

**Chapter 75 – Offenses**

**Subchapter A -- Definitions**

**75.010. Definitions.** As used in this Chapter, all phrases or words defined in Chapters 560 through 589 of the state statutes shall have the same meaning herein.

**Subchapter B – Offenses Against the Person**

**75.110. Assault.** It shall be unlawful to commit the offense of assault or attempted assault of a person. A person commits the offense of assault if:

- a. The person attempts to cause or through gross recklessness causes physical injury to another person, or
- b. The person knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative, or
- c. The person knowingly causes physical contact with another person when such contact would be offensive or provocative to an ordinary person of ordinary sensibilities, or
- d. With criminal negligence or intent the person causes physical injury to another person by means of a weapon, or
- e. The person commits an act which would cause an ordinary person to be in apprehension of immediate physical injury under the circumstances, or
- f. The person knowingly causes physical contact with an incapacitated person, as defined in Section 475.010 RSMo., which a reasonable person who is incapacitated, would consider offensive or provocative.

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

**75.115. Assaulting a law enforcement officer.** It shall be unlawful for a person to assault a law enforcement officer. A person commits the offense of assaulting a law enforcement officer, if:

- a. The person attempts to cause or through gross recklessness cause physical injury to a law enforcement officer, or
- b. The person knowingly causes physical contact with a law enforcement officer knowing the law enforcement officer will regard the contact as offensive or provocative, or
- c. The person knowingly causes physical contact with a law enforcement officer when such contact would be offensive or provocative to a law enforcement officer of ordinary sensibilities, or
- d. With criminal negligence or intent the person causes physical injury to a law enforcement officer by means of a weapon, or
- e. The person commits an act which would cause a law enforcement officer to be in apprehension of immediate physical injury under the circumstances, or
- f. If a person, who has been placed under arrest by a law enforcement officer, escapes or attempts to escape, and makes forceful physical contact with such law enforcement officer.

**75.116. Assaulting a city employee.** It shall be unlawful for a person to assault a city employee. A person commits the offense of assaulting a city employee, if:

- a. The person attempts to cause or causes physical injury to a city employee, or
- b. The person knowingly causes physical contact with a city employee knowing the employee will regard the contact as offensive or provocative, or
- c. The person knowingly causes physical contact with a city employee when such contact would be offensive or provocative to an employee of ordinary sensibilities, or
- d. With criminal negligence or intent the person causes physical injury to a city employee by means of a weapon, or
- e. The person commits an act which would cause a city employee to be in apprehension of immediate physical injury under the circumstances.

Any person found guilty of the offense of assaulting a city employee may be subject to a fine of up to \$500.00 or thirty days of incarceration, or both.

**75.120. Consent as a defense.** When conduct is charged to constitute an offense because it causes or threatens physical injury, consent to that conduct or to the infliction of the injury is a defense only if:

1. The physical injury consented to or threatened by the conduct is not serious physical injury; or
2. The conduct and the harm are reasonably foreseeable hazards of:
  - a. The victim's occupation or profession; or
  - b. Joint participation in a lawful athletic contest or competitive sport; or
  - c. The consent establishes a justification for the conduct under Chapter 563 of the state statutes.
3. The defendant shall have the burden of injecting the issue of consent.

**75.130. Harassment.** It shall be unlawful for a person to commit the offense of harassment of another person. A person commits the offense of harassment if for the purpose of frightening or disturbing another person, he or she:

- a. Communicates verbally, in writing, by telephone, or by e-mail a threat to commit any misdemeanor or felony, or
- b. Verbally, in writing, by telephone, or by e-mail uses coarse language offensive to one's average sensibility, or
- c. Makes an anonymous telephone call or uses a false name or identification and makes heavy breathing sounds, sexual connotations, or other threatening noises or comments, or
- d. Makes repeated telephone calls after being asked by the receiver of the calls to discontinue calling.
- e. Any other act where a person with average sensibility would feel frightened or disturbed.

**75.135. Penalties.** Any person found guilty of the offense of assaulting a person, assaulting a law enforcement officer, or harassment, shall be deemed to have violated the appropriate section herein and may be subject to a fine of up to \$500.00 or thirty days of incarceration, or both. In addition, a person found guilty may be ordered to make restitution in the amount of any doctor or hospital bills or any expense charged by a telephone company for tracing telephone calls, un-listing the victim's telephone number or changing the victim's telephone number.

