

Chapter 200

POLICE PROVISIONS

ARTICLE I

General Provisions

Section 200.010. Chief of Police. [Ord. No. 1.216 §§1 — 2, 4-22-2003]

There is hereby created the office of Chief of Police of the City of Mount Vernon, Missouri. The Chief of Police of Mount Vernon, Missouri, shall take office immediately upon appointment by the Mayor of the City of Mount Vernon, Missouri.

Section 200.015. Use of Excessive Force Prohibited — When. [Ord. No. 9.25 §§1 — 4, 8-9-1994]

- A. The use of excessive force by law enforcement agencies within the City limits of Mount Vernon, Missouri, against any individual engaged in non-violent civil rights demonstrations is hereby prohibited. No law enforcement agent or person shall physically bar the entrance to or exit from such a facility or location which is the subject of such non-violent civil rights demonstration.
- B. Any person who shall violate any of the provisions of this Section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined a sum not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense and separate violation.
- C. Any person who shall violate any of the provisions of this Section shall become liable to the City of Mount Vernon, Missouri, for expense, loss or damage caused to the City of Mount Vernon, Missouri, by reason of such violation.
- D. The City of Mount Vernon, Missouri, will enforce or assist in the enforcement of all applicable State laws regarding the subject matter of this Section. The City Attorney, instead of filing a complaint in the Municipal Court of said City, may, as an alternative remedy, file suit for legal damages or injunctive relief in the appropriate Circuit Court of the State of Missouri.

Section 200.020. Response to Emergency Situation Outside City Limits. [Ord. No. 1.129 §§1 — 5, 5-13-1986]

- A. Any Police Officer of the City of Mount Vernon, Missouri, who completed the basic Police training program as established by Chapter 590, RSMo., shall have the authority to respond to an emergency situation outside the boundaries of the City.
- B. No Police Officer shall be required by reasons of this Chapter to leave the jurisdiction to

respond to an emergency situation, but said Police Officer shall use his/her said discretion and judgment as to leaving the City to respond to any emergency situation. It shall be the policy of the City that said Police Officers shall not leave the City inhabitants with inadequate Police protection or be absent for extended periods of time, but that the response shall be in aid of and to assist the authorities of the County or the municipality in which the emergency situation is located. No Police Officer of the City shall be authorized to make an arrest by reason of this authorization to respond nor shall he/she be authorized to use his/her weapon except to protect himself/herself or to effectuate an arrest for a serious felony endangering the lives or threatening serious property damage to one (1) or more persons in the area.

- C. The authority contained herein shall permit the response by one (1) or more City Police Officers in an area surrounding this municipality or an area of five (5) miles. The Chief of the Police Department may in his/her discretion authorize additional response beyond this area.
- D. Every response to an emergency situation outside of the City shall be reported by the Chief of Police to the Mayor with an explanation for the reason for the response.
- E. As used herein, term "*emergency situation*" means any unforeseen combination of circumstances or events involving danger or imminent danger to human life or property which requires immediate action, such as an automobile accident, civil disturbance or serious accident or criminal action.

Chapter 205

FIRE DEPARTMENT AND FIRE PREVENTION

ARTICLE I

Fire Department

Section 205.010. Establishment of Fire Department. [Ord. No. 4.02 §§1 — 13, no date; Ord. No. 4.04 §§1 — 4, 2-2-1965]

- A. A Fire Department is hereby created for the City of Mount Vernon, Missouri, composed of a Chief of Fire Department and such men as may, from time to time, become members of the hose and hook and ladder company of said City.
- B. The Mayor shall appoint the Chief who shall assist the Mayor in appointing the Assistant Chief and other members of the department. All members of the department shall be appointed for a term of one (1) year, provided however, that the Mayor shall have the power to remove from membership in the department the Chief or any other member thereof when he/she deems it necessary for the good of the department.
- C. The Chief shall be responsible to the Mayor for all equipment of the department and for the conduct and efficiency of its members.
- D. No member shall be under the age of eighteen (18) years or over the age of fifty (50) years, except the Board of Aldermen, for good and sufficient cause shown, may waive this age limit for members of the Fire Department.
- E. The members of the department shall receive such compensation for their services as the Board of Aldermen shall provide from time to time.

ARTICLE II

Fire Prevention Code Adoption

Section 205.020. International Fire Code, 2006 Edition, Adoption. [Ord. No. 2.66 §§2 — 4, 3-12-2002; Ord. No. 2.118 §1, 3-27-2007]

- A. A certain standard code known as the International Fire Code, 2006 Edition, including Appendix Chapters B, C, D, E and F (see International Fire Code Section 101.2.1, 2006 Edition), as published by the International Code Council, is hereby incorporated by reference and adopted as the code for the City of Mount Vernon, Missouri, for regulating and governing the safeguarding of the life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Mount Vernon, Missouri, and providing for the issuance of permits

for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2006 Edition, published by the International Code Council, are hereby referred to, adopted and made a part hereof as if fully set out in this Article.

