

## TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE

### CHAPTER 200: POLICE DEPARTMENT

#### SECTION 200.010: CITY MARSHAL, TRAINING REQUIREMENTS

- A. Any person who is elected to his/her first term as City Marshal in a general election or in a special election in any Fourth Class City of this State shall, within six (6) months of such election, cause to be filed with the City Clerk of the City and Director of the Department of Public Safety proof that he/she has completed the training program formulated pursuant to Sections 590.170 and 590.175, RSMo., or some other comparable training program of not less than one hundred twenty (120) hours instruction approved by the Director of the Department of Public Safety. If the newly elected City Marshal is unable to complete the training program within six (6) months due to the proper course not being available from the Department of Public Safety, an extension may be granted until such a course is made available.
- B. Whether any person elected to his/her first term as City Marshal attends such a training program prior to or after assuming the duties of his/her office shall be left to the discretion of the Board of Aldermen of the City from which he/she was elected. During the time that a Marshal-elect is enrolled in such a training program, he/she shall be hired as a City employee and receive as full compensation from the City from which he/she was elected, compensation at a rate equal to that of City Marshal. (RSMo. §79.055)

#### SECTION 200.020: CITY MAY ENTER INTO AGREEMENT

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



## CHAPTER 205: ANIMAL REGULATIONS

### SECTION 205.010: DEFINITIONS

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

*DOGS OR CATS:* All animals of the canine or feline species, both male and female.

*OWNER OR KEEPER:* Any person having a right of property in a dog or cat, or who keeps or harbors a dog or cat, or who has it in his/her care or acts as its custodian, or who knowingly permits a dog or cat to remain on or about any premises owned or occupied by him/her.

*PIT BULL DOG:* Any and all of the following dogs:

1. The Staffordshire Bull Terrier breed of dogs.
2. The American Staffordshire Terrier breed of dogs.
3. The American Pit Bull Terrier breed of dogs.
4. Dogs which have the appearance and characteristics of being predominately of the breeds of the dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier.

*RUNNING AT LARGE:* Allowing a dog or cat to be off the private premises of the owner or keeper, or his/her agent or servant, and not on a leash or confined to the arms, motor vehicle, trailer or other conveyance of the owner or keeper, his/her agent or servant.

*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.

*TRESPASSER:* A person upon the premises of the owner or keeper of the dog in question without license or privilege to be upon said premises.

*UNRESTRAINED DOG:* Any dog running at large or a dog on the premises of its owner or keeper but not confined to said premises by a leash, fence, structure or other means that would prevent the dog from leaving such premises.

*VICIOUS DOG:* Any of the following dogs:

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

5. Any pit bull dog.

**SECTION 205.020: VACCINATION AND TAG**

The owner or keeper of any dog or cat in the City of Huntleigh is hereby required to have such animals vaccinated against rabies by a licensed veterinarian and to procure a certificate of such vaccination from a veterinarian and the owner or keeper shall securely attach the tag issued by said veterinarian to a collar to be worn continuously by the animal for which the tag was issued. It shall be unlawful for the owner or keeper of any dog or cat to permit such animal to remain in the City of Huntleigh unless wearing the tag above provided for herein.

**SECTION 205.030: RUNNING AT LARGE PROHIBITED—IMPOUNDMENT**

It shall be unlawful for the owner or keeper of any dog or cat to permit the same to run at large within the City of Huntleigh at any time.

**SECTION 205.040: VICIOUS DOGS PROHIBITED—EXCEPTIONS**

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

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

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§ 205.060

Animal Regulations

**SECTION 205.050: DUTY TO IMPOUND**

It shall be the duty of the City Police and any other person of the City of Huntleigh, especially designated by the Board of Aldermen and the Mayor for such purpose, to take up any dog or cat without the tag provided in Section 205.020, any dog or cat running at large, or any vicious dog in violation of Section 205.040 above and to impound the same. In effecting the capture of any dog or cat, the officers aforesaid are authorized and directed to use traps, nets, tranquilizer guns or any other humane method.

**SECTION 205.060: REIMBURSEMENT OF COSTS**

The owner or keeper of any dog or cat impounded under this Chapter shall pay to the Chief of Police, Police Officer, or other official especially designated to receive the same, a sum sufficient to reimburse the City for its costs in impounding such dog or cat and keeping it impounded.



## CHAPTER 210: OFFENSES

### ARTICLE I. GENERAL PROVISIONS

#### SECTION 210.005: DEFINITIONS

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

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

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

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

*CONFINEMENT*:

- .1. A person is in confinement when he/she is held in a place of confinement pursuant to arrest or order of a court and remains in confinement until:
  - .1.a. A court orders his/her release;
  - .1.b. He/she is released on bail, bond or recognizance, personal or otherwise; or
  - .1.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:
  - .2.a. He/she is on probation or parole, temporary or otherwise; or
  - .2.b. He/she is under sentence to serve a term of confinement which is not continuous, or is serving a sentence under a work-release program, and in either such case is not being held in a place of confinement or is not being held under guard by a person having the legal power and duty to transport him/her to or from a place of confinement.

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

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

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



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

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

*DANGEROUS FELONY:* The felonies of arson in the first degree, assault in the first degree, attempted forcible rape if physical injury results, attempted forcible sodomy if physical injury results, forcible rape, forcible sodomy, kidnapping, murder in the second degree, assault of a Law Enforcement Officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, and abuse of a child pursuant to Subdivision (2) of Subsection (3) of Section 568.060, RSMo., and child kidnapping.

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

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

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

*FORCIBLE COMPULSION:* Means either:

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

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

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

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

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

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

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

*OFFENSE:* Any felony, misdemeanor or infraction.

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

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

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

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

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

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

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

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

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

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

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

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

*VOLUNTARY ACT:* Has the meaning specified in Section 562.011, RSMo. (RSMo. §556.061)

**PERSON**

**ARTICLE II. OFFENSES AGAINST THE**

**SECTION 210.010: ASSAULT**

A person commits the offense of assault if:

- .1. The person attempts to cause or recklessly causes physical injury to another person;
- .2. With criminal negligence the person causes physical injury to another person by means of a deadly weapon;
- .3. The person purposely places another person in apprehension of immediate physical injury;
- .4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person;
- .5. The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative; or
- .6. The person knowingly causes physical contact with an incapacitated person, as defined in Section 475.010, RSMo., which a reasonable person, who is not incapacitated, would consider offensive or provocative. (RSMo. §565.070)

**SECTION 210.015: DOMESTIC ASSAULT**

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

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

member's access to other persons, telecommunication devices or transportation for the purpose of isolation. (RSMo. §565.074)

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

**SECTION 210.020: ASSAULT OF A LAW ENFORCEMENT OFFICER**

- A. A person commits the offense of assault of a Law Enforcement Officer, Emergency Personnel or Probation and Parole Officer if:
- A.1. Such person recklessly causes physical injury to a Law Enforcement Officer, Emergency Personnel or Probation and Parole Officer;
  - A.2. Such person purposely places a Law Enforcement Officer, Emergency Personnel or Probation and Parole Officer in apprehension of immediate physical injury;
  - A.3. Such person knowingly causes or attempts to cause physical contact with a Law Enforcement Officer, Emergency Personnel or Probation and Parole Officer without the consent of the Law Enforcement Officer, Emergency Personnel 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) and (17) of Section 190.100, RSMo. (RSMo. §565.083)

**SECTION 210.030: HARASSMENT**

A person commits the offense of harassment if for the purpose of frightening or disturbing another person he/she:

- .1. Communicates in writing or by telephone a threat to commit any felony;
- .2. Makes a telephone call or communicates in writing and uses coarse language offensive to one of average sensibility;
- .3. Makes a telephone call anonymously; or
- .4. Makes repeated telephone calls. (RSMo. §565.090)

**SECTION 210.040: FALSE IMPRISONMENT**

A person commits the offense of false imprisonment if he/she knowingly restrains another unlawfully and without consent so as to interfere substantially with his/her liberty. (RSMo. §565.130)

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

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

- A. A person commits the offense of endangering the welfare of a child if:
- A.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;

A.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.;





- .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. (RSMo. §575.020)

