

**AN ORDINANCE FOR THE CITY OF GLADSTONE, MISSOURI,
AMENDING TITLE III OFFENSES OF THE CODE OF
ORDINANCES FOR THE CITY OF GLADSTONE, MISSOURI.**

WHEREAS, in the 2014 Legislative Session, the 97th Missouri General Assembly approved, and the Governor signed into law, Senate Bill 491 and House Bill 1371 with an effective date of January 1, 2017; and

WHEREAS, Senate Bill 491 and House Bill 1371 revised or affected 943 sections of the Revised Missouri Statutes; and

WHEREAS, the revisions made by Senate Bill 491 and House Bill 1371 resulted in the need to revise Title III Offenses of the Code of Ordinance, City of Gladstone, Missouri ("Code") to conform with general state law; and

WHEREAS, it is the intent and the desire of the City Council of the City of Gladstone, Missouri ("Council") to amend Title III Offenses to conform with Senate Bill 491, House Bill 1371, and general state law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI AS FOLLOWS:

Section 1. That Title III of the Code of Ordinances, City of Gladstone, Missouri, is hereby amended, adopted and enacted as attached hereto.

Section 2. That this Ordinance shall be in full force and effect on January 1, 2017.

Section 3. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

INTRODUCED, PASSED, SIGNED, AND MADE EFFECTIVE BY THE CITY COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, ON THIS 28TH DAY OF NOVEMBER, 2016.


Jean B. Moore, Mayor

Attest:


Ruth E. Bocchino, City Clerk

1st Reading: November 28, 2016

2nd Reading: November 28, 2016



***Department of General Administration
Memorandum***

DATE: NOVEMBER 28, 2016
TO: SCOTT WINGERSON, CITY MANAGER
FROM: PADRAIC CORCORAN THROUGH CITY COUNSELOR CHRIS WILLIAMS
RE: SENATE BILL 491

At the November 21, 2016, Study Session, Padraic Corcoran provided an overview of Senate Bill 491 and answered the City Council's questions regarding its effect on the City and the Code of Ordinances. As a brief reminder, during the 2014 state legislative session, the 97th General Assembly approved Senate Bill 491 and the Governor signed it into law with an effective date of January 1, 2017. Senate Bill 491 revises numerous state statutes that are related to Title III Offenses of the Code of Ordinances, City of Gladstone, Missouri. The revisions, among other things, substantively change or transfer portions of the statutes to other statutory sections. However, many of the revisions are minor in nature, amending the use of the word "he" or "him" to "he or she" and "him or her" or the word "misdemeanor" or "crime" to "offense." Finally, Senate Bill 491 added two new classes of offenses, Class E Felony and Class D misdemeanor, with these new additions the fine or imprisonment for an offense may change.

This Bill addresses the necessary changes to the Code of Ordinances by amending Title III Offenses to adopt the revisions made to the Revised Missouri Statutes by Senate Bill 491. This Bill will have an effective date of January 1, 2017 as that is the effective date of Senate Bill 491.

Title III - OFFENSES

CHAPTER 100. - GENERAL PROVISIONS

Sec. 3.100.010. - Abandoned, wrecked, etc., motor vehicles or other personal property—Removal by public safety department.

The public safety department is hereby authorized to remove any unidentified, stolen, wrecked or abandoned vehicle or other personal property found upon any public street or other public property of the city, and shall, and is hereby authorized to, keep such vehicle or property in custody until redeemed by the owner thereof or otherwise disposed of as provided in this chapter; and such property shall be subject to the actual cost of removal from such public place and a reasonable storage charge for as long as such property is in the custody of the city. Unidentified, stolen, wrecked or abandoned motor vehicles or other personal property is hereby defined to be such motor vehicle or personal property which remains upon public property for a period longer than 48 hours, the owner of which cannot be located or has refused to remove such vehicle or property.

Sec. 3.100.020. - Same—Sale; application of money received.

All motor vehicles and other personal property impounded by the public safety department pursuant to the provisions of section 3.100.010 and unredeemed by the owners thereof for a period of 60 days shall thereafter be subject to sale by the city clerk to the highest bidder for cash at public auction, and the proceeds of such sale shall be applied first to all charges accumulated against such article, which shall be deposited with the city treasurer and shall be credited to the general fund of the city. The balance of such sum, if any, shall be kept in a separate fund for a period of one year from the date of receipt, and if, at the end of such year, the former owner of such property has not made satisfactory proof of claim as provided in this article, then the balance of such proceeds of sale shall be credited to the general fund of the city.

Sec. 3.100.030. - Same—Publication of notice of sale; city clerk to keep record of sales.

Whenever the city clerk shall decide to offer impounded properties for public sale, the city clerk shall publish one notice of such sale in a newspaper of general circulation in the city, at least five days before such sale. Such publication shall briefly describe the property to be sold and give the make, model and motor number of the motor vehicles to be sold. The city clerk shall keep a complete list of all properties impounded, the description thereof, the date of publication for sale, the price received therefor, the charges against such property and the disbursement of funds received from such sale.

Sec. 3.100.040. - Same—Impoundment and redemption.

(a) Any law enforcement officer within the officer's jurisdiction, or an officer of a government agency where that agency's real property is concerned, may authorize a towing company to remove to a place of safety:

(1) Any abandoned property on the right-of-way of:

- a. Any interstate highway or freeway in an urbanized area, left unattended for ten hours;
- b. Any interstate highway or freeway outside of an urbanized area, left unattended for 48 hours;
- c. Any state highway other than an interstate highway or freeway in an urbanized area, left unattended for more than ten hours; or
- d. Any state highway other than an interstate highway or freeway outside of an urbanized area, left unattended for more than 48 hours; provided that commercial motor vehicles not hauling waste designated as hazardous under 49 USC 5103(a) may only be removed under this subsection to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;

- (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;
 - (3) Any abandoned property which has been abandoned under RSMo 577.080;
 - (4) Any abandoned property which has been reported as stolen or taken without consent of the owner;
 - (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;
 - (6) Any abandoned property which due to any other state law or local ordinance is subject to towing because of the owner's outstanding traffic or parking violations.
- (b) If a person abandons property, as defined in RSMo 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within such officer's jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:
- (1) The abandoned property is left unattended for more than 48 hours; or
 - (2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.
- (c) The owner of real property or lessee or property or security manager in lawful possession 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 under this subsection may be made only under any of the following circumstances:
- (1) There is displayed, in plain view at all entrances to the property, a sign not less than 17 inches by 22 inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property improperly 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 24-hour staffed emergency information telephone number, other than the number of a towing company, by which the owner of the abandoned property or improperly parked property may call to receive information regarding the location of such owner's property;
 - (2) The abandoned property is on private property and lacks an engine, transmission, wheels, tires, doors, windshield or any other major part or equipment necessary to operate safely on the highways, the owner or lessee of the private property has notified the city police or county sheriff, as appropriate, and 96 hours have elapsed since that notification; or
 - (3) The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ten days have elapsed since that notification.
- (d) 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 law enforcement officer shall within one hour of the tow file an abandoned property report with the appropriate law enforcement agency where the property is located. The report shall contain the following:
- (1) The year, model, make and abandoned property identification number of the property and the owner and any lien holders, if known;

- (2) A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;
 - (3) The license plate or registration number and the state of issuance, if available;
 - (4) The physical location of the property and the reason for requesting the property to be towed;
 - (5) The date the report is completed;
 - (6) The signature and printed name, address and phone number of the owner, lessee or property or security manager in possession of the real property;
 - (7) The towing company's name and address;
 - (8) The signature of the towing operator;
 - (9) The name of the law enforcement agency notified of the abandoned property.
- (e) The law enforcement agency receiving such abandoned property report must record the date the abandoned property report is filed with such agency and within five days of such filing make an inquiry into the national crime information center and any statewide law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property into the statewide enforcement computer system. The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section.
- (f) Neither the law enforcement officer nor anyone having custody of abandoned property under the law enforcement officer's direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.
- (g) Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subsection (c)(1) of this section shall within one hour of the tow report the event and the circumstances to the local law enforcement agency where the abandoned property report was filed.
- (h) The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall record the date the property was towed and shall forward a copy of the abandoned property report to the director of revenue.
- (i) If any owner or lessee of real property authorizes the removal of abandoned property pursuant to subsection (c) of this section and such property is so removed and no sign is displayed prior to such removal as required pursuant to subsection (c) of this section, then the owner or lessee shall be deemed guilty of a violation of this Code.

Sec. 3.100.050. - Attempt to commit offense.

- (a) ~~A person is guilty of the~~ Guilt for an offense may be based upon an attempt to commit an offense ~~when if~~, with the purpose of committing the offense, such person does any act which is a substantial step towards the commission of the offense. A "substantial step" is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.
- (b) It is no defense to a prosecution under this section that the offense attempted was, under the actual attendant circumstances, factually or legally impossible of commission, if such offense could have been committed had the attendant circumstances been as the actor believed them to be.

Sec. 3.100.060. - Penalty for violation of section 3.100.050.

Any person who violates section 3.100.050 shall, upon conviction, be deemed guilty of a misdemeanor, and upon conviction may be imprisoned for not more than 90 days or fined not more than \$500.00, or both imprisoned and fined.

Sec. 3.100.070. - Burning prohibited generally; exceptions.

- (a) Any person who shall willfully set fire to any grass, weeds or any other flammable material outdoors shall be deemed guilty of a misdemeanor unless in possession of a valid permit from the department of public safety. The burning of solid waste as defined by applicable state law is prohibited. Temporary heating devices shall be UL-approved, located away from combustible materials, be attended by competent personnel and compliant with applicable fire codes. The following shall not be deemed a violation of this section:
- (1) The use of charcoal, lighter fluid, wood chips and similar flammable materials for the sole use of cooking or smoking food. Such materials shall be located within a device specifically designed for this purpose, located away from combustible materials, attended at all times and extinguished immediately after completion of use.
 - (2) The use of 55 gallon barrels or similar devices containing a minimal amount of untreated natural wood construction waste may be utilized for warming of construction workers. Such containers shall be located away from combustible materials, attended at all times and extinguished immediately after completion of use. This method of warming is only applicable to construction sites possessing a valid building permit which authorizes the construction of structures exceeding 1,200 square feet and may be prohibited by the director of public safety at any time upon written notification to the holder of the building permit.
- (b) The city manager may declare a fire hazard emergency and prohibit open burning of any material for the protection of the health, welfare and safety of the community. Following such declaration, any person who shall willfully set fire to any grass, weeds or other flammable material, including any item or circumstance described in the exceptions set forth in subsection (a)(1) and (a)(2) of this section shall be deemed guilty of a misdemeanor. Such prohibition against burning shall continue until rescinded by the city manager.

Sec. 3.100.080. - Distribution of printed materials to private residences—Definitions.

The following words, terms and phrases, when used in sections 3.100.090 through 3.100.150, shall have the meanings respectively ascribed to them by this section, except when the context clearly indicates a different meaning:

Dwelling means any building or structure used for human abode, including the lot on which such building or structure is located.

Occupant means any adult member of the family or other group residing in a particular dwelling.

Person means any individual, partnership, corporation, estate, cooperative, association or other entity, including both profit and not-for-profit persons.

Person organized for profit means any individual, partnership, corporation, trust, estate, cooperative, association or other entity which has as a purpose or goal, the private gain, direct or indirect, of its members, partners, shareholders, beneficiaries or other constituent elements.

Printed material means all of the following types of printed matter:

- (1) Any and all newspapers, magazines, periodicals and journals which are not distributed pursuant to a subscription agreement;
- (2) All shoppers, flyers, circulars, leaflets, pamphlets, papers, samples, dodgers, booklets, catalogs, brochures, folders, notices or other written, printed, typed or reproduced matter which:
 - a. Advertises for sale any merchandise, product, commodity or thing;
 - b. Directs attention to or advertises any meeting, performance, lecture or event of any kind for which an admission fee is charged for private gain on behalf of a person organized for profit; or

- c. Advertises, promotes or otherwise directs attention to the activities or organizations which are conducted for private gain on behalf of a person organized for profit.

Residential area means any area zoned specifically for residential use or any area zoned such that residential use is permitted.

Sec. 3.100.090. - Same—Purpose of sections 3.100.080 through 3.100.150.

The purpose of this section, section 3.100.080 and sections 3.100.100—3.100.150 is to protect the people against the nuisance of and incident to the indiscriminate distribution of unsolicited printed materials. The public interest, convenience and necessity requires regulation thereof, and to that end, the purposes of this section, section 3.100.080 and sections 3.100.100—3.100.150 are as follows:

- (1) To protect local residents against the health and safety menace and expense incident to the littering by indiscriminate distribution of the printed material.
- (2) To preserve to the people their constitutional right to receive and disseminate information by distinguishing between the indiscriminate and uncontrolled distribution of unsolicited printed material and the delivery or distribution of requested printed material.

