violation of the provisions of this Section shall be an ordinance violation.

**ARTICLE X. OFFENSES CONCERNING PORNOGRAPHY**

**SECTION 210.490: DEFINITIONS**

When used in this Article, the following terms shall have the meanings set out herein:

*FURNISH:* To issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide.

*MATERIAL:* Anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. "*Material*" includes undeveloped photographs, molds, printing plates, stored computer data, and other latent representational objects.

*MINOR:* Any person under the age of eighteen (18).

*NUDITY:* The showing of post-pubertal human genitals or pubic area with less than a fully opaque covering.

*OBSCENE:* Any material or performance is obscene if, taken as a whole:

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex;
2. The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and
3. A reasonable person would find the material lacks serious literary, artistic, political or scientific value.

*PERFORMANCE:* Any play, motion picture film, videotape, dance or exhibition performed before an audience of one (1) or more.

*PORNOGRAPHIC FOR MINORS:* Any material or performance is pornographic for minors if the following apply:

1. The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors;
2. The material or performance depicts or describes nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and
3. The material or performance, taken as a whole, lacks serious literary, artistic, political or scientific value for minors.

*PROMOTE:* To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same, by any means including a computer.

*SADOMASOCHISTIC ABUSE:* Flagellation or torture by or upon a person as an act of sexual stimulation or gratification.

*SEXUAL CONDUCT:* Actual or simulated, normal or perverted acts of human masturbation;

deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification; or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

*SEXUAL EXCITEMENT:* The condition of human male or female genitals when in a state of sexual stimulation or arousal.

### **SECTION 210.500: PROMOTING PORNOGRAPHY FOR MINORS OR OBSCENITY**

A person commits the offense of promoting pornography for minors or obscenity if he/she:

1. Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain;
2. Produces, presents, directs or participates in any obscene performance for pecuniary gain;
3. Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain;
4. Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; or
5. Promotes, possesses with the purpose to promote, produces, presents, directs or participates in any performance that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

*Note—Under certain circumstances this offense can be a felony under state law.*

### **SECTION 210.510: FURNISHING PORNOGRAPHIC MATERIALS TO MINORS**

A person commits the offense of furnishing pornographic material to minors if he/she:

1. Furnishes any material pornographic for minors knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor;
2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or
3. Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

**ARTICLE XI. OFFENSES CONCERNING DRUGS****SECTION 210.520: POSSESSION OF MARIJUANA**

Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control marijuana as defined in Section 195.010, RSMo.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 210.530: POSSESSION OR CONTROL OF A CONTROLLED SUBSTANCE**

Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control a controlled substance as defined by Section 195.010, RSMo.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 210.535: LIMITATIONS ON THE RETAIL SALE OF METHAMPHETAMINE PRECURSOR DRUGS**

- A. The retail sale of methamphetamine precursor drugs shall be limited to:
1. Sales in packages containing not more than a total of three (3) grams of one (1) or more methamphetamine precursor drugs calculated in terms of ephedrine base, pseudoephedrine base and phenylpropanolamine base; and
  2. For non-liquid products, sales in blister packs, each blister containing not more than two (2) dosage units, or where the use of blister packs is technically infeasible, sales in unit dose packets or pouches.
- B. Any person holding a retail sales license pursuant to Chapter 144, RSMo., who knowingly violates Subsection (A) of this Section is guilty of a misdemeanor.
- C. Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine or phenylpropanolamine products are available for sale who violates Subsection (A) of this Section shall not be penalized pursuant to this Section if such person documents that an employee training program was in place to provide the employee with information on the State and Federal regulations regarding ephedrine, pseudoephedrine or phenylpropanolamine.

**SECTION 210.540: UNLAWFUL USE OF DRUG PARAPHERNALIA**

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia as defined by Section 195.010, RSMo., to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance as defined by Section 195.010, RSMo., or an imitation controlled substance as defined by Section 195.010, RSMo., in violation of Sections 195.005 to 195.425, RSMo.

*Note—Under certain circumstances this offense can be a felony under state law.*

**SECTION 210.550: INHALATION OR INDUCING OTHERS TO INHALE SOLVENT FUMES TO CAUSE CERTAIN REACTIONS, PROHIBITED—EXCEPTIONS**

No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues or induce any other person to do so for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes; except that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

**SECTION 210.560: INDUCING, OR POSSESSION WITH INTENT TO INDUCE, SYMPTOMS BY USE OF SOLVENTS AND OTHER SUBSTANCES, PROHIBITED**

- A. As used in this Section "*alcohol beverage vaporizer*" means any device which, by means of heat, a vibrating element, or any method, is capable of producing a breathable mixture containing one (1) or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.
- B. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use or abuse of any of the following substances:
1. Solvents, particularly toluol;
  2. Ethyl alcohol;
  3. Amyl nitrite and its iso-analogues;
  4. Butyl nitrite and its iso-analogues;
  5. Cyclohexyl nitrite and its iso-analogues;
  6. Ethyl nitrite and its iso-analogues;
  7. Pentyl nitrite and its iso-analogues; and
  8. Propyl nitrite and its iso-analogues.
- C. This Section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.
- D. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by Section 210.550 and this Section.
- E. No person shall possess or use an alcoholic beverage vaporizer.

- F. Nothing in this Section shall be construed to prohibit the legal consumption of intoxicating liquor.

**SECTION 210.570: POSSESSION OR PURCHASE OF SOLVENTS TO AID OTHERS IN VIOLATIONS, PROHIBITED—VIOLATIONS OF SECTIONS 210.550 TO 210.560—PENALTY**

- A. No person shall intentionally possess or buy any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of inducing or aiding any other person to violate the provisions of Sections 210.550 and 210.560 hereof.
- B. Any person who violates any provision of Sections 210.550–210.570 is guilty of an ordinance violation for the first (1st) violation.

*Note—Under certain circumstances this offense can be a felony under state law.*

**ARTICLE XII. OFFENSES CONCERNING MINORS**

**SECTION 210.580: ARTICLE DEFINITIONS**

For the purposes of this Article, the following words and phrases are defined as follows:

*GUARDIAN:* Guardian appointed by court of competent jurisdiction.

*MINOR:* Any person under the age of seventeen (17).

*PARENT:* The natural or adoptive father or mother, legal guardian or any other person having the care or custody of a minor child.

*PARENTAL NEGLECT:* Any act or omission by which a parent fails to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit any offense.

**SECTION 210.590: CURFEW**

- A. It shall be unlawful for any person under the age of seventeen (17) years to be in or upon any public street, highway, alley, road, park, playgrounds, public grounds, public place or public building, place of amusement and entertainment, vacant lot, sidewalk, or any other unsupervised place in the City between the hours of 10:00 P.M. and 5:00 A.M. following, unless such person is attending to urgent business and can give a satisfactory reason for being in or upon the places hereinbefore mentioned, or is accompanied by a parent, legal guardian or an adult or friend who is at least twenty-one (21) years of age and approved by a parent or legal guardian of such person.
- B. When upon such lawful errands, it shall be deemed a violation of this Section for any such person to loiter or linger or ride aimlessly upon the street, highway, alley, road or public places in the City, but such person must transact such business as speedily as possible.

