

AN ORDINANCE AMENDING ORDINANCE NO. 4788, "THE MUNICIPAL CODE OF THE CITY OF RICHMOND HEIGHTS, MISSOURI", CHAPTER 215: OFFENSES; IS HEREBY REPEALED IN ITS ENTIRETY AND REPLACED WITH A NEW CHAPTER TO COMPLY WITH NEW CHANGES IN STATE LAW.

WHEREAS, changes in state law 2014 SB 491, B 1371, 2016 SB 624 and 656 and HB 2332) require parallel revisions to certain of the City Of Richmond Heights, MO ordinance, effective January 1, 2017.

WHEREAS, CHAPTER 215 OFFENSES of the Municipal Code addresses various offenses.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHMOND HEIGHTS, MISSOURI, as follows:

SECTION 1. CHAPTER 215 OFFENSES of the Municipal Code of the City of Richmond Heights, Missouri, is hereby repealed in its entirety and replaced with a new Chapter to read as follows:

Article I. General Provisions

Section 215.005. Definitions.

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

ACCESS (relative to computers)

To instruct, communicate with, store data in, retrieve or extract data from, or otherwise make any use of any resources of, a computer, computer system, or computer network.

AFFIRMATIVE DEFENSE

- (a) The defense referred to is not submitted to the trier of fact unless supported by the evidence; and
- (b) if the defense is submitted to the trier of fact the defendant has the burden of persuasion that the defense is more probably true than not.

ALARM SYSTEM

Has the meaning specified in Section **230.010** of this Code.

AUTOMATIC DIALING DEVICE

Has the meaning specified in Section **230.011** of this Code.

BURDEN OF INJECTING THE ISSUE

- (a) the issue referred to is not submitted to the trier of fact unless supported by evidence; and
- (b) if the issue is submitted to the trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue.

CHILD

Unless otherwise specified, a person under seventeen years of age.

COMMERCIAL FILM AND PHOTOGRAPHIC PRINT PROCESSOR

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

COMPUTER

The box that houses the central processing unit (cpu), along with any internal storage devices, such as internal hard drives, and internal communication devices, such as internal modems capable of sending or receiving electronic mail or fax cards, along with any other hardware stored or housed internally. Thus, computer refers to hardware, software and data contained in the main unit. Printers, external modems attached by cable to the main unit, monitors, and other external attachments will be referred to collectively as peripherals and discussed individually when appropriate. When the computer and all peripherals are referred to as a package, the term "computer system" is used. Information refers to all the information on a computer system including both software applications and data.

COMPUTER EQUIPMENT

Computers, terminals, data storage devices, and all other computer hardware associated with a computer system or network.

COMPUTER HARDWARE

All equipment which can collect, analyze, create, display, convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or data. Hardware includes, but is not limited to, any data processing devices, such as central processing units, memory typewriters and self-contained laptop or notebook computers; internal and peripheral storage devices, transistor-like binary devices and other memory storage devices, such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two or more computers connected together to a central computer server via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and optical readers; and related communication devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices and electronic tone-generating devices; as well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, such as physical keys and locks.

COMPUTER NETWORK

Two or more interconnected computers or computer systems.

COMPUTER PROGRAM

A set of instructions, statements, or related data that directs or is intended to direct a computer to perform certain functions.

COMPUTER SOFTWARE

Digital information which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical or other digital form. The term commonly includes programs to run operating systems and applications, such as word processing, graphic, or spreadsheet programs, utilities, compilers, interpreters and communications programs.

COMPUTER-RELATED DOCUMENTATION

written, recorded, printed or electronically stored material which explains or illustrates how to configure or use computer hardware, software or other related items.

COMPUTER SYSTEM

A set of related, connected or unconnected, computer equipment, data, or software.

CONDUCT

Any act or omission.

CONFINEMENT

1. A person is in confinement when he or she is held in a place of confinement pursuant to arrest or order of a court and remains in confinement until:

a. A court orders his/ or her release;

b. He or she is released on bail, bond or recognizance, personal or otherwise; or

c. A public servant having the legal power and duty to confine him/her authorizes his or her release without guard and without condition that he or she return to confinement.

2. A person is not in confinement if:

a. He or she is on probation or parole, temporary or otherwise; or

b. He or she is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport him or her to or from a place of confinement.

CONSENT

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

1. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor;

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

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

CONTROLLED SUBSTANCE

A drug, substance, or immediate precursor in schedule I through V as defined in chapter 195 RSMo.

COURSE OF CONDUCT

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

CRIMINAL NEGLIGENCE

Failure to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

CUSTODY (in relation to law enforcement)

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

DAMAGE

When used in relation to a computer system or network, means any alteration, deletion, or destruction of any part of the computer system or network.

DANGEROUS INSTRUMENT

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

DATA

A representation of information, facts, knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer or computer network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic storage media, punched cards and as may be stored in the memory of a computer.

DEADLY WEAPON

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

DISABILITY

A mental, physical, or developmental impairment that substantially limits one or more major life activities or the ability to provide adequately for one's care or protection, whether the impairment is congenital or acquired by accident, injury or disease, where such impairment is verified by medical findings.

ELDERLY PERSON

A person sixty years of age or older.

EMOTIONAL DISTRESS

Something markedly greater than the level of uneasiness, nervousness, unhappiness, or the like which are commonly experienced in day-to-day living.

FALSE ALARM

Has the meaning specified in Section **230.010** of this Code.

INHABITABLE STRUCTURE

A vehicle, vessel or structure: (a) where any person lives or carries on business or other calling; or (b) where people assemble for purposes of business, government, education, religion, entertainment, or public transportation; or (c) which is used for overnight accommodation of persons. Any such vehicle, vessel or structure is "inhabitable" regardless of whether a person is actually present. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an "inhabitable structure of another."

INTOXICATED

Under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

KNOWINGLY

When used with respect to: (a) conduct or attendant circumstances, means a person is aware of the nature of his or her conduct or that those circumstances exist; or (b) a result of conduct, means a person is aware that his or her conduct is practically certain to cause that result.

LAW ENFORCEMENT OFFICER

Any public servant having both the power and duty to make arrests for violations of the laws of this State, and federal law enforcement officers authorized to carry firearms and to make arrests for violations of the laws of the United States.

OF ANOTHER

As to property, property that any person or entity other than the actor, has a possessory or proprietary interest therein, other than only a security interest even if legal title is in the creditor by contract or arrangement.

PHYSICAL INJURY

Impairment of any function of the body or loss of use of any part of the body.

PLACE OF CONFINEMENT

Any building or facility and the grounds thereof wherein a court is legally authorized to order that a person charged with or convicted of an offense be held.

POSSESS OR POSSESSED

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

PROPERTY

Anything of value, whether real or personal, tangible or intangible, in possession or in action.

PUBLIC SERVANT

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

PURPOSELY

When used with respect to a person's conduct or to a result thereof, means it is his or her conscious object to engage in that conduct or cause that result.

RECKLESSLY

Consciously disregarding 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.

SERIOUS PHYSICAL INJURY

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

SERVICES

When used in relation to a computer system or network, means use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage or retrieval functions.

TAMPER

To interfere with improperly, meddle with, displace, make unwanted alterations, or deprive owner or possessor of something temporarily.

VEHICLE

A self-propelled mechanical device designed to carry a person or persons, excluding vessels or aircraft.

VESSEL

Any boat or craft propelled by a motor or by machinery, whether or not such motor or machinery is a principal source of propulsion used or capable of being used as a means of transportation on water, or any boat or craft more than twelve feet in length which is powered by sail alone or by a combination of sail and machinery, and used or capable of being used as a means of transportation on water, but not any boat or craft having, as the only means of propulsion, a paddle or oars or pedaling.

See Sections 556.061, 565.002, 569.010 RSMo.

Article II. Offenses Against The Person

Section 215.030. Assault.

A. A person commits the offense of assault if:

- 1.** The person attempts to cause or recklessly causes physical injury, physical pain, or illness to another person;
- 2.** With criminal negligence the person causes physical injury to another person by means of a deadly weapon or dangerous instrument;
- 3.** The person purposely places another person in apprehension of immediate physical injury;
- 4.** The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person;
- 5.** The person knowingly causes or attempts to cause physical contact with another person knowing the other person will regard the contact as offensive or provocative; or

6. The person knowingly causes or attempts to cause physical contact with a person with a disability, which a reasonable person, who does not have a disability, would consider offensive or provocative.
7. The person knowingly attempts to cause or causes the isolation of a person with a disability by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.

See Section 565.056, 565.076 RSMo

Section 215.031. Assault of A Law Enforcement Officer, Corrections Officer, Emergency Personnel, Highway Worker, Utility Worker, Cable Worker or Probation and Parole Officer, Police Animal.

A. A person commits the offense of assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer if:

1. Such person recklessly causes physical injury to a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer;

2. Such person purposely places a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer in apprehension of immediate physical injury; or

3. Such person knowingly causes or attempts to cause physical contact with a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer without the consent of the Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer.

B.

As used in this Section, "*emergency personnel*" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in Subdivisions (15), (16), (17) and (18) of Section 190.100, RSMo.

C.

As used in this Section, the term "*Corrections Officer*" includes any jailor or Corrections Officer of the State or any political subdivision of the State.

D.

As used in this Section, the term "*highway worker*", "*construction zone*" or "*work zone*" shall have the same meaning as such terms are defined in Section 304.580, RSMo.

E.

As used in this Section, the term "*utility worker*" means any employee while in the performance of their job duties, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

F.

As used in this Section, the term "*cable worker*" means any employee including any person employed under contract, of a cable operator, as such term is defined in Section 67.2677, RSMo.

G.

A person commits the offense of assault on a police animal if he or she knowingly kills or disables, knowingly attempts to kill or disable, or knowingly causes or attempts to cause serious physical injury, to a police animal when that animal is involved in law enforcement investigation, apprehension, tracking, or search, or the animal is in the custody or under the control of a law enforcement officer or fire or rescue personnel.

See Section 575.353 RSMo.

Section 215.032. Harassment.

A person commits the offense of harassment if he or she, without good cause, engages in any act with the purpose to cause emotional distress to another person.:

See Section 565.091, 565.184 RSMo

Section 215.033. Threatening Communications.

A.

It shall be unlawful for any person to knowingly send or deliver or cause or intentionally allow to be sent or delivered any letter, e-mail, text message or other Internet or electronic communication or other writing, printing, circular or card or device, with or without a name subscribed thereto or signed with a fictitious name or any mark, threatening to accuse any other person of a crime or offense for any purpose other than to cause the other person to cease ongoing illegal activity or threatening to kill, maim or wound any other person or threatening to commit a crime or offense or do any injury to the person, property, credit or reputation of another, whether or not any money or property is demanded or extorted thereby.

B.

A person commits the offense of unlawful posting of certain information over the internet if he or she knowingly posts the name, home address, Social Security number, or telephone number of any person on the internet intending to cause substantial bodily harm or death, or threatening to cause substantial bodily harm or death to such person.

C.

For purposes of this Section, an offense committed by means of writing, telephonic communication or electronic communication shall be deemed to have occurred at the place from which the communication was made or sent and at the place where the communication was first heard or read by the recipient.

See Section 565.240 RSMo.

Section 215.035. Stalking.

A.

A person commits the offense of stalking if he or she purposely, through his or her course of conduct, disturbs or follows with the intent to disturb another person. As used herein, the term “disturbs” shall mean to engage in a course of conduct directed at a specific person that serves no legitimate purpose and that would cause a reasonable person under the circumstances to be frightened, intimidated, or emotionally distressed.

B.

This Section shall not apply to activities of Federal, State, County, or Municipal Law Enforcement Officers conducting investigations of any violation of Federal, State, County, or Municipal law.

See Sections 565.225 and 565.227 RSMo

Section 215.040. False Imprisonment.

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

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

Section 215.050. Endangering The Welfare of A Child.

A.

A person commits the offense of endangering the welfare of a child if he or she:

1. with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years of age;

2. knowingly encourages, aids or causes a child less than seventeen (17) years of age to engage in any conduct which causes or tends to cause the child to come within the provisions of Paragraph (d) of Subdivision (2) of Subsection **(1)** or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;

3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years of age, he/she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him or her from coming within the provisions of Paragraph (c) of Subdivision (1) of Subsection **(1)** or Paragraph (d) of Subdivision (2) of Subsection **(1)** or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;

4. knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Code Section 215.465 or Section 579.105, RSMo.

B. Nothing in this Section shall be construed to mean the welfare of a child is endangered for the sole reason that he or she is being provided non-medical remedial treatment recognized and permitted under the laws of this State.

See Section 568.050 RSMo.

Section 215.055. Unlawful Transactions With A Child.

