

Chapter 210

OFFENSES

ARTICLE I-A General Provisions

Section 210.005. Definitions. [Ord. No. 00-9 §1, 5-8-2000]

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

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

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

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

CONFINEMENT —

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

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

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

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

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

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

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

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

FELONY — Has the meaning specified in Section 556.016, RSMo.

FORCIBLE COMPULSION — Means either:

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

INCAPACITATED — That physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act.

INFRACTION — Has the meaning specified in Section 556.021, RSMo.

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

KNOWINGLY — Has the meaning specified in Section 562.016, RSMo.

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

MISDEMEANOR — Has the meaning specified in Section 556.016, RSMo.

OFFENSE — Any felony, misdemeanor or infraction.

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

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

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

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

PURPOSELY — Has the meaning specified in Section 562.016, RSMo.

RECKLESSLY — Has the meaning specified in Section 562.016, RSMo.

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

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

SERIOUS PHYSICAL INJURY — Physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of

any part of the body.

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

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

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

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

Section 210.007. Attempt.

- A. A person is guilty of attempt to commit an offense when, with the purpose of committing the offense, he/she does any act which is a substantial step towards the commission of the offense. A "*substantial step*" is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.
- B. It is no defense to a prosecution under this Section that the offense attempted was, under the actual attendant circumstances, factually or legally impossible of commission, if such offense could have been committed had the attendant circumstances been as the actor believed them to be.

Section 210.009. Conspiracy.

- A. A person is guilty of conspiracy with another person or persons to commit an offense if, with the purpose of promoting or facilitating its commission he/she agrees with such other person or persons that they or one (1) or more of them will engage in conduct which constitutes such offense.
- B. If a person guilty of conspiracy knows that a person with whom he/she conspires to commit an offense has conspired with another person or persons to commit the same offense, he/she is guilty of conspiring with such other person or persons to commit such offense, whether or not he/she knows their identity.
- C. If a person conspires to commit a number of offenses, he/she is guilty of only one (1) conspiracy so long as such multiple offenses are the object of the same agreement.
- D. No person may be convicted of conspiracy to commit an offense unless an overt act in pursuance of such conspiracy is alleged and proved to have been done by him/her or by a person with whom he/she conspired.
- E. *Exception.*

1. No one shall be convicted of conspiracy if, after conspiring to commit the offense, he/she prevented the accomplishment of the objectives of the conspiracy under circumstances manifesting a renunciation of his/her criminal purpose.
 2. The defendant shall have the burden of injecting the issue of renunciation of criminal purpose under Subparagraph (1) of this Subsection.
- F. For the purpose of time limitations on prosecutions:
1. Conspiracy is a continuing course of conduct which terminates when the offense or offenses which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he/she conspired.
 2. If an individual abandons the agreement, the conspiracy is terminated as to him/her only if he/she advises those with whom he/she has conspired of his/her abandonment or he/she informs the law enforcement authorities of the existence of the conspiracy and of his/her participation in it.
- G. A person may not be charged, convicted or sentenced on the basis of the same course of conduct of both the actual commission of an offense and a conspiracy to commit that offense.

ARTICLE I
Offenses Against The Person

Section 210.010. Assault.

- A. A person commits the offense of assault if:
1. He/she attempts to cause or recklessly causes physical injury to another person;
 2. With criminal negligence he/she causes physical injury to another person by means of a deadly weapon;
 3. He/she purposely places another person in apprehension of immediate physical injury;
 4. He/she recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or
 5. He/she knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.

Section 210.015. Domestic Assault.¹ [Ord. No. 03-16 §1, 3-10-2003]

- A. A person commits the offense of domestic assault if the act involves a family or household member, including any child who is a member of the family or

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

household, as defined in Section 455.010, RSMo.; and

1. The person attempts to cause or recklessly causes physical injury to such family or household member;
2. With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument;
3. The person purposely places such family or household member in apprehension of immediate physical injury by any means;
4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member;
5. The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or
6. The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices, or transportation for the purpose of isolation.

Section 210.020. Assault of A Law Enforcement Officer, Corrections Officer, Emergency Personnel, Highway Worker, Utility Worker, Cable Worker or Probation and Parole Officer.

- A. A person commits the offense of assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, 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;
 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), (18) and (19) of Section

190.100, RSMo.

- C. As used in this Section, the term "*Corrections Officer*" includes any jailer 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 performance of their job duties, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunication 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. 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 is an ordinance violation.

Section 210.030. Harassment.²

- A. A person commits the offense of harassment if he or she:
 - 1. Knowingly communicates a threat to commit any felony to another person and in so doing frightens, intimidates, or causes emotional distress to such other person;
 - 2. When communicating with another person, knowingly uses coarse language offensive to one of average sensibility and thereby puts such person in reasonable apprehension of offensive physical contact or harm;
 - 3. Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication;
 - 4. Knowingly communicates with another person who is, or who purports to be, seventeen (17) years of age or younger and in so doing and without good cause recklessly frightens, intimidates, or causes emotional distress to such other person;
 - 5. Knowingly makes repeated unwanted communication to another person; or
 - 6. Without good cause engages in any other act with the purpose to frighten, intimidate, or cause emotional distress to another person, cause such person to be frightened, intimidated, or emotionally distressed, and such person's response to the act is one of a person of average sensibilities considering the

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

age of such person.

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

Section 210.035. Stalking — Definitions. ³

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

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

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

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

- B. A person commits the offense of stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person.
- C. The offense of stalking shall be an ordinance violation unless the person has previously pleaded guilty to or been found guilty of a violation of this Section, or of any offense committed in violation of any County or Municipal ordinance in any State, any State law, any Federal law, or any military law which, if committed in this State, would be chargeable or indictable as a violation of any offense listed in this Section.
- D. Any Law Enforcement Officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this Section.
- E. This Section shall not apply to activities of Federal, State, County, or Municipal Law Enforcement Officers conducting investigations of violation of Federal, State, County, or Municipal law.

