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ARTICLE I. IN GENERAL

Sec. 20-1. Obstructing watercourse.

No person shall place or cause to be placed any obstruction of any kind in the channel of any natural watercourse or living stream or in any public drainage system so as in any way to interfere with or impede the flowing of the water therein. Each and every day such obstruction shall be permitted to be and remain in such watercourse or natural stream shall constitute a separate and distinct offense.

(Code 1969, § 16-50)

Secs. 20-2--20-25. Reserved.

ARTICLE II. OFFENSES AGAINST THE PERSON*

Sec. 20-26. Assault, bodily injury.

(a) No person shall, by an intentional, overt act, attempt to unlawfully inflict a bodily injury or attempt to cause an unlawful, offensive contact or assault upon the person of another.

(b) No person shall, by an intentional, overt act, unlawfully inflict bodily injury or cause an unlawful, offensive contact or assault upon the person of another.

(c) Any person who shall be convicted of a violation of Subsection (a) of this section shall, for each offense, be fined not less than \$100.00 nor more than \$500.00 or be punished by imprisonment not to exceed six months or be punished by both fine and imprisonment.

(d) Any person who shall be convicted of a violation of Subsection (b) of this section shall, for each offense, be fined not less than \$200.00 nor more than \$500.00 or be punished by imprisonment not to exceed six months or be punished by both fine and imprisonment.

(Code 1969, § 16-135)

State law reference(s)--Assault, RSMo 565.050 et seq.

***State law reference(s)**--Offenses against the person, RSMo ch. 565.

Sec. 20-27. Assault of a law enforcement officer.

(a) A person commits the offense of assault of a law enforcement officer in the third degree if:

- (1) He attempts to cause or recklessly causes physical injury to a law enforcement officer;
- (2) With criminal negligence, he causes physical injury to a law enforcement officer by means of a deadly weapon;
- (3) He purposely places a law enforcement officer in apprehension of immediate physical injury;
- (4) He recklessly engages in conduct which creates a grave risk of death or serious physical injury to a law enforcement officer; or
- (5) He knowingly causes or attempts to cause physical contact with a law enforcement officer without the consent of the law enforcement officer.

(b) Assault of a law enforcement officer in the third degree is a misdemeanor.

State law reference(s)--Similar provisions, RSMo 565.083.

Secs. 20-28--20-50. Reserved.

ARTICLE III. OFFENSES AGAINST PROPERTY**

DIVISION 1. GENERALLY

Sec. 20-51. Trespass.

(a) A person commits the offense of trespass if he enters or remains unlawfully upon real property of another. The fact that a person has no intent to enter unlawfully or remain unlawfully is no defense to this section.

****State law reference(s)**--Offenses involving property rights, RSMo chs. 569, 570.

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(b) A person enters unlawfully or remains unlawfully in or upon premises when he is not licensed or privileged to do so. A person who, regardless of his purpose, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain, personally communicated to him by the owner of such premises or by other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public.

(c) Trespass is a misdemeanor.
(Code 1969, § 16-140(b)(5); Gen. Ord. No. 834, § 1(16-48), 11-13-90)

State law reference(s)--Similar provisions, RSMo 569.010(8), 569.150.

Sec. 20-52. Occupying tent without consent of landowner.

No person shall put or keep and maintain or occupy any tent or covered wagon as a habitation or place of living or lodging, either temporarily or otherwise, upon any vacant or unenclosed lot or grounds within the city limits, unless such person is the owner of such lot or grounds or has a lease from the owner thereof.

(Code 1969, § 16-49)

State law reference(s)--Trespass, RSMo 569.140 et seq.

Sec. 20-53. Tampering with cable television equipment; resale of cable services.

(a) *Definition.* For purposes of this section, the term "resale of cable services" means the distribution or use of signals or impulses from a properly franchised cable communications system without authorization from the franchisee.

(b) *Tampering unlawful.* No person, whether or not a subscriber to any properly franchised cable communications system, shall wilfully, maliciously or otherwise damage or cause to be damaged any wire, cable, conduit, apparatus or equipment of such system or commit any act with intent to cause such damage, or to tap, tamper with or otherwise connect any wire or device to a wire, cable, conduit, apparatus, appurtenance or

equipment of any cable communications franchisee with the intent to obtain a signal or impulse from the cable communications system without authorization from or compensation to the cable communications franchisee or to obtain cable service or other lawful service with the intent to avoid any lawful charge which the cable communications franchisee is entitled to receive.

(c) *Evidence of tampering.* The existence, on the property or under the control of any person, of any connection, wire, cable, conduit, apparatus or equipment, or any device whatsoever which is effecting the diversion or use of any cable communications system without the same being reported for payment to the cable communications franchisee shall be prima facie evidence of intent to violate and of the violation of this section by such person. The use or receipt of any benefits or cable service from the cable communications franchisee derived from any of the prohibited activities in Subsection (a) of this section shall be prima facie evidence of intent to violate and of the violation of this section by the person so using or receiving such benefits.

(d) *Resale of cable services prohibited.* No person shall resell any cable service, program or signal transmitted on any cable communications system by any cable communications franchisee. Each such act of reselling shall be considered a separate and distinct offense.

(e) *Penalty.* Any person convicted of violating any provision of this section is subject to a fine of not less than \$50.00 nor more than \$500.00 for each offense. Each day's violation of this section shall be considered a separate offense.

(Gen. Ord. No. 1148, § 1(16-38), 1-31-94)

Sec. 20-54. Camping in parks or on public property prohibited; exceptions.

(a) *Camping prohibited; exceptions.* It shall be unlawful for any person, individually or in concert with others to camp, pitch tents, take up temporary or permanent residence, or remain overnight in a park or on public property in the city, except when authorized by the following:

- (1) a special event permit issued pursuant to Chapter 25 of this code;

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- (2) permit issued by the director of parks, recreation, and civic facilities;
- (3) written agreement with the city; or
- (4) the Missouri Department of Transportation when the public property being used is under the control or authority of the Missouri Department of Transportation.

(b) *Required facilities; interference prohibited.* Any person receiving a permit to camp, pitch tents, take up temporary or permanent residence, or remain overnight in a park or on public property in the city must provide proper facilities to accommodate the use and must demonstrate that such facilities will be made available and that the use will not interfere with the normal use of the area for which the permit is granted.

(c) *Bond; damage.* Any person making an application to camp, pitch tents, take up temporary or permanent residence, or remain overnight in a park or on public property may be required to file with the city clerk, a bond in an amount sufficient to cover possible damages to the park or to public property on which the activity will occur.
(G.O. 2934, 11-4-19)

Secs. 20-55--20-75. Reserved.

DIVISION 2. STEALING AND RELATED OFFENSES*

Sec. 20-76. Stealing.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection,

*State law reference(s)--Stealing and related offenses, RSMo ch. 570.

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except where the context clearly indicates a different meaning:

- (1) *Conspiracy to steal* means any situation or occurrence where two or more persons agree, conspire, combine or confederate to steal and where one or more of the parties to such an agreement commits some overt act besides such agreement to effect the object thereof.
- (2) *Steal* means to appropriate by exercising dominion over property in a manner inconsistent with the rights of the owner, either by taking, obtaining, using, transferring, concealing or retaining possession of his property.

(b) *Prohibited*. It shall be unlawful for any person to intentionally steal the property of another, either without his consent or by means of deceit. It shall be unlawful for two or more persons to enter into a conspiracy to steal the property of another.

(c) *Lost property*. A person who appropriates lost property shall not be deemed to have stolen the property within the meaning of Subsection (b) of this section, unless such property is found under circumstances which give the finder knowledge of or means of inquiry as to the true owner.

(d) *Penalty*. Any violation of this section shall be punishable as a misdemeanor and, upon conviction, punishment shall be assessed as follows:

- (1) For the first conviction, by a fine of not less than \$100.00.
- (2) For the second conviction, by a fine of not less than \$250.00 or by confinement in the county jail for a term of not less than 30 days.
- (3) For the third and subsequent convictions, by a fine of \$500.00 or by confinement in the county jail for a term of not less than 60 days.
- (4) Nothing in this subsection shall be construed to prevent the imposition of a larger fine or the imposition of a longer

jail sentence or the imposition of both a fine and imprisonment consistent with Section 1-14 of this code.

(Code 1969, §§ 16-51, 16-56)

State law reference(s)--Stealing, RSMo 570.030; lost property, RSMo 570.060.

Sec. 20-77. 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 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 prosecution under this section to prove the requisite knowledge or belief of the alleged receiver:

- (1) That he was found in possession or control of other property stolen on separate occasions from two or more persons;
- (2) That he received other stolen property in another transaction within the year preceding the transaction charged; or
- (3) That he acquired the stolen property for a consideration which he knew was far below its reasonable value.

(c) Receiving stolen property is a misdemeanor.

(Code 1969, § 16-57)

State law reference(s)--Similar provisions, RSMo 570.080.

Sec. 20-78. Removal of property of public library.

It shall be unlawful for any person to take, remove or withhold from the public library, including all branches thereof, any book, pamphlet, periodical, paper or other property belonging to or in the custody of the public library, except in accordance with the rules and regulations of the library as adopted and promulgated by the library board.

(Code 1969, § 16-44)

State law reference(s)--Library theft, RSMo 570.200 et seq.

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Sec. 20-79. Removal, withholding of property of museum board.

It shall be unlawful for any person to take, remove or withhold from the public museum any property of any kind, nature or description belonging to or in the custody of the public museum, except with the full consent of the museum board and under such conditions as it may prescribe.

(Code 1969, § 16-46)

State law reference(s)--Stealing, RSMo 570.030.

Sec. 20-80. Slugs, similar devices--Use.