A person commits the offense of unlawful transactions with a child if he or she:

- (1) Being a pawnbroker, junk dealer, dealer in secondhand goods, or any employee of such person, with criminal negligence buys or receives any personal property other than agricultural products from an unemancipated minor, unless the child's custodial parent or guardian has consented in writing to the transaction; or
- (2) Knowingly permits a minor child to enter or remain in a place where illegal activity in controlled substances, as defined in chapter 579 RSMo, is maintained or conducted; or
- (3) With criminal negligence sells blasting caps, bulk gunpowder, or explosive to a child under the age of seventeen years, or fireworks as defined in Section 320.110 RSMo. to a child under the age of fourteen years, unless the child's custodial parent or guardian has consented in writing to the transaction.

Criminal negligence as to the age of the child is not an element of this offense.

See Section 568.070 RSMo.

Section 215.056. Identity Theft.

A person commits the offense of identity theft if he or she knowingly and with the intent to deceive or defraud obtains, possesses, transfers, uses, or attempts to obtain, transfer, or use, one or more means of identification, not lawfully issued for his or her use.

See Section 570.223 RSMo.

Section 215.057 Leaving A Child Unattended in A Motor Vehicle.

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

COLLISION

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

INJURY

Physical harm to the body of a person.

MOTOR VEHICLE

Any automobile, truck, truck-tractor, or any motor bus or motor-propelled vehicle not exclusively operated or driven on fixed rails or tracks.

UNATTENDED

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

B.

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

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

Article III. Offenses Concerning Administration of Justice

Section 215.080. Concealing An Offense.

A.

A person commits the offense of concealing an offense if he or she:

1. Confers or agrees to confer any pecuniary benefit or other consideration to any person in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof; or
2. Accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his or her concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof.

See Section 575.020 RSMo

Section 215.090. Hindering Prosecution.

A.

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

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

See Section 575.030 RSMo.

Section 215.100. False Testimony or Declaration.

A person commits the offense of providing false testimony or declaration if, with the purpose to deceive, he or she knowingly testifies falsely in person or by affidavit, upon oath or affirmation legally administered, or provides a false written declaration or unauthentic document to a public servant, as to any material fact, in any official matter or proceeding before any court, public body or department of the City. A fact is material, regardless of admissibility under rules of evidence, if it could substantially affect, or did substantially affect, the course or outcome of the proceedings or otherwise caused the City to take substantial action. Knowledge of materiality is not an element of an offense under this section. It is a defense to prosecution under this section if the person retracted the false statement in the course of the same proceedings in which it was made provided he or she did so before the falsity of the statement was otherwise exposed and before the City took substantial action in reliance thereon. The defendant has the burden of injecting the issue of retraction under this section.

See Sections 575.040, 575.050, 575.060 RSMo.

Section 215.101. Refusal To Identify As A Witness.

A person commits the offense of refusal to identify as a witness if, knowing he or she has witnessed any portion of an offense, or of any other incident resulting in physical injury or substantial property damage, he or she refuses to report or gives a false report of his or her name and present address to a law enforcement officer engaged in the performance of such officer's duties.

See Section 575.190 RSMo.

Section 215.102. Disturbing A Judicial Proceeding.

A person commits the offense of disturbing a judicial proceeding if, with the purpose to intimidate a judge, attorney, juror, party or witness and thereby influence a judicial proceeding, he or she: (a) disrupts or disturbs a judicial proceeding, including but not limited to by participating in an assembly and calling aloud, shouting, or holding or displaying a placard or sign containing written or printed matter concerning the conduct of the judicial proceeding or the character of a judge, attorney, juror, party or witness engaged in such proceeding, or calling for or demanding any specified action or determination by such judge, attorney, juror, party or witness in connection with such proceeding; or (b) threatens harm to or harasses such person or members of such person's family, including their spouse and the ancestors and descendants of such person or their spouse by blood or adoption, or any other person or property.

See Sections 575.095, 575.250, 575.260 RSMo.

Section 215.103. Tampering With A Witness — Tampering With A Victim.

A.

A person commits the offense of tampering with a witness or victim if:

(1) with the purpose to induce a witness or a prospective witness to disobey a subpoena or other legal process, absent himself or herself or avoid subpoena or other legal process, withhold evidence, information or documents, or testify falsely, he or she:

- a. Threatens or causes harm to any person or property;
- b. Uses force, threats or deception;
- c. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or
- d. Conveys any of the foregoing to another in furtherance of a conspiracy, or

(2) he or she purposely prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or offense or a person who is acting on behalf of any such victim from:

- a. Making any report of such victimization to any Peace Officer, State, local or Federal Law Enforcement Officer, prosecuting agency or judge;
- b. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof; or
- c. Arresting or causing or seeking the arrest of any person in connection with such victimization.

See Section 575.270 RSMo.

Section 215.105. Tampering With Physical Evidence.

A.

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

1. Alters, destroys, suppresses or conceals any record, document or thing with the purpose to impair its verity, legibility or availability in any official proceeding or investigation; or

2. Makes, presents or uses any record, document or thing knowing it to be false with the purpose to mislead a public servant who is or may be engaged in any official proceeding or investigation.

See Section 575.100 RSMo.

Section 215.107. Tampering With Public Record.

A person commits the offense of tampering with a public record if, with the purpose to impair the verity, legibility or availability of a public record, he or she knowingly makes a false entry or alteration thereto or if he or she knowingly without authority destroys or conceals any public record.

See Section 575.110 RSMo.

Section 215.110. Improper Communication.

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

See Section 575.290 RSMo.

Section 215.120. False Impersonation.

A. A person commits the offense of false impersonation if such person:

1. Falsely represents himself/herself to be a public servant with the purpose to induce another to submit to his or her pretended official authority or to rely upon his or her pretended official acts, and

a. Performs an act in that pretended capacity; or

b. Causes another to act in reliance upon his or her pretended official authority.

2. Falsely represents himself or herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and

a. Performs an act in that pretended capacity; or

b. Causes another to act in reliance upon such representation.

3. Upon being arrested, falsely represents himself/ or herself, to a Law Enforcement Officer, with the first and last name, or date of birth or Social Security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction or offense that contains the first and last name, date of birth and Social Security number, or a substantial number of identifying factors or characteristics to that of such other person as to cause such other person to be identified as the actual person arrested or convicted.

See Section 575.120 RSMo.

Section 215.130 Offenses Involving Officers of The City.

[CC 1984 §16-70; Rev. M.C. 1963 §61.10; Ord. No. 3140 §16-39]

A.

No person shall:

1. Falsely represent himself/herself to be an officer of the City with purpose to induce another to submit to his/her pretended official authority;

2. Without being authorized by the City, exercise or attempt to exercise any of the duties, functions or powers of a City Officer; or

3. Hinder, obstruct, resist or otherwise interfere with any City Officer in the discharge of his/her official duties.

Section 215.160. False Reports.

A. A person commits the offense of making a false report if he or she knowingly:

1. Gives false information to any person for the purpose of implicating another person in an offense;

2. Makes a false report to a Law Enforcement Officer that an offense has occurred or is about to occur; or

3. Makes a false report or causes a false report to be made to a Law Enforcement Officer, security officer, Fire Department or other organization, official or volunteer which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur.

B. It is a defense to a prosecution under Subsection (A) of this Section that the person 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.

See Section 575.080, 575.090 RSMo.

Section 215.165. Willfully Failing or Refusing Law Enforcement.

A person commits an offense if they willfully fail or refuse to stop on signal of any law enforcement officer or to obey any other reasonable signal or direction of a law enforcement officer given in directing the movement of vehicular traffic or enforcing against any offense or infraction or otherwise properly discharging their duties.

See Section 575.145 RSMo. See also Code Section 310.020.

Section 215.167. Leaving the Scene of an Accident.

A person commits the offense of leaving the scene of an accident when: (1) being the operator of a vehicle or a vessel involved in an accident resulting in injury or death to any person or damage to property of another person; and (2) having knowledge of such accident he or she leaves the place of the injury. Death, damage, or accident without stopping and giving the following information to the injured party or property owner or a law enforcement officer, or if no law enforcement officer is in the vicinity then to the nearest law enforcement agency: (a) his or her name; (b) his or her complete residence address; (c) the registration or license number of his or her vehicle or vessel; and (d) his or her operator's license number if any.

See Section 577.060 RSMo.

Section 215.170. Resisting or Interfering With Arrest, Detention or Stop.

A. A person commits the offense of resisting or interfering with arrest, detention or stop if he or she knows or reasonably should know that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle and for the purpose of preventing the officer from effecting the arrest, stop or detention, he or she:

1. Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or

2. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.

B. This Section applies to:

1. Arrests, stops or detentions with or without warrants;

2. Arrests, stops or detentions for any offense, infraction or ordinance violation; and

3. Arrests for warrants issued by a court or a probation and parole officer.

C. A person is presumed to be fleeing a vehicle stop if he or she continues to operate a motor vehicle after he or she has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing him or her.

D. It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.

See Section 575.150 RSMo.

Section 215.180. Escape or Attempted Escape From Custody or Confinement.

A person commits the offense of escape from custody or confinement or attempted escape from custody or confinement if, while being held in custody after arrest or confinement after sentencing for any offense, he or she escapes or attempts to escape from such custody or confinement, including but not limited to by means of intentionally removing, altering, tampering, or damaging electronic monitoring equipment which a court has required such person to wear.

.See Sections 575.200, 575.205, and 575.215 RSMo.

Section 215.181. Failure to Return to Confinement.

A person commits the offense of failure to return to confinement if while serving a sentence for any offense wherein he or she is temporarily permitted to go at large without guard, he or she purposefully fails to return to such confinement when required to do so.

See Section 575.220 RSMo.

Section 215.182. Possession of Unlawful Items in Jail.

A person commits the offense of possession of unlawful items in jail if such person knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or about the premises of the City jail any controlled substance except upon the written prescription of a licensed physician or dentist, any alkaloid, any intoxicating liquor as defined in Section 311.020 RSMo., any article or item of personal property otherwise prohibited by the City, or any gun, knife, or weapon.

Note — Under certain circumstances this offense can be a felony under state law. See Section 221.111 RSMo.

Section 215.185. Interference With Legal Process.

A.

A person commits the offense of interference with legal process if, knowing another person is authorized by law to serve process, he or she interferes with or obstructs such person for the purpose of preventing such person from effecting the service of any process.

B.

An employer or 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 or she 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.

C.

"Process" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.

See Sections 575.160 and 575.170 RSMo.

Article IV. Offenses Concerning Public Safety

Section 215.190. Abandonment of Airtight or Semi-Airtight Containers.

A. A person commits the offense of abandonment of an airtight or semi-airtight container if he or she knowingly abandons, discards or permits to remain on premises under his or her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semi-airtight container which has a capacity of one and one-half (1½) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.

B. Subsection **(A)** of this Section does not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouse operator or repair person.

C. The defendant shall have the burden of injecting the issue under Subsection **(B)** of this Section.

See Section 577.100 RSMo.

Section 215.200. Littering.

A. Definitions. As used in this Section, the following term shall have this prescribed meaning:

LITTER

Any organic or inorganic waste material, rubbish, refuse, garbage, trash, hulls, peelings, debris, grass, weeds, ashes, sand, gravel, metal, plastic and glass containers, glass, dead animals or intentionally or unintentionally discarded materials of every kind and description.

B.

A person commits the offense of littering if he or she places or deposits, or causes to be placed or deposited, any litter, or allows unsecured materials to drop or shift off of a vehicle load, onto any property in this City or any waters in this City unless:

1. The property is designated by the State or by any of its agencies or political subdivisions for the disposal of such litter and such person is authorized by the proper public authority to use such property for such purpose; or

2. The litter is placed into an appropriate receptacle or container installed on such property and such person is authorized by the proper authority to use such receptacle or container; or

3. The person is the owner of such property, has obtained consent of the owner or is acting under the personal direction of the owner, all in a manner consistent with the public welfare.

C. Evidence Of Littering.

1. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane or other conveyance in violation of this Section, it shall be prima facie evidence that the operator of the conveyance has violated this Section.

2. Except when applying Subsection (1) of (C) above, whenever any litter which is dumped, deposited, thrown or left on property in violation of this Section is discovered to contain any article including, but not limited to, letters, bills, publications or other writing which display the name of the person thereon in such a manner to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this Section.

D.

Penalties. In addition to the penalties set out in the General Penalty Section of the City Code, the Municipal Court may order the violator to reimburse the City for the reasonable cost of removing the litter when the litter is removed by or is ordered removed by the City.

See Sections 577.070, 577.076 RSMo.

Section 215.220. Tampering With Water Supply.

