

Chapter 200

POLICE DEPARTMENT

ARTICLE I

General Provisions

Section 200.010. Generally. [CC 1992 § 71.010]

This Chapter consists of the rules and regulations for the operation of a Police Department of this City. To the extent that this Chapter conflicts with the provisions of any other Chapter relating to personnel, this Chapter shall prevail. To the extent that regulations promulgated by the Mayor or by the Chief of Police, under the authority of this Chapter, conflict with the provisions of any other Chapter relating to personnel, then the Chapter or Chapters relating to personnel shall prevail.

Section 200.020. Chief Of Police Appointment — Qualifications.

The Mayor with the approval of a majority of the members of the Board of Aldermen shall appoint a Chief of Police who shall perform all duties required of the Marshal by law and any other Police Officers found by the Board of Aldermen to be necessary for the good government of the City. The Chief of Police shall be twenty-one (21) years of age or older.

Section 200.030. Chief Of Police, Authority. [CC 1992 § 71.020]

The Chief of Police is the Director of the Police Department. He/she shall have immediate and direct control of the Department. He/she shall promulgate and enforce orders, rules and regulations (consistent with this Code and with the rules and regulations) for the efficient operation of the Police Department.

Section 200.040. Chief Of Police, Duties. [CC 1992 § 71.030]

The Chief of Police shall devote his/her entire time to the discharge of his/her official duties, and shall have such duties and such authority as that which is vested in a City Marshall by virtue of the statutes of the State of Missouri.

Section 200.050. Patrolman, Assignments. [CC 1992 § 71.040]

Assignment of a patrolman, if any, is at the discretion of the Chief of Police. For the purpose of this Chapter, all police (including the Chief) are considered patrolmen.

Section 200.060. Patrolman, Duties. [CC 1992 § 71.050]

Each patrolman shall be familiar with every part of the City, observing anything unusual to assist

in the prevention of crimes; examine all doors and windows of commercial and industrial buildings at night and report any that are not properly secured to the owner thereof; report whenever he/she has reasonable grounds to suspect that any building or part thereof is being used in violation of the law or is the resort for persons of known bad character; to be prepared and to give information relative to the nature of the business conducted by the firms; enforce all traffic ordinances in addition to his/her other duties; observe and report all violations of City ordinances and State laws; and be responsible for the care and operation of the vehicle assigned to him/her.

Section 200.070. Size Of Police Force — Powers.

The Police of the City may be appointed in such numbers, for such times and in such manner as may be prescribed by ordinance. They shall have power to serve and execute all warrants, subpoenas, writs or other process and to make arrests in the same manner as the Marshal. They may exercise such powers in areas leased or owned by the municipality outside of the boundaries of such municipality. The Chief of Police and Police Officers shall be conservators of the peace and shall be active and vigilant in the preservation of good order within the City.

Section 200.080. City May Enter Into Agreement.

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

**ARTICLE II
Standard Operating Procedures**

Section 200.090. Conduct And Deportment. [CC 1992 § 71.070]

All members of the Department shall be quiet, civil and orderly in their conduct and deportment, and shall at all times be attentive and zealous in the discharge of their duties, controlling their temper and exercising the utmost patience and discretion. They shall answer any questions put to them with all possible correctness and courtesy (not in a short or careless manner), avoiding at all times unnecessary conversation or argument.

Section 200.100. Disturbances. [CC 1992 § 71.080]

Any member of the Department shall go instantly to the scene of any disturbance or breach of peace occurring within his/her vicinity, use his/her best effort to restore peace and quiet, making such arrests as may be necessary, and notify and make necessary reports to the Police Department.

Section 200.110. Truthfulness Of Members. [CC 1992 § 71.090]

All members of the Department are required to speak the truth at all times, and under all circumstances, whether under oath or not. If forbidden by the rules of the Department to divulge information, they will state "no comment."

Section 200.120. Members To Give Name. [CC 1992 § 71.100]

Any member of the Department, when called upon to do so by any person under any circumstances, shall give his/her name in a respectful and courteous manner.

Section 200.130. Cooperation. [CC 1992 § 71.110]

Every member of the Department is expected to discharge his/her duties with coolness and firmness in all cases; and in times of extreme peril all available officers shall act together and assist and protect each other in restoring peace and order. Anyone shirking his/her duty in case of danger or responsibility in an emergency shall be considered unworthy of a place on the Department and may be discharged.

Section 200.140. Members To Use Judgment. [CC 1992 § 71.120]

All members of the Department shall be particularly careful not to interfere officiously or unnecessarily in the private business of any person, but when required to act in this discharge of their duty, they shall do so with energy and decision, and in the proper exercise of the authority they will receive the fullest support of the Department.

Section 200.150. Testimony. [CC 1992 § 71.130]

Officers shall appear in court in any case in which they are witnesses. If duty demands their absence from court, they shall report the matter to the City Prosecutor or Prosecuting Attorney, whichever the case may be, in order that the case may be continued. Officers on the witness stand, in response to questions ask, will state in clear and distinct words, briefly, all they know regarding a matter, without fear or reservation, and without any desire or design to influence the result.

Section 200.160. Members To Be Familiar With Rules, Etc. [CC 1992 § 71.140]

Each member of the Department will be furnished with a copy of any rules, regulations and orders issued by the Chief of Police, which he/she shall keep in his/her possession and which he/she shall be familiar with at all times.

Section 200.170. Uniforms. [CC 1992 § 71.150]

Every member of the Department shall wear the uniform as the Chief of Police may from time to time prescribe. Uniforms will be the property of the City, to be surrendered upon leaving the service of the City. They shall, when on duty, carry such equipment as the Chief of Police may prescribe or adopt and when in uniform keep their badge always in sight. No member of the Department shall ever appear for duty in civilian clothing without special permission of the Chief of Police. All patches and badges bearing the insignia of the City of Center shall be surrendered upon termination of service with the Department.

Section 200.180. Uniforms, When Off Duty. [CC 1992 § 71.160]

No member of the Department shall ever wear his/her uniform or any part of it when off duty, except with the expressed permission of the Chief of Police.

Section 200.190. Uniforms, Care Of Uniforms. [CC 1992 § 71.170]

All members of the Department will be required to be neat in appearance and keep their uniforms and equipment in good condition and in perfect order and repair.

Section 200.200. Restrictions Applying To Suspended Officers. [CC 1992 § 71.180]

No member of the Department shall wear his/her uniform or carry a pistol while under suspension for any cause; and such member shall immediately surrender his/her badge, police identification and other City-owned equipment to the Chief of Police when notified of his/her suspension.

Section 200.210. Duty Hours. [CC 1992 § 71.190]

All of certain hours are required for the performance of duty on ordinary occasion. Members must be prepared at all times to act immediately on notice that their service is required. Members of the Department shall be considered as always on duty for the purpose of discipline. The hours of duty will be regulated by the Chief of Police.

Section 200.220. Police Vehicles. [CC 1992 § 71.200]

Police officers are not to use police vehicles except in the discharge of their official duties. Police vehicles are not available for personal use unless prior permission is granted from the Mayor or Police Commissioner.

Section 200.230. Duty To Preserve Peace. [CC 1992 § 71.210]

Although regular hours of duty shall be assigned to all members of the Department, it shall be the duty of every officer of the Department, at all times, day or night, within the City, to preserve the public peace, protect the rights of persons and property, guard the public health, preserve order at all elections and public assemblies; to prevent and remove, if possible, nuisances on and in all streets, highways, areas, alleys, and other places, and enforce the criminal law of the State of Missouri and the ordinances of the City.

Section 200.240. Use Of Unnecessary Violence Toward Prisoners. [CC 1992 § 71.220]

No officer shall willfully mistreat or use unnecessary violence toward any person, prisoner, or otherwise. He/she shall not strike any prisoner except as a last resort in an effort to overcome resistance or prevent escape.

Section 200.250. Qualification For Police Officers. [CC 1992 § 71.230]

All full- and part-time officers employed by the City shall be 21 years of age. They shall be of good moral character and shall not have been convicted of any felony, or any misdemeanor conviction that involves a crime of violence. They shall be able to write legibly and shall furnish at least three (3) character references. A written exam may be administered to any applicant at the discretion of the Chief of Police, and if no current Chief, then at the discretion of the Board of Aldermen.

Section 200.260. Suspension And Discharge. [CC 1992 § 71.240]

The Chief of Police shall have the power to suspend any member of the Police Department for a period of not more than thirty (30) days for violations of the standards of conduct. The Chief of Police shall likewise have the authority to discharge any officer violating the standards of conduct. The Mayor shall have the authority, with the consent of a majority of the members of the Board of Aldermen, to suspend without pay for a period not exceeding thirty (30) days or discharge the Chief of Police for violating the standards of conduct.

Section 200.270. Oath Of Office. [CC 1992 § 71.250]

The Chief of Police and all officers of the Department shall be required to take an oath of office whereby they promise to faithfully enforce the Constitution of the State of Missouri, the laws of the State of Missouri, and the ordinances of the City of Center, Missouri, and to faithfully comply with the standards of conduct as set forth in this Chapter of the Code.

Chapter 203

FIRE PREVENTION AND PROTECTION

ARTICLE I

Fire Department

Section 203.010. Creation Of A Fire Department. [CC 1992 § 70.010]

There is hereby created a Fire Department in the City of Center, Missouri, for general fire protection, and for safeguarding the lives and property of the citizens in case of fire, to be officered and managed by Fire Chief and deputies as hereinafter provided.

Section 203.020. Fire Chief, Appointment And Qualifications, Removal. [CC 1992 § 70.020]

The Mayor, with the consent and approval of a majority of the members elected to the Board of Aldermen, shall appoint some civil person to the office of Chief of the Fire Department; said appointment to be made at the same time and in the same manner as other appointive officers of the City, and, unless sooner removed, shall hold his/her office for a term of one (1) year, or until his/her successor is appointed and qualified. No person shall be appointed to the office of the Chief of the Fire Department who shall not, at the time of his/her appointment, be a qualified voter under the laws of the State of Missouri. Before entering upon the duties of his/her office, he/she shall take and subscribe to the oath of affirmation required of other City officers.

Section 203.030. Duties Of The Fire Chief. [CC 1992 § 70.030]

The Chief of the Fire Department shall be the legal custodian of the fire engine, fire truck, hose, ladders and any other apparatus or equipment for extinguishing fire belonging to the City, and it shall be his/her duty to see that such equipment is kept clean, in thorough repair and at all times ready for action at the expense of the City.

Section 203.040. Appointment Of Deputies. [CC 1992 § 70.040]

The Chief of the Fire Department, upon taking office, may by and with the consent of the Mayor and Board of Aldermen, appoint two (2) regular deputies to assist him/her in the performance of his/her duties at fires, who shall rank in order of appointment as assistants, one being the first assistant and the other being the second assistant, who shall, whenever necessary and in the absence of the Chief, perform all the duties of the Chief of the Fire Department.

Section 203.050. Powers Of Chief And Deputies During A Fire. [CC 1992 § 70.050]

During the progress of a fire, the Chief of the Fire Department and his/her deputies shall have sole control of the fire engines, fire truck, and other fire apparatus of the City, and shall have power to call to his/her aid and assistance in fighting and controlling any fire every able-bodied

citizen of the City present under sixty (60) years of age. The deputies of the Chief of the Fire Department shall rank in order of their appointment and shall obey each other accordingly.

Section 203.060. Members Of Fire Department. [CC 1992 § 70.060]

Able-bodied citizens having all the qualifications heretofore prescribed for the Chief of the Fire Department, to the number of not to exceed forty (40), may be enlisted by the Chief as members of the Fire Department, and shall after enlistment regularly made by signing the roll kept by said Chief, a duplicate of which shall be filed with the City Clerk of the City and shall be revised and corrected in January and July of each year, hold their positions during the term of said Chief unless sooner discharged by him/her; provided, however, that every able-bodied citizen under sixty (60) years of age present at any fire in the City limits shall be subject and obedient to the orders of the Chief of the Fire Department and his/her regular deputies in extinguishing fires and the removal and protection of property; and in case any such person shall refuse to obey orders, he/she shall, upon conviction thereof, be punished by a fine of not less than five dollars (\$5.00) nor more than twenty five dollars (\$25.00).

Section 203.070. Destruction Of Equipment. [CC 1992 § 70.080]

It shall be unlawful for any person in any manner to willfully destroy or deface any engine, fire truck, hose, carrier or reel, hose or any other fire apparatus or equipment, or other property belonging to the Fire Department.

Section 203.080. Compensation. [CC 1992 § 70.110]

The Fire Chief, Deputy Fire Chiefs, and members of the Fire Department shall be compensated for their services an amount determined by the Board of Aldermen.

Section 203.090. Cooperative Agreement. [CC 1992 § 70.120]

The Fire Department, through the Board of Aldermen of the City of Center, Missouri, is hereby authorized to enter into cooperative agreements with the Center Rural Fire Department, and with the fire departments of towns within a fifty-mile radius of the City of Center. Furthermore, Ordinance No. 144, adopted by the Board of Aldermen on April 1, 1985, whereby a contract with the Cities of Paris, Shelbyville, Shelbina, Palmyra, Frankford, Louisiana, New London, Hannibal, Clarence, Vandalia, and Perry was entered into for the operation and interchange of common services of the respective fire departments, is hereby incorporated and ratified.

Section 203.100. through Section 203.120. (Reserved)

**ARTICLE II
Division Of Emergency Medical First Responders**

Section 203.130. Creation Of Center's Emergency Medical First Responders. [Ord. No. 179 § 1, 4-7-2004]

The City does hereby create the City of Center's Emergency Medical First Responders, which shall be a subdivision of the Fire Department of the City of Center, Missouri. Only such persons that are certified first responders in the State of Missouri shall serve in such capacity. No person

shall be a member of the Emergency Medical First Responders Division of the City of Center Fire Department unless approved by a majority of the Board of Aldermen.

Section 203.140. Duties And Day-To-Day Operations. [Ord. No. 179 § 2, 4-7-2004]

Administrative duties and supervision of day to day operations of the Emergency Medical First Responders shall be conducted by the Director of the Emergency Medical First Responders. It shall be the duty of every member of the Emergency Medical First Responders to adhere to all rules and regulations applicable to the City of Center Emergency Medical First Responders as set forth by any Federal, State, or local rule, regulation or ordinance.

Section 203.150. Removal Of Members. [Ord. No. 179 § 3, 4-7-2004]

Any person may be removed from the City of Center Emergency Medical First Responders by majority of the Board of Aldermen.

Section 203.160. Expenditures. [Ord. No. 179 § 4, 4-7-2004]

The City of Center Emergency Medical First Responders are not authorized to expend any funds on behalf of the City of Center, Missouri, without such expenditure being approved by a majority of the members of the Board of Aldermen.

Chapter 205

ANIMAL REGULATIONS

ARTICLE I

Licensing And Regulating Of Dogs

Section 205.010. Owner, Defined. [CC 1992 § 65.010]

As used in this Article:

OWNER — Any person, firm or corporation owning, harboring, or otherwise keeping a dog.

Section 205.020. Leashing Requirements. [CC 1992 § 65.020]

It shall be unlawful for any person or persons owning, controlling, harboring, possessing, or having the management or care, in whole or in part, of any dog to permit such dog or dogs to run at large. For the purpose of this Article, every dog when on any street, alley or any other public place in the City of Center, Missouri, which is not attached to a leash, the other end of which is securely held, or when on private property within said City, which is either not attached to a leash, the other end of which is securely held, or which is not so confined as to prevent its straying from the premises, shall be deemed running at large; provided, however, that a dog may remain on the property of its owner without leash or other confinement.

Section 205.030. Restrictions On Certain Dogs. [CC 1992 § 65.030]

No person shall keep or harbor a dog which habitually creates a public disturbance between the hours of 10:00 P.M. and 6:00 A.M. No dog owner shall permit his/her dog to damage any lawn, garden or other property. No dog owner shall permit his/her dog to obstruct a public street or sidewalk, or to deter traffic from such street or sidewalk. Nor shall any dog owner permit his/her dog to injure any person. Any dog owner found guilty of violating the above provision shall be deemed guilty of an ordinance violation. Any dog which bites a human being, not necessarily the same human being, on more than one occasion shall be destroyed by its owner, and if the owner refuses, by the Police Department after first obtaining an order from the judge of a court of competent jurisdiction.

Section 205.040. Interference With Officers. [CC 1992 § 65.040]

It is unlawful for any unauthorized person to take or attempt to take from any officer any dog taken up by said officer in compliance with this Article or in any manner to interfere with or hinder such officer in the discharge of his/her duties under this Article.

Section 205.050. Authority To Enforce. [CC 1992 § 65.050]

The responsibility for enforcing this Article shall be vested in the Police Department of the City of Center, Missouri. Provided, however, the Board of Aldermen may contract with a private individual, partnership or other corporation to aid the City Police Department in the enforcement of this Article.

Section 205.060. Kennels. [CC 1992 § 65.060]

No person, firm or corporation shall maintain in the City of Center a kennel where dogs are kept for sale or stud purposes without securing a license therefor from the City Clerk. The Clerk shall issue such license only upon the approval of the Board of Aldermen. The license fee shall be twenty-five dollars (\$25.00) per year, and shall be in lieu of a City business license.

Section 205.070. Penalties. [CC 1992 § 65.070; Ord. No. 168 § 1, 8-2-2000]

Any person, firm or corporation violating any provisions of this Article dealing with dogs shall be guilty of an ordinance violation upon conviction thereof and shall be punished by a fine of not more than fifty dollars (\$50.00) plus court costs for the first offense. For the second offense, upon a conviction thereof, the punishment shall be a fine of not more than seventy-five dollars (\$75.00) plus court costs. For the third offense and conviction thereof, the fine shall be not more than one hundred dollars (\$100.00) plus court costs.

Section 205.080. Impounding. [Ord. No. 197 § 65.100, 9-5-2007]

- A. Any dog running at large in violation of this Article may be picked up and impounded by the City Police or any employee of the City or by any individual or organization who has contracted with the City of Center for enforcement of this Article. Any dog may be redeemed from the place of impoundment by the owner, keeper or harbinger of said dog within the time stated in the notice as specified in this Article by the payment to the City Clerk of an impoundment fee of fifty dollars (\$50.00) plus boarding charges for each twenty-four (24) hours or fraction thereof that such dog has been impounded.
1. Notice of impounding. Upon taking up and impounding any dog as provided in this Article, the pound master shall thereafter immediately post at the City Hall and in one (1) or more other conspicuous places within the City of Center a notice of impounding in substantially the following form, to wit:

NOTICE OF IMPOUNDING OF DOG

Date: _____, 20_____

To Whom It May Concern:

I have this day taken up and impounded at _____, a dog answering the following description:

Sex: _____

Color: _____

Breed: _____

Approximate Age: _____

Notice is hereby given that, unless said dog is claimed and redeemed on or before _____ o'clock __.M. on the _____ day of _____, 20____, the same will be sold or killed.