- B. *Marked Copies Of Standard Code Filed.* There shall be three (3) copies of the standard as adopted by this Section kept in the office of the City Clerk and said copies shall be marked "Official Copy of the City of Mount Vernon".
- C. *Liability.* This Section shall not be construed to relieve from responsibility or to lessen the responsibility of any person, firm or corporation engaged in the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the occupancy of buildings and premises, nor shall the City of Mount Vernon, Missouri, be held as assuming any liability of any nature by reasons of the inspection authority hereby issued to the Code Enforcement Officer for inspection of such operations and installations as described in Subsection (A) of this Section.
- D. *Penalty.* Any person, firm or corporation violating any of the provisions of this Article shall be deemed guilty of a misdemeanor, upon conviction thereof, be fined in an amount not to exceed five hundred dollars (\$500.00).

Chapter 210

ANIMAL REGULATIONS

ARTICLE I Dogs and Cats

Section 210.010. Definitions.

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

ANIMAL — Every living vertebrate except a human being, bird, fish, amphibian or farm animal.

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

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

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

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

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

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

VICIOUS DOG — Any of the following dogs:

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

4. Any dog that has killed another dog, cat or other domestic animal without provocation.

WILD ANIMAL — Any live non-human primate (monkeys, chimpanzees, apes, gorillas and lemurs), kinkajou, coatamuni, raccoon, fox, skunk, poisonous reptiles, venomous snakes, constrictor reptiles six (6) feet or more in length, crocodilian reptiles including alligators, crocodiles and caimans, bear, wolf, wolf hybrids, coyote, coyote hybrids (coydogs), cougar, leopard, jaguar, tiger, lion, lynx, bobcat, ocelot, or any crossbreeds of the above. Wild animals does not include insects, fish, avian species, or other reptiles, mammals or animals not listed above.

Section 210.020. Running at Large — Unlawful. [Ord. No. 3.12 §1, 7-10-1967]

It shall be unlawful for any person or persons owning or having charge of any dog or cat to permit the same to run at large at any time within the corporate limits of the City of Mount Vernon, Missouri.

Section 210.030. Impoundment When at Large. [Ord. No. 3.12 §2, 7-10-1967; Ord. No. 3.44 §1, 5-26-2013]

- A. It shall be the duty of the City Police or City dog catcher to take up any dog or cat found running at large within the City of Mount Vernon, Missouri, in violation of the provision of this Section and impound the same in a suitable place.
- B. The owner of any dog or cat taken up by the Animal Control Officer or a member of the Police Department and returned directly to that owner shall pay a fee to the City Collector according to the fee schedule published by the City of Mount Vernon, a copy of which is available at City Hall during normal business hours. If such payment is not made within seventy-two (72) hours of the animal being returned to the owner, the owner shall be cited for animal at large.

Section 210.040. Recovery of Impounded Animal. [Ord. No. 3.12 §3, 7-10-1967; Ord. No. 3.18 §1, 1-13-1976; Ord. No. 3.44 §2, 5-26-2013]

The owner of any animal placed into the pound after having been running at large may recover that animal upon payment to the City Collector of the impound fee according to the fee schedule published by the City of Mount Vernon, a copy of which is available at City Hall during normal business hours. An additional fee will be charged for each twenty-four-hour period the animal remains in the pound up to the maximum allowed under the fee schedule.

Section 210.050. Dog Catcher. [Ord. No. 3.12 §5, 7-10-1967]

The City dog catcher shall be employed on a month-to-month basis by the Mayor with the approval of the Board of Aldermen and shall be paid a monthly salary for services rendered in lieu of a fee for apprehending or catching dogs or cats.

Section 210.060. Noise Making Dogs or Cats. [Ord. No. 3.12 §6, 7-10-1967]

It shall be unlawful for all person to keep or harbor any howling or yelping dog or dogs or noise

making cats to the annoyance of the public.

Section 210.070. Quarantine Order to Be Issued by Mayor — To Be Published and Posted.

Whenever rabies becomes prevalent in the City, the Mayor shall, according to the necessity of the case, issue a quarantine order, requiring every owner or person in charge of any dog or dogs within the limits of the City, to either kill or impound his/her dog or dogs, or to have such dog or dogs immunized. Said order shall be published once in the paper officially publishing the business of the City; and in the absence of such paper, shall be posted as in case of sales of personal property. The Mayor is authorized by proclamation, to terminate any such quarantine whenever, in his/her judgment, the necessity for it no longer exists.