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

**75.141. Defenses to false imprisonment.**

1. A person does not commit false imprisonment under Section 75.040 if the person restrained is a child under the age of seventeen and

a. A parent, guardian or other person responsible for the general supervision of the child's welfare has consented to the restraint; or

b. The actor is a relative of the child; and

1. The actor's sole purpose is to assume control of the child; and

2. The child is not taken out of the State of Missouri.

2. For the purpose of this Section, "relative" means a parent or stepparent, ancestor, sibling, uncle or aunt, including an adoptive relative of the same degree through marriage or adoption.

3. The defendant shall have the burden of injecting the issue of a defense under this Section.

**75.150. Interference with custody.** A person commits the crime of interference with custody if, knowing that he has no legal right to do so, he takes or entices from lawful custody any person entrusted by order of a court to the custody of another person or institution.

### **Subchapter C -- Sexual Offenses**

**75.210. Indecent exposure.** A person commits the offense of indecent exposure if he knowingly exposes his genitals under circumstances in which he knows that his conduct is likely to cause affront or alarm.

**75.220. Prostitution.** A person commits the offense of prostitution if he performs an act of prostitution.

**75.230. Patronizing prostitution.** A person commits the offense of patronizing prostitution if he patronizes prostitution.

**75.230. Promoting prostitution.** A person commits the offense of promoting prostitution if he knowingly promotes prostitution.

### **Subchapter D -- Offenses Against Property**

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

**75.310. Tampering.** A person commits the offense of tampering if he:

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

**75.320. Property damage.** A person commits the offense of property damage if:

1. He knowingly damages property of another; or
2. He damages property for the purpose of defrauding an insurer.

**75.330. Claim of right.** 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 does so under a claim of right and has reasonable grounds to believe he has such a right.

**75.340. Trespass.** A person commits the offense of trespass if he enters unlawfully upon real property of another. This is an offense of absolute liability.

**75.350. Breaking and entering.** A person commits the offense of breaking and entering when he knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure for the purpose of committing an offense therein.

**75.360. Possession of burglar's tools.** A person commits the offense of possession of burglar's tools if he possesses any tool, instrument or other article adapted, designed or commonly used for committing or facilitating offenses involving forcible entry into premises, with a purpose to use, or knowledge that some person has the purpose of using the same, in making an unlawful forcible entry into a building or inhabitable structure or a room thereof.

### **Subchapter E -- Stealing and Related Offenses**

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

**75.401. Lost property.**

1. A person who appropriates lost property shall not be deemed to have stolen that property within the meaning of Section 75.400 unless such property is found under circumstances which gave the finder knowledge of or means of inquiry as to the true owner.
2. The defendant shall have the burden of injecting the issue of lost property.

**75.402. Claim of right.**

1. A person does not commit an offense under Section 75.400 if, at the time of the appropriation, he

- a. Acted in the honest belief that he had the right to do so; or
- b. Acted in the honest belief that the owner, if present, would have consented to the appropriation.

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

**75.410. Receiving stolen property.**

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

2. Evidence of the following is admissible in any prosecution under this Section to prove the requisite knowledge or belief of the alleged receiver:

- a. That he was found in possession or control of other property stolen on separate occasions from two or more persons;
- b. That he received other stolen property in another transaction within the year preceding the transaction charged;
- c. That he acquired the stolen property for a consideration which he knew was far below its reasonable value.

**75.420. Fraudulent use of a credit devise.** A person commits the offense of fraudulent use of a credit devise if he uses a credit devise 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 use of the device is unauthorized.

**75.430. Passing Bad Check Prohibited.** A person commits the offense of passing a bad check when:

- 1. With purpose to defraud, he/she makes, issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee; or
- 2. He/she makes, issues, or passes a check or other similar sight order for the payment of money, knowing that there are insufficient funds in his/her account or that there is no such

account or no drawee and fails to pay the check or sight order within ten 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.

3. As used in Section (1), actual notice in writing means notice of the nonpayment which is actually received by the defendant. Such notice may include the service of summons 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 contains information of the ten (10) day period during which the instrument may be paid and that payment of the instrument within such ten (10) day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

### Subchapter F -- Weapons Offenses

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

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

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

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

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

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

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

**EXPLOSIVE WEAPON:** Any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**75.451 Weapons – Unlawful Use**

1. A person commits the offense of unlawful use of weapons, except as otherwise provided by Missouri Statutes 571.101 to 571.121, 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 Missouri Statutes 571.107; 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 Missouri Statute 302.010, or any building or structure used for the assembling of people; or
- (4) Exhibits, in the presence of one 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 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 Missouri Statute 301.010, 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 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 Missouri Statute 579.015.

2. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to the persons described in this subsection, regardless of whether such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties except as

otherwise provided in this subsection. Subdivisions (3), (4), (6), (7), and (9) of subsection 1 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 Missouri Statutes 590.030 to 590.050 and who possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired peace officers, as defined in subsection 12 of this section, and who carry the identification defined in subsection 13 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. Section 44921, regardless of whether such officers are on duty, or within the law enforcement agency's jurisdiction;
- (7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;
- (8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the department of public safety under section 590.750;
- (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 Missouri Statute subsection 2 of section 571.111;
- (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 Missouri Statute 571.111 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.

3. Subdivisions (1), (5), (8), and (10) of subsection 1 of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person nineteen years of age or older or eighteen 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. Subdivision (10) of subsection 1 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.

4. Subdivisions (1), (8), and (10) of subsection 1 of this section shall not apply to any person who has a valid concealed carry permit issued pursuant to Missouri Statutes 571.101 to 571.121, 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.

5. Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection 1 of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to Missouri Statute 563.031.

6. 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.

7. 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.

#### **74.452 Restrictions on Certain Weapons**

A. Except as provided in Subsection (B) of this Section, it shall be unlawful for any person to knowingly possess, manufacture, transport, repair or sell:

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 machine gun;
4. A gas gun;
5. A short-barreled rifle or shotgun;

6. A firearm silencer;
7. A switchblade knife;
8. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or
9. Knuckles.

B. A person does not commit an offense under this Section if his/her conduct:

1. Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency or a penal institution;
2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in Paragraph (1) of this Subsection;
3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise;
4. Was incident to displaying the weapon in a public museum or exhibition; or
5. Was incident to dealing with the weapon solely as a curio, ornament, or keepsake, or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon is the type described in Paragraphs (1), (3) or (5) of Subsection (A) of this Section it must be in such a non-functioning condition that it cannot readily be made operable. No barreled rifle, short-barreled shotgun, or machine gun may be possessed, manufactured, transported, repaired or sold as a curio, ornament, or keepsake unless such person is an importer, manufacturer, dealer, or collector licensed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968, U.S.C. Title 18, or unless such firearm is an "antique firearm" as defined in Subsection (3) of Section 571.080, RSMo., or unless such firearm has been designated a "collector's item" by the Secretary of the Treasury pursuant to the U.S.C. Title 26, Section 5845(a).

#### **75.470 Concealed Firearms in City Buildings**

1. No person who has been issued a concealed carry permit or endorsement shall be allowed to carry a concealed firearm in any building or portion of a building owned, leased or controlled by the City.
2. Any building or portion of a building in which the carrying of concealed firearms is prohibited shall be clearly identified by signs posted at the entrance to the restricted area.
3. This section shall not apply to buildings used for public housing by private persons, highways or rest areas, firing ranges, or private dwellings owned, leased or controlled by the City.
4. Any person violating this section may be denied entrance to the building or ordered to leave the building. Any City employee violating this section may be disciplined. No other penalty shall be imposed for a violation of this section.

## Subchapter G -- Gambling

**75.510. Preemption.** The state legislature, in enacting Chapter 572 of the state law (and specifically Section 572.100 RSMo.) has provided that no city may enact or enforce a law that regulates gambling activity. The municipal police, however, retain their authority to enforce the state statutes including those found in Chapter 572 of the state law. All arrests for gambling activity are to be prosecuted under the state law.

## Subchapter J -- Offenses Against Public Order

**75.550. Peace disturbance.** It shall be unlawful for a person to disturb the peace of a person or persons. A person commits the offense of peace disturbance, if:

- a) He or she unreasonably and knowingly disturbs or harms another person or persons by:
1. Creating a loud noise which would disturb the senses of an ordinary reasonable person, or
  2. Uses offensive language addressed in a face to face manner to a specific individual and under circumstances which are likely to produce an immediate violent response from a reasonable recipient, or
  3. Threatens to commit a crime against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out, or
  4. Engages in fighting with another person in a public place or an open area where the public could observe, unless it is in self-defense. Self-defense is defined as attempting to prevent another person from physically harming the defending person or an attempt to disarm a person who is threatening to use a weapon or object which could cause physical harm.
  5. By unreasonably, intentionally or purposely and physically obstructing vehicular or pedestrian traffic or the egress or ingress to and from a public or private place, without the consent of the owner of the private place.
  6. A person also commits the offense of peace disturbance by unruly conduct if the person who owns, maintains, leases or is otherwise in possession or control of any real property permits or allows persons thereon to conduct themselves in a loud or unruly manner so as to cause hurt, injury annoyance, inconvenience or danger to the public or a member thereof and shall be the duty of such person in possession or control of such real property to take steps as are reasonably available to him or her to disperse such loud or unruly persons.

