

outline is defined and used in this document

WELFARE

TITLE II. PUBLIC HEALTH, SAFETY AND

CHAPTER 200: POLICE DEPARTMENT

ARTICLE I. IN GENERAL

SECTION 200.010: POLICE DEPARTMENT ESTABLISHED

There is hereby established a Police Department for the City of New Franklin, Missouri. (CC 1996 §200.010)

SECTION 200.020: MEMBERS AND CHIEF OF POLICE

- A. The Police Department shall have a Chief of Police and such number of regular Policemen as the Board of Aldermen may determine.
- B. The Chief of Police shall be the administrative head of the Police force and shall answer only to the Administrator, the Mayor and Board. The Chief of Police shall perform all the duties set forth within this provision or as may otherwise be required by law or at the lawful direction of the Administrator, the Mayor and the Board. (CC 1996 §200.020)

SECTION 200.030: QUALIFICATIONS

Members of the Police Department shall be appointed by a majority vote of the Board of Aldermen, said members so appointed must be at least twenty-one (21) years of age, of good moral character and in good physical condition and hold a valid Peace Officer license in accordance with Chapter 590, RSMo. (CC 1996 §200.030)

SECTION 200.040: DUTIES

It shall be the duty of the Chief of Police and other officers to see that all the laws and ordinances pertaining to the Police regulations of the City are duly enforced and they shall make complaint before the proper officer for every violation of a City ordinance coming within their knowledge. Every Police Officer shall arrest without process in all cases in which any offense against the laws of the City or of the State shall be committed in his/her presence. Every person arrested for violation of any law or ordinance, whether upon warrant or without, shall be taken before the proper officer as soon as the complaint can be heard and in case a hearing cannot be had at once, the members of the Police Department shall have power to commit such person to the City prison or other safe place for keeping until the complaint can be heard and examined. (CC 1996 §200.040)

SECTION 200.050:

EXCESSIVE FORCE

The City prohibits the use of excessive force by law enforcement agencies with its jurisdiction

against any individuals and bars the use of any force other than that needed to protect the demonstrator, to control a crowd, to ensure public safety or the safety of officers while persons are engaged in non-violent civil rights demonstrations. The City also prohibits the physical barring of any entrance or exit of any public facility and will enforce all applicable State laws regarding the same. (CC 1996 §200.065)

SECTION 200.060: PROBATION OF OFFICERS

During the first (1st) year of their appointment, the members of the Police Department shall be on probation and shall be subject to dismissal by a majority vote of the Board of Aldermen. (CC 1996 §200.090)

ARTICLE II. POLICE PROTECTION

SECTION 200.070: AGREEMENTS

The Mayor of New Franklin is empowered to sign on behalf of the City and enter agreements to effectuate the purposes of this Section. If the City of New Franklin adopts any agreement by ordinance or resolution of the Board and the City of New Franklin does not acknowledge the agreement by a reciprocal act adopting the agreement or if the City of New Franklin shall fail to pay the amount required by the City of New Franklin under an agreement, the City of New Franklin shall be relieved of the responsibility of providing any and all services under the agreement. Failure to have an agreement for a specific period does not abrogate the power of the City to enter a subsequent agreement or to renegotiate existing agreements. (CC 1996 §204.050)

ARTICLE III. RESERVE POLICE FORCE

SECTION 200.080: ESTABLISHMENT

There is hereby established a reserve Police force for the City of New Franklin, Missouri. (CC 1996 §203.010)

SECTION 200.090: CHIEF OF POLICE TO DIRECT

The reserve Police force shall be directed by the Chief of Police of New Franklin, Missouri. (CC 1996 §203.020)

SECTION 200.100: POLICE DEPARTMENT BOARD TO ADVISE ALDERMEN

The Police Department Board shall hear and advise the Board of Aldermen on all matters involving the reserve Police force. (CC 1996 §203.030)

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SECTION 200.110: MEMBERS TO ENFORCE ORDINANCES

Members of the reserve Police force shall enforce the ordinances of the City of New Franklin and shall carry out the orders of the Chief of Police of New Franklin, Missouri. (CC 1996 §203.050)

SECTION 200.120: QUALIFICATIONS AND APPOINTMENT OF MEMBERS

Members of the reserve Police force shall possess the same qualifications as a regular Policeman and shall be appointed by a majority vote of the Board of Aldermen of the City of New Franklin, Missouri. (CC 1996 §203.060)

SECTION 200.130: PROBATION FOR FIRST YEAR

During the first (1st) year of their appointment, the members of the reserve Police force shall be on probation and shall be subject to dismissal by a majority vote of the Board of Aldermen. (CC 1996 §203.100)

ARTICLE IV. POLICE DEPARTMENT BOARD

SECTION 200.140: DEFINITION AND CLARIFICATION

- A. "Board" through the ordinance means the entire Board at properly called public meetings.
- B. The Board may not delegate to third (3rd) parties or members of the Board any Board responsibilities. (Ord. No. 719 §§I–III, 2-25-08)

SECTION 200.150: POLICE DEPARTMENT BOARD

- A. There is hereby established a Police Department Board consisting of three (3) members, one (1) member, preferably, from each of the Wards of the City. They shall be appointed by the Mayor at the first (1st) meeting following his/her election to office with advice and consent of the Board of Aldermen. All members shall be appointed for four (4) years. Initial members serving on the Police Department Board at the passage and approval of this Article shall remain until the next Mayoral election. The members of the Board shall be qualified voters of the City, of good moral character, have no felony convictions and not be in arrears on City taxes or utilities. The Board shall receive no compensation.
- B. The Mayor shall designate the Chair of the Police Department Board with the advice and consent of the Board of Aldermen.
- C. The Police Department Board shall designate one (1) member of the Police Department Board as its Secretary. The Secretary shall record the minutes of the Police Department Board meetings and give to the City Clerk.

D. The Mayor, members of the Board of Aldermen, the City Administrator and the Chief of Police shall

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be ex officio members of the Police Department Board and shall be entitled to be present and participate in all meetings of the Police Department Board but shall have no vote in the deliberations of the Police Department Board. (CC 1996 §200.120; Ord. No. 719 §IV, 2-25-08)

**SECTION 200.160: POLICE DEPARTMENT BOARD TO ADVISE BOARD
OF ALDERMEN
ON POLICE MATTERS**

- A. The Police Department Board shall have the authority and responsibility to do the following:
 - 1. Hear and review complaints by citizens pertaining to the Police Department and to request the Board of Aldermen investigate such complaints.
 - 2. Question Chief of Police and/or Police Officers regarding complaints against them or their activities.
 - 3. The Police Department Board does not have the right to directly or indirectly investigate personnel procedures of the Police Department nor does its members have the authority to make arrests or exercise in any way the authority of a member of the Police Department or any of its officers.
 - 4. The Police Department Board shall perform other duties as requested by the Board of Aldermen.
- B. The Police Department Board shall meet at least once annually on the first (1st) Thursday following new Board appointments. The Police Department Board may hold special meetings at such additional times as may be set by the Chair. All meetings shall be held in the Board of Aldermen meeting room. (CC 1996 §200.130; Ord. No. 719 §§V–VI, 2-25-08)

CHAPTER 205: ANIMAL CONTROL

ARTICLE I. ANIMAL CONTROL OFFICER

SECTION 205.010: ANIMAL CONTROL OFFICER

There is hereby created and established the office of Animal Control Officer in the City of New Franklin, Missouri. He/she shall be appointed by the Mayor with the approval of the Board of Aldermen and shall hold office for one (1) year or until his/her successor shall be appointed and qualified. The Animal Control Officer shall be under the direct supervision and control of the Chief of Police and the Police Board. The Animal Control Officer shall be of good character and a resident of New Franklin, Missouri. It shall be the duty of the Animal Control Officer to enforce and carry out all of the provisions of this Chapter. (CC 1996 §230.020)

ARTICLE II. DOGS AND CATS

SECTION 205.020: DEFINITION OF TERMS

Terms used herein mean:

CAT: Whenever used without a qualification means any animal of the feline species, either male or female.