ARTICLE II
Additional Animal Regulations

Section 210.080. Certain Animals Running at Large Prohibited. [Ord. No. 3.04 §§1 — 6, no date; Ord. No. 3.36 §§1 — 2, 10-23-2007]

- A. It shall be unlawful to permit any animal to run at large within the corporate limits of the City of Mount Vernon, Missouri, at any time.
- B. If any of the above animals be found at large as aforesaid within the corporate limits of the City of Mount Vernon, Missouri, it shall be the duty of the Chief of Police, Animal Control Officer or any Police Officer to take immediate charge of the same and to confine them in some secure place within the corporate limits of said City. Said officer shall use all reasonable efforts to determine and contact the owner of said animal. If said animal is not claimed by the owner within seven (7) days of being impounded, said officer shall take reasonable steps to have said animal adopted, placed in service training or taken to an animal shelter. The Animal Control Officer is authorized to photograph any animal kept at the pound for more than twenty-four (24) hours and cause that photograph to be added to the City's website for viewing by the general public. Reasonable steps to have the animal adopted include advertisements in newspapers, websites and social media sites and pages. An adoption fee may be assessed, payable to the City Collector, at the amount set forth in the fee schedule published by the City of Mount Vernon, and the adoptive owner is required to reimburse any sterilization fees incurred by the City for said animal. A copy of adoption papers shall be provided to the Chief of Police or his or her designee. [Ord. No. 3.44 §3, 5-26-2013]
- C. *Sterilization.*
 - 1. Pursuant to Section 273.403, RSMo., the City may not release a dog or cat for purchase or adoption without provisions being made for the sterilization of the animal. Such provisions may be made by:
 - a. Providing for sterilization by a licensed veterinarian before relinquishing custody of the animal; or
 - b. Entering into a written agreement with the adopter or purchaser guaranteeing that sterilization will be performed by a licensed veterinarian in compliance

with a sterilization agreement which shall contain the following information:

- (1) The date of the agreement;
 - (2) The name, address and signature of the adopting or purchasing party and name and signature of the officer signing on behalf of the City;
 - (3) A description of the animal to be adopted or purchased;
 - (4) A statement printed in conspicuous bold print that sterilization of the animal is required pursuant to Sections 273.400 to 273.405, RSMo.; and
 - (5) A sterilization completion date which shall be either:
 - (a) The thirtieth (30th) day after the date of adoption in the case of an adult animal; or
 - (b) The thirtieth (30th) day after a specified date estimated to be the date an adopted infant female or male puppy or kitten becomes six (6) months of age.
2. An adopter or purchaser that signs a sterilization agreement shall have the adopted animal sterilized on or before the sterilization date stated in the agreement. If the sterilization completion date stated in the agreement falls on a Saturday, Sunday or legal holiday, the deadline may be extended to the first (1st) day that is not a Saturday, Sunday or legal holiday. The City may extend the deadline for thirty (30) days on the presentation of a letter or telephone report by a licensed veterinarian stating that the life or health of the adopted animal may be jeopardized by sterilization, and there shall be no limit on the number of extensions that may be granted for this reason.

Section 210.090. Keeping of Wild Animals.

- A. No person or business shall keep any wild or dangerous animal for display or for exhibition purposes, whether gratuitously or for a fee. This Section shall not be construed to apply to zoological parks, performing animal exhibitions or circuses.
- B. No person shall keep or permit to keep any wild animal as a pet.
- C. *Registration.* [Ord. No. 3.49 §1, 4-14-2015]
 1. No business shall keep any wild animal for sale without first applying for and receiving approval of a wild animal registration from the Code Enforcement Officer. The annual fee for registration shall be as set forth in the last schedule of fees approved by the Board of Aldermen and available at City Hall during normal business hours.
 2. The registration fee shall be for a period of January 1 to December 31 of each year. Renewal applications for registrations shall be made by December 1 of each year. Application for a registration to keep wild animals for sale under the provisions of this Article may be made at any time during the year. Registrations issued during the

year shall not be prorated. To comply with applicable State law, the applicant must provide a copy of the wild animal registration to the Mount Vernon Police Department.

3. Registration issuance shall be contingent upon the applicant meeting the following requirements:
 - a. Complying with the most current cage size standards of the American Association of Zoological Parks and Aquariums, Inc., and as specified in the most current version of the Federal Animal Welfare Act.¹ Cages must be located one hundred (100) feet from any property line.
 - b. Providing primary liability insurance or a surety bond to include bodily injury and property damage in the amount set forth in the last schedule of fees approved by the Board of Aldermen and available at City Hall during normal business hours. The insurance policy or bond shall contain a provision requiring the City of Mount Vernon to be notified by the issuing company prior to any cancellation, expiration or termination of said policy.
 - c. Satisfactory field inspection for sanitary and humane conditions.
 - d. Presenting to the Code Enforcement Officer all required State and Federal permits for each species.
 - e. Following specifications for humane handling, care, treatment and transportation of wild animals according to the requirements of the Federal Animal Welfare Act, as amended, and the Wildlife Code of Missouri.