A person commits the offense of tampering with a water supply if he or she purposely:

(1) poisons, defiles or in any way corrupts the water of a well, spring, brook, stream, creek, pond, lake, or reservoir used for domestic or municipal purposes; or

(2) diverts, dams up and holds back from its natural course and flow any spring, brook, stream, creek or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, town or city for their use; or

(3) places or causes to be placed the carcass or offal of any dead animal into any well, spring, brook, stream, creek, pond, or lake.

See Sections 577.076 and 577.150 RSMo.

Section 215.230 Littering Via Carcasses.

A.

If any person or persons shall put any dead animal, carcass or part thereof, the offal or any other filth into any well, spring, brook, branch, creek, pond or lake, every person so offending shall, on conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).

B.

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

Section 215.240. Fireworks.

- A. No person shall sell, use, manufacture, display or possess fireworks, as hereinafter defined, within the City at any time.
- B. The term "*fireworks*", as used in this Section, is any composition or device for producing a visible, audible or both visible and audible effect by combustion, deflagration or detonation and that meets the definition of consumer, proximate or display fireworks as set forth by 49 CFR Part 171 to end, United States Department of Transportation hazardous materials regulations.
- C. The discharge of toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five hundredths (0.25) grains or less of explosive mixture and the sale and use of same shall not constitute a violation of this Section.
- D. The prohibition of this Section shall not apply to any public demonstrations or displays of fireworks. However, any such public demonstrations or displays of fireworks may be conducted only after application has been made in writing to the Fire Chief and a permit has been issued for such demonstration or display by the Fire Chief.

Section 215.250 Aircraft — Restrictions On Use.

[CC 1984 §16-32; Rev. M.C. 1963 §61.08; Ord. No. 3140 §16-18]

- A.
No person shall operate, or cause to be operated, over the City any aircraft which is flying in a manner commonly known as stunt flying, or at an unreasonably low altitude, or in any other manner that may be a hazard or dangerous to persons or property within the City.
- B.
No person shall broadcast by loud speakers or in any other manner, loud, disturbing or unnecessary noises from any aircraft or cause, aid or abet the operation of any aircraft over the City from which is emanated by means aforesaid any such noises.
- C.
No person shall operate, or cause or to be operated, any aircraft for commercial sound advertising purposes in or over the City.

Article V. Offenses Concerning Public Peace

Section 215.260. Peace Disturbance.

- A. A person commits the offense of peace disturbance if he or she:
1. unreasonably and knowingly disturbs or alarms another person or persons by:
- a. Loud noise; or
 - b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient; or
 - c. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out; or
 - d. Fighting; or
 - e. Creating a noxious and offensive odor.
2. Is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:
- a. Vehicular or pedestrian traffic; or

- b. The free ingress or egress to or from a public or private place.
3. Willfully interrupts, disrupts or disturbs any lawful meeting or assembly.
4. While on private property, unreasonably and purposely causes alarm to another person or persons on the same premises by threatening to commit an offense against any person or by fighting. For purposes of this subsection, if a building or structure is divided into separately occupied units, such units are separate premises.
- B. For purposes of this Section, an offense committed by means of writing, telephonic communication or electronic communication shall be deemed to have occurred at the place from which the communication was made or sent and at the place where the communication was first heard or read by the recipient.

See Sections 574.010, 574.020 and 577.709 RSMo.

Section 215.265. Disturbance of Funeral and Burial Services.

- A. No person shall knowingly picket or engage in other protest activities, nor shall any association or corporation knowingly cause picketing or other protest activities to occur, within three hundred (300) feet of any residence, cemetery, funeral home, church, synagogue, or other establishment or location during or within one (1) hour before or one (1) hour after any actual funeral or burial service at that place.
- B. As used in this Section, "*other protest activities*" means any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service.
- C. As used in this Section, "*funeral*" and "*burial*" services mean the ceremonies and memorial services held in conjunction with the burial or cremation of the dead, but this Section does not apply to processions while they are in transit beyond any three hundred (300) foot zone that is established under Subsection (A) above.

Section 215.270. Unlawful Assembly.

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

See Section 574.040 RSMo.

Section 215.280. Allowing Unruly Conduct.

It shall be unlawful for any person who owns, maintains, leases or is otherwise in possession or control of any real property to permit or allow persons thereon to conduct themselves in a loud or unruly manner so as to cause hurt, injury, annoyance, inconvenience or danger to the public or any member thereof, and it shall be the duty of any such person in possession or control to take such steps as are available to disperse such loud or unruly persons.

Section 215.290. Rioting.

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

See Section 574.050 RSMo.

Section 215.300. Refusal To Disperse.

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

See Section 574.060 RSMo.

Section 215.310. Public Disturbance Noises.

A.

No person shall cause, nor shall any person in possession of property allow to originate from the property, sound that is a public disturbance noise. The following sounds are hereby determined to be public disturbance noises:

1. Frequent, repetitive or continuous sounds made by any animal which unreasonably disturbs or interferes with the peace, comfort and repose of property owners or possessors except that such sounds made in animal shelters or commercial kennels, veterinary hospitals, pet shops or pet kennels licensed under and in compliance with the provisions of the Code of Ordinances shall be exempt from this Subsection; provided, that notwithstanding any other provision of this Section, if the owner or other person having custody of the animal cannot, with reasonable inquiry, be located by the investigating officer or if the animal is a repeated violator of this Subsection, the animal may be impounded;
2. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;
3. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine, within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;
4. The use of a sound amplifier or other device capable of producing or reproducing amplified sound upon public streets for the purpose of commercial advertising or sales or for attracting the attention of the public to any vehicle, structure or property or the contents therein, except as permitted by law.
5. The making of any loud or raucous sound within one thousand (1,000) feet of any school, hospital, sanitarium, nursing or convalescent facility;
6. The creation by use of a musical instrument, whistle, sound amplifier or other device capable of producing or reproducing sound, of loud or raucous sounds which emanate frequently, repetitively or continuously from any building, structure or property located within the City, such as sounds originating from a band session or social gathering and without limiting the foregoing, any loud or raucous sounds from social gatherings between the hours of 11:00 p.m. and 9:00 a.m.;
7. The erection (including excavating), demolition, alteration or repair of any building or structure other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and 9:00 a.m. and 6:00 p.m. on weekends, except in case of urgent necessity in the interest of public safety and then only with a permit from the Director of Community Development and Public Works for a period not to exceed three (3) days which, however, may be renewed for like or less periods while the emergency continues;
8. The operation of any lawn mower, lawn care equipment, chain saw, wood chipper, stump grinder, leaf blower, or similar type of powered device before 7:00 a.m. or after 9:00 p.m. on weekdays and before 8:00 a.m. or after 9:00 p.m. on weekends, except that the use of electricity generators during extended power outages and equipment used in the care and maintenance of the City Golf Course shall not be subject to such restrictions.
9. Any violation of Section **405.550(A)(2)**.

B.

No sound source specifically exempted from a maximum permissible sound level by this Section shall be a public disturbance noise, insofar as the particular source is exempted.

C.

The following sounds are exempt from the provisions of this Section at all times:

1. Sounds originating from aircraft in flight;
2. Sounds created by safety and protective devices, such as relief valves, where noise suppression would defeat the safety release intent of the device;
3. Sounds created by fire alarms; and
4. Sounds created by emergency equipment and emergency work necessary in the interest of law enforcement or of the health, safety or welfare of the community, including but not limited to snow removal and other equipment involved in clearing streets, parking lots and driveways.

Section 215.311. Public Drunkenness.

A person commits the offense of drunkenness or drinking in a prohibited place if he or she enters any schoolhouse, government building or church house in which there is an assemblage of people, met for a lawful purpose, in an intoxicated and disorderly condition, and disrupts such assembly.

See Section 574.075 RSMo.

Section 215.312. Obstruction of Government Operations.

A person commits the offense of obstructing government operations if he or she purposely obstructs, impairs, hinders or perverts the performance of a governmental function by the use or threat of violence, force, or other physical interference or obstacle.

See Section 576.030 RSMo.

Section 215.320 Failure To Comply.

[CC 1984 §16-21; Ord. No. 3140 §16-12; Ord. No. 4761 §1, 3-20-2000]

It is unlawful for any person to fail or refuse to obey any reasonable order or direction of a Police Officer.

Article VI. Offenses Concerning Weapons and Firearms

Editor's Note — Section 21.750, RSMo., preempts the passage of certain types of ordinances concerning firearms with an exception noted in Subsection (3) thereof which refers to Sections 571.010 through 571.070, RSMo.

Section 215.390. Definitions.

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

ANTIQUÉ, CURIO OR RELIC FIREARM

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

1. Antique firearm is any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, said ammunition not being manufactured any longer; this includes any matchlock, wheel lock, flintlock, percussion cap or similar type ignition system, or replica thereof.

2. Curio or relic firearm is any firearm deriving value as a collectible weapon due to its unique design, ignition system, operation or at least fifty (50) years old, associated with a historical event, renown personage or major war.

BLACKJACK

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

BLASTING AGENT

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

CONCEALABLE FIREARM

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

DEFACE

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

DETONATOR

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

EXPLOSIVE WEAPON

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

FIREARM

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

FIREARM SILENCER

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

GAS GUN

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

INTOXICATED

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

KNIFE

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

KNUCKLES

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

MACHINE GUN

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

PROJECTILE WEAPON

Any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.

RIFLE

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

SHORT BARREL

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

SHOTGUN

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

SPRING GUN

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

SWITCHBLADE KNIFE

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

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

Section 215.391 Weapons - Carrying Concealed - Other Unlawful Use.

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

1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or
2. Sets a spring gun; or
3. Discharges or shoots a firearm within the City limits; or*
*State Law Reference-Section 252.243.3, RSMo., limits the discharge of firearms in certain areas known as Hunting Heritage Protection Areas, which are defined therein.
4. Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
5. Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or
6. Openly carries a firearm or any other weapon readily capable of lethal use, except as provided by Subsection (G) of this Section; or
7. Carries a firearm, or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the Federal Government, State Government, or political subdivision thereof; or
8. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board; or
9. Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of Section 579.015, RSMo.

B. Subparagraphs (1), (7) and (8) of Subsection (A) of this Section shall not apply to the persons described in this Subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this Subsection. Subdivisions (3) and (4) of Subsection (A) of this Section shall not apply to or affect any of the following persons when such uses are reasonably associated with or necessary to the fulfillment of such person's official duties, except as otherwise provided in this Subsection:

1. All State, County and Municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and who possess the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or municipalities of the State, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in Subsection (12) of Section 571.030, RSMo., and who carry the identification defined in Subsection (13) of Section 571.030, RSMo., or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
3. Members of the Armed Forces or National Guard while performing their official duty;
4. Those persons vested by Article V, Section 1, of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal judiciary;
5. Any person whose bona fide duty is to execute process, civil or criminal;
6. Any Federal Probation Officer or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. § 44921, regardless of whether such officers are on duty or within the law enforcement agency's jurisdiction;
7. Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;

8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Board of Police Commissioners under Section 84.340, RSMo.;
9. Any coroner, deputy coroner, medical examiner or assistant medical examiner;
10. Any prosecuting attorney or assistant prosecuting attorney or any circuit attorney or assistant circuit attorney, or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under Subsection (2) of Section 571.111, RSMo.;
11. Any member of a Fire Department or fire protection district, who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under Section 571.111, RSMo., when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and
12. Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district chief who is employed on a full-time basis and who has a valid concealed carry endorsement, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

C. Subparagraphs (1), (5), (7) and (8) of Subsection (A) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subparagraph (1) of Subsection (A) of this Section does not apply to any person nineteen (19) years of age or older or eighteen (18) years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subparagraph (8) of Subsection (A) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing on school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.

D. Subparagraphs (1), (7) and (8) of Subsection (A) of this Section shall not apply to any person who has a valid concealed carry permit issued pursuant to Sections 571.101 to 571.121, RSMo., or a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State.

E. Subparagraphs (3), (4), (5), (7) and (8) of Subsection (A) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.

F. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

G. Any person who has a valid concealed carry permit issued pursuant to Sections 571.101 to 571.121, RSMo., or a concealed carry endorsement issued prior to August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State, may openly carry a firearm, subject to the restrictions set forth in Subsection (A)(4), (5), and (9) of Section 215.250 of this Code. However, nothing in this Section shall be construed to permit a person to carry a concealed firearm or openly carry a firearm in the locations listed in Subdivisions (1) through (17) of Subsection (A) of Section 215.280 of this Code. Any person openly carrying a firearm within the City limits shall display his or her concealed carry endorsement or permit upon demand of a law enforcement officer. Any person openly carrying a firearm who

fails to display his or her concealed carry endorsement or permit upon demand of a law enforcement officer may be issued a citation for an amount not to exceed thirty-five dollars.

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

Section 215.392. Possession, Manufacture, Transport, Repair, Sale of Certain Weapons.

A. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells:

1. An explosive weapon;

2. An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;

3. A gas gun;

4. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm;

5. Knuckles; or

6. Any of the following in violation of Federal law:

a. A machine gun;

b. A short barreled rifle or shotgun;

c. A firearm silencer; or

d. A switchblade knife.

B. A person does not commit an offense under this Section if his/her conduct involved any of the items in Subdivisions (1) to (5) of Subsection (A), the item was possessed in conformity with Federal law, and the conduct:

1. Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency or a penal institution;

2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in Paragraph (1) of this Subsection;

3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise;

4. Was incident to displaying the weapon in a public museum or exhibition; or

5. Was incident to using with the weapon in a manner reasonably related to a lawful dramatic performance.

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

Section 215.393. Defacing Firearm.

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

Section 215.394. Fraudulent Purchase of Firearm.

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

AMMUNITION

Any cartridge, shell, or projectile designed for use in a firearm.

LICENSED DEALER

A person who is licensed under 18 U.S.C. Section 923 to engage in the business of dealing in firearms.

MATERIALLY FALSE INFORMATION

Any information that portrays an illegal transaction as legal or a legal transaction as illegal.

PRIVATE SELLER

A person who sells or offers for sale any firearm, as defined in Section 571.010, RSMo., or ammunition.

B. A person commits the offense of fraudulent purchase of a firearm if such person:

1. Knowingly solicits, persuades, encourages or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the laws of this State or the United States; or

2. Provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition; or

3. Willfully procures another to violate the provisions of Subdivisions (1) or (2) of this Subsection.

C. This Section shall not apply to criminal investigations conducted by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives, authorized agents of such investigations, or to a Peace Officer, as defined in Section 542.261, RSMo., acting at the explicit direction of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives.

[1]:

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

Section 215.395. Unlawful Transfer of Weapons.

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

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

2. Recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

[1]:

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

Section 215.396. Possession of Firearm Unlawful For Certain Persons.

A.

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

1. Such person has been convicted of a felony under the laws of this State, or of a crime under the laws of any State or of the United States which, if committed within this State, would be a felony; or

2. Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

[1]:

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

Section 215.397. Carrying Concealed Firearms Prohibited — Penalty For Violation.

A.

It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any firearm into:

1. Any Police, Sheriff or Highway Patrol office or station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
2. Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
3. The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention or correctional institution, prison or jail shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
4. Any courthouse solely occupied by the Circuit, Appellate or Supreme Court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This Subdivision shall also include, but not be limited to, any juvenile, family, drug or other court offices, any room or office wherein any of the courts or offices listed in this Subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection. Nothing in this Subdivision shall preclude those persons listed in Subsection **(B)(1)** of Section **215.392** while within their jurisdiction and on duty, those persons listed in Subsection **(B)(2)** and (3) of Section 215.392, or such other persons who serve in a law enforcement capacity for a court as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection from carrying a firearm within any of the areas described in this Subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this Subdivision shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
5. Any meeting of the City Council. Possession of a firearm in a vehicle on the premises shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
6. Any building owned, leased or controlled by the City identified by signs posted at the entrance to the building. This Subsection shall not apply to any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased or controlled by the City. Persons violating this Subsection may be denied entrance to the building, ordered to leave the building and, if employees of the City, be subjected to disciplinary measures for violation.
7. Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this Subdivision shall not apply to the licensee of said establishment. The provisions of this Subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and that receives at least fifty-one percent (51%) of its gross annual income from the dining facilities by the sale of food. This Subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this Subdivision authorizes any individual who has been issued a concealed carry permit or endorsement to possess any firearm while intoxicated.

8. Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

9. Any place where the carrying of a firearm is prohibited by Federal law.

10. Any higher education institution or elementary or secondary school facility without the consent of the Governing Body of the higher education institution or a school official or the district school board, unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no further consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

11. Any portion of a building used as a child-care facility without the consent of the manager. Nothing in this Subdivision shall prevent the operator of a child-care facility in a family home from owning or possessing a firearm or a driver's license or non-driver's license containing a concealed carry permit or endorsement.

12. Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the Gaming Commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

13. Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

14. Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

15. Any private property whose owner has posted the premises as being off-limits to firearms by means of one (1) or more signs displayed in a conspicuous place of a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity or person may prohibit persons holding a concealed carry permit or endorsement from carrying firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry permit or endorsement from carrying firearms on the property of the employer. If the building or the premises is open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry permit or endorsement from carrying a firearm in vehicles owned by the employer.

16. Any sports arena or stadium with a seating capacity of five thousand (5,000) or more. Possession of a firearm in a vehicle on the premises shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

17. Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be an offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

B.

Any person violating any of the provisions of Subsection (A) of this Section shall be punished as follows:

1. If the violator holds a concealed carry endorsement issued pursuant to State law, the violator may be subject to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Peace Officer is summoned, such person may be issued a citation for an amount not to exceed one hundred

dollars (\$100.00) for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00). If a third citation for a similar violation is issued within one (1) year of the first citation, such person shall be fined an amount not to exceed five hundred dollars (\$500.00) and shall have his or her concealed carry permit, and if applicable, endorsement revoked, and such person shall not be eligible for a concealed carry permit for a period of three years. Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the Sheriff of the County which issued the concealed carry permit, or if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the Sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the Department of Revenue.

2. If the violator does not hold a current valid concealed carry endorsement issued pursuant to State law, upon conviction of a charge of violating this Section, the defendant shall be punished as provided in Section 100.150 of this Code.

3. Employees of the City may, in addition to any other punishment hereby, be subject to disciplinary action.

C.

Nothing in this Section shall preclude those persons listed in Subsection **(B)(1)** of Section **215.250**, while within their jurisdiction and on duty, from carrying a firearm within the areas described in this Section when reasonably associated with or necessary to the fulfillment of such person's official duties.

Section 215.410. Dangerous Projectiles.

A. Because such conduct is dangerous to the inhabitants of the City due to the population of the City, no person shall throw, release, discharge or in any way propel any dangerous projectiles as defined herein upon or at any property, at any person or group of persons or at any type of animal(s).

B. For the purpose of this Section, dangerous projectiles are identified, but not limited to projectiles shot out of:

1. Pellet rifles.

2. BB guns.

3. Slingshot or wrist rockets.

4. Bow and arrows or crossbows.

5. Blow guns.

6. Any manufactured or homemade gas or vapor ignited gun (i.e., paint gun, tube gun, potato gun, foil gun, etc.) or other pneumatic gun.

Provided however, the foregoing provisions do not prohibit the use of pneumatic guns at approved shooting ranges.

Article VII. Offenses Concerning Property

Section 215.430. Tampering.

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

1. Tamper with property of another for the purpose of causing substantial inconvenience to that person or to another;

2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle;

3. Tamper or makes connection with property of a utility; or

4. Tamper with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:

- a. To prevent the proper measuring of electric, gas, steam or water service; or
- b. To permit the diversion of any electric, gas, steam or water service.
- B. In any prosecution under paragraph (4) of Subsection (A), proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service with one (1) or more of the effects described in paragraph (4) of Subsection (A), shall be sufficient to support an inference which the trial court may submit to the trier of fact from which the trier of fact may conclude that there has been a violation of such subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.
See Section 569.090 RSMo.

Section 215.431. Tampering with Computer Data.

A person commits the offense of tampering with computer data if he or she knowingly and without authorization or without reasonable grounds to believe that he or she has such authorization:

- (1) modifies or destroys data or programs residing or existing internal to a computer, computer system, or computer network; or
- (2) modifies or destroys data or programs or supporting documentation residing or existing external to a computer, computer system, or computer network; or
- (3) discloses or takes data, programs or supporting documentation, residing or existing internal or external to a computer, computer system, or computer network; or
- (4) discloses or takes a password, identifying code, personal identification number, or other confidential information about a computer system or network that is intended to or does control access to the computer system or network; or
- (5) accesses a computer, a computer system, or a computer network, and intentionally examines information about another person; or
- (6) receives, retains, uses, or discloses any data he or she knows or believes was obtained in violation of this section.

See Section 569.095 RSMo.

Section 215.432. Tampering with Computer Equipment.

A person commits the offense of tampering with computer equipment if he or she knowingly and without authorization or without reasonable grounds to believe that he or she has such authorization:

- (1) Modifies, destroys, damages, or takes equipment or data storage devices used or intended to be used in a computer, computer system, or computer network.
- (2) Modifies, destroys, damages, or takes any computer, computer system, or computer network.

See Section 569.097 RSMo.

Section 215.433. Tampering with Computer Users.

A person commits the offense of tampering with computer users if he or she knowingly and with authorization or without reasonable grounds to believe that he or she has such authorization:

- (1) Accesses or causes to be accessed any computer, computer system, or computer network; or
- (2) Denies or causes the denial of computer system services to an authorized user of such computer system services.

See Section 569.099.

Section 215.440. Property Damage.

A. A person commits the offense of property damage if:

1. He or she knowingly vandalizes, defaces or otherwise damages property of another; or
2. He or she damages property for the purpose of defrauding an insurer.

See Section 569.120, 574.085 RSMo.

Section 215.450. Claim of Right.

A. A person does not commit an offense by damaging, tampering with, operating, riding in or upon or making connection with property of another if he or she does so under a claim of right and has reasonable grounds to believe he or she has such a right.

B. The defendant shall have the burden of injecting the issue of claim of right.

Section 215.460. Trespassing.

A. *Trespass Unlawful In City.*

1. A person commits the offense of trespass if he or she enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property, or climbs or skateboards upon a City structure that has been posted with notice prohibiting such climbing or skateboarding at the direction of the City Administrator.

2. A person commits the offense of trespass of a school bus if he or she knowingly and unlawfully enters any part of or unlawfully operates any school bus. For the purposes of this Subsection, the terms "*unlawfully enters*" and "*unlawfully operates*" refer to any entry or operation of a school bus which is not:

a.

Approved of and established in a school district's written policy on access to school buses; or

b.

Authorized by specific written approval of the school board.

B. *Definitions.* As used in this Section,

A person "enters unlawfully or remains unlawfully" in or upon premises when he or she is not licensed or privileged to do so. A person who, regardless of his or her 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 or she defies a lawful order not to enter or remain, personally communicated to him or her 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.
§§569.010, 569.140 — 569.155, RSMo.

Section 215.480 Trespass of A School Bus.

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

Section 215.490. Reckless Burning or Exploding.

A person commits the offense of reckless burning or exploding if he or she recklessly starts a fire or causes an explosion and thereby damages or destroys the property of another.

See Section 569.060 RSMo.

Section 215.500. Negligent Burning or Exploding.

A person commits the offense of negligent burning or exploding if he or she with criminal negligence causes damage to property, woodlands, or grasslands of another by (1) starting a fire or causing an explosion; or (2) allowing a fire burning on lands in his or her possession or control onto the property of another.

See Section 569.065 RSMo.

Section 215.505 Excessive Illumination.

[Ord. No. 4932 §1, 5-2-2005]

A. The lighting of any private property that illuminates or casts glare onto any other property and unreasonably and substantially interferes with the use or enjoyment of such other property is prohibited. In furtherance of this requirement, lighting of private property shall be so arranged or designed to direct light away from adjoining properties as much as possible. Lights shall be arranged, installed or shaded so that no part of the lighting filament is visible and casts glare to any point beyond the property line of the premises so illuminated. Floodlights and spotlights shall be shielded if necessary to prevent illumination or glare onto adjoining properties and streets. Provided however, that lighting on existing athletic fields and other recreational facilities need not comply with this Section until such time as such existing lighting systems are replaced.

B. Anyone who fails or refuses to correct excessive illumination within ten (10) days after written notice from the City Manager or his/her designee shall, upon conviction, be guilty of an offense.

C. The property owner and occupant shall be responsible for preventing illumination of adjoining property and streets.

Section 215.510 Market Carts — Removal Prohibited.

[CC 1984 §16-3; Rev. M.C. 1963 §61.20; Ord. No. 3140 §16-3; Ord. No. 3214 §1, 1-6-1975]

A. No person shall remove carts, baskets or other similar devices, furnished by merchants for the convenience of customers for use on the mercantile premises, from the premises without the express consent of the merchant.

B. Copies of this Section shall be posted in conspicuous places in and on the mercantile premises where market carts, baskets or other devices are furnished for use by customers and on said carts, baskets or other devices.

Section 215.520 Waste Can Regulation.

[CC 1984 §16-4; Rev. M.C. 1963 §61.21; Ord. No. 3140 §16-4]

No person shall unlawfully remove any street waste paper cabinet, can or other containers or any part thereof from the location in which the proper authorities of the City have placed it.

Section 215.530 Trash and Debris — Prohibitions.