Signed:

_____ Impounding Officer

2. Disposal. The date of sale or killing of the dog shall be one (1) week after the posting of the notice unless that date falls on a Sunday or Holiday, in which case it shall be the following day.
3. If owner is known. In the event that the owner of the dog is known, then the notice shall be personally served upon him/her, and shall not be publicly posted.
4. Redemption. Any dog may be redeemed from the place of impoundment by the owner within the time stated in the notice by the payment to the City Clerk for the impoundment fee of fifty dollars (\$50.00) plus boarding charges.
5. Release. Upon the payment to the City Clerk for the fees provided in this Article, the dog shall be released to the claiming owner.
6. Disposition of unclaimed dogs. Any dog not claimed as provided in this Article may be disposed of at the discretion of the impounding authorities by gift or sale, provided that the proceeds of the sale are applied toward the fees required in this Article; or by painless killing and burying said dog.
7. Establishment of a pound. The Board of Aldermen is hereby authorized to establish a permanent dog pound for the purpose of enforcing this Article. In the alternative, the Board of Aldermen may enter into a contract or other working agreement with an existing publicly or privately operated pound or animal shelter.

ARTICLE II

Pit Bulls And Dangerous Animals

Section 205.090. Regulation Of Pit Bull Dogs. [Ord. No. 207 § 1, 6-2-2010]

- A. Unlawful To Keep — Exception. It shall be unlawful to keep, harbor, own or in any way possess, within the corporate limits of the City of Center, Missouri, any pit bull.
- B. Definition. As used in this Article, the following term shall have the meaning indicated:

PIT BULL DOG — Is defined to mean:

1. Staffordshire Bull Terrier breed of dog;
2. The American Pit Bull Terrier breed of dog;
3. The American Staffordshire Terrier breed of dog;
4. Any mixed breed of dog which contains as an element of its breeding the breed of

Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier, as to be identifiable as partially of the breed of Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier;

5. Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, and other breeds commonly known as pit bulls, pit bull dogs, or pit bull terriers, or a combination of any of these breeds.

C. Violations And Penalties.

1. It shall be unlawful for the owner, keeper, or harbinger of a pit bull dog registered with the City to fail to comply with the requirements and conditions set forth in this Section. Any dog found to be in violation of this Section shall be subject to immediate seizure and impoundment for the time necessary for the owner or keeper to show compliance with this Section and the owner shall be responsible for all kennel fees for impoundment.
2. Any person violating or permitting the violation of any provision of this Section shall, upon conviction in Municipal Court, be subject to the penalty of an ordinance violation. For a first offense, a term of imprisonment not to exceed fifteen (15) days, or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment may be imposed. For a second or subsequent violation, a term of imprisonment not to exceed ninety (90) days, or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment may be imposed. Each day that a violation of this Section continues shall be deemed as a separate offense.

Section 205.100. Dangerous Animals. [Ord. No. 208 § 1, 6-2-2010]

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

DANGEROUS ANIMAL — Any animal with any of the following characteristics:

- a. Any animal which has inflicted severe or fatal injury on a human being. "Severe injury" means any physical injury resulting directly from an animal's bite which results in broken bones or lacerations requiring stitches or in-patient hospitalization;
- b. Any animal which has killed a domestic animal, livestock or poultry without provocation while outside the owner's property;
- c. Any animal owned or harbored primarily or in part for the purpose of animal fighting or any animal trained for fighting;
- d. Any animal which, while on public or private property, to include the property of the owner, has bitten, without provocation, a human being other than the owner or a member of the owner's family who normally resides at the place where the animal is kept;
- e. Any animal which, when unprovoked, chases or approaches a person upon the streets, sidewalks or any public grounds or private property, other than the property of the owner, in a menacing fashion or an apparent attitude of attack, regardless of whether

a person is injured by said animal.

B. Procedure For Declaring A Dangerous Animal.

1. Should a written complaint be filed with the Animal Control Officer or a Police Officer alleging any of the circumstances set forth in Subsection (A) hereof, the Animal Control Officer or Police Officer shall issue a notice to the owner or possessor of said animal that said animal will be designated a dangerous animal subject to the regulations of this Section and advise the owner or possessor of said animal that he/she has five (5) working days to request a hearing before the Board of Aldermen at its next regularly scheduled meeting to appeal such classification. If no request for hearing is timely filed, the animal that is the subject of the complaint shall be deemed a dangerous animal and said animal and its owner shall be subject to the provisions of this Section.
2. Once a written complain has been filed as provided in Subsection (B)(1), the animal shall be confined pending a determination that said animal is a dangerous animal. Such confinement shall be on the owner's premises or with a licensed veterinarian.
3. The Board of Aldermen shall determine whether the animal in question is dangerous within the meaning of this Section after hearing the testimony of the complainant, witnesses, the owner of the animal and any other person possessing information pertinent to such determination.
4. Should a hearing be held by the Board of Aldermen and the Board determines that the animal is a dangerous animal, then the animal and its owner shall be subject to the provisions of this Section.

C. Action To Be Taken For Dangerous Animals.

1. An animal responsible for an unprovoked severe or fatal injury shall be destroyed.
2. In all other cases, a dangerous animal shall be removed from the City and shall not be permitted to be harbored, kept or possessed within the City limits of Center, Missouri, unless the owner of such animal satisfies all of the requirements of this Section.

D. Owner's Responsibilities. The owner of a dangerous animal that desires to maintain the animal within the City limits of Center, Missouri, rather than remove the animal from the City shall:

1. Annually register said animal with the City Clerk by paying a license fee of one hundred dollars (\$100.00);
2. Provide to the City Clerk during registration two (2) color photographs of the animal showing left and right profiles;
3. Cause said animal to wear at all times a bright orange collar with a license registration tag attached to it so that it can be readily identified as a dangerous animal;
4. Confine such animal upon the owner's premises either indoors or in a securely enclosed and locked pen suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen must be approved in writing by the

Chief of Police or his/her designee and must be at least five (5) feet by ten (10) feet and must have secure sides and a secure top. If the pen has no bottom that is secured to the sides, the sides must be embedded into the ground no less than twelve (12) inches. The enclosure, when occupied by the dangerous animal, must not be occupied by any other animal. When the dangerous animal is female and has a litter of young which are under three (3) months of age, the young may occupy the same enclosure as the mother;

5. Display a sign upon his/her premises stating that there is a dangerous animal on the property. The sign shall be visible and capable of being read from the public street that abuts the property; and
6. Provide at registration to the City Clerk proof of liability insurance coverage for injury caused by the animal that has been designated a dangerous animal. The insurance policy shall require a notice to be sent to the City Clerk should the policy be canceled, terminated or expired.

E. **Penalty For Non-Compliance.**

1. It shall be unlawful for a person to keep a dangerous animal within the City limits of Center, Missouri, and fail to comply with the provisions of this Section. Persons found guilty of violating the provisions of this Section shall be subject to a fine not to exceed five hundred dollars (\$500.00) or a jail sentence not to exceed thirty (30) days or both such fine and confinement.
2. Any animal found to be a dangerous animal and kept in the City of Center, Missouri, in violation of the provisions of this Section shall be seized and impounded until the owner thereof complies with the provisions of this Section. If the owner fails to comply with the provisions of this Section within ten (10) days of the seizure of the animal, the animal shall be destroyed.

ARTICLE III
Animal Abuse And Neglect

Section 205.110. Animal Neglect.

- A. A person commits the offense of animal neglect if he or she:
 1. Has custody or ownership of an animal and fails to provide adequate care; or
 2. Knowingly abandons an animal in any place without making provisions for its adequate care.
- B. All fines and penalties for a first finding of guilt under this Section may be waived by the court if the person found guilty of animal neglect shows that adequate, permanent remedies for the neglect have been made. Reasonable costs incurred for the care and maintenance of neglected animals may not be waived. This Section shall not apply to the provisions of Section 578.007, RSMo., or Chapter 272, RSMo.
- C. In addition to any other penalty imposed by this Section 578.009, RSMo., the court may order a person found guilty of animal neglect to pay all reasonable costs and expenses

necessary for:

1. The care and maintenance of neglected animals within the person's custody or ownership;
2. The disposal of any dead or diseased animals within the person's custody or ownership;
3. The reduction of resulting organic debris affecting the immediate area of the neglect; and
4. The avoidance or minimization of any public health risks created by the neglect of the animals.

Section 205.120. Animal Trespass.

- A. A person is guilty of animal trespass if a person having ownership or custody of an animal knowingly fails to provide adequate control for a period equal to or exceeding twelve (12) hours.
- B. For a first conviction of animal trespass, each offense shall be punishable by a fine not to exceed two hundred dollars (\$200.00). The second and all subsequent convictions shall be punishable by imprisonment or a fine not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment. All fines for a first conviction of animal trespass may be waived by the court, provided that the person found guilty of animal trespass shows that adequate, permanent remedies for trespass have been made. Reasonable costs incurred for the care and maintenance of trespassing animals may not be waived. This Section shall not apply to the provisions of Section 578.007 or Sections 272.010 to 272.370, RSMo.

Section 205.130. Animal Abuse.¹

- A. A person commits the offense of animal abuse if he or she:
 1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of Sections 578.005 to 578.023 and 273.030, RSMo.;
 2. Purposely or intentionally causes injury or suffering to an animal; or
 3. Having ownership or custody of an animal knowingly fails to provide adequate care which results in substantial harm to the animal.

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

Chapter 210

OFFENSES

ARTICLE I General Provisions

Section 210.010. Definitions.

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

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

AFFIRMATIVE DEFENSE

1. The defense referred to is not submitted to the trier of fact unless supported by evidence; and
2. If the defense is submitted to the trier of fact the defendant has the burden of persuasion that the defense is more probably true than not.

BURDEN OF INJECTING THE ISSUE

1. The issue referred to is not submitted to the trier of fact unless supported by evidence; and
2. If the issue is submitted to the trier of fact any reasonable doubt on the issue requires a finding for the defendant on that issue.

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

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

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

COMPUTER HARDWARE — All equipment which can collect, analyze, create, display, convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or data. "Hardware" includes, but is not limited to, any data processing devices, such as central processing units, memory typewriters and self-contained laptop or notebook computers; internal and peripheral storage devices, transistor-like binary devices and other memory storage devices, such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two (2) or more computers connected together to a central computer server via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and optical readers; and related communication devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices and electronic tone-generating devices; as well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, such as physical keys and locks.

COMPUTER NETWORK — Two (2) or more interconnected computers or computer systems.

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

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

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

COMPUTER-RELATED DOCUMENTATION — Written, recorded, printed or electronically stored material which explains or illustrates how to configure or use computer hardware, software or other related items.

CONFINEMENT

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

having the legal power and duty to transport the person to or from a place of confinement.

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

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

CONTROLLED SUBSTANCE — A drug, substance, or immediate precursor in Schedules I through V as defined in Chapter 195, RSMo.

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

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

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

DANGEROUS FELONY — The felonies of arson in the first degree, assault in the first degree, attempted rape in the first degree if physical injury results, attempted forcible rape if physical injury results, attempted sodomy in the first degree if physical injury results, attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, assault in the second degree if the victim of such assault is a special victim as defined in Subdivision (14) of Section 565.002, RSMo., kidnapping in the first degree, kidnapping, murder in the second degree, assault of a Law Enforcement Officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, child molestation in the first or second degree, abuse of a child if the child dies as a result of injuries sustained from conduct chargeable under Section 568.060, RSMo., child kidnapping, parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty (120) days under Section 565.153, RSMo., and an "intoxication-related traffic offense" or "intoxication-related boating offense" if the person is found to be an "habitual offender" or "habitual boating offender" as such terms are defined in Section 577.001, RSMo.

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

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

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

DIGITAL CAMERA — A camera that records images in a format which enables the images to be downloaded into a computer.

DISABILITY — A mental, physical, or developmental impairment that substantially limits one (1) or more major life activities or the ability to provide adequately for one's care or protection, whether the impairment is congenital or acquired by accident, injury or disease, where such impairment is verified by medical findings.

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

FELONY — An offense so designated or an offense for which persons found guilty thereof may be sentenced to death or imprisonment for a term of more than one (1) year.

FORCIBLE COMPULSION — Either:

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

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

INFRACTION — A violation defined by this Code or by any other Statute of this State if it is so designated or if no sentence other than a fine, or fine and forfeiture or other civil penalty, is authorized upon conviction.

INHABITABLE STRUCTURE

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

KNOWINGLY

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

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

MISDEMEANOR — An offense so designated or an offense for which persons found guilty thereof may be sentenced to imprisonment for a term of which the maximum is one (1) year or less.

OF ANOTHER — Property that any entity, including but not limited to any natural person, corporation, limited liability company, 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.

OFFENSE — Any felony, ordinance violation, misdemeanor or infraction.

PHYSICAL INJURY — Slight impairment of any function of the body or temporary loss of use of any part of the body.

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

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

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

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

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

RECKLESSLY — Consciously disregarding a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation

from the standard of care which a reasonable person would exercise in the situation.

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

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

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

SEXUAL ORIENTATION — Male or female heterosexuality, homosexuality or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's gender.

SPECIAL VICTIM — Any of the following:

1. A Law Enforcement Officer assaulted in the performance of his or her official duties or as a direct result of such official duties;
2. Emergency personnel, any paid or volunteer firefighter, emergency room, hospital, or trauma center personnel, or emergency medical technician, assaulted in the performance of his or her official duties or as a direct result of such official duties;
3. A probation and parole officer assaulted in the performance of his/her official duties or as a direct result of such official duties;
4. An elderly person;
5. A person with a disability;
6. A vulnerable person;
7. Any jailer or corrections officer of the State or one (1) of its political subdivisions assaulted in the performance of his/her official duties or as a direct result of such official duties;
8. A highway worker in a construction or work zone as the terms "highway worker," "construction zone" and "work zone" are defined under Section 304.580, RSMo.;
9. Any utility worker, meaning any employee of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned, while in the performance of his/her job duties, including any person employed under a contract;
10. Any cable worker, meaning any employee of a cable operator, as such term is defined in Section 67.2677, RSMo., including any person employed under contract, while in the performance of his/her job duties; and

11. Any employee of a mass transit system, including any employee of public bus or light rail companies, while in the performance of his/her job duties.

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

VESSEL — Any boat or craft propelled by a motor or by machinery, whether or not such motor or machinery is a principal source of propulsion used or capable of being used as a means of transportation on water, or any boat or craft more than twelve (12) feet in length which is powered by sail alone or by a combination of sail and machinery, and used or capable of being used as a means of transportation on water, but not any boat or craft having, as the only means of propulsion, a paddle or oars.

VOLUNTARY ACT

1. A bodily movement performed while conscious as a result of effort or determination. Possession is a voluntary act if the possessor knowingly procures or receives the thing possessed, or having acquired control of it was aware of his/her control for a sufficient time to have enabled him or her to dispose of it or terminate his/her control; or
2. An omission to perform an act of which the actor is physically capable. A person is not guilty of an offense based solely upon an omission to perform an act unless the law defining the offense expressly so provides, or a duty to perform the omitted act is otherwise imposed by law.

VULNERABLE PERSON — Any person in the custody, care, or control of the Department of Mental Health who is receiving services from an operated, funded, licensed, or certified program.

Section 210.020. Attempt.

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

Section 210.030. Conspiracy. ¹

- A. Guilt for an offense may be based upon a conspiracy to commit an offense when a person, with the purpose of promoting or facilitating the commission of an offense, agrees with another person or persons that they or one or more of them will engage in conduct which constitutes such offense.

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

- B. It is no defense to a prosecution for conspiring to commit an offense that a person, who knows that a person with whom he or she conspires to commit an offense has conspired with another person or persons to commit the same offense, does not know the identity of such other person or persons.
- C. If a person conspires to commit a number of offenses, he or she can be found guilty of only one offense so long as such multiple offenses are the object of the same agreement.
- D. No person may be convicted of an offense based upon a conspiracy to commit an offense unless an overt act in pursuance of such conspiracy is alleged and proved to have been done by him or her or by a person with whom he or she conspired.
- E. Exceptions.
 - 1. No person shall be convicted of an offense based upon a conspiracy to commit an offense if, after conspiring to commit the offense, he/she prevented the accomplishment of the objectives of the conspiracy under circumstances manifesting a renunciation of his/her criminal purpose.
 - 2. The defendant shall have the burden of injecting the issue of renunciation of criminal purpose under Subsection (E)(1).
- F. For the purpose of time limitations on prosecutions:
 - 1. A conspiracy to commit an offense is a continuing course of conduct which terminates when the offense or offenses which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he or she conspired;
 - 2. If an individual abandons the agreement, the conspiracy is terminated as to him/her only if he/she advises those with whom he/she has conspired of his/her abandonment or he/she informs the law enforcement authorities of the existence of the conspiracy and of his/her participation in it.
- G. A person shall not be charged, convicted or sentenced on the basis of the same course of conduct of both the actual commission of an offense and a conspiracy to commit that offense.

Section 210.040. through Section 210.110. (Reserved)

ARTICLE II Offenses Against The Person

Section 210.120. Assault. ²

- A. A person commits the offense of assault if:
 - 1. The person attempts to cause or recklessly causes physical injury, physical pain or illness to another person;

2. Editor's Note: As to assault of certain other persons, see the definition of "special victim" as set out in Section 210.010 of this Chapter.

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.

Section 210.130. Domestic Assault. ³

- A. A person commits the offense of domestic assault if the act involves a domestic victim, as the term "domestic victim" is defined under Section 565.002, RSMo., and:
1. The person attempts to cause or recklessly causes physical injury, physical pain, or illness to such domestic victim;
 2. With criminal negligence the person causes physical injury to such domestic victim by means of a deadly weapon or dangerous instrument;
 3. The person purposely places such domestic victim in apprehension of immediate physical injury by any means;
 4. The person recklessly engages in conduct which creates a substantial risk of death or serious physical injury to such domestic victim;
 5. The person knowingly causes physical contact with such domestic victim knowing he or she will regard the contact as offensive; or
 6. The person knowingly attempts to cause or causes the isolation of such domestic victim by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.

Section 210.140. (Reserved) ⁴

Section 210.150. Harassment. ⁵

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

4. Editor's Note: This Section previously pertained to assault of a law enforcement officer, corrections officer, emergency personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or probation and parole officer. However, the authorizing statute, former § 565.083, RSMo., was repealed without replacement by SB 491 in the 2014 Legislative Session, effective 1-1-2017. See Section 210.120, Assault, as it relates to a "special victim."

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

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

Section 210.160. Stalking — Definitions. ⁶

A. Definitions. As used in this Section:

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

- B. A person commits the offense of stalking if he or she purposely, through his or her course of conduct, disturbs, or follows with the intent to disturb another person.
- C. This Section shall not apply to activities of Federal, State, County, or Municipal Law Enforcement Officers conducting investigations of any violation of Federal, State, County, or Municipal Law.
- D. Any Law Enforcement Officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this Section.

Section 210.170. Kidnapping. ⁷

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

Section 210.180. Endangering The Welfare Of A Child. ⁸

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

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

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

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

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 he/she is being provided non-medical remedial treatment recognized and permitted under the laws of this State.

Section 210.190. Leaving A Child Unattended In A Motor Vehicle — Definitions. ⁹

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

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

INJURES — To cause physical harm to the body of a person.