**75.555. Penalties.** Any person found guilty of the offensive disturbing the peace of another person or persons, shall be deemed to have violated the appropriate section herein and may be subject to a fine of up to \$500.00 or thirty days of incarceration, or both. In

addition, a person found guilty may be ordered to make restitution in the amount of any doctor or hospital bills.

**75.560. Unlawful assembly.** A person commits the offense of unlawful assembly if he knowingly assembles with six or more other persons and agrees with such persons to violate any of the criminal laws of this state or of the United States with force or violence.

**75.561. Rioting.**

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

**75.570. Loitering definitions.**

1. Loitering shall mean remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; to stand around and shall also include the colloquial expression "hanging around."

2. Public place shall mean any place to which the general public has access and a right to 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.

**75.572. Loitering; police order to disperse; penalty.**

1. It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such manner so as to:

a. 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.

b. 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.

2. When any person causes or commits any of the conditions enumerated in Subsection 1 herein, 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 the section.

**75.573      Basketball goals and courts.**

1. Permanent basketball goals and courts may be located and used only in owners' back or side yards, subject to City approval, and should not create a nuisance for neighbors.
2. Portable basketball goals may be used in front yards only on owner's driveway, subject to restrictions described below. The presence of a small or sloping driveway does not waive or limit these restrictions.
  - a) To prevent unsightly conditions, goals should be stored out of sight from the street when not in use.
  - b) Goals must not be placed on sidewalks, streets, public right-of-way, or neighbors' property.
  - c) Goals must be placed in an inconspicuous location on the owner's own lot, adjacent to and facing the driveway, and at least six feet away from all sidewalks, streets, public right-of-ways, and neighbors' property lines.
  - d) Goals must not be positioned to encourage playing on a sidewalk, street, public right-of-way, or neighbors' property.
  - e) Goals, players, or balls must not be permitted to damage surrounding landscape, structures, vehicles, or signage.
3. It shall be unlawful for any person to play ball upon any City street or right-of-way; it shall be unlawful to throw any ball to or from any street within the City.

**75.580.      Disorderly conduct definitions.**

1. Public place shall mean any place to which the general public has access and a right to 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, area or parks.
2. Riot shall mean a public disturbance involving:
  - a. An act or acts of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or the person of any other individual; or
  - b. A threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.
3. Incite a riot shall mean, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written:

- a. Advocacy of ideas, or
- b. Expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.

**75.582. Disorderly conduct prohibited.** A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, he willfully does any of the following acts in a public place:

1. Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, injury to his limb or health;
2. Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
3. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;
4. Interferes with another's pursuit of a lawful occupation by acts of violence;
5. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the city police or other lawful authority known to be such;
6. Is in a public place under the influence of an intoxicating liquor or drug in such condition as to be unable to exercise care for his own safety or the safety of others;
7. Resists or obstructs the performance of duties by city police or any other authorized official of the City, when known to be such an official;
8. Incites, attempts to incite, or is involved in attempting to incite a riot.
9. Addresses abusive language or threats to any member of the police department, any other authorized official of the City who is engaged in lawful performance of his duties, or any other person when such words have a tendency to cause acts of violence. Words merely causing displeasure, annoyance or resentment are not prohibited.
10. Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition;
11. Makes or causes to be made by loud, boisterous and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, lane, alley, park, square or common, whereby the public peace is broken or disturbed, or the traveling public annoyed;

12. Fails to obey a lawful order to disperse by police officer when known to be such an official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened;

13. Uses abusive or obscene language or makes an obscene gesture.

**75.585. Exemptions.** Sections 75.570 through 75.582 shall not be construed to suppress the right to lawful assembly, picketing, public speaking, or other lawful means of expressing public opinion not in contravention of other laws.