It shall be unlawful for any person to operate, or cause to be operated or attempt to operate or attempt to cause to be operated any lawful automatic vending machine, coinbox, telephone or other receptacle designed to receive lawful coin of the United States in connection with the sale, use or enjoyment of property or service, by means of a slug or any false, counterfeited, mutilated, sweated or foreign coin or by any means, method, trick or device whatsoever not lawfully authorized by the owner, lessee or licensee of such machine, coinbox or telephone.

(Code 1969, § 16-58)

Sec. 20-81. Same--Manufacture, sale, distribution.

(a) It shall be unlawful for any person to manufacture for sale, advertise for sale, sell, offer for sale or give away any slug, device or token of the size and shape of or of diameter or thickness within 0.06 of an inch of that of any lawful coin of the United States.

(b) The terms "slug," "device" and "token" as used in this section shall mean any piece of metal or other material not a coin of the United States or a foreign country, but shall not include tokens sold by and accepted for fares by a public transportation company and lettered checks having a returnable trade value by the person manufacturing such for sale, selling or offering for sale.

(c) The manufacture for sale, advertising, offering for sale or distribution of any such slug, device, substance or apparatus shall be prima

facie evidence of intent to cheat or defraud within the meaning of this section.

(Code 1969, § 16-59)

Sec. 20-82. Misuse of coin-operated devices.

It shall be unlawful for any person to take, obtain or receive from or in connection with any lawful vending machine, coinbox telephone or other receptacle designed to receive lawful coin of the United States, in connection with the sale, use or enjoyment of property or service, any goods, wares, merchandise, gas, electric current, article of value or the use or enjoyment of any telephone or telegraph facilities or service or of any musical instrument, phonograph or other property without depositing in and surrendering to such machine, coinbox telephone or receptacle lawful coin of the United States to the amount required therefor by the owner, lessee or licensee of such machine, coinbox telephone or receptacle.

(Code 1969, § 16-60)

State law reference(s)--Theft, RSMo 570.030.

Sec. 20-83. Record of automobile motor and serial numbers.

(a) *Required.* It shall be the duty of every person operating any garage, repair shop or motor vehicle salesroom to keep for public inspection a record of the license numbers and manufacturer's motor or serial numbers of all motor vehicles taken in or held in charge for the purpose of selling, rental, livery, storage or repairs.

(b) *Contents.* The record shall contain the name and address of the owner of the motor vehicle, the name and address of the person taking or delivering the motor vehicle to the garage and the license number and the manufacturer's motor or serial numbers thereof.

(c) *Alteration, obliteration of numbers.* The proprietor, agents or employees of any such garage, repair shop or motor vehicle salesroom, immediately upon the discovery of any alteration or obliteration of the manufacturer's motor or serial number or license number of any such motor vehicle shall notify the police chief and shall hold the motor vehicle for a period of 24

hours or until investigation shall have been made by the police chief.

(d) *Exception.* Such record need not be made when the same motor vehicle is taken in or held in charge a second time when the owner or driver is personally known to the proprietor of such garage, his agent or employee.

(Code 1969, § 13-549)

Sec. 20-84. Alteration or removal of item numbers with intent to deprive lawful owner.

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

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

(b) Alteration or removal of item numbers is a misdemeanor.

(Code 1969, §§ 16-52--16-54)

State law reference(s)--Similar provisions, RSMo 570.085.

Secs. 20-85--20-100. Reserved.

DIVISION 3. PROPERTY DAMAGE, DESTRUCTION OR INTERFERENCE*

Sec. 20-101. Damage to property.

(a) It shall be unlawful for any person to intentionally damage in any way the personal or real property of another.

(b) It shall be unlawful for any person to intentionally damage in any way the personal or real property of the city wherever located.

(c) It shall be unlawful for any person to carelessly damage in any way the personal or real property of another or the city wherever located.

(d) Any person convicted of violating Subsection (a) or (b) of this section shall be required to pay a fine of not less than \$200.00. Any person convicted of a second or subsequent offense under Subsection (a) or (b) of this section shall be required to pay a fine of not less than \$350.00. Nothing in this subsection shall be construed to prevent the imposition of a larger fine or the imposition of a jail sentence.

(e) Any person convicted of violating Subsection (c) of this section shall be subject to punishment as provided in Section 1-14 of this code.

(Code 1969, § 16-37)

State law reference(s)--Property damage, RSMo 569.100, 569.120.

Sec. 20-102. Injuring street lights, poles and hydrants.

No person shall wilfully or carelessly break, injure, deface, damage or otherwise interfere with any lamppost or public lamp or lamp of any kind, kept or maintained at any place for public safety or convenience or in compliance with the provisions of this Code or any ordinance of the city, or any telegraph pole, telephone pole, fireplug or hydrant or, without authority, light or extinguish any such lamp.

(Code 1969, § 16-40)

***State law reference(s)**--Property damage, RSMo 569.040 et seq.

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Sec. 20-103. Injuring trees, shrubs, flowers.

No person shall, within the limits of the city and within any park, parkway or boulevard, wilfully and without right cut, take away, destroy, injure or mutilate or attempt to cut, take away, destroy, injure or mutilate any fruit tree, ornamental or shade tree, shrub or vine standing, growing or being on premises in possession of another, including the city, or shall remove or attempt to remove the sod from any lot or ground belonging to another or shall cut down, lap, take or otherwise injure or destroy or shall attempt to cut down, lap, take, injure or otherwise destroy any ornamental or shade tree, shrub, flowers, bulb or fruit standing or growing on any private or public ground or any street, sidewalk, park sidewalk, promenade or park, parkway or boulevard in the city.

(Code 1969, § 16-41)

Cross reference(s)--Trees, § 25-266 et seq.

Sec. 20-104. Removal or destruction of barriers, guards, lights.

No person shall knowingly or wilfully remove, destroy or interfere with any barrier, guard or light that is placed before or at any dangerous place in or near the streets, alleys or sidewalks of the city for the purpose of warning or protecting travelers or others who may be exposed to injury from such dangerous places.

(Code 1969, § 16-42)

Sec. 20-105. Injury to books, other property of public library.

It shall be unlawful for any person to wilfully or wantonly cut, mutilate, mark, tear, write upon, deface, destroy or otherwise injure, in whole or in part, any book, pamphlet, periodical, picture, map, chattel, document or writing, printed or engraved paper or any other personal property belonging to or rightfully in custody of the public library, including all branches thereof, of the city, or to suffer any such injury while such property is under his custody or control or to wilfully or wantonly injure any of the shelves, furniture, fixtures, property or premises of the buildings or rooms occupied by the library at either the central library building or at any branch thereof.

(Code 1969, § 16-43)

Sec. 20-106. Injury to property of museum board.

It shall be unlawful for any person to commit injury upon the grounds of the public museum or to wilfully or wantonly destroy, mutilate or otherwise injure, in whole or in part, any property under the jurisdiction of the museum board, whether it is real property or personal property.

(Code 1969, § 16-45)

Secs. 20-107--20-135. Reserved.**ARTICLE IV. OFFENSES AGAINST PUBLIC SAFETY*****DIVISION 1. GENERALLY****Sec. 20-136. Tampering with consumer products.**

(a) *Prohibited.* No person shall tamper with a covered, canned, packaged, boxed or bottled product or commodity which is customarily produced or distributed for household or personal consumption by individuals and which is designed to be consumed or expended in the course of such consumption while that product is provided for retail sale in any business establishment within the city.

(b) *Definition.* The word "tampering," for the purposes of this section, means to handle or meddle with so as to damage the container or packaging or contaminate the contents thereof or to damage in any way a tamperproof seal of such an item.

(Code 1969, § 16-61)

Sec. 20-137. Throwing articles from buildings.

It shall be unlawful for any person to throw or drop any article whatsoever from any building or structure within the limits of the city upon or into any street, sidewalk, alley or other thoroughfare.

(Code 1969, § 16-136)

*State law reference(s)--Public safety offenses, RSMo ch. 577.

Sec. 20-138. Throwing stones, other missiles.

No person shall throw stones or other missiles, in a manner likely to injure persons or damage property, within or near any park or on or near any boulevard, avenue, street, parkway or driveway of the city.
(Code 1969, § 16-137)

Sec. 20-139. Abandoned, unattended or discarded iceboxes, refrigerators and similar receptacles.

It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure or within any unoccupied or abandoned building, dwelling or other structure under his control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside, without first removing the door or lid, snap lock or other locking device from the icebox, refrigerator or container. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this Code.
(Code 1969, § 16-127)

Cross reference(s)--Nuisances, § 15-26 et seq.

State law reference(s)--Abandoning icebox, RSMo 577.100.

Sec. 20-140. Bicycles, coasters, in-line skates, roller skates, skateboards and similar devices.

(a) No person shall ride a bicycle, motorized bicycle or any similar device upon any sidewalk within a business district.

(b) No person shall use coasters, in-line skates, roller skates, skateboards or any similar device upon a sidewalk or in or around a city park facility (as set forth in the list on file in the city clerk's office) unless in, around or upon the following permitted areas:

- (1) The Urban Trail Corridor (hike/bike trail), which includes the east side of the Noyes Boulevard sidewalk;
- (2) Any sidewalk within a residential area; and

(3) Any other areas specifically designated for such purposes.

(c) No person shall use coasters, in-line skates, roller skates, skateboards or any similar device upon or in the city's parking garages and lots.

(d) No person shall use coasters, in-line skates, roller skates, skateboards or any similar device upon any street except when crossing a street from one of the permitted areas set forth under Subsection (b) (1) (2) and (3) above. When so crossing, such person shall have all of the rights and shall be subject to all of the duties that apply to pedestrians.
(G.O. 1312, 6-19-95; G.O. 1657, 10-5-98; G.O. 1718, 9-7-99; G.O. 1730, 11/1/99; G.O. 2298, 8-25-08)

Secs. 20-141--20-160. Reserved.