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

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

- B. A person commits the offense of leaving a child unattended in a motor vehicle if such person knowingly leaves a child less than eleven (11) years of age unattended in a motor vehicle and such child injures another person by causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian.

- C. The offense of leaving a child unattended in a motor vehicle is an ordinance violation.

Section 210.200. through Section 210.290. (Reserved)

ARTICLE III
Offenses Concerning Administration Of Justice

Section 210.300. Concealing An Offense. ¹⁰

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

Section 210.310. Hindering Prosecution. ¹¹

- A. A person commits the offense of hindering prosecution if, for the purpose of preventing the

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

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

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

apprehension, prosecution, conviction or punishment of another person for conduct constituting an offense, he or she:

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

Section 210.320. Refusal To Identify As A Witness.

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

Section 210.330. Disturbing A Judicial Proceeding.

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

Section 210.340. Tampering With A Witness Or Victim. ¹²

- A. A person commits the offense of tampering with a witness or victim if:
1. With the purpose to induce a witness or a prospective witness to disobey a subpoena or other legal process, absent himself or herself, avoid subpoena or other legal process, withhold evidence, information, or documents, or testify falsely, he or she:
 - a. Threatens or causes harm to any person or property; or
 - b. Uses force, threats or deception; or
 - c. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or

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

- d. Conveys any of the foregoing to another in furtherance of a conspiracy; or
- 2. He or she purposely prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from:
 - a. Making any report of such victimization to any peace officer, State, Local or Federal Law Enforcement Officer, prosecuting agency, or judge;
 - b. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof;
 - c. Arresting or causing or seeking the arrest of any person in connection with such victimization.

Section 210.350. Tampering With Physical Evidence. ¹³

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

Section 210.360. Improper Communication.

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

Section 210.370. False Impersonation.

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

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

- a. Performs an act in that pretended capacity; or
 - b. Causes another to act in reliance upon such representation; or
3. Upon being arrested, falsely represents himself/herself, to a Law Enforcement Officer, with the first and last name, date of birth or social security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction or offense that contains the first and last name, date of birth and social security number, or a substantial number of identifying factors or characteristics to that of such other person as to cause such other person to be identified as the actual person arrested or convicted.
- B. If a violation of Subsection (A)(3) hereof is discovered prior to any conviction of the person actually arrested for an underlying charge, then the prosecuting attorney bringing any action on the underlying charge shall notify the court thereof, and the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.
 - C. Any person who is the victim of a false impersonation and whose identity has been falsely reported in arrest or conviction records may move for expungement and correction of said records under the procedures set forth in Section 610.123, RSMo. Upon a showing that a substantial number of identifying factors of the victim was falsely ascribed to the person actually arrested or convicted, the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and court records.

Section 210.380. False Reports.

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

Section 210.390. Resisting Or Interfering With Arrest, Detention Or Stop. ¹⁴

- 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.

Section 210.400. Escape Or Attempted Escape From Custody. ¹⁵

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

Section 210.410. Interference With Legal Process.

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

Section 210.420. Signal Or Direction Of Law Enforcement Officer Or Firefighter, Duty To Stop, Motor Vehicle Operators And Riders Of Animals — Violation, Penalty.

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

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

- A. It shall be the duty of the operator or driver of any vehicle or any other conveyance regardless of means of propulsion, or the rider of any animal traveling on the highways of this City to stop on signal of any Law Enforcement Officer or Firefighter and to obey any other reasonable signal or direction of such Law Enforcement Officer or Firefighter given in directing the movement of traffic on the highways or enforcing any offense or infraction.
- B. The offense of willfully failing or refusing to obey such signals or directions or willfully resisting or opposing a Law Enforcement Officer or a Firefighter in the proper discharge of his or her duties is an ordinance violation.

Section 210.430. through Section 210.510. (Reserved)

ARTICLE IV
Offenses Concerning Public Safety

Section 210.520. Abandonment Of Airtight Or Semi-Airtight Containers.

- A. A person commits the offense of abandonment of an airtight or semi-airtight container if he or she knowingly abandons, discards, or permits to remain on premises under his or her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of one and one-half (1 1/2) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.
- B. Subsection (A) of this Section does not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouse operator or repair person.
- C. The defendant shall have the burden of injecting the issue under Subsection (B) of this Section.
- D. The offense of abandonment of an airtight or semi-airtight container is an ordinance violation.

Section 210.530. 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.

Section 210.540. Littering Via Carcasses.

- A. A person commits the offense of unlawful disposition of a dead animal if he or she knowingly places or causes to be placed the carcass or offal of any dead animal:

1. Into any well, spring, brook, branch, creek, pond, or lake; or
2. On any public road or highway, river, stream, or watercourse or upon premises not his or her own for the purpose of annoying another or others.

Section 210.550. Tampering With A Water Supply.

- A. A person commits the offense of tampering with a water supply if he or she purposely:
1. Poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes; or
 2. Diverts, dams up and holds back from its natural course and flow any spring, brook or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, town or city for his/her, their or its use.
- B. The offense of tampering with a water supply is an ordinance violation.

Section 210.560. Fireworks. [Ord. No. 220 § 61.010, 8-6-2014]

- A. Regulations.
1. It shall be unlawful for any person, firm or corporation to use, discharge, or ignite or cause the ignition of any pyrotechnics commonly known as "fireworks" within the City of Center, Missouri, corporate limits, except as provided in this Section.
 2. The use, discharge, or ignition of any pyrotechnics commonly known as "fireworks" is prohibited upon any of the streets, alleys, highways, public parks owned by the City of Center or in any public place or part thereof within the City of Center corporate limits. It shall further be unlawful for any person to use, discharge or ignite any fireworks on any property belonging to the City of Center which may be outside the limits of said City.
 3. Fireworks shall not be ignited or discharged from a motor vehicle.
- B. Exceptions.
1. The use, discharge, or ignition of any pyrotechnics commonly known as "fireworks" is permitted only on July 4 between the hours of 9:00 A.M. and 10:00 P.M. on private property with the property owner's permission.
 2. Fireworks shall only be discharged or fired in a manner that does not endanger persons, animals, structures, vehicles or property.
 3. The firing of salutes by any military core, or the firing of salutes upon occasions of general public interest or the use, discharge, or ignition of fireworks for the lawful celebration of public rejoicing shall be allowed to any association, company or individual making application to the Board of Aldermen for a permit. The Board of Aldermen shall have the authority to delegate the issuance of such permits to the City Clerk, provided the Clerk is granted sufficient guidelines for the issuance of such permits. For the issuance of a permit to an individual, there must be proof provided

that there will be strict adult supervision for the entire activity which the permit is designed to authorize.

4. An application for the special permit must be obtained and returned to the City Hall at least ten (10) days prior to the event date. The application must include the dates, time and location of such an event, as well as the required personal information about the applicant.
 5. The permit, if granted, shall be valid for a four-hour period on the permitted date between the hours of 12:00 Noon and 10:00 P.M. Additionally, a permit may be denied or revoked during time periods of high fire danger warnings. The City of Center Fire Chief or designee has authority to impose conditions on any permits granted.
- C. Violations. Any person violating the provisions of this Section shall, upon conviction, be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).

Section 210.570. through Section 210.650. (Reserved)

ARTICLE V
Offenses Concerning Public Peace

Section 210.660. Definitions.

As used in this Article, the following terms mean:

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

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

PUBLIC PLACE — Any place which at the time of the offense is open to the public. It includes property which is owned publicly or privately.

Section 210.670. Peace Disturbance.

- A. A person commits the offense of peace disturbance if he or she:
1. Unreasonably and knowingly disturbs or alarms another person or persons by:
 - a. Loud noise; or
 - b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient; or
 - c. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out; or

- d. Fighting; or
 - e. Creating a noxious and offensive odor.
2. Is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:
- a. Vehicular or pedestrian traffic; or
 - b. The free ingress or egress to or from a public or private place.

Section 210.680. Private Peace Disturbance.

- A. A person commits the offense of private peace disturbance if he/she is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:
- 1. Threatening to commit an offense against any person; or
 - 2. Fighting.
- B. For purposes of this Section, if a building or structure is divided into separately occupied units, such units are separate premises.

Section 210.690. Unlawful Assembly.

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

Section 210.700. Rioting.

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

Section 210.710. Refusal To Disperse.

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

Section 210.720. Obstructing Public Places.

- A. Definition. The following term shall be defined as follows:

PUBLIC PLACE — Any place to which the general public has access and a right of resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

- B. It shall be unlawful for any person to stand or remain idle either alone or in consort with others in a public place in such manner so as to:
 - 1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;
 - 2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk, or any other public place or building, all of which prevents the free and uninterrupted ingress, egress and regress, therein, thereon and thereto;
 - 3. Obstruct the entrance to any business establishment, without so doing for some lawful purpose, if contrary to the expressed wish of the owner, lessee, managing agent or person in control or charge of the building or premises.
- C. When any person causes or commits any of the conditions in this Section, a Police Officer or any Law Enforcement Officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this Section.

Section 210.730. Disrupting A House Of Worship. ¹⁶

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

Section 210.740. Unlawful Funeral Protests Prohibited — Definitions.

- A. A person commits the offense of unlawful funeral protest if he or she pickets or engages in other protest activities within three hundred (300) feet of any residence, cemetery, funeral home, church, synagogue or other establishment during or within one (1) hour before or one (1) hour after the conducting of any actual funeral or burial service at that place.

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

B. Definitions. As used in this Section, the following terms mean:

FUNERAL and BURIAL SERVICE — The ceremonies and memorial services held in conjunction with the burial or cremation of the dead, but this Section does not apply to processions while they are in transit beyond any three-hundred-foot zone that is established under Subsection (A) above.

OTHER PROTEST ACTIVITIES — Any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service.

C. The offense of unlawful funeral protest shall be an ordinance violation.

Section 210.750. Unlawful Noise. [Ord. No. 175, 7-3-2002]

A. It shall be unlawful for any person, persons, firms or corporations to knowingly make, cause to be made or permit to be made, unlawful noise in the City of Center, Missouri.

B. Except as hereinafter provided in Subsection (C), for purposes of this Section the term "unlawful noise" shall mean any noise between the hours of 10:00 P.M. and 6:00 A.M. that is either plainly audible beyond the property line in the case of noises originating on private property, or is plainly audible from a distance of one hundred (100) feet in the case of noises originating on public property.

C. The term "unlawful noise" shall not include or apply to the following noises:

1. Unamplified human voices.
2. Any noise from any ambulance, fire truck, law enforcement motor vehicle, or any governmental or emergency motor vehicle.
3. Any noise by any State, County, City or other government employee in the performance of public business or duties.
4. Any noise from the repair of bridges, streets, highways, water lines, sewer lines, gas lines, electric lines, telephone lines or other facilities owned or maintained by a utility corporation operating in the City of Center when public welfare renders it impractical to perform such work between the hours of 6:00 A.M. and 10:00 P.M.
5. Any noises from any organized sporting event, fair, carnival or like gathering.
6. The sounding of any horn or noise emitting device on any motor vehicle for emergency purposes.
7. Any noises from the normal operation of air-conditioning, cooling, heating or ventilation systems for residential, commercial or industrial purposes.

D. It shall be unlawful for any person, firm or corporation to permit any animal or pet owned or in the control of such person, firm or corporation, to make a repetitive or continuous noise in excess of fifteen (15) minutes which is either plainly audible beyond the property line where the animal or pet is located in the case of animals or pets located on private property, or plainly audible from a distance of one hundred (100) feet in the case of animals or pets located on public property.

- E. Any person, persons, firm or corporation violating the terms of this Section shall be guilty of an ordinance violation, and on conviction thereof shall be fined in an amount not less than five dollars (\$5.00), nor more than one hundred dollars (\$100.00) for each violation.

Section 210.760. Disorderly Conduct. [CC 1992 § 74.300]

- A. Any person who shall do or engage in any of the following shall be guilty of disorderly conduct:
1. Any person who shall act in a violent or tumultuous manner toward another, whereby any person is placed in fear of safety of his/her life, limb or health.
 2. Any person who shall act in a violent or tumultuous manner toward another, whereby property of any person is placed in danger of being destroyed or damaged.
 3. Any person who shall endanger lawful pursuits of another by acts of violence, angry threats and abusive conduct.
 4. Any person who shall cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another.
 5. Any person who shall assemble or congregate with another or others for the purpose of causing, provoking or engaging in any fight or brawl.
 6. Any person who shall be found jostling or roughly crowding or pushing any person in any public place.
 7. Any persons who shall collect in bodies or in crowds for unlawful purposes, as defined by current ordinances of the City.
 8. Any person who shall assemble or congregate with another or others for the purpose of or with the intent to engage in gaming.
 9. Any person who shall frequent any public place with intent to obtain money from another by an illegal and fraudulent scheme, trick, artifice or device.
 10. Any person who assembles with another or others for the purpose of engaging in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person in the City, or who shall aid or abet therein.
 11. Any person who shall accost or attempt to force his/her company upon any female or attempts to pick up any unwilling female.
 12. Any person who utters, while in a state of anger, in the presence of another, any bawdy, lewd or obscene words or epithets.
 13. Any person who frequents any place where gaming or the illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated.
 14. Any person who shall act in a dangerous manner toward others.
 15. Any person who shall use "fighting words" directed towards any person who becomes outraged and thus creates turmoil.

16. Any person who shall assemble or congregate with another or others for the purpose of trouncing upon another.
17. Any person who shall, by acts of violence, interfere with another's pursuit of a lawful occupation.
18. Any person who shall congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered by a peace officer or other lawful authority.

Section 210.770. through Section 210.820. (Reserved)

**ARTICLE VI
Offenses Concerning Weapons And Firearms**

Section 210.830. Definitions.

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

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

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

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

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

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

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

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

EXPLOSIVE WEAPON — Any explosive, incendiary, or poison gas bomb or similar device

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 210.840. Unlawful Use Of Weapons — Exceptions.¹⁷

- A. A person commits the offense of unlawful use of weapons, except as otherwise provided by Sections 571.101 to 571.121, RSMo., if he or she knowingly:
1. Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use into any area where firearms are restricted under Section 571.107, RSMo; or
 2. Sets a spring gun; or
 3. Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in Section 302.010, RSMo., or any building or structure used for the assembling of people; or
 4. Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
 5. Has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm or projectile weapon in either a negligent or unlawful manner or discharges such firearm or projectile weapon unless acting in self-defense; or
 6. Discharges a firearm within one hundred (100) yards of any occupied schoolhouse, courthouse, or church building; or
 7. Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or
 8. Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the Federal Government, State Government, or political subdivision thereof; or
 9. Discharges or shoots a firearm at or from a motor vehicle, as defined in Section 301.010, RSMo., discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or
 10. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any

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

function or activity sponsored or sanctioned by school officials or the district school board; or

11. Possesses a firearm while also knowingly in possession of a controlled substance that is sufficient for a felony violation of Section 579.015, RSMo.
- B. Subsection (A)(1), (8), and (10) of this Section shall not apply to the persons described in this Subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as otherwise provided in this Subsection. Subsection (A)(3), (4), (6), (7), and (9) of this Section shall not apply to or affect any of the following persons, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties, except as otherwise provided in this Subsection:
1. All State, County and Municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and who possess the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or Municipalities of the State, whether such officers are on or off duty, and whether such Officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in Subsection (H) of this Section, and who carry the identification defined in Subsection (I) of this Section, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
 2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
 3. Members of the Armed Forces or National Guard while performing their official duty;
 4. Those persons vested by Article V, Section 1, of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal judiciary;
 5. Any person whose bona fide duty is to execute process, civil or criminal;
 6. Any Federal Probation Officer or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. § 44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;
 7. Any State Probation or Parole Officer, including supervisors and members of the Board of Probation and Parole;
 8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Department of Public Safety under Section 590.750, RSMo.;
 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, associate 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 are necessary to the fulfillment of such person's official duties; and
 12. Upon the written approval of the Governing Body of a Fire Department or Fire Protection District, any paid Fire Department or Fire Protection District member who is employed on a full-time basis and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.
- C. Subsection (A)(1), (5), (8), and (10) of this Section does not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subsection (A)(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, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subsection (A)(10) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event or club event.
- D. Subsection (A)(1), (8), and (10) of this Section shall not apply to any person who has a valid concealed carry permit issued pursuant to Sections 571.101 to 571.121, RSMo., a valid concealed carry endorsement issued before August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.
- E. Subsection (A)(3), (4), (5), (6), (7), (8), (9), and (10) of this Section shall not apply to persons who are engaged in a lawful act of defense pursuant to Section 563.031, RSMo.
- F. Notwithstanding any provision of this Section to the contrary, the State shall not prohibit any State employee from having a firearm in the employee's vehicle on the State's property, provided that the vehicle is locked and the firearm is not visible. This Subsection shall only apply to the State as an employer when the State employee's vehicle is on property owned or leased by the State and the State employee is conducting activities within the scope of his or her employment. For the purposes of this Subsection, "State employee" means an

employee of the executive, legislative, or judicial branch of the government of the State of Missouri.

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.

H. As used in this Section, "qualified retired Peace Officer" means an individual who:

1. Retired in good standing from service with a public agency as a Peace Officer, other than for reasons of mental instability;
2. Before such retirement, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had Statutory powers of arrest;
3. Before such retirement, was regularly employed as a Peace Officer for an aggregate of fifteen (15) years or more, or retired from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency;
4. Has a non-forfeitable right to benefits under the retirement plan of the agency if such a plan is available;
5. During the most recent twelve-month period, has met, at the expense of the individual, the standards for training and qualification for active Peace Officers to carry firearms;
6. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
7. Is not prohibited by Federal law from receiving a firearm.

I. The identification required by Subsection (B)(1) of this Section is:

1. A photographic identification issued by the agency from which the individual retired from service as a Peace Officer that indicates that the individual has, not less recently than one (1) year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active peace officers to carry a firearm of the same type as the concealed firearm; or
2. A photographic identification issued by the agency from which the individual retired from service as a Peace Officer; and
3. A certification issued by the State in which the individual resides that indicates that the individual has, not less recently than one (1) year before the date the individual is carrying the concealed firearm, been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active Peace

Officers to carry a firearm of the same type as the concealed firearm.

Section 210.850. Possession, Manufacture, Transport, Repair, Sale Of Certain Weapons. ¹⁸

- A. A person commits an offense if such person knowingly possesses, manufactures, transports, repairs, or sells:
1. An explosive weapon;
 2. An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;
 3. A gas gun;
 4. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm;
 5. Knuckles; or
 6. Any of the following in violation of Federal law:
 - a. A machine gun;
 - b. A short-barreled rifle or shotgun;
 - c. A firearm silencer; or
 - d. A switchblade knife.
- B. A person does not commit an offense pursuant to this Section if his/her conduct involved any of the items in Subsection (A)(1) through (5), the item was possessed in conformity with any applicable Federal law, and the conduct:
1. Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency or a penal institution; or
 2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in this Subsection (B)(1); or
 3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or
 4. Was incident to displaying the weapon in a public museum or exhibition; or
 5. Was incident to using the weapon in a manner reasonably related to a lawful dramatic performance.