DOG: Whenever used without a qualification means any animal of the canine species, either male or female.

IMMUNIZE: Immunize against rabies at the expense of the owner or custodian by the administration of anti-rabic vaccine by a licensed veterinarian. (CC 1996 §230.010)

SECTION 205.030: DOGS OR CATS TO BE REGISTERED

No dog or cat shall be permitted to remain in the City, unless such dog or cat is registered, immunized and the dog or cat tax paid by the owner or possessor of such dog or cat. (CC 1996 §230.030)

SECTION 205.040: DOG OR CAT TAX

The tax for each male dog or cat and each spayed female dog or cat over six (6) months of age in the City is two dollars (\$2.00) per year. The tax for each unspayed female dog or cat over six (6) months of age is five dollars (\$5.00) per year. The dog or cat tax is payable to the City Collector for the use of the City. Whenever any dog or cat reaches the age of six (6) months, it shall be registered and tax paid thereon. Any dog or cat brought into the City shall be registered within ten (10) days after being brought in. (CC 1996 §230.040)

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SECTION 205.050: EVIDENCE OF IMMUNIZATION

At the time the dog or cat tax is paid, the owner or possessor of a dog or cat shall exhibit a certificate signed by a licensed veterinarian indicating that the dog or cat has been immunized within three (3) months prior to the date the certificate is filed. (CC 1996 §230.050)

SECTION 205.060: REGISTRATION AND ISSUANCE OF DOG OR CAT TAGS

The City Collector shall register each dog or cat on cards showing the name of the owner or possessor of each dog or cat registered and the name, kind, sex and color of the dog or cat.

1. Upon the registration and the payment of the dog or cat tax, it shall be the duty of the City Collector to keep a record of such tax paid, the date of such payment and by whom paid and to furnish the owner of the dog or cat a metal or plastic plate plainly stamped or marked with the words "New Franklin Pet Tag" and a number corresponding to the number of the register card on which said dog or cat is registered.
2. The owner or possessor of a registered dog or cat shall at all times keep a substantial collar around the neck of such dog or cat to which shall be attached a metal fastening the metal or plastic plate described. (CC 1996 §230.060)

SECTION 205.070: DUPLICATE TAGS

The owner of any registered dog or cat may receive another tag by filing with the City Collector a sworn statement stating that the tag has been accidentally lost and by paying a fee of fifty cents (\$.50) to the City Collector. The City Collector shall make a notation on the registration card of the dog or cat of the issuance of such duplicate tag. (CC 1996 §230.070)

SECTION 205.080: ILLEGAL USE OF DOG OR CAT TAG

No person shall attach to the collar of any dog or cat a registration or license tag not purchased for such dog or cat. (CC 1996 §230.080)

SECTION 205.090: KEEPING UNREGISTERED DOG OR CAT ON PREMISES

No person shall suffer to be or remain in and about the premises occupied by him/her any dog or cat not registered and collared as required by this Chapter. (CC 1996 §230.090)

SECTION 205.100: DOG OR CAT AT LARGE

No owner or possessor of any dog or cat shall permit the dog or cat to run at large on any public street, alley, sidewalk or any public way or public place in the City of New Franklin unless said dog

or cat is on a leash and under the control of the owner or possessor. (CC 1996 §230.100)

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SECTION 205.110: IMPOUNDING UNREGISTERED DOGS OR CATS—DOGS OR CATS RUNNING AT LARGE

It shall be the duty of the Animal Control Officer or any person acting under his/her direction and every Policeman to take up and impound for one (1) week in a suitable place to be designated by the Animal Control Officer any dog or cat found running at large within this City and any dog or cat found running at large within this City not registered and collared as required by this Chapter. Impounded dogs or cats shall be watered and fed by or under the direction of the Animal Control Officer. Any dog or cat that cannot be conveniently taken up and impounded shall be killed. (CC 1996 §230.110)

SECTION 205.120: REDEMPTION

Any dog or cat may be redeemed by the owner within three (3) days after the impounding fee for all dogs or cats, whether licensed or unlicensed, upon satisfactory proof that said animal is not infected with rabies, of twenty dollars (\$20.00) is paid. A second (2nd) violation will result in a fee of twenty-five dollars (\$25.00) and for three (3) violations a fee of thirty dollars (\$30.00) will be assessed. Subsequent impoundments the owner must appear in the Municipal Court of New Franklin for disposition of the matter. In addition, fifteen dollars (\$15.00) for each day that a dog or cat is confined in the humane shelter for the cost of feeding shall be paid. If the owner of said dog or cat can be determined, the impounding fee and feeding fee shall be paid, regardless of whether or not the owner redeems said animal. (CC 1996 §230.120; Ord. No. 621, 4-13-98; Ord. No. 661, 12-10-01; Ord. No. 690 §§1–3, 10-25-04; Ord. No. 707 §I, 6-26-06)

SECTION 205.130: FIERCE AND DANGEROUS DOGS OR CATS

Any fierce or dangerous dog or cat, whether the tax on it is paid or not, found running at large within the City or on the premises of other persons or running at large in any tenement building occupied by two (2) or more families and annoying or endangering any person shall be immediately killed by or under the direction of the Animal Control Officer or by any member of the Police force. (CC 1996 §230.130)

SECTION 205.140: REPORTS

It shall be the duty of the City Collector to report to the Board, at the first (1st) regular meeting thereof each month, the number of dogs or cats registered during the preceding month and the amount of dog or cat taxes collected. The taxes collected shall be paid to the City Treasurer and a receipt for same filed with the City Administrator. The Animal Control Officer shall report to the Board, at the first (1st) regular meeting thereof in each month, the number of dogs or cats impounded by him/her, the amount collected as penalties and impounding fees and the name of the owners of every dog impounded or slain. (CC 1996 §230.140)

SECTION 205.150: EXEMPTIONS FROM REGULATIONS

Nothing in this Chapter pertaining to registering, immunizing, payment of dog or cat tax or collaring

of dogs or cats applies to dogs or cats belonging to visitors or persons temporarily in the City. (CC 1996 §230.150)

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SECTION 205.160:**DISPOSITION OF UNCLAIMED DOGS OR CATS**

If it is possible to ascertain the owner of any dog or cat which is not claimed within one (1) week after impounding, the owner shall be notified of the City's intention to put said animal up for adoption to anyone desiring to purchase the dog or cat. No requests from an educational or scientific institution will be accepted. Any sums received above the redemption cost and license shall be held by the City Collector for the benefit of the owner and if not claimed in one (1) year, such funds shall be credited to the Animal Control Fund of the City of New Franklin. Any dog or cat which is not claimed by the owner or sold shall be humanely killed and disposed of by the Animal Control Officer or any Police Officer. (CC 1996 §230.170)

SECTION 205.170:**PIT BULLS**

A. It shall be unlawful to keep, harbor, own, store or in any way possess within the corporate limits of the City any pit bull dog, provided that pit bull dogs residing in the City on the effective date of this Section may be kept within the City subject to the standards and requirements herein set forth.

"Pit bull dog" is defined to mean:

1. Staffordshire bull terrier breed of dog;
2. The American pit bull terrier breed of dog;
3. The Americana Staffordshire terrier breed of dog;
4. Any mixed breed of dog which contains an element of any of the above listed breeds as to be identified partially as being related to or a part of such breeds.
5. Any dog which has the appearance and characteristics of being predominately of the breeds listed above and any other breed commonly know as pit bulls, pit bull dogs, pit bull terriers or any combination thereof.