DIVISION 2. WEAPONS*

Sec. 20-161. Disposal of certain firearms by police department.

(a) The following categories of firearms held by or in the possession of the police department shall be handled, used and disposed of as provided in Subsection (b) of this section:

- (1) Any firearm held by the police department for a period of one year after it is no longer needed as evidence in any prosecution and the return of such firearm to the true owner would be a violation of state or federal gun control laws;
- (2) Any firearm held by the police department for a period of one year and the true owner of the firearm cannot be determined after a diligent search; and
- (3) Any firearm abandoned by the owner to the police department.

*State law reference(s)--Weapons, RSMo ch. 571.

(b) The categories of firearms described in Subsection (a) of this section shall be handled, used, and disposed of as follows:

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- (1) If the police chief shall, after examination, determine that the firearm is suitable for use by the police department, he shall cause a transfer-to-inventory letter, describing the firearm in detail, to be sent to the city authority charged with maintaining an inventory of city property. The firearm will thereafter be treated and accounted for as police department inventory.
- (2) If the police chief shall determine that the firearm is not needed by the department, he shall cause such a statement describing the firearm in detail to be sent to the city purchasing agent, who shall then handle the firearm as surplus city property. However, no handgun, zip gun or any illegal, dangerous or obsolete firearm shall ever be handled as surplus property, but it shall be destroyed in such a manner so that it will never again be used or have value for any purpose other than scrap metal.
- (c) Permanent records of any and all transfers of the categories of firearms described in this section shall be kept by the city authority charged with maintaining an inventory of city property. (Code 1969, § 16-164)

Sec. 20-162. Possession, manufacture, transport, repair, sale of certain weapons.

(a) A person commits an offense if he knowingly possesses, manufactures, transports, repairs or sells the following:

- (1) A switchblade knife;
- (2) A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or
- (3) Knuckles.

(b) A person does not commit an offense under this section if his conduct was incident to:

- (1) The performance of official duty by the armed forces, national guard, a governmental law enforcement agency or a penal institution;
- (2) Engaging in a lawful commercial or business transaction with an organization enumerated in Subsection (b)(1) of this section;
- (3) Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or
- (4) Was incident to displaying the weapon in a public museum or exhibition.

(Code 1969, § 16-158)

State law reference(s)--Similar provisions, RSMo 571.020.

Sec. 20-163. Carrying concealed weapons; prohibited in city buildings, other posted locations.

(a) No person, unless authorized by law, shall, in the city, wear under his or her clothes or otherwise conceal on or about his or her person, or conceal in any vehicle he or she is operating, or in which he or she is a passenger, any blackjack; billy; bowie knife; cross knuckles; dagger; dirk; firearm; knife resembling a bowie knife; knuckles of lead, brass or other metal; razor; sandbag; slingshot; or any other dangerous or deadly weapon, except as authorized by Section 571.030 RSMo.

(b) No person who has been issued a concealed carry endorsement by the Missouri Department of Revenue under Section 571.094 RSMo, or who has been issued a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, shall, by authority of that endorsement or permit, be allowed to carry that firearm either concealed or in plain view onto any property or portion of that property owned, leased or controlled by the City of St. Joseph, Missouri. The following provisions shall also apply:

- (1) Signs shall be posted at all entrances to all property owned, leased or controlled by the city stating that the carrying of firearms is prohibited on the premises.

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Where the city controls only a portion of the property, signs shall be posted at each entrance to that portion of the property.

- (2) This subsection shall not apply to buildings used for public housing by private persons, highways or rest areas, firing ranges or private dwellings owned, leased or controlled by the city.
- (3) Any person violating this subsection shall be asked to leave the property. Failure to leave the property when asked to do so shall be viewed as a violation of Section 20-51, entitled "Trespass".
- (4) Neither this section, nor any part thereof, shall apply to any person or persons who hold a valid peace officer commission issued by any state or other governmental entity.

(Code 1969, § 16-157; G.O. 2019, 5-24-04; G.O. 2733, 6-9-14)

State law reference(s)-- Weapons offenses, RSMo Chpt. 571 et seq.

Sec. 20-164. Discharging firearms.

(a) *Prohibited.* It shall be unlawful for any person, within the limits of the city, to shoot or discharge any gun, revolver, airrifle or airgun, pistol or firearm of any description, whether the firearm is loaded with powder and ball or shot or with loaded or blank cartridges or with any other kind of explosive whatsoever.

(b) *Exceptions.* Nothing contained in this section shall apply to the following:

- (1) Persons discharging firearms in defense of person or property;
- (2) Legally qualified sheriffs or police officers and other persons whose bona fide duty is to execute process, civil or

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- criminal, make arrests or aid in conserving the public peace while in the performance of their official duties;
- (3) Any military company when drilling or practicing under the command of any officer thereof;
 - (4) Licensed shooting galleries;
 - (5) Gun, rifle or sporting clubs;
 - (6) Performances in licensed theaters, theatrical amusements or circus exhibitions; or
 - (7) Military funerals or patriotic observances where firing squads composed of members of veterans' associations or members of the United States or state military forces may fire salutes.

(Code 1969, § 16-159)

State law reference(s)--Discharge of firearm, RSMo 571.030.

Sec. 20-165. Hunting and trapping prohibited; certain exceptions.

(a) It shall be unlawful for any person to hunt or trap game animals and game birds as defined by the Wildlife Code of Missouri, within the city limits, except as stated in Section 5-45 and Subsections (b) and (c) below.

(b) It shall be unlawful for any person to hunt within the city limits unless such person:

- (1) Is on undeveloped and open land and at least 300 feet from any roadway, street, the hike/bike trail or building used as a residence and at least 300 yards from any school building;
- (2) Owns the property or has on his/her person authorization signed by the owner of the property that the person hunting has such owner's permission to pursue and take wildlife by archery methods on such property;
- (3) Has on his/her person the prescribed permit issued by the Missouri

Department of Conservation to pursue and take wildlife by archery methods; and

- (4) Has on his/her person a certificate that he/she has successfully completed a Missouri Department of Conservation approved hunter safety course or its equivalent issued by another state.

(c) Trapping of animals or birds during trapping season is permitted only as authorized by the Missouri Wildlife Code when the trapper owns the property or has on his/her person authorization signed by the owner of the property that the person trapping has such owner's permission to trap on such property. Only live humane box traps may be used when trapping any animal or bird for any purpose inside the city limits. Every trap shall be checked by the trapper on a daily basis.

(d) Hunting or trapping on City property is strictly prohibited.

(e) Nothing in this section shall be construed to allow the use of firearms for hunting within the city limits as the use of firearms for hunting is strictly prohibited.

(G.O. 1798, 10-16-00; G.O. 2355, 11-2-09)

Sec. 20-166. Unlawful transfer of weapons; parental or guardian consent for delivery of a firearm to minors.

(a) *Definitions.* For the purposes of this section, the following words and terms shall have the meanings respectively ascribed:

- (1) *Recklessly* means a person who consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.
- (2) *Minor* means a person less than eighteen years old.

(b) *Unlawful transfer of a weapon.* A person commits the unlawful transfer of a weapon if the person recklessly sells, leases, loans, gives away

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or delivers any firearm to a minor without the consent of the minor'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 the officer's or member's official duty.

(c) *Penalty.* Any person violating this section shall be punished by a fine of not more than \$500.00 or imprisonment for not more than six months or both such fine and imprisonment. (G.O. 2928, 10-7-19)

Sec. 20-167. Unlawful possession of a handgun by a minor.

(a) *Definitions.* For the purposes of this section, the following words and terms shall have the meanings respectively ascribed:

- (1) *Concealed* means kept hidden or removed from sight and either on one's person or within a person's reach.
- (2) *Handgun* means a firearm which has a short stock and is designed to be held and fired by the use of a single hand.
- (3) *Minor* means a person less than eighteen years old.

(b) *Unlawful possession of a handgun.* A minor commits the unlawful possession of a handgun, if the minor knowingly carries concealed upon or about his or her person a handgun or ammunition suitable only for use in a handgun in any place other than those specific places stated in subsection (c) of this section.

(c) *Exception.* The provisions of this section shall not apply to the following places:

- (1) A temporary transfer of a handgun or ammunition to a minor or to the possession or use of a handgun or ammunition by a minor if the handgun and ammunition are possessed and used by the minor:
 - a. in the course of employment, in the course of ranching or farming related to activities at the residence of the

minor (or on property used for ranching or farming at which the minor, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

- b. with the prior written consent of the minor's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except:
 - i. during transportation by the minor of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in above is to take place and transportation by the minor of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or
 - ii. with respect to ranching or farming activities as described above, a minor may possess and use a handgun or ammunition with the prior written approval of the minor's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm;
 - c. the minor has the prior written consent in the minor's possession at all times when a handgun is in the possession of the minor; and
 - d. in accordance with state law and the code of ordinances; or,
- (2) A minor who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty; or,
 - (3) A transfer by inheritance of title (but not possession) of a handgun or ammunition to a minor; or,

- (4) The possession of a handgun or ammunition by a minor taken in defense of the minor or other persons against an intruder into the residence of the minor or a residence in which the minor is an invited guest.

(d) *Violation.* A minor violating this section shall be guilty of an ordinance violation.

- (1) Any person violating this section for the first time shall be punished by a fine of not more than \$200.00 and if that minor does not qualify for a diversionary or probationary program.
- (2) Any person violating this section shall be punished by a fine of not more than \$500.00 or imprisonment for not more than six months or both such fine and imprisonment.

(G.O. 2929, 10-7-19)

Secs. 20-168--20-185. Reserved.

ARTICLE V. OFFENSES AGAINST PUBLIC PEACE AND ORDER*

DIVISION 1. GENERALLY

Sec. 20-186. Peace disturbance.