Sec. 3.100.100. - Same—Method.

It shall be unlawful for any person, individually or through agents, employees or otherwise, to distribute or cause to be distributed any printed material within the city unless such printed material is placed or deposited only on or about the handle of the door or otherwise secured or attached to the door of the dwelling place where such printed material is delivered or distributed, or is placed on the front porch or front steps of such dwelling and nowhere else. It shall be unlawful for any such person, individually or through agents, employees or otherwise, to deliver, throw, place, leave or deposit any such printed material in or on the yard, parkway, sidewalks or driveways of any such dwelling; provided that nothing in this section shall be construed as authorizing the use of mail boxes as depositories for such printed material.

Sec. 3.100.110. - Same—Notice by occupant requesting nondelivery.

An occupant of a dwelling may give notice requesting nondelivery of any written or printed material by:

- (1) So stating in writing to either the person who printed, wrote, compiled or manufactured the material or to the person distributing or causing the distribution of the printed material.
- (2) So stating orally to the person distributing or causing the distribution of the printed material.

Sec. 3.100.120. - Same—Information to be contained in material.

It shall be unlawful for any person organized for profit to print, write, compile or manufacture or to cause the printing, writing, compiling or manufacturing of any printed material for use in unsolicited, indiscriminate distributions to dwellings in the residential areas of the city which does not have printed or affixed thereon the names and addresses of the following:

- (1) The person who printed, wrote, compiled or manufactured the printed material.
- (2) The person who distributed or caused the distribution of the printed material.

Sec. 3.100.130. - Same—Exemptions from regulations in sections 3.100.100 through 3.100.120.

The provisions and prohibitions of sections 3.100.100 through 3.100.120 shall not apply to:

- (1) Distributions made by or on behalf of the United States Postal Service.
- (2) Distributions of any newspaper, magazine, periodical or other regularly disseminated publication delivered pursuant to a subscription agreement.

Sec. 3.100.140. - Same—Penalty for violation of sections 3.100.100 through 3.100.120.

- (a) The violation of sections 3.100.100 through 3.100.120 shall be a misdemeanor. Any person found guilty of violating the provisions of any such sections shall, upon conviction, be punished by a fine of not more than \$100.00, or imprisonment not exceeding three months, or both such fine and imprisonment.
- (b) For the purposes of 3.100.100, each edition of material shall be deemed a single delivery or distribution without regard to the actual number of copies distributed, so that no person may be found guilty of more offense in regard to any one edition of such printed material.
- (c) In assessing penalties upon conviction, the court shall consider whether the person so convicted had made reasonable efforts to comply with sections 3.100.100—3.100.120 and if such person acted through agents, employees or otherwise, whether such person had made a reasonable effort to ensure that such agents, employees or others distributing such printed material complied with sections 3.100.100—3.100.120.

Sec. 3.100.150. - Same—Sections 3.100.080 through 3.100.140 not to permit distribution of other prohibited material.

Sections 3.100.080 through 3.100.140 shall not be construed to permit the distribution of any material otherwise prohibited by this Code.

Sec. 3.100.160. - Littering.

A person commits the offense of littering if he or she places, deposits, or causes to be placed or deposited, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature or description on the right-of-way of any public road or State highway or on or in any of the waters in this City or on the banks of any stream, or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the Federal Government or the City, or on any private real property owned by another without the owner's consent. Any person who shall dump trash, cans, dead or live animals, paper, bottles, garbage, rubbish, concrete, tree trimmings or any other objectionable refuse detrimental to public health, safety or appearance on a thoroughfare, street, alley, park or public or private property in the city shall be deemed guilty of a misdemeanor.

Sec. 3.100.170. - Reserved.

Sec. 3.100.180. - Dogs on grounds of Gladfest and Bluesfest Festivals prohibited.

- (a) All dogs shall be prohibited from the grounds being used in conjunction with the annual Gladfest and Bluesfest Festivals, except for dog guides included under "service animals" as defined by and provided for in the Americans with Disabilities Act, Title III, Section 36.104, police service dogs or dogs participating in the Gladstone Area Chamber of Commerce scheduled Gladfest Dog Show event.
- (b) All persons violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in a sum of not less than \$50.00 nor more than \$100.00 or by imprisonment for a term of not more than 30 days or by both said fine and imprisonment.

Sec. 3.100.190. - Funeral protests prohibited, when.

- (a) Every citizen may freely speak, write and publish the person's sentiments on all subjects, being responsible for the abuse of the right, but no person shall picket or engage in other protest activities, nor shall any association or corporation cause picketing or other protest activities to occur within 300

feet of any residence, cemetery, funeral home, church, synagogue, or other establishment during or within one hour before or one hour after the conducting of any actual funeral or burial service at that place.

- (b) As used in this section "other protest activities" means any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service.
- (c) As used in this section, "funeral" and "burial service" mean the ceremonies and memorial services held in conjunction with the burial or cremation of the dead, but this section does not apply to processions while they are in transit beyond any 300-foot zone that is established under subsection (a) above.
- (d) Any person who violates this section is guilty of a misdemeanor and, upon conviction, may be imprisoned for not more than 90 days or fined not more than \$500.00, or both imprisoned and fined.

CHAPTER 105. - OFFENSES AGAINST GOVERNMENT ADMINISTRATION

Sec. 3.105.010. - Escape or Attempted Escape from Custody ~~Escape from city jail or custody of officer.~~

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 ~~municipal ordinance violation~~, such person escapes or attempts to escape from custody.

Sec. 3.105.020. - False reports.

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

Sec. 3.105.030. - Resisting or interfering with officers prohibited.

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

- 1. Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or
- 2. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.

B. This Section applies to:

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

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

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

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

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

~~Any person who shall resist an officer or any person commissioned by the city council to perform police duties, when such person is making an arrest, or who shall materially interfere with such person in the discharge of such person's duties in enforcing the provisions of this Code or the ordinances of this city, or any law such person is obligated to enforce, shall be deemed guilty of a misdemeanor.~~

Sec. 3.105.040. - Failure to appear in municipal court.

- (a) That any person having been summoned or ordered to appear before the municipal court of the city, either by written summons, state uniform traffic citation, warrant, subpoena, notice of appeal, bail bond, recognizance, or any other lawful order or notification, and who shall fail to appear upon and at the date and time set for said appearance, or at the time, or within the time period recited upon said summons, citation or notification, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than 90 days, or both such fine and imprisonment.
- (b) It shall be the duty and the obligation of all persons having been so summoned or ordered to appear to inform himself or herself of the date to which any such cause or action shall have been continued, recessed, adjourned or transferred and to appear upon and at such date and time to which such cause or action was continued, recessed, adjourned or transferred.
- (c) Nothing herein shall prevent the municipal court from exercising its power of contempt and punishing for such non-appearances by the exercise of such contempt power.

CHAPTER 110. - OFFENSES AGAINST FAMILY

Sec. 3.110.010. - Nonsupport.

- (a) A person commits the offense of nonsupport if such person knowingly fails to provide, without good cause, adequate support for such person's spouse; a parent commits the crime of nonsupport if such parent knowingly fails to provide, without good cause, adequate support which such parent is legally obligated to provide for such parent's child or stepchild who is not otherwise emancipated by operation of law.
- (b) For purposes of this section:
 - (1) *Child* means any biological or adoptive child, or any child legitimated by legal process, or any child whose relationship to the defendant has been determined, by a court of law in a proceeding for dissolution or legal separation, to be that of child to parent;
 - (2) *Good cause* means any substantial reason why the defendant is unable to provide adequate support. Good cause does not exist if the defendant purposely maintains their inability to support;
 - (3) *Support* means food, clothing, lodging, and medical or surgical attention;
 - (4) It shall not constitute a failure to provide medical and surgical attention, if nonmedical remedial treatment recognized and permitted under the laws of this state is provided.

- (c) The defendant shall have the burden of injecting the issues raised by subsections (b)(2) and (4) of this section.

Sec. 3.110.020. - Violation of order of protection.

- (a) It shall be unlawful for any person to violate the terms or conditions of an order of protection, a full order of protection or an ex-parte order of protection entered by a court of the State of Missouri pursuant to RSMo 455.010—455.085, or a similar order issued by any other state, tribe, territory or possession of the United States, the Commonwealth of Puerto Rico or the District of Columbia (hereinafter referred to collectively as an order of protection).
- (b) A certified copy of any order of protection shall be prima facie evidence of the existence and validity of the order of protection. An ex-parte order of protection must show that the order had been served prior to the violation. Full orders of protection do not need to be served and therefore evidence of service is not required.
- (c) Refusal of the person for whose benefit the order of protection was issued to sign a complaint or to testify shall not be a defense to a violation of an order of protection.
- (d) Any person found guilty of violating an order of protection under the terms of this section shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than 90 days, or both such fine and imprisonment.

CHAPTER 115. - OFFENSES AGAINST MORALS

Sec. 3.115.010. - Sexual misconduct.

A. For the purposes of this section, the following terms shall have the meanings set forth herein:

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

Sexual conduct means sexual intercourse, deviate sexual intercourse or sexual contact.

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

Sexual intercourse means any penetration, however slight, of the female genitalia by the penis.

B. A person commits the offense of sexual misconduct if such person:

- (1) Exposes the person's own genitals under circumstances in which such person knows that this conduct is likely to cause affront or alarm;
- (2) Has sexual contact in the presence of a third person or persons under circumstances in which such person knows that such conduct is likely to cause affront or alarm; or

- (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

Sec. 3.115.020. - Sale or exhibit of material harmful to minors—Definitions.

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

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

~~Harmful to minors~~ means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement or sadomasochistic abuse, when it:

- ~~(1) Predominantly appeals to the prurient, shameful or morbid interest of minors;~~
- ~~(2) Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and~~
- ~~(3) Is utterly without redeeming social importance for minors.~~

~~Knowingly~~ means having general knowledge of, or reason to know, or a belief or ground for belief, which warrants further inspection or inquiry of both:

- ~~(1) The character and content of any material described in this chapter which is reasonably susceptible of examination by the defendant; and~~
- ~~(2) The age of the minor; provided that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.~~

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 means any person under the age of 17 years.

Nudity or State of Nudity means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, of the female breast with less than a fully opaque covering of any part of the nipple or areola, or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

Obscene means any material or performance if, taken as a whole:

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and
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 means any play, motion-picture film, videotape, dance or exhibition performed before an audience of one (1) or more.

Pornographic for minors means any material or performance if the following apply:

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

Promote means 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 means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

Sexual conduct means acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person is a female, breast.

Sexual excitement means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

Sec. 3.115.030. - ~~Same—Determination of harmful materials.~~ Promoting Pornography for Minors or Obscenity

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

1. Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain; or
2. Produces, presents, directs or participates in any obscene performance for pecuniary gain; or
3. Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain; or
4. Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; 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.

(a) ~~It is hereby determined that the community has an interest in the protection of the welfare of children and to see that they are safeguarded from abuse which might prevent their growth into free and independent, well developed citizens.~~

- (b) ~~It is further determined that a basic factor in impairing the ethical and moral development of the youth of this community is the availability and calculated dissemination of material harmful to the morals of the youngsters.~~
- (c) ~~It is therefore determined that any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct, or sadomasochistic abuse, or any book, pamphlet, magazine, printed matter, however reproduced, or sound recording, which contains any matter enumerated in this subsection, or explicit and detailed verbal descriptions or narrative accounts of sexual conduct or masochistic abuse, and which taken as a whole is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, predominately appeals to the prurient, shameful or morbid interest of minors, and is utterly without redeeming social importance for minors, is harmful to minors.~~

Sec. 3.115.040. - ~~Same~~ ~~Sale prohibited.~~ Furnishing Pornographic Materials to Minors.

A. A person commits the offense of furnishing pornographic material to minors if, knowing of its content and character, he/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; or
2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or
3. Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

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

C. The offense of furnishing pornographic material to minors or attempting to furnish pornographic material to minors is an ordinance violation

~~It shall be unlawful for any person knowingly to sell or loan for monetary consideration to a minor:~~

- ~~(1) Any picture, photograph, drawing, sculpture, motion picture film or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors.~~
- ~~(2) Any book, pamphlet, magazine, printed matter, however reproduced, or sound recording which contains any matter enumerated in subsection (1) of this section, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to minors.~~

(Code 1974, § 21-28)

~~Sec. 3.115.050. - Same—Exhibit prohibited.~~

~~It shall be unlawful for any person knowingly to exhibit for a monetary consideration to a minor or knowingly to sell to a minor an admission ticket or pass or knowingly to admit a minor for a monetary consideration to premises whereon there is exhibited a motion picture, show or other presentation which, in whole or in part, depicts nudity, sexual conduct or sadomasochistic abuse, and which is harmful to minors.~~

Sec. 3.115.060. - Same—Exceptions.