B. Pit bull dogs residing in the City on the effective date of this Section and thereafter may be kept by their owners subject to the following standards:

1. Pit bull dogs must be registered with the City Animal Control Officer or other appropriate official within ten (10) days of the enactment of this Section.
2. No person shall permit a pit bull dog to go outside its enclosure or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its enclosure or pen unless a person is in physical control of the leash. Such dogs may not be leashed to intimate objections such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's enclosure or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
3. All pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or enclosure, except when leashed and muzzled as provided above. Such pen, enclosure or structure must have secure sides and a secure top attached to the sides. All structures used to

confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pens or the sides of pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City. All structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

4. No pit bull dog may be kept on a porch, patio or in 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 obstacles preventing the dog from exiting the structure.
 5. All owners, keepers or harborers of pit bull dogs within the City shall within ten (10) days of the effective date of this Section display in a prominent place on their premises a sign easily readable by the public using the words "Be Aware of Dog—Pit Bull". In addition, a similar sign is required to be posted on the enclosure or pen of such animal.
 6. All owners, keepers or harborers of pit bull dogs must within ten (10) days of the effective date of this Section provide proof to the Animal Control Officer or other appropriate official of public liability insurance in a single incident amount of five hundred thousand dollars (\$500,000.00) for bodily injury to or death of any person or persons or damage to property owned by any person or persons which may result from the ownership, keeping or maintaining of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' written notice is first given to the Animal Control Officer. An effective insurance policy with the coverage and in the amounts specified herein must be maintained by the owner, keeper or harborer at all times. For purposes of civil suits against said owner, for liability for personal injuries to any person the pit bull dog shall be considered an animal with known dangerous propensities.
 7. All owners, keepers or harborers of pit bulls dogs when registering the dog with the City must provide the Animal Control Officer two (2) color photographs (two (2) different poses) of the animal clearly showing the color and approximate size of the animal.
 8. All owners, keepers or harborers of pit bull dogs must within ten (10) days of any such incident, report the following information in writing to the City Animal Control Officer as required hereinafter:
 - a. The removal from the City or death of a pit bull dog;
 - b. The birth of offspring of a pit bull dog;
 - c. The new address of a pit bull dog owner should the owner move from one address within the corporate City Limits to another address within the corporate City limits.
- C. No person shall sell, barter or in any other way dispose of a pit bull dog registered within the City to any other person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the City.

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- D. All offspring born of pit bull dogs within the City must be removed from the City within six (6) weeks of the birth of such animal.
- E. It shall be unlawful for the owner, keeper or harbinger of a pit bull dog to fail to comply with the requirements and conditions set forth in this Section. Any dog found to be the subject of a violation of this Section shall be subject to immediate seizure and impoundment.
- F. Any person violating or permitting the violation of any provision of this Section shall upon conviction be fined a sum not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00) or a sentence of imprisonment not to exceed thirty (30) days. In addition, the court shall order the registration of the pit bull dog revoked and order the dog be removed from the City. Should the person so ordered fail to remove said dog from the City, the judge may find them in contempt and order the dog immediately confiscated and the animal may be impounded. Each day that a violation of this Section occurs, the violations shall be deemed a sperate offense. In addition to the foregoing penalties, any person who is held in contempt of court and said person's dog is impounded shall be responsible for all expenses for the pit bull dog including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this Section.
- G. Once a pit bull dog has be impounded, the owner shall first (1st) pay all fines and expenses owing before said dog is returned to the owner. If the owner does not pay all fines and expenses within thirty (30) days, the court may order that another home be found for the dog or that the dog be placed with an animal shelter. If no other suitable place is found for the pit bull dog within ninety (90) days of impoundment and the owner has not paid the fines and expenses, the court may order the animal destroyed. (CC 1996 §230.180)

SECTION 205.180:**KENNELS**

Any person who shall own or keep or harbor upon his/her premises more than three (3) dogs and/or cats which are over the age of six (6) months shall be deemed to be the owner, keeper of a dog or cat kennel. Dog or cat kennels within the City of New Franklin, Missouri, are declared to be a public nuisance and shall hereafter be prohibited within the corporate limits of said City. (CC 1996 §230.195)

SECTION 205.190:**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

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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 205.200:**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 205.210:**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 205.220: 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 205.230: DANGEROUS WILD ANIMALS PROHIBITED

No person may keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, 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

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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.

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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.

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

PERSON **ARTICLE II. OFFENSES AGAINST THE**

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.
- E. 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 or 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;

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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;
3. Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication;
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;
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.

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

SECTION 210.035:

STALKING—DEFINITIONS

A. As used in this Section, the following terms shall mean:

COURSE OF CONDUCT: A pattern of conduct composed of two (2) or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests.

CREDIBLE THREAT: A threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety, or the safety of his or her family, or household members or domestic animals or livestock as defined in Section 276.606, RSMo., kept at such person's residence or on such person's property. The threat must be against the life of, or a threat to cause physical injury to, or the kidnapping of, the person, the person's family, or the person's household members or domestic animals or livestock as defined in Section 276.606, RSMo., kept at

such person's residence or on such person's property.

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HARASSES: To engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.

- B. A person commits the offense of stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person.
- C. The offense of stalking shall be an ordinance violation unless 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 Section.
- D. Any Law Enforcement Officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this Section.
- E. 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.

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

ADMINISTRATION OF JUSTICE ARTICLE III. OFFENSES CONCERNING

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

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- 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.

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- 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.

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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.

PUBLIC PEACE**ARTICLE V. OFFENSES CONCERNING****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.

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SECTION 210.205: 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 210.210: PEACE DISTURBANCE DEFINITIONS

For the purposes of Sections 210.200 and 210.205, 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 210.215: 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 210.220: 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 210.223: 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.

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SECTION 210.225: USE OF LOUD SOUND-PRODUCING APPARATUS

No person shall operate a radio, record or tape player or any other sound-producing instrument or apparatus so as to produce a sound which is clearly audible at a public place a distance of more than fifty (50) feet from the source thereof. As used herein, the phrase "*public place*" shall have the meaning provided in Section 210.210. (CC 1996 §210.050)

SECTION 210.227: OBSTRUCTING PUBLIC PLACES

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

LOITERING: Remaining idle in essentially one (1) location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around and shall also include the colloquial expression "hanging around".

PUBLIC PLACE: Any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

B. *Loitering—Police Order To Disperse—Penalty.*

1. It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such manner so as to:
 - a. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.
 - b. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress therein, thereon and thereto.
2. When any person causes or commits any of the conditions enumerated in Subsection (B)(1) herein, a Police Officer or any Law Enforcement Officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this Section. (CC 1996 §§210.360–210.370)

SECTION 210.230: DISORDERLY CONDUCT PROHIBITED

A. *Disorderly Conduct.* A person commits the offense of disorderly conduct if he/she:

1. Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;

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2. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic so as to interfere with the rights of others by any act which serves no lawful and reasonable purpose of the offender and refuses to clear such public way when ordered to do so by any Law Enforcement Officer or other lawful authority known to be such;
 3. Fails to obey a lawful order to disperse by a Law Enforcement Officer, when known to be such a Law Enforcement Officer, where one (1) or more persons are committing acts of disorderly conduct in the immediate vicinity and in the public health and safety is imminently threatened;
 4. In addition to those instances addressed by Sections 574.060, 575.030, 575.150 and 575.160, RSMo., willfully fails or refuses to comply with any lawful order or direction of a Law Enforcement Officer in the discharge of his/her official duties or hinders, resists, obstructs or otherwise interferes with the discharge of those duties when the person exercising those duties is known to be a Law Enforcement Officer;
 5. Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his/her life, limb or health; or
 6. Interferes with another's pursuit of a lawful occupation by acts of violence.
- B. *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 City, State or of the United States with force or violence.
- C. *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 City, 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.
- D. *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.
- E. *Penalties.* Any violations of this Section is a misdemeanor. (CC 1996 §§210.380–210.390; Ord. No. 609-B §§1–2, 2-10-97)

SECTION 210.235**EXEMPTIONS TO SECTION 210.230**

Section 210.230 shall not be construed to suppress the right to lawful assembly, picketing, public speaking or other lawful means of expressing public opinion not in contravention or other laws. (CC 1996 §210.400; Ord. No. 609-B §2, 2-10-97)

SECTION 210.237:**LOUD AND UNNECESSARY NOISE**

- A. *Loud Noise Prohibited.*

1. It shall be unlawful for any person to make, continue or cause to be made or continued any

loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, response, health, peace or safety of others within the City limits of the City.