[CC 1984 §16-11; Rev. M.C. 1963 §61.26; Ord. No. 3140 §16-7; Ord. No. 3167 §1, 6-17-1974; Ord. No. 4721 §1, 9-21-1998; Ord. No. 4765 §1, 6-19-2000]

A. Definitions. In this Section, the word "*trash*" means and includes garbage, recyclables, compostables, cigarette butts, ashtray refuse, refuse, junk, brush, ashes, debris, tin cans, leaves, grass, waste matter, paper and cardboard, stone, wood, glass, rubble, rock, plaster, broken concrete, building materials, inoperative machinery or vehicles.

B. Littering. No person shall place, throw, deposit, or cause to be placed, thrown or deposited trash on any vacant or occupied property, whether owned by such person or not, or upon any street, alley, sidewalk, public property, or into any stormwater drainage channel or upon the public easement adjoining said channel in the City.

C. The owner or person in control of any private property shall, at all times, maintain the premises free of trash.

D. This Section shall not prohibit the accumulation or storage of trash in accordance produced as an incident to the lawful use of the same premises where accumulated or stored where such accumulation or storage:

1. Is pending removal or disposal;

2. Does not exceed seven (7) consecutive days;

3. Is within containers, or is done in such other manner as not to constitute a threat to public health or safety; and

4. Is screened from the view of persons upon adjacent property or rights-of way, except on a day scheduled for collection when it may be placed adjacent to the public right-of-way adjoining the premises.

E. No person shall throw, drop or permit to blow or allow to be thrown, dropped or blown, any litter from any motor vehicle.

Section 215.540 Library Books and Equipment — Lending Regulations — Damage.

[CC 1984 §16-12; Rev. M.C. 1963 §61.22; Ord. No. 3140 §16-8]

A. No person shall take from the public library of the City any book, pamphlet, periodical, phonograph record or other property except in accordance with the rules of the library.

B. No person shall borrow from the public library any book, pamphlet, periodical, phonograph record or other property and neglect to return the property within two (2) weeks from the mailing of a notice to his/her last known address to return such property.

C. No person shall willfully and wantonly cut, mutilate, mark, tear, write upon, deface, or otherwise destroy or injure, in whole or in part, any book, pamphlet, periodical, map, document, phonograph record or picture belonging to the public library or suffer any such injury to be inflicted while the property is in his/her custody. He/she shall not willfully or wantonly injure any of the furniture or property in the buildings of the public library.

Section 215.570. Stealing.

A person commits the offense of stealing if he or she appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion. However, a person shall not be deemed to have stolen video service if the video company provides unsolicited services or fails to change or disconnect service within 10 days after receiving written notice to do so by its customer. Additionally, a person does not commit an offense under this section if, at the time of the appropriation, he or she: (1) acted in the honest belief that he or she had the right to do so; or (2) acted in the honest belief that the owner, if present, would have consented to the appropriation.

See Sections 570.030, 570.039 and 570.070 RSMo.

Section 215.580. Receiving Stolen Property.

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

See Section 570.030 RSMo.

Section 215.590. Financial Exploitation of The Elderly and Persons with Disabilities.

[Ord. No. 5264 §10, 8-27-2012]

A. A person commits the offense of financial exploitation of an elderly person or a person with a disability if such person knowingly obtains control over the property of the elderly person or person with a disability with the intent to permanently deprive the person of the use, benefit or possession of his/her property thereby benefiting the offender or detrimentally affecting the elderly person or person with a disability by:

- (1) Deceit;
- (2) Coercion;
- (3) Creating or confirming another person's impression which is false and which the offender does not believe to be true;
- (4) Failing to correct a false impression which the offender previously has created or confirmed;
- (5) Preventing another person from acquiring information pertinent to the disposition of the property involved;
- (6) Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record;
- (7) Promising performance which the offender does not intend to perform or knows will not be performed; or
- (8) Undue influence, which means the use of influence by someone who exercise authority over an elderly person or person with a disability in order to take unfair advantage of that person's vulnerable state of mind, neediness, pain, or agony, and which includes but is not limited to the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority.

It shall be unlawful in violation of this Section for any person receiving or in the possession of funds of a Medicaid eligible elderly person or person with a disability residing in a facility licensed under Chapter 198 to fail to remit to the facility in which the Medicaid eligible person resides all money owing the facility resident from any source, including, but not limited to, social security, railroad retirement, or payments from any other source disclosed as resident income contained in the records of the Department of Social Services, Family Support Division or its successor.

C.

Nothing in this Section shall be construed to impose liability on a person who has made a good faith effort to assist the elderly person or person with a disability in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance.

D. Nothing in this Section shall limit the ability to engage in bona fide estate planning, to transfer property, and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly person or person with a disability has become accustomed at the time of such actions.

E. It shall not be a defense to financial exploitation of an elderly person or person with a disability that the accused reasonably believed that the victim was not an elderly person or person with a disability.

See Section 570.145 RSMo.

Section 215.591. Fraudulent Use of A Credit or Debit Device.

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

1. The device is stolen, fictitious or forged;
2. The device has been revoked or canceled;
3. For any other reason his or her use of the device is unauthorized; or

4. Uses a credit device or debit device for the purpose of paying property taxes and knowingly cancels such charges or payment without just cause. It shall be prima facie evidence of a violation of this subsection if a person cancels such charges or payment after obtaining a property tax receipt to obtain license tags from the Missouri Department of Revenue.

See Section 570.130 RSMo.

Section 215.592. Fraudulently Stopping Payment of an Instrument.

A person commits the offense of fraudulently stopping payment of an instrument if her or she, with the purpose to defraud, stops payment on a check, draft, or debit device used in payment for the receipt of good or services. It shall be prima facie evidence of a violation of this section if a person stops payment on a check, draft or debit device and fails to make good the check, draft or debit device transaction, or fails to return or make and comply with reasonable arrangements to return the property for which the check, draft or debit device was used in the same or substantially the same condition as when received within ten days after notice in writing from the payee that the check, draft or debit device has not been paid because of a stop payment order by the issuer to the drawee. "Notice in writing" under this section means notice deposited as certified or registered mail in the United State mail and addressed to the issuer as it appears on the dishonored check, draft or debit device transaction or to his or her last known address, containing a statement that failure to make good the check, draft or debit device transaction within ten days of receipt of the notice may subject the issuer to prosecution hereunder.

See Section 570.125 RSMo.

Section 215.593. Fraudulent Procurement of A Credit or Debit Device.

A person commits the offense of fraudulent procurement of a credit or debit device if he or she: (1) knowingly makes or causes to be made, directly or indirectly, a false statement regarding another person for the purpose of procuring the issuance of a credit or debit device, or (2) knowingly obtains a means of identification of another person without the authorization of that person and uses that means of identification to obtain, or attempt to obtain, credit, goods or services in the name of the other person without the consent of that person.

See Section 570.135 RSMo.

Section 215.600. Deceptive Business Practice.

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

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

6. Promotes the sale of property or services by false or misleading statement in any advertisement, or
7. Advertises in any manner the sale of property or services with the purpose not to sell such property or service: at the price which he or she offered them, in a quantity sufficient to meet the reasonably expected public demand unless the quantity is specifically stated in the advertisement, or at all.

See Section 570.140 RSMo.

Section 215.610. 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 or she with the purpose of depriving the owner of a lawful interest therein:

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

See Section 570.085 RSMo.

Section 215.620. Stealing Rented Personal Property.

A. A person commits the offense of stealing leased or rented property if, with the intent to deprive the owner thereof, such person:

1. Purposely fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property;
2. Conceals or aids or abets the concealment of the property from the owner;
3. Sells, encumbers, conveys, pawns, loans, abandons or gives away the leased or rented property or any part thereof without the written consent of the lessor, or without informing the person to whom the property is transferred to that the property is subject to a lease;
4. Returns the property to the lessor at the end of the lease term, plus any agreed upon extensions, but does not pay the lease charges agreed upon in the written instrument, with the intent to wrongfully deprive the lessor of the agreed upon charges.

B. The provisions of this Section shall apply to all forms of leasing and rental agreements including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.

C. Evidence that a lessee used a false, fictitious, or not current name, address or place of employment in obtaining the property or that a lessee fails or refuses to return the property or pay the lease charges to the lessor within seven (7) days after written demand for the return has been sent by certified mail, return receipt requested, to the address the person set forth in the lease agreement, or in the absence of the address, to the person's last known place of residence, shall be evidence of intent to violate the provisions of the Section, except that if a motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the offense of stealing leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the seven (7) day period prescribed in this Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.

D. This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement or within ten (10) days after proper notice.

E. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner commits the offense of property damage pursuant to Section **215.300** in addition to being in violation of this Section.

See Section 570.057 RSMo

Section 215.625. Passing Bad Checks.

A. A person commits the offense of passing a bad check when he or she:

1. With the purpose to defraud, makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money knowing that it will not be paid by the drawee or that there is no such drawee; or
2. makes, issues or passes a check or other similar sight order or any other form of presentment involving the transmission of account information for the payment of money, knowing that there are insufficient funds in or on deposit with that account for the payment of such check, sight order or other form of presentment involving the transmission of account information in full and all other checks, sight orders or other forms of presentment involving the transmission of account information upon such funds then outstanding, or that there is no such account or no drawee and fails to pay the check or sight order or other form of presentment involving the transmission of account information within ten (10) days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee or because there is no such drawee.

B. As used in Subparagraph (2) of Subsection **(A)** of this Section, "*actual notice in writing*" means notice of the non-payment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject

matter of the prosecution if the summons or warrant contains information of the ten (10) day period during which the instrument may be paid and that payment of the instrument within such ten (10) day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

See Section 570.120 RSMo.

Section 215.630. Shoplifting — Detention of Suspect By Merchant — Liability Presumption.

A.

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

MERCANTILE ESTABLISHMENT

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

MERCHANDISE

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

MERCHANT

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

WRONGFUL TAKING

Includes stealing of merchandise or money and any other wrongful appropriation of merchandise or money.

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

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

Section 215.631. Sale of Stolen Metals.

A. No person shall knowingly present for sale any stolen ferrous or non-ferrous metal, including, but not limited to, copper property or HVAC components.

B. No person shall mutilate, deface or otherwise damage any personal or real property owned by another person for the purpose of obtaining ferrous or non-ferrous metals, without written permission from the owner.

Section 215.640 Possession of Prohibited Theft Devices.

[Ord. No. 5086 §1, 9-2-2008]

It shall be unlawful for any person to possess any theft detection shielding device, theft detection device remover or tool, instrument, article, box or box adapted, modified, constructed, designed or used for committing or facilitating offenses involving theft or stealing in a public place with intent to use such item for theft or stealing or with knowledge that some person intends to use the same in committing a theft or stealing.

Article VIII. Offenses Concerning Prostitution and Morals

Section 215.650. Article Definitions.

As used in this Article, the following terms mean:

SEXUAL CONDUCT

1. Sexual intercourse. Any penetration, however slight, of the female genitalia by the penis.

2. Deviate sexual intercourse. Any sexual act involving the genitals of one (1) person and the mouth, hand, tongue or anus of another person, or any act involving the penetration, however slight, of the penis, the female genitalia, or the anus by a finger, instrument, or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim;.

3. Sexual contact. Any touching of another person with the genitals or any touching of the genitals or anus of another person or the breast of a female person, or such touching through the clothing, for the purpose of arousing or gratifying sexual desire of any person or for the purpose of terrorizing the victim.

SOMETHING OF VALUE

Money or property or any token, object or article exchangeable for money or property.

See Section 567.010 RSMo.

Section 215.670. Prostitution.

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.

See Section 567.020 RSMo

Section 215.680. Patronizing Prostitution.

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 for something of value.

See Section 567.030 RSMo.

Section 215.690. Promoting Prostitution.

A person commits the offense of promoting prostitution if he or she knowingly:

- (1) Causes or aids a person to commit or engage in a violation of Section 215.670;
- (2) Procures or solicits patrons for a violator of Section 215.670;
- (3) Provides persons or premises for use by a violator of Section 215.670;
- (4) Operates or assists in the operation of a house or business or enterprise used by or involving violations of Section 215.670;
- (5) Accepts or receives or agrees to accept or receive something of value pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in proceeds of violation of Section 215.670; or
- (6) Engages in any conduct designed to institute, aid or facilitate an act or enterprise involving violation of Section 215.670.

See Section 567.070 RSMo.

Section 215.695. Prostitution, Patronizing and Promoting Prostitution — Sex of Parties No Defense, When.

A. In any prosecution for violation of this Article, the sex of the two (2) parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

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

Section 215.700. Prostitution Houses Deemed Public Nuisances.

A. Any room, building or other structure regularly used for any activity prohibited by this Article is a public nuisance.