- (a) Nothing in sections 3.115.020—3.115.050 shall prohibit any parent from distributing such materials to such parent's own child.
- (b) Nothing in sections 3.115.020—3.115.050 shall be deemed to apply to any recognized works of art or exhibitions conducted by or under the auspices of a museum of art or to any material used or distributed in aid of legitimate scientific or educational purposes.

CHAPTER 120. - OFFENSES AGAINST THE PERSON

Sec. 3.120.010. - Assault.

(a) A person commits the offense of assault if:

(1) The person attempts to cause or recklessly causes physical injury, 3 physical pain, or illness to another person;

(2) With criminal negligence the person causes physical injury to another person by means of a firearm;

(3) The person purposely places another person in apprehension of immediate physical injury;

(4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person;

(5) The person knowingly causes or attempts to cause physical contact with a person with a disability, which a reasonable person, who does not have a disability, would consider offensive or provocative; or

(6) The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.

(b) Except as provided in subsection 3 of this section, assault in the fourth 16 degrees is a class A misdemeanor.

(c) Violation of the provisions of subdivision (3) or (6) of subsection (a) of this section is a class C misdemeanor unless the victim is a special victim, as the term special victim is defined under section 565.002 RSMo, in which case a violation of such provisions is a class A misdemeanor.

~~(a) A person commits the crime of assault if:~~

- ~~(1) Such person attempts to cause or recklessly cause physical injury to another person by means of a deadly weapon;~~
- ~~(2) With criminal negligence, such person causes physical injury to another person;~~
- ~~(3) Such person purposely places another person in reasonable apprehension of immediate physical injury;~~
- ~~(4) Such person recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person;~~
- ~~(5) Such 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 RSMo 475.010, which a reasonable person, who is not incapacitated, would consider offensive or provocative. For purposes of this subsection, the term "incapacitated person" shall be defined as one who is unable by reason of any physical or mental condition to receive and evaluate information or to communicate decisions to such an extent that such person lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care such that serious physical injury, illness, or disease is likely to occur. The term "incapacitated person," as used in this subsection, includes the term "partially incapacitated person" unless otherwise specified or apparent from the context.~~

~~(b) Any person who shall be convicted of assault shall be deemed guilty of a violation of this Code.~~

Sec. 3.120.020. - Harassment.

- (a) A person commits the offense of harassment if, without good case, engages in any act with the purpose to cause emotional distress to another person. ~~for the purpose of frightening or disturbing another person, such person:~~
- ~~(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.~~
- ~~(b) Any person who violates subsection (a) of this section is guilty of a misdemeanor and, upon conviction, may be imprisoned for not more than 90 days or fined not more than \$500.00, or both imprisoned and fined.~~

(Code 1974, § 21-18.1)

State Law reference— Similar provisions, RSMo 565.090.

CHAPTER 125. - OFFENSES AGAINST PROPERTY

Sec. 3.125.010. - Property damage.

A person commits the offense of property damage if:

- (1) Such person knowingly damages property of another; or
- (2) Such person damages property for the purpose of defrauding an insurer.

Sec. 3.125.020. - Stealing—Definitions.

The following words, terms and phrases, when used in this section and sections 3.125.030 and 3.125.040, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Appropriate means to take, obtain, use, transfer, conceal or retain possession of.

Coercion means a threat, however communicated:

- (1) To commit any offense ~~crime~~;
- (2) To inflict physical injury in the future on the person threatened or another;
- (3) To accuse any person of any offense ~~crime~~;
- (4) To expose any person to hatred, contempt or ridicule;
- (5) To harm the credit or business repute of any person;
- (6) To take or withhold action as a public servant, or to cause a public servant to take or withhold action; or
- (7) To inflict any other harm which would not benefit the actor.

A threat or accusation, lawsuit or other invocation of official action is not coercion if the property sought to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful service. The defendant shall have the burden of injecting the issue of justification as to any threat.

Deceit means purposely making a representation which is false and which the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or other state of mind. The term "deceit" does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to the actor's intention to perform a promise shall not be inferred from the fact alone that such actor did not subsequently perform the promise.

Deprive means:

- (1) To withhold property from the owner permanently;
- (2) To restore property only upon payment of reward or other compensation; or
- (3) To use or dispose of property in a manner that makes recovery of the property by the owner unlikely.

Of another means property or services, if any natural person, corporation, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement.

Property means anything of value, whether real or personal, tangible or intangible, in possession or in action, and includes but is not to be limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument.

Services means transportation, telephone, electricity, gas, water, cable television services, or other public services, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles.

Sec. 3.125.030. - Same—Prohibited.

A. A person commits the offense of stealing if he or she:

1. Appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion;
2. Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or
3. For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

~~A person commits the crime of stealing if that person appropriates property or services of another under the value of \$500.00 with the purpose to deprive such person thereof, either without the person's consent or by means of deceit or coercion.~~

Sec. 3.125.040. - Same—Penalties.

Every person who violates section 3.125.030 shall be deemed guilty of a misdemeanor and, upon conviction, may be punished as provided in section 1.100.140 of this Code.

Sec. 3.125.050. - Trespassing.

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

CHAPTER 130. - OFFENSES AGAINST PUBLIC PEACE AND SAFETY

Sec. 3.130.010. - Disturbing the peace.

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

Private property means any place which at the time is not open to the public. The term "private property" includes property which is owned publicly or privately.

Property of another means any property in which the actor does not have a possessory interest.

Public places means any place which at the time is open to the public. The term "public place" includes property which is owned publicly or privately.

If a building or structure is divided into separate occupied units, such units are separate premises.

- (b) *Peace disturbances.* A person commits the crime of peace disturbance and shall be deemed guilty of a misdemeanor if:
 - (1) Such person unreasonably and knowingly disturbs or alarms another person or persons by:
 - a. Loud noise;
 - b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient;

- c. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out;
 - d. Fighting; or
 - e. Creating a noxious and offensive odor.
- (2) Such person is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:
- a. Vehicular or pedestrian traffic; or
 - b. The free ingress or egress to or from a public place or private property.

Sec. 3.130.020. - Drug paraphernalia—Definitions.

The following words, terms and phrases, when used in this section and section 3.130.030, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Controlled substance means a drug, substance, or immediate precursor as defined in Section 195.010, RSMo, included in Schedules I through V listed in RSMo 195.005—195.425.

Deliver or delivery means the actual, constructive or attempted transfer from one person to another of drug paraphernalia or of a controlled substance, or an imitation controlled substance, whether or not there is an agency relationship, and includes a sale.

Drug means:

- (1) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them; or
- (2) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;
- (3) Substances, other than food, intended to affect the structure or any function of the body of humans or animals; and
- (4) Substances intended for use as a component of any article specified in this definition. It does not include devices or their components, parts or accessories.

Drug paraphernalia.

- (1) All equipment, products and materials any kind of which are used or intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of RSMo ch. 195.
- (2) The term "drug paraphernalia" includes, but is not limited to:
 - a. Kits used or intended for use, or designed for use, in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
 - b. Kits used or intended for use, or designed for use, in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances;
 - c. Isomerization devices used or intended for use, or designed for use, in increasing the potency of any species of plant which is a controlled substance or imitation controlled substances;

- d. Testing equipment used or intended for use, or designed for use, in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances;
 - e. Scales and balances used or intended for use, or designed for use, in weighing or measuring controlled substances or imitation controlled substances;
 - f. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use, or designed for use, in cutting controlled substances or imitation controlled substances;
 - g. Separation gins and sifters used or intended for use, or designed for use, in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
 - h. Blenders, bowls, containers, spoons and mixing devices used or intended for use, or designed for use, in compounding controlled substances or imitation controlled substances;
 - i. Capsules, balloons, envelopes and other containers used or intended for use, or designed for use, in packaging small quantities of controlled substances or imitation controlled substances;
 - j. Containers and other objects used or intended for use, or designed for use, in storing or concealing controlled substances or imitation controlled substances;
 - k. Hypodermic syringes, needles and other objects used or intended for use, or designed for use, in parenterally injecting controlled substances or imitation controlled substances into the human body;
 - l. Objects used or intended for use, or designed for use, in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - 1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
 - 2. Water pipes;
 - 3. Carburetion tubes and devices;
 - 4. Smoking and carburetion masks;
 - 5. Roach clips meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - 6. Miniature cocaine spoons and cocaine vials;
 - 7. Chamber pipes;
 - 8. Carburetor pipes;
 - 9. Electric pipes;
 - 10. Air-driven pipes;
 - 11. Chillums;
 - 12. Bongs;
 - 13. Ice pipes or chillers.
- (3) In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:
- a. Statements by an owner or by anyone in control of the object concerning its use;
 - b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substances;

- c. The proximity of the object, in time and space, to a direct violation of this section and section 3.130.030;
- d. The proximity of the object to controlled substances or imitation controlled substances;
- e. The existence of any residue of controlled substances or imitation controlled substances on the object;
- f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom such person knows intend to use the object to facilitate a violation of this act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this section and section 3.130.030 shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia;
- g. Instructions, oral or written, provided with the object concerning its use;
- h. Descriptive materials accompanying the object which explain or depict its use;
- i. National and local advertising concerning its use;
- j. The manner in which the object is displayed for sale;
- k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- l. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
- m. The existence and scope of legitimate uses for the object in the community;
- n. Expert testimony concerning its use.

Manufacture means the production, preparation, propagation, compounding or processing of drug paraphernalia or of a controlled substance, or an imitation controlled substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term "manufacture" does not include the preparation or compounding of a controlled substance or an imitation controlled substance or the preparation, compounding, packaging or labeling of a narcotic or dangerous drug:

- (1) By a practitioner as an incident to the practitioner administering or dispensing of a controlled substance or an imitation controlled substance in the course of the practitioner's professional practice; or
- (2) By a practitioner or the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

Practitioner means a physician, dentist, optometrist, podiatrist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by this state to distribute, dispense, conduct research with respect to or administer or to use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in this state, or a pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research.

Sec. 3.130.030. - ~~Same—Offenses.~~ Unlawful Possession of Drug Paraphernalia.

A person commits the offense of unlawful possession of drug paraphernalia if he or she knowingly uses, or possesses with intent to use, drug paraphernalia, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, a

controlled substance or an imitation controlled substance in violation of Chapter 579, RSMo., or Chapter 195, RSMo.

- (a) ~~Possession of drug paraphernalia.~~ It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this section and section 3.130.020. Any person who violates this subsection is guilty of a misdemeanor and upon conviction may be imprisoned for not more than 90 days, fined not more than \$500.00, or both.
- (b) ~~Manufacture or delivery of drug paraphernalia.~~ It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under the circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this section and section 3.130.020. Any person who violates this subsection is guilty of a misdemeanor and upon conviction may be imprisoned for not more than 90 days, fined not more than \$500.00, or both.

Sec. 3.130.040. - Explosive or other lethal devices prohibited.

Any person who shall leave in the city any explosive or incendiary bomb or lethal device, or any object which purports to be, or is an imitation of, or resembles any such explosive or incendiary bomb, or other lethal device calculated to, or of a character reasonably expected to, create public apprehension of danger or to cause public authorities to expend time or money in investigating the character of such device for the purpose of protecting the public or any person from anticipated danger shall be deemed guilty of a misdemeanor.

Sec. 3.130.050. - ~~Marijuana—Possession a misdemeanor.~~ Possession of Marijuana or Synthetic Cannabinoid.

A person commits the offense of possession of marijuana or any synthetic cannabinoid, as both terms are defined in Section 195.010, RSMo., if he or she knowingly possesses marijuana or any synthetic cannabinoid, except as authorized by Chapter 579 or Chapter 195, RSMo.

Any person having in his/her possession 35 grams or less of marijuana shall be deemed guilty of a misdemeanor.

~~Sec. 3.130.060. — Same—Defined.~~

~~As used in section 3.130.050, the term "marijuana" means all parts of the plant genus Cannabis in any species or form thereof, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant or its byproducts, except the resin extracted therefrom.~~

Sec. 3.130.070. - Rioting.

A person commits the offense of rioting if such person knowingly assembles with six or more other persons and agrees with such persons to violate any of the ordinances of this city, 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 such laws with force or violence.

Sec. 3.130.080. - Simulated drugs—Defined.