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

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

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

- .1. Harbors or conceals such person;
- .2. Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law;
- .3. Provides such person with money, transportation, weapon, disguise or other means to aid him/her in avoiding discovery or apprehension; or
- .4. Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person. (RSMo. §575.030)

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

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

A person commits the offense of refusal to identify as a witness if, knowing he/she has witnessed any portion of a crime, or of any other incident resulting in physical injury or substantial property damage, upon demand by a Law Enforcement Officer engaged in the performance of his/her official duties, he/she refuses to report or gives a false report of his/her name and present address to such officer. (RSMo. §575.190)

#### **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. (RSMo. §575.250)

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

- A. A person commits the offense of tampering with a witness if, with purpose to induce a witness or a prospective witness to disobey a subpoena or other legal process, or to absent himself/herself or

avoid subpoena or other legal process, or to withhold evidence, information or documents, or to testify falsely, he/she:

- A.1. Threatens or causes harm to any person or property;
  - A.2. Uses force, threats or deception;
  - A.3. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or
  - A.4. Conveys any of the foregoing to another in furtherance of a conspiracy.
- B. A person commits the offense of "victim tampering" if, with purpose to do so, he/she prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from:
- B.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;
  - B.2. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof; or
  - B.3. Arresting or causing or seeking the arrest of any person in connection with such victimization. (RSMo. §575.270)

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

**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. (RSMo. §575.290)

**SECTION 210.120: FALSE IMPERSONATION**

- A. A person commits the offense of false impersonation if such person:
- A.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.1.a. Performs an act in that pretended capacity; or
    - A.1.b. Causes another to act in reliance upon his/her pretended official authority.
  - A.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.2.a. Performs an act in that pretended capacity; or

A.2.b. Causes another to act in reliance upon such representation.

- A.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. (RSMo. §575.120)

**SECTION 210.130: FALSE REPORTS**

- A. A person commits the offense of making a false report if he/she knowingly:
  - A.1. Gives false information to any person for the purpose of implicating another person in a crime or offense;
  - A.2. Makes a false report to a Law Enforcement Officer that a crime or offense has occurred or is about to occur; or
  - A.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. (RSMo. §575.080)

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

- A. A person commits the offense of resisting or interfering with arrest, detention or stop if, knowing that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a Law Enforcement Officer is

making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or detention, the person:

- A.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
- A.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 arrests, stops or detentions with or without warrants and to arrests, stops or detentions for any crime, infraction or ordinance violation.
- 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. (RSMo. §575.150)

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

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

A person commits the offense of escape from custody or attempted escape from custody if, while being held in custody after arrest for any crime or offense, he/she escapes or attempts to escape from custody. (RSMo. §575.200)

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

**SECTION 210.155: INTERFERENCE WITH LEGAL PROCESS**

- A. A person commits the offense of interference with legal process if, knowing any person is authorized by law to serve process, for the purpose of preventing such person from effecting the service of any process, he/she interferes with or obstructs such person.
- B. "Process" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.
- C. Interference with legal process is an ordinance violation. (RSMo. §575.160)

**ARTICLE IV. OFFENSES CONCERNING PUBLIC SAFETY**

**SECTION 210.160: ABANDONMENT OF AIRTIGHT OR SEMI-AIRTIGHT CONTAINERS**



- A. A person commits the offense of abandonment of airtight icebox if he/she abandons, discards or knowingly permits to remain on premises under his/her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator or other airtight or semi-airtight container which

has a capacity of one and one-half (1½) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.

- B. Subsection (A) of this Section does not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman.
- C. The defendant shall have the burden of injecting the issue under Subsection (B) of this Section. (RSMo. §577.100)

**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. (RSMo. §577.070)

**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. (RSMo. §577.076)

**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. (RSMo. §577.150)

**SECTION 210.200: ABANDONING MOTOR VEHICLE OR TRAILER**

- A. A person commits the offense of abandoning a motor vehicle or trailer if he/she abandons any motor vehicle or trailer on the right-of-way of any public road or State highway or on or in any of the waters in this State or on the banks of any stream or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof or any political subdivision thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his/her consent.
- B. For purposes of this Section, the last owner of record of a motor vehicle or trailer found abandoned and not shown to be transferred pursuant to Sections 301.196 and 301.197, RSMo., shall be deemed prima facie to have been the owner of such motor vehicle or trailer at the time it was abandoned and to have been the person who abandoned the motor vehicle or trailer or caused or procured its abandonment. The registered owner of the abandoned motor vehicle or trailer shall not be subject to the penalties provided by this Section if the motor vehicle or trailer was in the care, custody or control of another person at the time of the violation. In such instance, the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address, and other pertinent information of the person who leased, rented or otherwise had care, custody or control of the motor vehicle or trailer at the time of the alleged violation. The affidavit submitted pursuant to this Subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the motor vehicle or trailer. In such case, the court has the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator. If the motor vehicle or trailer is alleged to have been stolen, the owner of the motor vehicle or trailer shall submit proof that a Police report was filed in a timely manner indicating that the vehicle was stolen at the time of the alleged violation.
- C. Any person convicted pursuant to this Section shall be civilly liable for all reasonable towing, storage and administrative costs associated with the abandonment of the motor vehicle or trailer. Any reasonable towing, storage and administrative costs in excess of the value of the abandoned motor vehicle or trailer that exist at the time the motor vehicle is transferred pursuant to Section 304.156, RSMo., shall remain the liability of the person convicted pursuant to this Section so long as the towing company, as defined in Chapter 304, RSMo., provided the title owner and lienholders, as ascertained by the Department of Revenue records, a notice within the timeframe and in the form as described in Subsection (1) of Section 304.156, RSMo. (RSMo. §577.080)

**ARTICLE V. OFFENSES CONCERNING PUBLIC**

**PEACE**

**SECTION 210.210: PEACE DISTURBANCE**

A person commits the offense of peace disturbance if:

B.1. He/she unreasonably and knowingly disturbs or alarms another person or persons by:

B.1.a. Loud noise;

B.1.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;

B.1.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;

B.1.d. Fighting; or

B.1.e. Creating a noxious and offensive odor.

B.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:

B.2.a. Vehicular or pedestrian traffic; or

B.2.b. The free ingress or egress to or from a public or private place. (RSMo. §574.010)

#### **SECTION 210.215: PRIVATE PEACE DISTURBANCE**

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

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

.2. Fighting. (RSMo. §574.020)

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

For the purposes of Sections 210.210 and 210.215, 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. (RSMo. §574.030)

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

A person commits the offense of unlawful assembly if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the United States with force or violence. (RSMo. §574.040)

#### **SECTION 210.230: RIOTING**

A person commits the offense of rioting if he/she knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this State or of the

United States with force or violence and thereafter, while still so assembled, does violate any of said laws with force or violence. (RSMo. §574.050)

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

#### **SECTION 210.235: REFUSAL TO DISPERSE**

A person commits the offense of refusal to disperse if, being present at the scene of an unlawful assembly or at the scene of a riot, he/she knowingly fails or refuses to obey the lawful command of a Law Enforcement Officer to depart from the scene of such unlawful assembly or riot. (RSMo. §574.060)

### **ARTICLE VI. OFFENSES CONCERNING WEAPONS AND FIREARMS**

#### **SECTION 210.240: DEFINITIONS**

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

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

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

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

*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.

*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.