Section 210.100. Keeping Animals Within City Limits. [Ord. No. 3.45 §1, 6-25-2013]

- A. No livestock or farm animals, even if considered pets by the owner, shall be kept in any district not zoned for agricultural use, except as provided herein.
- B. Chickens are allowed in R-1 districts, subject to the following limitations:
 1. *Chickens allowed when.*
 - a. Only female chickens are allowed, with no restriction as to breed.
 - b. It shall be unlawful for occupants to keep more than ten (10) chickens per dwelling.
 - c. It shall be unlawful to engage in chicken breeding or fertilizer production for commercial purposes.
 - d. It shall be unlawful to sell chickens or eggs at the residence.
 2. *Enclosures and fencing.*

1. Editor's Note: See 7 U.S.C. § 2131 et seq.

- a. Chickens shall be kept in a secured enclosure or fenced area at all times, and shall be secured within a henhouse, coop, or chicken tractor during non-daylight hours.
 - b. A permit shall be required for each henhouse, coop, or chicken tractor upon application to the Code Enforcement Officer with payment of the fee specified on the schedule of fees maintained by the City. The Code Enforcement Officer may require a drawing of the henhouse, coop or chicken tractor. The secured enclosure and any fenced area used by chickens shall provide safe and healthy living conditions for chickens while minimizing adverse impacts to other residents in the neighborhood.
 - c. The secured enclosure shall provide adequate ventilation, sunlight and shade, and shall be impermeable to rodents, wild birds and predators, including dogs and cats. It shall be enclosed on all sides and have a roof and one or more doors. Doors shall be latched during non-daylight hours. Openings, windows and vents shall be covered in predator- and bird-proof wire of less than one-inch openings. The secured enclosure shall be kept dry and in a sanitary condition at all times.
 - d. Covered, fenced pens shall consist of sturdy wire and post or wooden fencing.
 - e. Enclosures shall be located to the defined rear of the property. No portion of the enclosure shall be within three (3) feet of a property line or within twenty-five (25) feet of any adjacent residential dwelling.
3. *Sanitary considerations.*
- a. Chickens shall have access to feed and clean water at all times. Feed shall be stored in such a way to prevent access by rodents, wild birds and/or predators.
 - b. The secured enclosure and covered, fenced pen shall be kept free from trash, garbage, and accumulated droppings. The chicken owner shall provide for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. No more than ten (10) gallons of manure may be stored, and all other manure not used for fertilizer or compost shall be removed.
 - c. Odors from chickens, chicken manure or related activities shall not be detectable beyond the property boundaries.
 - d. The chicken owner shall take necessary action to reduce the attraction of predators, rodents and potential infestations of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by the Animal Control Officer.
 - e. Slaughtering of chickens may occur for personal use, provided it is conducted in a sanitary manner, does not generate noise that creates a nuisance, and is not visible from adjacent properties or any public area or right-of-way.
 - f. Dead chickens shall be disposed of within twenty-four (24) hours in accordance

with the provisions of Chapter 269, RSMo. City employees will not remove dead chickens.

4. *Enforcement.*

- a. It shall be unlawful for any person to keep chickens in violation of any provision of this Section.
- b. It shall be unlawful for any owner, renter or leaseholder of property to allow chickens to be kept on property in violation of any provisions of this Section.
- c. It shall be unlawful to erect a henhouse, coop or chicken tractor in violation of any provisions of this Section.
- d. Any violation of this Section that constitutes a health hazard or interferes with the use or enjoyment of neighboring property is a nuisance. That nuisance may be abated or prosecuted in accordance with Chapter 220 of this Code.²

Section 210.110. Dog Fighting. [Ord. No. 3.01 §11, no date]

Any person causing dogs or other animals to fight upon the streets or alleys or in any other public places in the City of Mount Vernon shall be deemed guilty of a misdemeanor.

Section 210.120. Frightening Animals Prohibited. [Ord. No. 3.01 §12, no date]

Any person who shall purposely or willfully frighten any animal causing them to damage or endanger any person or property shall be deemed guilty of a misdemeanor.