The term "simulated drugs" or "simulated controlled substances" means any product which identifies itself by using a common name or slang term, or similar name term or mark, or brand associated with a controlled substance as defined in Schedules I through V as set in RSMo 195.017, or which indicates on its label or accompanying promotional material that the product simulates the effect of a controlled substance.

Sec. 3.130.090. - Same—Sale or delivery prohibited.

It shall be unlawful for any persons to sell or deliver any simulated drug or simulated controlled substance to another person.

Sec. 3.130.100. - Same—Penalty.

Any person who violates section 3.130.090 is guilty of a misdemeanor and, upon conviction, may be imprisoned for not more than 90 days or fined not more than \$500.00, or both imprisoned and fined.

CHAPTER 135. - WEAPONS

Sec. 3.135.010. - Unlawful use of weapons.

- (a) *Definitions.* For the purposes of this chapter, the terms and phrases used herein shall have the definitions given them as contained in RSMo 571.010.
- (b) *Prohibited acts.* A person commits the crime of unlawful use of a weapon if such person knowingly:
 - (1) Carries concealed upon or about their person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use into any area where firearms are restricted under 571.107, RSMo.
 - ~~(2) Sets a spring gun.~~
 - (2) Discharges a firearm within the city limits of Gladstone ~~or shoots a firearm into a dwelling house, railroad train, boat, aircraft or motor vehicle as defined in RSMo 302.010, or any building or structure used for the assembling of people.~~
 - ~~(4) Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner.~~
 - (3) Possesses ~~or discharges~~ a firearm or projectile weapon while intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self defense;
 - ~~(6) Discharges a firearm within 100 yards of any occupied schoolhouse, courthouse, or church building.~~
 - ~~(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.~~
 - (4) 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 school, 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.
 - ~~(9) Discharges or shoots a firearm at or from a motor vehicle, as defined in RSMo 301.010, while within any city, town or village, and 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.

- (5) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use, into any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.
- (c) *Exceptions generally.* Subsections (b)(1), (4) and (5) of this section shall not apply to or affect the persons described in this Subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this Subsection ~~any of the following:~~ Subsection (a)(2) of this Section shall not apply to or affect any of the following person, when such uses are reasonably associated with or are necessary to fulfillment of such person's official duties, except as other provide in this Subsection:
- (1) All state, county, and municipal peace officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are within or outside their jurisdictions, or on-duty or off-duty, or all qualified retired Peace Officers, as defined in Subsection (12) of Section 571.030, RSMo., and who carry the identification defined in Subsection (13) of Section 571.030, RSMo., or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; ~~any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;~~
 - (2) Wardens, superintendents, and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
 - (3) Members of the armed forces or national guard while performing their official duty;
 - (4) Those persons vested by article V, section 1 of the state constitution (Mo. Const. art. V, § 1) with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;
 - (5) Any person whose bona fide duty is to execute process, civil or criminal;
 - (6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;
 - (7) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under RSMo 84.340;
 - (8) Any state probation and parole officer, including supervisors and members of the board of probation and parole, authorized to carry a firearm pursuant to RSMo 217.710;
 - (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;
 - (10) Any municipal or county prosecuting attorney or assistant prosecuting attorney; circuit attorney or assistant circuit attorney; municipal, associated, or circuit judge; or any person appointed by a court of be a special prosecutor who has completed the firearms safety training course required under subsection 2 of Section 571.111, RSMo;
 - (11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under Section 571.111, RSMo when such uses are reasonably associated with or necessary to the fulfillment; and
 - (12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district member who is employed on a full-time basis and who has a valid concealed carry endorsement prior to August 28, 2013, or a valid

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

- (d) *Transport exceptions.* Subsections (b)(1), (3), (4), and (5) of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subsection (b)(1) of this section does not apply to ~~any person 21 years of age or older~~ any person nineteen (19) years of age or older or eighteen (18) years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, or when the actor is also in possession of an exposed firearm or projectile weapons for the lawful pursuit of game, or is in the actor's dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subsection (b)(5) of this section shall 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 facilities of a school sanctioned firearm-related event.
- (e) *Exception for persons with concealed carry endorsement.* Subsections (b)(1), (3), and (4) of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to Sections 571.101 to 571.121, RSMo., a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State. ~~endorsement issued pursuant to RSMo 571.094, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of a state.~~
- (f) Subsections (b)(2), (b)(3), (b)(4) and (b)(5) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.
- (g) Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board

Penalty. Any person violating this section shall be punished upon conviction thereof as provided by section 1.100.140 of this Code.

Sec. 3.135.020. - Possession, manufacture, transport, repair and sale of certain weapons prohibited; exceptions.

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

Knuckles means 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;

Switchblade knife means any knife which has a blade that folds or closes into the handle or sheath, and that opens automatically by pressure applied to a button or other device located on the handle; or that opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force

- (b) *Commission of offense.* A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells a switchblade knife or knuckles.
- (c) *Exception.* A person does not commit a crime under this section if such person's conduct:

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

Sec. 3.135.030. - Possession prohibited outside person's own home; exceptions.

- (a) Subject to the exceptions established in this chapter, it shall be unlawful for any person within the city to have in such person's possession, except within the person's own domicile, or carry or use, a revolver or pistol of any description, shotgun or rifle which may be used for the explosion of cartridges, or any air gun, BB gun, gas operated gun or spring gun, or any instrument, toy, weapon or bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth in this subsection or by any other name.
- (b) The prohibitions of this section shall not apply to licensed shooting galleries or on private grounds or premises under circumstances clearly demonstrating that such instrument can be fired, discharged or operated in such a manner as not to endanger persons or property, and also in such manner as to prevent the projectile from traversing any grounds or space outside the limits of such gallery, grounds or residence. Neither shall the provisions hereof prevent the carrying of any such weapon when unloaded and properly cased, or when unloaded and unconcealed to or from any range or gallery or to and from an area where hunting is allowed by law. However, no firearm shall be fired within the city, except in a licensed shooting gallery or within a private enclosed shooting gallery.

Sec. 3.135.040. - Possessing or exhibiting in threatening, etc., manner or while intoxicated.

No person shall, within the city, in the presence of one or more persons, exhibit any dangerous or deadly weapon of any kind or description in a rude, angry or threatening manner, or have any such weapon or any rod, knife or other object in such person's possession with the intent of causing or threatening to cause physical injury to any other person.

Sec. 3.135.050. - Discharging firearms by minors prohibited; exceptions.

Any person who shall, or any person having temporary or permanent custody of a minor who shall allow such minor to fire or discharge any firearms or ammunition therefor in the city, except for the following purposes and then only under conditions which do not endanger the life or property of any person, shall be deemed guilty of a misdemeanor:

- (1) The firing of salutes pursuant to military services at funerals.
- (2) The firing of a firearm by one whose business entails the testing of firearms in established facilities constructed and maintained for such purposes.
- (3) The firing of a firearm on a regularly established range pursuant to a permit issued by the city therefor.
- (4) The firing of a firearm by public safety officers in the performance of official duty or by any person in the lawful defense of their person or property.

Sec. 3.135.060. - Discharging arrows from bow or crossbow by minor prohibited; exceptions.

Any person who shall, or any person having temporary custody of a minor who shall permit such minor to discharge arrows from a bow or crossbow in the city, except for the following purposes, and then only under conditions which do not endanger the life or property of any person, shall be deemed guilty of a misdemeanor:

- (1) The shooting of bow or crossbow on a regularly established range pursuant to a permit issued by the city therefor.
- (2) The shooting of bow or crossbow by one whose business entails the testing of such equipment in established facilities constructed and maintained for such purposes.

Sec. 3.135.070. - Sale to or possession by minors.

No person shall, directly or indirectly, sell, deliver, loan or barter to any person under 18 years of age, without the consent of the parent or guardian of such minor, any kind of firearm, gun, revolver, pistol, starter pistol or firearm of any description, or any dangerous missile, casing or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons or devices enumerated or described in this section.

Sec. 3.135.080. - Firearms and other weapons prohibited on city property and posted property.

- (a) No person who has been issued a concealed carry endorsement by the state director of revenue under Section 571.094, RSMo or a concealed carry permit under Section 571.101 to 571.121, RSMo, or who has been issued a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, shall, by authority of that endorsement or permit, be allowed to carry a concealed or unconcealed firearm in any portion of a building owned, leased, or controlled by the city, or onto or into any property posted as being off limits to concealed or unconcealed firearms as defined in subsection (c) of this section. For purposes of this section, the term "building" shall include city hall, the public works building, the water plant, the community building, the swimming pool, and each and every shelter house, gazebo, restroom, concession stand, and roofed structures of any kind or location, owned, operated, leased, or controlled by the city, including any area within any city park where access has been restricted, either permanently or temporarily, by a fence or gate placed or constructed by authority of the director of the department of parks and recreation. Public safety officers of the city, the state, or any other political subdivision of the state, and privately employed and properly licensed security personnel acting in within the scope of their employment, shall be exempt from the prohibitions contained in this subsection (a).
- (b) No person who has been issued a concealed carry endorsement by the state director of revenue under Section 571.094, RSMo or a concealed carry permit under Section 571.101 to 571.121, RSMo or who has been issued a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, shall, by authority of that endorsement or permit, be allowed to carry a concealed or an unconcealed firearm or other weapon onto any private property whose owner has posted a sign as described in subsection (c) of this section, in a conspicuous place, prohibiting firearms or other weapons.
- (c) The sign required pursuant to subsections (a) and (b) of this section shall be placed on the premises in a conspicuous place with a minimum size of 11 inches by 14 inches with the writing thereon in letters of not less than one inch stating that the carrying of firearms and other weapons is prohibited on the premises. If the property posted is open to the public, signs shall be posted at each public entrance.
- (d) No city employee, except public safety officers and other such persons as may be authorized by the city manager, shall carry any firearm or other weapon onto or in any city property, or in any city vehicle.
- (e) The prohibitions contained in this section shall not apply to buildings used for public housing by private persons, or highways, rest areas, firing ranges, or private dwellings owned, leased, or controlled by the city.

- (f) The prohibitions contained in this section shall apply with equal effect to all persons who possess a certificate of qualification from the sheriff of any jurisdiction within the state, prior to July 1, 2004, when the concealed carry endorsement mandated by Missouri House Bill 49 is to be issued by the state department of revenue.
- (g) Any person carrying such a concealed firearm or other weapon who, after request, refuses to leave any premises that has been properly posted as provided in this section, and where such refusal results in the summoning of a peace officer, shall be issued a citation for violation of this section, and upon a finding by a judge of the municipal court that such person refused to leave a posted premises when requested to do so, be fined an amount not to exceed \$100.00 for the first violation, \$200.00 for the second violation if within six months of the first citation, and \$500.00 for the third or subsequent violation if within one year of the first citation.

CHAPTER 140. - FAIR HOUSING

Sec. 3.140.010. - Definitions.

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

Aggrieved person means any person who is attempting to provide housing for such person and/or their family in the city.

Discriminate means distinctions in treatment because of race, sex, color, religion, handicap, familial status, or national origin of any person.

Dwelling means a building or portion thereof, designed exclusively for residential occupancy, including one-family, two-family and multiple-family units.

Familial status means one or more individuals (who have not attained the age of 18 years) domiciled with a parent or another person having legal custody of such individual or individuals; or the designee of such parent or other person having such custody, with the written permission of such parent or other person. The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of 18 years.

Handicap means, with respect to a person, a physical or mental impairment which substantially limits one or more of such person's major life activities; a record of having such an impairment; or being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.

Person means any individual, firm, partnership or corporation.

Sec. 3.140.020. - Discriminatory practices.

It shall be a discriminatory practice and a violation of this chapter for any person to:

- (1) Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, sex, color, religion, handicap, familial status, or national origin or any person.
- (2) Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, sex, color, religion, handicap, familial status, or national origin.
- (3) Make, print, or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, sex, color, religion, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.

- (4) Represent to any person because of race, sex, color, religion, handicap, familial status, or national origin that any dwelling is not available to inspection, sale, or rental when such dwelling is in fact so available.
- (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood or a person or persons of a particular race, sex, color, religion, handicap, familial status, or national origin.
- (6) Bar discrimination in the sale or rental of housing on the basis of a handicap, and requires the design and construction of new multifamily dwelling with four or more units to meet certain adaptability and accessibility requirements as set forth in the uniform codes adopted by the city.
- (7) Bar discrimination in the sale or rental of housing because a family has children, but exempts certain types of buildings that house older persons.