*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. (RSMo. §571.010)

**SECTION 210.250: UNLAWFUL USE OF WEAPONS—EXCEPTIONS—PENALTIES**

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

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- A.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
  - A.2. Sets a spring gun; or
  - A.3. Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in Section 302.010, RSMo., or any building or structure used for the assembling of people; or
  - A.4. Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
  - A.5. Possesses or discharges a firearm or projectile weapon while intoxicated; or
  - A.6. Discharges a firearm within one hundred (100) yards of any occupied schoolhouse, courthouse, or church building; or
  - A.7. Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or
  - A.8. Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the Federal Government, State Government, or political subdivision thereof; or
  - A.9. Discharges or shoots a firearm at or from a motor vehicle, as defined in Section 301.010, RSMo., discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or
  - A.10. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.
- B. Subdivisions (1), (3), (4), (6), (7), (8), (9) and (10) of Subsection (A) of this Section shall not apply to or affect any of the following:
- B.1. All State, County and Municipal Peace Officers who have completed the training required by the Police Officer Standards And Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or Municipalities of the State, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
  - B.2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
  - B.3. Members of the Armed Forces or National Guard while performing their official duty;

B.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;

- B.5. Any person whose bona fide duty is to execute process, civil or criminal;
  - B.6. Any Federal Probation Officer;
  - B.7. Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;
  - B.8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Board of Police Commissioners under Section 84.340, RSMo.; and
  - B.9. Any coroner, deputy coroner, medical examiner, or assistant medical examiner.
- C. Subdivisions (1), (5), (8), and (10) 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. Subdivision (1) of Subsection (A) of this Section does not apply to any person twenty-one years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subdivision (10) of Subsection (A) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.
- D. Subdivisions (1), (8), and (10) of Subsection (A) of this Section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to Sections 571.101 to 571.121, RSMo., or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State.
- E. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of Subsection (A) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.
- F. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the District School Board.
- G. Unlawful use of weapons is a Class D Felony unless committed pursuant to Subdivision (6), (7), or (8) of Subsection (A) of this Section, in which cases it is a Class B Misdemeanor, or Subdivision (5) or (10) of Subsection (A) of this Section, in which case it is a Class A Misdemeanor if the firearm is unloaded and a Class D Felony if the firearm is loaded, or Subdivision (9) of Subsection (A) of this Section, in which case it is a Class B Felony, except that if the violation of Subdivision (9) of Subsection (A) of this Section results in injury or death to another person, it is a Class A Felony.
- H. Violations of Subdivision (9) of Subsection (A) of this Section shall be punished as follows:
- H.1. For the first (1st) violation a person shall be sentenced to the maximum authorized term of imprisonment for a class B felony.

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- H.2. For any violation by a prior offender as defined in Section 558.016, RSMo., a person shall be sentenced to the maximum authorized term of imprisonment for a Class B Felony without the possibility of parole, probation or conditional release for a term of ten (10) years.
- H.3. For any violation by a persistent offender as defined in Section 558.016, RSMo., a person shall be sentenced to the maximum authorized term of imprisonment for a Class B Felony without the possibility of parole, probation, or conditional release.
- H.4. For any violation which results in injury or death to another person, a person shall be sentenced to an authorized disposition for a Class A Felony.
- I. Any person knowingly aiding or abetting any other person in the violation of Subdivision (9) of Subsection (A) of this Section shall be subject to the same penalty as that prescribed by this Section for violations by other persons. (RSMo. §571.030)

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

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

- A. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells:
  - A.1. An explosive weapon;
  - A.2. An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;
  - A.3. A machine gun;
  - A.4. A gas gun;
  - A.5. A short barreled rifle or shotgun;
  - A.6. A firearm silencer;
  - A.7. A switchblade knife;
  - A.8. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or
  - A.9. Knuckles.
- B. A person does not commit an offense pursuant to this Section if his/her conduct:
  - B.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
  - B.2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in Subdivision (A) of this Section; or

- B.3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or
- B.4. Was incident to displaying the weapon in a public museum or exhibition; or
- B.5. Was incident to dealing with the weapon solely as a curio, ornament, or keepsake, or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon is a type described in Subdivision (1), (4) or (6) of Subsection (A) of this Section it must be in such a non-functioning condition that it cannot readily be made operable. No short barreled rifle, short barreled shotgun, or machine gun may be possessed, manufactured, transported, repaired or sold as a curio, ornament, or keepsake, unless such person is an importer, manufacturer, dealer, or collector licensed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968, U.S.C., Title 18, or unless such firearm is an "*antique firearm*" as defined in Section 210.240, or unless such firearm has been designated a "collectors item" by the Secretary of the Treasury pursuant to the U.S.C., Title 26, Section 5845(a).
- B.6. A crime pursuant to Subdivision (1), (2), (3), (4), (5) or (6) of Subsection (A) of this Section is a Class C Felony; a crime pursuant to Subdivision (7), (8) or (9) of Subsection (A) of this Section is a Class A Misdemeanor. (RSMo. §571.020)

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

**SECTION 210.260: DEFACING FIREARM**

A person commits the offense of defacing a firearm if he/she knowingly defaces any firearm. (RSMo. §571.045.1)

**SECTION 210.270: UNLAWFUL TRANSFER OF WEAPONS**

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

- .1. Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian or recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers any firearm to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian; provided that this does not prohibit the delivery of such weapons to any Peace Officer or member of the Armed Forces or National Guard while performing his/her official duty; or
- .2. Recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated. (RSMo. §571.060.1(2–3))

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

**SECTION 210.280: POSSESSION OF CONCEALABLE FIREARM UNLAWFUL FOR CERTAIN PERSONS**

A person commits the offense of unlawful possession of a concealable firearm if he/she has any concealable firearm in his/her possession and:

1. He/she has pled guilty to or has been convicted of a dangerous felony as defined in Section 556.061, RSMo., or of any attempt to commit a dangerous felony, or of a crime under the laws of any State or of the United States which, if committed within this State, would be a dangerous felony, or confined therefor in this State or elsewhere during the five (5) year period immediately preceding the date of such possession; or
2. He/she is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent. (RSMo. §571.070)

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

**SECTION 210.285: 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:
  - A.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.
  - A.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.
  - A.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.
  - A.4. Any courthouse solely occupied by the Circuit, Appellate or Supreme Court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This Subdivision shall also include, but not be limited to, any juvenile, family, drug or other court offices, any room or office wherein any of the courts or offices listed in this Subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection. Nothing in this Subdivision shall preclude those persons listed in Subsection(B)(1) of Section 210.250 while within their jurisdiction and on duty, those persons listed in Subsections (B)(2) and (3) of Section 210.250, or such other persons who serve in a law enforcement capacity for a court as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection from carrying a concealed firearm within any of the areas described in this Subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this Subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
  - A.5. *Any meeting of the Board of Aldermen.* Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

- A.6. Any building owned, leased or controlled by the City of Huntleigh 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 Huntleigh. 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.
- A.7. Any establishment licensed to dispense intoxicating liquor or non-intoxicating beer for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this Subdivision shall not apply to the licensee of said establishment. The provisions of this Subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and that receives at least fifty-one percent (51%) of its gross annual income from the dining facilities by the sale of food. This Subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this Subdivision authorizes any individual who has been issued a concealed carry endorsement to possess any firearm while intoxicated.
- A.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.
- A.9. Any place where the carrying of a firearm is prohibited by Federal law.
- A.10. Any higher education institution or elementary or secondary school facility without the consent of the Governing Body of the higher education institution or a school official or the district school board. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- A.11. Any portion of a building used as a child care facility without the consent of the manager. Nothing in this Subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a driver's license or non-driver's license containing a concealed carry endorsement.
- A.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.
- A.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.
- A.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.

- A.15. Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one (1) or more signs displayed in a conspicuous place of a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity or person may prohibit persons holding a concealed carry endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry endorsement from carrying concealed firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry endorsement from carrying a concealed firearm in vehicles owned by the employer.
- A.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.
- A.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:
- B.1. If the violator holds a concealed carry endorsement issued pursuant to State law, the violator may be subject to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Peace Officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars (\$100.00) for the first (1st) offense. If a second (2nd) citation for a similar violation occurs within a six (6) month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00). If a third (3rd) citation for a similar violation is issued within one (1) year of the first (1st) citation such person shall be fined an amount not to exceed five hundred dollars (\$500.00). Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the Sheriff of the County which issued the certificate of qualification for a concealed carry endorsement and the Department of Revenue.
- B.2. If the violator does not hold a current valid concealed carry endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section 100.220 of this Code of Ordinances.
- B.3. Employees of the City of Huntleigh may, in addition to any other punishment hereby, be subject to disciplinary action.
- C. It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty-five dollars (\$35.00), for any person issued a concealed carry endorsement pursuant to State law to fail to carry the concealed carry endorsement at all times the person is carrying a concealed firearm, or to fail to display the concealed carry endorsement upon the request of any Peace Officer. (RSMo. §571.107)