(a) A person commits the offense of peace disturbance if:

- (1) He unreasonably and knowingly disturbs or alarms another person by:
 - a. Loud noise;
 - b. Offensive and indecent language which is likely to produce an immediate violent response from a reasonable recipient;
 - c. Fighting; or
 - d. Creating a noxious and offensive odor.
- (2) He is in a public place or on private property of another without consent and

purposely causes inconvenience to another person 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.

(b) Peace disturbance is a misdemeanor. (Code 1969, §§ 16-128, 16-140(b)(3))

State law reference(s)--Similar provisions, RSMo 574.010.

Sec. 20-187. Private peace disturbance.

(a) A person commits the offense of private peace disturbance if he is on private property and unreasonably and purposely causes alarm to another person on the same premises by fighting.

(b) Private peace disturbance is a misdemeanor.

(Code 1969, § 16-128)

State law reference(s)--Similar provisions, RSMo 574.020.

Sec. 20-188. Disorderly conduct.

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

(1) *Incite a riot* means but is not limited to urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written:

- a. Advocacy of ideas; or
- b. Expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of or the right to commit any such act.

(2) *Riot* means a public disturbance involving:

- a. An act of violence by one or more persons, part of an assemblage of three or more persons, which act shall

*State law reference(s)--Offenses against public order, RSMo ch. 574.

constitute a clear and present danger of or shall result in damage or injury to the property of any other person or to the person of any other individual; or

- b. A threat of the commission of an act of having, individually or collectively, the ability of immediate execution of such threat, where the performance of the threatened act of violence would constitute a clear and present danger of or would result in damage or injury to the property of any other person or to the person of any other individual.

(b) *Conduct prohibited.* A person shall be guilty of disorderly conduct if he wilfully does any of the following acts:

- (1) Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb or health.
- (2) 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.
- (3) Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another.
- (4) Interferes with another's pursuit of a lawful occupation by acts of violence.
- (5) Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic in a public way and refuses to clear such public way when ordered to do so by the city police.
- (6) Resists, by using or threatening the use of violence or physical force, the performance of duties by city police or any other authorized official of the city, when known to be such an official, or flees to evade apprehension or arrest from city police or any other authorized official

of the city, when known to be such an official.

- (7) Obstructs, either by action or inaction, the performance of duties by city police or any other authorized official of the city when known to be such an official.
- (8) Incites, attempts to incite or is involved in attempting to incite a riot.
- (9) Addresses words to any member of the city police department, any other authorized official of the city who is engaged in the lawful performance of his duties or any other person when such words by their very utterance tend to incite violence. Words merely causing displeasure, annoyance or resentment are not prohibited.
- (10) Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.
- (11) Makes or causes to be made any loud or boisterous noise or disturbance on or in any public place whereby the public peace is broken or disturbed.
- (12) Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened.

(c) *Exemptions.* This section 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 of other laws.

(Gen. Ord. No. 879, § 1(16-129), 7-8-91)

Sec. 20-189. Disturbing religious worship.

No person shall disturb or disquiet any congregation or assembly, met for religious worship, by making a noise or by rude, indecent or unseemly conduct or behavior or by profane or vulgar discourse, within their place of worship or

so near the place of worship as to disturb the order or solemnity of the meeting.
(Code 1969, § 16-130)

Sec. 20-190. Disorderly conduct on school premises.

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

- (1) *Incite a riot* means but is not limited to urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written:
 - a. Advocacy of ideas; or
 - b. Expression of belief, not involving advocacy of any act of violence or assertion of the rightness of or the right to commit any such act.
- (2) *Riot* means a public disturbance involving:
 - a. An act of violence by one or more persons, which act shall constitute a clear and present danger of or shall result in damage or injury to the property of any other person or to the person of any other individual; or
 - b. A threat of the commission of an act of having, individually or collectively, the ability of immediate execution of such threat, where the performance of the threatened act of violence would constitute a clear and present danger of or would result in damage or injury to the property of any other person or to the person of any other individual.
- (3) *School* encompasses any public, private or parochial educational institution, including but not limited to kindergarten or preschool facilities, elementary schools, middle schools, high schools, colleges and universities within the city.
- (4) *School premises* means any building, including dormitories, owned, operated or

occupied by any school, as well as the public premises and parking lots adjacent thereto.

(b) *Conduct prohibited.* A person shall be guilty of disorderly conduct if he wilfully does any of the following acts in a school or on school premises:

- (1) Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb or health.
- (2) 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.
- (3) Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another.
- (4) Interferes with the lawful business of another in a school or on school premises by acts of violence.
- (5) Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic in a school or on school premises and refuses to remove himself from the school or school premises when ordered to do so by the city police.
- (6) Resists or obstructs the performance of duties by city police or any other authorized official of the city, when known to be such an official.
- (7) Incites, attempts to incite or is involved in attempting to incite a riot.
- (8) Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.
- (9) Makes or causes to be made any loud, boisterous noise or disturbance in any school or on school premises, whereby the public peace is broken or disturbed.

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- (10) Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity and the public health and safety is imminently threatened.

(c) *Exemptions.* This section 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 of other laws.

(Code 1969, § 16-132)

Sec. 20-191. Loitering on school premises.

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

- (1) *Loiter* means the entry of a person, either on foot or in a motor vehicle, upon school premises without written permission from a school official and thereafter remaining without such written authorization to do so and without legitimate school-related business.
- (2) *School* encompasses any public, private or parochial educational institution, including but not limited to kindergarten or preschool facilities, elementary schools, middle schools, high schools, colleges and universities within the city.
- (3) *School official* means any administrative officer of such school authorized to grant permission to persons other than students, their parents or legal guardians or employees of the school to enter upon the school premises.
- (4) *School premises* means any building, including dormitories, owned, operated or occupied by any school, as well as the public premises and parking lots adjacent thereto.

(b) It shall be unlawful for any person, except one enrolled as a student at that particular school,

the parent or legal guardian of such student, or an employee of such school, to:

- (1) Deny any student, school official or employee the lawful use of school property or facilities or the right to move freely on school premises.
- (2) Sell or offer for sale any goods or services upon school premises without first obtaining a written authorization from the appropriate school official.
- (3) Operate a motor vehicle on the school premises, not previously established and designated for motor vehicle operation, unless necessary for authorized maintenance, repair or construction of school property, facilities or buildings.

(Code 1969, § 16-140)

Sec. 20-192. Begging.

(a) No person shall, directly or indirectly, by word, look, sign or deed, practice or aid in begging, mooching or mendicancy in or upon any street, sidewalk, park or any other public place within the city.

(b) The term "mendicancy" shall be interpreted to include the offering for sale of pencils or similar articles on the streets and sidewalks, the singing, whistling or playing of musical instruments thereon and any other use of the streets and sidewalks for the procurement of donations of money, regardless of the manner or means of inducing such contributions.

(Code 1969, § 16-217)

Sec. 20-193. Animal carcasses.

(a) It shall be unlawful for any person to permit the carcass of any animal or fowl not to be used for food to be or remain in or upon any public street, sidewalk, park, public ground or on any private premises without at once giving immediate notice to the director of health or public impounder.

(b) No person shall remove from any street, sidewalk, public place or from any private premises within the city the carcass of any dead

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animal without obtaining a permit therefor from the director of health or public impounder.

(c) No person, other than the owner, shall skin, cut up or in any manner mutilate the carcass of any dead animal lying or being in any portion of the city without the permission of the owner.
(Code 1969, §§ 6-28--6-30)

Cross reference(s)--Animals, ch. 5.

Secs. 20-194--20-220. Reserved.

DIVISION 2. NOISE

Sec. 20-221. Unlawful noise.

(a) 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, repose, health, peace or safety of others, within the limits of the city.

(b) The standards which shall be considered in determining whether or not a violation of this section exists shall include but shall not be limited to the following:

- (1) The volume of the noise.
- (2) The intensity of the noise.
- (3) Whether the nature of the noise is usual or unusual.
- (4) Whether the origin of the noise is natural or unnatural.
- (5) The volume and intensity of the background noise, if any.
- (6) The proximity of the noise to residential sleeping facilities.
- (7) The nature and zoning of the area within which the noise emanates.
- (8) The density of inhabitation of the area within which the noise emanates.
- (9) The time of the day or night the noise occurs.

(10) The duration of the noise.

(11) Whether the noise is recurrent, intermittent or constant.

(12) Whether the noise is produced by a commercial or noncommercial activity.
(Code 1969, § 16-133)

Sec. 20-222. Enumeration of prohibited noises.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this division, but the enumeration shall not be deemed to be exclusive.

- (1) *Horns or signal devices.* The sounding of any horn or signal device of any automobile, taxicab, motorcycle, bus, streetcar or other vehicle, whether or not in motion, except when necessary to give warning of threatened collision with another vehicle or with a pedestrian; provided, however, that nothing contained in this subsection shall be deemed to apply to emergency vehicles, including but not limited to ambulances, police department motorcycles, automobiles and vehicles, and fire department automobiles, apparatus and vehicles.
- (2) *Radios, phonographs, etc.* The using, operating or permitting to be played, used or operated any radio receiving set,

- musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants. The operation of any such set, instrument, phonograph, machine or device in such manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
- (3) *Loudspeakers, amplifiers for advertising.* The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants.
- (4) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling or singing on the public street, particularly between the hours of 11:00 p.m. and 7:00 a.m. or 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.
- (5) *Animals, birds, etc.* The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the comfort or repose of any person in the vicinity.
- (6) *Steam whistles.* The blowing of any locomotive steam whistle or steam 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 request of proper city authorities.
- (7) *Exhausts.* 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.
- (8) *Defect in vehicle or load.* 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.
- (9) *Loading, unloading, opening boxes.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (10) *Construction or repairing of buildings.* The erection, including excavation, demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building regulations supervisor, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues. If the building regulations supervisor should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m. and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m., upon application being made at the time the permit for the work is awarded or during the progress of the work.
- (11) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court, while such is in use, or adjacent to any hospital, which

unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that such is a school, hospital or court street.