Section 210.040. False Imprisonment. ⁴

³. Note — Under certain circumstances this offense can be a felony under state law.

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.

Section 210.050. Endangering The Welfare of A Child. ⁵

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

Section 210.055. Leaving A Child Unattended in A Motor Vehicle. ⁶ [Ord. No. 03-15 §1, 3-10-2003]

- 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.

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

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

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

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.

ARTICLE II
Offenses Concerning Administration of Justice

Section 210.060. Concealing An Offense.⁷

- A. A person commits the offense of concealing an offense if:
1. He/she confers or agrees to confer any pecuniary benefit or other consideration to any person in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof; or
 2. He/she accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his/her concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof.

Section 210.070. Hindering Prosecution.⁸

- A. A person commits the offense of hindering prosecution if for the purpose of preventing the apprehension, prosecution, conviction or punishment of another for conduct constituting a crime he/she:
1. Harbors or conceals such person;
 2. Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law;
 3. Provides such person with money, transportation, weapon, disguise or other means to aid him/her in avoiding discovery or apprehension; or
 4. Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

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

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

Section 210.080. Refusal To Identify As A Witness.

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

Section 210.090. Disturbing A Judicial Proceeding.

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

Section 210.095. Disturbing Public Meetings. [CC 1964 §4.322]

Any person who shall disturb or disquiet any congregation or assembly of persons convened for any worship by making any noise or loud talking, loud or indecent behavior or profane discourse within or so near the place of worship as to disturb the order or solemnity of the meeting, and any person who shall disturb any meeting or assembly of people met together for any lawful purpose by loud or boisterous talking, rude or indecent behavior, or shall attempt in any manner to disturb or break up the same, shall upon conviction thereof be deemed guilty of an ordinance violation.

Section 210.100. Tampering With A Witness — Tampering With A Victim.⁹

- A. A person commits the offense of tampering with a witness if, with purpose to induce a witness or a prospective witness to disobey a subpoena or other legal process, or to absent himself/herself or avoid subpoena or other legal process, or to withhold evidence, information or documents, or to testify falsely, he/she:
1. Threatens or causes harm to any person or property;
 2. Uses force, threats or deception;
 3. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or
 4. Conveys any of the foregoing to another in furtherance of a conspiracy.
- B. A person commits the offense of "victim tampering" if, with purpose to do so, he/she prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim

⁹. Note — Under certain circumstances this offense can be a felony under state law.

from:

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

Section 210.105. Tampering With Physical Evidence.

- A. A person commits the offense of tampering with physical evidence if he/she:
1. Alters, destroys, suppresses or conceals any record, document or thing with the purpose to impair its verity, legibility or availability in any official proceeding or investigation; or
 2. Makes, presents or uses any record, document or thing knowing it to be false with purpose to mislead a public servant who is or may be engaged in any official proceeding or investigation.

Section 210.110. Improper Communication.

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

Section 210.120. False Impersonation.

- A. A person commits the offense of false impersonation if such person:
1. Falsely represents himself/herself to be a public servant with purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts, and
 - a. Performs an act in that pretended capacity; or
 - b. Causes another to act in reliance upon his/her pretended official authority.
 2. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and
 - a. Performs an act in that pretended capacity; or
 - b. Causes another to act in reliance upon such representation.
 3. Upon being arrested, falsely represents himself/herself, to a Law Enforcement Officer, with the first and last name, date of birth or Social Security number,

or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction, misdemeanor or felony that contains the first and last name, date of birth and Social Security number, or a substantial number of identifying factors or characteristics to that of such other person as to cause such other person to be identified as the actual person arrested or convicted.

- B. If a violation of Subsection (A)(3) hereof is discovered prior to any conviction of the person actually arrested for an underlying charge, then the prosecuting attorney, bringing any action on the underlying charge shall notify the court thereof, and the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.
- C. Any person who is the victim of a false impersonation and whose identity has been falsely reported in arrest or conviction records may move for expungement and correction of said records under the procedures set forth in Section 610.123, RSMo. Upon a showing that a substantial number of identifying factors of the victim was falsely ascribed to the person actually arrested or convicted, the court shall order the false identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and court records.

Section 210.130. False Reports. [Ord. No. 03-30 §4, 3-10-2003]

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

Section 210.135. False Alarms, Etc. [CC 1964 §4.149]

Any person who shall willfully give, sound or make any false alarms of fire, or who shall willfully deceive the Chief of Police or any Policeman or citizen by any false alarm or who shall, without authority, employ any device, notice, or performance leading to the collection of persons on the streets, sidewalks, or other public places, shall upon conviction thereof be deemed guilty of an ordinance violation.

Section 210.140. Resisting or Interfering With Arrest, Detention or Stop. ¹⁰

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

Section 210.150. Escape or Attempted Escape From Custody. ¹¹

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

ARTICLE III
Offenses Concerning Public Safety

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

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

Section 210.160. Abandonment of Airtight or Semi-Airtight Containers.

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

Section 210.170. Littering.

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

Section 210.180. Littering Via Carcasses.

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

Section 210.181. Burning Trash in Streets. [CC 1964 §4.143]

Any person who shall burn or cause to be burned in or on any street, or on the sidewalk

or in the gutter thereof, at any place within the City, any trash, rubbish, leaves, paper, or other waste matter, shall upon conviction thereof be deemed guilty of an ordinance violation.

Section 210.182. Burning Trash Within Fire Limits. [CC 1964 §4.146]

No person shall burn any trash, rubbish, leaves or paper, or other waste matter within the fire limits of the City, except the same may be burned in a covered metal container.

Section 210.190. Corrupting or Diverting Water Supply.

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

Section 210.200. Abandoning Motor Vehicle or Trailer.

See Section 215.031 of this Code concerning abandoned vehicle regulations.