**PROPERTY**

**ARTICLE VII. OFFENSES CONCERNING**

**SECTION 210.290: TAMPERING**

- A. A person commits the offense of tampering if he/she:
- A.1. Tamper with property of another for the purpose of causing substantial inconvenience to that person or to another;
  - A.2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle;
  - A.3. Tamper or makes connection with property of a utility; or
  - A.4. Tamper with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:
    - A.4.a. To prevent the proper measuring of electric, gas, steam or water service; or
    - A.4.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. (RSMo. §569.090)

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

**SECTION 210.300: PROPERTY DAMAGE**

A person commits the offense of property damage if:

- .1. He/she knowingly damages property of another; or
- .2. He/she damages property for the purpose of defrauding an insurer. (RSMo. §569.120)

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

**SECTION 210.310: CLAIM OF RIGHT**

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

B. The defendant shall have the burden of injecting the issue of claim of right. (RSMo. §569.130)

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

- A. A person commits the offense of trespass in the first degree if he/she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.
- B. A person does not commit the offense of trespass by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:
  - B.1. Actual communication to the actor; or
  - B.2. Posting in a manner reasonably likely to come to the attention of intruders. (RSMo. §569.140)

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

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

- A. A person commits the offense of trespass in the second degree if he/she enters unlawfully upon real property of another. This is an offense of absolute liability.
- B. Trespass in the second degree is an infraction. (RSMo. §569.150)

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

A person commits the offense of trespass of a school bus if he/she knowingly and unlawfully enters any part of or unlawfully operates any school bus. (RSMo. §569.155)

**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. (RSMo. §569.060)

**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. (RSMo. §569.065)

**SECTION 210.360: STEALING**

- A. A person commits the offense of stealing if he/she appropriates property or services of another with the purpose to deprive him/her thereof, either without his/her consent or by means of deceit or coercion.

B. Evidence of the following is admissible in any prosecution pursuant to this Section on the issue of the requisite knowledge or belief of the alleged stealer that:

- B.1. He/she failed or refused to pay for property or services of a hotel, restaurant, inn or boarding house;
- B.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;
- B.3. He/she left the hotel, restaurant, inn or boarding house with the intent to not pay for property or services;
- B.4. He/she surreptitiously removed or attempted to remove his/her baggage from a hotel, inn or boarding house; or
- B.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. (RSMo. §570.030)

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

**SECTION 210.365: THEFT OF MOTOR FUEL**

- A. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made.
- B. A person found guilty or pleading guilty to stealing pursuant to Section 210.360 for the theft of motor fuel as described in Subsection (A) shall have his/her driver's license suspended by the court beginning on the date of the court's order of conviction. The person shall submit all of his/her operator's and chauffeur's licenses to the court upon conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the Department of Revenue for administration of such order. (RSMo. §302.286)

**SECTION 210.370: RECEIVING STOLEN PROPERTY**

- A. A person commits the offense of receiving stolen property if, for the purpose of depriving the owner of a lawful interest therein, he/she receives, retains or disposes of property of another knowing that it has been stolen or believing that it has been stolen.
- B. Evidence of the following is admissible in any criminal prosecution pursuant to this Section to prove the requisite knowledge or belief of the alleged receiver that:
  - B.1. He/she was found in possession or control of other property stolen on separate occasions from two (2) or more persons;
  - B.2. He/she received other stolen property in another transaction within the year preceding the transaction charged;

- B.3. He/she acquired the stolen property for a consideration which he/she knew was far below its reasonable value; or
- B.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. (RSMo. §570.080)

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

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

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

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

*"Deception"* includes:

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

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

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



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

- C. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.
- D. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his/her property, but through no fault of his/her own has been unable to provide such assistance.
- E. Nothing in this Section shall limit the ability to engage in bona fide estate planning, to transfer property, and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly or disabled person has become accustomed at the time of such actions.
- F. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person. (RSMo. §570.145)

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

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

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

- .1. The device is stolen, fictitious or forged;
- .2. The device has been revoked or canceled;
- .3. For any other reason his/her use of the device is unauthorized; or
- .4. Uses a credit device or debit device for the purpose of paying property taxes and knowingly cancels said charges or payment without just cause. It shall be prima facie evidence of a violation of this Section if a person cancels said charges or payment after obtaining a property tax receipt to obtain license tags from the Missouri Department of Revenue. (RSMo. §570.130)

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

#### **SECTION 210.390: DECEPTIVE BUSINESS PRACTICE**

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

- .1. Uses or possesses for use a false weight or measure or any other device for falsely determining or recording any quality or quantity;
- .2. Sells, offers or exposes for sale or delivers less than the represented quantity of any commodity or service;
- .3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he/she furnishes the weight or measure;

.4. Sells, offers or exposes for sale adulterated or mislabeled commodities; or

- .5. Makes a false or misleading written statement for the purpose of obtaining property or credit. (RSMo. §570.140)

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

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

1. Destroys, removes, covers, conceals, alters, defaces or causes to be destroyed, removed, covered, concealed, altered or defaced the manufacturer's original serial number or other distinguishing owner-applied number or mark on any item which bears a serial number attached by the manufacturer or distinguishing number or mark applied by the owner of the item for any reason whatsoever;
2. Sells, offers for sale, pawns or uses as security for a loan any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced; or
3. Buys, receives as security for a loan or in pawn, or in any manner receives or has in his/her possession any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced. (RSMo. §570.085)

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

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

- A. A person commits the offense of failing to return leased or rented property if, with the intent to deprive the owner thereof, he/she purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property. In addition, any person who has leased or rented personal property of another, who conceals the property from the owner or who otherwise sells, pawns, loans, abandons or gives away the leased or rented property is guilty of the offense of failing to return leased or rented property. The provisions of this Section shall apply to all forms of leasing and rental agreements including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.
- B. It shall be prima facie evidence of the offense of failing to return leased or rented property when a person who has leased or rented personal property of another willfully fails to return or make arrangements acceptable with the lessor to return the personal property to its owner at the owner's place of business within ten (10) days after proper notice following the expiration of the lease or rental agreement, except that if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle

shall be prima facie evidence of the intent of the offense of failing to return leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the

lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the ten (10) day period prescribed in this Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.

- C. This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement or within ten (10) days after proper notice.
- D. Proper notice by the lessor shall consist of a written demand addressed and mailed by certified or registered mail to the lessee at the address given at the time of making the lease or rental agreement. The notice shall contain a statement that the failure to return the property may subject the lessee to criminal prosecution.
- E. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner shall be guilty of property damage pursuant to Section 210.300 in addition to being in violation of this Section.
- F. Venue shall lie in the County where the personal property was originally rented or leased. (RSMo. §578.150)

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

#### **SECTION 210.420: PASSING BAD CHECKS**

- A. A person commits the offense of passing a bad check when:
  - A.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
  - A.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. (RSMo. §570.120)

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

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

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

As used in this Article, unless otherwise denoted, 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. (RSMo. §567.010)

### **SECTION 210.440: PROSTITUTION**



A person commits the offense of prostitution if the person performs an act of prostitution. (RSMo. §675.020)

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

**SECTION 210.450: PATRONIZING PROSTITUTION**

- A. A person commits the offense of patronizing prostitution if he/she patronizes prostitution.
- B. It shall not be an affirmative defense that the defendant believed that the person he/she patronized for prostitution was eighteen (18) years of age or older. (RSMo. §567.030)

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

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

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

- .1. Both persons were of the same sex; or
- .2. The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female. (RSMo. §567.040)

**SECTION 210.470: 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. (RSMo. §567.080)

**SECTION 210.480: INDECENT EXPOSURE (SEXUAL MISCONDUCT)**

- A. As used in this Section, 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.