- (12) *Hawkers, peddlers.* The shouting and crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- (13) *Drums.* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale.
- (14) *Transportation of metal rails, pillars and columns.* The transportation of rails, pillars or columns of iron, steel or other material over and along streets and other public places upon carts, drays, cars, trucks or in any other manner so loaded as to cause loud noises or as to disturb the peace and quiet of such streets or other public places.
- (15) *Motorbus operation.* The causing, permitting or continuing any excessive, unnecessary and avoidable noise in the operation of a motorbus or coach.
- (16) *Pile drivers, hammers, etc.* The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise.
- (17) *Blowers.* The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
- (Gen. Ord. No. 754, § 1(16-134), 2-5-90)

Sec. 20-223. Sound levels.

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

A-weighted sound level means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

Decibel (dB) means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the presence of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter). A decibel is one-tenth of a bel.

Motor vehicle means any self-propelled vehicle not operated exclusively upon tracks, except farm tractors.

Motorcycle means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

Sound level meter means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighting networks used to measure sound pressure levels.

Sound pressure level means 20 times the logarithm to the base 10 of the ratio pressure of 20 micropascals ($20 \times 10^{-6} \text{ N/m}^2$). The sound pressure level is denoted L_p or SPL and is expressed in decibels.

(b) *Motor vehicles.* It shall be unlawful to operate a motor vehicle within the city which creates a noise or sound which exceeds the sound levels listed in table I, when measured at 50 feet with a sound level meter. If the distance is less than 50 feet, such listed sound level shall be corrected to reflect the equivalent sound levels dB(A) for the actual distance. Noise level limits shall be as follows: (see next page)

TABLE I

Noise Limit in Relation to Posted Speed Limit

	Speed Limit 35 mph or Less	Speed Limit Over 35 mph
(1) Motor carrier vehicles engaged in interstate commerce of GVWR (gross vehicle weight rating) or GCWR (gross combination weight rating) of 10,000 pounds or more	86	92
(2) All other motor vehicles of GVWR or GCWR of 10,000 pounds or more	86	92
(3) Any other motor vehicle or any combination of vehicles towed by any motor vehicle	76	92
(4) Any motorcycle	82	86

The sound or noise shall be measured on fast response with a type II or better sound-level meter meeting the standards prescribed by the American Standards Association. The instrument shall be maintained in calibration and good working order. A calibration check shall be made of the system before and after any series of noise measurements. Measurements shall be taken to provide a proper representation of the noise source. The microphone during measurements shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. Traffic, aircraft and other transportation noise sources and other background noises shall not invalidate measurements, except where such background noises interfere with the primary noise being measured.

(c) *Places of public entertainment.* It shall be unlawful to create in any place of public

entertainment, including but not limited to a restaurant, bar, cafe, discotheque or dance hall, any noise which exceeds 80 dB(A). The measurement of such sound or noise shall be measured with a sound-level meter meeting the standards prescribed by the American Standards Association. The instrument shall be maintained in calibration and good working order. A calibration check shall be made of the system immediately after any noise measurement. Measurements recorded shall be taken to provide a proper representation of the noise source. The microphone during measurements shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements, except where such background noise interferes with the primary noise being measured. Such measurement shall be taken at or near the property line nearest the source of the noise.

(d) *Aircraft.* It shall be unlawful for any person to operate or cause to be operated any type of aircraft over the city which produces noise levels exceeding 87 dB(A) within the city. The measurement of such sound or noise shall be measured with a sound-level meter meeting the standards of the American Standards Association. The instrument shall be maintained in calibration and good working order. A calibration check shall be made of the system immediately after any noise measurement. Measurements recorded shall be taken to provide a proper representation of the noise source. The microphone during measurements shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. Traffic and other transportation noise sources and other background noises shall not be considered in taking measurements, except where such background noise interferes with the primary noise being measured.

(e) *Time factor; reduction of noise level.* If any of the noises or sounds regulated in Subsections (b), (c) and (d) of this section occur between the hours of 10:00 p.m. and 7:00 a.m. on Monday through Saturday or at any time on Sunday or on holidays, the maximum noise levels specified in Subsections (b), (c) and (d) of this section shall be reduced by three decibels.

(f) *Exemptions.* The following sounds or noises are exempt from the provisions of this section:

- (1) Noise of safety signals or warning devices including horns used while warning of impending peril.
- (2) Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency.
- (3) Any aircraft operated in conformity with or pursuant to federal law, federal air regulations and air traffic control instruction used pursuant to and within the duly adopted federal air regulations shall be exempt from the provisions of Subsection (d) of this section, as well as the other regulations of this section. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations shall also be exempt from the provisions of Subsection (d) of this section, as well as the other regulations of this section.

(g) *Unavailability of sound level meter.* When a sound level meter is not available or not in working order at the time a noise occurs, the provisions of this section shall not bar the prosecution of persons creating excessive noises with motor vehicles, places of public entertainment or aircraft pursuant to Section 20-221 of this code.

(Code 1969, § 16-141)

Secs. 20-224--20-250. Reserved.

DIVISION 3. DRIVE-IN RESTAURANTS, SUPERMARKETS AND SHOPPING CENTERS

Sec. 20-251. Definitions.

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

- (1) *Drive-in restaurant* means any restaurant where meals, sandwiches, cold drinks, beverages, ice cream or other food is served directly to or is permitted to be consumed by patrons in automobiles, motorcycles or other vehicles parked on the premises.
- (2) *Drive-in supermarket* means any store, shop, market or other place of business where dairy products, meats, vegetables or other foodstuffs or groceries for human consumption are sold by retail.
- (3) *Loiter* means to stand or lounge around or move slowly about, to spend time idly, to saunter or to linger or to repeatedly pass the same place without any apparent or legitimate reason.
- (4) *Public place* means the entire premises occupied by a drive-in restaurant, drive-in supermarket or a shopping center, together with the means of ingress thereto and egress therefrom, and including alleyways, sidewalks, parkways, parking lots, entranceways and all other areas open to the public or to the public view.
- (5) *Shopping center* means any store, shop, market or group of stores, shops or markets adjoining or adjacent to each other or within a single structure or building to which a parking lot or area, provided for customer parking, is adjacent or contiguous.

(Code 1969, § 16-144)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 20-252. Provisions deemed cumulative.

It is declared to be the intention and purpose of this division to be cumulative with any other section or provision of this code applicable to the premises of any drive-in restaurant, drive-in supermarket or shopping center; provided, however, that if any conflict in language between this division and any other section so applicable occurs, the language of this division shall prevail.

(Code 1969, § 16-151)

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Sec. 20-253. Operation of vehicles.

No person on the premises of a drive-in restaurant, drive-in supermarket or shopping center shall race the motor of any motor vehicle, needlessly bring to a sudden start or stop any motor vehicle, blow any horn of a motor vehicle needlessly or in excess or cause to be made any other loud or unseemly noise, nuisance or disturbance or operate or drive any motor vehicle, motorcycle or other vehicle in such a reckless or careless manner or at such an excessive speed whereby the peace, security, safety of the premises, the neighborhood or any person or property is disturbed or threatened.

(Code 1969, § 16-146)

Sec. 20-254. Wilful misuse of premises.

No person shall wilfully and without lawful authority:

- (1) Enter the premises of any business after having been expressly directed by actual communication to not enter by the owner, lessee, manager, operator or agent of the business.
- (2) Being upon the premises, remain unlawfully after being notified by actual communication to depart by the owner, lessee, manager, operator or agent of such business.

(Code 1969, § 16-147)

State law reference(s)--Trespass, RSMo 569.140 et seq.

Sec. 20-255. Loud, abusive, offensive language.

It shall be unlawful for any person, while on the premises of any drive-in restaurant, drive-in supermarket or shopping center, to curse or abuse any person or to use any violently abusive language to any person or to use loud and vociferous, obscene, vulgar or indecent language or to yell or shriek in any manner or under any circumstances reasonably calculated to disturb or annoy any person present on such premises or in the vicinity thereof or so as to be calculated to provoke the breach of the peace.

(Code 1969, § 16-148)

Sec. 20-256. Acts of misconduct annoying or offensive to others.

No person shall purposely cause, recklessly create a risk of or knowingly contribute to the inconvenience, annoyance or alarm of any person on any premises of such businesses described in this division by:

- (1) Engaging in fighting or threatening or in violent or tumultuous behavior;
- (2) Jostling or roughly crowding persons unnecessarily;
- (3) Making obscene, offensive or obstreperous gestures or other acts; or
- (4) Creating a hazardous or physically offensive condition by any act which serves no legitimate purpose of the actor.

(Code 1969, § 16-149)

Sec. 20-257. Bringing beverages onto premises.

It shall be unlawful for any person under the age of 21 years to bring on the premises of any drive-in restaurant, drive-in supermarket or shopping center any nonintoxicating or intoxicating beverage or to have possession of any such beverage or attempt to consume or consume the beverage with or without the purchase of any food on the premises of any such business.

(Code 1969, § 16-150)

Secs. 20-258--20-280. Reserved.

ARTICLE VI. OFFENSES AGAINST PUBLICMORALS*

DIVISION 1. GENERALLY

*Cross reference(s)--Sales of alcohol to minors or habitual drunkards, § 4-2; purchase or possession of alcohol by underage persons, §§ 4-37, 4-117; misrepresentation of age by underage persons to obtain alcohol, § 4-118; animal cruelty and protection, § 5-31 et seq.; use of liquor or drugs around aircraft, § 6-43.

Sec. 20-281. Indecent acts, exhibitions and conduct.