Section 210.201. Throwing Stones and Other Objects. [CC 1964 §4.113]

Any person who shall within the City, wantonly or mischievously throw or project any stone, brick, pebble, metal or other hard objects by hand, or by means of a sling shot, rubber band or bow, or by any other means, shall upon conviction thereof be deemed guilty of an ordinance violation.

Section 210.203. Fireworks.¹² [CC 1964 §§4.118, 4.120, 4.121]

- A. Any person, firm or business who shall sell, offer for sale, or display in his/her place of business, any firecrackers, pin wheels, torpedoes, go-devils, or fireworks of any kind, other than sparklers, except on the Fourth (4th) of July, or during a period of seven (7) days immediately previous to the Fourth (4th) of July, shall upon conviction thereof be deemed guilty of an ordinance violation.
- B. Any person who shall burn, explode or send off any firecrackers, pin wheels, torpedoes, go-devils or fireworks of any kind, other than sparklers, except on the Fourth (4th) of July, or during a period of one (1) day immediately previous to the Fourth (4th) day of July between 8:00 A.M. and Midnight, shall be deemed guilty of an ordinance violation.

12. Cross Reference — As to license fees for sale of fireworks, see §605.120.

- C. Any person who shall burn, explode or send off any firecrackers, pin wheels, torpedoes, go-devils or fireworks of any kind, other than sparklers, on the public streets or alleys, or any public park or any public place at any time, shall upon conviction thereof be deemed guilty of an ordinance violation. Persons may use fireworks on their own property or on property of others if permission is granted. When the handling and discharging of fireworks is in the care of a professional or experienced person in such matters, a fireworks display may be had at any public event upon written permit from the Board of Aldermen and Mayor.

Section 210.206. Excavations — Leaving Uncovered. [CC §1964 §4.123]

Any person who shall make an excavation in any street within the City, and who shall not cause the same to be enclosed or protected, and to be lighted at night, so as to prevent persons, animals or vehicles from falling therein, shall upon conviction thereof be deemed guilty of a misdemeanor.

Section 210.207. Hoisting Objects Over Sidewalks. [CC 1964 §4.131]

Any person who shall hoist on the outside of any building over any street, alley or sidewalk, any article whatsoever without having a watchman stationed to warn passerby, shall upon conviction thereof be deemed guilty of an ordinance violation.

Section 210.209. Snow and Ice On Sidewalks. [CC 1964 §4.140]

It shall be the duty of every owner, lessee, occupant, or custodian of property to remove all snow and ice upon the paved sidewalks upon which such property abuts, within six (6) reasonable working hours after the said snow has fallen or the ice has formed, and any such person who fails to remove said snow or ice within such time, shall upon conviction thereof be deemed guilty of an ordinance violation. Each period of six (6) hours thereafter shall be a separate offense.

ARTICLE IV
Offenses Concerning Public Peace

Section 210.210. Peace Disturbance.

- A. A person commits the offense of peace disturbance if:
1. He/she unreasonably and knowingly disturbs or alarms another person or persons by:
 - a. Loud noise; 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. He/she is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:
- a. Vehicular or pedestrian traffic; or
 - b. The free ingress or egress to or from a public or private place.

Section 210.220. Private Peace Disturbance.

- A. A person commits the offense of private peace disturbance if he/she is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:
- 1. Threatening to commit a crime or offense against any person; or
 - 2. Fighting.

Section 210.222. Unlawful Funeral Protests Prohibited — Definitions.

- A. A person commits the offense of unlawful funeral protest if he or she pickets or engages in other protest activities within three hundred (300) feet of any residence, cemetery, funeral home, church, synagogue or other establishment during or within one (1) hour before or one (1) hour after the conducting of 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 service" 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-foot zone that is established under Subsection (A) above.
- D. The offense of unlawful funeral protest shall be an ordinance violation unless the person has previously been found guilty of a violation of this Section.

Section 210.230. Peace Disturbance Definitions. [Ord. No. 75 §1, 8-11-1997]

For the purposes of Sections 210.210 and 210.220 the following words shall have the meanings set out herein:

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

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

PUBLIC PLACE — Any place which at the time is open to the public. It includes

property which is owned publicly or privately. — If a building or structure is divided into separately occupied units, such units are separate premises.

Section 210.235. Unlawful Assembly.

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

Section 210.240. Rioting.¹³ [Ord. No. 00-4 §1, 5-8-2000]

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

Section 210.245. Refusal To Disperse.

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

Section 210.246. Indecent, Profane Language — Offensive Disorderly Conduct. [CC 1964 §4.010]

Any person who shall be guilty of using any indecent or profane language, or of any offensive, indecent, or disorderly conduct, in any public place within the City, or in any public place within the police jurisdiction of the City, shall upon conviction thereof, be deemed guilty of an ordinance violation.

Section 210.247. Disrupting A House of Worship.¹⁴

- A. For purposes of this Section, "*house of worship*" means any church, synagogue, mosque, other building or structure, or public or private place used for religious worship, religious instruction, or other religious purpose.
- B. A person commits the offense of disrupting a house of worship if such person:
 - 1. Intentionally and unreasonably disturbs, interrupts, or disquiets any house of worship by using profane discourse, rude or indecent behavior, or making noise either within the house of worship or so near it as to disturb the order and solemnity of the worship services; or
 - 2. Intentionally injures, intimidates, or interferes with or attempts to injure, intimidate, or interfere with any person lawfully exercising the right of

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

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

religious freedom in or outside of a house of worship or seeking access to a house of worship, whether by force, threat, or physical obstruction.

ARTICLE IV-A
Offenses Concerning Weapons and Firearms

Section 210.250. 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 210.255. Weapons — Carrying Concealed — Other Unlawful Use.¹⁵

- 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
 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/her person, while he/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 within the City limits; or
 7. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.
 8. Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of Section 195.202, RSMo.
- B. Subparagraphs (1) and (7) 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. Subparagraphs (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 are 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

¹⁵. Note — Under certain circumstances this offense can be a felony under state law. *State Law Reference — Section 252.243.3, RSMo., limits the discharge of firearms in certain areas known as Hunting Heritage Protection Areas, which are defined therein.