- B. A person commits the offense of indecent exposure (sexual misconduct) if such person:
  1. Exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm;
  2. Has sexual contact in the presence of a third (3rd) person or persons under circumstances in which he/she knows that such conduct is likely to cause affront or alarm; or
  3. Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third (3rd) person. (RSMo. §§566.010, 566.093)

**ARTICLE IX. OFFENSES CONCERNING**

**PORNOGRAPHY**

**SECTION 210.490: DEFINITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

*SEXUAL EXCITEMENT:* The condition of human male or female genitals when in a state of sexual stimulation or arousal. (RSMo. §573.010)

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

A person commits the offense of promoting pornography for minors or obscenity if, knowing its content or character, he/she:

1. Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain;
2. Produces, presents, directs or participates in any obscene performance for pecuniary gain;
3. Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain;
4. Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; or
5. Promotes, possesses with the purpose to promote, produces, presents, directs or participates in any performance that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor. (RSMo. §573.030.1)

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

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

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

1. Furnishes any material pornographic for minors knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor;
2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or
3. Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor. (RSMo. §573.040.1)

**ARTICLE X. OFFENSES CONCERNING  
ALCOHOL AND DRUGS**

**SECTION 210.520: POSSESSION OF MARIJUANA**

Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control marijuana as defined in Section 195.010, RSMo. (RSMo. §195.202)

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

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

Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control a controlled substance as defined by Section 195.010, RSMo. (RSMo. §195.202)

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

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

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia as defined by Section 195.010, RSMo., to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance as defined by Section 195.010, RSMo., or an imitation controlled substance as defined by Section 195.010, RSMo., in violation of Sections 195.005 to 195.425, RSMo. (RSMo. §195.233)

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

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



No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, 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. (RSMo. §578.250)

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

- A. 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 of any solvent, particularly toluol.
- B. No person shall intentionally possess any solvent, particularly toluol, for the purpose of using it in the manner prohibited by Section 210.550 and this Section. (RSMo. §578.255)

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

- A. No person shall intentionally possess or buy any solvent, particularly toluol, 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. (RSMo. §578.260)

**SECTION 210.575: MINORS IN POSSESSION OF INTOXICATING LIQUOR, NON-INTOXICATING BEER**

- A. Any person under the age of twenty-one (21) years who purchases or attempts to purchase, or has in his/her possession, any intoxicating liquor or non-intoxicating beer as defined in Sections 311.020 or 312.010, RSMo., is in violation of this Section.
- B. For purposes of prosecution under this Section, a manufacturer-sealed container describing that there is intoxicating liquor or non-intoxicating beer therein need not be opened or the contents therein tested to verify that there is intoxicating liquor or non-intoxicating beer in such container. The alleged violator may allege that there was no intoxicating liquor or non-intoxicating beer in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor or any non-intoxicating beer therein contains intoxicating liquor or non-intoxicating beer.

**ARTICLE XI. OFFENSES CONCERNING MINORS**

**SECTION 210.580: DEFINITIONS**

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

*CRIMINAL ACT:* An act which violates the Statutes of the United States, the Statutes of the State of Missouri or the ordinances of the City of Huntleigh, including curfew and moving traffic violations.

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

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

*PARENT:* The natural father or mother or the adoptive father or mother.

*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 criminal act.

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

- A. It shall be unlawful for any person under the age of seventeen (17) years to be in or upon any public place or way within the City of Huntleigh between the hours of 12:01 A.M. and 6:00 A.M. The provisions of this Section shall not apply to any such persons accompanied by a parent or guardian, to any such person upon an errand or other legitimate business directed by such person's parent or guardian, to any such person who is engaged in gainful, lawful employment during said time period, or who is returning or in route to said employment, or to any such person who is attending or in route to or from any organized religious or school activity.
- B. *Responsibility Of Parent.* The parent, guardian or other adult person having the care and custody of a person under the age of seventeen (17) years shall not knowingly permit such person to violate this Section.
- C. *Notice To Parent.* Any 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/her superior officer who shall cause a written notice to be served upon the parent, guardian or person in charge of such person setting forth the manner in which this Section has been violated. Any parent, guardian or person in charge of such person who shall knowingly permit such person to violate the provisions of this Section, after receiving notice of the first (1st) violation, shall be guilty of an offense.
- D. *Service Of Notice.* The written notice provided in Subsection (C) may be served by leaving a copy thereof at the residence of such parent, guardian or person in charge of the person in violation of this Section with any person found at such residence over the age of seventeen (17) years or by mailing such notice to the last known address of such parent, guardian or person in charge of such person, wherever such person may be found.

**SECTION 210.600: PARENTAL RESPONSIBILITY**

- A. Whenever a minor shall be arrested or detained for the commission of any criminal act 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 criminal act. 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 criminal act.

- 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 XII. NOISE REGULATIONS

### SECTION 210.610: NOISES PROHIBITED

- A. Except as otherwise provided herein, the creation or permitting upon premises owned or occupied by any person of any unreasonably loud, unusual, disturbing or unnecessary noise in this City is prohibited.
- B. The following acts, among others, are declared to be loud, unusual, disturbing and unnecessary noises in violation of this Code, but said enumeration shall not be deemed to be exclusive:
- B.1. Construction activity including, but not limited to, excavation, demolition, alteration, maintenance or repair upon the exterior of any structure or on any property, or any such interior activity that creates noise that can be heard beyond the property line, except between the hours of 7:00 A.M. and 6:00 P.M. weekdays (excluding national holidays), or at such times as are specifically permitted by the City in writing, on a case-by-case basis taking into consideration the nature, volume and duration of the proposed activity, the times involved and the likelihood for disturbing the peaceful enjoyment of other properties; provided however, that:
- B.1.a. Construction activity as described above performed only by an owner or occupant of residential property on Saturdays and holidays between the hours of 9:00 A.M. and 6:00 P.M. shall not be prohibited; and
- B.1.b. Construction activity performed only by an owner or occupant of residential property on Sundays between the hours of 9:00 A.M. and 6:00 P.M. shall not be prohibited if the level of noise created by the activity cannot be heard beyond the property line of the residence where the work is performed.
- B.2. The use of motor driven outdoor maintenance equipment including lawnmowers, trimmers, chain saws and like devices prior to 7:00 A.M. and after 8:00 P.M. weekdays and Saturdays and prior to 9:00 A.M. and after 8:00 P.M. Sundays and holidays, provided however, that this provision shall not apply to the use of snowblowers immediately after a snowstorm or chain saws immediately after a storm that causes tree limbs to fall.

**ARTICLE XIII. MISCELLANEOUS PROVISIONS**

**SECTION 210.620: RESIDENTIAL PICKETING PROHIBITED**

- A. *Declaration.* It is hereby declared that the protection and preservation of the home is the keystone of democratic government; that the public health and welfare and the good order of the community require that members of the community enjoy in their homes and dwellings a feeling of well-being, tranquility and privacy, and when absent from their homes and dwellings, carry with them the sense of security inherent in the assurance that they may return to the enjoyment of their homes and dwellings; that the practice of picketing before or about residences and dwellings causes emotional disturbance and distress to the occupants, obstructs and interferes with the free use of public sidewalks and public ways of travel, that such practice has as its object the harassing of such occupants, and without resort to such practice full opportunity exists, and under the terms and provisions of this Section will continue to exist for the exercise of freedom of speech and other constitutional rights, and that the provisions hereinafter enacted are necessary for the public interest to avoid the detrimental results herein set forth.
- B. *Unlawful.* It shall be unlawful for any person to engage in picketing before or about the residence or dwelling of any individual.
- C. *Applicability.* Nothing herein shall be deemed to prohibit:
- C.1. Picketing in any lawful manner during a labor dispute of the place of employment involved in such labor dispute, or
- C.2. The holding of a meeting or assembly on any premises commonly used for the discussion of subjects of general public interest. (Ord. No. 63 §§I–II, 1974)

## CHAPTER 215: NUISANCES

*Cross References—As to prostitution houses deemed a nuisance, §210.470.*

### ARTICLE I. GENERALLY

#### SECTION 215.010: NUISANCES AFFECTING HEALTH

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

1. All decayed or unwholesome food offered for sale to the public or offered to the public at no charge.
2. All diseased animals running at large.
3. All ponds or pools of stagnant water.
4. Carcasses of dead animals not buried or destroyed within twenty-four (24) hours after death.
5. Accumulations, wheresoever they may occur, of manure, rubbish, garbage, refuse and human and industrial, noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes.
6. Garbage cans which are not fly-tight, that is, garbage cans which do not prevent the entry of flies, insects and rodents.
7. The pollution of any well, cistern, spring, underground water, stream, lake, canal or body of water by sewage or industrial wastes, or other substances harmful to human beings.
8. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities, or the presence of any gas, vapor, fume, smoke, dust or any other toxic substance on, in or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful or injurious to the health of any employee or to any premises, occupant or to any other person.
9. Any vehicle used for garbage or rubbish disposal which is not equipped with a watertight metal body and provided with a tight metal cover or covers and so constructed as to prevent any of the contents from leaking, spilling, falling or blowing out of such vehicle at any time, except while being loaded, or not completely secured and covered so as to prevent offensive odors from escaping therefrom or exposing any part of the contents at any time.
10. Any and all infestations of flies, fleas, roaches, lice, ticks, rats, mice, fly maggots, mosquito larvae and hookworm larvae.
11. The keeping of animals and fowls in any area within the City not zoned for agricultural uses except pet cats and dogs, animals in public or licensed zoos, and farm animals in laboratories.
12. Unlicensed dumps and licensed dumps not operated or maintained in compliance with the ordinances of the City of Huntleigh and the Statutes of the State of Missouri.