No person shall be or appear in or upon any street, sidewalk, park, public place or place open to public view in a state of nudity or in any indecent or lewd dress or shall make any indecent exposure or exhibition of his person for any reason whatsoever or be guilty of an unseemly, obscene or filthy act or any lewd, indecent or insulting conduct, language or behavior.
(Code 1969, § 16-71)

Sec. 20-282. Contributing to delinquency of minors.

(a) Any person who does any act encouraging, causing or contributing to the delinquency of any minor child shall be deemed guilty of a misdemeanor.

(b) The provisions of this section shall extend to but not be limited to include any person who causes or permits the life of such child to be endangered or the health of such child to be impaired or who shall wilfully cause or permit such child to be placed in such a situation, business or occupation that his life, health or morals shall be injured or who shall wilfully abandon such child or shall torture, torment, cruelly punish or wilfully or negligently deprive it of necessary food, clothing or shelter or in any other manner shall unnecessarily injure such child.
(Code 1969, § 16-192)

Sec. 20-283. Curfew for minors.

(a) It shall be unlawful for any person under 17 years of age to be or remain in or upon any of the streets or public places in the city at night after the hour of 11:00 p.m., unless such person is accompanied by a parent, guardian or other person having legal custody of such minor person or is in the performance of an errand or duty directed by such parent or guardian or other person having the care and custody of such minor person or whose employment makes it necessary to be upon the street or public place during the nighttime after the specified hour. Such exceptions shall not apply when the person under age shall be playing or unnecessarily loitering in or upon any such street or public place, whether

alone or accompanied by a parent, guardian or any other person whomsoever.

(b) It shall be unlawful for any parent, guardian or other person having the legal care and custody of any person under 17 years of age to allow or permit any such child, ward or other person under such age, while in such legal custody, to go or be in or upon any of the streets or public places in the city within the time prohibited in Subsection (a) of this section unless there exists a reasonable necessity therefor.
(Code 1969, §§ 16-193, 16-194)

Sec. 20-284. Cigarettes, cigars, tobacco for minors.

No person within the corporate limits of the city shall sell, give away, procure for or deliver any cigarette or cigarette wrapper, cigar or tobacco in any form to any minor under the age of 18 years.
(Code 1969, § 16-197)

Sec. 20-285. Possession, use or sale of solvents.

(a) No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, 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 subsection shall not apply to the inhalation of any anesthesia for medical or dental purposes.

(b) No person shall intentionally or wilfully 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 of any solvent, particularly toluol.

(c) No person shall intentionally possess any solvent, particularly toluol, for the purpose of using it in the manner prohibited by this section.

(d) No person shall intentionally possess or buy any solvent, particularly toluol, for the

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purpose of inducing or aiding any other person to violate the provisions of this section.

(Code 1969, § 16-139)

State law reference(s)--Similar provisions, RSMo 578.250--578.260.

Secs. 20-286--20-300. Reserved.

DIVISION 2. PROSTITUTION*

Sec. 20-301. Sex of parties in prosecution of prostitution and patronizing prostitution.

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

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

(Code 1969, §§ 16-81--16-89)

State law reference(s)--Similar provisions, RSMo 567.040.

Sec. 20-302. Prostitution.

(a) A person commits the offense of prostitution if he or she engages in or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by any person.

(b) Prostitution is a misdemeanor.
(Code 1969, §§ 16-81--16-89; G.O. 2887, 11-19-18)

State law reference(s)--Similar provisions, RSMo 567.020.

***State law reference(s)**--Prostitution, RSMo ch. 567; local prostitution ordinances, RSMo 567.090.

Sec. 20-303. Patronizing prostitution.

(a) A person commits the offense of patronizing prostitution if he or she:

- (1) Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or
- (2) Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or
- (3) Solicits or requests another person to engage in sexual conduct with any person in return for something of value.

(b) It shall not be a defense that the person believed that the individual he or she patronized for prostitution was 18 years of age or older.

(c) Patronizing prostitution is a misdemeanor.
(Code 1969, §§ 16-81--16-89; G.O. 2887, 11-19-18)

State law reference(s)--Similar provisions, RSMo 567.030.

Secs. 20-304--20-320. Reserved.

DIVISION 3. DRUGS**

Sec. 20-321. Definitions.

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

- (1) *Close proximity* means within 500 feet on a straight line commencing at the property lines nearest to each other.
- (2) *Controlled substance* means any substance listed in Section 195.017 RSMo. (2018) as a schedule I, II, III, IV or V substance.

****Cross reference(s)**--Use of liquor or drugs around aircraft, § 6-43.

State law reference(s)--Drugs, RSMo ch. 195.

- (3) *Deliver or delivery* means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.
- (4) *Drug paraphernalia* means all equipment, products and materials of anykind which are used, intended for use or or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of RSMo ch. 195, as amended. It includes, but is not limited to the following:
- a. Kits used or intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.
 - b. Kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.
 - c. Isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance.
 - d. Testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.
 - e. Scales and balances used or intended for use in weighing or measuring controlled substances.
 - f. Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use in cutting controlled substances.
 - g. Separation gins and sifters used or intended for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana.
 - h. Blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances.
 - i. Capsules, balloons, envelopes and other containers used or intended for use in packaging small quantities of controlled substances.
 - j. Containers and other objects used or intended for use in storing or concealing controlled substances.
 - k. Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body.
 - l. Objects used or intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
 - i. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls.
 - ii. Water pipes.
 - iii. Carburetion tubes and devices.
 - iv. Smoking and carburetion masks.
 - v. Cocaine vials.
 - vi. Chamber pipes.
 - vii. Carburetor pipes.
 - viii. Electric pipes.
 - ix. Air-driven pipes.
 - x. Chillums.
 - xi. Bongs.
 - xii. Ice pipes or chillers.
- In determining whether an object is an item of drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:
- a. Statements by an owner or by anyone in control of the object concerning its use.
 - b. Prior convictions, if any, of an owner or of anyone in control of the object, under any state or federal law relating to any controlled substance.

- c. The proximity of the object, in time and space, to a direct violation of this section.
 - d. The proximity of the object to controlled substances.
 - e. The existence of any residue of controlled substances on the object.
 - f. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons whom he knows intend to use the object to facilitate a violation of RSMo ch. 195, as amended. The innocence of an owner or of anyone in control of the object as to a direct violation of this division shall not prevent a finding that the object is intended for use as drug paraphernalia.
 - g. Instructions, oral or written, provided with the object concerning its use.
 - h. Descriptive materials accompanying the object which explain or depict its use.
 - i. National and local advertising concerning its use.
 - j. The manner in which the object is displayed for sale.
 - k. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise.
 - l. The existence and scope of legitimate uses for the object in the community.
 - m. Expert testimony concerning its use.
- (5) *Manufacture* means the production, preparation, propagation, compounding, conversion or processing of marijuana, a simulated drug or simulated controlled substance, either directly or indirectly, by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation, compounding, packaging or labeling of marijuana, a simulated drug or simulated controlled drug by a practitioner or his agent:
- a. Pursuant to a lawful order of a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or
 - b. Under his supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or hospital as an incident to dispensing of a controlled substance.
- (6) *Marijuana* means all parts of all varieties of the plant cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.
- (7) *Minor* means any person who has not attained 18 years of age.
- (8) *Patient* means, as the case may be:
- a. The individual for whom a controlled substance is prescribed or to whom a controlled substance is administered; or
 - b. The owner or the agent of the owner of the animal for which a controlled substance is prescribed or to which a controlled substance is administered;
- provided that the prescribing or administering referred to in Subsections a. and b. of this definition is in good faith and in the course of professional practice only.
- (9) *Pharmacist* means an individual currently licensed by the board to practice the profession of pharmacy in this state.

- (10) *Practitioner* means a physician (M.D. or D.O.), dentist, podiatrist, veterinarian, scientific investigator or other person licensed, registered or otherwise authorized by law to administer and prescribe, use in teaching or chemical analysis or conduct research with respect to a controlled substance in the course of professional practice and research.
- (11) *Premises open to minors* means any business establishment which sells its wares or merchandise to minors or which permits minors to enter into its place of business.
- (12) *Prescription* means a written order and, in cases of emergency, a telephonic order issued by a practitioner in good faith in the course of his professional practice to a pharmacist for a controlled substance for a particular patient, which specifies the date of its issue, the name and address of the patient (if such controlled substance is prescribed for an animal, the species of such animal), the name and quantity of the controlled substance prescribed, the directions for use of such controlled substance and the signature of such practitioner.
- (13) *Production* includes the manufacture, planting, cultivation, growing or harvesting of marijuana, simulated drugs or simulated controlled substances.
- (14) *Place of display* means any museum, library, school or other similar public place upon which business is not transacted for a profit.
- (15) *Premises* means a business establishment and the structure of which it is a part and facilities and appurtenances therein and grounds, areas and facilities held out for the use of patrons.
- (16) *School* means any public or private elementary, junior high or high school.
- (17) *Simulated drugs and simulated controlled substances* mean any products which identify themselves by using a common name or slang term associated with a controlled substance or indicate, by label or accompanying promotional material, that the product simulates the effect of a controlled substance.
- (18) *Warehouseman* means a person who, in the usual course of business, stores controlled substances for others lawfully entitled to possess them and who has no control over the disposition of such controlled substances, except for the purpose of such storage.
- (19) *Wholesaler* means a person engaged in the business of distributing controlled substances to persons included in any of the classes named in Section 20-323(a)(2)a.--e., inclusive.
(Code 1969, § 16-110; G.O. 2932, 10-21-19)
- Cross reference(s)**--Definitions and rules of construction generally, § 1-2.

Sec. 20-322. Penalty.

Any person violating this division shall be punished by a fine of not more than \$500.00 or imprisonment for not more than six months or both such fine and imprisonment.
(Code 1969, § 16-113)

Sec. 20-323. Exemptions.