Section 210.860. Defacing Firearm.

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

Section 210.870. Purchase In Another State By Missouri Residents, Permitted When.

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

Residents of the State of Missouri may purchase firearms in any State, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, 18 U.S.C. § 921 et seq., and regulations thereunder, and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Missouri and in the State in which the purchase is made.

Section 210.880. Purchase In Missouri By Non-Resident, Permitted When.

Residents of any State may purchase firearms in the State of Missouri, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, 18 U.S.C. § 921 et seq., and regulations thereunder, and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Missouri and in the State in which such persons reside.

Section 210.890. Unlawful Transfer Of Weapons. ¹⁹

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

Section 210.900. Carrying Concealed Firearms Prohibited — Penalty For Violation.

- A. It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any concealed firearm into:
1. Any Police, Sheriff or Highway Patrol office or station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
 2. Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
 3. The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention or

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

- correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
4. Any courthouse solely occupied by the Circuit, Appellate or Supreme Court, or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This Subsection shall also include, but not be limited to, any juvenile, family, drug or other court offices, any room or office wherein any of the courts or offices listed in this Subsection are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by Supreme Court Rule pursuant to Subdivision (6) of Subsection (1) of Section 571.107, RSMo. Nothing in this Subsection shall preclude those persons listed in Subsection (B)(1) of Section 210.840 while within their jurisdiction and on duty, those persons listed in Subsections (B)(2), (4) and (10) of Section 210.840, or such other persons who serve in a law enforcement capacity for a court as may be specified by Supreme Court Rule pursuant to Subdivision (6) of Subsection (1) of Section 571.107, RSMo., from carrying a concealed firearm within any of the areas described in this Subsection. Possession of a firearm in a vehicle on the premises of any of the areas listed in this Subsection shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
 5. Any meeting of the Center Board of Aldermen, except that nothing in this Subsection shall preclude a member of the Board of Aldermen holding a valid concealed carry permit or endorsement from carrying a concealed firearm at a meeting of the Board of Aldermen of which he or she is a member. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
 6. Any building owned, leased or controlled by the City of Center identified by signs posted at the entrance to the building. This Subsection shall not apply to any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased, or controlled by the City of Center. Persons violating this Subsection may be denied entrance to the building, ordered to leave the building and, if employees of the City, be subjected to disciplinary measures for violation;
 7. Any establishment licensed to dispense intoxicating liquor for consumption on the premises, which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this Subsection shall not apply to the licensee of said establishment. The provisions of this Subsection shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and that receives at least fifty-one percent (51%) of its gross annual income from the dining facilities by the sale of food. This Subsection does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this Subsection authorizes any individual who has been issued a concealed carry permit or

- endorsement to possess any firearm while intoxicated;
8. Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
 9. Any place where the carrying of a firearm is prohibited by Federal law;
 10. Any higher education institution or elementary or secondary school facility without the consent of the Governing Body of the higher education institution or a school official or the district school board, unless the person with the concealed carry endorsement or permit is a teacher or administrator of an elementary or secondary school who has been designated by his or her school district as a school protection officer and is carrying a firearm in a school within that district, in which case no consent is required. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
 11. Any portion of a building used as a child care facility without the consent of the manager. Nothing in this Subsection shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a concealed carry permit or endorsement;
 12. Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the Gaming Commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
 13. Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
 14. Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
 15. Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one (1) or more signs displayed in a conspicuous place of a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity or person may prohibit persons holding a concealed carry permit or endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry permit or endorsement from carrying concealed firearms on the property of the employer. If the

building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. An employer may prohibit employees or other persons holding a concealed carry permit or endorsement from carrying a concealed firearm in vehicles owned by the employer;

16. Any sports arena or stadium with a seating capacity of five thousand (5,000) or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
 17. Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- B. Any person violating any of the provisions of Subsection (A) of this Section shall be punished as follows:
1. If the violator holds a concealed carry permit or endorsement issued pursuant to State law, the violator may be subject to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Peace Officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars (\$100.00) for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00). If a third citation for a similar violation is issued within one (1) year of the first citation, such person shall be fined an amount not to exceed five hundred dollars (\$500.00). Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the Sheriff of the County which issued the concealed carry permit, or, if the person is a holder of a concealed carry endorsement issued prior to August 28, 2013, the court shall notify the Sheriff of the County which issued the certificate of qualification for a concealed carry permit or endorsement and the Department of Revenue.
 2. If the violator does not hold a current valid concealed carry permit or endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section 100.220 of this Code of Ordinances.
 3. Employees of the City of Center may, in addition to any other punishment hereby, be subject to disciplinary action.
- C. It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty-five dollars (\$35.00), for any person issued a concealed carry permit or endorsement pursuant to State law to fail to carry the concealed carry permit or endorsement at all times the person is carrying a concealed firearm, or to fail to display the concealed carry permit or endorsement upon the request of any Peace Officer.

Section 210.910. Open Display Of Firearm Permitted, When.

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

Section 210.920. Discharge Of Bows And Similar Devices Prohibited. [Ord. No. 223 § 1, 8-6-2014]

- A. Except as provided in Subsection (B) of this Section, it shall be unlawful for any person within the City of Center to fire or discharge any bow, longbow, crossbow or other similar device for the purpose of throwing arrows, darts or other similar instruments that could inflict serious physical injury or death by striking or piercing a person.
- B. The provisions of Subsection (A) shall not apply to target shooting on private property with the permission of the owner of the property.
- C. The term "serious physical injury" shall mean physical injury that creates a substantial risk of death or that causes serious disfigurement or protracted loss or impairment of the function of any part of the body.
- D. Any person violating the provision of this Section shall, upon conviction, be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00).

Section 210.930. through Section 210.1010. (Reserved)

ARTICLE VII
Offenses Concerning Property

Section 210.1020. Definitions.

As used in this Article, the following terms mean:

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

TO TAMPER — To interfere with something improperly, to meddle with it, displace it, make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor of that thing.

UTILITY — An enterprise which provides gas, electric, steam, water, sewage disposal, or communication, video, internet, or voice over internet protocol services, and any common carrier. It may be either publicly or privately owned or operated.

Section 210.1030. Tampering.²⁰

- A. A person commits the offense of tampering if he/she:
1. Tamper with property of another for the purpose of causing substantial inconvenience to that person or to another; or
 2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or
 3. Tamper or makes connection with property of a utility; or
 4. Tamper with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:
 - a. To prevent the proper measuring of electric, gas, steam or water service; or
 - b. To permit the diversion of any electric, gas, steam or water service.
- B. In any prosecution under Subsection (A)(4), proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service with one (1) or more of the effects described in Subsection (A)(4), shall be sufficient to support an inference which the trial court may submit to the trier of fact from which the trier of fact may conclude that there has been a violation of such Subsection by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

Section 210.1040. Property Damage.²¹

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

Section 210.1050. Claim Of Right.

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

Section 210.1060. Trespass In The First Degree.

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

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

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

Section 210.1070. Trespass In The Second Degree.

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

Section 210.1080. Trespass Of A School Bus.

- A. A person commits the offense of trespass of a school bus if he or she knowingly and unlawfully enters any part of or unlawfully operates any school bus.
- B. For the purposes of this Section, the terms "unlawfully enters" and "unlawfully operates" refer to any entry or operation of a school bus which is not:
 - 1. Approved of and established in a school district's written policy on access to school buses; or
 - 2. Authorized by specific written approval of the school board.
- C. In order to preserve the public order, any district which adopts the policies described in Subsection (B) of this Section shall establish and enforce a student behavior policy for students on school buses.

Section 210.1090. Reckless Burning Or Exploding.

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

Section 210.1100. Negligent Burning Or Exploding.

- A. A person commits the offense of negligent burning or exploding if he/she with criminal negligence causes damage to property or to the woodlands, cropland, grassland, prairie, or marsh of another by:
 - 1. Starting a fire or causing an explosion; or
 - 2. Allowing a fire burning on lands in his or her possession or control onto the property of another.

Section 210.1110. Stealing.²²

- 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.

Section 210.1120. Theft Of Motor Fuel.

- A. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made.
- B. A person found guilty or pleading guilty to stealing pursuant to Section 210.1110 for the theft of motor fuel as described in Subsection (A) shall have his/her driver's license suspended by the court beginning on the date of the court's order of conviction. The person shall submit all of his/her operator's and chauffeur's licenses to the court upon conviction and the court shall forward all such driver's licenses and the order of suspension of driving privileges to the Department of Revenue for administration of such order.

Section 210.1130. (Reserved)²³

Section 210.1140. Financial Exploitation Of An Elderly Person Or Person With A Disability — Certain Defense Prohibited.²⁴

- A. A person commits the offense of financial exploitation of an elderly person or a person with a disability if such person knowingly obtains control over the property of the elderly person or person with a disability with the intent to permanently deprive the person of the use, benefit or possession of his or her property thereby benefitting the offender or detrimentally affecting the elderly person or person with a disability by:
1. Deceit;
 2. Coercion;
 3. Creating or confirming another person's impression which is false and which the

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

23. Editor's Note: This Section previously pertained to receiving stolen property. However, the authorizing statute, former § 570.080, RSMo., was repealed without replacement by SB 491 in the 2014 Legislative Session, effective 1-1-2017.

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

offender does not believe to be true;

4. Failing to correct a false impression which the offender previously has created or confirmed;
 5. Preventing another person from acquiring information pertinent to the disposition of the property involved;
 6. Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record;
 7. Promising performance which the offender does not intend to perform or knows will not be performed. Failure to perform standing alone is not sufficient evidence to prove that the offender did not intend to perform; or
 8. Undue influence, which means the use of influence by someone who exercises authority over an elderly person or person with a disability in order to take unfair advantage of that person's vulnerable state of mind, neediness, pain, or agony. "Undue influence" includes, but is not limited to, the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority.
- B. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.
- C. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good-faith effort to assist the elderly person or person with a disability in the management of his or her property, but through no fault of his or her own has been unable to provide such assistance.
- D. Nothing in this Section shall limit the ability to engage in bona fide estate planning, to transfer property and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly person or person with a disability has become accustomed at the time of such actions.
- E. It shall not be a defense to financial exploitation of an elderly person or person with a disability that the accused reasonably believed that the victim was not an elderly person or person with a disability.
- F. Medicaid Funds. It shall be unlawful in violation of this Section for any person receiving or in the possession of funds of a Medicaid-eligible elderly person or person with a disability residing in a facility licensed under Chapter 198, RSMo., to fail to remit to the facility in which the Medicaid-eligible person resides all money owing the facility resident from any source, including, but not limited to, social security, railroad retirement, or payments from any other source disclosed as resident income contained in the records of the Department of Social Services, Family Support Division, or its successor. The Department of Social Services, Family Support Division, or its successor is authorized to release information from its records containing the resident's income or assets to any prosecuting or circuit attorney in the State of Missouri for purposes of investigating or prosecuting any suspected violation of this Section.

- G. The offense of financial exploitation of an elderly person or person with a disability is an ordinance violation.

Section 210.1150. Fraudulent Use Of A Credit Or Debit Device. ²⁵

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

Section 210.1160. Deceptive Business Practice.

- A. A person commits the offense of deceptive business practice if in the course of engaging in a business, occupation or profession, he or she recklessly:
1. Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity;
 2. Sells, offers, displays for sale, or delivers less than the represented quantity of any commodity or service;
 3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he or she furnishes the weight or measure;
 4. Sells, offers, or exposes for sale adulterated or mislabeled commodities;
 5. Makes a false or misleading written statement for the purpose of obtaining property or credit;
 6. Promotes the sale of property or services by a false or misleading statement in any advertisement; or
 7. Advertises in any manner the sale of property or services with the purpose not to sell or provide the property or services:
 - a. At the price which he or she offered them;
 - b. In a quantity sufficient to meet the reasonably expected public demand, unless

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

the quantity is specifically stated in the advertisement; or

- c. At all.

Section 210.1170. Alteration Or Removal Of Item Numbers With Intent To Deprive Lawful Owner.²⁶

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

Section 210.1180. Stealing Leased Or Rented Personal Property — Enforcement Procedure — Penalty — Venue.²⁷

- A. A person commits the offense of stealing leased or rented property if, with the intent to deprive the owner thereof, such person:
1. Purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property;
 2. Conceals or aids or abets the concealment of the property from the owner;
 3. Sells, encumbers, conveys, pawns, loans, abandons or gives away the leased or rented property or any part thereof, without the written consent of the lessor, or without informing the person to whom the property is transferred to, that the property is subject to a lease;
 4. Returns the property to the lessor at the end of the lease term, plus any agreed upon extensions, but does not pay the lease charges agreed upon in the written instrument, with the intent to wrongfully deprive the lessor of the agreed upon charges.
- B. The provisions of this Section shall apply to all forms of leasing and rental agreements, including, but not limited to, contracts which provide the consumer options to buy the

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

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

leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.

- C. Evidence that a lessee used a false, fictitious, or not current name, address, or place of employment in obtaining the property or that a lessee fails or refuses to return the property or pay the lease charges to the lessor within seven (7) days after written demand for the return has been sent by certified mail, return receipt requested, to the address the person set forth in the lease agreement, or in the absence of the address, to the person's last known place of residence, shall be evidence of intent to violate the provisions of this Section, except that if a motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the offense of stealing leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the seven-day period prescribed in this Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.
- D. This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement or within ten (10) days after proper notice.
- E. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner commits the offense of property damage pursuant to Section 569.100, RSMo., or Section 210.1040 of this Code in addition to being in violation of this Section.
- F. Venue shall lie in the County where the personal property was originally rented or leased.

Section 210.1190. Passing Bad Checks. 28

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

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

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

Section 210.1200. Shoplifting — Detention Of Suspect By Merchant — Liability Presumption.

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

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

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

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

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

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

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

Section 210.1210. Copper Wire Or Cable, Catalytic Converters, Collectors And Dealers To Keep Register, Information Required — Penalty — Exempt Transactions.

- A. Every purchaser or collector of, or dealer in, junk, scrap metal or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this Section is obtained for value. There shall be a separate record for each transaction involving any:
1. Copper, brass or bronze;
 2. Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting or fastener;
 3. Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in Section 350.010, RSMo.; whatever may be the condition or length of such metal; or
 4. Catalytic converter.
- B. The record required by this Section shall contain the following data:
1. A copy of the driver's license or photo identification issued by the State or by the United States Government or agency thereof to the person from whom the material is obtained;
 2. The current address, gender, birth date, and a photograph of the person from whom the material is obtained if not included or are different from the identification required in Subsection (B)(1) of this Subsection;
 3. The date, time and place of the transaction;
 4. The license plate number of the vehicle used by the seller during the transaction;
 5. A full description of the metal, including the weight and purchase price.
- C. The records required under this Section shall be maintained for a minimum of twenty-four (24) months from when such material is obtained and shall be available for inspection by any Law Enforcement Officer.
- D. Anyone convicted of violating this Section shall be guilty of an ordinance violation.
- E. This Section shall not apply to any of the following transactions:

1. Any transaction for which the total amount paid for all regulated scrap metal purchased or sold does not exceed fifty dollars (\$50.00), unless the scrap metal is a catalytic converter;
2. Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or
3. Any transaction for which the type of metal subject to Subsection (A) of this Section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.

Section 210.1220. Metal Beer Keg, Prohibition On Purchase Or Possession By Scrap Metal Dealer — Violation, Penalty.

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

Section 210.1230. Metal Belonging To Various Entities — Scrap Yard Not To Purchase — Violation, Penalty.

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

Section 210.1240. Scrap Metal Dealers — Payments In Excess Of \$500.00 To Be Made By Check

— **Exceptions.**

- A. Any scrap metal dealer paying out an amount that is five hundred dollars (\$500.00) or more shall make such payment by issuing a prenumbered check drawn on a regular bank account in the name of the licensed scrap metal dealer and with such check made payable to the person documented as the seller in accordance with this Section, or by using a system for automated cash or electronic payment distribution which photographs or videotapes the payment recipient and identifies the payment with a distinct transaction in the register maintained in accordance with Chapter 407, RSMo.
- B. Any scrap metal dealer that purchases scrap metal from a seller and pays in the form of cash is required to obtain a copy of the seller's driver's license or non-driver's license if the metal is copper or a catalytic converter. This Section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.
- C. Any person in violation of Sections 210.1210 to 210.1240 by selling stolen scrap metal shall be responsible for consequential damages related to obtaining the scrap metal.

Section 210.1250. through Section 210.1340. (Reserved)

ARTICLE VIII
Offenses Concerning Prostitution

Section 210.1350. Article Definitions.

As used in this Article, the following terms mean:

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

PERSISTENT PROSTITUTION OFFENDER — A person who has been found guilty of two (2) or more prostitution-related offenses.

PROSTITUTION-RELATED OFFENSE — Any violation of State law for prostitution, patronizing prostitution, or promoting prostitution.

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

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

SEXUAL INTERCOURSE — Any penetration, however slight, of the female genitalia by the

penis.

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

Section 210.1360. Prostitution. ²⁹

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

Section 210.1370. Patronizing Prostitution. ³⁰

- A. A person commits the offense of patronizing prostitution if he or she:
1. Pursuant to a prior understanding, gives something of value to another person as compensation for having engaged in sexual conduct with any person; or
 2. Gives or agrees to give something of value to another person with the understanding that such person or another person will engage in sexual conduct with any person; or
 3. Solicits or requests another person to engage in sexual conduct with any person in return for something of value.
- B. It shall not be a defense that the person believed that the individual he or she patronized for prostitution was eighteen (18) years of age or older.

Section 210.1380. (Reserved) ³¹

Section 210.1390. Prostitution Houses Deemed Public Nuisances.

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

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

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

31. Editor's Note: This Section previously noted that in prosecutions of prostitution and patronizing prostitution, the sex (gender) of the parties was no defense. However, the authorizing statute, former § 567.040, RSMo., was repealed without replacement by SB 491 in the 2014 Legislative Session, effective 1-1-2017.

D. Appeals shall be allowed from the judgment of the court as in other civil actions.

Section 210.1400. through Section 210.1490. (Reserved)

ARTICLE IX
Sexual Offenses

Section 210.1500. Article Definitions.

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

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

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

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

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

Section 210.1510. Sexual Misconduct.

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

Section 210.1520. Sexual Abuse.³²

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

Section 210.1530. Certain Offenders Not To Physically Be Present Or Loiter Within 500 Feet Of A Child Care Facility — Violation — Penalty.

- A. Any person who has been found guilty of:

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

1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Section 573.200, RSMo., Use Of A Child In A Sexual Performance; Section 573.205, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography In The First Degree; Section 573.035, RSMo., Promoting Child Pornography In The Second Degree; Section 573.037, RSMo., Possession Of Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or
2. Any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not knowingly be physically present in or loiter within five hundred (500) feet of or to approach, contact, or communicate with any child under eighteen (18) years of age in any child care facility building, on the real property comprising any child care facility when persons under the age of eighteen (18) are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds.