2. The acts described in this Section, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Article, but such enumeration shall not be deemed to be exclusive.

B. *Horns And Signaling Devices.* The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place of the City, except as danger warning; the creating by means of any such signaling device of any unreasonable loud or harsh sound; the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device when traffic is for any reason held up is hereby declared unlawful.

C. *Radios, Phonographs, Etc.*

1. It shall be unlawful to play or permit to be played any radio, phonograph, tape player, compact disc player, musical instrument or any similar device for producing or amplifying sound in a manner that disturbs the peace, quiet or comfort of the neighboring inhabitants.
2. Playing or permitting to be played any device described in Subsection (C)(1) so that it is plainly audible at a distance of fifty (50) feet from the building, structure or outdoor area in which the device is located shall be prima facie evidence of a violation of this Section.
3. Playing or permitting to be played any device described in Subsection (C)(1) so that it is plainly audible at a distance of one hundred (100) feet from the building, structure or outdoor area in which the device is located shall be prima facie evidence of a violation of this Section.
4. Except as allowed in Subsection (B) of this Section, it shall be unlawful for the operator of any vehicle to play or permit to be played any sound-producing or sound-amplifying device in or on the vehicle so that it is plainly audible at a distance of fifty (50) feet from the vehicle.

D. *Yelling, Shouting, Etc.* Yelling, shouting, hooting, whistling or singing on any public street at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence or of any persons in the vicinity is hereby declared unlawful.

E. *Animals.*

1. The keeping of any animal that, by causing frequent or long continued noise, shall disturb the comfort or repose of any persons in the vicinity is hereby declared unlawful.
2. No person shall own, keep or harbor any dog which, by loud, continual or frequent barking, bowling or yelping, shall annoy or disturb any neighborhood or any person or which habitually barks at or chases pedestrians or vehicles, whatsoever, to the annoyance of such pedestrian or drivers of such vehicles; provided however, that this Section shall not apply to the City dog pound, veterinary offices and hospitals or licensed kennels or pet shops.

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- F. *Blowing Whistles.* The blowing of any locomotive whistle or whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger or upon specific permission of the Board of Aldermen, is hereby declared unlawful.
- G. *Mufflers Required.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom, is hereby declared unlawful.
- H. *Motors Out Of Repair—Loads.* The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise is hereby declared unlawful.
- I. *Loading And Unloading.* The creation of a loud and excessive noise in connection with loading and unloading any vehicle or the opening and destruction of bales, boxes, crates and containers is hereby declared unlawful.
- J. *Construction, Repair And Demolition Of Buildings, Streets.*
1. *Buildings.* It shall be unlawful to interfere with or disturb the peace and quiet of neighboring inhabitants by demolishing, constructing, altering or repairing any building or structure other than between the hours of sunrise and sunset.
 2. *Streets.* It shall be unlawful to interfere with or disturb the peace and quiet of neighboring inhabitants by excavating, grading, paving, constructing, altering or repairing any public or private street, drive or parking lot other than between the hours of sunrise and sunset. Nothing in this Section shall prevent work on any public street, including utility installation, removal or repair, when the Building Inspector has determined that the work is necessary in order to minimize traffic disruption.
 3. *Utilities.* It shall be unlawful to interfere with or disturb the peace and quiet of neighboring inhabitants by installing, removing or repairing any utility other than between the hours of sunrise and sunset. Nothing in this Section shall prevent work on any utility in order to maintain or restore utility service.
 4. *Site preparation.* It shall be unlawful to interfere with or disturb the peace and quiet of neighboring inhabitants by operating any earthmoving, excavating, paving or tree cutting equipment other than between the hours of sunrise and sunset.
 5. *Permits.* Upon application, the Building Inspector may grant a permit to any person extending the hours of work set forth in Subparagraphs (1) through (4) for an identified project. The permit shall state the nature, location and extended hours of the work to be done. The permit may be granted for a period of time not to exceed three (3) days and may be renewed for periods not to exceed three (3) days on an emergency basis only as determined by the Building Inspector. A permit authorized by this Subsection shall be granted only if the Building Inspector first determines that the public health and safety will not be impaired by the permitted work and that significant loss or inconvenience would result to any party if the permit were not granted.
 6. *Fees.* The City shall receive a fee of fifteen dollars (\$15.00) upon receipt of an application for

a permit as provided for in Subparagraph (5).

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- K. *In Vicinity Of Schools And Churches.* The creation of any excessive noise on any street adjacent to any school, institution of learning or church, while the same is in use, which disturbs or unduly annoys is hereby declared unlawful.
- L. *Penalty.* Any person violating any of the provisions of this Section shall be deemed guilty of misdemeanor and upon conviction thereof shall be punished by a fine of less than fifty dollars (\$50.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. It shall be the duty of the officers of the Police Department to enforce the provisions of this Section. (Ord. No. 663 §§1–11, 4-8-02)

**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.

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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 Article, 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 within the City limits;*
 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 within the City limits;
 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.

**State Law Reference—Section 252.243.3, RSMo., limits the discharge of firearms in*

certain areas known as Hunting Heritage Protection Areas, which are defined therein.

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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 FIREARM UNLAWFUL FOR CERTAIN PERSONS

A person commits the offense 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 New Franklin 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 New Franklin. 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.

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- 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 100.040 of this Code of Ordinances.
 - 3. Employees of the City of New Franklin 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:

DISCHARGING AIR GUN, ETC.

Any person within the limits of this City who shall discharge any BB gun which expels a projectile by means of a spring, air or any other means, paintball gun or air gun or shall shoot any pebble, bullet, slug, arrow or other hard substance by means of a sling, crossbow, rubber band or bow or any other means shall be deemed guilty of an ordinance violation.

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.

PROPERTY

ARTICLE VII. OFFENSES CONCERNING

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.

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- 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;

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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.

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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.

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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.

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SECTION 210.426: COPPER WIRE OR CABLE, COLLECTORS AND DEALERS TO KEEP REGISTER, INFORMATION REQUIRED—PENALTY—EXEMPT TRANSACTIONS

- A. Every purchaser or collector of, or dealer in, junk, scrap metal or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this Section is obtained for value. There shall be a separate record for each transaction involving any:
1. Copper, brass or bronze;
 2. Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting or fastener; or
 3. Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in Section 350.010, RSMo.;
- whatever may be the condition or length of such metal. The record shall contain the following data: a copy of the driver's license or photo identification issued by the State or by the United States Government or agency thereof to the person from whom the material is obtained which shall contain a current address of the person from whom the material is obtained and the date, time and place of and a full description of each such purchase or trade including the quantity by weight thereof.
- B. The records required under this Section shall be maintained for a minimum of twenty-four (24) months from when such material is obtained and shall be available for inspection by any Law Enforcement Officer.
- C. Anyone convicted of violating this Section shall be guilty of an ordinance violation.
- D. This Section shall not apply to any of the following transactions:
1. Any transaction for which the total amount paid for all regulated scrap metal purchased or sold does not exceed fifty dollars (\$50.00);
 2. Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or
 3. Any transaction for which the type of metal subject to Subsection (A) of this Section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.

SECTION 210.427: METAL BEER KEG, PROHIBITION ON PURCHASE OR POSSESSION BY SCRAP METAL DEALER—VIOLATION, PENALTY

- A. No scrap metal dealer shall knowingly purchase or possess a metal beer keg, whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store, shred, melt, cut or otherwise alter scrap metal except when the purchase is from the

brewer or its authorized representative. For purposes of this Section, "keg" shall have the same meaning as in Section 311.082, RSMo.

- B. Anyone who is found guilty of, or pleads guilty to, violating this Section shall be guilty of an ordinance violation punishable only by fine. Nothing in this Section shall be construed to preclude a person violating this Section from also being prosecuted for any applicable criminal offense.