2. Editor's Note: See Ch. 220, Nuisances.

Chapter 211

DANGEROUS DOGS

Section 211.010. Dangerous Dogs Defined. [Ord. No. 3.43 §1, 6-8-2010]

- A. For purposes of this Chapter, a "*dangerous dog*" means any dog, except one assisting a Peace Officer in law enforcement duties, which demonstrates any of the following behavior:
1. An attack which requires defensive action by any person to prevent bodily injury or property damage when such person is conducting himself or herself peaceably and lawfully.
 2. An attack which results in property damage or in an injury to a person when such person is conducting himself or herself peacefully and lawfully.
 3. An attack on another animal, but not fowl, which occurs on property other than that of the owner of the attacking dog. [Ord. No. 3.46 §1, 7-25-2013]
 4. Any behavior that constitutes a threat of bodily harm to a person when such person is conducting himself or herself peacefully and lawfully.
- B. For purposes of this Section, a person is conducting himself or herself peaceably and lawfully upon the private property of the owner of the dog when he or she is on such property in the performance of any duty imposed by Federal, State or local law or the postal regulations of the United States, or when he or she is on such property upon invitation, express or implied.
- C. Evidence that may be considered in determining a dog to be dangerous may include, but is not limited to, testimony of persons who have witnessed the actual behavior of said dog, past incidents involving said dog, size of the dog, the conditions in which the dog is kept, the training given to the dog, and the breed of the dog.
- D. Notwithstanding the definitions provided in this Section, no dog may be declared dangerous if:
1. Any injury or damage was sustained to an individual while committing, or attempting to commit, a willful trespass or other unlawful activity upon the premises occupied by the owner or harbinger of the dog, or a person that was physically abusing or assaulting the dog;
 2. Any injury or damage was sustained by a domestic animal which, at the time of such injury or damage, was attacking or assaulting the dog; or

3. The attacking dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

Section 211.020. Unlawful to Keep a Dangerous Dog. [Ord. No. 3.43 §1, 6-8-2010]

- A. A person commits the offense of keeping a dangerous dog if he or she permits a dog owned by him or her, or a dog upon any premises occupied by him or her or under his or her control, to demonstrate the behavior of a dangerous dog.
- B. A finding of guilt, including a plea of guilty or nolo contendere, to any charge of keeping a dangerous dog shall be considered a determination that the dog alleged in the information to have demonstrated the behavior of a dangerous dog is a dangerous dog.

Section 211.030. Confinement of a Dangerous Dog. [Ord. No. 3.43 §1, 6-8-2010]

- A. The owner of a dangerous dog or any person upon whose property is kept a dangerous dog shall confine such dog within a fully enclosed structure from which the dog cannot escape. The enclosure be secured to a floor or bottom or the sides must be embedded into the ground at a depth sufficient to keep the dog from burrowing under the fence. The sides of the enclosure must be of a height sufficient to keep the dog from jumping or climbing out or it must include a roof or top that will prevent the dog from escaping over the sides. The door of such enclosure shall be locked with a combination or keyed lock.
- B. When confined within a building, no dangerous dog shall be kept in an area where windows or portions of doors are missing or any area where a window screen or screen door are part of the enclosure keeping the dog inside.
- C. Any enclosure in which a dangerous dog is kept shall be identified by signs posted on the property advising others of the presence of a dangerous dog or vicious dog. Signs must be at least three (3) square feet and be readable by a person of normal eyesight from a distance of fifty (50) feet. Signs must be posted in such a manner as to be visible from the north, south, east and west unless the Animal Control Officer or Chief of Police determine fewer signs are needed based upon the physical characteristics of the property.
- D. When the dangerous dog is not enclosed within a structure described above, the dog shall be muzzled and confined to a leash or tether capable of holding three hundred (300) pounds, no longer than five (5) feet, and securely held by a person seventeen (17) years of age or older who is capable of restraining the dog. The muzzle shall be a cage-type muzzle that covers the mouth and snout of the dog.
- E. A person commits the offense of failing to confine a dangerous dog if a dog owned by him or her, or a dog upon any premises occupied by him or her or under his or her control, having been determined to be a dangerous dog under Section 211.020, is not confined in accordance with this Section.

Section 211.040. Confinement of Allegedly Dangerous Dogs. [Ord. No. 3.43 §1, 6-8-2010]

Upon issuance of a summons for keeping a dangerous dog, the Animal Control Officer shall impound the dog unless the owner or keeper of the dog can arrange for the dog to be kept at a

location more than one-half (1/2) mile from the City limits of the City of Mount Vernon. Upon a finding that the dog is in fact a dangerous dog, the person charged with keeping the dangerous dog shall reimburse the City's costs in feeding and keeping the dog.