Sec. 3.140.030. - Discrimination in the financing of a house.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise the business of which consists in whole or in part in the make of commercial real estate loans, to deny a loan to a person applying therefore for the purpose of purchasing, constructing, repairing, or maintaining a dwelling, or to discriminate against such person in the fixing of the amount or conditions of such loan, because of the race, sex, color, religion, handicap, familial status, or national origin or such person or of any person associated with such person in connection with such financing.

Sec. 3.140.040. - Exemptions.

The provisions of this chapter, and particularly section 3.140.020, shall not apply to the following:

- (1) A rental or leasing of a dwelling unit in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or members of their family reside in such dwelling unit.
- (2) A rental or leasing to less than five persons living in a dwelling unit by the owner if the owner or members of owner's family reside therein.
- (3) Any single-family house sold or rented by an owner provided that such house is sold or rented:
 - a. Without the use of sales or rental facilities or services of real estate brokers, agents, salespersons, or persons in the business of selling or renting dwelling, as defined in subsection (4) of this section; and
 - b. Without the publication, posting or mailing of any advertisements in violation of subsection 3.140.020(3), provided, however, that:
 1. Nothing in this subsection shall prohibit the use of attorneys, escrow agents, abstractors, title companies, or other such professional assistance as necessary to perfect or transfer the title; and
 2. Any such private individual owner does not own any interest in, nor is there owned or reserved on their behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three such single-family houses any one time.
- (4) For the purposes of subsection (3)a of this section, a person shall be in the business of selling or renting dwelling if:

- a. Such person has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;
- b. Such person has, within the preceding 12 months, participated as agent, other than in the sale of such person's own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental or any dwelling or any interest therein; or
- c. Such person is the owner of any dwelling designed or intended for occupancy, by or occupied by five or more families.

Sec. 3.140.050. - Administration; fair housing committee.

- (a) There is hereby created a fair housing committee the membership of which shall consist of the mayor, city manager, city counselor, planning commission chair, and the uniform codes board of appeals chair.
- (b) Every complaint of a violation of this chapter shall be referred to the fair housing committee. The fair housing committee shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at that time. If the fair housing committee, after investigation, finds there is no merit to the complaint, the complaint shall be dismissed. If the fair housing committee finds that there is merit in the complaint, in its opinion, then and in the event the fair housing committee will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.
- (c) If the fair housing committee is unable to eliminate the alleged discriminatory practice by a conference and conciliation, then and in the event the fair housing committee shall forward such complaint to the city prosecutor for handling. The final determination of whether or not to prosecute on such complaint shall be left to the city prosecutor.

Sec. 3.140.060. - Enforcement.

Any person convicted of a violation of this chapter shall be punished by a fine of not more than \$500.00 or by confinement in jail for not more than 180 days, or both such fine and imprisonment.

Sec. 3.140.070. - Savings clause.

This chapter shall not affect violations of any other ordinance, code or regulation of the city existing prior to the effective date of the ordinance from which this chapter is derived. Any such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

CHAPTER 145. - OFFENSES RELATING TO MINORS

Sec 3.145.010. - Endangering the welfare of a child.

- (a) A person commits the offense of endangering the welfare of a child if:
 - (1) Such person, with criminal negligence, acts in a manner that creates a substantial risk to the life, body or health of a child less than 17 years old;
 - (2) Such person knowingly encourages, aids or causes a child less than 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, RSM ~~the provisions of the Missouri Juvenile Code, RSMo chs. 210, 211 and 219, prohibiting behavior or associations of a minor child that are injurious to the welfare of such child or to the welfare of others, and prohibiting acts which involve such child in the violation of a state law or municipal ordinance;~~

- (3) Being a parent, guardian or other person legally charged with the care or custody of a child less than 17 years old, such person recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent such child from coming within the provisions of Paragraph (c) of Subdivision (1) of Subsection (1) or Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo; ~~of the Missouri Juvenile Code, RSMo chs. 210, 211 and 240, prohibiting a child from living in a room, building or other structure found by a court of competent jurisdiction to be a public nuisance, prohibiting behavior or associations of a minor child that are injurious to the welfare of such child or to the welfare of others, and prohibiting acts which involve such child in the violation of a state law or municipal ordinance; or~~
- (4) Such person knowingly encourages, aids or causes a child less than 17 years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 579.105, RSMo.
- (b) Nothing in this section shall be construed to mean the welfare of a child is endangered for the sole reason that the child is being provided nonmedical remedial treatment recognized and permitted under the laws of this state.

Title III - OFFENSES

CHAPTER 100. - GENERAL PROVISIONS

Sec. 3.100.010. - Abandoned, wrecked, etc., motor vehicles or other personal property—Removal by public safety department.

The public safety department is hereby authorized to remove any unidentified, stolen, wrecked or abandoned vehicle or other personal property found upon any public street or other public property of the city, and shall, and is hereby authorized to, keep such vehicle or property in custody until redeemed by the owner thereof or otherwise disposed of as provided in this chapter; and such property shall be subject to the actual cost of removal from such public place and a reasonable storage charge for as long as such property is in the custody of the city. Unidentified, stolen, wrecked or abandoned motor vehicles or other personal property is hereby defined to be such motor vehicle or personal property which remains upon public property for a period longer than 48 hours, the owner of which cannot be located or has refused to remove such vehicle or property.

Sec. 3.100.020. - Same—Sale; application of money received.

All motor vehicles and other personal property impounded by the public safety department pursuant to the provisions of section 3.100.010 and unredeemed by the owners thereof for a period of 60 days shall thereafter be subject to sale by the city clerk to the highest bidder for cash at public auction, and the proceeds of such sale shall be applied first to all charges accumulated against such article, which shall be deposited with the city treasurer and shall be credited to the general fund of the city. The balance of such sum, if any, shall be kept in a separate fund for a period of one year from the date of receipt, and if, at the end of such year, the former owner of such property has not made satisfactory proof of claim as provided in this article, then the balance of such proceeds of sale shall be credited to the general fund of the city.

Sec. 3.100.030. - Same—Publication of notice of sale; city clerk to keep record of sales.

Whenever the city clerk shall decide to offer impounded properties for public sale, the city clerk shall publish one notice of such sale in a newspaper of general circulation in the city, at least five days before such sale. Such publication shall briefly describe the property to be sold and give the make, model and motor number of the motor vehicles to be sold. The city clerk shall keep a complete list of all properties impounded, the description thereof, the date of publication for sale, the price received therefor, the charges against such property and the disbursement of funds received from such sale.

Sec. 3.100.040. - Same—Impoundment and redemption.

- (a) Any law enforcement officer within the officer's jurisdiction, or an officer of a government agency where that agency's real property is concerned, may authorize a towing company to remove to a place of safety:
 - (1) Any abandoned property on the right-of-way of:
 - a. Any interstate highway or freeway in an urbanized area, left unattended for ten hours;
 - b. Any interstate highway or freeway outside of an urbanized area, left unattended for 48 hours;
 - c. Any state highway other than an interstate highway or freeway in an urbanized area, left unattended for more than ten hours; or
 - d. Any state highway other than an interstate highway or freeway outside of an urbanized area, left unattended for more than 48 hours; provided that commercial motor vehicles not hauling waste designated as hazardous under 49 USC 5103(a) may only be removed under this subsection to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;
 - (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;

- (3) Any abandoned property which has been abandoned under RSMo 577.080;
 - (4) Any abandoned property which has been reported as stolen or taken without consent of the owner;
 - (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;
 - (6) Any abandoned property which due to any other state law or local ordinance is subject to towing because of the owner's outstanding traffic or parking violations.
- (b) If a person abandons property, as defined in RSMo 304.001, on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any member of the state highway patrol, state water patrol, sheriff, or other law enforcement officer within such officer's jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:
- (1) The abandoned property is left unattended for more than 48 hours; or
 - (2) In the judgment of a law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.
- (c) The owner of real property or lessee or property or security manager in lawful possession 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 under this subsection may be made only under any of the following circumstances:
- (1) There is displayed, in plain view at all entrances to the property, a sign not less than 17 inches by 22 inches in size, with lettering not less than one inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property improperly 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 24-hour staffed emergency information telephone number, other than the number of a towing company, by which the owner of the abandoned property or improperly parked property may call to receive information regarding the location of such owner's property;
 - (2) The abandoned property is on private property and lacks an engine, transmission, wheels, tires, doors, windshield or any other major part or equipment necessary to operate safely on the highways, the owner or lessee of the private property has notified the city police or county sheriff, as appropriate, and 96 hours have elapsed since that notification; or
 - (3) The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ten days have elapsed since that notification.
- (d) 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 law enforcement officer shall within one hour of the tow file an abandoned property report with the appropriate law enforcement agency where the property is located. The report shall contain the following:
- (1) The year, model, make and abandoned property identification number of the property and the owner and any lien holders, if known;
 - (2) A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;
 - (3) The license plate or registration number and the state of issuance, if available;

- (4) The physical location of the property and the reason for requesting the property to be towed;
 - (5) The date the report is completed;
 - (6) The signature and printed name, address and phone number of the owner, lessee or property or security manager in possession of the real property;
 - (7) The towing company's name and address;
 - (8) The signature of the towing operator;
 - (9) The name of the law enforcement agency notified of the abandoned property.
- (e) The law enforcement agency receiving such abandoned property report must record the date the abandoned property report is filed with such agency and within five days of such filing make an inquiry into the national crime information center and any statewide law enforcement computer system to determine if the abandoned property has been reported as stolen. The law enforcement agency shall enter the information pertaining to the towed property into the statewide enforcement computer system. The department of revenue may design and sell to towing companies informational brochures outlining owner or lessee of real property obligations pursuant to this section.
 - (f) Neither the law enforcement officer nor anyone having custody of abandoned property under the law enforcement officer's direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by negligence or by willful or wanton acts or omissions.
 - (g) Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subsection (c)(1) of this section shall within one hour of the tow report the event and the circumstances to the local law enforcement agency where the abandoned property report was filed.
 - (h) The law enforcement agency receiving notification that abandoned property has been towed by a towing company shall record the date the property was towed and shall forward a copy of the abandoned property report to the director of revenue.
 - (i) If any owner or lessee of real property authorizes the removal of abandoned property pursuant to subsection (c) of this section and such property is so removed and no sign is displayed prior to such removal as required pursuant to subsection (c) of this section, then the owner or lessee shall be deemed guilty of a violation of this Code.

Sec. 3.100.050. - Attempt to commit offense.

- (a) Guilt for an offense may be based upon an attempt to commit an offense if with the purpose of committing the offense, such person does any act which is a substantial step towards the commission of the offense. A "substantial step" is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.
- (b) It is no defense to a prosecution under this section that the offense attempted was, under the actual attendant circumstances, factually or legally impossible of commission, if such offense could have been committed had the attendant circumstances been as the actor believed them to be.

Sec. 3.100.060. - Penalty for violation of section 3.100.050.

Any person who violates section 3.100.050 shall, upon conviction, be deemed guilty of a misdemeanor, and upon conviction may be imprisoned for not more than 90 days or fined not more than \$500.00, or both imprisoned and fined.

Sec. 3.100.070. - Burning prohibited generally; exceptions.

- (a) Any person who shall willfully set fire to any grass, weeds or any other flammable material outdoors shall be deemed guilty of a misdemeanor unless in possession of a valid permit from the department of public safety. The burning of solid waste as defined by applicable state law is prohibited. Temporary heating devices shall be

UL-approved, located away from combustible materials, be attended by competent personnel and compliant with applicable fire codes. The following shall not be deemed a violation of this section:

- (1) The use of charcoal, lighter fluid, wood chips and similar flammable materials for the sole use of cooking or smoking food. Such materials shall be located within a device specifically designed for this purpose, located away from combustible materials, attended at all times and extinguished immediately after completion of use.
 - (2) The use of 55 gallon barrels or similar devices containing a minimal amount of untreated natural wood construction waste may be utilized for warming of construction workers. Such containers shall be located away from combustible materials, attended at all times and extinguished immediately after completion of use. This method of warming is only applicable to construction sites possessing a valid building permit which authorizes the construction of structures exceeding 1,200 square feet and may be prohibited by the director of public safety at any time upon written notification to the holder of the building permit.
- (b) The city manager may declare a fire hazard emergency and prohibit open burning of any material for the protection of the health, welfare and safety of the community. Following such declaration, any person who shall willfully set fire to any grass, weeds or other flammable material, including any item or circumstance described in the exceptions set forth in subsection (a)(1) and (a)(2) of this section shall be deemed guilty of a misdemeanor. Such prohibition against burning shall continue until rescinded by the city manager.

Sec. 3.100.080. - Distribution of printed materials to private residences—Definitions.