SECTION 210.428: METAL BELONGING TO CEMETERIES, POLITICAL SUBDIVISIONS, ELECTRIC COOPERATIVES AND UTILITIES—SCRAP YARD NOT TO PURCHASE—VIOLATION, PENALTY

- A. No scrap yard shall purchase any metal that can be identified as belonging to a public or private cemetery or to a political subdivision or electrical cooperative, municipal utility or a utility regulated under Chapter 386 or 393, RSMo., including bleachers, guardrails, signs, street and traffic lights or signals, and manhole cover or covers, whether broken or unbroken, from anyone other than the cemetery or monument owner, political subdivision, electrical cooperative or utility, or manufacturer of the metal or item described in this Section unless such person is authorized in writing by the cemetery or monument owner, political subdivision, electrical cooperative or utility, or manufacturer to sell the metal.
- B. Anyone convicted of violating this Section shall be guilty of an ordinance violation.

SECTION 210.429: SCRAP METAL DEALERS—PAYMENTS IN EXCESS OF \$500.00 TO BE MADE BY CHECK—EXCEPTIONS

- A. Any scrap metal dealer paying out an amount that is five hundred dollars (\$500.00) or more shall make such payment in the form of a check or shall pay by any method in which a financial institution makes and retains a record of the transaction.
- B. This Section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.

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:

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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 210.463: 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.

SECTION 210.465: PEEPING TOMS

- A. No person shall during the nighttime, except in the discharge or execution of an official duty, loiter about or upon the premises of a place where people reside; nor shall any person during the nighttime peep or gaze through windows, doors or other openings of a place wherein people reside.
- B. No person shall during the nighttime engage in an indecent or perverted conduct commonly called that of a "Peeping Tom". (CC 1996 §210.430)

SECTION 210.467: LEWD AND LASCIVIOUS BEHAVIOR

It shall be unlawful for any person to be guilty of any open, gross lewdness or lascivious behavior or of any open and notorious act of public indecency, grossly scandalous or of any disorderly conduct against the public peace or public morals. (CC 1996 §210.460)

ARTICLE IX. SEXUAL OFFENSES

SECTION 210.470: ARTICLE DEFINITIONS

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

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DEVIATE SEXUAL INTERCOURSE: Any act involving the genitals of one person and the hand,

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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 210.483: CERTAIN OFFENDERS NOT TO PHYSICALLY BE PRESENT OR LOITER WITHIN FIVE HUNDRED FEET OF A CHILD CARE FACILITY—VIOLATION—PENALTY

- 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 First 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 In The First Degree; Section 573.035, RSMo., Promoting Child

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Pornography In The Second Degree; Section 573.037, RSMo., Possession Of 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 federal, tribal or military jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not knowingly be physically present in or loiter within five hundred (500) feet of or to approach, contact, or communicate with any child under eighteen (18) years of age in any child care facility building, on the real property comprising any child care facility 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 or on the grounds.

- B. For purposes of this Section, "*child care facility*" shall have the same meaning as such term is defined in Section 210.201, RSMo.
- C. Any person who violates the provisions of this Section is guilty of an ordinance violation.

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 First 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

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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.

SECTION 210.487: HALLOWEEN, RESTRICTIONS ON CONDUCT-VIOLATIONS

- A. Any person required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., shall be required on October thirty-first (31st) of each year to:
 - 1. Avoid all Halloween-related contact with children;
 - 2. Remain inside his or her residence between the hours of 5:00 P.M. and 10:30 P.M. unless required to be elsewhere for just cause including, but not limited to, employment or medical emergencies;
 - 3. Post a sign at his or her residence stating "No candy or treats at this residence"; and
 - 4. Leave all outside residential lighting off during the evening hours after 5:00 P.M.
- B. Any person required to register as a sexual offender under Sections 589.400 to 589.425, RSMo., who violates the provisions of Subsection (A) of this Section shall be guilty of 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).

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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. 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.

B. It is not an affirmative defense to a prosecution for a violation of this Section that the person being furnished the pornographic material is a Peace Officer masquerading as a minor.

C. Furnishing pornographic material to minors or attempting to furnish pornographic material to minors is an ordinance violation.

ARTICLE XI. OFFENSES CONCERNING

DRUGS AND ALCOHOL

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.

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, 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

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**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.

SECTION 210.575: INTOXICATION OR USE OF INTOXICATING SUBSTANCE IN PUBLIC PLACE

- A. A person commits the offense of public intoxication when he/she is in a public place in a state of drunkenness or intoxication which has been caused or induced by the consumption of alcoholic beverage or the use of a narcotic.
- B. A person commits the offense of public use of an intoxicating substance when he/she shall drink or otherwise consume any alcoholic beverage, intoxicating liquor or use any controlled substance or narcotic drug in any street, public park or other public place. (CC 1996 §210.180)

SECTION 210.577: OPEN BEER OR LIQUOR CONTAINER

A person commits the offense of transporting an open beer or liquor container or a container of malt liquor or intoxicating liquor (as those terms are defined in Section 600.010 of this Code) is found to be open (that is available for ready consumption) within a vehicle which that person has under his/her control or in which that person is a passenger. (CC 1996 §210.300)

ARTICLE XII. OFFENSES CONCERNING MINORS

Cross Reference—As to alcohol-related offenses involving minors, §600.060.

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.

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SECTION 210.590:**CURFEW FOR PERSONS UNDER SEVENTEEN**

- A. It shall be unlawful for any person under the age of seventeen (17) years to be in or upon any public place or way within the City of New Franklin between the hours of 11:00 P.M. and 6:00 A.M. The provisions of this Section shall not apply to any such persons accompanied by a parent or guardian, to any such person upon an errand or other legitimate business directed by such person's parent or guardian, to any such person who is engaged in gainful, lawful employment during said time period, or who is returning or in route to said employment, or to any such person who is attending or in route to or from any organized religious or school activity.
- B. *Responsibility Of Parent.* The parent, guardian or other adult person having the care and custody of a person under the age of seventeen (17) years shall not knowingly permit such person to violate this Section.
- C. *Notice To Parent.* Any Law Enforcement Officer finding any person under the age of seventeen (17) years violating the provisions of this Section shall warn such person to desist immediately from such violation and shall promptly report the violation to his/her superior officer who shall cause a written notice to be served upon the parent, guardian or person in charge of such person setting forth the manner in which this Section has been violated. Any parent, guardian or person in charge of such person who shall knowingly permit such person to violate the provisions of this Section, after receiving notice of the first (1st) violation, shall be guilty of an offense.
- D. *Service Of Notice.* The written notice provided in Subsection (C) may be served by leaving a copy thereof at the residence of such parent, guardian or person in charge of the person in violation of this Section with any person found at such residence over the age of seventeen (17) years or by mailing such notice to the last known address of such parent, guardian or person in charge of such person, wherever such person may be found.

SECTION 210.595:**PARENTAL RESPONSIBILITY**

- A. Whenever a minor shall be arrested or detained for the commission of any offense within the City, the Police Department shall, as soon as possible thereafter, deliver written notice to the minor's parent of the arrest or detention, and such notice shall advise the parent of his/her responsibility under this Section. The notice shall be in such a form as to be signed by the notified parent signifying receipt thereof. If the parent refuses to sign said notice, the notifying Law Enforcement Officer shall indicate such refusal on the notice.
- B. No parent shall fail 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. Written parental notice as defined in Subsection (A) of this Section shall be prima facie evidence of parental neglect if the minor commits a second (2nd) or successive violation of any offense.
- C. Each violation of the provisions of this Section shall constitute a separate offense. Any person who shall violate this Section shall be subject to imprisonment for not more than ninety (90) days and/or a fine of not less than one hundred dollars (\$100.00) for the first (1st) violation, not less than two hundred dollars (\$200.00) for a second (2nd) violation, and not less than five hundred dollars (\$500.00) for any successive violation. In addition, the court may, as a condition of any probation granted to any parent found guilty of violating Subsection (B) of this Section, order the defendant

to make restitution to any person who has been damaged by the misconduct of the minor in an amount not to exceed two thousand dollars (\$2,000.00).