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 (11) of Section 571.030, RSMo., and who carry the identification defined in Subsection (12) of Section 571.030, RSMo., or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
3. Members of the Armed Forces or National Guard while performing their official duty;
4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal judiciary;
5. Any person whose bona fide duty is to execute process, civil or criminal;
6. Any Federal Probation Officer or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. Section 44921 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 Department of Public Safety under Section 590.750, RSMo.;
9. Any coroner, deputy coroner, medical examiner or assistant medical examiner;
10. Any prosecuting attorney or assistant prosecuting attorney, 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 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 issued prior to August 28, 2013, or a valid concealed carry

permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

- C. Subparagraphs (1), (5) and (7) of Subsection (A) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subparagraph (1) of Subsection (A) of this Section does not apply to any person 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 premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subparagraph (7) of Subsection (A) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.
- D. Subparagraphs (1) and (7) 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., 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) and (7) of Subsection (A) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.
- F. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored 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.

Section 210.260. Possession, Manufacture, Transport, Repair, Sale of Certain Weapons. ¹⁶

- 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;

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

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 pursuant to this Section if his/her conduct involved any of the items in Subparagraphs (1 — 5) of Subsection (A), the item was possessed in conformity with any applicable 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; or
 2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in Subparagraph (1) of this Subsection; or
 3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or
 4. Was incident to displaying the weapon in a public museum or exhibition; or
 5. Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance.

Section 210.265. Defacing Firearm.

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

Section 210.267. Purchase in Another State By Missouri Residents, Permitted When.

Residents of the State of Missouri may purchase firearms in any State, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, and regulations thereunder, and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Missouri and in the State in which the purchase is made.

Section 210.268. Purchase in Missouri By Non-Resident, Permitted When.

Residents of any State may purchase firearms in the State of Missouri, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968,

and regulations thereunder, and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Missouri and in the State in which such persons reside.

Section 210.270. Unlawful Transfer of Weapons. ¹⁷

- 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.

Section 210.275. Possession of Firearm Unlawful For Certain Persons. ¹⁸

- 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.
- B. The provisions of Subsection (A)(1) of this Section shall not apply to the possession of an antique firearm.

Section 210.280. Carrying Concealed Firearms Prohibited — Penalty For Violation.

- A. It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any concealed firearm into:
1. Any Police, Sheriff or Highway Patrol office or station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

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

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

2. Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
3. The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
4. Any courthouse solely occupied by the Circuit, Appellate or Supreme Court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This Subsection 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 Subsection 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 Subsection (1) of Section 571.107, RSMo. Nothing in this Subsection shall preclude those persons listed in Subsection (B)(1) of Section 210.255 while within their jurisdiction and on duty, those persons listed in Subsections (B)(2), (4) and (10) of Section 210.255, 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 Subsection (1) of Section 571.107, RSMo., from carrying a concealed firearm within any of the areas described in this Subsection. Possession of a firearm in a vehicle on the premises of any of the areas listed in this Subsection shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
5. Any meeting of the Board of Aldermen. Possession of a firearm in a vehicle on the premises shall not be 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 of Wellington identified by signs posted at the entrance to the building. This Subsection shall not apply to any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by the City of Wellington. 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 Subsection shall not apply to the licensee of said establishment. The provisions of this Subsection 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 Subsection does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this Subsection 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 a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
9. Any place where the carrying of a firearm is prohibited by Federal law;
10. Any higher education institution or elementary or secondary school facility without the consent of the Governing Body of the higher education institution or a school official or the district school board, 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 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 a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
11. Any portion of a building used as a child-care facility without the consent of the manager. Nothing in this Subsection shall prevent the operator of a child-care facility in a family home from owning or possessing a firearm or 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 a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
13. Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
14. Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on

the premises;

15. Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one (1) or more signs displayed in a conspicuous place of a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity or person may prohibit persons holding a concealed carry permit or endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry permit or endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry permit or endorsement from carrying a concealed firearm in vehicles owned by the employer;
 16. Any sports arena or stadium with a seating capacity of five thousand (5,000) or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
 17. Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- B. Any person violating any of the provisions of Subsection (A) of this Section shall be punished as follows:
1. If the violator holds a concealed carry permit or 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). 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 permit or endorsement and the Department of Revenue.

2. If the violator does not hold a current valid concealed carry permit or endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section 100.220 of this Code of Ordinances.
 3. Employees of the City of Wellington may, in addition to any other punishment hereby, be subject to disciplinary action.
- C. It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty-five dollars (\$35.00), for any person issued a concealed carry permit or endorsement pursuant to State law to fail to carry the concealed carry permit or endorsement at all times the person is carrying a concealed firearm, or to fail to display the concealed carry permit or endorsement upon the request of any Peace Officer.

Section 210.283. Open Display of Firearm Permitted, When.

Any person who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, and who is lawfully carrying a firearm in a concealed manner, may briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.

Section 210.285. Discharging Air Gun, Etc.

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

ARTICLE V
Offenses Concerning Property

Section 210.290. Tampering.¹⁹

- 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:

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

- 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.

Section 210.300. Property Damage. ²⁰ [Ord. No. 00-4 §1, 5-8-2000]

- A. A person commits the offense of property damage if:
- 1. He/she knowingly damages property of another; or
 - 2. He/she damages property for the purpose of defrauding an insurer.

Section 210.310. Claim of Right.

- A. A person does not commit an offense by damaging, tampering with, operating, riding in or upon, or making connection with property of another if he/she does so under a claim of right and has reasonable grounds to believe he/she has such a right.
- B. The defendant shall have the burden of injecting the issue of claim of right.
- C. No person who, as a tenant, willfully or wantonly destroys, defaces, damages, impairs or removes any part of a leased structure or dwelling unit, or the facilities, equipment or appurtenances thereof, may inject the issue of claim of right.