**75.590. 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 knowingly fails or refuses to obey the lawful command of a law enforcement officer to depart from the scene of such assembly or riot.

**75.591 Failure to comply.**

A. It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a City police officer or other law enforcement officer, sheriff, or deputy acting in the performance of his/her duty within the City limits.

B. Any person violating any provision of this Section shall be deemed guilty of a misdemeanor and on such finding of guilt, shall be punishable by a fine of up to five hundred dollars (\$500.00) and or up to ten (10) days in jail.

### **Subchapter I -- Offenses Against the Administration of Justice**

**75.600. Concealing an offense.** A person commits the offense of concealing an offense if:

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

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

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 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.

**75.620. False reports.**

1. A person commits the offense of making a false report if he knowingly:
  - a. Gives false information to a law enforcement officer for the purpose of implicating another person in a crime; or
  - b. Makes a false report to a law enforcement officer that a crime has occurred or is about to occur; or
  - c. Makes false report or causes a false report to be made to a law enforcement office, 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.
2. It is a defense to a prosecution under Subsection 1 of this Section that the actor retracted the false statement or report before the law enforcement officer or any other person took substantial action in reliance thereon.
3. The defendant shall have the burden of injecting the issue of retraction under Subsection 2 of this Section.

**75.630. Refusal to identify as a witness.** A person commits the offense of refusal to identify as a witness if, knowing he has witnessed any portion of a crime, or of any other incident resulting in physical injury or substantial property damage, upon demand by a law enforcement officer engaged in the performance of his official duties, he refuses to report or gives a false report of his name and present address to such officer.

**75.640. Escape from confinement.** A person commits the offense of escape from confinement if, while being held in confinement after arrest for any crime, or while serving a sentence after conviction for any crime, he escapes from confinement.

**75.650. Disturbing a judicial proceeding.** A person commits the offense of disturbing a judicial proceeding if, with purpose to intimidate a judge, attorney, juror, party or witness, and thereby to influence a judicial proceeding, he 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.

**75.660. Tampering with a witness.** A person commits the offense of tampering with a witness if, with purpose to induce a witness or a prospective witness in an official proceeding to disobey a subpoena or other legal process, or to absent himself or avoid subpoena or other legal process, or to withhold evidence, information or documents, or to testify falsely, he:

1. Threatens or causes harm to any person or property; or
2. Uses force, threats or deception; or
3. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness.

**75.670. Improper communication.** A person commits the crime of improper communication if he 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.

### **Subchapter L -- Alcohol and Drug Offenses**

**75.700. Subchapter definitions.**

1. As used in this Subchapter, the term "**drive**", "**driving**", "**operates**" or "**operating**" means physically driving or operating or being in actual physical control of a motor vehicle.
2. As used in this Subchapter, a person is in an "**intoxicated condition**" when he is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.
3. **Intoxicating liqueur or liquor** shall mean alcohol for beverage purposes, alcoholic, spirits, vinous, fermented, malt or other liquors or combination liquors a part of which is spirituous, vinous or fermented and all preparation of mixture for beverage purposes containing excess of 3.2 alcohol by weight. Nonintoxicating beer shall mean any beer manufactured from pure hops or pure extract of hops and pure barley, malt or other wholesome grain or cereals, wholesome yeast and pure water and free from all harmful substances, preservatives and adulterants and having an alcoholic content of more than one-half (1/2) or one percent (1%) by volume and not exceeding 3.2 percent of alcohol by weight.
4. **Motor vehicle** shall mean a self-propelled vehicle not operated exclusively on tracks.
5. **Motorcycle** shall mean every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground by excluding tractors.
6. **Roadway** shall mean that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. If the highway includes two or more

separate roadways, the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

7. **Street or highway** shall mean every way or place open for vehicular travel by the public regardless of whether it has been established by constituted authority or by use or by the statutory period of time as a public highway.

8. **Truck** shall mean any vehicle machine, tractor trailer, semi-trailer or any combination thereof propelled or drawn by mechanical power and designed to use in the transportation of property upon the highways.

9. **Vehicle** shall mean every device in, upon or by which any person or property is or may be transported upon the highway except devices moved by human power used exclusively upon statutory rails or tracks.

**75.710. Driving while intoxicated.** A person commits the offense of "driving while intoxicated" if he operates a motor vehicle while in an intoxicated or drugged condition.