- C. Any such person who shall violate the provisions of this Section shall, for the first (1st) offense, be warned of the violation and provided with a copy of this Section by the Chief of Police or any Police Officer authorized by the Chief of Police to serve such notice and sent home. The parent or legal guardian shall also be warned and furnished a copy of this Section. But on the second (2nd) offense, referral may be made in accordance with and pursuant to the juvenile laws of the State. (Ord. No. 104 §§2–3, 2-10-76; Ord. No. 106 §1, 7-13-76)

### **SECTION 210.600: PARENT'S RESPONSIBILITY**

It shall be unlawful for the parent or legal guardian of any person under the age of seventeen (17) years to permit such person to be in or upon any public street, highway, alley, road, park, playgrounds, public grounds, public place or public building, place of amusement and entertainment, vacant lot, sidewalk, or any other unsupervised place in the City between the hours of 10:00 P.M. and 5:00 A.M. following, provided that this Section shall not apply when such person is accompanied by his/her parent, legal guardian or an adult or friend who is at least twenty-one (21) years of age and approved by a parent or legal guardian of such person, or when such person is attending to urgent business and can give a satisfactory account as to why he/she is in or upon the places hereinbefore mentioned in the City. (Ord. No. 104 §5, 2-10-76; Ord. No. 106 §4, 7-13-76)

## **ARTICLE XIII. OFFENSES CONCERNING TOBACCO**

### **SECTION 210.610: DEFINITIONS**

For purposes of this Article, the following definitions shall apply:

*DISTRIBUTE:* A conveyance to the public by sale, barter, gift or sample.

*MINOR:* A person under the age of eighteen (18).

*PROOF OF AGE:* A driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

*ROLLING PAPERS:* Paper designed, manufactured, marketed or sold for use primarily as a wrapping or enclosure for tobacco which enables a person to roll loose tobacco into a smokeable cigarette.

*SAMPLE:* A tobacco product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

*SAMPLING:* The distribution to members of the general public of tobacco product samples.

*TOBACCO PRODUCTS:* Any substance containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

*VENDING MACHINE:* Any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

**SECTION 210.620: UNLAWFUL TO SELL OR DISTRIBUTE TOBACCO PRODUCTS TO MINORS—VENDING MACHINE REQUIREMENTS**

- A. It shall be unlawful for any person to sell, provide or distribute tobacco products to persons under eighteen (18) years of age.
- B. All vending machines that dispense tobacco products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than eighteen (18) years of age from purchasing any tobacco product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than eighteen (18) years of age are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this Subsection shall be subject to the penalties contained in Subsection (E) of this Section. A determination of non-compliance may be made by a local law enforcement agency or the Division of Alcohol and Tobacco Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.
- C. No person or entity shall sell, provide or distribute any tobacco product or rolling papers to any minor or sell any individual cigarettes to any person in this State. This Subsection shall not apply to the distribution by family members on property that is not open to the public.
- D. Any person, including, but not limited to, a sales clerk, owner or operator, who violates Subsections (A), (B) or (C) of this Section or Section 210.650 of this Article shall be penalized as follows:
  1. For the first (1st) offense, twenty-five dollars (\$25.00);
  2. For the second (2nd) offense, one hundred dollars (\$100.00); and
  3. For a third (3rd) and subsequent offense, two hundred fifty dollars (\$250.00).
- E. Any owner of the establishment where tobacco products are available for sale who violates Subsection (C) of this Section shall not be penalized pursuant to this Section if such person documents the following:
  1. An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the State and Federal regulations regarding tobacco sales to minors. Such training program must be attended by all employees who sell tobacco products to the general public;
  2. A signed statement by the employee stating that the employee has been trained and understands the State laws and Federal regulations regarding the sale of tobacco to minors; and
  3. Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety (90) minutes in length, established by the Division of Alcohol and Tobacco Control.

- F. The exemption in Subsection (E) of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products are available for sale if:
1. Four (4) or more violations per location of Subsection (C) of this Section occur within a one (1) year period; or
  2. Such person knowingly violates or knowingly allows his/her employees to violate Subsection (C) of this Section.
- G. If a sale is made by an employee of the owner of an establishment in violation of this Article, the employee shall be guilty of an offense established in Subsections (A), (B) and (C) of this Section. If a vending machine is in violation of Section 210.650, the owner of the establishment shall be guilty of an offense established in Subsections (C) and (D) of this Section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subsections (C) and (D) of this Section.
- H. A person cited for selling, providing or distributing any tobacco product to any individual less than eighteen (18) years of age in violation of Subsections (A), (B) or (C) of this Section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that:
1. Such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older.
- I. Any person adversely affected by this Section may file an appeal with the Administrative Hearing Commission which shall be adjudicated pursuant to the procedures established in Chapter 621, RSMo.

**SECTION 210.630: MINORS PROHIBITED FROM PURCHASE OR POSSESSION OF TOBACCO—MISREPRESENTATION OF AGE**

- A. No person less than eighteen (18) years of age shall purchase, attempt to purchase or possess cigarettes or other tobacco products unless such person is an employee of a seller of cigarettes or tobacco products and is in such possession to effect a sale in the course of employment or an employee of the Division of Alcohol and Tobacco Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.
- B. Any person less than eighteen (18) years of age shall not misrepresent his/her age to purchase cigarettes or tobacco products.
- C. Any person who violates the provisions of this Section shall be penalized as follows:
1. For the first (1st) violation, the person is guilty of an infraction and shall have any cigarettes or tobacco products confiscated;
  2. For a second (2nd) violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes or tobacco products confiscated and shall complete a tobacco education or smoking cessation program, if available.

**SECTION 210.640: RETAIL SALES TAX LICENSE REQUIRED FOR SALE OF TOBACCO PRODUCTS**

No person shall sell cigarettes or tobacco products unless the person has a retail sales tax license. (RSMo. §407.926)

**SECTION 210.650: REQUIRED SIGN STATING VIOLATION OF STATE LAW TO SELL TOBACCO TO MINORS UNDER AGE EIGHTEEN—DISPLAY OF SIGN REQUIRED WHERE**

The owner of an establishment at which tobacco products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products are sold and on every vending machine where tobacco products are purchased a sign that shall:

1. Contain in red lettering at least one-half (½) inch high on a white background the following:

"IT IS A VIOLATION OF STATE LAW FOR CIGARETTES OR OTHER TOBACCO PRODUCTS TO BE SOLD OR OTHERWISE PROVIDED TO ANY PERSON UNDER THE AGE OF EIGHTEEN OR FOR SUCH PERSON TO PURCHASE, ATTEMPT TO PURCHASE OR POSSESS CIGARETTES OR OTHER TOBACCO PRODUCTS"; and

2. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle and the words "Under 18".

**SECTION 210.660: RESTRICTIONS ON SALES OF INDIVIDUAL PACKS OF CIGARETTES**

No person or entity shall sell individual packs of cigarettes or smokeless tobacco products unless such packs satisfy one (1) of the following conditions prior to the time of sale:

1. It is sold through a vending machine; or
2. It is displayed behind the checkout counter or it is within the unobstructed line of sight of the sales clerk or store attendant from the checkout counter.

**SECTION 210.670: PROOF OF AGE REQUIRED, WHEN DEFENSE TO ACTION FOR VIOLATION IS REASONABLE RELIANCE ON PROOF—LIABILITY**

- A. A person or entity selling tobacco products or rolling papers or distributing tobacco product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).
- B. The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card issued by any uniformed service of the United

States, or a valid passport shall be presented by the holder thereof upon request of any agent of the Division of Alcohol and Tobacco Control or any owner or employee of an establishment that sells tobacco for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least eighteen (18) years of age when such person desires to purchase or possess tobacco products procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.

- C. Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of a misdemeanor.
- D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections (A), (B) and (C) of Section 210.620 of this Article. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section 210.620 on any single day.