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13. No person shall discharge or cause to be discharged into a stormwater system any waste materials, liquids, vapor, fat, gasoline, benzene, naphtha, oil or petroleum product, mud, straw, lawn clippings, tree limbs or branches, metal or plastic objects, rags, garbage or any other substance which is capable of causing an obstruction to the flow of the storm system or interfere with the proper operation of the system or which will pollute the natural creeks or waterways.
  14. All other acts, practices, conduct, business, occupation callings, trades, uses of property and all other things detrimental or certain to be detrimental to the health of the inhabitants of the City of Huntleigh.
- B. *Unlawful To Cause, Maintain Within City Or One-Half Mile Thereof.* It is unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied lot or land or any part thereof in the City of Huntleigh or within one-half (½) mile of the corporate limits of the City of Huntleigh, Missouri, to cause, permit or maintain a nuisance on any such lot or land. Additionally, it is unlawful for any person or his/her agent, servant, representative or employee to cause or maintain a nuisance on the land or property of another with or without permission.

Each day that a nuisance shall be maintained is a separate offense.

- C. *Authority To Abate Emergency Cases.* In cases where it reasonably appears that there is an immediate danger to the health, safety or welfare of the public due to the existence of a nuisance, the City shall have authority to immediately abate the nuisance in an appropriate manner.
- D. *Abatement—Procedure Generally.* Whenever the Board of Aldermen receives notification that a nuisance may exist, it shall proceed as follows, except as may be otherwise provided herein:
1. *It shall investigate the same.* The Board may order any person who has caused or is maintaining the nuisance to appear before the Board at such time and place as the Board may direct to show cause, if any, why that person should not abate the nuisance. Every person required to appear before the Board shall have at least ten (10) days' notice thereof.
  2. Such notice shall be signed by the Marshall or other person designated by the Board and shall be served upon that person by delivering a copy thereof to the person, or by leaving a copy at his/her residence with some member of the family or household over fifteen (15) years of age, or upon any corporation by delivering the copy thereof to the President or to any other officer at any business office of the corporation within the City. If the notice cannot be given for the reason that the person named in the notice or his/her agent cannot be found in the City, of which fact the return upon such notice of the officer serving the same shall be conclusive evidence, such notice shall be published in a daily newspaper for three (3) consecutive days, if a daily, or once, if a weekly paper, giving at least ten (10) days' notice from the final publication date of the time fixed for the parties to appear before the Board.
  3. If after hearing all the evidence the Board of Aldermen may determine that a nuisance exists, it may direct the Marshall or other City Official to order the person to abate the nuisance within twenty (20) days or within such other time as the Board may deem reasonable. Such order shall be served in the manner provided in this Section for service of the order to show cause. The order may further provide that the appropriate City Official be directed to abate the nuisance if the order is not obeyed within the time period set by the Board, and that a special tax bill be issued for the costs of abating the nuisance.

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4. If the order has not been obeyed within the time period set by the Board, the appropriate City Official shall proceed to abate the nuisance in the manner provided by the order of the Board, and the cost of same, if ordered by the Board, may be assessed as a special tax against the property so improved or upon which such work was done; and, if so ordered, the City Clerk shall cause a special tax bill therefor against the owner thereof when known, and if not known then against the unknown persons, and the certified bills of such assessment shall describe therein the property upon which the work was done.
5. The bills for the above work shall be recorded and shall be collected and paid as provided for the collection of other special tax bills and shall be a lien on the property.
6. The cost of abating nuisances on private property shall be levied and assessed on each lot in proportion to the amount of work done and material used in abating the nuisance located on each such lot. (RSMo. §71.780)

**ARTICLE II. ABANDONED PROPERTY**

**SECTION 215.020: DEFINITIONS**

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

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

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

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

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

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

*URBANIZED AREA:* An area with a population of fifty thousand (50,000) or more designated by the Bureau of the Census within boundaries to be fixed by the State Highways and Transportation Commission and local officials in cooperation with each other and approved by the Secretary of Transportation. The boundary of an urbanized area shall, at a minimum, encompass the entire urbanized area as designed by the Bureau of the Census. (RSMo. §304.001)

**SECTION 215.030: ABANDONED VEHICLES OR TRAILERS PROHIBITED**

No person shall abandon any motor vehicle or trailer on the right-of-way of any public road or State highway or on any private real property owned by another without his/her consent. (RSMo. §577.080)

**SECTION 215.040: OPEN STORAGE OF INOPERABLE VEHICLES OR PUBLIC SAFETY HAZARDS PROHIBITED**

The open storage of inoperable vehicles or other vehicles deemed by the City to constitute a public safety hazard is prohibited. Nothing in this Section shall apply to a vehicle which is completely enclosed within a locked building or locked fenced area and not visible from adjacent public or private property, nor to any vehicle upon the property of a business licensed as salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances. (RSMo. §304.159)

**SECTION 215.050: OBSTRUCTING THE FLOW OF TRAFFIC PROHIBITED**

Except in the case of an accident resulting in the injury or death of any person, the driver of a vehicle which for any reason obstructs the regular flow of traffic on the roadway of any public road or State highway shall make every reasonable effort to move the vehicle or have it moved so as not to block the regular flow of traffic. Any person who fails to comply with the requirements of this Section is guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). (RSMo. §304.151)

**SECTION 215.060: TOWING OF ABANDONED PROPERTY ON PUBLIC REAL PROPERTY**

- A. Any Law Enforcement Officer, or an official of the City where the City's real property is concerned, may authorize a towing company to remove to a place of safety:
  - A.1. Any abandoned property on the right-of-way of:
    - A.1.a. Any State highway or interstate highway or freeway in an urbanized area of the City left unattended for ten (10) hours, or after four (4) hours if a Law Enforcement Officer determines that the abandoned property is a serious hazard to other motorists;
    - A.1.b. Any State highway or interstate highway or freeway outside of an urbanized area of the City left unattended for more than forty-eight (48) hours, or after four (4) hours if a Law Enforcement Officer determines that the abandoned property is a serious hazard to other motorists; provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this Section to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice.
  - A.2. Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal.
  - A.3. Any abandoned property which has been abandoned under Section 215.030 herein or Section 577.080, RSMo.

A.4. Any abandoned property which has been reported as stolen or taken without consent of the owner.