Section 211.050. Destruction of Dangerous Dogs. [Ord. No. 3.43 §1, 6-8-2010]

- A. A dangerous dog may be put to death by the City of Mount Vernon under the following circumstances:
1. Upon a second (2nd) conviction for failing to confine a dangerous dog for actions related to the same dog, regardless of whether the person charged and convicted in the first (1st) case is the same person that owns or is keeping the dog at the time the summons is issued in the second (2nd) case;
 2. If the dangerous dog has committed serious physical injury to any person, defined as any physical injury to a human being requiring more than one (1) suture or staple, an injury requiring surgery, or an injury that results in the death of any person; or
 3. With permission of the dog's owner or person having dog under his or her control.

Chapter 215

OFFENSES

ARTICLE I General Provisions

Section 215.005. Definitions.

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

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

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

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

CONFINEMENT

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

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

1. It is given by a person who lacks the mental capacity to authorize the conduct charged to

constitute the offense and such mental incapacity is manifest or known to the actor;

2. It is given by a person who by reason of youth, mental disease or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or
3. It is induced by force, duress or deception.

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

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

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

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

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

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

FORCIBLE COMPULSION — Means either:

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

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

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

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

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

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

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

OFFENSE — Any felony, misdemeanor or infraction.

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE II
Offenses Against the Person

Section 215.010. Assault.

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

Section 215.015. Domestic Assault. ³

- A. A person commits the offense of domestic assault if the act involves a family or household member or an adult who is or has been in a continuing social relationship of a romantic or intimate nature with the actor, as defined in Section 455.010, RSMo.; and
1. The person attempts to cause or recklessly causes physical injury to such family or household member;
 2. With criminal negligence the person causes physical injury to such family or household member by means of a deadly weapon or dangerous instrument;
 3. The person purposely places such family or household member in apprehension of immediate physical injury by any means;
 4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to such family or household member;
 5. The person knowingly causes physical contact with such family or household member knowing the other person will regard the contact as offensive; or

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

6. The person knowingly attempts to cause or causes the isolation of such family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices, or transportation for the purpose of isolation.

Section 215.020. Assault of a Law Enforcement Officer. [RSMo. §565.083]

- A. A person commits the offense of assault of a Law Enforcement Officer or emergency personnel if:
 1. Such person attempts to cause or recklessly causes physical injury to a Law Enforcement Officer or emergency personnel;
 2. With criminal negligence such person causes physical injury to a Law Enforcement Officer or emergency personnel by means of a deadly weapon;
 3. Such person purposely places a Law Enforcement Officer or emergency personnel in apprehension of immediate physical injury;
 4. With criminal negligence such person creates a grave risk of death or serious physical injury to a Law Enforcement Officer or emergency personnel; or
 5. Such person knowingly causes or attempts to cause physical contact with a Law Enforcement Officer or emergency personnel without the consent of the Law Enforcement Officer or emergency personnel.
- B. As used in this Section, *emergency personnel* means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in subdivisions (15), (16), and (17) of Section 190.100 RSMo.

Section 215.030. Harassment.

- A. A person commits the offense of harassment if for the purpose of frightening or disturbing another person he/she:
 1. Communicates in writing or by telephone a threat to commit any felony;
 2. Makes a telephone call or communicates in writing and uses coarse language offensive to one of average sensibility;
 3. Makes a telephone call anonymously; or
 4. Makes repeated telephone calls.

Section 215.040. False Imprisonment. ⁴

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

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

Section 215.050. Endangering the Welfare of a Child. ⁵

- A. A person commits the offense of endangering the welfare of a child if:
1. He/she with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old;
 2. He/she knowingly encourages, aids or causes a child less than seventeen (17) years old to engage in any conduct which causes or tends to cause the child to come within the provisions of Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;
 3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years old, he/she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him/her from coming within the provisions of Paragraph (c) of Subdivision (1) of Subsection (1) or Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.; or
 4. He/she knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 195.130, RSMo.
- 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 215.055. Leaving a Child Unattended in a Motor Vehicle. ⁶

- A. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

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

INJURY — Physical harm to the body of a person.

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

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

- B. A person commits the offense of leaving a child unattended in a motor vehicle if such person knowingly leaves a child ten (10) years of age or less unattended in a motor vehicle and such child injures another person by causing a motor vehicle collision or by causing the motor vehicle to injure a pedestrian.

ARTICLE III

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

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

Offenses Concerning Administration of Justice

Section 215.060. Concealing an Offense. ⁷

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

Section 215.070. Hindering Prosecution. ⁸

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

Section 215.080. Refusal to Identify as a Witness.

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

Section 215.090. Disturbing a Judicial Proceeding.

A person commits the offense of disturbing a judicial proceeding if, with purpose to intimidate a judge, attorney, juror, party or witness, and thereby to influence a judicial proceeding, he/she disrupts or disturbs a judicial proceeding by participating in an assembly and calling aloud, shouting, or holding or displaying a placard or sign containing written or printed matter

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.