## CHAPTER 215: NUISANCES

*Cross References—As to dangerous buildings as a nuisance, ch. 505; as to prostitution houses deemed a nuisance, §210.465.*

### ARTICLE I. GENERALLY

#### SECTION 215.010: NUISANCES AFFECTING HEALTH

A. The following are declared to be nuisances affecting health:

1. All decayed or unwholesome food offered for sale to the public or offered to the public at no charge.
2. All diseased animals running at large.
3. All ponds or pools of stagnant water.
4. Carcasses of dead animals not buried or destroyed within twenty-four (24) hours after death.
5. Accumulations, wheresoever they may occur, of manure, rubbish, garbage, refuse and human and industrial, noxious or offensive waste, including the open discharge of human waste upon public or private property, except the normal storage on a farm of manure for agricultural purposes.
6. Garbage cans which are not fly-tight, that is, garbage cans which do not prevent the entry of flies, insects and rodents.
7. The pollution of any well, cistern, spring, underground water, stream, lake, canal or body of water by sewage or industrial wastes, or other substances harmful to human beings.
8. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities, or the presence of any gas, vapor, fume, smoke, dust or any other toxic substance on, in or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful or injurious to the health of any employee or to any premises, occupant or to any other person.
9. Common drinking cups, roller towels, combs, brushes or eating utensils in public or semi-public places where not properly sanitized after use.
10. Any vehicle used for septic tank cleaning which does not meet the requirements of this Chapter of the Code of Ordinances of the City of Marthasville.
11. Any vehicle used for garbage or rubbish disposal which is not equipped with a water-tight metal body and provided with a tight metal cover or covers and so constructed as to prevent any of the contents from leaking, spilling, falling or blowing out of such vehicle at any time, except while being loaded, or not completely secured and covered so as to prevent offensive odors from escaping therefrom or exposing any part of the contents at any time.

12. Any and all infestations of flies, fleas, roaches, lice, ticks, rats, mice, fly maggots, mosquito larvae and hookworm larvae.
  13. The keeping of animals and fowls in any area within the City not zoned for agricultural uses except pet cats and dogs, animals in public or licensed zoos, and farm animals in laboratories.
  14. Unlicensed dumps and licensed dumps not operated or maintained in compliance with the ordinances of the City of Marthasville and the Statutes of the State of Missouri.
  15. No person shall discharge or cause to be discharged into a stormwater system any waste materials, liquids, vapor, fat, gasoline, benzene, naphtha, oil or petroleum product, mud, straw, lawn clippings, tree limbs or branches, metal or plastic objects, rags, garbage or any other substance which is capable of causing an obstruction to the flow of the storm system or interfere with the proper operation of the system or which will pollute the natural creeks or waterways.
  16. The parking of any boat, trailer, recreational vehicle or vehicle with a gross vehicle weight greater than twenty-four thousand (24,000) pounds upon any public street, except a reasonably sized and licensed construction trailer or licensed vehicle with a gross vehicle weight greater than twenty-four thousand (24,000) pounds accessory to construction, shall be allowed on that portion of public street contiguous to a construction site. Any trailer or vehicle with a gross vehicle weight greater than twenty-four thousand (24,000) pounds parked on a public street under this exception shall be done so in a safe and secure manner, marked with identification information displaying the name, address and telephone number of the corporation or person(s) responsible for the trailer or vehicle. A trailer or vehicle parked on a public street, pursuant to the exception herein, is not allowed to be parked on a public street in situations where construction is not progressing in a reasonably timely manner.
  17. The parking of any vehicle or any portion thereof off the roadway or off a driveway, unless constructed or composed of a paved or aggregate surface.
  18. Residing in any structure without electric, sewer or water service.
  19. All other acts, practices, conduct, business, occupation callings, trades, uses of property and all other things detrimental or certain to be detrimental to the health of the inhabitants of the City of Marthasville.
- B. *Unlawful To Cause, Maintain Within City Or One-Half Mile Thereof.* It is unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied lot or land or any part thereof in the City of Marthasville or within one-half (½) mile of the corporate limits of the City of Marthasville, Missouri, to cause, permit or maintain a nuisance on any such lot or land. Additionally, it is unlawful for any person or his/her agent, servant, representative or employee to cause or maintain a nuisance on the land or property of another with or without permission. Each day that a nuisance shall be maintained is a separate offense.
- C. *Authority To Abate Emergency Cases.* In cases where it reasonably appears that there is an immediate danger to the health, safety or welfare of the public due to the existence of a nuisance, the City shall have authority to immediately abate the nuisance in an appropriate manner.
- D. *Abatement—Procedure Generally.* Whenever the Board of Aldermen receives notification that a nuisance may exist, it shall proceed as follows, except as may be otherwise provided herein:
1. *It shall investigate the same.* The Board may order any person who has caused or is maintaining the nuisance to appear before the Board at such time and place as the Board may direct to show cause, if any, why that person should not abate the nuisance. Every person required to appear before the Board shall have at least ten (10) days' notice thereof.

2. Such notice shall be signed by the Health Officer or Chief of Police and shall be served upon that person by delivering a copy thereof to the person, or by leaving a copy at his/her residence with some member of the family or household over fifteen (15) years of age, or upon any corporation by delivering the copy thereof to the President or to any other officer at any business office of the corporation within the City. If the notice cannot be given for the reason that the person named in the notice or his/her agent cannot be found in the City, of which fact the return upon such notice of the officer serving the same shall be conclusive evidence, such notice shall be published in a daily newspaper for three (3) consecutive days, if a daily, or once, if a weekly paper, giving at least ten (10) days' notice from the final publication date of the time fixed for the parties to appear before the Board.
3. If after hearing all the evidence the Board of Aldermen may determine that a nuisance exists, it may direct the Health Officer or Chief of Police or other City Official to order the person to abate the nuisance within twenty (20) days or within such other time as the Board may deem reasonable. Such order shall be served in the manner provided in this Section for service of the order to show cause. The order may further provide that the appropriate City Official be directed to abate the nuisance if the order is not obeyed within the time period set by the Board, and that a special tax bill be issued for the costs of abating the nuisance.
4. If the order has not been obeyed within the time period set by the Board, the appropriate City Official shall proceed to abate the nuisance in the manner provided by the order of the Board, and the cost of same, if ordered by the Board, may be assessed as a special tax against the property so improved or upon which such work was done; and, if so ordered, the City Clerk shall cause a special tax bill therefor against the owner thereof when known, and if not known then against the unknown persons, and the certified bills of such assessment shall describe therein the property upon which the work was done.
5. The bills for the above work shall be recorded and shall be collected and paid as provided for the collection of other special tax bills for the repairing of sidewalks or grading or paving of streets and shall be a lien on the property.
6. The cost of abating nuisances on private property shall be levied and assessed on each lot in proportion to the amount of work done and material used in abating the nuisance located on each such lot. (Ord. No. 331 §§I-IV, 8-11-09; Ord. No. 338 §I, 6-8-10; Ord. No. 342 §I, 12-14-10)

## **ARTICLE II. WEEDS, HIGH GRASS OR OTHER VEGETATION**

### **SECTION 215.020: WEEDS, HIGH GRASS OR OTHER VEGETATION**

- A. *Failure To Keep Weeds, High Grass And Other Vegetation Cut And Removed, A Nuisance.* All persons owning or occupying any lot or tract of land in the City shall keep the weeds, high grass and other vegetation growing on such property cut and removed. Whenever such weeds, high grass or other vegetation shall attain the height of one (1) foot, it shall be deemed a public nuisance.
- B. *Unlawful To Maintain Such Nuisance.* It shall be unlawful for any person to create or maintain a nuisance as defined in Subsection (A).
- C. *Liability.* Whenever weeds, high grass or other vegetation in violation of Subsection (A) of this Section are allowed to grow on any part of any lot or ground within the City, the owner of the ground or, in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof shall be liable.
- D. *Notice.* The Chief of Police shall give a hearing after ten (10) days' notice thereof either personally

or by United States mail to the owner or owners, or the owner's agents, or by posting such notice on the premises; thereupon, the City Clerk may declare the weeds, high grass or other vegetation to be a nuisance and order the same to be abated within five (5) days.