- B. For purposes of this Section, "child care facility" shall include any child care facility licensed under Chapter 210, RSMo., or any child care facility that is exempt from State licensure but subject to State regulation under Section 210.252, RSMo., and holds itself out to be a child care facility.
- C. Violation of the provisions of this Section is an ordinance violation.

Section 210.1540. Certain Offenders Not To Be Present Within 500 Feet Of School Property, Exception — Permission Required For Parents Or Guardians Who Are Offenders, Procedure.

- A. Any person who has been found guilty of:
 1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Section 573.200, RSMo., Use Of A Child In A Sexual Performance; Section 573.205, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or
 2. Any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section;

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

- B. No parent, legal guardian or custodian who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the offenses listed in Subsection (A) of this Section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds, or in the conveyance, unless the parent, legal guardian, or custodian has permission to be present from the Superintendent or School Board or in the case of a private school from the Principal. In the case of a public school, if permission is granted, the Superintendent or School Board President must inform the Principal of the school where the sex offender will be present. Permission may be granted by the Superintendent, School Board, or in the case of a private school from the Principal for more than one (1) event at a time, such as a series of events, however, the parent, legal guardian or custodian must obtain permission for any other event he/she wishes to attend for which he/she has not yet had permission granted.
- C. Regardless of the person's knowledge of his or her proximity to school property or a school-related activity, violation of the provisions of this Section is an ordinance violation.

Section 210.1550. Halloween, Restrictions On Conduct — Violations.

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

Section 210.1560. Urinating In Public.

It shall be unlawful for any person within the City to urinate in or upon any street, park, any public place open to the public or private place open to public view other than in the restroom facilities provided for such activity.

Section 210.1570. through Section 210.1660. (Reserved)

ARTICLE X
Offenses Concerning Pornography

Section 210.1670. Definitions.

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

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

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

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

NUDITY or STATE OF NUDITY — The showing of the human genitals, pubic area, vulva, anus, anal cleft, or the female breast with less than a fully opaque covering of any part of the nipple or areola.

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

PORNOGRAPHIC FOR MINORS — Any material or performance if the following apply:

1. The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors; 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 — To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same by any means, including a computer.

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

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

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

Section 210.1680. Promoting Pornography For Minors Or Obscenity. ³³

- 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.

Section 210.1690. Furnishing Pornographic Materials To Minors. ³⁴

- 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

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

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

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.

Section 210.1700. through Section 210.1790. (Reserved)

ARTICLE XI
Offenses Concerning Drugs

Section 210.1800. Possession Of Marijuana Or Synthetic Cannabinoid. ³⁵

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.³⁶

Section 210.1810. Possession Of A Controlled Substance. ³⁷

A person commits the offense of possession of a controlled substance, as defined in Section 195.010, RSMo., if he or she knowingly possesses a controlled substance, except as authorized by Chapter 579, RSMo., or Chapter 195, RSMo.³⁸

Section 210.1820. Limitations On The Retail Sale Of Methamphetamine Precursor Drugs.

- A. The retail sale of methamphetamine precursor drugs shall be limited to:
 - 1. Sales in packages containing not more than a total of three (3) grams of one (1) or more methamphetamine precursor drugs calculated in terms of ephedrine base, pseudoephedrine base and phenylpropanolamine base; and
 - 2. For non-liquid products, sales in blister packs, each blister containing not more than two (2) dosage units, or where the use of blister packs is technically infeasible, sales in unit dose packets or pouches.
- B. The penalty for a knowing violation of Subsection (A) of this Section is found in Section 569.060, RSMo.

Section 210.1830. Unlawful Possession Of Drug Paraphernalia. ³⁹

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

36. State Law Reference: For similar statutory provisions and the elements setting the levels of this offense, see §§ 195.010, 195.017 and 579.015, RSMo.

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

38. State Law Reference: For similar statutory provisions and the elements setting the levels of this offense, see §§ 195.010, 195.017 and 579.015, RSMo.

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

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.

Section 210.1840. Inhalation Or Inducing Others To Inhale Solvent Fumes To Cause Certain Reactions, Prohibited — Exceptions.

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

Section 210.1850. Inducing, Or Possession With Intent To Induce, Symptoms By Use Of Solvents And Other Substances, Prohibited.

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

- D. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by Section 210.1840 and this Section.
- E. No person shall possess or use an alcoholic beverage vaporizer.
- F. Nothing in this Section shall be construed to prohibit the legal consumption of intoxicating liquor.

Section 210.1860. Possession Or Purchase Of Solvents To Aid Others In Violations, Prohibited — Violations Of Sections 210.1840 To 210.1850 — Penalty. ⁴⁰

- A. No person shall intentionally possess or buy any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of inducing or aiding any other person to violate the provisions of Sections 210.1840 and 210.1850 hereof.
- B. Any person who violates any provision of Sections 210.1840 through 210.1860 is guilty of an ordinance violation for the first violation.

Section 210.1870. through Section 210.1960. (Reserved)

ARTICLE XII
Offenses Concerning Minors ⁴¹

Section 210.1970. Article Definitions.

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

GUARDIAN — Guardian appointed by court of competent jurisdiction.

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

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

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

Section 210.1980. Curfew For Persons Under 17.

- A. It shall be unlawful for any person under the age of seventeen (17) years to be in or upon any public place or way within the City of Center between the hours of 12:01 A.M. and 6:00 A.M. The provisions of this Section shall not apply to any such persons accompanied by a parent or guardian, to any such person upon an errand or other legitimate business directed by such person's parent or guardian, to any such person who is engaged in gainful,

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

41. Cross Reference: As to alcohol-related offenses involving minors, § 600.060.

lawful employment during said time period, or who is returning or in route to said employment, or to any such person who is attending or in route to or from any organized religious or school activity.

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

Section 210.1990. Parental Responsibility.

- A. Whenever a minor shall be arrested or detained for the commission of any offense within the City, the Police Department shall, as soon as possible thereafter, deliver written notice to the minor's parent of the arrest or detention, and such notice shall advise the parent of his/her responsibility under this Section. The notice shall be in such a form as to be signed by the notified parent signifying receipt thereof. If the parent refuses to sign said notice, the notifying Law Enforcement Officer shall indicate such refusal on the notice.
- B. No parent shall fail to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit any offense. Written parental notice as defined in Subsection (A) of this Section shall be prima facie evidence of parental neglect if the minor commits a second or successive violation of any offense.
- C. Each violation of the provisions of this Section shall constitute a separate offense. Any person who shall violate this Section shall be subject to a penalty as set forth in Section 100.220 of this Code. In addition, the court may, as a condition of any probation granted to any parent found guilty of violating Subsection (B) of this Section, order the defendant to make restitution to any person who has been damaged by the misconduct of the minor in an amount not to exceed two thousand dollars (\$2,000.00).

Section 210.2000. through Section 210.2090. (Reserved)

**ARTICLE XIII
Offenses Concerning Tobacco, Alternative Nicotine Products Or Vapor Products**

Section 210.2100. Definitions.

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

ALTERNATIVE NICOTINE PRODUCT — Any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means. "Alternative nicotine product" does not include any vapor product, tobacco product or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.⁴²

CENTER OF YOUTH ACTIVITIES — Any playground, school or other facility, when such facility is being used primarily by persons under the age of eighteen (18) for recreational, educational or other purposes.

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

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

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

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

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

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

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

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

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

Section 210.2105. No Tobacco Sales To Minors — Alternative Nicotine Products, Vapor Products

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

And Nicotine Liquid Containers — Sale To Minors Prohibited.

- A. Any person or entity who sells tobacco products, alternative nicotine products, or vapor products shall deny the sale of such tobacco products to any person who is less than eighteen (18) years of age.
- B. Any person or entity who sells or distributes tobacco products, alternative nicotine products, or vapor products by mail or through the Internet in this State in violation of Subsection (A) of this Section shall be assessed a fine of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each subsequent violation.
- C. Alternative nicotine products and vapor products shall only be sold to persons eighteen (18) years of age or older, shall be subject to local and State sales tax, but shall not be otherwise taxed or regulated as tobacco products.
- D. Nicotine Liquid Containers — Regulations.
 - 1. Any nicotine liquid container that is sold at retail in this State shall satisfy the child-resistant effectiveness standards set forth in 16 CFR 1700.15(b) as in effect on the effective date of this Section when tested in accordance with the method described in 16 CFR 1700.20 as in effect on the effective date of this Section.
 - 2. For the purposes of this Subsection, “nicotine liquid container” shall mean a bottle or other container of liquid or other substance containing nicotine if the liquid or substance is sold, marketed, or intended for use in a vapor product. A “nicotine liquid container” shall not include a liquid or other substance containing nicotine in a cartridge that is sold, marketed, or intended for use in a vapor product, provided that such cartridge is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.
 - 3. Any person who engages in retail sales of liquid nicotine containers in this State in violation of this Subsection shall be assessed a fine of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each subsequent violation.
 - 4. The Department of Health and Senior Services may adopt rules necessary to carry out the provisions of this Subsection. Any rule or portion of a rule, as that term is defined in Section 536.010, RSMo., that is created under the authority delegated in that Section shall become effective only if it complies with and is subject to all of the provisions of Chapter 536, RSMo., and, if applicable, Section 536.028, RSMo. This Section and Chapter 536, RSMo., are non-severable, and if any of the powers vested with the General Assembly under Chapter 536, RSMo., to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rule-making authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.
 - 5. The provisions of this Subsection and any rules adopted hereunder shall be null, void, and of no force and effect upon the effective date of the final regulations issued by the Federal Food and Drug Administration or from any other Federal agency if such

regulations mandate child-resistant effectiveness standards for nicotine liquid containers.

Section 210.2110. Unlawful To Sell Or Distribute Tobacco Products, Alternative Nicotine Products Or Vapor Products To Minors — Vending Machine Requirements.

- A. It shall be unlawful for any person to sell, provide or distribute tobacco products, alternative nicotine products or vapor products to persons under eighteen (18) years of age.
- B. All vending machines that dispense tobacco products, alternative nicotine products or vapor products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than eighteen (18) years of age from purchasing any tobacco product, alternative nicotine product or vapor product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than eighteen (18) years of age are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this Subsection shall be subject to the penalties contained in Subsection (D) of this Section. A determination of non-compliance may be made by a local law enforcement agency or the Division of Alcohol and Tobacco Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.
- C. No person or entity shall sell, provide or distribute any tobacco product, alternative nicotine product or vapor product or rolling papers to any minor or sell any individual cigarettes to any person in this State. This Subsection shall not apply to the distribution by family members on property that is not open to the public.
- D. Any person, including, but not limited to, a sales clerk, owner or operator, who violates Subsection (A), (B) or (C) of this Section or Section 210.2140 of this Article shall be penalized as follows:
 - 1. For the first offense, twenty-five dollars (\$25.00);
 - 2. For the second offense, one hundred dollars (\$100.00); and
 - 3. For a third and subsequent offense, two hundred fifty dollars (\$250.00).
- E. Any owner of the establishment where tobacco products, alternative nicotine products or vapor products are available for sale who violates Subsection (C) of this Section shall not be penalized pursuant to this Section if such person documents the following:
 - 1. An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the State and Federal regulations regarding sales of tobacco products, alternative nicotine products or vapor products to minors. Such training program must be attended by all employees who sell tobacco products, alternative nicotine products or vapor products to the general public;

2. A signed statement by the employee stating that the employee has been trained and understands the State laws and Federal regulations regarding the sale of tobacco to minors products, alternative nicotine products or vapor products; and
 3. Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety (90) minutes in length, established by the Division of Alcohol and Tobacco Control.
- F. The exemption in Subsection (E) of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products, alternative nicotine products or vapor products are available for sale if:
1. Four (4) or more violations per location of Subsection (C) of this Section occur within a one-year period; or
 2. Such person knowingly violates or knowingly allows his/her employees to violate Subsection (C) of this Section.
- G. If a sale is made by an employee of the owner of an establishment in violation of this Article, the employee shall be guilty of an offense established in Subsections (A), (B) and (C) of this Section. If a vending machine is in violation of Section 210.2140, the owner of the establishment shall be guilty of an offense established in Subsections (C) and (D) of this Section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subsections (C) and (D) of this Section.
- H. A person cited for selling, providing or distributing any tobacco product, alternative nicotine product or vapor product to any individual less than eighteen (18) years of age in violation of Subsection (A), (B) or (C) of this Section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older.
- I. Any person adversely affected by this Section may file an appeal with the Administrative Hearing Commission which shall be adjudicated pursuant to the procedures established in Chapter 621, RSMo.

Section 210.2120. Minors Prohibited From Purchase Or Possession Of Tobacco Products, Alternative Nicotine Products Or Vapor Products — Misrepresentation Of Age.

- A. No person less than eighteen (18) years of age shall purchase, attempt to purchase or possess cigarettes, tobacco products, alternative nicotine products or vapor products unless such person is an employee of a seller of cigarettes, tobacco products, alternative nicotine products or vapor products and is in such possession to effect a sale in the course of employment or an employee of the Division of Alcohol and Tobacco Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.
- B. Any person less than eighteen (18) years of age shall not misrepresent his/her age to

purchase cigarettes, tobacco products, alternative nicotine products or vapor products.

- C. Any person who violates the provisions of this Section shall be penalized as follows:
1. For the first violation, the person is guilty of an infraction and shall have any cigarettes, tobacco products, alternative nicotine products or vapor products confiscated;
 2. For a second violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes, tobacco products, alternative nicotine products or vapor products confiscated and shall complete a tobacco education or smoking cessation program, if available.

Section 210.2130. Retail Sales Tax License Required For Sale Of Tobacco Products, Alternative Nicotine Products Or Vapor Products.

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

Section 210.2140. Required Sign Stating Violation Of State Law To Sell Tobacco Products, Alternative Nicotine Products Or Vapor Products To Minors Under Age 18 — Display Of Sign Required, Where.

- A. The owner of an establishment at which tobacco products, alternative nicotine products, vapor products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products, alternative nicotine products, vapor products are sold and on every vending machine where tobacco products, alternative nicotine products, vapor products are purchased a sign that shall:
1. Contain in red lettering at least one-half (1/2) inch high on a white background the following:
 1. IT IS A VIOLATION OF STATE LAW FOR CIGARETTES, OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS TO BE SOLD OR OTHERWISE PROVIDED TO ANY PERSON UNDER THE AGE OF EIGHTEEN OR FOR SUCH PERSON TO PURCHASE, ATTEMPT TO PURCHASE OR POSSESS CIGARETTES, OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS; and
 2. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle and the words "Under 18."

Section 210.2150. Restrictions On Sales Of Individual Packs Of Cigarettes.

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

sight of the sales clerk or store attendant from the checkout counter.

Section 210.2160. Proof Of Age Required, When Defense To Action For Violation Is Reasonable Reliance On Proof — Liability.

- A. A person or entity selling tobacco products, alternative nicotine products or vapor products or rolling papers or distributing tobacco product, alternative nicotine product or vapor product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).
- B. The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the Division of Alcohol and Tobacco Control or any owner or employee of an establishment that sells tobacco products, alternative nicotine products or vapor products for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least eighteen (18) years of age when such person desires to purchase or possess tobacco products, alternative nicotine products or vapor products procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.
- C. Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of an ordinance violation.
- D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections (A), (B) and (C) of Section 210.2110 of this Article. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section 210.2110 on any single day.

ARTICLE XIV
Miscellaneous Offenses

Section 210.2170. General Provisions. [CC 1992 § 44.010]

No sign board, sign post or other erection shall be placed upon, over or across any sidewalk or other public thoroughfare of the City of Center, Missouri, unless permission be first obtained from the Board of Aldermen, and hereafter no awning or sign board shall be erected or placed upon or across or over any sidewalk in this City of either wood, iron or tin, or that shall require any posts for its support; all such awnings now existing, the erection of which would be prohibited by this Section, may, if in good repair, secure and safe and not dangerous to persons or property and not in danger of falling, be allowed to remain, but such structures shall not be renewed. All such sign boards and awnings which may hereafter be placed upon or across any sidewalk or other public thoroughfare in this City, and all such now existing which shall

hereafter be declared by the Board of Aldermen by resolution to be insecure, unsafe and dangerous to persons and property, or in danger of falling may be deemed to be an obstruction of the street of said City, wherein the same is situated within the meaning of this Section.

Section 210.2180. Violation. [CC 1992 § 44.020]

Whoever shall within this City willfully violate the provisions of Section 210.2170 shall be deemed guilty of an ordinance violation and shall be fined not less than twenty dollars (\$20.00) nor more than fifty dollars (\$50.00).

Section 210.2190. Human Excrement. [CC 1992 § 74.090]

It shall be unlawful for any person or persons within the corporate limits of this City to throw out, discharge, place or deposit any animal dung or human excrement upon any street, alley or public place.

Section 210.2200. Molesting Cemetery. [CC 1992 § 74.110]

It shall be unlawful for any person within the corporate limits of this City to in any manner mutilate, injure or damage the tombstones, monuments, ornamental trees or other trees, shrubs, flowers, plants or grass in any of the cemetery grounds of this City.

Section 210.2210. Obstructing Traffic With Wires. [CC 1992 § 74.120]

Any agent, manager or employee of any electric light company or corporation, or of any telephone, telegraph or any other company or corporation whatsoever, doing business in this City who shall throw, place or leave in or upon any of the streets, alleys, curbing, sidewalks or gutters of this City, any nails, wires, poles, branches of trees, excavation or rubbish whatsoever, who shall leave any wire hanging or suspended in any way to endanger or obstruct persons traveling on or using said streets, alleys, or sidewalks, shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

Section 210.2220. Obnoxious Odors. [CC 1992 § 74.200]

No owner, or person in charge and control of any private stable for housing horses or other animals, privy vaults, pigsty, cow sheds, cow stables, or of any store, butcher shop, motor vehicle, bakery, or other building or structure of a like nature, shall permit the same to become and remain unclean, or obnoxious, or offensive to the citizens of this City, or any one of them. Every person so offending shall, upon conviction thereof, be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). If such odor be not removed within five (5) days after such condition, it shall be deemed a second offense against the provisions of this Section, and every like neglect of each succeeding five (5) days thereafter shall be considered an additional offense against the provisions of this Section, and subject the offender to the same punishment.

Section 210.2230. Defacing Signs. [CC 1992 § 74.220]

It shall be unlawful for any person within this City to willfully and without lawful authority remove, deface, smear or mutilate, or deface with paint or other substance, any signs, device or

other article used as an advertisement by the owner, proprietor or person in charge thereof of any business or profession, trade or calling, in front of or upon any building occupied by such person for the purpose of carrying on his/her business or profession, trade or calling; and it shall be unlawful for any person, within this City, to remove any gate or fence or any part thereof.

Section 210.2240. Disposal Of Sewage. [CC 1992 § 74.250]

Any person or persons who shall within this City conduct through pipes or otherwise into or upon any street, alley, highway, or other public or private place, from any kitchen, bathroom, toilet, or from any building of whatsoever kind, any sewage or other offensive liquids or substances shall, upon conviction thereof, be deemed guilty of an offense, and punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).