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 215.100. Tampering With a Witness — Tampering With a Victim. ⁹

- A. A person commits the offense of tampering with a witness if, with purpose to induce a witness or a prospective witness in an official proceeding to disobey a subpoena or other legal process, or to absent himself/herself or avoid subpoena or other legal process, or to withhold evidence, information or documents, or to testify falsely, he/she:
1. Threatens or causes harm to any person or property;
 2. Uses force, threats or deception;
 3. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or
 4. Conveys any of the foregoing to another in furtherance of a conspiracy.
- B. A person commits the offense of "victim tampering" if, with purpose to do so, he/she prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from:
1. Making any report of such victimization to any Peace Officer or State, local or Federal Law Enforcement Officer or prosecuting agency or to any judge;
 2. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof; or
 3. Arresting or causing or seeking the arrest of any person in connection with such victimization.

Section 215.110. Improper Communication.

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

Section 215.120. False Impersonation.

- A. A person commits the offense of false impersonation if he/she:
1. Falsely represents himself/herself to be a public servant with purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts, and

⁹. 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 his/her pretended official authority.
2. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and
- a. Performs an act in that pretended capacity; or
 - b. Causes another to act in reliance upon such representation.

Section 215.130. 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 a crime or offense;
 - 2. Makes a false report to a Law Enforcement Officer that a crime or offense has occurred or is about to occur; or
 - 3. Makes a false report or causes a false report to be made to a Law Enforcement Officer, security officer, Fire Department or other organization, official or volunteer which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred or is about to occur.
- B. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement or report before the Law Enforcement Officer or any other person took substantial action in reliance thereon.
- C. The defendant shall have the burden of injecting the issue of retraction under Subsection (B) of this Section.

Section 215.140. Resisting or Interfering With Arrest. ¹⁰

- A. A person commits the offense of resisting or interfering with arrest, detention or stop if, knowing that a Law Enforcement Officer is making an arrest, or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or detention, the person:
- 1. Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or
 - 2. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.

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

- B. This Section applies to arrests, stops or detentions with or without warrants and to arrests, stops or detentions for any crime, infraction or ordinance violation.
- C. A person is presumed to be fleeing a vehicle stop if that person continues to operate a motor vehicle after that person has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing that person.
- D. It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.

Section 215.150. Escape or Attempted Escape From Custody. ¹¹

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

Section 215.151. Obstructing Discharge of Duty — Giving False Information. [Ord. No. 3.38 §1, 5-13-2008]

- A. It shall be unlawful for any person to knowingly and willfully obstruct, resist or oppose any officer of the City in the discharge of any duty or the service or execution, or in the attempt to serve or execute, any writ, warrant or process, original or judicial.
- B. The physical obstruction of the officer, giving false information or failing to cooperate with lawful commands of the officer shall be deemed obstruction under this Section.

ARTICLE IV
Offenses Concerning Public Safety

Section 215.160. Abandonment of Airtight or Semi-Airtight Containers.

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

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

Section.

Section 215.170. Littering.

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

Section 215.180. Littering Via Carcasses.

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

Section 215.190. Corrupting or Diverting Water Supply.

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

Section 215.200. Abandoning Motor Vehicle.

A person commits the offense of abandoning a motor vehicle if he/she abandons any motor vehicle on the right-of-way of any public road or State highway or on or in any of the waters in this State or on the banks of any stream or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof or any political subdivision thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his/her consent.

Section 215.205. Burning of Leaves, Tree Limbs or Yard Waste. [Ord. No. 3.30 §§1 — 5, 7-10-1990]

- A. No person, firm or corporation shall ignite or burn leaves, tree limbs or yard wastes within the City limits of Mount Vernon, Missouri, without first having obtained a permit from the City of Mount Vernon, Missouri.
- B. Permits shall be obtained at the City Hall of Mount Vernon, Missouri, by completion of an application form to be supplied by the City Clerk or designated official.
- C. It shall be unlawful for any person, firm or corporation to ignite or burn leaves, tree limbs or yard wastes except between the hours of 7:00 A.M. and 8:00 P.M. Monday through Saturday. No burning shall be allowed on any holiday.
- D. It shall be unlawful for any person, firm or corporation to leave unattended any fire ignited pursuant to application obtained under this Section until all debris shall have been entirely consumed by the fire and the flames dissipated and extinguished.

Section 215.206. Drunk and Disorderly Conduct. [Ord. No. 3.37 §1, 5-13-2008]

It shall be unlawful for one to be in a public place under the influence of an intoxicating liquor or drug in such condition as to be unable to exercise due care for his or her own safety or the safety of others.