The following words, terms and phrases, when used in sections 3.100.090 through 3.100.150, shall have the meanings respectively ascribed to them by this section, except when the context clearly indicates a different meaning:

Dwelling means any building or structure used for human abode, including the lot on which such building or structure is located.

Occupant means any adult member of the family or other group residing in a particular dwelling.

Person means any individual, partnership, corporation, estate, cooperative, association or other entity, including both profit and not-for-profit persons.

Person organized for profit means any individual, partnership, corporation, trust, estate, cooperative, association or other entity which has as a purpose or goal, the private gain, direct or indirect, of its members, partners, shareholders, beneficiaries or other constituent elements.

Printed material means all of the following types of printed matter:

- (1) Any and all newspapers, magazines, periodicals and journals which are not distributed pursuant to a subscription agreement;
- (2) All shoppers, flyers, circulars, leaflets, pamphlets, papers, samples, dodgers, booklets, catalogs, brochures, folders, notices or other written, printed, typed or reproduced matter which:
 - a. Advertises for sale any merchandise, product, commodity or thing;
 - b. Directs attention to or advertises any meeting, performance, lecture or event of any kind for which an admission fee is charged for private gain on behalf of a person organized for profit; or
 - c. Advertises, promotes or otherwise directs attention to the activities or organizations which are conducted for private gain on behalf of a person organized for profit.

Residential area means any area zoned specifically for residential use or any area zoned such that residential use is permitted.

Sec. 3.100.090. - Same—Purpose of sections 3.100.080 through 3.100.150.

The purpose of this section, section 3.100.080 and sections 3.100.100—3.100.150 is to protect the people against the nuisance of and incident to the indiscriminate distribution of unsolicited printed materials. The public

interest, convenience and necessity requires regulation thereof, and to that end, the purposes of this section, section 3.100.080 and sections 3.100.100—3.100.150 are as follows:

- (1) To protect local residents against the health and safety menace and expense incident to the littering by indiscriminate distribution of the printed material.
- (2) To preserve to the people their constitutional right to receive and disseminate information by distinguishing between the indiscriminate and uncontrolled distribution of unsolicited printed material and the delivery or distribution of requested printed material.

Sec. 3.100.100. - Same—Method.

It shall be unlawful for any person, individually or through agents, employees or otherwise, to distribute or cause to be distributed any printed material within the city unless such printed material is placed or deposited only on or about the handle of the door or otherwise secured or attached to the door of the dwelling place where such printed material is delivered or distributed, or is placed on the front porch or front steps of such dwelling and nowhere else. It shall be unlawful for any such person, individually or through agents, employees or otherwise, to deliver, throw, place, leave or deposit any such printed material in or on the yard, parkway, sidewalks or driveways of any such dwelling; provided that nothing in this section shall be construed as authorizing the use of mail boxes as depositories for such printed material.

Sec. 3.100.110. - Same—Notice by occupant requesting nondelivery.

An occupant of a dwelling may give notice requesting nondelivery of any written or printed material by:

- (1) So stating in writing to either the person who printed, wrote, compiled or manufactured the material or to the person distributing or causing the distribution of the printed material.
- (2) So stating orally to the person distributing or causing the distribution of the printed material.

Sec. 3.100.120. - Same—Information to be contained in material.

It shall be unlawful for any person organized for profit to print, write, compile or manufacture or to cause the printing, writing, compiling or manufacturing of any printed material for use in unsolicited, indiscriminate distributions to dwellings in the residential areas of the city which does not have printed or affixed thereon the names and addresses of the following:

- (1) The person who printed, wrote, compiled or manufactured the printed material.
- (2) The person who distributed or caused the distribution of the printed material.

Sec. 3.100.130. - Same—Exemptions from regulations in sections 3.100.100 through 3.100.120.

The provisions and prohibitions of sections 3.100.100 through 3.100.120 shall not apply to:

- (1) Distributions made by or on behalf of the United States Postal Service.
- (2) Distributions of any newspaper, magazine, periodical or other regularly disseminated publication delivered pursuant to a subscription agreement.

Sec. 3.100.140. - Same—Penalty for violation of sections 3.100.100 through 3.100.120.

- (a) The violation of sections 3.100.100 through 3.100.120 shall be a misdemeanor. Any person found guilty of violating the provisions of any such sections shall, upon conviction, be punished by a fine of not more than \$100.00, or imprisonment not exceeding three months, or both such fine and imprisonment.
- (b) For the purposes of 3.100.100, each edition of material shall be deemed a single delivery or distribution without regard to the actual number of copies distributed, so that no person may be found guilty of more offense in regard to any one edition of such printed material.

- (c) In assessing penalties upon conviction, the court shall consider whether the person so convicted had made reasonable efforts to comply with sections 3.100.100—3.100.120 and if such person acted through agents, employees or otherwise, whether such person had made a reasonable effort to ensure that such agents, employees or others distributing such printed material complied with sections 3.100.100—3.100.120.

Sec. 3.100.150. - Same—Sections 3.100.080 through 3.100.140 not to permit distribution of other prohibited material.

Sections 3.100.080 through 3.100.140 shall not be construed to permit the distribution of any material otherwise prohibited by this Code.

Sec. 3.100.160. - Littering.

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

Sec. 3.100.170. - Reserved.

Sec. 3.100.180. - Dogs on grounds of Gladfest and Bluesfest Festivals prohibited.

- (a) All dogs shall be prohibited from the grounds being used in conjunction with the annual Gladfest and Bluesfest Festivals, except for dog guides included under "service animals" as defined by and provided for in the Americans with Disabilities Act, Title III, Section 36.104, police service dogs or dogs participating in the Gladstone Area Chamber of Commerce scheduled Gladfest Dog Show event.
- (b) All persons violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in a sum of not less than \$50.00 nor more than \$100.00 or by imprisonment for a term of not more than 30 days or by both said fine and imprisonment.

Sec. 3.100.190. - Funeral protests prohibited, when.

- (a) Every citizen may freely speak, write and publish the person's sentiments on all subjects, being responsible for the abuse of the right, but no person shall picket or engage in other protest activities, nor shall any association or corporation cause picketing or other protest activities to occur within 300 feet of any residence, cemetery, funeral home, church, synagogue, or other establishment during or within one hour before or one hour after the conducting of any actual funeral or burial service at that place.
- (b) As used in this section "other protest activities" means any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service.
- (c) As used in this section, "funeral" and "burial service" mean the ceremonies and memorial services held in conjunction with the burial or cremation of the dead, but this section does not apply to processions while they are in transit beyond any 300-foot zone that is established under subsection (a) above.
- (d) Any person who violates this section is guilty of a misdemeanor and, upon conviction, may be imprisoned for not more than 90 days or fined not more than \$500.00, or both imprisoned and fined.

CHAPTER 105. - OFFENSES AGAINST GOVERNMENT ADMINISTRATION

Sec. 3.105.010. -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 such person escapes or attempts to escape from custody.

Sec. 3.105.020. - False reports.

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

Sec. 3.105.030. - Resisting or interfering with officers prohibited.

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

Sec. 3.105.040. - Failure to appear in municipal court.

- (a) That any person having been summoned or ordered to appear before the municipal court of the city, either by written summons, state uniform traffic citation, warrant, subpoena, notice of appeal, bail bond, recognizance, or any other lawful order or notification, and who shall fail to appear upon and at the date and time set for said appearance, or at the time, or within the time period recited upon said summons, citation or notification, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than 90 days, or both such fine and imprisonment.
- (b) It shall be the duty and the obligation of all persons having been so summoned or ordered to appear to inform himself or herself of the date to which any such cause or action shall have been continued, recessed, adjourned or transferred and to appear upon and at such date and time to which such cause or action was continued, recessed, adjourned or transferred.
- (c) Nothing herein shall prevent the municipal court from exercising its power of contempt and punishing for such non-appearances by the exercise of such contempt power.

CHAPTER 110. - OFFENSES AGAINST FAMILY

Sec. 3.110.010. - Nonsupport.

- (a) A person commits the offense of nonsupport if such person knowingly fails to provide, without good cause, adequate support for such person's spouse; a parent commits the crime of nonsupport if such parent knowingly fails to provide, without good cause, adequate support which such parent is legally obligated to provide for such parent's child or stepchild who is not otherwise emancipated by operation of law.
- (b) For purposes of this section:
 - (1) *Child* means any biological or adoptive child, or any child legitimated by legal process, or any child whose relationship to the defendant has been determined, by a court of law in a proceeding for dissolution or legal separation, to be that of child to parent;
 - (2) *Good cause* means any substantial reason why the defendant is unable to provide adequate support. Good cause does not exist if the defendant purposely maintains their inability to support;
 - (3) *Support* means food, clothing, lodging, and medical or surgical attention;
 - (4) It shall not constitute a failure to provide medical and surgical attention, if nonmedical remedial treatment recognized and permitted under the laws of this state is provided.
- (c) The defendant shall have the burden of injecting the issues raised by subsections (b)(2) and (4) of this section.

Sec. 3.110.020. - Violation of order of protection.

- (a) It shall be unlawful for any person to violate the terms or conditions of an order of protection, a full order of protection or an ex-parte order of protection entered by a court of the State of Missouri pursuant to RSMo 455.010—455.085, or a similar order issued by any other state, tribe, territory or possession of the United States, the Commonwealth of Puerto Rico or the District of Columbia (hereinafter referred to collectively as an order of protection).
- (b) A certified copy of any order of protection shall be prima facie evidence of the existence and validity of the order of protection. An ex-parte order of protection must show that the order had been served prior to the violation. Full orders of protection do not need to be served and therefore evidence of service is not required.
- (c) Refusal of the person for whose benefit the order of protection was issued to sign a complaint or to testify shall not be a defense to a violation of an order of protection.
- (d) Any person found guilty of violating an order of protection under the terms of this section shall be punished by a fine of not more than \$500.00 or by imprisonment for not more than 90 days, or both such fine and imprisonment.

CHAPTER 115. - OFFENSES AGAINST MORALS

Sec. 3.115.010. - Sexual misconduct.

- (a) For the purposes of this section, the following terms shall have the meanings set forth herein:

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

Sexual conduct means sexual intercourse, deviate sexual intercourse or sexual contact.

Sexual contact means any touching of another person with the genitals or any touching of the genitals or anus of another person, or the breast of a female person, or such touching through the clothing,

for the purpose of arousing or gratifying the sexual desire of any person or for the purpose of terrorizing the victim.

Sexual intercourse means any penetration, however slight, of the female genitalia by the penis.

(b) A person commits the offense of sexual misconduct if such person:

- (1) Exposes the person's own genitals under circumstances in which such person knows that this conduct is likely to cause affront or alarm;
- (2) Has sexual contact in the presence of a third person or persons under circumstances in which such person knows that such conduct is likely to cause affront or alarm; or
- (3) Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person.

Sec. 3.115.020. - Sale or exhibit of material harmful to minors—Definitions.

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

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

Material means 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 means any person under the age of 17 years.

Nudity or State of Nudity means the showing of the human genitals, pubic area, vulva, anus, intergluteal cleft, or the female breast with less than a fully opaque covering of any part of the nipple or areola.

Obscene means any material or performance if, taken as a whole:

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and
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 means any play, motion-picture film, videotape, dance or exhibition performed before an audience of one (1) or more.

Pornographic for minors means any material or performance if the following apply:

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

Promote means 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 means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

Sexual conduct means acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person is a female, breast.

Sexual excitement means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

Sec. 3.115.030. - Promoting Pornography for Minors or Obscenity

- (a) A person commits the offense of promoting pornography for minors or obscenity if, knowing of its content and character, he/she:
 - (1) Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain; or
 - (2) Produces, presents, directs or participates in any obscene performance for pecuniary gain; or
 - (3) Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain; or
 - (4) Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; 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

Sec. 3.115.040. - Furnishing Pornographic Materials to Minors.

- (a) A person commits the offense of furnishing pornographic material to minors if, knowing of its content and character, he/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; or
 - (2) Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or
 - (3) Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.
- (b) It is not a defense to a prosecution for a violation of this Section that the person being furnished the pornographic material is a Peace Officer masquerading as a minor.
- (c) The offense of furnishing pornographic material to minors or attempting to furnish pornographic material to minors is an ordinance violation

Sec. 3.115.060. - Same—Exceptions.

- (a) Nothing in sections 3.115.020—3.115.050 shall prohibit any parent from distributing such materials to such parent's own child.
- (b) Nothing in sections 3.115.020—3.115.050 shall be deemed to apply to any recognized works of art or exhibitions conducted by or under the auspices of a museum of art or to any material used or distributed in aid of legitimate scientific or educational purposes.

CHAPTER 120. - OFFENSES AGAINST THE PERSON

Sec. 3.120.010. - Assault.