Section 210.2250. Slaughterhouse Or Abattoir, Operation Thereof. [CC 1992 § 74.260]

A. It shall be unlawful for any person or persons to operate any slaughterhouse or abattoir or slaughter pen within the corporate limits of this City without first having complied with the following requirements, to-wit:

1. Obtaining a permit from the Board of Aldermen of the City of Center, Missouri, at a regular meeting thereof.
2. Complying with all of the regulations of the Department of Health of the State of Missouri respecting the operation and management of said business, together with any regulations of the Federal Government which may be applicable thereto.

ARTICLE XV
Littering

Section 210.2260. Litter In Public Places. [CC 1992 § 63.010]

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles or authorized private receptacles.

Section 210.2270. Manner Of Depositing Litter. [CC 1992 § 63.020]

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

Section 210.2280. Sweeping Litter Into Public Places. [CC 1992 § 63.030]

No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Within the meaning of this Section, the word "litter" shall include, without excluding other substances, fallen leaves, cut weeds, grass clippings, branches and twigs that may accumulate on any building, lot or premises.

Section 210.2290. Sidewalks To Be Kept Free Of Litter. [CC 1992 § 63.040]

Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. Persons owning or occupying places of business within the City should keep their business premises free of litter.

Section 210.2300. Littering By Persons In Vehicles. [CC 1992 § 63.050]

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or public place within the City, or upon private property. No driver of any vehicle shall allow any passenger in that vehicle to throw or deposit litter upon any street or other public place within the City, or upon private property. Under the terms of this Section, a driver shall be deemed responsible for the acts of any passenger in a vehicle under his/her control.

Section 210.2310. Transportation Of Litter. [CC 1992 § 63.060]

No person shall drive or move any truck or other vehicle hauling or transporting litter without or about the City unless such vehicle is so constructed and the load secured so as to prevent any of the contents therein from being blown, dropped or deposited upon a street, alley or other public place.

Section 210.2320. Littering On Any Private Premises. [CC 1992 § 63.070]

No person shall throw or deposit litter on any private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain an authorized private receptacle for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property owned by another.

Section 210.2330. Burning Of Leaves. [CC 1992 § 63.080]

No person shall burn leaves and litter in any street, gutter, or other public place within the City in such a manner as to cause damage to said street, gutter or other public place.

Section 210.2340. Violations And Penalties. [CC 1992 § 63.090]

Any person violating any of the provisions of this Article shall be deemed guilty of an ordinance violation, and shall be fined not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00).

ARTICLE XVI
Open Burning

Section 210.2350. Definitions. [Ord. No. 189 § 1, 12-1-2004]

For the purpose of this Article, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural singular; the word "building" shall include the word "structure" and the word "shall" is mandatory and not directory. Whenever the following words or terms are used herein, they shall have the meanings ascribed to them in this Section:

GARBAGE — Refuse resulting from the handling, processing, preparation, cooking and

consumption of food or food products.

LANDSCAPE WASTE — Any accumulation of grass, shrubbery, vines, and trees and other materials accumulated as the result of the care of lawns, but not including leaves, shrubbery cuttings and small tree limbs.

OPEN BURNING — The combustion of any matter in the open.

PERSON — Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, political subdivision, State agency, or any other legal entity, or their legal representative, agent or assigns.

REFUSE — Any discarded matter, including garbage, or any matter which is to be reduced in volume or otherwise changed in chemical or physical properties in order to facilitate its discard, removal or disposal.

Section 210.2360. Prohibitions. [Ord. No. 189 § 2, 12-1-2004]

- A. No person shall cause or allow the open burning of leaves, shrubbery cuttings and small tree limbs, except as provided in Section 210.2370 of this Article.
- B. No person shall cause or allow the burning of refuse.
- C. No person shall cause, build, or light any fire so close to any building or structure as to endanger any building or structure, or on any public street, alley, right-of-way, sidewalk or pavement.

Section 210.2370. Exemptions. [Ord. No. 189 § 3, 12-1-2004]

- A. The following activities are not in violation of this Article:
 - 1. The burning of leaves, shrubbery cuttings and small tree limbs from September 1 through May 31 between the hours of 6:00 A.M. to sunset; provided such burning is attended at all times by a competent person of at least sixteen (16) years of age. [Ord. No. 195 § 1, 7-5-2006]
 - 2. The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the responsible Government Official.
 - 3. The burning for legitimate campfire, recreational and cooking purposes or in domestic fireplaces in areas where such burning is consistent with other laws; provided that no garbage shall be burned in such cases.
 - 4. Small open flames for heating tar, for welding, acetylene torches, highway safety flares and the like.
 - 5. Open burning conducted in accordance with a permit granted by the Missouri Department of Natural Resources.

Section 210.2380. Permit Required. [Ord. No. 189 § 4, 12-1-2004]

It shall be unlawful to cause or allow the open burning of landscape waste without having an

open burning permit or in violation of such permit.

Section 210.2390. Permit — Application. [Ord. No. 189 § 5, 12-1-2004]

A. Applications for open burning permits shall contain the following information:

1. The name, age, address and telephone number of the applicant.
2. The address of the burning site.
3. The quantities and types of items to be burned.
4. The methods or actions to be taken to control or extinguish the fire.
5. Proposed date for the open burning.

Section 210.2400. Restrictions. [Ord. No. 189 § 6, 12-1-2004]

A. Open burning of landscape waste shall be subject to the following restrictions:

1. Such open burning shall be allowed only on the land from which such landscape waste is generated.
2. The location of the open burning site shall be at least fifteen (15) feet from any building or any other structure, including fences, etc.
3. The burning shall be from September 1 through May 31 between the hours of 6:00 A.M. and 6:00 P.M. and the fire shall be completely extinguished by 6:00 P.M.
4. The fire shall be attended at all times by a competent person of a least sixteen (16) years of age.
5. There shall be fire extinguishing or water supply at the burning site sufficient to completely extinguish the fire in a reasonable period of time. The extinguishing agent must be capable of causing the fire to immediately start to go out upon application of such agent.
6. Water hoses shall be equipped with nozzles, and the hose shall be maintained charged during the period of such burning.
7. Such fire shall be limited in size to an area of no more than twenty-four (24) feet in diameter and shall not exceed six (6) feet in height.
8. The individual appointed by the Board of Alderman may refuse to issue such permits or revoke such existing permits if the appointed individual or his/her designate determines that weather conditions make such open burning dangerous to life or property.

Section 210.2410. Enforcement. [Ord. No. 189 § 7, 12-1-2004]

A. The regulations adopted in this Article shall be enforced by the Law Enforcement of the City.

- B. The Law Enforcement of the City may detail such members of the Fire Department as inspectors as shall from time to time be necessary.

Chapter 215

NUISANCES

ARTICLE I

General Provisions

Section 215.005. Definitions. [Ord. No. 225 §§ 73.090, 73.130, 8-6-2014]

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

DAMAGED OR DISABLED VEHICLE — Any vehicle which is not registered or is improperly registered with the State of Missouri; has been inoperable on public property for more than forty-eight (48) hours, or on any real property for more than seven (7) days, or in such a state of repair as to be inoperable, except those on the premises of a duly licensed automobile sales business or in a duly licensed automobile junking yard, and further excepting vehicles on the premises of a duly licensed automobile repair business unless such vehicles have been inoperable or in such a state of repair as to be inoperable for a period exceeding ninety (90) consecutive days.

GARBAGE — The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

JUNK — Any metal, glass, paper, rags, wood, machinery parts, cloth, or other waste or discarded material of any nature or substance whatsoever, or scrap or salvage materials.

PERSON — Any person, firm, partnership, association, corporation, or other organization of any kind.

PROPERTY — Any land owned by the City or located within the City limits, not including streets and highways.

RUBBISH — Combustible and noncombustible waste material, including paper, rags, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metals, cans, bricks, lumber, concrete, glass, crockery, and/or similar materials, and including the residue from the burning of wood, coal or other combustible material.

STREET or HIGHWAY — The entire area between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel.

VEHICLES — For purposes of this Article, the term "vehicle" shall include, but is not limited to, the following: automobiles, motorcycles, all off-road vehicles, trailers, recreational motor vehicles, camping trailers, motor trucks, construction vehicles, motorboats, houseboats, or other similar waterborne vehicles, and any vehicle defined as a motor vehicle under Section 301.010, RSMo.

Section 215.010. Nuisances Affecting Health.

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

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

15. No person shall discharge or cause to be discharged into a stormwater system any waste materials, liquids, vapor, fat, gasoline, benzene, naphtha, oil or petroleum product, mud, straw, lawn clippings, tree limbs or branches, metal or plastic objects, rags, garbage or any other substance which is capable of causing an obstruction to the flow of the storm system or interfering with the proper operation of the system or which will pollute the natural creeks or waterways.
 16. All other acts, practices, conduct, business, occupation callings, trades, uses of property and all other things detrimental or certain to be detrimental to the health of the inhabitants of the City of Center.
- B. **Unlawful To Cause, Maintain Within City Or One-Half Mile Thereof.** It is unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied lot or land or any part thereof in the City of Center or within one-half (1/2) mile of the corporate limits of the City of Center, Missouri, to cause, permit or maintain a nuisance on any such lot or land. Additionally, it is unlawful for any person or his/her agent, servant, representative or employee to cause or maintain a nuisance on the land or property of another with or without permission. Each day that a nuisance shall be maintained as a separate offense.
- C. **Authority To Abate Emergency Cases.** In cases where it reasonably appears that there is an immediate danger to the health, safety or welfare of the public due to the existence of a nuisance, the City shall have authority to immediately abate the nuisance in an appropriate manner.
- D. **Abatement — Procedure Generally.** Whenever the Board of Aldermen receives notification that a nuisance may exist, it shall proceed as follows, except as may be otherwise provided herein:
1. Whenever the Chief of Police or his/her duly authorized representative determines that there exists any nuisance as defined herein, he/she shall cause written notice to be served upon the owner of the property, vehicle or junk, if he/she can be located, or the person in custody of such property, vehicle or junk, by registered mail or by personal service. The notice shall state that the property, vehicle or junk is deemed to be a nuisance within the provisions of this Chapter, and shall briefly state facts deemed to constitute such property, vehicle or junk a nuisance within the terms of this Chapter, and state that the nuisance must be abated within seven (7) days from receipt of such notice, or, if the nuisance is on public property, within two (2) days from receipt of such notice. [Ord. No. 225 § 73.160, 8-6-2014]
 2. When the owner or custodian of any nuisance as defined in this Chapter cannot be located by reasonable search, the notice shall be attached to the property, briefly stating facts deemed to constitute the property a nuisance and stating that the nuisance must be abated within seven (7) days of the date the notice was posted or, if the nuisance is on public property, within two (2) days of the date notice was posted. [Ord. No. 225 § 73.170, 8-6-2014]
 3. Any person receiving the notice provided for above shall comply with the provisions of the notice requiring abatement. Failure to comply with this provision is unlawful. [Ord. No. 225 § 73.180, 8-6-2014]

4. The Chief of Police or his/her duly authorized representative shall have authority hereunder to enter upon any private property for inspection or for the purpose of determining whether or not the owner or occupant of said property has abated or suppressed said nuisance. [Ord. No. 225 § 73.190, 8-6-2014]
5. If the order has not been obeyed within the time period set by the Board of Aldermen, the appropriate City Official shall proceed to abate the nuisance in the manner provided by the order of the Board of Aldermen, and the cost of same, if ordered by the Board of Aldermen, may be assessed as a special tax against the property so improved or upon which such work was done; and, if so ordered, the City Clerk shall cause a special tax bill therefor against the owner thereof when known, and if not known then against the unknown persons, and the certified bills of such assessment shall describe therein the property upon which the work was done.
6. The bills for the above work shall be recorded and shall be collected and paid as provided for the collection of other special tax bills for the repairing of sidewalks or grading or paving of streets and shall be a lien on the property.
7. The cost of abating nuisances on private property shall be levied and assessed on each lot in proportion to the amount of work done and material used in abating the nuisance located on each such lot.

Section 215.020. Public Nuisances. [Ord. No. 225 § 73.100, 8-6-2014]

- A. It shall be unlawful for any owner or occupant within the City of Center to maintain any property in such a manner that any of the following conditions should exist:
 1. The causing or permitting of foul or offensive odors;
 2. The permitting of any premises that has unsanitary sewerage or plumbing facilities that may include the use of outdoor privies, septic tanks and cesspools that are in poor working order, emit foul odors, or are in offensive condition;
 3. The permitting of conditions to exist which shall become a harbor or breeding place for varmints, rats, snakes, flies, mosquitoes, or other insects or vermin;
 4. The permitting of any condition to exist which shall constitute, become or be a fire hazard, or is manifestly unsafe, or insecure, so as to endanger life, limb, or property;
 5. The permitting of any condition to exist or remain which shall detract from the value or usefulness of the property of the neighborhood;
 6. The permitting of noxious weeds to grow and remain uncut; the permitting of stagnant water, animal manure, garbage, offal, excrement, fecal matter, dead animals, dead fowls and poultry or other offensive matter or substance to accumulate or remain;¹
 7. The permitting of dog pens, rabbit hutches, or other stables to become and remain in a filthy and offensive condition;

1. Editor's Note: See also Section 215.010 and Art. II, Weeds, High Grass Or Other Vegetation, of this Chapter for similar restrictions.

8. The permitting of old wells and cisterns to be or remain uncovered or the tops or covers thereof to become and remain in a rotten and dangerous condition;
9. The permitting of any other condition or conduct which is obnoxious or hazardous to the health of the inhabitants of said City or any portion thereof;
10. Any structure that is in a state of dilapidation or decay, faulty construction, overcrowded, open, vacant, or abandoned; damaged by fire to the extent so as not to provide shelter, in danger of collapse or failure; and dangerous to anyone on or near the premises;²
11. Any premises that is designated as unsafe for human habitation;³
12. Any premises from which the plumbing, heating or other necessary utility has been disconnected, destroyed, removed or rendered ineffective.

Section 215.030. Rubbish And Garbage. [Ord. No. 225 § 73.110, 8-6-2014]

All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish and garbage. Every occupant of a structure shall dispose of all rubbish and garbage in a clean and sanitary manner.

Section 215.040. Other Nuisances. [Ord. No. 225 § 73.120, 8-6-2014]

The enumeration of certain things and conditions herein to be nuisances per se and subject to the penalty listed herein shall not exclude or preclude other things or conditions that may arise or exist from time to time from becoming or being nuisances and subject to the penalty listed herein if such thing or condition shall become or be obnoxious or hazardous to the health or morals of the inhabitants of said City or any portion thereof.

Section 215.050. Damaged Or Disabled Vehicles Or Junk — Prohibited Use. [Ord. No. 225 § 73.140, 8-6-2014]

- A. Any vehicle or parts thereof, self-powered or non-self-powered, found upon any lot within the City limits in a damaged/disabled, dismantled, dilapidated, wrecked, abandoned or non-operative condition; or any vehicle, part thereof, or junk, allowed to remain unmoved on any street or highway for forty-eight (48) hours shall be considered a public nuisance, detrimental to the health and safety of the public.
- B. All vehicles, as defined by this Chapter, must at all times be maintained in such a way as to be readily moved at any time, whether under their own power or, in the case of any vehicles not having their own mode of power, as towed vehicles and must be licensed as required by the State of Missouri.
- C. Any junk located on any property, street, or highway which presents a hazard to children, or harbors tall grass, weeds, or other vegetation, or creates a fire hazard, or affords a breeding place or nesting place for mosquitoes, flies, rodents, rats, or other vermin, shall be

2. Editor's Note: See also Ch. 505, Dangerous Buildings, of this Code.

3. Editor's Note: See also Ch. 505, Dangerous Buildings, of this Code.

considered a public nuisance, detrimental to the health and safety of the public.

Section 215.060. Unlawful To Maintain Such Nuisance. [Ord. No. 225 § 73.160, 8-6-2014]

It shall be unlawful for any person to create or maintain a nuisance as defined in this Chapter.

Section 215.070. Penalty. [Ord. No. 225 § 73.200, 8-6-2014]

Any person violating the provisions of this Chapter shall be subject to a fine of not less than five dollars (\$5.00), nor more than five hundred dollars (\$500.00). Each day of violation shall be deemed a separate offense.

Section 215.080. through Section 215.110. (Reserved)

ARTICLE II
Weeds, High Grass Or Other Vegetation

Section 215.120. Weeds, High Grass Or Other Vegetation.

- A. Failure To Keep Weeds, High Grass And Other Vegetation Cut And Removed, A Nuisance. All persons owning or occupying any lot or tract of land in the City shall keep the weeds, high grass and other vegetation growing on such property cut and removed. Whenever such weeds, high grass or other vegetation shall attain the height of eight (8) inches, it shall be deemed a public nuisance.
- B. Unlawful To Maintain Such Nuisance. It shall be unlawful for any person to create or maintain a nuisance as defined in Subsection (A).
- C. Liability. Whenever weeds, high grass or other vegetation in violation of Subsection (A) of this Section are allowed to grow on any part of any lot or ground within the City, the owner of the ground or, in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof shall be liable.
- D. Notice. The Chief of Police or other designated City Official shall give a hearing after ten (10) days' notice thereof either personally or by United States mail to the owner or owners, or the owner's agents, or by posting such notice on the premises; thereupon, the Chief of Police or other designated City Official may declare the weeds, high grass or other vegetation to be a nuisance and order the same to be abated within five (5) days.
- E. Disposition. In case the weeds, high grass or other vegetation are not cut down and removed within the five (5) days, the Chief of Police or other designated City Official shall have the weeds, high grass or other vegetation cut down and removed and shall certify the costs of same to the City Clerk.
- F. Tax Bill. The City Clerk shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the City Collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from

the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property until paid.

- G. If weeds are allowed to grow, or if trash is allowed to accumulate, on the same property in violation of this Section more than once during the same growing season in the case of weeds, or more than once during a calendar year in the case of trash, the Chief of Police or Building Inspector may, without further notification, have the weeds or trash removed and the cost of the same shall be billed in the manner described in this Section. This Subsection does not apply to lands owned by a public utility and lands, rights-of-way, and easements appurtenant or incidental to lands controlled by any railroad.

Section 215.130. Debris On Property — Effect Of Failure To Remove Nuisance — Penalties.

- A. Any lot or land shall be a public nuisance if it has the presence of debris of any kind, including, but not limited to, weed cuttings, cut and fallen or hazardous trees and shrubs, overgrown vegetation and noxious weeds which are seven (7) inches or more in height, rubbish and trash, lumber not piled or stacked twelve (12) inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material which may endanger public safety or any material which is unhealthy or unsafe and declared to be a public nuisance.
- B. When a public nuisance as described above exists, the Chief of Police or Building Inspector shall provide for service to the owner of the property and, if the property is not owner-occupied, to any occupant of the property a written notice specifically describing each condition of the lot or land declared to be a public nuisance, and which notice shall identify what action will remedy the public nuisance. Unless a condition presents an immediate, specifically identified risk to the public health or safety, the notice shall provide a reasonable time, not less than ten (10) days, in which to abate or commence removal of each condition identified in the notice. Written notice may be given by personal service or by first-class mail to both the occupant of the property at the property address and the owner at the last known address of the owner, if not the same.
- C. Upon a failure of the owner to pursue the removal or abatement of such nuisance without unnecessary delay, the Chief of Police or Building Inspector may cause the condition which constitutes the nuisance to be removed or abated. If the Chief of Police or Building Inspector causes such condition to be removed or abated, the cost of such removal or abatement and the proof of notice to the owner of the property shall be certified to the City Clerk or officer in charge of finance who shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the City Collector or other official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent, and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property from the date the tax bill is delinquent until paid.