- E. *Disposition.* In case the weeds, high grass or other vegetation are not cut down and removed within the seven (7) days, the City Clerk shall have the weeds, high grass or other vegetation cut down and removed and shall certify the costs of same to the City Clerk.
- F. *Tax Bill.* The City Clerk shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the City Collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.
- G. If weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of this Section more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, the Marshal or other designated official may, without further notification, have the weeds or trash removed and the cost of the same shall be billed in the manner described in this Section. This Subsection does not apply to lands owned by a public utility and lands, rights-of-way and easements appurtenant or incidental to lands controlled by any railroad. (Ord. No. 45 §§1-2, 9-13-60; Ord. No. 331 §§I-IV, 8-11-09)

### **ARTICLE III. MISCELLANEOUS NUISANCES**

#### **SECTION 215.030: JUNK YARDS, ETC.**

No junk yard or automobile wrecking yard shall be established, maintained or operated within the City of Marthasville, Missouri, unless such junk yard or automobile wrecking yard is screened by a tight board or other screen fence not less than ten (10) feet high or of sufficient height to screen the junk or wrecked or disabled automobiles kept therein from the view of persons using such streets in the ordinary manner or residing within two hundred (200) feet thereof. (Ord. No. 58 §§1-2, 2-12-63; Ord. No. 331 §§I-IV, 8-11-09)

### **ARTICLE IV. PENALTY**

#### **SECTION 215.040: PENALTY**

- A. Upon conviction of a violation of any such provision of this Chapter or of any such ordinance, rule, regulation, notice or order, the violator shall be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment in the County Jail not exceeding ninety (90) days, or by both such fine and imprisonment; provided that in any case wherein the penalty for an offense is fixed by a Statute of the State, the statutory penalty, and no other, shall be imposed for such offense.
- B. Every day any violation of this Code or any other ordinance or any such rule, regulation, notice or order shall continue shall constitute a separate offense.
- C. Whenever any act is prohibited by this Chapter such prohibition shall extend to and include the causing, securing, aiding or abetting of another person to do said act. Whenever any act is prohibited by this Chapter, an attempt to do the act is likewise prohibited. (Ord. No. 331 §V, 8-11-09)

## **CHAPTER 217: ABANDONED PROPERTY**

*Cross References—As to maximum charges for towing and storage, §385.050; as to sale of abandoned property by city, §385.060; as to crime inquiry and inspection reports required by state law, §385.040.*

### **SECTION 217.010: DEFINITIONS**

As used in this Chapter, the following terms shall have the meanings set out herein:

**ABANDONED PROPERTY:** Any unattended or unlicensed motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in this Chapter, whether or not operational. For any vehicle towed from the scene of an accident at the request of law enforcement and not retrieved by the vehicle's owner within five (5) days of the accident, the agency requesting the tow shall be required to write an abandoned property report or a criminal inquiry and inspection report.

**PERSON:** Any natural person, corporation or other legal entity.

**RIGHT-OF-WAY:** The entire width of land between the boundary lines of a public road or State highway, including any roadway.

**ROADWAY:** That portion of a public road or State highway ordinarily used for vehicular travel, exclusive of the berm or shoulder.

**TOWING COMPANY:** Any person or entity which tows, removes or stores abandoned property.

*State Law Reference—For similar provisions, §304.001, RSMo.*

### **SECTION 217.020: ABANDONED VEHICLES OR TRAILERS PROHIBITED**

No person shall abandon any motor vehicle or trailer on any private real property owned by another without his/her consent.

*State Law Reference—For similar provisions, §577.080, RSMo.*

### **SECTION 217.030: OPEN STORAGE OF INOPERABLE VEHICLES OR PUBLIC SAFETY HAZARDS PROHIBITED**

The open storage of inoperable or unlicensed vehicles or other vehicles deemed by the City to constitute a public safety hazard is prohibited. Nothing in this Section shall apply to a vehicle which is completely enclosed within a locked building or locked fenced area and not visible from adjacent public or private property, nor to any vehicle upon the property of a business licensed as salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances.

*State Law Reference—For similar provisions, §304.159, RSMo.*

**SECTION 217.040: TOWING OF ABANDONED PROPERTY ON PRIVATE REAL PROPERTY**

- A. *Generally.* The City, including the City Police Department, may tow motor vehicles from real property which are deemed a public safety hazard pursuant to Section 217.030 or are derelict, junk, scrapped, disassembled or otherwise harmful to the public health. The City shall perform such tow pursuant to the terms of Section 217.050. When a City agency other than the Police Department authorizes a tow under this Subsection, it shall report the tow to the Police Department within two (2) hours with a crime inquiry and inspection report.
- B. *Towing Authorized By City Police Department.* If a person abandons property on any real property owned by another without the consent of the owner or person in possession of the real property, at the request of the person in possession of the real property, any City Police Officer may authorize a towing company to remove such abandoned property from the property in the following circumstances:
1. The abandoned property is left unattended for more than forty-eight (48) hours; or
  2. In the judgment of a Police Officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.
- C. *Towing Authorized By Real Property Owner, Lessee Or Property Or Security Manager.*
1. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a Law Enforcement Officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this Subsection may be made only under any of the following circumstances:
    - a. *Sign.* There is displayed, in plain view at all entrances to the property, a sign not less than seventeen (17) by twenty-two (22) inches in size, with lettering not less than one (1) inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four (24) hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property.
    - b. *Unattended on owner-occupied residential property.* The abandoned property is left unattended on owner-occupied residential property with four (4) residential units or less and the owner, lessee or agent of the real property in lawful possession has notified the City Police Department, and ten (10) hours have elapsed since that notification.
    - c. *Unattended on other private real property.* The abandoned property is left unattended on private real property and the owner, lessee or agent of the real property in lawful possession of real property has notified the City Police Department, and ninety-six (96) hours have elapsed since that notification.

2. Pursuant to this Section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a City Police Officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to Section 575.060, RSMo. The report shall be in the form designed, printed and distributed by the Missouri Director of Revenue and shall contain the following:
  - a. The year, model, make and abandoned property identification number of the property and the owner and any lienholders, if known;
  - b. A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;
  - c. The license plate or registration number and the State of issuance, if available;
  - d. The physical location of the property and the reason for requesting the property to be towed;
  - e. The date the report is completed;
  - f. The printed name, address and telephone number of the owner, lessee or property or security manager in possession of the real property;
  - g. The towing company's name and address;
  - h. The signature of the towing operator;
  - i. The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this Section and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;
  - j. Space for the name of the law enforcement agency notified of the towing of the abandoned property and for the signature of the Law Enforcement Official receiving the report; and
  - k. Any additional information the Missouri Director of Revenue deems appropriate.
3. Any towing company which tows abandoned property without authorization from the City Police Department pursuant to Subsection (B) of this Section shall deliver a copy of the abandoned property report to the City Police Department. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the City Police Department has the technological capability of receiving such copy and has registered the towing company for such purpose. The report shall be delivered within two (2) hours if the tow was made from a signed location pursuant to Subsection (C)(1)(a) of this Section, otherwise the report shall be delivered within twenty-four (24) hours.
4. The City Police Department, after receiving such abandoned property report, shall record the date on which the abandoned property report is filed with the Police Department and shall promptly make an inquiry into the National Crime Information Center (NCIC) and any

statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The Police Department shall enter the information pertaining to the towed property into the statewide law enforcement computer system and a Police Officer shall sign the abandoned property report and provide the towing company with a signed copy.