- (a) A person commits the offense of assault if:

- (1) The person attempts to cause or recklessly causes physical injury, 3 physical pain, or illness to another person;
- (2) With criminal negligence the person causes physical injury to another person by means of a firearm;
- (3) The person purposely places another person in apprehension of immediate physical injury;
- (4) The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person;
- (5) The person knowingly causes or attempts to cause physical contact with a person with a disability, which a reasonable person, who does not have a disability, would consider offensive or provocative; or
- (6) The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.

- (b) Except as provided in subsection 3 of this section, assault in the fourth 16 degrees is a class A misdemeanor.

- (c) Violation of the provisions of subdivision (3) or (6) of subsection (a) of this section is a class C misdemeanor unless the victim is a special victim, as the term special victim is defined under section 565.002 RSMo, in which case a violation of such provisions is a class A misdemeanor.

Sec. 3.120.020. - Harassment.

- (a) A person commits the offense of harassment if, without good cause, engages in any act with the purpose to cause emotional distress to another person.

CHAPTER 125. - OFFENSES AGAINST PROPERTY

Sec. 3.125.010. - Property damage.

A person commits the offense of property damage if:

- (1) Such person knowingly damages property of another; or

- (2) Such person damages property for the purpose of defrauding an insurer.

Sec. 3.125.020. - Stealing—Definitions.

The following words, terms and phrases, when used in this section and sections 3.125.030 and 3.125.040, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Appropriate means to take, obtain, use, transfer, conceal or retain possession of.

Coercion means a threat, however communicated:

- (1) To commit any offense;
- (2) To inflict physical injury in the future on the person threatened or another;
- (3) To accuse any person of any offense;
- (4) To expose any person to hatred, contempt or ridicule;
- (5) To harm the credit or business repute of any person;
- (6) To take or withhold action as a public servant, or to cause a public servant to take or withhold action; or
- (7) To inflict any other harm which would not benefit the actor.

A threat or accusation, lawsuit or other invocation of official action is not coercion if the property sought to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful service. The defendant shall have the burden of injecting the issue of justification as to any threat.

Deceit means purposely making a representation which is false and which the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or other state of mind. The term "deceit" does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to the actor's intention to perform a promise shall not be inferred from the fact alone that such actor did not subsequently perform the promise.

Deprive means:

- (1) To withhold property from the owner permanently;
- (2) To restore property only upon payment of reward or other compensation; or
- (3) To use or dispose of property in a manner that makes recovery of the property by the owner unlikely.

Of another means property or services, if any natural person, corporation, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement.

Property means anything of value, whether real or personal, tangible or intangible, in possession or in action, and includes but is not to be limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument.

Services means transportation, telephone, electricity, gas, water, cable television services, or other public services, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles.

Sec. 3.125.030. - Same—Prohibited.

- (a) A person commits the offense of stealing if he or she:

- (1) Appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion;
- (2) Attempts to appropriate anhydrous ammonia or liquid nitrogen of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion; or
- (3) For the purpose of depriving the owner of a lawful interest therein, receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.

Sec. 3.125.040. - Same—Penalties.

Every person who violates section 3.125.030 shall be deemed guilty of a misdemeanor and, upon conviction, may be punished as provided in section 1.100.140 of this Code.

Sec. 3.125.050. - Trespassing.

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

CHAPTER 130. - OFFENSES AGAINST PUBLIC PEACE AND SAFETY

Sec. 3.130.010. - Disturbing the peace.

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

Private property means any place which at the time is not open to the public. The term "private property" includes property which is owned publicly or privately.

Property of another means any property in which the actor does not have a possessory interest.

Public places means any place which at the time is open to the public. The term "public place" includes property which is owned publicly or privately.

If a building or structure is divided into separate occupied units, such units are separate premises.

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

- a. Vehicular or pedestrian traffic; or
- b. The free ingress or egress to or from a public place or private property.

Sec. 3.130.020. - Drug paraphernalia—Definitions.

The following words, terms and phrases, when used in this section and section 3.130.030, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Controlled substance means a drug, substance, or immediate precursor as defined in Section 195.010, RSMo.

Deliver or *delivery* means the actual, constructive or attempted transfer from one person to another of drug paraphernalia or of a controlled substance, or an imitation controlled substance, whether or not there is an agency relationship, and includes a sale.

Drug means:

- (1) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them; or
- (2) Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;
- (3) Substances, other than food, intended to affect the structure or any function of the body of humans or animals; and
- (4) Substances intended for use as a component of any article specified in this definition. It does not include devices or their components, parts or accessories.

Drug paraphernalia.

- (1) All equipment, products and materials any kind of which are used or intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of RSMo ch. 195.
- (2) The term "drug paraphernalia" includes, but is not limited to:
 - a. Kits used or intended for use, or designed for use, in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
 - b. Kits used or intended for use, or designed for use, in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances;
 - c. Isomerization devices used or intended for use, or designed for use, in increasing the potency of any species of plant which is a controlled substance or imitation controlled substances;
 - d. Testing equipment used or intended for use, or designed for use, in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances;
 - e. Scales and balances used or intended for use, or designed for use, in weighing or measuring controlled substances or imitation controlled substances;
 - f. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use, or designed for use, in cutting controlled substances or imitation controlled substances;
 - g. Separation gins and sifters used or intended for use, or designed for use, in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
 - h. Blenders, bowls, containers, spoons and mixing devices used or intended for use, or designed for use, in compounding controlled substances or imitation controlled substances;

- i. Capsules, balloons, envelopes and other containers used or intended for use, or designed for use, in packaging small quantities of controlled substances or imitation controlled substances;
 - j. Containers and other objects used or intended for use, or designed for use, in storing or concealing controlled substances or imitation controlled substances;
 - k. Hypodermic syringes, needles and other objects used or intended for use, or designed for use, in parenterally injecting controlled substances or imitation controlled substances into the human body;
 - l. Objects used or intended for use, or designed for use, in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - 1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
 - 2. Water pipes;
 - 3. Carburetion tubes and devices;
 - 4. Smoking and carburetion masks;
 - 5. Roach clips meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - 6. Miniature cocaine spoons and cocaine vials;
 - 7. Chamber pipes;
 - 8. Carburetor pipes;
 - 9. Electric pipes;
 - 10. Air-driven pipes;
 - 11. Chillums;
 - 12. Bongs;
 - 13. Ice pipes or chillers.
- (3) In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:
- a. Statements by an owner or by anyone in control of the object concerning its use;
 - b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substances;
 - c. The proximity of the object, in time and space, to a direct violation of this section and section 3.130.030;
 - d. The proximity of the object to controlled substances or imitation controlled substances;
 - e. The existence of any residue of controlled substances or imitation controlled substances on the object;
 - f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom such person knows intend to use the object to facilitate a violation of this act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this section and section 3.130.030 shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia;
 - g. Instructions, oral or written, provided with the object concerning its use;
 - h. Descriptive materials accompanying the object which explain or depict its use;
 - i. National and local advertising concerning its use;

- j. The manner in which the object is displayed for sale;
- k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- l. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
- m. The existence and scope of legitimate uses for the object in the community;
- n. Expert testimony concerning its use.

Manufacture means the production, preparation, propagation, compounding or processing of drug paraphernalia or of a controlled substance, or an imitation controlled substance, either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. The term "manufacture" does not include the preparation or compounding of a controlled substance or an imitation controlled substance or the preparation, compounding, packaging or labeling of a narcotic or dangerous drug:

- (1) By a practitioner as an incident to the practitioner administering or dispensing of a controlled substance or an imitation controlled substance in the course of the practitioner's professional practice; or
- (2) By a practitioner or the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.

Practitioner means a physician, dentist, optometrist, podiatrist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by this state to distribute, dispense, conduct research with respect to or administer or to use in teaching or chemical analysis, a controlled substance in the course of professional practice or research in this state, or a pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research.

Sec. 3.130.030. - Unlawful Possession of Drug Paraphernalia.

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

Sec. 3.130.040. - Explosive or other lethal devices prohibited.

Any person who shall leave in the city any explosive or incendiary bomb or lethal device, or any object which purports to be, or is an imitation of, or resembles any such explosive or incendiary bomb, or other lethal device calculated to, or of a character reasonably expected to, create public apprehension of danger or to cause public authorities to expend time or money in investigating the character of such device for the purpose of protecting the public or any person from anticipated danger shall be deemed guilty of a misdemeanor.

Sec. 3.130.050. - Possession of Marijuana or Synthetic Cannabinoid.

A person commits the offense of possession of marijuana or any synthetic cannabinoid, as both terms are defined in Section 195.010, RSMo., if he or she knowingly possesses marijuana or any synthetic cannabinoid, except as authorized by Chapter 579 or Chapter 195, RSMo.

Sec. 3.130.070. - Rioting.

A person commits the offense of rioting if such person knowingly assembles with six 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 such laws with force or violence.

Sec. 3.130.080. - Simulated drugs—Defined.

The term "simulated drugs" or "simulated controlled substances" means any product which identifies itself by using a common name or slang term, or similar name term or mark, or brand associated with a controlled substance as defined in Schedules I through V as set in RSMo 195.017, or which indicates on its label or accompanying promotional material that the product simulates the effect of a controlled substance.

Sec. 3.130.090. - Same—Sale or delivery prohibited.

It shall be unlawful for any persons to sell or deliver any simulated drug or simulated controlled substance to another person.

Sec. 3.130.100. - Same—Penalty.

Any person who violates section 3.130.090 is guilty of a misdemeanor and, upon conviction, may be imprisoned for not more than 90 days or fined not more than \$500.00, or both imprisoned and fined.

CHAPTER 135. - WEAPONS

Sec. 3.135.010. - Unlawful use of weapons.

- (a) *Definitions.* For the purposes of this chapter, the terms and phrases used herein shall have the definitions given them as contained in RSMo 571.010.
- (b) *Prohibited acts.* A person commits the crime of unlawful use of a weapon if such person knowingly:
 - (1) Carries concealed upon or about their person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use into any area where firearms are restricted under 571.107, RSMo.
 - (2) Discharges a firearm within the city limits of Gladstone;
 - (3) Possesses a firearm or projectile weapon while intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self defense;
 - (4) 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 school, 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.
 - (5) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use, into any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.
- (c) *Exceptions generally.* Subsections (b)(1), (4) and (5) of this section shall not apply to or affect the persons described in this Subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this Subsection. Subsection (a)(2) of this Section shall not apply to or affect any of the following person, when such uses are reasonably associated with or are necessary to fulfillment of such person's official duties, except as other provide in this Subsection:
 - (1) All state, county, and municipal peace officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are within or outside their jurisdictions, or on-duty or off-duty, or all qualified retired Peace Officers, as defined in Subsection (12) of Section 571.030, RSMo., and who carry the identification defined in Subsection (13) of Section 571.030, RSMo., or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

- (2) Wardens, superintendents, and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
 - (3) Members of the armed forces or national guard while performing their official duty;
 - (4) Those persons vested by article V, section 1 of the state constitution (Mo. Const. art. V, § 1) with the judicial power of the state and those persons vested by article III of the Constitution of the United States with the judicial power of the United States, the members of the federal judiciary;
 - (5) Any person whose bona fide duty is to execute process, civil or criminal;
 - (6) Any federal probation officer or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;
 - (7) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under RSMo 84.340;
 - (8) Any state probation and parole officer, including supervisors and members of the board of probation and parole, authorized to carry a firearm pursuant to RSMo 217.710;
 - (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner;
 - (10) Any municipal or county prosecuting attorney or assistant prosecuting attorney; circuit attorney or assistant circuit attorney; municipal, associated, or circuit judge; or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under subsection 2 of Section 571.111, RSMo;
 - (11) Any member of a fire department or fire protection district who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under Section 571.111, RSMo when such uses are reasonably associated with or necessary to the fulfillment; and
 - (12) Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district member who is employed on a full-time basis and who has a valid concealed carry endorsement prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.
- (d) *Transport exceptions.* Subsections (b)(1), (3), (4), and (5) of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subsection (b)(1) of this section does not apply to any person nineteen (19) years of age or older or eighteen (18) years of age or older and a member of the United States Armed Forces, or honorably discharged from the United States Armed Forces, transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, or when the actor is also in possession of an exposed firearm or projectile weapons for the lawful pursuit of game, or is in the actor's dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subsection (b)(5) of this section shall 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 facilities of a school sanctioned firearm-related event.
- (e) *Exception for persons with concealed carry endorsement.* Subsections (b)(1), (3), and (4) of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to Sections 571.101 to 571.121, RSMo., a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State.
- (f) Subsections (b)(2), (b)(3), (b)(4) and (b)(5) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.
- (g) Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored or club-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any

school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board

Penalty. Any person violating this section shall be punished upon conviction thereof as provided by section 1.100.140 of this Code.