(a) The provisions of this division shall not be applicable to:

- (1) The delivery of controlled substances for medical or scientific purposes only to persons included in any of the classes named in this section or to the agents or employees of such persons, for use in the usual course of their business or practice or in the performance of their official duties, as the case may be; or
- (2) The possession of controlled substances by the following persons or their agents or employees for such use:
 - a. Pharmacists.
 - b. Practitioners.
 - c. Persons who procure controlled substances for:

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- i. Disposition by or under the supervision of pharmacists or practitioners employed by them; or
 - ii. The purpose of lawful research, teaching or testing and not for resale.
- d. Hospitals and other institutions which procure controlled substances for lawful administration by or under the supervision of practitioners.
 - e. Manufacturers and wholesalers.
 - f. Carriers and warehousemen.

(b) Nothing contained in this division shall make it unlawful for a public officer, agent or employee or person aiding such public officer in performing his official duties to possess, obtain or attempt to obtain a controlled substance for the purpose of enforcing the provisions of any law of this state or of the United States relating to the regulation of the handling, sale or distribution of controlled substances.

(c) *Advertisement.* It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing or under circumstances where one reasonably should know that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(Code 1969, § 16-112; G.O. 2932, 10-21-19)

Sec. 20-324. Possession.

It is unlawful for any person to deliver, possess, manufacture, have under his control, sell or offer for sale any controlled substance, simulated drugs or simulated controlled substances unless:

- (1) Such controlled substance is delivered by a pharmacist or his authorized agent in good faith upon prescription and there is affixed to the immediate container in which such controlled substance is delivered a label bearing:
 - a. The name and address of the owner of the establishment from which such controlled substance was delivered;

- b. The date on which the prescription for such controlled substance was filled;
- c. The number of such prescription as filed in the prescription files of the pharmacist who filled such prescription;
- d. The name of the practitioner who prescribed such controlled substance;
- e. The name and address of the patient and, if such controlled substance was prescribed for an animal, a statement showing the species of the animal; and
- f. The direction for use of the controlled substance and cautionary statements, if any, as contained in the prescription; and

(2) If such delivery is pursuant to telephonic order, such prescription shall be promptly reduced to writing and filed by the pharmacist; or

(3) Such controlled substance is delivered by a practitioner in good faith and in the course of his professional practice only.

(4) Delivery, possession, manufacture, have under control, sale, or offer for sale, a controlled substance when allowed by state law.

(Code 1969, § 16-111(a); G.O. 2932, 10-21-19)

Sec. 20-325. Drug paraphernalia.

(a) *Possession.* It is unlawful for any person to use or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this division or RSMo ch. 195.

(b) *Manufacture or delivery.* It is unlawful for any person to deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia, knowing or under circumstances where one reasonably should know that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack,

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store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of this division or RSMo ch. 195.

(c) *Advertisement.* It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing or under circumstances where one reasonably should know that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

(Code 1969, § 16-111(b)--(d))

Sec. 20-326. Sale or possession near schools.

It is unlawful for any person to sell, offer for sale or have in his possession with the intent to sell any controlled substance, simulated drugs or simulated controlled substances within close proximity to a school.

(Code 1969, § 16-111(e); G.O. 2932, 10-21-19)

Secs. 20-327--20-340. Reserved.

DIVISION 4. REGULATED
SUBSTANCES.

Sec. 20-341. Kratom.

(a) *Possession by minors.* It shall be unlawful for any person under the age of 21 years to purchase or attempt to purchase or to have in his or her possession *mitragyna speciosa* or “kratom.”

(b) *Distribution to minors prohibited.* No person shall sell, vend, give away, or otherwise supply *mitragyna speciosa* or “kratom” in any quantity whatsoever to any person under the age of 21.

(c) *Business distribution to minor prohibited.* Businesses or establishments, managers of businesses or establishments, and persons responsible for the operation or oversight of businesses or establishments must prevent the sale of *mitragyna speciosa* or “kratom” in such business or establishment.

(G.O. 2916, 7-1-19)

Sec. 20-342. Penalty.

Any person violating this division shall be punished by a fine of not more than \$500.00 or imprisonment for not more than six months or both such fine and imprisonment.

(G.O. 2916, 7-1-19)

Secs. 20-343--20-350. Reserved.

**ARTICLE VII. OFFENSES
AGAINST PUBLIC AUTHORITY***

*State law reference(s)--Offenses against administration of justice, RSMo ch. 575.

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Sec. 20-351. Impersonating officer.

No person shall falsely represent himself to be an officer of the United States, the state, the county or of the city or any municipal division or department thereof or shall, without being duly authorized, exercise or attempt to exercise any of the duties, functions or powers of any such officer or any member of the police force in the city. (Code 1969, § 16-4)

Sec. 20-352. False affidavit.

(a) A person commits the offense of making a false affidavit if, with purpose to mislead any person, he, in any affidavit, swears falsely to a fact which is material to the purpose for which the affidavit is made.

(b) The provisions of RSMo 575.040(2), (3) shall apply to prosecutions under Subsection (a) of this section.

(c) It is a defense to a prosecution under Subsection (a) of this section that the actor retracted the false statement by affidavit or testimony, but this defense shall not apply if the retraction was made after:

- (1) The falsity of the statement was exposed; or
- (2) Any person took substantial action in reliance on the statement.

(d) The defendant shall have the burden of injecting the issue of retraction under Subsection (c) of this section.

(e) Making a false affidavit is a misdemeanor. (Code 1969, § 16-138)

State law reference(s)--Similar provisions, RSMo 575.050.

Sec. 20-353. False declarations.

(a) A person commits the offense of making a false declaration if, with the purpose to mislead a public servant in the performance of his duty, he:

- (1) Submits any written false statement, which he does not believe to be true;

- a. In an application for any pecuniary benefit or other consideration; or
- b. On a form bearing notice, authorized by law, that false statements made therein are punishable; or

(2) Submits or invites reliance on:

- a. Any writing which he knows to be forged, altered or otherwise lacking in authenticity; or
- b. Any sample, specimen, map, boundary mark or other object which he knows to be false.

(b) The falsity of the statement or the item under Subsection (a) of this section must be as to a fact which is material to the purposes for which the statement is made or the item submitted, and the provisions of RSMo 575.040(2), (3) shall apply to prosecutions under Subsection (a) of this section.

(c) It is a defense to a prosecution under Subsection (a) of this section that the actor retracted the false statement or item, but this defense shall not apply if the retraction was made after:

- (1) The falsity of the statement or item was exposed; or
- (2) The public servant took substantial action in reliance on the statement or item.

(d) The defendant shall have the burden of injecting the issue of retraction under Subsection (c) of this section.

(e) Making a false declaration is a misdemeanor. (Code 1969, § 16-138)

State law reference(s)--Similar provisions, RSMo 575.060.

Sec. 20-354. False reports.

(a) A person commits the offense of making a false report if he knowingly:

- (1) Gives false information to a law enforcement officer for the purpose of implicating another person in a crime or offense;

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- (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.

(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.

(d) Making a false report is a misdemeanor. (Code 1969, § 9-4)

State law reference(s)--Similar provisions, RSMo 575.080.

Sec. 20-355. Resisting or interfering with arrest, stop or detention.

(a) A person commits the offense of resisting or interfering with arrest 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, stops or detentions of another person by using or threatening the use of violence, physical force or physical interference.

(b) This section applies to arrests, stops or detentions with or without warrants and to arrests, stops or detentions for any violation of this code.

(c) 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.

(d) Any person having pled guilty or having been convicted of a violation of this section shall be punished as provided by Section 1-14 of this code.

(G.O. 1821, 5-14-01)

State law reference(s)--Similar provisions, RSMo 575.150.

Sec. 20-356. 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 interferes with or obstructs such person.

(b) As used in this section, the word "process" includes any writ, summons, subpoena, warrant, other than an arrest warrant, or other process or order of a court.

(c) Interference with legal process is a misdemeanor.

State law reference(s)--Similar provisions, RSMo 575.160.

Sec. 20-357. Refusing to make employee available for service of process.

(a) Any employer or any agent who is in charge of a business establishment commits the offense of refusing to make an employee available for service of process if he knowingly refuses to assist any officer authorized by law to serve process who calls at such business establishment during the working hours of an employee for the purpose of serving process on such employee, by failing or refusing to make such employee available for service of process.

(b) Refusing to make an employee available for service of process is a misdemeanor.

State law reference(s)--Similar provisions, RSMo 575.170.

Sec. 20-358. Refusal to identify as a witness.

(a) A person commits the offense of refusal to identify as a witness if, knowing he 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 official duties, he refuses to report or gives a false report of his name and present address to such officer.

(b) Refusal to identify as a witness is a misdemeanor.

State law reference(s)--Similar provisions, RSMo 575.190.

Sec. 20-359. Escape or attempted escape from custody.

(a) 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, he escapes or attempts to escape from custody.

(b) Escape or attempted escape from custody is a misdemeanor.

State law reference(s)--Similar provisions, RSMo 575.200.

Sec. 20-360. Failure to return to confinement.

(a) A person commits the offense of failure to return to confinement if, while serving a sentence for any crime or offense under a work-release program or while under sentence of any crime or offense to serve a term of confinement which is not continuous or while serving any other type of sentence for any crime or offense wherein he is temporarily permitted to go at large without guard, he purposely fails to return to confinement when he is required to do so.

(b) This section does not apply to persons who are free on bond, bail or recognizance, personal or otherwise, nor to persons who are on probation or parole, temporary or otherwise.

(c) Failure to return to confinement is a misdemeanor.

State law reference(s)--Similar provisions, RSMo 575.220.

Sec. 20-361. Aiding escape of a prisoner.