5. The City Police Department, after receiving notification that abandoned property has been towed by a towing company, shall search the records of the Missouri Department of Revenue and provide the towing company with the latest owner and lienholder information on the abandoned property, and if the tower has online access to the Department of Revenue's records, the tower shall comply with the requirements of Section 304.155, RSMo. If the abandoned property is not claimed within ten (10) working days, the towing company shall send a copy of the abandoned property report signed by a Law Enforcement Officer to the Department of Revenue.
  6. No owner, lessee or property or security manager of real property shall knowingly authorize the removal of abandoned property in violation of this Section.
  7. Any owner of any private real property causing the removal of abandoned property from that real property shall state the grounds for the removal of the abandoned property if requested by the registered owner of that abandoned property. Any towing company that lawfully removes abandoned property from private property with the written authorization of the property owner or the property owner's agent who is present at the time of removal shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes abandoned property at the direction of the landowner shall be responsible for:
    - a. Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and
    - b. The removal of property other than the property specified by the owner of the private real property from which the abandoned property was removed.
- D. *Damage To Property.* The owner of abandoned property removed from private real property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property.
- E. *Real Property Owner Liability.* Any owner of any private real property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to comply with the requirements of this Chapter.
- F. *Written Authorization Required—Delegation Of Authority To Tow.*
1. Except for the removal of abandoned property authorized by the City Police Department pursuant to this Section, a towing company shall not remove or commence the removal of abandoned property from private real property without first obtaining written authorization from the real property owner. All written authorizations shall be maintained for at least one (1) year by the towing company.
  2. General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the

case of abandoned property unlawfully parked within fifteen (15) feet of a fire hydrant or in a fire lane designated by a Fire Department or the State Fire Marshal.

- G. *Towing Company Liability.* Any towing company, or any affiliate of a towing company, which removes, or commences removal of, abandoned property from private property without first obtaining written authorization from the property owner or lessee, or any employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in Subsection (F) of this Section, is liable to the owner of the property for four (4) times the amount of the towing and storage charges, in addition to any applicable ordinance violation penalty, for a violation of this Section.

*State Law References—For similar provisions, §§304.157.1–2, 304.157.4–9, 304.158.2–4, 304.158.8–9, RSMo. (2004)*

### **SECTION 217.050: GENERAL PROVISIONS AND PROCEDURES**

- A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Chapter shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 385.050.
- B. *Crime Inquiry And Inspection Report.* As to crime inquiry and inspection reports required by State law, see Chapter 385 of this Code, Section 385.040.
- C. *Reclaiming Property.* The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.
- D. *Lienholder Repossession.* If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the City Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The City Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.
- E. *Notice To Owner/Tow Lien Claim.* Any towing company which comes into possession of abandoned property pursuant to this Chapter and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to Section 304.156, RSMo., by certified mail, return receipt requested. The notice shall contain the following:
1. The name, address and telephone number of the storage facility;
  2. The date, reason and place from which the abandoned property was removed;

3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
  4. A statement that the storage firm claims a possessory lien for all such charges;
  5. A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;
  6. A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section to contest the propriety of such towing or removal;
  7. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property free of all prior liens; and
  8. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.
- F. *Physical Search Of Property.* In the event that the Missouri Department of Revenue notifies the towing company that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents were found and a good faith effort has been made. For purposes of this Section, "*good faith effort*" means that the following checks have been performed by the company to establish the prior State of registration and title:
1. Check of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a State of possible registration and title;
  2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;
  3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and
  4. If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.
- G. *Petition In Circuit Court.* The owner of the abandoned property removed pursuant to this Chapter or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned

property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue.

- H. *Notice To Owner.* Notice as to the removal of any abandoned property pursuant to this Chapter shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:
1. The public agency authorizing the removal; or
  2. The towing company, where authorization was made by an owner or lessee of real property.

If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage if available shown on the abandoned property at the time of removal.

- I. *Tow Truck Requirements.* Any towing company which tows abandoned property for hire shall have the towing company's name, City and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.
- J. *Storage Facilities.* Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Chapter shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.
- K. *Disposition Of Towed Property.* Notwithstanding the provisions of Section 301.227, RSMo., any towing company who has complied with the notification provisions in Section 304.156, RSMo., including notice that any property remaining unredeemed after thirty (30) days may be sold as scrap property, may then dispose of such property as provided in this Subsection. Such sale shall only occur if at least thirty (30) days have passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in Section 304.156, RSMo. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the Director of Revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the Director of Revenue within two (2) weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three (3) years that shall be available for inspection by law enforcement and authorized Department of Revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this Chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in Section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in Section 301.227, RSMo., on vehicles purchased on a bill of sale pursuant to the Section.

*State Law References—For similar provisions, §§304.155.5–6 (2004), 304.155.11–12(2004), 304.158.1, 304.158.5, 304.158.7, RSMo.*

## CHAPTER 220: HUMAN RIGHTS

### ARTICLE I. IN GENERAL

#### SECTION 220.010: PURPOSES OF CHAPTER

The purposes of this Chapter are:

1. To secure for all individuals within the City freedom from any discriminatory practice made unlawful by Article III of this Chapter.
2. To implement within the City the policies embodied in Missouri and Federal human rights legislation and to promote cooperation between the City and the State and Federal agencies enforcing that legislation.

#### SECTION 220.020: DEFINITIONS

For the purposes of this Chapter, the following terms shall be deemed to have the meanings indicated below:

*COMMISSION:* The Missouri Commission on Human Rights.

*COMPLAINANT:* A person who has filed a complaint with the Commission alleging that another person has engaged in a prohibited discriminatory practice.

*DISABILITY:* A physical or mental impairment which substantially limits one (1) or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment, which with or without reasonable accommodation does not interfere with performing the job, utilizing the place of public accommodation, or occupying the dwelling in question. For purposes of this Chapter, the term "*disability*" does not include current, illegal use of or addiction to a controlled substance as such term is defined by Section 195.010, RSMo.; however, a person may be considered to have a disability if that person:

1. Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;
2. Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or
3. Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

*DISCRIMINATION:* Any unfair treatment based on race, color, religion, national origin, ancestry, sex, age as it relates to employment, disability or familial status as it relates to housing.

*DWELLING:* Any building, structure or portion thereof which is occupied as, or designed or

intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

*FAMILIAL STATUS:* One (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with:

1. A parent or another person having legal custody of such individual; or
2. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

*HOUSING FOR OLDER PERSONS:* Housing:

1. Provided under any State or Federal program that the Commission determines is specifically designed and operated to assist elderly persons, as defined in the State or Federal program;
2. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
3. Intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit.

Housing qualifies as housing for older persons under this Chapter if:

1. The housing has significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons;
2. At least eighty percent (80%) of the units are occupied by at least one (1) person fifty-five (55) years of age or older per unit; and
3. The owner or manager of the housing has published and adhered to policies and procedures which demonstrate an intent by said owner or manager to provide housing for persons fifty-five (55) years of age or older.

*PERSON:* Includes one (1) or more individuals, corporations, partnerships, associations, organizations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries or other organized groups of persons.

*PLACES OF PUBLIC ACCOMMODATION:* All places or businesses offering or holding out to the general public goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public or such public places providing food, shelter, recreation and amusement including, but not limited to:

1. Any inn, hotel, motel or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five (5) rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his/her residence;
2. Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain or other facility principally engaged in selling food for consumption on the premises including, but not limited to, any such facility located on the premises of any retail establishment;
3. Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof;
4. Any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment;
5. Any public facility owned, operated or managed by or on behalf of this State or any agency or subdivision thereof or any public corporation; and any such facility supported in whole or in part by public funds; or
6. Any establishment which is physically located within the premises of any establishment otherwise covered by this Section or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.

*RENT:* Includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant.

*RESPONDENT:* A person who is alleged to have engaged in a prohibited discriminatory practice in a complaint filed with the Commission.

*UNLAWFUL DISCRIMINATORY PRACTICE:* Any act that is unlawful under this Chapter.