SECTION 210.600: ENCOURAGING OR PERMITTING THE USE OF ALCOHOL BY MINOR

A person over the age of twenty-one (21) commits the offense of encouraging or permitting the consumption of alcoholic beverages by minors if that person:

1. While the owner or possessor of a motor vehicle permits or allows or does not prevent the consumption of alcoholic beverages by any occupant of that motor vehicle who is under the age of twenty-one (21).
2. Consumes alcoholic beverages in any motor vehicle in which persons under the age of twenty-one (21) are also consuming alcoholic beverages.
3. It shall be unlawful and an offense under this Section for any person to commit an act of encouraging the use of alcohol by minors.
4. Unless otherwise provided herein, any person guilty of violating any of these provisions of this Section shall be punished as provided in Section 100.220 of the Code of the City of New Franklin. (CC 1996 §210.450)

SECTION 210.605: HOSTING A PARTY AT WHICH MINORS CONSUME ALCOHOL

No person over the age of seventeen (17) shall host or sponsor a party, on public or on private property, in any residence or other structure or at any other place in the City of New Franklin, Missouri, at which any minor consumes any alcoholic beverage. Provided however, that any host or sponsor who discovers alcoholic beverages being consumed at such party and who immediately notifies the Police of this fact shall not be guilty of a violation of this Section.

1. Unless otherwise provided herein, any person guilty of violating any of these provisions of this Section shall be punished as provided in this ordinance Code of the City of New Franklin. (CC 1996 §210.455)

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

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.

ARTICLE XIV. OFFENSES CONCERNING FIREWORKS

SECTION 210.680: SALE LIMITED

The sale of fireworks within the limits of the City of New Franklin, Missouri, shall be permitted on the dates of June fifteenth (15th) to July fourth (4th), inclusive, of each year, provided a permit shall have been secured from the City Clerk therefor. (CC 1996 §118.010)

SECTION 210.690: SPECIAL PERMIT REQUIRED

Such permit shall be issued upon payment of a ten dollar (\$10.00) fee therefor and it shall be unlawful for a person, firm or corporation to sell fireworks without first having secured a permit therefor. (CC 1996 §118.020)

SECTION 210.700: USE LIMITED

The discharge of fireworks within the limits of the City of New Franklin, Missouri, shall be lawful on the fourth (4th) day of July of each year only, but only outside the district zoned as the central business district. (CC 1996 §118.030)

ARTICLE XV. MISCELLANEOUS OFFENSES

SECTION 210.710: SMOKING BAN IN CITY OFFICES AND BUILDINGS

- A. It shall be unlawful for an individual to smoke in all City offices and City buildings in the City of New Franklin except in designated areas.
- B. Designated areas permitting smoking shall be posted. (CC 1996 Ch. 140; Ord. No. 640 §§I–II, 4-26-99)

SECTION 210.720: THROWING OR DISTRIBUTING HANDBILLS IN PUBLIC PLACES

No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, parkway, gutter, street or other public place within the City, nor shall any person hand out or distribute or sell any commercial handbill in any public place. Provided however, that it shall not be unlawful on any sidewalk, street or other public place within the City for any person to hand out or distribute without charge to the receiver thereof any non-commercial handbill to any person willing to accept it. (CC 1996 §240.090)

SECTION 210.730: PLACING HANDBILLS ON VEHICLES

No person shall throw or deposit any commercial or non-commercial handbill in or upon any vehicle. Provided however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a non-commercial handbill to any occupant of a vehicle who is willing to accept it. (CC 1996 §240.100)

SECTION 210.740: DEPOSITING HANDBILLS ON UNINHABITED OR VACANT PREMISES

No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant. (CC 1996 §240.110)

SECTION 210.750: PROHIBITING DISTRIBUTION OF HANDBILLS WHERE PROPERLY POSTED

No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any

private premises, if requested by anyone thereon not to do so or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing", "No Peddlers or Agents", "No Advertisements" or any similar notice indicating in any manner that

CHAPTER 215: NUISANCES

ARTICLE I. GENERALLY

SECTION 215.010: NUISANCES IN GENERAL

The following shall be deemed nuisances:

1. Any act done or committed or suffered to be done or committed by any person or any substance or thing kept, maintained, placed or found in or upon any public or private place which is injurious or dangerous to the public health.
2. Any pursuit followed or act done by any person to the hurt, injury, annoyance, inconvenience or damage of the public.
3. No person shall permit, cause, keep, maintain or create any nuisance, as defined by the laws of this State or ordinances of the City, within the City or within one (1) mile of the corporate limits thereof. (CC 1996 §205.010)

SECTION 215.020: NUISANCES—SPECIFIC

The following shall constitute a nuisance:

1. Any building, bridge or other structure of whatever character kept or maintained or which is permitted by any person owning or having control of the same to be kept or maintained in a condition unsafe, dangerous, unhealthy, injurious or annoying to the public.
2. Any slaughterhouse, soap factory, tannery, distillery or other factory or business place permitted by the person owning or having charge of the same to be in such condition as to become offensive, annoying or injurious to the public.
3. Any pond or pool of stagnant water upon any premises and any foul or dirty water or liquid when discharged through any drain, pipe or spout or thrown into or upon any street, thoroughfare or premises to the injury and annoyance of the public.
4. Any privy or private vault kept in such a condition as to emit offensive, noxious or disagreeable odor and any substance emitting an offensive, noxious, unhealthy or disagreeable effluvium in the neighborhood where it exists. Any carcass of a dead animal which the owner or keeper thereof permits to remain within the limits of this City exceeding twelve (12) hours after death. Any animal or vegetable matter upon any premises liable to become putrid, offensive or unhealthy.
5. Any obstruction caused or permitted on any street or sidewalk to the danger or annoyance of the public and any stones, dirt, garbage, filth, slops, vegetable matter or other articles thrown or placed by any person on or in any street, alley, sidewalk or other public place or on any premises or any stream of water within the City which in any way may cause or is liable to

cause any injury or annoyance to the public.

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6. Any sidewalk, gutter or curbstone permitted to remain in an unsafe condition or out of repair by any person required by this Code to keep the same in good condition and repair.
7. Any stable, cattle yard, hog, sheep or cow pen, poultry yard or coop permitted by the person owning or controlling the same to be in such condition as to become offensive, annoying or injurious to the public.
8. Any cellar, vault, private drain, pool, privy, sewer or sink upon any premises permitted to become nauseous, foul, offensive or injurious to the public health.
9. Any well or cistern on any property whenever a chemical analysis shows that the water of said well or cistern is of an impure or unwholesome nature.
10. Every tenement, boarding house, lodging house or any building used for such purposes, or any part thereof, which is leased, let or rented to be occupied by any person to dwell or lodge and which tenement house, boarding house, lodging house or building or any part thereof is not sufficiently lighted or ventilated or provided with water and kept in a clean and sanitary condition or in which or any part thereof the strength, ventilation, light or sewerage is dangerous, insufficient or prejudicial to life or health or which shall not be provided with adequate and properly constructed privies and water closets.
11. Any house or building used for the special or exclusive storage of powder, dynamite, nitro glycerin or other explosives or any house, building or store wherein small quantities of such explosives are kept, exposed or insecure or in any manner so as to endanger human life.
12. Every act or thing done or made, permitted, allowed or continued on any property, public or private, by any person or corporation, their agents or servants to the damage or injury of any of the inhabitants of this City and not hereinbefore specified. (CC 1996 §205.020)

SECTION 215.030:**DEBRIS DEFINED**

Any condition on any lot or land that has the presence of debris of any kind is hereby declared to be a public nuisance, subject to abatement. Debris includes weed cuttings, cut and fallen trees and shrubs, overgrown vegetation and noxious weeds which are seven (7) inches or more in height, rubbish and rocks or bricks, tin steel, parts of derelict cars or trucks, broken furniture and/or any flammable material. The word "*debris*" also includes any other material which is found on any lot or land that is unhealthy or unsafe, provided (1) that it is described in detail in the notice that required Section 215.060 below, and (2) that the definition is not challenged by requesting a formal hearing as provided in Section 215.060 below. (Ord. No. 737 §2, 10-12-09)

SECTION 215.040:**INSPECTION OF PREMISES**

The Chief of Police and Police Officers of this City are hereby authorized to enter into or upon any premises within this City where there is a reason to suspect the existence of any nuisance. (CC 1996 §205.030)

SECTION 215.050:**EXAMINATION OF CITY**

It shall be the duty of the Chief of Police to make or cause to be made, from time to time and whenever required by the Mayor, a thorough and systematic examination of the City in order that he/she may ascertain the location or whereabouts of any existing nuisance and the name of any person causing, suffering or permitting the same to exist. (CC 1996 §205.040)

SECTION 215.060:**NOTICE**

Enforcement of this Chapter shall be the responsibility of the Chief of Police. Enforcement shall commence by providing notice to the owner of the property of the nuisance condition existing on his/her/its property. The notice may be delivered by personal service, certified mail or by ordinary mail. (If sent by ordinary mail, there will be a rebuttal presumption that the letter was delivered five (5) days after the date it was sent.)