(a) A person commits the offense of aiding escape of a prisoner if he:

- (1) Introduces into any place of confinement any deadly weapon or dangerous instrument or other thing adapted or designed for use in making an escape, with the purpose of facilitating the escape of any prisoner confined therein, or of facilitating the commission of any other crime or offense; or
- (2) Assists or attempts to assist any prisoner who is being held in custody or confinement for the purpose of effecting the prisoner's escape from custody or confinement.

(b) Aiding escape of a prisoner by introducing a deadly weapon or dangerous instrument into a place of confinement is a misdemeanor.

State law reference(s)--Similar provisions, RSMo 575.230.

Secs. 20-362--20-400. Reserved.

ARTICLE VIII. ALARM SYSTEMS

Sec. 20-401. Definitions.

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

- (1) *Alarm agent* means any person who is employed by an alarm business, either directly or indirectly, where duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, moving or installing on or in any building, structure or facility any alarm system.

- (2) *Alarm answering service or remote monitoring point* means a business providing among its services the service of receiving, on a regular continuous basis through trained employees, emergency signals from alarm systems and thereafter immediately relaying the message by live voice to the communications center.
- (3) *Alarm board* shall mean the police chief, fire chief and city attorney or their designated representatives.
- (4) *Alarm business* shall mean and include any business engaged in any of the activities of selling, installing, servicing, altering, leasing, repairing, maintaining, replacing, moving, monitoring or responding to an alarm system or causing any of these activities to take place.
- (5) *Alarm system* means any device arranged to signal by direct or indirect connection to the communications center the presence of a hazard requiring urgent and immediate attention and to which the police or fire department are requested to respond. The term "alarm system" also includes local alarms. For purposes of this article, an alarm system shall not include the following:
 - a. An alarm installed on a motor vehicle.
 - b. An alarm installed upon premises occupied by the city or any city agency.
- (6) *Alarm user* means any person that leases, contracts for, buys or otherwise obtains and operates or uses an alarm system for the purpose of obtaining a response to the alarm from the police or fire department, even if such response is requested by an alarm business, alarm agent or alarm answering service or remote monitoring point and on whose premises an alarm system is maintained, excluding audible alarms on motor vehicles.
- (7) *False alarm* means the activation of an alarm system through mechanical failure,

malfunction, improper installation, the negligence of the owner or lessee of any alarm system or of his employees or agents or other causes not representing an emergency situation. False alarms do not include alarms caused by tornadoes, earthquakes or other severe weather conditions, or verifiable telephone company circuit faults or line problems or verified alarm system failures for which documented repairs were completed and completion verified within five calendar days. False alarms which occur within the first 60 days of installation shall not be included in the numbers outline in Section 20-404(a) and no fine shall be assessed during this 60 day period.

(Gen. Ord. No. 1072, § 1(16-400), 4-12-93; G.O. 1222, 10-10-94; G.O. 1306; 5-22-95)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 20-402. Nonliability of city.

The city shall take every reasonable precaution to assure that calls received by the communications center from any alarm answering service or remote monitoring point are given immediate, appropriate attention and are acted upon with dispatch. Nevertheless, the city shall not be liable for:

- (1) any failure to respond upon receipt of a call from any alarm answering service or remote monitoring point due to the neglect of said service or monitoring point,
- (2) any failure to respond upon receipt of a call due to any equipment failure whatsoever, or
- (3) the failure or neglect of any person licensed pursuant to this article.

If the city finds it necessary to disconnect an emergency alarm system, the city shall incur no liability by such action.

(Gen. Ord. No. 1016, § 1(16-413), 9-28-92; G.O. 1306, 5-22-95)

Sec. 20-403. Permit fee.

(a) An annual permit fee of \$25.00 shall be charged to each alarm user within the city.

(b) The director of finance shall bill and collect the permit fee set forth in Subsection (a) of this section from each alarm user. If the alarm user does not remit such fee by the due date provided, a 10% penalty charge shall be assessed on the balance due, plus a 1% penalty charge shall be assessed against the balance due for every 30-day period thereafter.

(Gen. Ord. No. 1101, § 1(16-401), 7-19-93; G.O. 1306, 5-22-95)

Sec. 20-404. False alarm penalties.

(a) Any false alarm as defined in this article shall cause the alarm user to be subject to a service fee payable to the director of finance as follows:

- (1) For the first six false alarms in a year, no service fee.
- (2) For false alarm numbers seven, eight and nine in any year, \$50.00 for each false alarm.
- (3) For false alarm number ten or above in any year, \$100.00 for each false alarm.

(b) The director of finance shall bill and collect the false alarm penalties set forth in Subsection (a) of this section from each alarm user. If the alarm use does not remit such fee by the due date provided, a 10% penalty charge shall be assessed on the balance due, plus a one percent charge against the balance due for each 30 day period thereafter.

(c) An alarm system shall be used for its intended purpose only. Use of a hold-up alarm to report a disturbance will be considered and counted as a false alarm for purposes of this section.

(d) The period for which the tabulation of false alarms shall begin to be counted for the purpose of enforcement under this section shall be 90 days following the passage of General Ordinance No. 1306.

(Gen. Ord. No. 1122, § 1(16-410), 10-11-93; G.O. 1306, 5-22-95; G.O. 1715, 9-7-99)

Sec. 20-405. New systems.

All alarm users shall provide written notification to the police department, through its alarm coordinator, of the installation of any new alarm system within five calendar days of such installation.

(Gen. Ord. No. 1016, § 1(16-403), 9-28-92; G.O. 1220, 9-26-94; G.O. 1306, 5-22-95)

Sec. 20-406. Designated responsible party.

The alarm user, or a designated responsible party, shall respond to the alarm location when requested to do so to provide access for the responding agency. Failure of the alarm user, or designated responsible party, to respond will result in the alarm being counted as a false alarm, regardless of the actual cause of the alarm.

(Gen. Ord. No. 1016, § 1(16-405), 9-28-92; G.O. 1306, 5-22-95)

Sec. 20-407. Automatic dialing devices.

All automatic dialing devices will be disregarded.

(Gen. Ord. No. 1016, § 1(16-406), 9-28-92; G.O. 1306, 5-22-95)

Secs. 20-408—20-499. Reserved.

ARTICLE IX. RESIDENTIAL RENTAL AND UNOCCUPIED PROPERTY

Sec. 20-500. Purpose.

The city finds that lack of a local presence of property owners often results in unkempt, unsafe, unsanitary and otherwise improperly maintained properties, structures, sidewalks and easements within the city and has a material and adverse effect on the use and habitability of nearby property and of property within the city as a whole, in addition to the hazards which these conditions could pose to the public health, safety and welfare. This article is an exercise of the city's police power and shall be liberally construed.

(G.O. 2680, 4-1-13)

Sec. 20-501. Definitions.

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

- (1) *Owner.* Any person who, alone or jointly or severally with others, who has any of the following:
 - a. legal title to any parcel of real property, building or structure, or part thereof, with or without accompanying actual possession thereof; or
 - b. charge, care or control of real property, building or structure, or part thereof, as agent or personal representative of the person having legal title to the building or structure, or part thereof; or
 - c. possession or right to possession of real property, a building or structure or a part thereof under a contract for deed.
- (2) *Person.* Any agent, private corporation, firm, partnership, association, administrator, and any executor, receiver, representative or trustee appointed according to law.
- (3) *Residential rental property.* A building, excluding hotels, motels and travel trailers and whether in habitable condition or not, that is designed for residential occupancy and in which an owner does not permanently reside.
- (4) *Tenant.* A non-minor person residing in residential rental property with the express or implied permission of the owner of the residential rental property.

(G.O. 2680, 4-1-13)

Sec. 20-502. Other provisions relating to residential rental property.

Nothing in this article may be deemed to limit the obligations of owners or occupants of residential rental property to comply with any

requirement of this code, including, but not limited to, the requirements to:

- (1) Obtain business licenses,
- (2) Comply with building codes as related to construction or maintenance, and
- (3) Comply with exterior property maintenance codes.

(G.O. 2680, 4-1-13)

Sec. 20-503. Local representative registration.

(a) *Appointment.* The owner of any residential rental property whose primary residence is not within 40 miles of the city shall appoint a local representative to receive communications regarding such residential rental property. The primary residence of all local representatives appointed pursuant to this section must be within 40 miles of the city. It shall remain the duty of the owner of the residential rental property to provide addresses, including updates to addresses, of local representatives.

(b) *Public record.* The identity and address of local representatives appointed under this section shall be public record.

(c) *Duties and liability.* The only duty or other responsibility of a local representative appointed pursuant to this section shall be to receive communications regarding the residential rental properties for which he or she has been appointed as the local representative. No other duties or liabilities shall be deemed imputed to the local representative.

(d) *Applicability.* This section shall not be deemed to modify any other provision of this code, including provisions related to the issuances of notices regarding property.

(G.O. 2680, 4-1-13)

Sec. 20-504. Residential rental property tenant registration.

To the extent permissible by state and federal law, all owners of residential rental property must maintain the names, addresses, phone numbers, dates of birth, and drivers' license numbers, if

any, of all tenants of residential rental property.
(G.O. 2680, 4-1-13)

Sec. 20-505. Residential rental property tenant notice.

(a) Every owner of residential rental property shall cause each tenant of the residential rental property to be notified of the tenant's obligations to maintain the residential rental property in compliance with the requirements of this code. The owner shall further obtain such tenant's signature on a form provided or otherwise made available by the city attesting to receipt of the notification required by this section. Such executed forms must be retained by the owner of residential rental property as long as the tenant remains a resident in the property.

(b) Upon request from city manager or his or her designee, the owner of residential rental property shall produce for inspection the signed forms that are required to be executed by this section.

(c) This section's requirement to obtain tenant's signatures shall only apply to tenants who take possession of residential rental property following adoption of the ordinance enacting this section.

(G.O. 2680, 4-1-13)