## **ARTICLE II. DISCRIMINATORY PRACTICES**

### **SECTION 220.030: UNLAWFUL HOUSING PRACTICES**

A. It shall be an unlawful housing practice:

1. To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable a dwelling to any person because of race, color, religion, national origin, ancestry, sex, disability or familial status.
2. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, disability or familial status.
3. To make, print or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference,

limitation or discrimination based on race, color, religion, national origin, ancestry, sex, disability or familial status or an intention to make any such preference, limitation or discrimination.

4. To represent to any person because of race, color, religion, national origin, ancestry, sex, disability or familial status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
5. To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, ancestry, sex, disability or familial status.
6. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:
  - a. That buyer or renter;
  - b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
  - c. Any person associated with that buyer or renter.
7. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a disability of:
  - a. That person;
  - b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
  - c. Any person associated with that person.

B. For purposes of Sections 220.030, 220.040 and 220.050, discrimination includes:

1. A refusal to permit, at the expense of the person with the disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
2. A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.
3. In connection with the design and construction of covered multi-family dwellings for first (1st) occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

- a. The public use and common use portions of such dwellings are readily accessible to and usable by persons with a disability.
- b. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with a disability in wheelchairs.
- c. All premises within such dwellings contain the following features of adaptive design:
  - (1) An accessible route into and through the dwelling;
  - (2) Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
  - (3) Reinforcements in bathroom walls to allow later installation of grab bars; and
  - (4) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- C. As used in Subdivision (3) of Subsection (B) of this Section, the term "*covered multi-family dwelling*" means:
  1. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and
  2. Ground floor units in other buildings consisting of four (4) or more units.
- D. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for people with physical disabilities, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of Subsection (B)(3)(a) of this Section.

#### **SECTION 220.040: DISCRIMINATION IN COMMERCIAL REAL ESTATE LOANS**

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance because of race, color, religion, national origin, ancestry, sex, disability or familial status to a person applying therefor for the purpose of purchasing, construction, improving, repairing or maintaining a dwelling or to discriminate against him/her in fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of the race, color, religion, national origin, ancestry, sex, disability or familial status of such person or of any person associated with him/her in connection with such loan or other financial assistance or of the present or prospective owners, lessees, tenants or occupants of the dwellings in relation to which such loan or other financial assistance is to be made or given.

#### **SECTION 220.050: DISCRIMINATION IN SELLING OR RENTING BY REAL ESTATE AGENCIES PROHIBITED**

It shall be unlawful to deny any person access to or membership or participation in any multiple

listing service, real estate brokers' organization or other service organization or facility relating to the business of selling or renting dwellings on account of race, color, religion, national origin, ancestry, sex, disability or familial status.

**SECTION 220.060: DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED—  
EXCEPTIONS**

- A. All persons within the City of Marthasville are free and equal and shall be entitled to the full and equal use and enjoyment within this State of any place of public accommodation, as hereinafter defined, without discrimination or segregation on the grounds of race, color, religion, national origin, sex, ancestry or disability.
- B. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person or to attempt to refuse, withhold from or deny any other person any of the accommodations, advantages, facilities, services or privileges made available in any place of public accommodation as defined in Section 220.020 and this Section or to segregate or discriminate against any such person in the use thereof on the grounds of race, color, religion, national origin, sex, ancestry or disability.
- C. The provisions of this Section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association or society or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in Section 220.020 and this Section.

**SECTION 220.070: ADDITIONAL UNLAWFUL DISCRIMINATORY PRACTICES**

It shall be an unlawful discriminatory practice:

- 1. To aid, abet, incite, compel or coerce the commission of acts prohibited under this Chapter or to attempt to do so;
- 2. To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this Chapter or because such person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this Chapter;
- 3. For the City to discriminate on the basis of race, color, religion, national origin, sex, ancestry, age as it relates to employment, disability or familial status as it relates to housing; or
- 4. To discriminate in any manner against any other person because of such person's association with any person protected by this Chapter.

**SECTION 220.080: EXEMPTIONS**

- A. Nothing in this Chapter shall be construed to invalidate or limit any law of the State or of the City that requires dwellings to be designed and constructed in a manner that affords persons with disabilities greater access than is required by this Chapter.

- B. Nothing in Sections 220.030, 220.040 and 220.050:
1. Requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
  2. Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision of said Sections regarding familial status apply with respect to housing for older persons.
  3. Shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 195.010, RSMo.
- C. Nothing in this Chapter shall prohibit a religious organization, association or society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this Chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.
- D. Nothing in this Chapter, other than the prohibitions against discriminatory advertising in Subsection (A)(3) of Section 220.030, shall apply to:
1. The sale or rental of any single-family house by a private individual owner, provided the following conditions are met:
    - a. The private individual owner does not own or have any interest in more than three (3) single-family houses at any one time; and
    - b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this Section applies to only one (1) such sale in any twenty-four (24) month period.
  2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his/her residence.

## **CHAPTER 225: EMERGENCY MANAGEMENT**

*Note—As to the City's Emergency Action Plan, see Ord. No. 260 on file in City Hall.*

### **SECTION 225.010: ESTABLISHMENT**

There is hereby created within and for the City of Marthasville an emergency management organization to be known as the Marthasville Emergency Management Organization, which is responsible for the preparation and implementation of emergency functions required to prevent injury and minimize and repair damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, RSMo., and supplements thereto, and the Missouri Emergency Operations Plan adopted thereunder.

### **SECTION 225.020: ORGANIZATION**

This agency shall consist of a Director and other members appointed by the Marthasville Emergency Management Organization to conform to the State organization and procedures for the conduct of emergency operations as outlined in the Missouri Emergency Operations Plan.

### **SECTION 225.030: FUNCTIONS**

The organization shall perform emergency management functions within the City of Marthasville and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of Chapter 44, RSMo., and supplements thereto.

### **SECTION 225.040: DIRECTOR**

- A. The Director will be appointed by the Board and shall serve at the pleasure of the Mayor.
- B. The Director shall have direct responsibility for the organization, administration and operations of local emergency management operations, subject to the direction and control of the Mayor or Board of Aldermen.
- C. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Marthasville Emergency Management Organization.

### **SECTION 225.050: SCOPE OF OPERATION**

The City of Marthasville in accordance with Chapter 44, RSMo., may:

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

safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State Governments.

2. Appoint, provide or remove rescue teams, auxiliary fire and Police personnel and other emergency operation teams, units or personnel who may serve without compensation.

#### **SECTION 225.060: MUTUAL-AID AGREEMENTS**

The Mayor or Public Safety Agency may enter into mutual-aid arrangements or agreements with other public and private agencies within and without the State for reciprocal emergency aid as authorized in Section 44.090, RSMo.

#### **SECTION 225.070: CITY MAY ACCEPT SERVICES, ETC.**

The Mayor of the City may, with the consent of the Governor, accept services, materials, equipment, supplies or funds gifted, granted or loaned by the Federal Government or an officer or agency thereof for emergency management purposes, subject to the terms of the offer.

#### **SECTION 225.080: OATH**

No person shall be employed or associated in any capacity in the Marthasville Emergency Management Organization who advocates or has advocated a change by force or violence in the constitutional form of the Government of the United States or in this State or the overthrow of any Government in the United States by force or violence, or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in the Marthasville Emergency Management Organization shall, before entering upon his/her duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such a time as I am a member of the Marthasville Emergency Management Organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence."

#### **SECTION 225.090: OFFICE SPACE**

The Mayor is authorized to designate space in any City-owned or leased building for the Marthasville Emergency Management Organization.

## CHAPTER 230: SOLID WASTE

### ARTICLE I. GENERALLY

#### SECTION 230.010: DEFINITIONS

For the purposes of this Chapter, the following terms shall be deemed to have the meanings indicated below:

*BULKY RUBBISH:* Non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors with the equipment available therefor.