1. The notice shall generally describe the nature of the nuisance, the location of the property (using the mailing or popular address rather than a legal description, when reasonably possible to do so), and ordering the property owner to, within a period of seven (7) days from the receipt of the notice, abate the nuisance.
2. Any owner who wishes to challenge the order of abatement may do so, provided that within the seven (7) day period he/she/it requests a hearing on the validity of the order under the State Administrative Procedure Act, Chapter 536, RSMo. If no such request is made within that time period, the order becomes final and is not subject to challenge elsewhere. If such request is made, the hearing shall be conducted by the Board of Aldermen. The request for a hearing must be in writing but otherwise no particular formality is required. Notice to the property owner of his/her right to request such hearing shall be given by including a copy of this Chapter with any notice sent under authority of this Section. Once a request for hearing is received, the hearing shall be conducted in accordance with the "contested case" provisions of the State Administrative Procedure Act. The City Attorney shall represent the City at such a hearing. (Ord. No. 737 §3, 10-12-09)

SECTION 215.070:**ABATEMENT OF NUISANCE**

If the nuisance is present on the property seven (7) days after the receipt of the notice by the property owner, the enforcement officer may cause the same to be abated. (The costs of abatement may include a fee for the City's costs in administering this Chapter, which fees shall not exceed one hundred dollars (\$100.00). The enforcement official may certify the cost of such abatement to the City Clerk or other officer in charge of finance who may 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, and may be collected in the same manner and procedure as for collecting real estate taxes. If the certified cost is not paid, the tax bill may be considered delinquent, and the collection of the delinquent bill may be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance may be deemed a personal debt against the owner and may also be a lien on the property until paid. (Ord. No. 737 §4, 10-12-09)

SECTION 215.080:

VIOLATION IS AN OFFENSE

An owner who fails to remove a nuisance within seven (7) days of being notified to do so by the notice/abatement order described in Section 215.030 above shall be guilty of an offense and may (at the option of the City) be charged in Municipal Court with the offense of "failure to abate a nuisance". (Ord. No. 737 §5, 10-12-09)

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: ABANDONING MOTOR VEHICLE—LAST OWNER OF RECORD DEEMED THE OWNER OF ABANDONED MOTOR VEHICLE, PROCEDURES—PENALTY—CIVIL LIABILITY

- A. A person commits the offense of abandoning a motor vehicle, vessel or trailer if he/she abandons any motor vehicle, vessel or trailer on the right-of-way of any public road or State highway or on or in any of the waters in this State 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 any political subdivision thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his/her consent.
- B. For purposes of this Section, the last owner of record of a motor vehicle, vessel or trailer found abandoned and not shown to be transferred pursuant to Sections 301.196 and 301.197, RSMo., shall be deemed prima facie to have been the owner of such motor vehicle, vessel or trailer at the time it was abandoned and to have been the person who abandoned the motor vehicle, vessel or trailer or caused or procured its abandonment. The registered owner of the abandoned motor vehicle, vessel

or trailer shall not be subject to the penalties provided by this Section if the motor vehicle, vessel or trailer was in the care, custody or control of another person at the time of the violation. In such instance, the owner shall submit such evidence in an affidavit permitted by the court setting

- 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;

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- 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.

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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.

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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.

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- 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, 304.155.11–12, 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.
3. To provide a City Commission on Human Rights which is dedicated to the elimination of discriminatory practices made unlawful by Article III of this Chapter.

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,

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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.

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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

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owners, lessees, tenants or occupants of the dwellings in relation to which such loan or other financial assistance is to be made or given.

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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.

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CHAPTER 225: EMERGENCY MANAGEMENT

SECTION 225.010: ESTABLISHMENT

There is hereby created within and for the City of New Franklin an emergency management organization to be known as the New Franklin 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 New Franklin 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 New Franklin 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 Mayor 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 New Franklin Emergency Management Organization.

SECTION 225.050: SCOPE OF OPERATION

The City of New Franklin 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.

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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 225.065:**MUTUAL-AID AND ASSISTANCE REQUESTS**

- A. As provided by Section 70.837, RSMo., the City Police, local emergency management, civil defense and all other public safety agencies of the City are authorized to provide assistance to any other public safety agency at the time of significant emergency such as fire, earthquake, flood, tornado, hazardous material incident or other such disaster. This assistance will be available even though the incident or disaster may be routine in nature and the need is occasioned by a shortage of available personnel or equipment.
- B. The highest ranking officer of any public safety agency of the City may make an initial determination of the City's response to any request for mutual-aid. The decision of this officer is within his/her discretion, subject only to review by the Board, and shall not subject such officer to any liability whatsoever. The decision shall be made based upon the following factors:
 1. The need of the requesting agency.
 2. The ability of the City agency to respond in time.
 3. The capabilities and training of the City crew.
 4. The protection that will remain available to City residents if local agency employees or crew leave the City.
- C. The highest ranking official of the City public safety agency that receives aid shall be immediately in charge of the City crew while that crew is working for a requesting agency. However, this official may direct the City crews to take direction from other supervisors, including supervisors assigned by the requesting agency. The ranking City Official shall be subordinate to and shall take directions from the agency requesting assistance.
- D. City employees, volunteers and other officers shall be considered "borrowed employees" of the requesting agency and that requesting agency shall be responsible for their performance while so employed. The requesting agency shall have control over such employees and shall be liable for Workmens' Compensation payments to such persons if injured and shall be liable for any acts, omissions or commission of said persons.
- E. The City shall be responsible for the payment of compensation to City Officers and employees while assisting the requesting agency. The City shall charge the requesting agency no fee for providing aid to said agency. However, if the requesting agency imposes a fee upon the user of that agency's

services, the City of New Franklin shall charge the same user fee to the user, which shall be credited to the General Revenue Fund of the City. (CC 1996 §200.150)

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 New Franklin 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 New Franklin 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 New Franklin 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 New Franklin Emergency Management Organization.

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CHAPTER 230: PARKS AND RECREATION

ARTICLE I. COMMUNITY BUILDING

SECTION 230.010: COMMUNITY BUILDING RENTAL FEES AND AGREEMENT

- A. A deposit fee of two hundred fifty dollars (\$250.00) is due at the time of the reservation and a rental fee of one hundred dollars (\$100.00) to one hundred seventy-five dollars (\$175.00) shall be paid at the City Hall in the City of New Franklin together with an application for renting the building.
- B. Renters will have two (2) options in renting the community building. Renters can rent the building for one hundred dollars (\$100.00) and be responsible for cleaning the building according to the checklist signed by them at City Hall when renting the building.
- C. Renters may rent the Community Building for one hundred seventy-five dollars (\$175.00) and the City will clean the building after usage.
- D. Anyone wishing to rent the building for two (2) days will pay an additional fifty dollar (\$50.00) rental fee.
- E. *Cancellations.*
 - 1. Renter will receive a full refund of deposit if reservation is canceled at least thirty (30) days before rental date.
 - 2. Renter will receive a refund of one hundred fifty dollars (\$150.00) if reservation is canceled less than thirty (30) days before rental date.
- F. Renters may pick up a key at City Hall the day before rental or on Friday for a weekend rental before 4:00 P.M.
- G. The key must be returned by 10:00 A.M. the first (1st) business day following the rental.
- H. The deposit will be refunded when the key is returned if building is in satisfactory condition after inspection by the Police Department. All chairs and tables must be accounted for.
- I. City park closes at 10:00 P.M. Community Building occupants may remain until Midnight.
- J. City is not responsible for accidents.
- K. Renter must furnish paper products for kitchen and restrooms.
- L. The renter shall be responsible for any additional cleaning he/she feels necessary before usage of the building.
- M. Any damage to the building or furnishing exceeding the rental deposit will be paid by the renter; the

cost to be determined by the Board of Aldermen.