**75.715. Driving with excessive blood alcohol content.**

1. A person commits the offense of "driving with excessive blood alcohol content" if he operates a motor vehicle in this state with ten-hundredths of one percent or more by weight of alcohol in his blood.

2. As used in this Section, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood and may be shown by chemical analysis of the person's blood, breath, saliva or urine. For the purposes of determining the alcoholic content of a person's blood under this Section, the test shall be conducted in accordance with the provisions of Sections 577.020 to 577.041, RSMo.

**75.717. Same, breath test.** Any person who operates a motor vehicle upon the public streets shall be deemed to have given consent to, subject to state law, a chemical test of his breath for the purpose of determining the alcoholic content of his blood if arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while intoxicated.

1. An arrest without a warrant by a law enforcement officer for a violation of Section 75.710. is lawful whenever an arresting officer has reasonable grounds to believe that the person to be arrested has violated the Section, whether or not the violation occurred in the presence of the arresting officer; provided, however, that any such arrest without warrant must be made within one and one-half hours after such claimed violation occurred.

**75.732. Temporary exception to preceding section.** A responsible organization shall be granted a temporary exception by the City Council after written request is presented in person by a responsible person representing said group or organization and said request is approved by the Council. The written request must include the reason why an exception is needed, for how long it is needed and by which group it is needed.

**75.735. Minor in possession of alcohol.**

1. No person under the age of 21 years shall purchase, attempt to purchase, or possess any intoxicating liquor or nonintoxicating beer.
2. No person under the age of 21 years shall represent that he has attained the age of 21 years in order to purchase, request, obtain or receive any intoxicating liquor or nonintoxicating beer.
3. No person under the age of 21 years shall sell or assist in the sale or dispensation of intoxicating liquor or nonintoxicating beer.
4. No person nor his employee shall sell, give or supply any intoxicating liquor or nonintoxicating beer to any person under the age of 21 years; provided, however, that this Section shall not apply to a parent or guardian who supplies intoxicating liquor or nonintoxicating beer to his child or ward under the age of 21 years within the confines of a private dwelling, nor to a duly licensed physician who administers intoxicating liquor or nonintoxicating beer to a person under the age of 21 years, not to any person who supplies intoxicating liquor or nonintoxicating beer to a person under the age of 21 years solely for medical purposes.

**75.740. Marijuana and hashish.** The possession, sale, distribution or transfer of marijuana in the amounts of 35 grams or less or hashish in the amount of 5 grams or less is unlawful, except in the usual course of business or practice, or in the performance of their official duties by the following persons:

1. Persons licensed under the provisions of Chapters 330, 332,334,338, and 340 RSMo, 1969;
2. Persons who procure controlled substances
  - a. For handling by or under the supervision of persons employed by them, who are licensed under the provisions of Chapters 330, 332, 334, 335, 338, and 340 RSMo, 1969, or
  - b. For the purpose of lawful research, teaching or testing and not for resale;
3. Hospitals and other institutions which procure controlled substances for lawful administration by persons described in Subsection 1;
4. Officers or employees or appropriate enforcement agencies of federal, state or local governments, pursuant to their duties in enforcing the provisions of this Chapter;
5. Manufacturers and wholesalers of controlled substances;
6. Carriers and warehousemen handling or distributing controlled substances or drugs;

7. Persons using controlled substances for medical purposes upon the written prescription or personal dispensation by a person licensed under the provision of Chapter 330, 332, 334, 338, and 340 RSMo, 1969.

8. Any person who violates the provision of this Chapter shall be guilty of a misdemeanor and fined not less than Ten Dollars (\$10.00) and not more than Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for ninety (90) days, or by both such fine and imprisonment.

**75.750. Possession, sale, distribution, or transfer of drug paraphernalia or materials used in the manufacture of drugs.**

It shall be unlawful for any person to possess, sell, distribute, or transfer drug paraphernalia or materials used in the manufacture or use of drugs. Such paraphernalia and material shall include all equipment, products, substances and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or an imitation controlled substance. It shall include, but not be exclusive of, the following:

- (1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- (2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances;
- (3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance or an imitation controlled substance;
- (4) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances;
- (5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or imitation controlled substances;
- (6) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances or imitation controlled substances;
- (7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