*CITY:* The City of Marthasville, Missouri.

*COLLECTION:* Removal of solid waste from its place of storage to the transportation vehicle.

*COMMERCIAL SOLID WASTE:* All solid waste generated from a source other than a dwelling unit.

*CONTRACTOR:* Such person, firm or corporation as may be contracted with to provide solid waste transportation and disposal for the City.

*CURBSIDE:* A location adjacent to and not more than five (5) feet from any street.

*DISPOSABLE SOLID WASTE CONTAINER:* Disposable plastic or paper sacks with a capacity of twenty (20) to thirty-nine (39) gallons or, if specifically designated for storage of solid waste, a maximum of fifty-five (55) gallons.

*DWELLING UNIT:* Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating. Units of multiple-housing facilities may be billed as dwelling units upon request by the owner of said dwelling units.

*GARBAGE:* Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

*HAZARDOUS WASTES:* Any waste or combination of wastes, as determined by the Hazardous Waste Management Commission by rules and regulations, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a present or potential threat to the health of humans or the environment.

*MAJOR APPLIANCES:* Clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, wood stoves, air-conditioners, refrigerators and freezers.

*OCCUPANT:* Any person who, alone or jointly or severally with others, shall be in actual

possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

*PERSON:* Any natural individual, firm, partnership, trust, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof; and as applied to corporations, it includes the officers, agents or employees thereof who are responsible for the act referred to.

*PROCESSING:* Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

*PROHIBITED ITEMS:* Items which are eliminated by State law from being disposed of in a solid waste disposal area including, but not limited to, major appliances, waste oil, lead acid batteries, waste tires and the like as the same may be now or hereafter defined by State law.

*RESIDENTIAL SOLID WASTE:* Solid waste resulting from the maintenance and operation of dwelling units.

*SOLID WASTE:* Garbage, refuse and other discarded materials including, but not limited to, solid and semi-solid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in Sections 260.360 to 260.432, RSMo., recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting. Solid waste does not include "Yard Waste" as defined herein.

*SOLID WASTE CONTAINER:* Receptacle used by any person to store solid waste during the interval between solid waste collections.

*SOLID WASTE DISPOSAL:* The process of discarding or getting rid of unwanted material. In particular the final disposition of solid waste by man.

*SOLID WASTE MANAGEMENT:* The entire solid waste system of storage, collection, transportation, processing and disposal.

*STORAGE:* Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

*TRANSPORTATION:* The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

*YARD WASTES:* Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

## **SECTION 230.020: SOLID WASTE STORAGE**

- A. The occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the City shall provide sufficient and adequate containers for the storage of all solid waste, except bulky rubbish and demolition and construction waste, to serve each such dwelling unit and/or establishment and to maintain such solid waste containers at all times in good repair.

- B. The occupant of every dwelling unit and of every institutional, commercial, business, industrial or agricultural establishment shall place all solid waste to be collected in proper solid waste containers and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Accumulation of waste in suitable containers shall not be stored upon any site in the City for a period longer than seven (7) days.
- C. Residential solid waste shall be stored in containers of not more than thirty-nine (39) gallons nor less than twenty (20) gallons in nominal capacity, except that residential solid waste may be stored in trash bags of adequate strength in a size not to exceed fifty-five (55) gallons. All containers, including bags, shall be leakproof and waterproof, fly-tight and properly covered, tied or enclosed, except when depositing waste therein or removing the contents thereof. Containers other than bags shall have handles, bails or other suitable lifting devices or features. Containers other than bags shall be of a type originally manufactured for residential solid waste with tapered sides for easy emptying. They shall be of lightweight and sturdy construction. The weight of any individual container, including bags and its contents, shall not exceed seventy-five (75) pounds. Galvanized metal containers or rubber, fiberglass or plastic containers which do not become brittle in cold weather may be used in addition to bags. Disposable solid waste containers with suitable frames or containers as approved by the City may also be used for storage of residential solid waste. Galvanized metal containers or rubber, fiberglass or plastic containers with suitable frames or containers as approved by the City may also be used for storage of residential solid waste.
- D. Commercial solid waste shall be stored in solid waste containers as approved by the Board. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof and shall meet all requirements as set forth by Section 230.060.
- E. Solid waste containers which are not approved will be collected together with their contents and disposed of.

#### **SECTION 230.030: COLLECTION OF SOLID WASTE**

- A. The City shall provide for the collection of solid waste as follows:
  - 1. *Collection of residential solid waste.* The City shall provide for the collection of residential solid waste in the City, provided however, that the City may provide the collection service by contracting with a person, County or other City or a combination thereof for the entire City or portions thereof as deemed to be in the best interests of the City.
  - 2. *Other collections.* The City may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. However, in the event that such application is not made or approved, it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises in a manner approved by City. If and when the City does provide commercial collection service, the provisions herein concerning such service shall apply.
- B. All solid waste from premises to which collection services are provided under contract with the City shall become the property of the collection agency upon being loaded into the transportation equipment.

- C. Solid waste containers as required by this Chapter for the storage of residential solid waste shall be placed at curbside for collection but shall not be so placed until after 6:00 P.M. on the day next preceding the regularly scheduled collection day. Containers shall be removed from curbside no later than 8:00 P.M. on the day of collection. No alley service shall be allowed under the terms of this Chapter, except as approved by the Board of Aldermen.
- D. Individuals desiring the collection of bulky rubbish shall deal directly with those licensed by the City for the collection of the same.
- E. Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.
- F. It shall be the responsibility of the occupants of each dwelling unit to prepare, package and deliver solid waste to curbside for collection as prescribed in this Chapter and as it may be amended from time to time.
- G. It shall be the responsibility of each commercial, industrial, institutional or other non-residential generator of solid waste to prepare, package and store solid waste so generated as prescribed by this Chapter and as it may be amended from time to time.
- H. It shall be the responsibility of every solid waste collector to abide by this Chapter and receive and transport solid waste in a manner consistent with the provisions of this Chapter.
- I. The following collection frequencies shall apply to collections of solid waste within the City: All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. All commercial solid waste shall be collected once weekly and shall be collected at such lesser intervals as may be fixed by the Board upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.
- J. Residential solid waste containers shall be stored upon the residential premises. Except as provided in Subsection (C) hereof, all solid waste containers stored out-of-doors shall be stored behind any building located on the tract of land. Commercial solid waste containers shall remain in the location from which they are to be serviced except while being serviced.
- K. All solid waste collectors operating under contract with the City or otherwise collecting solid waste within the City limits shall be responsible for the collected solid waste from the point of collection to the point of disposal, provided the solid waste was stored in compliance with the applicable Sections of this Chapter. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.
- L. It shall be unlawful for any person, firm or corporation collecting and disposing of rubbish, garbage or waste material from any property or premises in the City to make such collection or dispose of such rubbish, garbage or waste materials between the hours of 9:00 P.M. and 5:00 A.M. (Ord. No. 352 §I, 2-15-12)

#### **SECTION 230.040: TRANSPORTATION OF SOLID WASTE**

- A. All transportation vehicles shall be maintained in a safe, clean and sanitary condition and shall be

so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with water-tight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste or, as an alternative, the entire bodies thereof shall be enclosed with only loading hoppers exposed. Provided however, other vehicles may be used to transport bulky rubbish which because of its size or weight is not susceptible to being loaded or unloaded in vehicles described above, but in no event shall such vehicles be operated without adequate cover or binding to prevent spillage or waste therefrom and in accordance with the rules and regulations made by the Board.

- B. Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities. However, all such material shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.
- C. Transportation and disposal of demolition and construction wastes shall be in accordance with this Section and Section 230.050.