Sec. 3.135.020. - Possession, manufacture, transport, repair and sale of certain weapons prohibited; exceptions.

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

Knuckles means 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;

Switchblade knife means any knife which has a blade that folds or closes into the handle or sheath, and that opens automatically by pressure applied to a button or other device located on the handle; or that opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force

- (b) *Commission of offense.* A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells a switchblade knife or knuckles.
- (c) *Exception.* A person does not commit a crime under this section if such person's conduct:
- (1) Was incident to the performance of official duty by the armed forces, national guard, a governmental law enforcement agency, or a penal institution;
 - (2) Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in subsection (c)(1) of this section;
 - (3) Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise;
 - (4) Was incident to displaying the weapon in a public museum or exhibition; or
 - (5) Was incident to 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.

Sec. 3.135.030. - Possession prohibited outside person's own home; exceptions.

- (a) Subject to the exceptions established in this chapter, it shall be unlawful for any person within the city to have in such person's possession, except within the person's own domicile, or carry or use, a revolver or pistol of any description, shotgun or rifle which may be used for the explosion of cartridges, or any air gun, BB gun, gas operated gun or spring gun, or any instrument, toy, weapon or bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth in this subsection or by any other name.
- (b) The prohibitions of this section shall not apply to licensed shooting galleries or on private grounds or premises under circumstances clearly demonstrating that such instrument can be fired, discharged or operated in such a manner as not to endanger persons or property, and also in such manner as to prevent the projectile from traversing any grounds or space outside the limits of such gallery, grounds or residence. Neither shall the provisions hereof prevent the carrying of any such weapon when unloaded and properly cased, or when unloaded and unconcealed to or from any range or gallery or to and from an area where hunting is allowed by law. However, no firearm shall be fired within the city, except in a licensed shooting gallery or within a private enclosed shooting gallery.

Sec. 3.135.040. - Possessing or exhibiting in threatening, etc., manner or while intoxicated.

No person shall, within the city, in the presence of one or more persons, exhibit any dangerous or deadly weapon of any kind or description in a rude, angry or threatening manner, or have any such weapon or any rod, knife or other object in such person's possession with the intent of causing or threatening to cause physical injury to any other person.

Sec. 3.135.050. - Discharging firearms by minors prohibited; exceptions.

Any person who shall, or any person having temporary or permanent custody of a minor who shall allow such minor to fire or discharge any firearms or ammunition therefor in the city, except for the following purposes and then only under conditions which do not endanger the life or property of any person, shall be deemed guilty of a misdemeanor:

- (1) The firing of salutes pursuant to military services at funerals.
- (2) The firing of a firearm by one whose business entails the testing of firearms in established facilities constructed and maintained for such purposes.
- (3) The firing of a firearm on a regularly established range pursuant to a permit issued by the city therefor.
- (4) The firing of a firearm by public safety officers in the performance of official duty or by any person in the lawful defense of their person or property.

Sec. 3.135.060. - Discharging arrows from bow or crossbow by minor prohibited; exceptions.

Any person who shall, or any person having temporary custody of a minor who shall permit such minor to discharge arrows from a bow or crossbow in the city, except for the following purposes, and then only under conditions which do not endanger the life or property of any person, shall be deemed guilty of a misdemeanor:

- (1) The shooting of bow or crossbow on a regularly established range pursuant to a permit issued by the city therefor.
- (2) The shooting of bow or crossbow by one whose business entails the testing of such equipment in established facilities constructed and maintained for such purposes.

Sec. 3.135.070. - Sale to or possession by minors.

No person shall, directly or indirectly, sell, deliver, loan or barter to any person under 18 years of age, without the consent of the parent or guardian of such minor, any kind of firearm, gun, revolver, pistol, starter pistol or firearm of any description, or any dangerous missile, casing or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons or devices enumerated or described in this section.

Sec. 3.135.080. - Firearms and other weapons prohibited on city property and posted property.

- (a) No person who has been issued a concealed carry endorsement by the state director of revenue under Section 571.094, RSMo or a concealed carry permit under Section 571.101 to 571.121, RSMo. or who has been issued a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, shall, by authority of that endorsement or permit, be allowed to carry a concealed or unconcealed firearm in any portion of a building owned, leased, or controlled by the city, or onto or into any property posted as being off limits to concealed or unconcealed firearms as defined in subsection (c) of this section. For purposes of this section, the term "building" shall include city hall, the public works building, the water plant, the community building, the swimming pool, and each and every shelter house, gazebo, restroom, concession stand, and roofed structures of any kind or location, owned, operated, leased, or controlled by the city, including any area within any city park where access has been restricted, either permanently or temporarily, by a fence or gate placed or constructed by authority of the director of the department of parks and recreation. Public safety officers of the city, the state, or any other political subdivision of the state, and privately employed and properly licensed security personnel acting in within the scope of their employment, shall be exempt from the prohibitions contained in this subsection (a).

- (b) No person who has been issued a concealed carry endorsement by the state director of revenue under Section 571.094, RSMo or a concealed carry permit under Section 571.101 to 571.121, RSMo or who has been issued a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, shall, by authority of that endorsement or permit, be allowed to carry a concealed or an unconcealed firearm or other weapon onto any private property whose owner has posted a sign as described in subsection (c) of this section, in a conspicuous place, prohibiting firearms or other weapons.
- (c) The sign required pursuant to subsections (a) and (b) of this section shall be placed on the premises in a conspicuous place with a minimum size of 11 inches by 14 inches with the writing thereon in letters of not less than one inch stating that the carrying of firearms and other weapons is prohibited on the premises. If the property posted is open to the public, signs shall be posted at each public entrance.
- (d) No city employee, except public safety officers and other such persons as may be authorized by the city manager, shall carry any firearm or other weapon onto or in any city property, or in any city vehicle.
- (e) The prohibitions contained in this section shall not apply to buildings used for public housing by private persons, or highways, rest areas, firing ranges, or private dwellings owned, leased, or controlled by the city.
- (f) The prohibitions contained in this section shall apply with equal effect to all persons who possess a certificate of qualification from the sheriff of any jurisdiction within the state, prior to July 1, 2004, when the concealed carry endorsement mandated by Missouri House Bill 49 is to be issued by the state department of revenue.
- (g) Any person carrying such a concealed firearm or other weapon who, after request, refuses to leave any premises that has been properly posted as provided in this section, and where such refusal results in the summoning of a peace officer, shall be issued a citation for violation of this section, and upon a finding by a judge of the municipal court that such person refused to leave a posted premises when requested to do so, be fined an amount not to exceed \$100.00 for the first violation, \$200.00 for the second violation if within six months of the first citation, and \$500.00 for the third or subsequent violation if within one year of the first citation.

CHAPTER 140. - FAIR HOUSING

Sec. 3.140.010. - Definitions.

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

Aggrieved person means any person who is attempting to provide housing for such person and/or their family in the city.

Discriminate means distinctions in treatment because of race, sex, color, religion, handicap, familial status, or national origin of any person.

Dwelling means a building or portion thereof, designed exclusively for residential occupancy, including one-family, two-family and multiple-family units.

Familial status means one or more individuals (who have not attained the age of 18 years) domiciled with a parent or another person having legal custody of such individual or individuals; or the designee of such parent or other person having such custody, with the written permission of such parent or other person. The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of 18 years.

Handicap means, with respect to a person, a physical or mental impairment which substantially limits one or more of such person's major life activities; a record of having such an impairment; or being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance.

Person means any individual, form, partnership or corporation.

Sec. 3.140.020. - Discriminatory practices.

It shall be a discriminatory practice and a violation of this chapter for any person to:

- (1) Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, sex, color, religion, handicap, familial status, or national origin or any person.
- (2) Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, sex, color, religion, handicap, familial status, or national origin.
- (3) Make, print, or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, sex, color, religion, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.
- (4) Represent to any person because of race, sex, color, religion, handicap, familial status, or national origin that any dwelling is not available to inspection, sale, or rental when such dwelling is in fact so available.
- (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood or a person or persons of a particular race, sex, color, religion, handicap, familial status, or national origin.
- (6) Bar discrimination in the sale or rental of housing on the basis of a handicap, and requires the design and construction of new multifamily dwelling with four or more units to meet certain adaptability and accessibility requirements as set forth in the uniform codes adopted by the city.
- (7) Bar discrimination in the sale or rental of housing because a family has children, but exempts certain types of buildings that house older persons.

Sec. 3.140.030. - Discrimination in the financing of a house.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise the business of which consists in whole or in part in the make of commercial real estate loans, to deny a loan to a person applying therefore for the purpose of purchasing, constructing, repairing, or maintaining a dwelling, or to discriminate against such person in the fixing of the amount or conditions of such loan, because of the race, sex, color, religion, handicap, familial status, or national origin or such person or of any person associated with such person in connection with such financing.

Sec. 3.140.040. - Exemptions.

The provisions of this chapter, and particularly section 3.140.020, shall not apply to the following:

- (1) A rental or leasing of a dwelling unit in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or members of their family reside in such dwelling unit.
- (2) A rental or leasing to less than five persons living in a dwelling unit by the owner if the owner or members of owner's family reside therein.
- (3) Any single-family house sold or rented by an owner provided that such house is sold or rented:
 - a. Without the use of sales or rental facilities or services of real estate brokers, agents, salespersons, or persons in the business of selling or renting dwelling, as defined in subsection (4) of this section; and
 - b. Without the publication, posting or mailing of any advertisements in violation of subsection 3.140.020(3), provided, however, that:
 1. Nothing in this subsection shall prohibit the use of attorneys, escrow agents, abstractors, title companies, or other such professional assistance as necessary to perfect or transfer the title; and
 2. Any such private individual owner does not own any interest in, nor is there owned or reserved on their behalf, under any express or voluntary agreement, title to or any right to all or a

portion of the proceeds from the sale or rental of more than three such single-family houses any one time.

- (4) For the purposes of subsection (3)a of this section, a person shall be in the business of selling or renting dwelling if:
- a. Such person has, within the preceding 12 months, participated as principal in three or more transactions involving the sale or rental of any dwelling or any interest therein;
 - b. Such person has, within the preceding 12 months, participated as agent, other than in the sale of such person's own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein; or
 - c. Such person is the owner of any dwelling designed or intended for occupancy, by or occupied by five or more families.

Sec. 3.140.050. - Administration; fair housing committee.

- (a) There is hereby created a fair housing committee the membership of which shall consist of the mayor, city manager, city counselor, planning commission chair, and the uniform codes board of appeals chair.
- (b) Every complaint of a violation of this chapter shall be referred to the fair housing committee. The fair housing committee shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at that time. If the fair housing committee, after investigation, finds there is no merit to the complaint, the complaint shall be dismissed. If the fair housing committee finds that there is merit in the complaint, in its opinion, then and in the event the fair housing committee will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.
- (c) If the fair housing committee is unable to eliminate the alleged discriminatory practice by a conference and conciliation, then and in the event the fair housing committee shall forward such complaint to the city prosecutor for handling. The final determination of whether or not to prosecute on such complaint shall be left to the city prosecutor.

Sec. 3.140.060. - Enforcement.

Any person convicted of a violation of this chapter shall be punished by a fine of not more than \$500.00 or by confinement in jail for not more than 180 days, or both such fine and imprisonment.

Sec. 3.140.070. - Savings clause.

This chapter shall not affect violations of any other ordinance, code or regulation of the city existing prior to the effective date of the ordinance from which this chapter is derived. Any such violations shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed.

CHAPTER 145. - OFFENSES RELATING TO MINORS

Sec 3.145.010. - Endangering the welfare of a child.

- (a) A person commits the offense of endangering the welfare of a child if:
 - (1) Such person, with criminal negligence, acts in a manner that creates a substantial risk to the life, body or health of a child less than 17 years old;
 - (2) Such person knowingly encourages, aids or causes a child less than 17 years old to engage in any conduct which causes or tends to cause the child to come within the provisions of Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo;
 - (3) Being a parent, guardian or other person legally charged with the care or custody of a child less than 17 years old, such person recklessly fails or refuses to exercise reasonable diligence in the care or control of

such child to prevent such child from coming within the provisions of Paragraph (c) of Subdivision (1) of Subsection (1) or Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo; or

- (4) Such person knowingly encourages, aids or causes a child less than 17 years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 579.105, RSMo..
- (b) Nothing in this section shall be construed to mean the welfare of a child is endangered for the sole reason that the child is being provided nonmedical remedial treatment recognized and permitted under the laws of this state.