- A.5. Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer is required to take the person into custody and where such person is unable to arrange for the property's timely removal.
- A.6. Any abandoned property which due to any other State law or City ordinance is subject to towing because of the owner's outstanding traffic or parking violations.
- A.7. Any abandoned property left unattended in violation of a State law or City ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard.
- B. When the City Police Department authorizes a tow pursuant to this Section in which the abandoned property is moved from the immediate vicinity, it shall complete a crime inquiry and inspection report.
- C. Any City agency other than the City Police Department authorizing a tow under this Section where property is towed away from the immediate vicinity shall report the tow to the City Police Department within two (2) hours of the tow, along with a crime inquiry and inspection report. (RSMo. §304.155)

**SECTION 215.070: TOWING OF ABANDONED PROPERTY ON PRIVATE REAL PROPERTY**

- A. *Generally.* The City, including the City Police Department, may tow motor vehicles from real property which are deemed a public safety hazard pursuant to Section 215.040 or are derelict, junk, scrapped, disassembled or otherwise harmful to the public health. The City shall perform such tow pursuant to the terms of Section 215.080. When a City agency other than the Police Department authorizes a tow under this Subsection, it shall report the tow to the Police Department within two (2) hours with a crime inquiry and inspection report.
- B. *Towing Authorized By City Police Department.* If a person abandons property on any real property owned by another without the consent of the owner or person in possession of the real property, at the request of the person in possession of the real property, any City Police Officer may authorize a towing company to remove such abandoned property from the property in the following circumstances:
  - B.1. The abandoned property is left unattended for more than forty-eight (48) hours; or
  - B.2. In the judgment of a Police Officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.
- C. *Towing Authorized By Real Property Owner, Lessee Or Property Or Security Manager.*
  - C.1. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a Law Enforcement Officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this Subsection may be made only under any of the following circumstances:



- C.1.a. *Sign.* There is displayed, in plain view at all entrances to the property, a sign not less than seventeen (17) by twenty-two (22) inches in size, with lettering not less than one (1) inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four (24) hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property.
- C.1.b. *Unattended on owner-occupied residential property.* The abandoned property is left unattended on owner-occupied residential property with four (4) residential units or less and the owner, lessee or agent of the real property in lawful possession has notified the City Police Department, and ten (10) hours have elapsed since that notification.
- C.1.c. *Unattended on other private real property.* The abandoned property is left unattended on private real property and the owner, lessee or agent of the real property in lawful possession of real property has notified the City Police Department, and ninety-six (96) hours have elapsed since that notification.
- C.2. Pursuant to this Section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a City Police Officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to Section 575.060, RSMo. The report shall be in the form designed, printed and distributed by the Missouri Director of Revenue and shall contain the following:
- C.2.a. The year, model, make and abandoned property identification number of the property, and the owner and any lienholders, if known;
- C.2.b. A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;
- C.2.c. The license plate or registration number and the State of issuance, if available;
- C.2.d. The physical location of the property and the reason for requesting the property to be towed;
- C.2.e. The date the report is completed;
- C.2.f. The printed name, address and telephone number of the owner, lessee or property or security manager in possession of the real property;
- C.2.g. The towing company's name and address;
- C.2.h. The signature of the towing operator;
- C.2.i. The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this Section and that all



statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;

C.2.j. Space for the name of the law enforcement agency notified of the towing of the abandoned property and for the signature of the Law Enforcement Official receiving the report; and

C.2.k. Any additional information the Missouri Director of Revenue deems appropriate.

- C.3. Any towing company which tows abandoned property without authorization from the City Police Department pursuant to Subsection (B) of this Section shall deliver a copy of the abandoned property report to the City Police Department. The copy may be produced and sent by facsimile machine or other device which produces a near exact likeness of the print and signatures required, but only if the City Police Department has the technological capability of receiving such copy and has registered the towing company for such purpose. The report shall be delivered within two (2) hours if the tow was made from a signed location pursuant to Subsection (C)(1)(a) of this Section, otherwise the report shall be delivered within twenty-four (24) hours.
- C.4. The City Police Department, after receiving such abandoned property report, shall record the date on which the abandoned property report is filed with the Police Department and shall promptly make an inquiry into the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The Police Department shall enter the information pertaining to the towed property into the statewide law enforcement computer system and a Police Officer shall sign the abandoned property report and provide the towing company with a signed copy.
- C.5. The City Police Department, after receiving notification that abandoned property has been towed by a towing company, shall search the records of the Missouri Department of Revenue and provide the towing company with the latest owner and lienholder information on the abandoned property, and if the tower has online access to the Department of Revenue's records, the tower shall comply with the requirements of Section 304.155, RSMo. If the abandoned property is not claimed within ten (10) working days, the towing company shall send a copy of the abandoned property report signed by a Law Enforcement Officer to the Department of Revenue. (2004)
- C.6. No owner, lessee or property or security manager of real property shall knowingly authorize the removal of abandoned property in violation of this Section.
- C.7. Any owner of any private real property causing the removal of abandoned property from that real property shall state the grounds for the removal of the abandoned property if requested by the registered owner of that abandoned property. Any towing company that lawfully removes abandoned property from private property with the written authorization of the property owner or the property owner's agent who is present at the time of removal shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes abandoned property at the direction of the landowner shall be responsible for:
- C.7.a. Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and
- C.7.b. The removal of property other than the property specified by the owner of the private real property from which the abandoned property was removed.

- D. *Damage To Property.* The owner of abandoned property removed from private real property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property.

- E. *Real Property Owner Liability.* Any owner of any private real property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to comply with the requirements of this Article.
- F. *Written Authorization Required—Delegation Of Authority To Tow.*
- F.1. Except for the removal of abandoned property authorized by the City Police Department pursuant to this Section, a towing company shall not remove or commence the removal of abandoned property from private real property without first obtaining written authorization from the real property owner. All written authorizations shall be maintained for at least one (1) year by the towing company.
- F.2. General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of abandoned property unlawfully parked within fifteen (15) feet of a fire hydrant or in a fire lane designated by a Fire Department or the State Fire Marshal.
- G. *Towing Company Liability.* Any towing company, or any affiliate of a towing company, which removes, or commences removal of, abandoned property from private property without first obtaining written authorization from the property owner or lessee, or any employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in Subsection (F) of this Section, is liable to the owner of the property for four (4) times the amount of the towing and storage charges, in addition to any applicable ordinance violation penalty, for a violation of this Section. (RSMo. §§304.157, 304.158)

#### **SECTION 215.080: GENERAL PROVISIONS AND PROCEDURES**

- A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Article shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 215.090.
- B. *Crime Inquiry And Inspection Report.* Upon the towing of any abandoned property pursuant to Section 215.060 or under authority of a Law Enforcement Officer or local governmental agency pursuant to Section 215.070, the City Police Department, where it authorized such towing or was properly notified by another governmental agency of such towing, shall promptly make an inquiry with the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system.

If the abandoned property is not claimed within ten (10) working days of the towing, the tower who has online access to the Department of Revenue's records shall make an inquiry to determine the abandoned property owner and lienholder, if any, of record. In the event that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply with the requirements of Subsection (3) of Section 304.156, RSMo. If the tower does not have online access, the City Police Department shall submit a crime inquiry and inspection report to the Missouri Director of Revenue. The City Police Department shall also provide one (1) copy of the report to the storage facility and one (1) copy to the towing company. A towing company that

does not have online access to the department's records and that is in possession of abandoned property after ten (10) working days shall report such fact to the City Police Department. The crime

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inquiry and inspection report shall be designed by the Director of Revenue and shall include the following:

- B.1. The year, model, make and property identification number of the property and the owner and any lienholders, if known;
  - B.2. A description of any damage to the property noted by the Law Enforcement Officer authorizing the tow;
  - B.3. The license plate or registration number and the State of issuance, if available;
  - B.4. The storage location of the towed property;
  - B.5. The name, telephone number and address of the towing company;
  - B.6. The date, place and reason for the towing of the abandoned property;
  - B.7. The date of the inquiry of the National Crime Information Center, any statewide Missouri law enforcement computer system, and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the City Police Department;
  - B.8. The signature and printed name of the Law Enforcement Officer authorizing the tow and the towing operator; and
  - B.9. Any additional information the Missouri Director of Revenue deems appropriate.
- C. *Reclaiming Property.* The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.
- D. *Lienholder Repossession.* If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the City Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The City Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.
- E. *Notice To Owner/Tow Lien Claim.* Any towing company which comes into possession of abandoned property pursuant to this Article and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to Section 304.156, RSMo., by certified mail, return receipt requested. The notice shall contain the following:
- E.1. The name, address and telephone number of the storage facility;

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

the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned



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

- H. *Notice To Owner.* Notice as to the removal of any abandoned property pursuant to this Article shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:

H.1. The public agency authorizing the removal; or

H.2. The towing company, where authorization was made by an owner or lessee of real property.