#### **SECTION 230.050: DISPOSAL OF SOLID WASTE**

- A. Solid wastes shall be deposited at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.255, RSMo., and the rules and regulations adopted thereunder. The City may designate the processing or disposal facility to be utilized by persons holding permits under this Chapter.
- B. The Board may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Board which will meet all local, State and Federal regulations.

#### **SECTION 230.060: RULES AND REGULATIONS**

- A. The Board may make, amend, revoke and enforce reasonable and necessary rules and regulations governing, but not limited to:
  - 1. Preparation, drainage and wrapping of garbage deposited in solid waste containers.
  - 2. Specifications for solid waste containers including the type, composition, equipment, size and shape thereof.
  - 3. Identification of solid waste containers and of the covers thereof and of equipment thereto appertaining, if any.
  - 4. Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
  - 5. Storage of solid waste in solid waste containers.

6. Sanitation, maintenance and replacement of solid waste containers.
  7. Schedules of and routes for collection and transportation of solid waste.
  8. Collection points of solid waste containers.
  9. Collection, transportation, processing and disposal of solid waste.
  10. Processing facilities and fees for the use thereof.
  11. Disposal facilities and fees for the use thereof.
  12. Records of quantity and type of wastes received at processing and/or disposal facilities.
  13. Handling of special wastes such as toxic wastes, sludge, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.
- B. The City Clerk or such other City Official who is responsible for preparing utility or other service charge billings for the City is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for, subject to the approval of the Board.
- C. A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk of the City.

#### **SECTION 230.070: PROHIBITED PRACTICES**

It shall be unlawful for any person to:

1. Deposit solid waste in any solid waste container other than his/her own without the written consent of the owner of such container and/or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal.
2. Interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City, those of a solid waste collection agency operating under contract with the City, or any duly licensed collector.
3. Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Division of Health.
4. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a permit from the City, or operate under an expired permit, or operate after a permit has been suspended or revoked.

#### **SECTION 230.080: BONDS**

The Board may require performance or payment bonds of any solid waste collection agency prior to issuing permits to so operate.

**SECTION 230.090: SERVICE CHARGES**

- A. There is hereby imposed for the collection and disposal of solid wastes and for the improvement of the general public and environment a service charge for each dwelling unit to which such service shall be provided under the provisions of this Chapter. Said service charge shall be the amount set by the City from time to time.
- B. The system of services established by the provisions of this Chapter hereof is designated as an integral part of the City's program of health, sanitation and general welfare to be operated as an adjunct to the City's system for providing all manner of utilities services. The City may enforce collection of such charges by bringing proper legal action against the occupant of the premises which has received such services to recover any sums due for such services plus a reasonable attorney's fee to be fixed by the court plus the cost of such action.
- C. The service charge herein provided for is hereby imposed upon the occupant of each occupied dwelling unit and the billing therefor shall be made to the person contracting for City utilities of any kind to each such dwelling unit. In the event a dwelling unit is not serviced by City utilities or in the absence of information that such person is neither the owner or the tenant of such dwelling unit, then billing therefor shall be made to the owner. Service charges shall be payable to the City of Marthasville, Missouri.
- D. The City shall include the foregoing service charge on its utility bill as a separate charge which shall be paid on or before the fifteenth (15th) of the following month.
- E. The City shall provide any contractor hereunder with a monthly statement showing the number of dwelling units, together with all additions and deletions.

## CHAPTER 235: CITY PARK REGULATIONS

### SECTION 235.010: PERMIT REQUIRED FOR USE OF PARK

- A. The City Clerk shall issue a permit to any person, firm or organization, after approval by the City Clerk, for permission to reserve and for the exclusive use of such person, firm or organization to use the City park or a part thereof for a period of time not exceeding twenty-four (24) hours.
- B. The permit application/contract for the use of City facilities and parks and the rules and policies, as same may be found on file in the City offices, is adopted and is hereby incorporated into this Chapter as the policy for the use and regulation of the park of the City of Marthasville. (Ord. No. 282 §§I–II, 4-12-05)

### SECTION 235.020: PARK RULES

- A. *Park Hours.* Use of the park shall be open to the public for daily use between sunrise and sunset, unless permission is granted for use outside such hours by permit issued by the Board of Aldermen or their designated representative(s).
- B. *Injuring Trees, Shrubbery, Natural Life And Other Property Prohibited.* It shall be unlawful for any person to disfigure, damage or in any way injure or destroy, either in part or in whole, or carry away any tree, shrub, plant, flower, stone, or stone work, bench, chair set, stand, structure, fence or property, fish, or animal, or anything belonging to or kept therein; or to post or affix or inscribe any handbill, poster, card, device, or inscription to or on any tree, fence, or structure within the park.
- C. *Hunting Prohibited.* No person shall pursue, trap or kill any wildlife in any manner on park land. Firearms, guns or weapons of any kind are strictly prohibited on park land.
- D. *Operation Of Motor Vehicles Prohibited.* Motor vehicles are prohibited on park land with the following exceptions and under the conditions stated:
  - 1. Vehicles utilizing disabled parking spaces.
  - 2. Service vehicles.
  - 3. Emergency vehicles.
  - 4. Other vehicles approved by the Board of Aldermen or their designated representative(s).
- E. *Parking In Designated Areas Only.* The parking of vehicles on grassy areas is not permitted. Parking for handicapped vehicles will be allowed in areas designated for that purpose.
- F. *Possession Of Alcohol Prohibited In Park.* No person shall possess any alcoholic beverage on park land, nor carry, transport, or otherwise bring any alcoholic beverage onto park land except when expressly authorized by the Board of Aldermen or their designated representative(s) in conjunction with an approved reservation for a specific area. The Board of Trustees or their designated representative(s) may revoke authorization of alcoholic beverages at any time.

- G. *Location Of Fires.* Fires may be built only in barbecue grills or fireplaces provided by the City, and must be extinguished before leaving the park.
- H. *Camping Permitted By Permission Only.* Camping is not permitted on park land unless approved by the Board of Aldermen or their designated representatives(s). Permits must be secured in advance, and camping must be restricted to those areas of the park approved by the Board of Aldermen or their designated representative(s).
- I. *Disposal Of Trash.* Trash, rubbish and debris of all kinds shall be deposited in the containers provided for that purpose. All areas shall be left in a clean and orderly condition. Dumping or depositing trash, rubbish or debris in or on any part of the park land or facilities other than in the receptacles provided is strictly prohibited.
- J. *Glass Containers Prohibited.* Glass containers of any type are not permitted in the park.
- K. *Animals.* No person shall bring onto park land a dog or other domestic animal unless such animals are at all times restrained on a leash. No leash on which a dog or other animal is tethered or restrained shall be of greater length than six (6) feet. In addition, any person bringing a domestic animal into the park shall have with them an instrument and container to remove from the park any wastes deposited by their animal. No person shall allow a dog or other domesticated animal into any waters or waterways in the park for any purposes. No person shall permit the running of a dog at large. Domestic animals are prohibited in and around all playgrounds located on park grounds, and restrooms except for Seeing Eye dogs. No vicious animal of any kind shall be brought onto park land at any time even though restrained as described above.
- L. *Solicitations Prohibited.* Solicitation of any business or service is prohibited. No person, firm, or corporation is permitted to offer or advertise merchandise or other goods for sale or hire. The maintaining of a concession or the use of any park facility, building, trail, road, or other park property for commercial purposes is prohibited except upon written consent and approval of the Board of Aldermen or their designated representative(s).
- M. *Smoking.* Smoking is not allowed in the restrooms and on or within ten (10) feet of the playgrounds.
- N. *Skateboarding.* Skateboarding is prohibited upon or about the park, the entrance to the park and within or upon all pavilions or decks and the railings or furnishings contained or incorporated therein. (Ord. No. 354 §I, 4-18-12)