Section 210.320. Trespass in The First Degree. [Ord. No. 00-4 §1, 5-8-2000]

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

Section 210.330. Trespass in The Second Degree.

²⁰. Note — Under certain circumstances this offense can be a felony under state law.

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

Section 210.335. Trespass of A School Bus. [Ord. No. 03-17 §1, 3-10-2003]

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

Section 210.340. Reckless Burning or Exploding.

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

Section 210.350. Negligent Burning or Exploding.

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

Section 210.360. Stealing. ²¹

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

Section 210.365. Theft of Motor Fuel. [Ord. No. 03-18 §1, 3-10-2003]

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

- A. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made.
- B. A person found guilty or pleading guilty to stealing pursuant to Section 570.030, RSMo., for the theft of motor fuel as described in Subsection (A) shall have his/her driver's license suspended by the court, beginning on the date of the court's order of conviction. The person shall submit all of his or her operator's and chauffeur's licenses to the court upon conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the Department of Revenue for administration of such order.

Section 210.370. Receiving Stolen Property. ²²

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

Section 210.375. Financial Exploitation of The Elderly and Disabled. ²³

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

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

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

meanings:

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

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

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

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

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

UNDUE INFLUENCE — Use of influence by someone who exercises authority over an elderly person or disabled person in order to take unfair advantage of that persons's vulnerable state of mind, neediness, pain, or agony. Undue influence includes, but is not limited to, the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority.

- C. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.
- D. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his/her property, but through no fault of his/her own has been unable to provide such assistance.

- E. Nothing in this Section shall limit the ability to engage in bona fide estate planning, to transfer property, and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly or disabled person has become accustomed at the time of such actions.
- F. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person.
- G. *Medicaid Funds.* It shall be unlawful in violation of this Section for any person receiving or in the possession of funds of a Medicaid eligible elderly or disabled person residing in a facility licensed under Chapter 198, RSMo., 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. The Department of Social Services, Family Support Division or its successor is authorized to release information from its records containing the resident's income or assets to any Prosecuting or Circuit Attorney in the State of Missouri for purposes of investigating or prosecuting any suspected violation of this Section.

Section 210.380. Fraudulent Use of A Credit or Debit Device. ²⁴ [Ord. No. 00-3 §1, 5-8-2000; Ord. No. 03-30 §9, 3-10-2003]

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

Section 210.390. 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/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;

²⁴. Note — Under certain circumstances this offense can be a felony under state law.

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

Section 210.400. Alteration or Removal of Item Numbers With Intent To Deprive Lawful Owner.²⁵

- A. A person commits the offense of alteration or removal of item numbers if he/she with the purpose of depriving the owner of a lawful interest therein:
1. Destroys, removes, covers, conceals, alters, defaces or causes to be destroyed, removed, covered, concealed, altered or defaced the manufacturer's original serial number or other distinguishing owner-applied number or mark on any item which bears a serial number attached by the manufacturer or distinguishing number or mark applied by the owner of the item for any reason whatsoever;
 2. Sells, offers for sale, pawns or uses as security for a loan any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced; or
 3. Buys, receives as security for a loan or in pawn, or in any manner receives or has in his/her possession any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced.

Section 210.410. Stealing Leased or Rented Personal Property — Enforcement Procedure — Penalty — Venue.²⁶

- A. A person commits the offense of stealing leased or rented property if, with the intent to deprive the owner thereof, such person:
1. Purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property;
 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

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

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

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 this 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 shall be guilty of property damage pursuant to Section 569.100, RSMo., and Section 210.1040 of this Code in addition to being in violation of this Section.

- F. Venue shall lie in the County where the personal property was originally rented or leased.

Section 210.420. Passing Bad Checks.²⁷

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

Section 210.425. Shoplifting — Detention of Suspect By Merchant — Liability Presumption.

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

MERCANTILE ESTABLISHMENT — Any mercantile place of business in, at or from which goods, wares and merchandise are sold, offered for sale or delivered from and sold

²⁷. Note — Under certain circumstances this offense can be a felony under state law.

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 210.426. Copper Wire or Cable, Catalytic Converters, Collectors and Dealers to Keep Register, Information Required — Penalty — Exempt Transactions.

- A. Every purchaser or collector of, or dealer in, junk, scrap metal or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this Section is obtained for value. There shall be a separate record for each transaction involving any:
 - 1. Copper, brass or bronze;
 - 2. Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting or fastener;
 - 3. Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in Section 350.010, RSMo.; whatever may be the condition or length of such metal; or
 - 4. Catalytic converter.

- B. The record required by this Section shall contain the following data:
 - 1. A copy of the driver's license or photo identification issued by the State or by the United States Government or agency thereof to the person from whom the material is obtained;
 - 2. The current address, gender, birth date, and a photograph of the person from whom the material is obtained if not included or are different from the identification required in Subdivision (1) of this Subsection;
 - 3. The date, time and place of the transaction;
 - 4. The license plate number of the vehicle used by the seller during the transaction;
 - 5. A full description of the metal, including the weight and purchase price.
- C. The records required under this Section shall be maintained for a minimum of twenty-four (24) months from when such material is obtained and shall be available for inspection by any Law Enforcement Officer.
- D. Anyone convicted of violating this Section shall be guilty of an ordinance violation.
- E. This Section shall not apply to any of the following transactions:
 - 1. Any transaction for which the total amount paid for all regulated scrap metal purchased or sold does not exceed fifty dollars (\$50.00), unless the scrap metal is a catalytic converter;
 - 2. Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or
 - 3. Any transaction for which the type of metal subject to Subsection (A) of this Section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.

Section 210.427. Metal Beer Keg, Prohibition On Purchase or Possession By Scrap Metal Dealer — Violation, Penalty.