B. The City Prosecuting Attorney may, in addition to all other sanctions, prosecute a suit in equity to enjoin the nuisance as provided in Section 567.080 RSMo.

See Section 567.080 RSMo.

Article IX. Sexual Offenses

Section 215.701. Article Definitions.

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

DEVIATE SEXUAL INTERCOURSE

Any act involving the genitals of one person and the hand, mouth, tongue, or anus of another person or a sexual act involving the penetration, however slight, of the penis, female genitalia, or the anus by a finger, instrument or object done for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim

SEXUAL CONDUCT

Sexual intercourse, deviate sexual intercourse or sexual contact.

SEXUAL CONTACT

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

SEXUAL INTERCOURSE

Any penetration, however slight, of the female genitalia by the penis.

See Section 566.010 RSMo.

Section 215.702. Indecent Exposure (Sexual Misconduct).

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

1. Exposes his or her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm, or to a child less than fifteen (15) years of age for the purpose of arousing or gratifying the sexual desire of any person including the child;
2. Has sexual contact in the presence of a third person or persons under circumstances in which he or she knows that such conduct is likely to cause affront or alarm;
3. Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person; or
4. Coerces or induces a child less than fifteen (15) years of age to expose the child's genitals for the purpose of arousing or gratifying the sexual desire of any person including the child, or coerces or induces a female child less than fifteen (15) years of age to expose her breasts in person or through the Internet or other visual transmission for the purpose of arousing or gratifying the sexual desire of any person including the child.

See 566.093 RSMo.

Section 215.703. Invasion of Privacy.

A. No person shall look, peer or peep into or be found loitering around or within view of any window of a private dwelling house not on his or her own property.

B. No person shall knowingly view, photograph, film, videotape, or produce or otherwise create an image of another person, without that person's consent, while such other person is in a state of nudity and is in a place where one would have a reasonable expectation that they could disrobe in privacy without being concerned that their undressing was being viewed, photographed or filmed by another.

C. No person shall knowingly photograph, film, videotape, or produce or otherwise create an image of another person under or through the clothing worn by that other person for the purpose of viewing the body of or the undergarments worn by that other person without that person's consent.

See sections 565.002, 565.252 RSMo.

Section 215.704. Sexual Misconduct.

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

See 566.101 RSMo.

Section 215.705. Certain Offenders Not To Reside Within One Hundred Feet of A School or Child-Care Facility.

A. Any person who has been found guilty of:

1. Since 2004 violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of Section 568.080 RSMo as it existed prior to January 1, 2017 or Section 573.200, RSMo., Use Of A Child In A Sexual Performance; Section 568.090 RSMo as it existed prior to January 1, 2017 or section 573.205, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography In The First Degree; Section 573.035, RSMo., Promoting Child Pornography In The Second Degree; Section 573.037, RSMo., Possession Of Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or
2. Since 2008 any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not reside within one thousand (1,000) feet of any public school as defined in Section 160.011, RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth (12th) grade, or any child-care facility that is licensed under Chapter 215, RSMo., or any child-care facility as defined in Section 215.201, RSMo., that is exempt from State licensure but subject to State regulation under Section 215.252, RSMo., and holds itself out to be a child-care facility, where the school or facility is in existence at the time the individual begins to reside at the location.

B. If such person has already established a residence and a public school, a private school, or child-care facility is subsequently built or placed within one thousand (1,000) feet of such person's residence, then such person shall, within one (1) week of the opening of such public school, private school, or child-care facility, notify the County Sheriff where such public school, private school, or child-care facility is located that he or she is now residing within one thousand (1,000) feet of such public school, private school, or child-care facility and shall provide verifiable proof to the Sheriff that he or she resided there prior to the opening of such public school, private school, or child-care facility.

C. For purposes of this Section, "*resides*" means sleeps in a residence, which may include more than one (1) location and may be mobile or transitory.

See §566.147, RSMo.

Section 215.706. Certain Offenders Not To Physically Be Present or Loiter Within Five Hundred Feet of A Child Care Facility — Violation — Penalty.

A. Any person who, since 2009, has been found guilty of:

1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of Section 568.080, RSMo. as it existed prior to January 1, 2017 or Section 573.200 RSMo, Use Of A Child In A Sexual Performance; Section 568.090 RSMo as it existed prior to January 1, 2157 or Section 573.205, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography In The First Degree; Section 573.035, RSMo., Promoting Child Pornography In The Second Degree; Section 573.037, RSMo., Possession Of Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or

2. Any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section; shall not knowingly be physically present in or loiter within five hundred (500) feet of or to approach, contact, or communicate with any child under eighteen (18) years of age in any child care facility building, on the real property comprising any child care facility when persons under the age of eighteen (18) years are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds.

B. For purposes of this Section, "child care facility" shall include any child care facility licensed under chapter 215 RSMo, or any child care facility that is exempt from state licensure but subject to state regulation under section 215.252 RSMo. and holds itself out to be a child care facility²¹⁵.

See §566.148, RSMo.

Section 215.707 Additional Restrictions On Certain Offenders.

A. *Not To Be Present Within Five Hundred Feet Of School Property, Exception — Permission Required For Parents Or Guardians Who Are Offenders, Procedure.* Any person who has been found guilty of:

1. Since 2006 violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of Section 568.080, RSMo. as it existed prior to January 1, 2017 or Section 573.200 RSMo, Use Of A Child In A Sexual Performance; Section 568.090, RSMo., as it existed prior to January 1, 2017 or Section 573.205 RSMo Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography; Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or

2. Since 2008 any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section; shall not be present in or loiter within five hundred (500) feet of any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) years are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building and has met the conditions set forth in Subsection **(B)** of this Section.

B. No parent, legal guardian or custodian who has been found guilty of violating any of the offenses listed in Subsection **(A)** of this Section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) years are present in the building, on the grounds or in the conveyance unless the parent, legal guardian or custodian has permission to be present from the Superintendent or School Board or in the case of a private school from the Principal. In the case of a public school, if permission is granted, the Superintendent or School Board President must inform the Principal of the school where the sex offender will be present. Permission may be granted by the Superintendent, School Board, or in the case of a private school from the Principal for more than one (1) event at a time, such as a

series of events, however, the parent, legal guardian or custodian must obtain permission for any other event he/she wishes to attend for which he/she has not yet had permission granted.

C. Certain Offenders Not To Be Present Or Loiter Within Five Hundred Feet Of A Public Park Or Swimming Pool.

1. Any person who, since 2009, has been found guilty of:

a. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering the Welfare of a Child in the First Degree; Subsection (2) of Section 568.080, RSMo. as it existed prior to January 1, 2017 or Section 573.200 RSMo, Use of a Child in a Sexual Performance; Section 568.090, RSMo.as it existed prior to January 1, 2017 or Section 573.205 RSMo, Promoting a Sexual Performance by a Child; Section 573.023, RSMo., Sexual Exploitation of a Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material to Minors; or

b. Any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section; shall not knowingly be present in or loiter within five hundred (500) feet of any real property comprising any public park with playground equipment or a public swimming pool.

D. Enticement Of A Child.

1. No person twenty-one (21) years of age or older shall persuade, solicit, coax, entice, or lure, whether by words, actions or through communication via the Internet or any electronic communication, any person who is less than fifteen (15) years of age for the purpose of engaging in sexual conduct.

2. It is not a defense to a prosecution for a violation of this Subsection that the other person was a Peace Officer masquerading as a minor.

E. Age Misrepresentation. No person shall knowingly misrepresent his or her age with the intent to use the Internet or any electronic communication to solicit engagement in sexual conduct involving a minor.

F. Certain Offenders Not To Serve As Athletic Coaches, Managers Or Trainers.

1. Any person who, since 2009, has been found guilty of:

a. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering the Welfare of a Child in the First Degree; Subsection (2) of Section 568.080, RSMo. as it existed prior to January 1, 2017 or Section 573.200 RSMo, Use of a Child in a Sexual Performance; Section 568.090, RSMo. as it existed prior to January 1, 2017 or Section 573.205 RSMo, Promoting a Sexual Performance by a Child; Section 573.023, RSMo., Sexual Exploitation of a Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material to Minors; or

b. Any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section; shall not serve as an athletic coach, manager or athletic trainer for any sports team in which a child less than seventeen (17) years of age is a member.

See §§566.149 — 566.151, 566.153, 566.155, RSMo.

Section 215.708. Registered Sexual Offender, Halloween-Related Activities.

A. Any person first required to register as a sexual offender under Sections 589.400 to 589.425 RSMo., since 2008 shall be required on October thirty-first (31st) of each year to:

1. Avoid all Halloween-related contact with children;
2. Remain inside his or her residence between the hours of 5:00 P.M. and 10:30 P.M. unless required to be elsewhere for just cause, including, but not limited to employment or medical emergencies;
3. Post a sign at his or her residence stating "No candy or treats at this residence"; and
4. Leave all outside residential lighting off during the evening hours after 5:00 P.M.

[1]:

State Law Reference — For similar provisions, §589.426, RSMo.

Article X. Offenses Concerning Pornography

Section 215.710. Definitions.

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

CHILD PORNOGRAPHY

Any obscene material or performance depicting sexual conduct, sexual contact or a sexual performance and which has a minor as one of its participants or portrays a minor as an observer of such conduct, contact or performance, including but not limited to any visual depiction meeting the criteria established in Section 573.010.(4)(b)a-c and 573.010(27) RSMo.

EXPLICIT SEXUAL MATERIAL

Any pictorial or three-dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of post pubertal human genitals, but excluding works of art or of anthropological significance.

FURNISH

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

INDECENT

Language or material that depicts or describes, in terms patently offensive as measured by contemporary community standards, sexual or excretory activities or organs.

MATERIAL

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

MINOR

Any person less than eighteen (18) years of age.

NUDITY or STATE OF NUDITY

The showing of the human genitals, pubic area, vulva, anus, anal cleft, or the female breast with less than a fully opaque fabric covering of any part of the nipple or areola. Body paint shall not qualify as fabric.

OBSCENE

Any material, comment, request, suggestion, proposal, or performance if, taken as a whole, and judged with reference to its impact on ordinary adults:

- 1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and
- 2. With respect to the average person, applying contemporary community standards, it depicts or describes sexual conduct in a patently offensive way; and
- 3. It lacks serious literary, artistic, political or scientific value.

PERFORMANCE

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

PORNOGRAPHIC FOR MINORS

Any material or performance if the following apply:

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

PROMOTE

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

SADOMASOCHISTIC ABUSE

Flagellation or torture by or upon a person as an act of sexual stimulation or gratification.

SEXUAL CONDUCT

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

See Sections 573.010 and 573.100 RSMo.

Section 215.720. Promoting Pornography.

A. A person commits the offense of promoting pornography if, knowing of its content and character, he or she:

- 1. Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain;

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

See Sections 573.020, 573.030 and 573.065 RSMo.

Section 215.721. Promoting Child Pornography.

A person commits the offense of promoting child pornography if, knowing of its content and character, such person possesses with the intent to promote or promotes child pornography or obscene material portraying what appears to be a minor.

See Sections 573.025 and 573.035 RSMo.

Section 215.722. Possession of Child Pornography.

A person commits the offense of possession of child pornography if such person knowingly or recklessly possesses any child pornography or obscene material portraying what appears to be a minor.

See Section 573.037 RSMo.

Section 215.723. Sexual Exploitation of a Minor.

A person commits the offense of sexual exploitation of a minor if such person knowingly or recklessly photographs, films, videotapes, produces, or otherwise creates obscene material with a minor or child pornography.

See Section 573.023 RSMo.

Section 215.724. Use of Child in Sexual Performance.

A person commits the offense of use of a child in a sexual performance if, knowing the character and content thereof, the person employs, authorizes, or induces another person less than eighteen years of age to engage in a performance which includes sexual conduct or, being a parent, legal guardian, or custodian of such a person less than eighteen years of age, consents to their participation in such sexual performance.

See Section 573.200 RSMo.

Section 215.725. Promoting Sexual Performance By a Child.

A person commits the offense of promoting a sexual performance by a child if, knowing the character and content thereof, the person promotes a performance which includes sexual conduct by a person less than

eighteen years of age or produces or directs any performance which includes sexual conduct by a person less than eighteen years of age.

See Section 573.205 RSMo.

Section 215.726. Failure to Report Child Pornography.

A person commits the offense of failure to report child pornography if he or she, being a commercial film or photographic print processor, computer provider, installer or repair person, or any internet service provider who has knowledge of or observes, within the scope of the person's professional capacity or employment, any film, photograph, videotape, negative, slide, or computer-generated image or picture depicting a person under eighteen years of age engaged in an act of sexual conduct, fails to report such instance to the City Police Department as soon as practicably possible.

See Section 573.215 RSMo.