- (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or imitation controlled substances;
- (9) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or imitation controlled substances;
- (10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or imitation controlled substances;
- (11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances or imitation controlled substances into the human body;
- (12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
- a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
  - b. Water pipes;
  - c. Carburetion tubes and devices;
  - d. Smoking and carburetion masks;
  - e. Roach clips meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
  - f. Miniature cocaine spoons and cocaine vials;
  - g. Chamber pipes;
  - h. Carburetor pipes;
  - i. Electric pipes;
  - j. Air-driven pipes;
  - k. Chillums;
  - l. Bonges;
  - m. Ice pipes or chillers;
- (13) Substances used, intended for use, or designed for use in the manufacture of a controlled substance;
- In determining whether an object, product, substance or material is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:
- (a) Statements by an owner or by anyone in control of the object concerning its use;
  - (b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substance;
  - (c) The proximity of the object, in time and space, to a direct violation of sections 195.005 to 195.425;
  - (d) The proximity of the object to controlled substances or imitation controlled substances;
  - (e) The existence of any residue of controlled substances or imitation controlled substances on the object;

- (f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of sections 195.005 to 195.425; the innocence of an owner, or of anyone in control of the object, as to direct violation of sections 195.005 to 195.425 shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- (g) Instructions, oral or written, provided with the object concerning its use;
- (h) Descriptive materials accompanying the object which explain or depict its use;
- (i) National or local advertising concerning its use;
- (j) The manner in which the object is displayed for sale;
- (k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (l) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
- (m) The existence and scope of legitimate uses for the object in the community;
- (n) Expert testimony concerning its use;
- (o) The quantity, form or packaging of the product, substance or material in relation to the quantity, form or packaging associated with any legitimate use for the product, substance or material;

### **Subchapter M -- Public Safety Offenses**

**75.800. Leaving the scene of a motor vehicle accident.** A person commits the offense of leaving the scene of a motor vehicle accident when being the operator or driver of a vehicle on the highway and knowing that an injury has been caused to a person or damage has been caused to property, due to his culpability or to accident, he leaves the place of the injury, damage or accident without stopping and giving his name, residence including city and street number, motor vehicle number and chauffeur's or registered operator's number, if any, to the injured party or to a police officer, or if no police officer is in the vicinity, then to the nearest police station or judicial officer.

**75.810. Abandoning motor vehicle.** A person commits the offense of abandoning a motor vehicle if he abandons any motor vehicle on the right-of-way of any public road or state highway or on or ion any of the waters in this state or on the banks of any stream, or on any and or water owned, operated or leased by the state, any board, department, agency or commission thereof, or any political subdivision thereof or on any land or water owned, operated or leased by the federal government or on any private real property owned by another without his consent.

**75.830. Abandonment of airtight or semi-airtight containers.**

1. A person commits the crime of abandonment of airtight icebox if he abandons, discards, or knowingly permits to remain on premises under his 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 cubic feet or more and an opening of fifty 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.

2. Subsection 1 of this Section does not apply to any icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman.

**75.840. Telephone calls on party lines during emergencies; priority; penalty.**

1. "Party line," as used in this Section, means a subscriber's line telephone circuit, consisting of two or more main telephone stations connected therewith, each station with a distinctive ring or telephone number. "Emergency," as used in this Section, means a situation in which property or human life are in jeopardy and the prompt summoning of aid is essential.

2. Any person who willfully refuses to immediately relinquish a party line when informed that the line is needed for an emergency call to a fire department or law enforcement official or for medical aid or ambulance service, or any person who secures the use of a party line by falsely stating that the line is needed for an emergency call, is guilty of a misdemeanor.

3. Every telephone directory hereafter distributed to the members of the general public in this state or in any portion thereof which lists the calling numbers of telephones of any telephone exchange located in this state shall contain a notice which explains the offense provided for in this Section, the notice to be preceded by the word "Warning;" provided that; the provisions of this Section shall not apply to those directories distributed solely for business advertising purposes, commonly known as classified directories, not to any telephone directory heretofore distributed to the general public. Any person, firm or corporation providing telephone service which distributes or causes to be distributed in the state, copies of a telephone directory which is subject to the provisions of this Section and which do not contain the notice herein provided for, is guilty of a misdemeanor.

**75.850. Person operating vehicle while under sixteen years of age; penalty.** No person under the age of sixteen years shall operate a motor vehicle on the highways of this state.