- A. No scrap metal dealer shall knowingly purchase or possess a metal beer keg, whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store, shred, melt, cut or otherwise alter scrap metal except when the purchase is from the brewer or its authorized representative. For purposes of this Section, "keg" shall have the same meaning as in Section 311.082, RSMo.
- B. Anyone who is found guilty of, or pleads guilty to, violating this Section shall be guilty of an ordinance violation punishable only by fine. Nothing in this Section

shall be construed to preclude a person violating this Section from also being prosecuted for any applicable criminal offense.

Section 210.428. Metal Belonging to Various Entities — Scrap Yard Not to Purchase — Violation, Penalty.

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

Section 210.429. Scrap Metal Dealers — Payments in Excess of \$500.00 To Be Made By Check — Exceptions.

- A. Any scrap metal dealer paying out an amount that is five hundred dollars (\$500.00) or more shall make such payment by issuing a prenumbered check drawn on a regular bank account in the name of the licensed scrap metal dealer and with such check made payable to the person documented as the seller in accordance with this Section, or by using a system for automated cash or electronic payment distribution which photographs or videotapes the payment recipient and identifies the payment with a distinct transaction in the register maintained in accordance with Chapter 407, RSMo.
- B. Any scrap metal dealer that purchases scrap metal from a seller and pays in the form of cash is required to obtain a copy of the seller's driver's license or non-driver's license if the metal is copper or a catalytic converter. This Section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.
- C. Any person in violation of Sections 210.426 to 210.429 by selling stolen scrap metal shall be responsible for consequential damages related to obtaining the scrap metal.

ARTICLE VI
Offenses Concerning Prostitution and Morals

Section 210.430. Article Definitions.

As used in this Article, the following terms mean:

PATRONIZING PROSTITUTION — A person patronizes prostitution if:

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

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

SEXUAL CONDUCT — Occurs when there is:

1. *Sexual intercourse.* Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.
2. *Deviate sexual intercourse.* Any sexual act involving the genitals of one (1) person and the mouth, hand, tongue or anus of another person.
3. *Sexual contact.* Any touching, manual or otherwise, of the anus or genitals of one (1) person by another, done for the purpose of arousing or gratifying sexual desire of either party.

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

Section 210.440. Prostitution.²⁸

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

Section 210.450. Patronizing Prostitution.

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

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

Section 210.460. Prostitution and Patronizing Prostitution — Sex of Parties No Defense, When.

- A. In any prosecution for prostitution or patronizing a prostitute, the sex of the two (2) parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:
 - 1. Both persons were of the same sex; or
 - 2. The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.

Section 210.465. Prostitution Houses Deemed Public Nuisances.

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

**ARTICLE VII
Sexual Offenses**

Section 210.470. Article Definitions.

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

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

SEXUAL CONDUCT — Sexual intercourse, deviate sexual intercourse or sexual contact.

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

of any person.

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

Section 210.475. Sexual Misconduct.

- A. A person commits the offense of sexual misconduct in the first degree if such person:
1. Exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm;
 2. Has sexual contact in the presence of a third person or persons under circumstances in which he/she knows that such conduct is likely to cause affront or alarm; or
 3. Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

Section 210.480. Sexual Abuse.²⁹

A person commits the offense of sexual abuse in the second degree if he/she purposely subjects another person to sexual contact without that person's consent.

Section 210.483. Certain Offenders Not To Physically Be Present or Loiter Within Five Hundred Feet of A Child Care Facility — Violation — Penalty.

- A. Any person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:
1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Subsection (2) of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of Section 568.080, RSMo., Use Of A Child In A Sexual Performance; Section 568.090, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography In The First Degree; Section 573.035, RSMo., Promoting Child Pornography In The Second Degree; Section 573.037, RSMo., Possession Of Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or
 2. Any offense in any other State or Foreign Country, or under federal, tribal or military jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not knowingly be physically present in or loiter within five hundred (500) feet of or to approach, contact, or communicate with any child under eighteen (18) years

²⁹. Note — Under certain circumstances this offense can be a felony under state law.

of age in any child care facility building, on the real property comprising any child care facility when persons under the age of eighteen (18) are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds.

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

Section 210.485. Certain Offenders Not To Be Present Within Five Hundred Feet of School Property, Exception — Permission Required For Parents or Guardians Who Are Offenders, Procedure.

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

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

- B. No parent, legal guardian or custodian who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the offenses listed in Subsection (A) of this Section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance unless the parent, legal guardian or custodian has permission to be present from the Superintendent or School Board or in the case of a private school from the Principal. In the case of a public school, if permission is granted, the Superintendent or School Board President must inform the Principal of the

school where the sex offender will be present. Permission may be granted by the Superintendent, School Board, or in the case of a private school from the Principal for more than one (1) event at a time, such as a series of events, however, the parent, legal guardian or custodian must obtain permission for any other event he/she wishes to attend for which he/she has not yet had permission granted.

- C. Regardless of the person's knowledge of his or her proximity to school property or a school-related activity, violation of the provisions of this Section shall be an ordinance violation.

Section 210.487. Halloween, Restrictions On Conduct — Violations.

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

ARTICLE VIII
Offenses Concerning Pornography

Section 210.490. Definitions.

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

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

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

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

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

OBSCENE — Any material or performance is obscene if:

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex;
2. Taken as a whole with the average person, applying contemporary community standards, it depicts or describes sexual conduct in a patently offensive way; and
3. Taken as a whole, 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 is pornographic for minors if the following apply:

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

PROMOTE — To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit, or advertise, or to offer or agree to do the same.

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

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

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

Section 210.500. Promoting Pornography For Minors or Obscenity.³⁰

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

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

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; or
4. Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain.

Section 210.510. Furnishing Pornographic Materials To Minors. ³¹

- A. A person commits the offense of furnishing pornographic material to minors if he/she:
 1. Furnishes any material pornographic for minors, knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor.
 2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance.
- B. It is not an affirmative defense to a prosecution for a violation of this Section that the person being furnished the pornographic material is a Peace Officer masquerading as a minor.
- C. Furnishing pornographic material to minors or attempting to furnish pornographic material to minors is an ordinance violation.