Section 215.730. Furnishing Pornographic Materials To Minors.

A. A person commits the offense of furnishing pornographic material to minors if, knowing of its content and character, he or she:

1. Furnishes any material pornographic for minors knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor;

2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or

3. Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

4. It is not a defense to prosecution for a violation of this section that the person being furnished the pornographic material is a peace officer masquerading as a minor.

5. Video cassettes or other video reproduction devices, and the jackets, cases or coverings of such video reproduction devices, shall not be rented or sold to a person less than seventeen years of age and at any place of business in the city shall be displayed and maintained in a separate area not accessible to persons less than seventeen years of age, if they are pornographic for minors or if: (1) taken as a whole and applying contemporary community standards, the average person would find that it has a tendency to cater or appeal to morbid interest in violence for persons less than seventeen years of age; and (2) it depicts violence in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for persons less than seventeen years of age; and (3) taken as a whole, it lacks serious literary, artistic, political, or scientific value for persons less than seventeen years of age.

See Sections 573.040 and 573.090 RSMo.

Section 215.740. Public Display of Explicit Sexual Material.

A. A person commits the offense of public display of explicit sexual material if he or she recklessly:

1. Exposes, places, exhibits, or in any fashion, displays explicit sexual material in any location, whether public or private, and in such a manner that it may be readily seen and its content or character distinguished by

normal unaided vision as viewed from a street, highway, public sidewalk, or the property of others, or from any portion of the person's store, the exhibitor's store or property when items and materials other than this material are offered for sale or rent to the public; or

2. Fails to take prompt action to remove such a display from property in his or her possession after learning of its existence.

See §573.060, RSMo.

Section 215.750. Evidence in Obscenity and Child Pornography Cases.

A. In any prosecution under this Article evidence shall be admissible to show:

1. What the predominant appeal of the material or performance would be for ordinary adults or minors;
2. The literary, artistic, political or scientific value of the material or performance;
3. The degree of public acceptance in this State and in the local community;
4. The appeal to prurient interest in advertising or other promotion of the material or performance;
5. The purpose of the author, creator, promoter, furnisher or publisher of the material or performance.

B. Testimony of the author, creator, promoter, furnisher, publisher or expert testimony, relating to factors entering into the determination of the issues of obscenity or child pornography, shall be admissible.

C. In any prosecution under this Article, when it becomes necessary to determine a person's age, the court may make such determination by any authorized method.

D. In any prosecution for promoting child pornography, no showing is required that the performance or material involved appeals to prurient interest, that it lacks serious literary, artistic, political or scientific value or that it is patently offensive to prevailing standards in the community as a whole.

See §573.050, RSMo.

Section 215.760. Obscene or Indecent Commercial Messaging.

A person commits the offense of obscene or indecent commercial messaging if he or she, by means of a telephone communication for commercial purposes, makes directly or by means of an electronic recording device, any comment, request, suggestion, or proposal which is obscene or indecent, or knowingly permits any telephone or telephone facility connected to a local exchange telephone under such person's control to be used for obscene or indecent commercial messaging, in either case regardless of whether such person placed or initiated the telephone communication. This section is not applicable to a telecommunications company as defined in section 386.020 RSMo over whose facilities the prohibited communication is made by someone else.

See Section 573.100 RSMo.

Article XI. Offenses Concerning Drugs

Section 215.761. Possession of An Imitation Controlled Substance.

A person commits the offense of possession of an imitation controlled substance if he or she knowingly possesses or delivers an imitation controlled substance as defined by Chapter 195 RSMo.

See Sections 579.078 and 579.080 RSMo

Section 215.762. Possession of A Controlled Substance.

A person commits the offense of possession of a controlled substance if he or she knowingly possesses or delivers a controlled substance, except as authorized by Chapter 195 or Chapter 579 RSMo. In any complaint, information, action or proceeding brought for the enforcement of this section, it shall not be necessary to include any exception, excuse, proviso or exemption contained in this Code or Chapter 195 or Chapter 579 RSMo, and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant. *See Sections 579.015 and 579.020 RSMo.*

Section 215.763. Limitations On Possession and Sale of Methamphetamine Precursor Drugs.

1. A person commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly:

- (1) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total amount greater than nine grams to the same individual within a thirty-day period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or
- (2) Purchases, receives, or otherwise acquires within a thirty-day period, other than pursuant to a lawful transaction by a pharmacy with its suppliers, any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than nine grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or
- (3) Purchases, receives, or otherwise acquires within a twenty-four-hour period, other than pursuant to a lawful transaction by a pharmacy with its suppliers, any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than three and six-tenths grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or
- (4) Dispenses or offers drug products that are not excluded from Schedule V in subsection 17 or 18 of section 195.017 RSMo and that contain detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, without ensuring that such products are located behind a pharmacy counter where the public is not permitted and that such products are dispensed by a registered pharmacist or pharmacy technician under subsection 11 of section 195.017 RSMo; or
- (5) Holds a retail sales license issued under chapter 144 RSMo and knowingly sells or dispenses packages that do not conform to the packaging requirements of section 195.418 RSMo., except that any person who violates the packaging requirements of section 195.418 RSMo and is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale shall not be penalized if he or she documents that an employee training program was in place to provide the employee who

made the unlawful retail sale with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

2. A pharmacist, intern pharmacist, or registered pharmacy technician commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly:

(1) Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in a total amount greater than three and six-tenth grams to the same individual within a twenty-four hour period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or

(2) Sells, distributes, dispenses or otherwise provides to an individual under eighteen years of age without a valid prescription any number of packages of any drug product containing any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers, or ephedrine, its salts or optical isomers, or salts of optical isomers.

3. A person commits the offense of unlawful marketing of ephedrine or pseudoephedrine if he or she knowingly markets, sells, distributes, advertises, or labels any drug product containing ephedrine, its salts, optical isomers and salts of optical isomers, or pseudoephedrine, its salts, optical isomers and salts of optical isomers, for indication of stimulation, mental alertness, weight loss, appetite control, energy or other indications not approved under the pertinent federal over-the-counter drug Final Monograph or Tentative Final Monograph or approved new drug application.

4. A person commits the offense of possession of methamphetamine precursors if he or she knowingly possesses one or more chemicals listed in subsection 2 of section 195.400 RSMo, reagents, solvents, or any other chemicals proven to be precursor ingredients of methamphetamine or amphetamine, as established by expert testimony, with the intent to manufacture, compound, convert, produce, process, prepare, test, or otherwise alter that chemical to create a controlled substance or a controlled substance analogue in violation of chapter 579 RSMo or chapter 195 RSMo. Possession of more than twenty-four grams of ephedrine or pseudoephedrine shall be prima facie evidence of intent to violate this subsection. This subsection shall not apply to any practitioner or to any product possessed in the course of a legitimate business. See Sections 195.418, 579.060, 579.082 and 579.110 RSMo.

Section 215.770 Alcoholic Beverages in Public Parks, Commercial Parking Lots, Public Recreation Fields, Consumption Prohibited.

[CC 1984 §16-26; Ord. No. 4234 §1, 9-6-1988; Ord. No. 4671 §1, 4-21-1997]

A.*Definition.* As used in this Section, the following term shall have the following meaning:

ALCOHOLIC BEVERAGE

Any spirits, wine, beer, ale or other liquid containing more than one-half of one percent (.5%) of alcohol by volume, which is fit for beverage purposes or intended for beverage purposes.

B. No person shall consume any alcoholic beverage while in or upon any public park or public recreation field or on the commercial parking lots of any shopping center open to the public within the City.

Section 215.780 Pedestrian Drinking.

[CC 1984 §16-27; Ord. No. 4503 §3, 6-7-1993]

No pedestrian may drink any beer, wine or spirituous or malt liquors in or on any public street, sidewalk, alley, highway or thoroughfare, or on any parking lot open to the public except in conjunction with a street fair or similar gathering authorized by the City with specific permission for consumption of alcoholic beverages in such locations.

Section 215.830. Unlawful Possession of Drug Paraphernalia.

A person commits the offense of unlawful possession of drug paraphernalia if he or she knowingly uses or possesses with intent to use drug paraphernalia as defined by Chapter 195 RSMo., to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance as defined by or an imitation controlled substance as defined by Chapter 195 RSMo., in violation of Chapter 195 or Chapter 579 RSMo.

See Section 579.074 RSMo.

Section 215.790. Prohibited Acts; Controlled or Imitation Controlled Substances

[R.O. 2008 §18-36; Ord. No. 1002 §2, 10-12-1981]

A. It is an offense for any person to distribute, deliver, or sell, or possess or manufacture with intent to distribute, deliver or sell, 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, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or imitation controlled substance in violation of Chapter 195 or Chapter 579 RSMo.

See Sections 579.040, 579.076 RSMo.,

Section 215.875. Inhalation or Inducing Others To Inhale Solvent Fumes To Cause Certain Reactions, Prohibited — Exceptions.

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

See Section 579.097 RSMo.

Section 215.880. Inducing, or Possession With Intent To Induce, Symptoms By Use of Solvents and Other Substances, Prohibited.

A. As used in this Section "*alcohol beverage vaporizer*" means any device which, by means of heat, a vibrating element, or any method, is capable of producing a breathable mixture containing one (1) or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.

B. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use or abuse of any of the following substances:

1. Solvents, particularly toluol;
2. Ethyl alcohol;
3. Amyl nitrite and its iso-analogues;
4. Butyl nitrite and its iso-analogues;
5. Cyclohexyl nitrite and its iso-analogues;
6. Ethyl nitrite and its iso-analogues;
7. Pentyl nitrite and its iso-analogues; and
8. Propyl nitrite and its iso-analogues.

C. This Section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.

D. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by Section **215.550** and this Section.

E. No person shall possess or use an alcoholic beverage vaporizer.

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

See Section 579.099 RSMo.

Section 215.885. Possession or Purchase of Solvents To Aid Others in Violations of Sections 215.875 To 215.880

A. No person shall intentionally possess, buy, sell or transfer any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues, for the purpose of inducing or aiding any other person to violate the provisions of Sections **215.875** and **215.880** hereof.
See Sections 579.101 and 579.103 RSMo.

Article XII. Offenses Concerning Minors

Section 215.900. Article Definitions.

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

GUARDIAN

Guardian appointed by court of competent jurisdiction.

MINOR

Any person under the age of seventeen (17) years.

PARENT

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

PARENTAL NEGLECT

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

Section 215.905. Curfew.

It is unlawful for any minor under the age of seventeen (17) years to loiter, idle, wander, stroll or to drive or ride in an automobile or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 11:00 P.M. and 6:00 A.M. of the following day, except on Fridays and Saturdays when the hours shall be 12:00 Midnight to 6:00 A.M. of the following day. The provisions of this Article shall not apply when the minor is accompanied by his/her parent, guardian or another adult person having the care and custody of that minor or when such minor is upon an emergency errand or legitimate business as directed by such adult.

Section 215.910. Unlawful For Parents, Guardians, Etc., To Permit Violations.

No person who is the parent, guardian or other adult having the care and custody of a minor under the age of seventeen (17) years shall knowingly, or with reason to know, permit such minor to violate the provisions of Section **215.905** of this Article.

Section 215.920. Procedure Upon Violation.

Any Police Officer finding a minor violating the provisions of Section 215.905 shall warn the minor to cease and desist immediately from such violation. The Police Officer may take the minor into custody and release him/her to his/her parents or guardian or release the minor at the scene with a written notice of referral to the Juvenile Court. The Juvenile Court shall serve upon the parent or guardian or person in charge of such minor the written notice setting forth the manner in which the minor violated Section 215.905.

Section 215.940 Prohibited Sale of Tobacco Products To Minors.

[Ord. No. 4875 §1, 10-20-2003]

A. Definitions. For purposes of this Section, the following definitions shall apply:

DISTRIBUTE

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

MINOR

A person under the age of eighteen (18).

PROOF OF AGE

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

ROLLING PAPERS

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

SAMPLE

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

SAMPLING

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

TOBACCO PRODUCTS

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

VENDING MACHINE

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

B. Prohibition Of The Sale Of Tobacco Products To A Minor.

1. no person shall sell any tobacco product or distribute any tobacco product or rolling papers to any minor. This paragraph shall not apply to the distribution by family members on property that is not open to the public.

2. Any person who violates this Section shall be fined:

a. For the first (1st) offense, one hundred dollars (\$100.00).

b. For the second (2nd) offense, two hundred dollars (\$200.00).

c. For the third (3rd) offense and subsequent offenses, five hundred dollars (\$500.00).

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

a. Contain in red lettering at least one-half (½) inch high on a white background, the following: "IT IS A VIOLATION OF STATE LAW FOR CIGARETTES OR OTHER TOBACCO PRODUCTS TO BE SOLD TO ANY PERSON UNDER THE AGE OF EIGHTEEN."