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N. Thermostat is not to be altered.

O. *Tables And Chairs.*

Number of chairs at the time of the rental is:

Number of tables at the time of the rental is:

P. Additional fees will be collected for any broken or missing tables and chairs as a result of misuse while the building is in use by the renter.

Q. Renters will sign a Community Building cleaning checklist at City Hall at the time of the rental agreeing to all terms involving cleanup.

R. The deposit shall be refunded if the building is in satisfactory condition after inspection. In the event the building is not cleaned according to the cleaning checklist (to be determined by the Police Officer doing the inspection), part or all of the deposit will be retained by the City. Any illegal activity is an automatic forfeiture of the deposit. (CC 1996 §125.040; Ord. No. 676, 8-25-03; Ord. No. 682, 3-22-04; Ord. No. 687, 7-26-04)

ARTICLE II. PARK PROVISIONS

SECTION 230.020: COMMERCIAL DUMPING AT CITY PARK PROHIBITED

A. All commercial tree trimmers and landscapers are prohibited from dumping trees, limbs, yard waste materials and other wood products at the City park in the City of New Franklin.

B. Any person in violation of this Section shall be guilty of a misdemeanor and will be fined and charged according to that ordinance. (Ord. No. 684 §§I–II, 4-12-04)

CHAPTER 235: SOLID WASTE

SECTION 235.010: DEFINITIONS

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

APPROVED INCINERATOR: An incinerator which complies with all current regulations of the responsible local, State and Federal air pollution control agencies.

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 collectors, with the equipment available therefor.

COLLECTION: Removal of solid waste from designated pickup location to the transportation vehicle.

CONSTRUCTION AND DEMOLITION WASTE: Waste materials from the construction and demolition of residential, industrial, or commercial structures, but shall not include materials defined as clean fill under Section 260.200.1, RSMo.

DIRECTOR: The Director of the Solid Waste Management Program of the City shall be the City Services Director.

DISPOSABLE SOLID WASTE CONTAINERS: Disposable plastic or paper sacks with a capacity of twenty (20) to thirty-five (35) gallons specifically designed for storage of solid waste.

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.

HAZARDOUS WASTE: Any waste or combination of wastes, as determined by the Missouri 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 other living organisms (Subsection 260.360(9) of the Missouri Hazardous Waste Management Law).

MULTIPLE-HOUSING FACILITY: A housing facility containing more than one (1) dwelling unit under one (1) roof.

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 tenant.

PERSON: Any individual, partnership, corporation, association, institution, City, County, other political subdivision, authority, State agency or institution, or Federal agency or institution.

PROCESSING: Incinerating, composting, baling, shredding, salvaging, compacting and other

processes whereby solid waste characteristics are modified or solid waste quality is reduced.

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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 CONTAINER: Receptacles used by any person to store solid waste during the interval between solid waste collections.

SOLID WASTE DISPOSAL AREA: Any area used for the disposal of solid waste from more than one (1) residential premises, or one (1) or more commercial, industrial, manufacturing, recreational, or governmental operations.

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

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

YARD WASTE: Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls. (CC 1996 §225.010)

SECTION 235.020:**SOLID WASTE STORAGE**

- A. The occupant or owner of every dwelling unit and 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 or owner of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.
- C. Residential solid waste shall be stored in containers of not more than thirty-five (35) gallons nor less than twenty (20) gallons in nominal capacity. Containers shall be leakproof, water-tight and fitted with an airtight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste with tapered sides for ease of emptying. The weight of any individual container and 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. Disposable solid waste containers with suitable frames or containers as approved by the City Services Director 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 City Services Director. 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 235.060 of the New Franklin Code.

- E. Solid waste containers which do not meet the specifications as outlined in this Section will be collected together with their contents and disposed of. (CC 1996 §225.020)

SECTION 235.030:**COLLECTION OF SOLID WASTE**

- A. The City shall provide for the collection of solid waste as follows:
 - 1. The City shall provide for the collection of all 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 in the best interests of the City.
 - 2. 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.
- B. All solid waste from premises to which collection services are provided by the City shall be collected, except bulk rubbish as defined herein. Bulky rubbish will be collected in accordance with the rules and regulations as promulgated by the City Services Director.
- C. Solid waste containers as required by this Chapter for the storage of other residential solid waste shall be placed at the curb, alley or the rear of the building for collection. Any solid waste containers or other solid waste permitted by this Chapter to be placed at the curb or alley for collection shall not be placed until the regularly scheduled collection day.
- D. Bulky rubbish shall be collected in accordance with the current contract in place with the solid waste hauler. The City Services Director shall establish the procedure for collecting bulky rubbish.
- 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 Section. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishment upon written request of the owner and approval by the City Services Director.
- F. The following collection frequencies shall apply to collections of solid waste within the City:
 - 1. All residential solid waste shall be collected at least once weekly.
- G. Residential solid waste containers shall be stored upon the residential premises. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel.
- H. Solid waste collectors, employed by the City or a solid waste collection agency operating under

contract with the City, shall be responsible for the collection of solid waste from the designated

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- B. Hazardous wastes under provisions will require special handling and shall be disposed of only in a manner authorized by State regulations. (CC 1996 §225.050)

SECTION 235.060:

RULES AND REGULATIONS

- A. The Director shall make, amend, revoke and enforce reasonable 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. Schedule 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 sludge, ashes, agriculture, construction, bulky items, tires, automobiles, oils, grease, etc.
- B. The City Collector or other officer is 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. (CC 1996 §225.070)

SECTION 235.070:

PROHIBITED PRACTICES

It shall be unlawful for any person to:

1. Deposit solid waste in any solid waste container and/or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal;
2. Fail to have solid waste collected as provided in this Chapter;

3. Interfere in any manner with solid waste collectors and transportation equipment of their duties

as such, whether such equipment or collectors shall be those of the City or those of a solid waste collector agency operating under contract with the City;

4. Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;
5. Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Department of Natural Resources;
6. 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;
7. Violate any Section of this Chapter or any other rule or regulation promulgated under the authority of Section 235.060 of the New Franklin Code. (CC 1996 §225.080; Ord. No. 662, 12-10-01)

SECTION 235.080:**SERVICE CHARGES**

- A. There is hereby imposed for the collection and disposal of solid waste in order to protect the general public health and environment a service charge for each dwelling unit. The service charge for collection of residential solid waste shall be in accordance with the current contract with the solid waste hauler.
- B. The service and service charges shall be terminated upon presentation of satisfactory proof to the City Services Director that any such dwelling unit or establishment is unoccupied and shall be commenced upon renewed occupancy thereof.
- C. The system of services established by the provisions of this Chapter are designed as an integral part of the City's program of health and sanitation to be operated as an adjunct to the City's system for providing potable water and the City's system for providing sewage disposal. The City may enforce collection of such charges by bringing proper legal action against the occupant of any dwelling unit or owner of any commercial establishment to recover any sums due for such services plus a reasonable attorney's fee to be fixed by the court plus cost of such action.
- D. The service charge herein provided for is hereby imposed upon the occupant of each dwelling unit. Service charges shall be payable to the department empowered to collect service imposed by the City. (CC 1996 §225.090)