ARTICLE IX
Offenses Concerning Alcohol and Drugs

Section 210.515. Drinking in Public.

No person shall drink any intoxicating or non-intoxicating beverages in any public building (except licensed premises), street, highway, parking lot or other public place, except as authorized by the Board of Aldermen.

Section 210.520. Possession of Marijuana.

- A. *Definition.* The following word shall have the meaning set out herein when used in this Section:

MARIJUANA — All parts of the plant genus Cannabis in any species or form thereof, including, but not limited to Cannabis Sativa L., Cannabis Indica, Cannabis Americana,

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

Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

- B. Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control marijuana as defined in Subsection (A) hereof.

Section 210.530. Possession or Control of A Controlled Substance.³²

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

Section 210.532. (Reserved)

Section 210.535. Limitations On The Retail Sale of Methamphetamine Precursor Drugs.
[Ord. No. 03-20 §1, 3-10-2003]

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

Section 210.540. Unlawful Use of Drug Paraphernalia.

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia as defined by Section 195.010, RSMo., to plant, propagate, cultivate, grow, harvest,

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

manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance as defined by Section 195.010, RSMo., or an imitation controlled substance as defined by Section 195.010, RSMo., in violation of Sections 195.005 to 195.425, RSMo.

Section 210.550. Inhalation or Inducing Others To Inhale Solvent Fumes To Cause Certain Reactions, Prohibited — Exceptions.

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

Section 210.560. Inducing, or Possession With Intent To Induce, Symptoms By Use of Solvents and Other Substances, Prohibited.

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

- D. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by Section 210.550 and this Section.
- E. No person shall possess or use an alcoholic beverage vaporizer.
- F. Nothing in this Section shall be construed to prohibit the legal consumption of intoxicating liquor.

Section 210.570. Possession or Purchase of Solvents To Aid Others in Violations, Prohibited — Violations of Sections 210.550 To 210.560 — Penalty. ³³

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

ARTICLE X
Offenses Concerning Minors ³⁴

Section 210.580. Definitions.

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

GUARDIAN — Guardian appointed by court of competent jurisdiction.

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

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

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

Section 210.590. Curfew For Persons Under Seventeen. [Ord. No. 2009-02, 3-23-2009]

- A. It shall be unlawful for any person under the age of seventeen (17) years to be in or upon any public place or way within the City of Wellington between the hours of 11:00 P.M. and 6:00 A.M. The provisions of this Section shall not apply to any such persons accompanied by a parent or guardian, to any person upon an errand or other legitimate business directed by such person's parent or guardian, to any such person who is engaged in gainful, lawful employment during said time period or who is returning or in route to said employment or to any such person who is

³³. Note — Under certain circumstances this offense can be a felony under state law.

³⁴. Cross Reference — As to alcohol related offenses involving minors, §600.060.

attending or in route to or from organized religious or school activity.

- B. *Responsibility Of Parent.* The parent, guardian or other adult person having the care and custody of a person under the age of seventeen (17) years shall not knowingly permit such person to violate this Section.
- C. *Notice To Parent.* Any Police Officer finding any person under the age of seventeen (17) years violating the provisions of this Section shall warn such person to desist immediately from such violation and shall promptly report the violation to his superior officer who shall cause a written notice to be served upon the parent, guardian or person in charge of such person setting forth the manner in which this Section has been violated. Any parent, guardian or person in charge of such person, who shall knowingly permit such person to violate the provisions of this Section, after receiving notice of the first (1st) violation, shall be guilty of an offense.
- D. *Service Of Notice.* The written notice provided in Subsection (C) may be served by leaving a copy thereof at the residence of such parent, guardian or person in charge of the person in violation of this Section with any person found at such residence over the age of seventeen (17) years or by mailing such notice to the last-known address of such parent, guardian or person in charge of such person, wherever such person may be found.

Section 210.600. Parental Responsibility.

- A. Whenever a minor shall be arrested or detained for the commission of any offense within the City, the Police Department shall, as soon as possible thereafter, deliver written notice to the minor's parent of the arrest or detention, and such notice shall advise the parent of his/her responsibility under this Section. The notice shall be in such a form as to be signed by the notified parent signifying receipt thereof. If the parent refuses to sign said notice, the notifying Police Officer shall indicate such refusal on the notice.
- B. No parent shall fail to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit any offense. Written parental notice as defined in Subsection (A) of this Section shall be prima facie evidence of parental neglect if the minor commits a second (2nd) or successive violation of any offense.
- C. Each violation of the provisions of this Section shall constitute a separate offense. Any person who shall violate this Section shall be subject to imprisonment for not more than ninety (90) days and/or a fine of not less than one hundred dollars (\$100.00) for the first (1st) violation, not less than two hundred dollars (\$200.00) for a second (2nd) violation, and not less than five hundred dollars (\$500.00) for any successive violation. In addition, the court may, as a condition of any probation granted to any parent found guilty of violating Subsection (B) of this Section, order the defendant to make restitution to any person who has been damaged by the misconduct of the minor in an amount not to exceed two thousand dollars (\$2,000.00).

ARTICLE XI

Offenses Concerning Tobacco, Alternative Nicotine Products or Vapor Products

Section 210.603. 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.³⁵

CENTER OF YOUTH ACTIVITIES — Any playground, school or other facility, when such facility is being used primarily by persons under the age of eighteen for recreational, educational or other purposes.

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, 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.

35. Editor's Note: See 21 U.S.C. § 351 et seq.

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 210.605. Unlawful To Sell or Distribute Tobacco Products, Alternative Nicotine Products or Vapor Products to Minors — Vending Machine Requirements.