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

4. It shall be unlawful for any person to engage in tobacco product distribution to persons under eighteen (18) years of age.

5. A person selling tobacco products or rolling papers or distributing tobacco product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).

6. If a sale is made by an employee of the owner of an establishment in violation of this Section, the employee shall be guilty of an offense established in Subparagraph (1). If a vending machine is in violation of Subparagraph (3) of this Section, the owner of the establishment shall be guilty of an offense established in Subparagraph (1). If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subparagraph (1).

7. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of this Section. No person shall be liable for more than one (1) violation of this Section on any single day.

C.

It shall be unlawful for any individual under the age of eighteen (18) to purchase, possess, accept receipt of, or attempt to purchase or accept receipt of tobacco products, or to present or offer to any person purported proof of age which is false, fraudulent or not actually his or her own for the purpose of purchasing, possessing or receiving any tobacco product.

Section 215.945 Failure To Supervise Minor.

[Ord. No. 4804 §1, 11-5-2001]

A. Definitions. For the purpose of this Section, the following definitions shall apply:

ALCOHOLIC BEVERAGES

Any beverage constituting intoxicating liquor, light wines, malt liquor or non-intoxicating beer, as those terms are defined in Chapter **600** of the Municipal Code of the City of Richmond Heights.

CONTROLLED SUBSTANCE

Any drug, substance or immediate precursor defined or described as such in Section 195.010, RSMo. (2000) as may be amended or revised from time to time.

DELIVERY OF ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES

The gift or exchange of an alcoholic beverage or controlled substance from one person to another.

MINOR

Any person under the age of twenty-one (21) years.

PARENT

A natural or adoptive parent, or a guardian, or the adult designee of either of them.

PARTY, GATHERING OR EVENT

An assemblage or a group of persons for a social occasion or for a social activity.

PERSON IN CONTROL OF THE PREMISES

An adult who owns, leases, rents or is otherwise the lawful occupant of any premises or the adult designee thereof.

PRACTITIONER

Any medical professional or other person as defined or described in Section 195.010, RSMo. (2000) as may be amended or revised from time to time.

B.

Use Of Premises For Consumption Of Alcoholic Beverages Or Controlled Substances. It shall be unlawful for any person to knowingly or negligently permit, allow or host, on or in a premises under his or her control, the consumption of alcoholic beverages or controlled substances by a minor; except that this Section shall not apply to the following:

- 1.** The delivery of alcoholic beverages to a minor or the consumption of alcoholic beverages by a minor in connection with the performance of any bona fide religious service under the supervision of an adult, with the consent of the person in control of the premises.
- 2.** The delivery of an alcoholic beverage to a minor by that minor's parent and under the direct supervision of the parent.
- 3.** The possession or consumption of or the delivery to a minor of a controlled substance prescribed for that minor by a practitioner when such delivery by that minor's parent or by the person in control of the premises, provided that he or she has obtained the prior consent of that minor's parent.

C. *Rental Of A Premises.* It shall be unlawful for any owner, agent, employee or contractor thereof to rent any room, rooms, apartment or any building or portion of a building to a minor or to any adult when it is reasonably foreseeable that said adult, or his or her adult designee, will leave the said premises or reasonably foreseeable that said premises may be used for a gathering at which alcoholic beverages or controlled substances may be in possession of or consumed by minors except as otherwise provided in this Chapter.

D. *Duty To Disperse — Police Services, Fees for Police Services.*

1. Any person in control of a premises at which alcoholic beverages or controlled substances are in the possession of or are being consumed by minors, or his or her adult designee, shall cause all persons in or on said premises who are not lawful residents thereof to disperse not more than fifteen (15) minutes after personally receiving an order to do so issued by a Peace Officer.

2. When a party, gathering or event occurs on private property and a Police Officer at the scene determines that there is a threat to the public peace, health, safety or general welfare, the person or persons responsible for the party, gathering or event will be held liable for the cost of providing Police services during a second (2nd) or follow-up response by the Police after a first (1st) warning to the person or persons responsible for the party, gathering or event. The second (2nd) or follow-up response may also result in the arrest and/or citation of violators pursuant to State law or other provisions of this Code.

3. The Police services fee shall include the cost of personnel and equipment but shall not exceed five hundred dollars (\$500.00) for a single incident provided, however, that the City does not waive its right to seek reimbursement for actual costs exceeding five hundred dollars (\$500.00) through other legal remedies. The amount of such fees shall be deemed a debt owed to the City by the person responsible for the party, gathering or event. If such persons are minors, their parents or guardians shall be responsible for such debt. Any person owing such fees to the City shall be liable in an action brought in the name of the City for recovery of such fees, including reasonable attorney's fees.

E. Penalty. Any person or persons convicted of violating the provisions of this Section shall be fined an amount not to exceed five hundred dollars (\$500.00) for each offense; except that for third (3rd) and subsequent violations by the same person or persons, the fine shall not be less than one thousand dollars (\$1,000.00) for each offense.

Section 215.946. Penalties.

A. Any parent, guardian or other person who violates Section **215.905** of this Article after having received notice of the first (1st) violation, as described in Section **215.905** of this Article, shall upon conviction be subject to punishment as provided in Section **100.150** of this Code.

B. Any person under the age of seventeen (17) years who violates Section **215.905** of this Article after having received notice of the first (1st) violation, shall be dealt with in accordance with the juvenile laws of the State.

Article XIII. Offenses Concerning Tobacco, Alternative Nicotine and Vapor Products

Section 215.947. Definitions.

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

ALTERNATIVE NICOTINE PRODUCT

Any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. Alternative nicotine product does not include any vapor

product, tobacco product or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

DISTRIBUTE

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

MINOR

A person under the age of eighteen (18) years.

PROOF OF AGE

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

ROLLING PAPERS

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

SAMPLE

A tobacco product, alternative nicotine product, or vapor product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

SAMPLING

The distribution to members of the general public of tobacco product, alternative nicotine product, or vapor product samples.

TOBACCO PRODUCTS

Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco, but does not include alternative nicotine products, or vapor products.

VAPOR PRODUCT

Any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include any alternative nicotine product or tobacco product.

VENDING MACHINE

Any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products, alternative nicotine products, or vapor products.

Section 215.948. Unlawful To Sell or Distribute Tobacco Products, Alternative Nicotine Products, Vapor Products, or Rolling Papers To Minors — Vending Machine Requirements.

A. It shall be unlawful for any person to sell, provide or distribute tobacco products, alternative nicotine products, vapor products, or rolling papers to persons under eighteen (18) years of age.

B. All vending machines that dispense tobacco products, alternative nicotine products, vapor products, or rolling papers shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than eighteen (18) years of age from purchasing any tobacco product, alternative nicotine product, vapor product, or rolling papers from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than eighteen (18) years of age are not permitted or are prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this Subsection shall be subject to the penalties contained in Subsection (E) of this Section. A determination of non-compliance may be made by a local law enforcement agency or the Division of Liquor Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.

C. No person or entity shall sell, provide or distribute any tobacco product, alternative nicotine product, or vapor product, or rolling papers to any minor or sell any individual cigarettes to any person in this State. This Subsection shall not apply to the distribution by family members on property that is not open to the public.

D. Any person, including, but not limited to, a sales clerk, owner or operator, who violates Subsection (A), (B) or (C) of this Section or Section 215.940 of this Article shall be penalized as follows:

1. For the first offense, twenty-five dollars (\$25.00);
2. For the second offense, one hundred dollars (\$100.00); and
3. For a third and subsequent offenses, two hundred fifty dollars (\$250.00).

E. Any owner of the establishment where tobacco products, alternative nicotine products, vapor products, or rolling papers are available for sale who violates Subsection (C) of this Section shall not be penalized pursuant to this Section if such person documents the following:

1. An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the State and Federal regulations regarding sales of tobacco products, alternative nicotine products, or vapor products to minors. Such training program must be attended by all employees who sell tobacco products, alternative nicotine products, or vapor products to the general public;
2. A signed statement by the employee stating that the employee has been trained and understands the State laws and Federal regulations regarding the sale of tobacco products, alternative nicotine products, or vapor products to minors; and
3. Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety (90) minutes in length, established by the Division of Liquor Control.

F. The exemption in Subsection (E) of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products, alternative nicotine products, vapor products, or rolling papers are available for sale if:

1. Four (4) or more violations per location of Subsection (C) of this Section occur within a one-year period; or
2. Such person knowingly violates or knowingly allows his/her employees to violate Subsection (C) of this Section.

G. If a sale is made by an employee of the owner of an establishment in violation of this Article, the employee shall be guilty of an offense established in Subsections (A), (B) and (C) of this Section. If a vending machine is operated in violation of Section 215.940, the owner of the establishment shall be guilty of an offense established in Subsections (C) and (D) of this Section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subsections (C) and (D) of this Section.

H. A person cited for selling, providing or distributing any tobacco product, alternative nicotine product or vapor product to any individual less than eighteen (18) years of age in violation of Subsection (A), (B) or (C) of this Section shall conclusively be presumed to have reasonably relied on proof of

age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older.

Section 215.949. Minors Prohibited From Purchase or Possession of Tobacco Products, Alternative Nicotine Products, Vapor Products or Rolling Papers — Misrepresentation of Age.

A. No person less than eighteen (18) years of age shall purchase, attempt to purchase or possess cigarettes, other tobacco products, alternative nicotine products, vapor products, or rolling papers unless such person is an employee of a seller of cigarettes, tobacco products, alternative nicotine products, or vapor products and is in such possession to effect a sale in the course of employment or an employee of the Division of Liquor Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.

B. Any person less than eighteen (18) years of age shall not misrepresent his/her age to purchase cigarettes, tobacco products, alternative nicotine products, vapor products, or rolling papers.

C. Any person who violates the provisions of this Section shall be penalized as follows:

1. For the first violation, the person is guilty of an infraction and shall have any cigarettes, tobacco products, alternative nicotine products, vapor products, or rolling papers confiscated;

2. For a second violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes, tobacco products, alternative nicotine products, vapor products, or rolling papers confiscated and shall complete a tobacco education or smoking cessation program, if available.

Section 215.950. Retail Sales Tax License Required for Sale of Tobacco Products, Alternative Nicotine Products, Vapor Products or Rolling Papers. — Display of Sign Required Where.

No person shall sell cigarettes, tobacco products, alternative nicotine products, vapor products, or rolling papers unless the person has a retail sales tax license.

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

1. Contain in red lettering at least one-half (1/2) inch high on a white background the following: "IT IS A VIOLATION OF STATE LAW FOR CIGARETTES, OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS TO BE SOLD OR OTHERWISE PROVIDED TO ANY PERSON UNDER THE AGE OF EIGHTEEN OR FOR SUCH PERSON TO PURCHASE, ATTEMPT TO PURCHASE OR POSSESS CIGARETTES, OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, OR VAPOR PRODUCTS"; and

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

Section 215.960. Restrictions on Sales of Individual Packs.

A. No person or entity shall sell individual packs of cigarettes, alternative nicotine products, vapor products, rolling papers, or smokeless tobacco products unless such packs satisfy one (1) of the following conditions prior to the time of sale:

1. It is sold through a vending machine; or

2. It is displayed behind the checkout counter or it is within the unobstructed line of sight of the sales clerk or store attendant from the checkout counter.

Section 215.970. Proof of Age Required, When Defense To Action for Violation is Reasonable Reliance on Proof — Liability.

A. A person or entity selling tobacco products, alternative nicotine products, vapor products, or rolling papers or distributing tobacco product, alternative nicotine product, or vapor product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18) years.

B. The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the Division of Liquor Control or any owner or employee of an establishment that sells tobacco, alternative nicotine products, vapor products, or rolling papers for the purpose of aiding the agent, owner or employee to determine whether or not the person is at least eighteen (18) years of age when such person desires to purchase or possess tobacco products, alternative nicotine products, vapor products, or rolling papers. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.

C. No person shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card.

D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections (A), (B) and (C) of Section 215.940 of this Article. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section 215.940 on any single day.

SECTION 2. The sections of this Ordinance shall be severable. In the event that any of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections of this Ordinance are valid, unless the court finds that the valid sections of this Ordinance are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the City Council has enacted the valid sections without the void ones, or unless the court finds that the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION 3. This ordinance shall become effective as of January 1, 2017 in accordance with City Charter.

PASSED and APPROVED this 19th day of December, 2016.

JIM THOMSON
MAYOR

ATTEST:

PATRICIA S. VILLMER
DEPUTY CITY CLERK

APPROVED AS TO FORM:

KENNETH J. HEINZ
CITY ATTORNEY

First Reading: December 5, 2016
Second Reading: December 19, 2016