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

- I. *Tow Truck Requirements.* Any towing company which tows abandoned property for hire shall have the towing company's name, City and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.
- J. *Storage Facilities.* Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Article shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.
- K. *Disposition Of Towed Property.* Notwithstanding the provisions of Section 301.227, RSMo., any towing company who has complied with the notification provisions in Section 304.156, RSMo., including notice that any property remaining unredeemed after thirty (30) days may be sold as scrap property, may then dispose of such property as provided in this Subsection. Such sale shall only occur if at least thirty (30) days has passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in Section 304.156, RSMo. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the Director of Revenue to a scrap metal operator or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the Director of Revenue within two (2) weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three (3) years that shall be available for inspection by law enforcement and authorized Department of Revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this Chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in Section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in Section 301.227, RSMo., on vehicles purchased on a bill of sale pursuant to the Section. (RSMo. §§304.155, 304.158)

**SECTION 215.090: MAXIMUM CHARGES**

- A. A towing company may only assess reasonable storage charges for abandoned property towed without the consent of the owner. Reasonable storage charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Storage

charges may be assessed only for the time in which the towing company complies with the procedural requirements of this Article.

- B. The Board of Aldermen may from time to time establish maximum reasonable towing, storage and other charges which can be imposed by towing and storage companies operating within the City, and which are consistent with this Article and with Sections 304.155 to 304.158, RSMo. Any violation of said established maximum charges shall be deemed a violation of this Section of the Code and shall be punishable pursuant to Section 100.220.
- C. A towing company may impose a charge of not more than one-half ( $\frac{1}{2}$ ) of the regular towing charge for the towing of abandoned property at the request of the owner of private real property or that owner's agent pursuant to this Article if the owner of the abandoned property or the owner's agent returns to the abandoned property before it is removed from the private real property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit. (RSMo. §§304.156, 304.158)

#### **SECTION 215.100: SALE OF ABANDONED PROPERTY BY CITY**

When the City has physical possession of the abandoned property, it may sell the abandoned property in accordance with its established provisions and regulations and may transfer ownership by means of a bill of sale signed by the City Clerk and sealed with the official City Seal. Such bill of sale shall contain the make and model of the abandoned property, the complete abandoned property identification number, and the odometer reading of the abandoned property if available and shall be lawful proof of ownership for any dealer registered under the provisions of Section 301.218, RSMo., or Section 301.560, RSMo., or for any other person. (RSMo. §304.156)

### **ARTICLE III. WEEDS, HIGH GRASS OR OTHER**

#### **VEGETATION**

#### **SECTION 215.110: DEBRIS ON PROPERTY—DEAD AND DECAYING TREES—TREES OR SHRUBS WHICH OBSTRUCT VIEW—EFFECT OF FAILURE TO REMOVE NUISANCE—PENALTIES**

##### *A. Dead And Decaying Trees.*

- A.1. All dead or decaying trees and all trees infected by a disease that is not promptly treated or that is not remediable are hereby declared to be a public nuisance and shall be promptly taken down and removed from the premises by the owner or owners of any tract of land in the City of Huntleigh on which the same is situated.
- A.2. It shall be the duty of the City Clerk or Marshall to serve notice in writing that such tree or trees shall be removed and the reasons therefor, by personal service upon the owner or owners of the lot upon which the same is located or by posting a written notice of like effect upon such premises and mailing a copy of such posted notice by ordinary mail to the last known address of the owner or owners of such property or lot.

A.3. Any person failing to comply with the provisions of this Chapter within thirty (30) days of the service or posting and mailing of such notice shall be deemed to be in violation of this Chapter and shall upon conviction thereof be subject to a fine not to exceed five hundred dollars (\$500.00) and each day said violation continues shall be deemed a separate offense.

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A.4. Trees in the street right-of-way or treeway, adjacent to any improved property in the City shall be the responsibility of the owner or owners of the adjoining lot for the purposes of this Chapter.

B. *Unlawful To Maintain Tree Or Shrub Which Obstructs View Of Vehicular Traffic.*

B.1. It shall be unlawful to maintain any tree, shrub or other live growth upon any corner lot in the City of Huntleigh in which the lot lines of the property adjoin two (2) intersecting streets in such a manner that the view of vehicular traffic in either direction at said intersection is obstructed.

B.2. Any shrubbery, trees or live growth so situated, located and maintained on any such lot so as to obstruct, the view of a motor vehicle on either intersecting street for a distance of twenty-five (25) feet in each direction from the point of intersection of the curb lines of such intersecting streets shall be deemed to be unsafe and hazardous.

B.3. The City Clerk or Marshall shall perform the same duties and have the same powers and rights and shall give the same notices and conduct the same hearings as are provided pursuant to this Section pertaining to removal of weeds and other vegetative growths that constitute a nuisance, insofar as the determination and removal of shrubs, other growths and trees which are hazardous within the meaning of this Chapter.

B.4. Special tax bills shall be issued in accordance with the provisions of Subsection (E) hereof, which shall become a lien in the same manner as provided therein.

C. *Unlawful To Obstruct Public Right-Of-Way.*

C.1. It shall be unlawful for any person to place, keep or maintain any object, including trees, plants, bushes and inanimate things of every kind and nature in any public right-of-way in such manner as to obstruct the use of any public right-of-way by the public or to obstruct or interfere with the ingress or egress to and from the public right-of-way and the private property of any other person.

C.2. Trees and shrubs adjacent to and overhanging streets and sidewalks shall be maintained so that neither the street nor sidewalk are obstructed and a minimum of seven (7) foot vertical clearance shall be maintained under overhanging branches.

C.3. This Section shall not apply to licensed motor vehicles lawfully parked on a paved street in such manner as not to obstruct or impede use of a driveway.

D. The City hereby provides for the abatement of a condition of any lot or land that has the presence of a nuisance including, but not limited to, debris of any kind, weed cuttings, cut, fallen or hazardous trees and shrubs, overgrown vegetation and noxious weeds which are seven (7) inches or more in height, rubbish and trash, lumber not piled or stacked twelve (12) inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material which may endanger public safety or any material or condition which is unhealthy or unsafe and declared to be a public nuisance.

- E. If the owner fails to begin removing or abating the nuisance within a specific time which shall not be less than seven (7) days of receiving notice that the nuisance has been ordered removed or abated, or upon failure to pursue the removal or abatement of such nuisance without unnecessary delay, the City Clerk, Marshal or designated officer may cause the condition which constitutes the nuisance to be removed or abated. If the City Clerk, Marshal or designated officer causes such condition to be removed or abated, the cost of such removal or abatement shall be certified to the City Clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the City Clerk, Marshal or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.

## **CHAPTER 220: EMERGENCY MANAGEMENT**

### **SECTION 220.010: ESTABLISHMENT**

There is hereby created within and for the City of Huntleigh an emergency management organization to be known as the Huntleigh Emergency Management Organization, which is responsible for the preparation and implementation of emergency functions required to prevent injury and minimize and repair damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, RSMo., and supplements thereto, and the Missouri Emergency Operations Plan adopted thereunder. (RSMo. §44.080)

### **SECTION 220.020: ORGANIZATION**

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

### **SECTION 220.030: FUNCTIONS**

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

### **SECTION 220.040: DIRECTOR**

- A. The Director will be appointed by the Mayor and shall serve at the pleasure of the Mayor.
- B. The Director shall have direct responsibility for the organization, administration and operations of local emergency management operations, subject to the direction and control of the Mayor or Board of Aldermen.
- C. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Huntleigh Emergency Management Organization. (RSMo. §44.080.1)

### **SECTION 220.050: SCOPE OF OPERATION**

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

1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials and supplies for emergency management purposes; provide for the health and safety of persons, the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State Governments.

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2. Appoint, provide or remove rescue teams, auxiliary fire and Police personnel and other emergency operation teams, units or personnel who may serve without compensation. (RSMo. §44.080.2)

**SECTION 220.060: MUTUAL-AID AGREEMENTS**

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

**SECTION 220.070: CITY MAY ACCEPT SERVICES, ETC.**

The Mayor of the City may, with the consent of the Governor, accept services, materials, equipment, supplies or funds gifted, granted or loaned by the Federal Government or an officer or agency thereof for emergency management purposes, subject to the terms of the offer. (RSMo. §44.028)

**SECTION 220.080: OATH**

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

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such a time as I am a member of the Huntleigh Emergency Management Organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence." (RSMo. §44.115)