- A. It shall be unlawful for any person to sell, provide or distribute tobacco products, alternative nicotine products or vapor products to persons under eighteen (18) years of age.
- B. All vending machines that dispense tobacco products, alternative nicotine products or vapor products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than eighteen (18) years of age from purchasing any tobacco product, alternative nicotine product or vapor product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than eighteen (18) years of age are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this Subsection shall be subject to the penalties contained in Subsection (D) of this Section. A determination of non-compliance may be made by a local law enforcement agency or the Division of Alcohol and Tobacco Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.
- C. No person or entity shall sell, provide or distribute any tobacco product, 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 210.613 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 offense, two hundred fifty dollars (\$250.00).
- E. Any owner of the establishment where tobacco products, alternative nicotine products or vapor products are available for sale who violates Subsection (C) of this Section shall not be penalized pursuant to this Section if such person documents the following:
 - 1. An in-house or other tobacco compliance employee training program was in

place to provide the employee with information on the State and Federal regulations regarding 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 to minors products, alternative nicotine products or vapor products; and
 3. Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety (90) minutes in length, established by the Division of Alcohol and Tobacco Control.
- F. The exemption in Subsection (E) of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products, alternative nicotine products or vapor products 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 in violation of Section 210.613, 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.
- I. Any person adversely affected by this Section may file an appeal with the Administrative Hearing Commission which shall be adjudicated pursuant to the procedures established in Chapter 621, RSMo.

Section 210.607. Minors Prohibited From Purchase or Possession of Tobacco Products, Alternative Nicotine Products or Vapor Products — Misrepresentation of Age.

- A. No person less than eighteen (18) years of age shall purchase, attempt to purchase

or possess cigarettes, tobacco products, alternative nicotine products or vapor products 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 Alcohol and Tobacco Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.

- B. Any person less than eighteen (18) years of age shall not misrepresent his/her age to purchase cigarettes, tobacco products, alternative nicotine products or vapor products.
- 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 or vapor products 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 or vapor products confiscated and shall complete a tobacco education or smoking cessation program, if available.

Section 210.610. Retail Sales Tax License Required for Sale of Tobacco Products, Alternative Nicotine Products or Vapor Products.

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

Section 210.613. Required Sign Stating Violation of State Law To Sell Tobacco Products, Alternative Nicotine Products or Vapor Products to Minors Under Age 18 — Display of Sign Required, Where.

- 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, vapor products are sold and on every vending machine where tobacco products, alternative nicotine products, 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:
 - 1. 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 210.615. Restrictions on Sales of Individual Packs of Cigarettes.

- A. No person or entity shall sell individual packs of cigarettes or smokeless tobacco products unless such packs satisfy one (1) of the following conditions prior to the time of sale:
 1. It is sold through a vending machine; or
 2. It is displayed behind the checkout counter or it is within the unobstructed line of sight of the sales clerk or store attendant from the checkout counter.

Section 210.617. 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 or 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).
- B. The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the Division of Alcohol and Tobacco Control or any owner or employee of an establishment that sells tobacco products, alternative nicotine products or vapor products for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least eighteen (18) years of age when such person desires to purchase or possess tobacco products, alternative nicotine products or vapor products procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.
- C. Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of an ordinance violation.
- D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections (A), (B) and (C) of Section 210.605 of this Article. No person shall be liable for more than one

(1) violation of Subsections (B) and (C) of Section 210.605 on any single day.

ARTICLE XII
Miscellaneous Offenses

Section 210.620. Erection or Maintenance of Barbed Wire or Electrically Charged Fences.

- A. It shall be unlawful for any person to erect or maintain or for any property owner or occupant to allow to be erected or maintained on any property within the City, any fence equipped with or having barbed wire, spikes, or any similar device or any electrical charge sufficient to cause an electric shock.
- B. It shall, however, not be unlawful, under this Section to maintain a barbed wire fence so long as said barbed wire is at least six (6) feet above the ground and at least one (1) foot within the property line of the owner's or occupant's property and so long as said property is located within an industrial or business zoning classification.

Section 210.622. Climbing On Trains. [CC 1964 §4.152]

Any person, except an employee of, or passenger on, a railroad train, who shall climb upon, hold to, or in any manner attach himself/herself to any locomotive, or any car of any railroad, while the same shall be in motion or running through the City, shall upon conviction thereof be deemed guilty of an ordinance violation

Section 210.624. Unsanitary Privies, Cesspools, Etc. [CC 1964 §4.220]

It shall be unlawful for any person to have or maintain on property owned or occupied by him/her any outdoor closet, privy, septic tank, or cesspool that is unsanitary.

Section 210.626. Duty To Clean Privies, Cesspools, Etc. [CC 1964 §4.221]

It shall be the duty of every owner or occupant to keep clean any privy, outdoor closet, septic tank, or cesspool on property owned or occupied by him/her, and to clean or otherwise remedy any unsanitary condition of such privy, closet, tank or cesspool within such time as shall be fixed by the Board of Aldermen, and if the same shall not be cleaned or the condition otherwise remedied, within such time limit, the Board of Aldermen shall cause the same to be cleaned or the condition otherwise remedied, and the expense incurred in such cleaning or otherwise remedying the condition, shall be paid by the owner, owners, lessee or lessees owning or leasing the property, and all disputes between the owner and the lessee, shall be adjusted between themselves, but each, or all or any of them shall be liable to the City for any expense incurred by reason of such cleaning or remedying.

Section 210.628. Discharging Waste From Plumbing Upon Public Places. [CC 1964 §4.222]

It shall be unlawful for any owner or occupant of any house or other building used or occupied by human beings to discharge any waste from plumbing fixtures of any type upon any street or alley or other public way.

Section 210.630. Unlawful To Be in Public Parks, Recreation Areas — When. [Ord. No. S-65 §1, 8-12-1996; Ord. No. 2009-04, 4-13-2009]

All of the public parks, recreation areas and public square owned by the City of Wellington shall be closed to the public from 11:00 P.M. until 6:00 A.M., except for community activity or by special permission of the Board of Aldermen, and it shall be unlawful for any person or vehicle to be in said parks or parked around or upon the public roads on the perimeter of said park or square during said hours.