Maintenance Of Trees And Vegetation

Section 215.140. Property Owner Maintenance And Responsibility And Duty To Public. [Ord. No. 217 § 1, 11-6-2013]

- A. The owner of a lot abutting or fronting on or adjacent to any portion of a street or alley shall ensure the maintenance of any turf, trees, shrubs, hedges, fences or other landscaping along said street to the centerline of the alley or within the street right-of-way adjacent to his or her property in such condition so that the turf, trees, shrubs, hedges or other landscaping will not interfere with the public convenience or safety in the use of streets, alleys, trails, paths, sidewalks and parking lots.
- B. For the purpose of this Section, maintenance of turf, trees, shrubs, hedges and other landscaping includes, but is not limited to, the following: mowing, clearance and structural trimming, and removal of hazard trees, low branches, dead branches, decayed branches, broken branches, leaves and other debris.
- C. Property owners required by this Article to maintain turf, trees, shrubs, hedges, fences and other landscaping shall owe a duty to members of the public using public streets, trails, paths, sidewalks and parking lots to maintain such trees, shrubs, hedges or other landscaping in a safe and non-dangerous condition. If any property owner fails to maintain any adjacent turf, trees, shrubs, hedges or other landscaping in a non-dangerous condition as required by this Article and any person suffers damage or injury to person or property, the property owner or person in possession shall be liable for all damages or injuries proximately caused by the failure of the owner or person in possession to maintain these areas.

Section 215.150. Vegetation Obstructing Public Ways. [Ord. No. 217 § 2, 11-6-2013]

- A. The owner of every lot or parcel of land upon which any turf, trees, shrubs or other vegetation is growing adjacent to any street, sidewalk, trail, alley or public parking area shall mow and/or trim the same or cause the same to be mowed or trimmed whenever it grows upon the property of the owner or in any lot or parcel of land lying between the owner's property and the pavement, traveled roadway or alley so that the vegetation shall not obstruct the passage of light from any public light located in any street, alley or public highway to the adjacent street, path or sidewalk, and so that the vegetation shall not obstruct the free and convenient travel over and along the sidewalk, path, street or alley, and the owner shall keep removed from the vegetation all dead, decayed or broken branches that overhang any such area and remove any dead trees. For sidewalks, vegetation shall be trimmed to provide clearance of at least eight (8) feet above a sidewalk or path. For streets and alleys, vegetation shall be trimmed to provide a clearance of at least fifteen (15) feet above a street or alley.
- B. Turf shall be maintained at a height no more than ten (10) inches.

Section 215.160. Removal Of Dead Trees And Shrubs. [Ord. No. 217 § 3, 11-6-2013]

The owner of every lot or parcel of land upon which any trees, shrubs or plants are growing adjacent to any street, sidewalk, trail, alley or public parking area shall keep removed from such

areas trees, shrubs or plants which are dead or determined to be detrimental to public welfare. When any such trees are determined to be in such condition, the property owner shall remove the same. If the landowner fails to correct the complained of condition within seven (7) days, then the City shall go on the property or hire someone to go on the property and take whatever steps may be necessary to correct the condition, including the mowing of the tall and unsightly grass, weeds or other vegetation, clearing of litter, brush, etc.

Section 215.170. Obstruction On Private Property Effecting Roadway Sight Angle. [Ord. No. 217 § 4, 11-6-2013]

No owner of any premises abutting upon a street, alley or sidewalk shall permit the existence of any hedge, shrub, tree, vines, landscaping, mound of earth, fence, boulders or other items which would obstruct the view of any vehicle traveling upon a street or through an alley, or which would obstruct a sidewalk or street or other public grounds. Upon notification of such obstructed view by the City of Center, the property owner shall correct the obstructed view by whatever means necessary.

Section 215.180. Enforcement And Abatement. [Ord. No. 217 § 5, 11-6-2013]

- A. Upon violation of this Article, at least ten (10) days' notice shall be given to the owner of the property by certified mail or by personal delivery by a Police Officer employed by the City of Center. This notice shall order the property owner to correct the violation as appropriate, and the notice shall further state that unless such work is performed within ten (10) days of the date of the notice, the work shall be done by the City and the cost for same shall become a lien against the property. If the property owner cannot be notified by certified mailing or by personal delivery by a Police Officer employed by the City of Center, notice may be given by posting a copy of the notice on the property or by publication one time not less than ten (10) days prior to any action by the City of Center.
- B. Any repeat violations on the same property occurring within six (6) months after the correction of the violation on the property pursuant to such notice may be summarily abated by the City of Center. The costs of such abatement will be assessed against the owner. A lien may be imposed on the property to secure such payment, all without further prior notice to the property owner.
- C. If payment is not made within thirty (30) days from the date of the mailing of the statement from the City of Center, the cost for same shall become a lien against the property.

Chapter 217

ABANDONED PROPERTY

Cross References: As to maximum charges for towing and storage, § 385.050; as to sale of abandoned property by City, § 385.060; as to crime inquiry and inspection reports required by State law, § 385.040.

Section 217.010. Definitions.¹

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

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

PERSON — Any natural person, corporation or other legal entity.

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

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

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

Section 217.020. Abandoning Vehicle, Vessel Or Trailer — Last Owner Of Record Deemed Owner, Procedures — Penalty — Civil Liability.

- A. A person commits the offense of abandoning a vehicle, vessel, or trailer if he or she knowingly abandons any vehicle, vessel, or trailer on:
1. The right-of-way of any public road or State highway;
 2. On or in any of the waters in this State;
 3. On the banks of any stream;
 4. On any land or water owned, operated or leased by the State, any board, department, agency or commission thereof, or any political subdivision thereof;

1. State Law Reference: For similar provisions, § 304.001, RSMo.

5. On any land or water owned, operated or leased by the Federal government; or
 6. On any private real property owned by another without his or her consent.
- B. For purposes of this Section, the last owner of record of a vehicle, vessel, or trailer found abandoned and not shown to be transferred pursuant to Sections 301.196 and 301.197, RSMo., shall be deemed prima facie evidence of ownership of such vehicle, vessel, or trailer at the time it was abandoned and the person who abandoned the vehicle, vessel, or trailer or caused or procured its abandonment. The registered owner of the abandoned vehicle, vessel, or trailer shall not be subject to the penalties provided by this Section if the vehicle, vessel, or trailer was in the care, custody, or control of another person at the time of the violation. In such instance, the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address, and other pertinent information of the person who leased, rented, or otherwise had care, custody, or control of the vehicle, vessel, or trailer at the time of the alleged violation. The affidavit submitted pursuant to this Subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the affidavit was in actual control of the vehicle, vessel, or trailer. In such case, the court has the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator. If the vehicle, vessel, or trailer is alleged to have been stolen, the owner of the vehicle, vessel, or trailer shall submit proof that a police report was filed in a timely manner indicating that the vehicle or vessel was stolen at the time of the alleged violation.
- C. The offense of abandoning a vehicle, vessel, or trailer is an ordinance violation.
- D. Any person convicted pursuant to this Section shall be civilly liable for all reasonable towing, storage, and administrative costs associated with the abandonment of the vehicle, vessel, or trailer. Any reasonable towing, storage, and administrative costs in excess of the value of the abandoned vehicle, vessel, or trailer that exist at the time the property is transferred pursuant to Section 304.156, RSMo., shall remain the liability of the person convicted pursuant to this Section so long as the towing company, as defined in Chapter 304, RSMo., provided the title owner and lienholders, as ascertained by the Department of Revenue records, a notice within the time frame and in the form as described in Subsection 1 of Section 304.156, RSMo.

Section 217.030. Open Storage Of Inoperable Vehicles Or Public Safety Hazards Prohibited. ²

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

2. State Law Reference: For similar provisions, § 304.159, RSMo.

Section 217.040. Towing Of Abandoned Property On Private Real Property. ³

- A. Generally. The City, including the City Police Department, may tow motor vehicles from real property which are deemed a public safety hazard pursuant to Section 217.030 or are derelict, junk, scrapped, disassembled or otherwise harmful to the public health. The City shall perform such tow pursuant to the terms of Section 217.050. When a City agency other than the Police Department authorizes a tow under this Subsection, it shall report the tow to the Police Department within two (2) hours with a crime inquiry and inspection report.
- B. Towing Authorized By City Police Department. If a person abandons property on any real property owned by another without the consent of the owner or person in possession of the real property, at the request of the person in possession of the real property, any City Police Officer may authorize a towing company to remove such abandoned property from the property in the following circumstances:
1. The abandoned property is left unattended for more than forty-eight (48) hours; or
 2. In the judgment of a Police Officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession.
- C. Towing Authorized By Real Property Owner, Lessee Or Property Or Security Manager.
1. The owner of real property or lessee in lawful possession of the real property or the property or security manager of the real property may authorize a towing company to remove abandoned property or property parked in a restricted or assigned area without authorization by a Law Enforcement Officer only when the owner, lessee or property or security manager of the real property is present. A property or security manager must be a full-time employee of a business entity. An authorization to tow pursuant to this Subsection may be made only under any of the following circumstances:
 - a. Sign. There is displayed, in plain view at all entrances to the property, a sign not less than seventeen by twenty-two (17 x 22) inches in size, with lettering not less than one (1) inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four-hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property.
 - b. Unattended On Owner-Occupied Residential Property. The abandoned property is left unattended on owner-occupied residential property with four (4) residential units or less and the owner, lessee or agent of the real property in

³. State Law References: For similar provisions, §§ 304.157.1, 304.157.2, 304.157.4 through 304.157.9, 304.158.2 through 304.158.4, 304.158.8 and 304.158.9, RSMo. (2004).

lawful possession has notified the City Police Department, and ten (10) hours have elapsed since that notification.

- c. Unattended On Other Private Real Property. The abandoned property is left unattended on private real property and the owner, lessee or agent of the real property in lawful possession of real property has notified the City Police Department, and ninety-six (96) hours have elapsed since that notification.
2. Pursuant to this Section, any owner or lessee in lawful possession of real property that requests a towing company to tow abandoned property without authorization from a City Police Officer shall at that time complete an abandoned property report which shall be considered a legal declaration subject to criminal penalty pursuant to Section 575.060, RSMo. The report shall be in the form designed, printed and distributed by the Missouri Director of Revenue and shall contain the following:
 - a. The year, model, make and abandoned property identification number of the property, and the owner and any lienholders, if known;
 - b. A description of any damage to the abandoned property noted by owner, lessee or property or security manager in possession of the real property;
 - c. The license plate or registration number and the State of issuance, if available;
 - d. The physical location of the property and the reason for requesting the property to be towed;
 - e. The date the report is completed;
 - f. The printed name, address and telephone number of the owner, lessee or property or security manager in possession of the real property;
 - g. The towing company's name and address;
 - h. The signature of the towing operator;
 - i. The signature of the owner, lessee or property or security manager attesting to the facts that the property has been abandoned for the time required by this Section and that all statements on the report are true and correct to the best of the person's knowledge and belief and that the person is subject to the penalties for making false statements;
 - j. Space for the name of the law enforcement agency notified of the towing of the abandoned property and for the signature of the Law Enforcement Official receiving the report; and
 - k. Any additional information the Missouri Director of Revenue deems appropriate.
 3. Any towing company which tows abandoned property without authorization from the City Police Department pursuant to Subsection (B) of this Section shall deliver a copy of the abandoned property report to the City Police Department. The copy may be produced and sent by facsimile machine or other device which produces a near exact

likeness of the print and signatures required, but only if the City Police Department has the technological capability of receiving such copy and has registered the towing company for such purpose. The report shall be delivered within two (2) hours if the tow was made from a signed location pursuant to Subsection (C)(1)(a) of this Section, otherwise the report shall be delivered within twenty-four (24) hours.

4. The City Police Department, after receiving such abandoned property report, shall record the date on which the abandoned property report is filed with the Police Department and shall promptly make an inquiry into the National Crime Information Center (NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen. The Police Department shall enter the information pertaining to the towed property into the statewide law enforcement computer system and a Police Officer shall sign the abandoned property report and provide the towing company with a signed copy.
 5. The City Police Department, after receiving notification that abandoned property has been towed by a towing company, shall search the records of the Missouri Department of Revenue and provide the towing company with the latest owner and lienholder information on the abandoned property, and if the tower has online access to the Department of Revenue's records, the tower shall comply with the requirements of Section 304.155, RSMo. If the abandoned property is not claimed within ten (10) working days, the towing company shall send a copy of the abandoned property report signed by a Law Enforcement Officer to the Department of Revenue.
 6. No owner, lessee or property or security manager of real property shall knowingly authorize the removal of abandoned property in violation of this Section.
 7. Any owner of any private real property causing the removal of abandoned property from that real property shall state the grounds for the removal of the abandoned property if requested by the registered owner of that abandoned property. Any towing company that lawfully removes abandoned property from private property with the written authorization of the property owner or the property owner's agent who is present at the time of removal shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes abandoned property at the direction of the landowner shall be responsible for:
 - a. Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and
 - b. The removal of property other than the property specified by the owner of the private real property from which the abandoned property was removed.
- D. **Damage To Property.** The owner of abandoned property removed from private real property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property.
- E. **Real Property Owner Liability.** Any owner of any private real property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to comply with the requirements of this Chapter.

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

Section 217.050. General Provisions And Procedures. ⁴

- A. **Payment Of Charges.** The owner of abandoned property removed as provided in this Chapter shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 385.050.
- B. **Crime Inquiry And Inspection Report.** As to crime inquiry and inspection reports required by State law, see Chapter 385 of this Code, Section 385.040.
- C. **Reclaiming Property.** The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.
- D. **Lienholder Repossession.** If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the City Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The City Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.
- E. **Notice To Owner/Tow Lien Claim.** Any towing company which comes into possession of abandoned property pursuant to this Chapter and who claims a lien for recovering, towing

⁴. State Law References: For similar provisions, §§ 304.155.5 304.155.6 (2004), 304.155.11 304.155.12 (2004), 304.158.1, 304.158.5, 304.158.7, RSMo.

or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other State. The towing company shall notify the owner and any lienholder within ten (10) business days of the date of mailing indicated on the notice sent by the Missouri Department of Revenue pursuant to Section 304.156, RSMo., by certified mail, return receipt requested. The notice shall contain the following:

1. The name, address and telephone number of the storage facility;
2. The date, reason and place from which the abandoned property was removed;
3. A statement that the amount of the accrued towing, storage and administrative costs are the responsibility of the owner, and that storage and/or administrative costs will continue to accrue as a legal liability of the owner until the abandoned property is redeemed;
4. A statement that the storage firm claims a possessory lien for all such charges;
5. A statement that the owner or holder of a valid security interest of record may retake possession of the abandoned property at any time during business hours by proving ownership or rights to a secured interest and paying all towing and storage charges;
6. A statement that, should the owner consider that the towing or removal was improper or not legally justified, the owner has a right to request a hearing as provided in this Section to contest the propriety of such towing or removal;
7. A statement that if the abandoned property remains unclaimed for thirty (30) days from the date of mailing the notice, title to the abandoned property will be transferred to the person or firm in possession of the abandoned property free of all prior liens; and
8. A statement that any charges in excess of the value of the abandoned property at the time of such transfer shall remain a liability of the owner.

F. **Physical Search Of Property.** In the event that the Missouri Department of Revenue notifies the towing company that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the towing company shall attempt to locate documents or other evidence of ownership on or within the abandoned property itself. The towing company must certify that a physical search of the abandoned property disclosed no ownership documents were found and a good faith effort has been made. For purposes of this Section, "good faith effort" means that the following checks have been performed by the company to establish the prior State of registration and title:

1. Check the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a State of possible registration and title;
2. Check the law enforcement report for a license plate number or registration number if the abandoned property was towed at the request of a law enforcement agency;
3. Check the tow ticket/report of the tow truck operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and

4. If there is no address of the owner on the impound report, check the law enforcement report to see if an out-of-state address is indicated on the driver license information.
- G. **Petition In Circuit Court.** The owner of the abandoned property removed pursuant to this Chapter or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue.
- H. **Notice To Owner.**
1. Notice as to the removal of any abandoned property pursuant to this Chapter shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:
 - a. The public agency authorizing the removal; or
 - b. The towing company, where authorization was made by an owner or lessee of real property.
 2. If the abandoned property is stored in any storage facility, a copy of the notice shall be given to the operator of the facility. The notice provided for in this Section shall include the amount of mileage if available shown on the abandoned property at the time of removal.
- I. **Tow Truck Requirements.** Any towing company which tows abandoned property for hire shall have the towing company's name, City and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.
- J. **Storage Facilities.** Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Chapter shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.
- K. **Disposition Of Towed Property.** Notwithstanding the provisions of Section 301.227, RSMo., any towing company who has complied with the notification provisions in Section 304.156, RSMo., including notice that any property remaining unredeemed after thirty (30) days may be sold as scrap property, may then dispose of such property as provided in this Subsection. Such sale shall only occur if at least thirty (30) days have passed since the date of such notification, the abandoned property remains unredeemed with no satisfactory arrangements made with the towing company for continued storage, and the owner or holder of a security agreement has not requested a hearing as provided in Section 304.156, RSMo. The towing company may dispose of such abandoned property by selling the property on a bill of sale as prescribed by the Director of Revenue to a scrap metal operator

or licensed salvage dealer for destruction purposes only. The towing company shall forward a copy of the bill of sale provided by the scrap metal operator or licensed salvage dealer to the Director of Revenue within two (2) weeks of the date of such sale. The towing company shall keep a record of each such vehicle sold for destruction for three (3) years that shall be available for inspection by law enforcement and authorized Department of Revenue officials. The record shall contain the year, make, identification number of the property, date of sale, and name of the purchasing scrap metal operator or licensed salvage dealer and copies of all notifications issued by the towing company as required in this Chapter. Scrap metal operators or licensed salvage dealers shall keep a record of the purchase of such property as provided in Section 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain a junk certificate as provided in Section 301.227, RSMo., on vehicles purchased on a bill of sale pursuant to the Section.

Chapter 220

HUMAN RIGHTS

ARTICLE I In General

Section 220.010. Purposes Of Chapter.

- A. The purposes of this Chapter are:
1. To secure for all individuals within the City freedom from any discriminatory practice made unlawful by Article II of this Chapter.
 2. To implement within the City the policies embodied in Missouri and Federal human rights legislation and to promote cooperation between the City and the State and Federal agencies enforcing that legislation.

Section 220.020. Definitions.

For the purposes of this Chapter, the following terms shall be deemed to have the meanings indicated below:

BECAUSE or BECAUSE OF — As it relates to the adverse decision or action, the protected criterion which was the motivating factor.

COMMISSION — The Missouri Commission on Human Rights.