**75.860. Deposit, roll, flow, fall, or wash of any soil, material or liquid upon public streets, allies, roads or public property.**

1. No person, corporation or any other legal entity shall engage in any land disturbing activity or any other actions which causes or permits any soil, earth, sand, gravel, rock, stone, concrete, building materials, or other materials or liquids to be deposited upon or to roll, flow, fall, or wash upon, in, or over any public street, street improvement, road, sewer, storm drain, water ways or right of way, or any other public property in a manner to damage or to interfere with the use of such property, or which creates a hazardous condition detrimental to the health, safety and welfare of the public.

2. No person shall when hauling soil, earth, sand, gravel, rock, stone, concrete, building materials, or other materials or liquids over and upon any public street, road, alley or public property allow such materials or liquids to blow or spill over and upon such street, road, alley or public property. The operator of equipment engaged in hauling shall not permit soil, earth, rock or other materials to fall from the vehicle, including wheels of said vehicle, upon such street, road, alley or public property.

3. If any soil, earth, sand, gravel, rock, stone or other material or liquid is caused to be deposited upon or to roll, flow, fall or wash upon property in violation of the sections above, a person responsible shall cause the same to be removed from such property within four (4) hours, unless a longer period is granted by the Mayor, City Engineer, Building Department or other designated employees. If a violation described above results from an active residential or non-residential development, the person responsible shall be deemed either the vehicle operator, developer or prime contractor. In the event of immediate danger to the public health, safety of welfare, notice by the appropriate City official shall be given by the most expeditious means and material or liquid shall be removed immediately. In the event it is not so removed, the City may cause such removal and the cost of such removal by the City, or anyone contracted by the City, shall be paid to the City by the person who failed to so remove the material and shall be a debt due the City and payable with thirty (30) days of said removal. The cost of such removal, if not paid within thirty (30) days of said removal, shall be a lien upon all property and all rights to property, real or personal, of any person liable to pay the same. The cost of such removal shall be listed on the tax bill and shall be collected in a manner of taxes but shall not be regarded as a tax. Provided however, that nothing contained in this section shall be incorporated as prohibiting the City from proceeding directly with enforcement procedures including a stop work order or a summons to appear in Municipal Court. Any person found guilty of violating the provisions of this section shall be subject to a fine of to \$500.00 per day of violation or incarceration for up to thirty (30) days or both.

**75.870. Depositing of materials on the public streets prohibited.**

1. It shall be unlawful for any person to engage in any action which causes or permits any solid materials or liquids, including, but not limited to, soil, mud, earth, sand, gravel, stone, or concrete, to be deposited on or in any public street or other property which is subject to current City ordinances.

2. All property owners shall maintain their premises in a manner which is sufficient to prevent violation of Subsection (1) of this Section by vehicles and other equipment leaving their premises.

3. All vehicles and other equipment leaving construction sites shall use the exits designated for such by the City. All vehicles and equipment leaving construction sites shall be cleaned prior to leaving the site in a manner which is sufficient to prevent violation of Subsection (1) of this Section.

4. In the event solid materials or liquids are deposited on any public street or other property which is subject to current City ordinances by a vehicle or other equipment leaving a

premises or construction site, the City shall notify the owner, developer, or general contractor. If the person or persons notified fail to remove the solid materials or liquids within thirty (30) minutes, the City may remove the solid materials or liquids and shall charge any costs incurred by the City to the owner. Said costs shall be a debt to the City and shall be due and payable upon notice thereof. The City may issue a stop work order until the solid material or liquid is removed to the satisfaction of the City. No additional building permits shall be issued to an owner who owes the City for the cost of removing solid materials or liquids.

5. Any person violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not to exceed five hundred dollars (\$500.00) and costs. Each day of violation shall constitute a separate offense.

### **SUBCHAPTER N -- DOMESTIC VIOLENCE**

**75.900. REGULATION TO CONTROL DOMESTIC VIOLENCE.** That assaults and domestic violence policy adopted by Lincoln County Sheriff Department as required by Missouri S. B. 420, be the Policy for the City of Moscow Mills, Mo.

*Adopted by Ordinance 6/14/93. Amended by: Ordinance #205, 8/11/03. Ordinance #247, 9/20/04. Ordinance #251, 10/12/04. Ordinance #260, 1/10/05. Ordinance #346, 8/14/06. Ordinance #394, 3/21/07. Ordinance #560, 6/14/10. Ordinance #587, 5/16/11. Ordinance #592, 5/16/11. Ordinance #704, 10/22/14. Ordinance #711, 12/8/14. Ordinance #748, 6/13/16. Ordinance #771, 4/10/17.*