COMPLAINANT — A person who has filed a complaint with the Commission alleging that another person has engaged in a prohibited discriminatory practice.

DISABILITY — A physical or mental impairment which substantially limits one (1) or more of a person's major life activities, being regarded as having such an impairment, or a record of having such an impairment, which with or without reasonable accommodation does not interfere with performing the job, utilizing the place of public accommodation, or occupying the dwelling in question. For purposes of this Chapter, the term "disability" does not include current, illegal use of or addiction to a controlled substance as such term is defined by Section 195.010, RSMo.; however, a person may be considered to have a disability if that person:

1. Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;
2. Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or

3. Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

DISCRIMINATION — Conduct proscribed herein, taken because of race, color, religion, national origin, ancestry, sex, or age as it relates to employment, disability or familial status as it relates to housing.

DWELLING — Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

FAMILIAL STATUS

1. One (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with:
 - a. A parent or another person having legal custody of such individual; or
 - b. The designee of such parent or other person having such custody, with the written permission of such parent or other person.
2. The protection afforded against discrimination because of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

HOUSING FOR OLDER PERSONS

1. Housing:
 - a. Provided under any State or Federal program that the Commission determines is specifically designed and operated to assist elderly persons, as defined in the State or Federal program;
 - b. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
 - c. Intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit.
2. Housing qualifies as housing for older persons under this Chapter if:
 - a. The housing has significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons; and
 - b. At least eighty percent (80%) of the units are occupied by at least one (1) person fifty-five (55) years of age or older per unit; and
 - c. The owner or manager of the housing has published and adhered to policies and procedures which demonstrate an intent by said owner or manager to provide housing for persons fifty-five (55) years of age or older.

PERSON — Includes one (1) or more individuals, corporations, partnerships, associations,

organizations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries or other organized groups of persons.

PLACES OF PUBLIC ACCOMMODATION — All places or businesses offering or holding out to the general public goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public or such public places providing food, shelter, recreation and amusement, including, but not limited to:

1. Any inn, hotel, motel or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five (5) rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his/her residence;
2. Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment;
3. Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof;
4. Any motion-picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment;
5. Any public facility owned, operated or managed by or on behalf of this State or any agency or subdivision thereof, or any public corporation; and any such facility supported in whole or in part by public funds;
6. Any establishment which is physically located within the premises of any establishment otherwise covered by this Section or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.

RENT — Includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant.

RESPONDENT — A person who is alleged to have engaged in a prohibited discriminatory practice in a complaint filed with the Commission.

UNLAWFUL DISCRIMINATORY PRACTICE — Any act that is unlawful under this Chapter.

ARTICLE II **Discriminatory Practices**

Section 220.030. Unlawful Housing Practices.

- A. It shall be an unlawful housing practice:
 1. To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable a dwelling to any person because of race, color, religion, national origin, ancestry, sex, disability or familial status.

2. To 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, color, religion, national origin, ancestry, sex, disability or familial status.
 3. To 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 because of race, color, religion, national origin, ancestry, sex, disability or familial status, or an intention to make any such preference, limitation or discrimination.
 4. To represent to any person because of race, color, religion, national origin, ancestry, sex, disability or familial status that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
 5. 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 of a person or persons because of a particular race, color, religion, national origin, ancestry, sex, disability or familial status.
 6. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of:
 - a. That buyer or renter;
 - b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
 - c. Any person associated with that buyer or renter.
 7. To 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 with such dwelling, because of a disability of:
 - a. That person;
 - b. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or
 - c. Any person associated with that person.
- B. For purposes of Sections 220.030, 220.040 and 220.050, "discrimination" includes:
1. A refusal to permit, at the expense of the person with the disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 2. A refusal to make reasonable accommodations in rules, policies, practices or services

when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

3. In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:
 - a. The public use and common use portions of such dwellings are readily accessible to and usable by persons with a disability;
 - b. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by persons with a disability in wheelchairs; and
 - c. All premises within such dwellings contain the following features of adaptive design:
 - (1) An accessible route into and through the dwelling;
 - (2) Light switches, electrical outlets, thermostats and other environmental controls in accessible locations;
 - (3) Reinforcements in bathroom walls to allow later installation of grab bars; and
 - (4) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- C. As used in Subsection (B)(3) of this Section, the term "covered multifamily dwelling" means:
1. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and
 2. Ground floor units in other buildings consisting of four (4) or more units.
- D. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for people with physical disabilities, commonly cited as "ANSI A117.1," suffices to satisfy the requirements of Subsection (B)(3)(a) of this Section.

Section 220.040. Discrimination In Commercial Real Estate Loans.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to deny a loan or other financial assistance because of race, color, religion, national origin, ancestry, sex, disability or familial status to a person applying therefor for the purpose of purchasing, construction, improving, repairing or maintaining a dwelling, or to discriminate against him/her in fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of the race, color, religion, national origin, ancestry, sex, disability or familial status of such person or of any person associated with him/her in connection with such loan or other financial assistance,

or of the present or prospective owners, lessees, tenants or occupants of the dwellings in relation to which such loan or other financial assistance is to be made or given.

Section 220.050. Discrimination In Selling Or Renting By Real Estate Agencies Prohibited.

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization or facility relating to the business of selling or renting dwellings because of race, color, religion, national origin, ancestry, sex, disability or familial status.

Section 220.060. Discrimination In Public Accommodations Prohibited — Exceptions.

- A. All persons within the City of Center are free and equal and shall be entitled to the full and equal use and enjoyment within this State of any place of public accommodation, as hereinafter defined, without discrimination or segregation because of race, color, religion, national origin, sex, ancestry or disability.
- B. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person or to attempt to refuse, withhold from or deny any other person any of the accommodations, advantages, facilities, services or privileges made available in any place of public accommodation, as defined in Section 220.020 and this Section, or to segregate or discriminate against any such person in the use thereof because of race, color, religion, national origin, sex, ancestry or disability.
- C. The provisions of this Section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association or society or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in Section 220.020 and this Section.

Section 220.070. Additional Unlawful Discriminatory Practices.

- A. It shall be an unlawful discriminatory practice:
 - 1. To aid, abet, incite, compel or coerce the commission of acts prohibited under this Chapter or to attempt to do so;
 - 2. To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this Chapter or because such person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this Chapter;
 - 3. For the City to discriminate on the basis of race, color, religion, national origin, sex, ancestry, age as it relates to employment, disability or familial status as it relates to housing; or
 - 4. To discriminate in any manner against any other person because of such person's association with any person protected by this Chapter.

Section 220.080. Exemptions.

- A. Nothing in this Chapter shall be construed to invalidate or limit any law of the State or of the City that requires dwellings to be designed and constructed in a manner that affords persons with disabilities greater access than is required by this Chapter.
- B. Nothing in Sections 220.030, 220.040 and 220.050:
 - 1. Requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
 - 2. Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision of said Sections regarding familial status apply with respect to housing for older persons.
 - 3. Shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 195.010, RSMo.
- C. Nothing in this Chapter shall prohibit a religious organization, association or society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this Chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.
- D. Nothing in this Chapter, other than the prohibitions against discriminatory advertising in Subsection (A)(3) of Section 220.030, shall apply to:
 - 1. The sale or rental of any single-family house by a private individual owner, provided the following conditions are met:
 - a. The private individual owner does not own or have any interest in more than three (3) single-family houses at any one time; and
 - b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this Section applies to only one (1) such sale in any twenty-four-month period; or
 - 2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his/her residence.

Chapter 225

EMERGENCY MANAGEMENT

Section 225.010. Establishment.

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

Section 225.020. Organization.

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

Section 225.030. Functions.

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

Section 225.040. Director.

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

Section 225.050. Scope Of Operation.

- A. The City of Center in accordance with Chapter 44, RSMo., may:
 1. Appropriate and expend funds, make contracts, obtain and distribute equipment,

materials and supplies for emergency management purposes; provide for the health and safety of persons, the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State Governments; and

2. Appoint, provide or remove rescue teams, auxiliary fire and police personnel and other emergency operation teams, units or personnel who may serve without compensation.

Section 225.060. Mutual Aid Agreements.

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

Section 225.070. City May Accept Services, Etc.

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

Section 225.080. Oath.

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

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

Section 225.090. Office Space.

The Mayor is authorized to designate space in any City-owned or leased building for the Center Emergency Management Organization.

Chapter 230

SOLID WASTE

Section 230.010. Definitions.

For the purposes of this Chapter, the following terms shall be deemed to have the meanings indicated below:

BULKY RUBBISH — Non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors with the equipment available therefor.

CITY — The City of Center, Missouri.

COLLECTION — Removal of solid waste from its place of storage to the transportation vehicle.

COMMERCIAL SOLID WASTE — All solid waste generated from a source other than a dwelling unit.

CONTRACTOR — Such person, firm or corporation as may be contracted with to provide solid waste transportation and disposal for the City.

CURBSIDE — A location adjacent to and not more than five (5) feet from any street.

DISPOSABLE SOLID WASTE CONTAINER — Disposable plastic or paper sacks with a capacity of twenty (20) gallons to thirty-nine (39) gallons or, if specifically designated for storage of solid waste, a maximum of fifty-five (55) gallons.

DWELLING UNIT — Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating. Units of multiple-housing facilities may be billed as dwelling units upon request by the owner of said dwelling units.

GARBAGE — Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

HAZARDOUS WASTES — Any waste or combination of wastes, as determined by the Hazardous Waste Management Commission by rules and regulations, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a present or potential threat to the health of humans or the environment.

MAJOR APPLIANCES — Clothes washers and dryers, water heaters, trash compactors,

dishwashers, conventional ovens, ranges, stoves, wood stoves, air-conditioners, refrigerators and freezers.

OCCUPANT — Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

PERSON — Any individual, partnership, limited liability company, corporation, association, trust, institution, city, county, other political subdivision, authority, State agency or institution, or federal agency or institution, or any other legal entity. As applied to partnerships or associations, the word includes the partners or members thereof; and as applied to corporations, it includes the officers, agents or employees thereof who are responsible for the act referred to.

PROCESSING — Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

PROHIBITED ITEMS — Items which are eliminated by State law from being disposed of in a solid waste disposal area, including, but not limited to, major appliances, waste oil, lead acid batteries, waste tires and the like as the same may be now or hereafter defined by State law.

RESIDENTIAL SOLID WASTE — Solid waste resulting from the maintenance and operation of dwelling units.

SOLID WASTE — Garbage, refuse and other discarded materials, including, but not limited to, solid and semisolid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in Sections 260.360 to 260.432, RSMo., recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting. Solid waste does not include "yard waste" as defined herein.

SOLID WASTE CONTAINER — Receptacle used by any person to store solid waste during the interval between solid waste collections.

SOLID WASTE DISPOSAL — The process of discarding or getting rid of unwanted material. In particular the final disposition of solid waste by man.

SOLID WASTE MANAGEMENT — The entire solid waste system of storage, collection, transportation, processing and disposal.

STORAGE — Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

TRANSPORTATION — The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

YARD WASTE — Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

Section 230.020. Solid Waste Storage.

- A. The occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of

the City shall provide sufficient and adequate containers for the storage of all solid waste, except bulky rubbish and demolition and construction waste, to serve each such dwelling unit and/or establishment and to maintain such solid waste containers at all times in good repair.

- B. The occupant of every dwelling unit and of every institutional, commercial, business, industrial or agricultural establishment shall place all solid waste to be collected in proper solid waste containers and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Accumulation of waste in suitable containers shall not be stored upon any site in the City for a period longer than seven (7) days.
- C. Residential solid waste shall be stored in containers as provided by the current solid waste hauler or of not more than thirty-nine (39) gallons nor less than twenty (20) gallons in nominal capacity, except that residential solid waste may be stored in trash bags of adequate strength in a size not to exceed fifty-five (55) gallons. All containers, including bags, shall be leakproof and waterproof, flytight and properly covered, tied or enclosed, except when depositing waste therein or removing the contents thereof. Containers other than bags shall have handles, bails or other suitable lifting devices or features. Containers other than bags shall be of a type originally manufactured for residential solid waste with tapered sides for easy emptying. They shall be of lightweight and sturdy construction. The weight of any individual container, including bags and its contents, shall not exceed seventy-five (75) pounds. Galvanized metal containers or rubber, fiberglass or plastic containers which do not become brittle in cold weather may be used in addition to bags. Disposable solid waste containers with suitable frames or containers as approved by the City may also be used for storage of residential solid waste. Galvanized metal containers or rubber, fiberglass or plastic containers with suitable frames or containers as approved by the City may also be used for storage of residential solid waste.
- D. Commercial solid waste shall be stored in solid waste containers as approved by the Board of Aldermen. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by Section 230.070.
- E. Solid waste containers which are not approved will be collected together with their contents and disposed of.

Section 230.030. Collection Of Solid Waste.

- A. The City shall provide for the collection of solid waste as follows:
 - 1. Collection Of Residential Solid Waste. The City shall provide for the collection of residential solid waste in the City; provided, however, that the City may provide the collection service by contracting with a person, County or other City or a combination thereof for the entire City or portions thereof as deemed to be in the best interests of the City.
 - 2. Other Collections. The City may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or persons in charge

thereof. However, in the event that such application is not made or approved, it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises in a manner approved by City. If and when the City does provide commercial collection service, the provisions herein concerning such service shall apply.

- B. All solid waste from premises to which collection services are provided under contract with the City shall become the property of the collection agency upon being loaded into the transportation equipment.
- C. Solid waste containers as required by this Chapter for the storage of residential solid waste shall be placed at curbside for collection but shall not be so placed until after 6:00 P.M. on the day next preceding the regularly scheduled collection day. Containers shall be removed from curbside no later than 8:00 P.M. on the day of collection. No alley service shall be allowed under the terms of this Chapter, except as approved by the Board of Aldermen.
- D. Individuals desiring the collection of bulky rubbish shall deal directly with those licensed by the City for the collection of the same.
- E. Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.
- F. It shall be the responsibility of the occupants of each dwelling unit to prepare, package and deliver solid waste to curbside for collection as prescribed in this Chapter and as it may be amended from time to time.
- G. It shall be the responsibility of each commercial, industrial, institutional or other non-residential generator of solid waste to prepare, package and store solid waste so generated as prescribed by this Chapter and as it may be amended from time to time.
- H. It shall be the responsibility of every solid waste collector to abide by this Chapter and receive and transport solid waste in a manner consistent with the provisions of this Chapter.
- I. The following collection frequencies shall apply to collections of solid waste within the City: All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. All commercial solid waste shall be collected once weekly and shall be collected at such lesser intervals as may be fixed by the Board of Aldermen upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.
- J. Residential solid waste containers shall be stored upon the residential premises. Except as provided in Subsection (C) hereof, all solid waste containers stored out-of-doors shall be stored behind any building located on the tract of land. Commercial solid waste containers shall remain in the location from which they are to be serviced except while being serviced.
- K. All solid waste collectors operating under contract with the City or otherwise collecting solid waste within the City limits shall be responsible for the collected solid waste from the point of collection to the point of disposal, provided the solid waste was stored in

compliance with the applicable Sections of this Chapter. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

- L. It shall be unlawful for any person, firm or corporation collecting and disposing of rubbish, garbage or waste material from premises in the residential districts or premises in any commercial district which abuts or adjoins a residential district in the City to make such collection or dispose of rubbish, garbage or waste materials between the hours of 8:00 P.M. and 6:00 A.M.

Section 230.040. Transportation Of Solid Waste.

- A. All transportation vehicles shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste or, as an alternative, the entire bodies thereof shall be enclosed with only loading hoppers exposed. Provided, however, other vehicles may be used to transport bulky rubbish which because of its size or weight is not susceptible to being loaded or unloaded in vehicles described above, but in no event shall such vehicles be operated without adequate cover or binding to prevent spillage or waste therefrom and in accordance with the rules and regulations made by the Board of Aldermen.
- B. Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities. However, all such material shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.
- C. Transportation and disposal of demolition and construction wastes shall be in accordance with this Section and Section 230.050.

Section 230.050. Disposal Of Solid Waste.

- A. Solid wastes shall be deposited at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.255, RSMo., and the rules and regulations adopted thereunder. The City may designate the processing or disposal facility to be utilized by persons holding permits under this Chapter.
- B. The Board of Aldermen may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Board of Aldermen which will meet all local, State and Federal regulations.

Section 230.060. (Reserved)

Section 230.070. Rules And Regulations.

- A. The Board of Aldermen may make, amend, revoke and enforce reasonable and necessary rules and regulations governing, but not limited to:
1. Preparation, drainage and wrapping of garbage deposited in solid waste containers.
 2. Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.
 3. Identification of solid waste containers, and of the covers thereof, and of equipment thereto appertaining, if any.
 4. Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
 5. Storage of solid waste in solid waste containers.
 6. Sanitation, maintenance and replacement of solid waste containers.
 7. Schedules of and routes for collection and transportation of solid waste.
 8. Collection points of solid waste containers.
 9. Collection, transportation, processing and disposal of solid waste.
 10. Processing facilities and fees for the use thereof.
 11. Disposal facilities and fees for the use thereof.
 12. Records of quantity and type of wastes received at processing and/or disposal facilities.
 13. Handling of special wastes such as toxic wastes, sludge, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.
- B. The City Clerk or such other City Official who is responsible for preparing utility or other service charge billings for the City is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for, subject to the approval of the Board of Aldermen.
- C. A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk of the City.

Section 230.080. Prohibited Practices.

- A. It shall be unlawful for any person to:
1. Deposit solid waste in any solid waste container other than his/her own without the written consent of the owner of such container and/or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal.
 2. Interfere in any manner with solid waste collection and transportation equipment or

with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City, those of a solid waste collection agency operating under contract with the City, or any duly licensed collector.

3. Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Division of Health.
4. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a permit from the City, or operate under an expired permit, or operate after a permit has been suspended or revoked.

Section 230.090. Bonds.

The Board of Aldermen may require performance or payment bonds of any solid waste collection agency prior to issuing permits to so operate.

Chapter 235

PARK REGULATIONS

Section 235.010. Curfew In Mason Park. [Ord. No. 166 § 74.320, 10-11-1999]

- A. It shall be unlawful for any person to be or remain upon the property known as "Mason Park" in the City of Center, Missouri, between the hours of 10:00 P.M. and the following 5:00 A.M. unless:
 - 1. Such person has obtained approval from the majority of the Board of Aldermen of the City of Center to remain in Mason Park past the curfew for a prearranged special event or activity.
- B. The provisions relating to "general penalty" and "everyday violation" of Chapter 100, Article III, of this Code shall apply with the same effect to violations of this Chapter.

Section 235.020. Dogs In Parks Prohibited. [Ord. No. 210 § 1, 6-6-2012]

- A. It shall be unlawful for any person, firm, corporation or other legal entity to allow any dog, whether restrained or unrestrained, upon or about the City park property located within the City of Center, Missouri.
- B. A violation shall occur if the owner and/or possessor of the animal allows said animal on or upon the City park grounds.
- C. The City shall cause signage to be erected to notify the public of the provisions of this Section.
- D. A violation of this Section shall be punishable by a fine of not more than five hundred dollars (\$500.00).