ARTICLE V
Offenses Concerning Public Peace

Section 215.210. Peace Disturbance.

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

- b. The free ingress or egress to or from a public or private place.

Section 215.220. Private Peace Disturbance.

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

Section 215.230. Peace Disturbance Definitions.

For the purposes of Sections 215.210 and 215.220, the following words shall have the meanings set out herein:

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

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

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

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

Section 215.240. Weapons — Carrying Concealed — Other Unlawful Use. ¹²

- A. A person commits the offense of unlawful use of weapons if he/she knowingly:
 - 1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use;
 - 2. Discharges or shoots a firearm within the City limits;
 - 3. Possesses a firearm or projectile weapon while intoxicated;
 - 4. Carries a firearm or any other weapon readily capable of lethal use; or
 - 5. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.
- B. Subparagraphs (1), (2), (4) and (5) of Subsection (A) of this Section shall not apply to or affect any of the following:

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

1. All State, County and Municipal Law Enforcement Officers who have completed the training required by Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the State, whether on duty or off duty, and whether in or outside of the law enforcement agency's jurisdiction, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
 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;
 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 Board of Police Commissioners under Section 84.340, RSMo.; and
 9. The discharge of firearms in connection with any turkey shoots or other charitable event authorized by the Board of Aldermen.
- C. Subparagraphs (1), (3), (4) and (5) of Subsection (A) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subparagraph (1) of Subsection (A) of this Section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through the City. Subparagraph (5) of Subsection (A) of this Section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.
- D. Nothing in this Section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the

premises of any function or activity sponsored or sanctioned by school officials or the district school board.

Section 215.245. Unlawful Transfer of Weapons — Penalty.

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 215.250. Discharging Air Gun, Etc.

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

Section 215.260. 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 ordinances of this City or criminal laws of this State or of the United States with force or violence.

Section 215.265. Disturbing a Religious Congregation/Lawful Assembly. [Ord. No. 3.01 §4, no date]

Whoever shall willfully, purposely or heedlessly, in any manner, disturb or interrupt the peace of any congregation met for a religious purpose or any lawful assembly of people in the City of Mount Vernon shall be deemed guilty of a misdemeanor.

Section 215.270. Rioting. ¹³

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 ordinances of this City or 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 215.280. Refusal to Disperse.

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

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.

ARTICLE VI
Offenses Concerning Property

Section 215.290. Tampering. ¹⁴

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

Section 215.295. Throwing Stones at Water Tower. [Ord. No. 3.01 §29, no date; Ord. No. 3.23 §4, 7-29-1985]

Whoever shall, in the City of Mount Vernon, throw any stone or any substance whatsoever against the water tower or tank or any door or window or part of said tower or tank or the power house of said City of Mount Vernon or any window or any part thereof, or who shall cut, mark, print or paste or engrave any mark, word, letter or character whatsoever on said tower, tank or power house or any part thereof shall be deemed guilty of a misdemeanor.

Section 215.300. Property Damage. ¹⁵

- A. A person commits the offense of property damage if:

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.

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

Section 215.310. Claim of Right.

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

Section 215.320. Trespass in the First Degree. ¹⁶

- 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 215.330. Trespass in the Second Degree.

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

Section 215.335. Trespass of a School Bus.

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

Section 215.340. Reckless Burning or Exploding.

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

Section 215.350. Negligent Burning or Exploding.

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

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

Section 215.360. Stealing. ¹⁷

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

C. As used in this Section, the following words shall have the meanings set out herein:

APPROPRIATE — To take, obtain, use, transfer, conceal or retain possession of.

COERCION — A threat, however communicated:

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

DECEIT — Purposely making a representation which is false and which the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or other state of mind. The term "*deceit*" does not, however, include falsity as to matters having no pecuniary significance or puffing by statements unlikely to deceive ordinary persons in the group

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

addressed. Deception as to the actor's intention to perform a promise shall not be inferred from the fact alone that he/she did not subsequently perform the promise.

DEPRIVE

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

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

PROPERTY — Anything of value whether real or personal, tangible or intangible, in possession or in action and shall include, but not be limited to, the evidence of a debt actually executed but not delivered or issued as a valid instrument.

SERVICES — Includes transportation, telephone, electricity, gas, water or other public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles.

Section 215.365. Theft of Motor Fuel.

- A. No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel dispensed has been made.
- B. A person found guilty or pleading guilty to stealing pursuant to Section 570.030, RSMo., for the theft of motor fuel as described in Subsection (A) shall have his/her driver's license suspended by the court, beginning on the date of the court's order of conviction. The person shall submit all of his/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 215.370. Receiving Stolen Property. ¹⁸

- A. A person commits the offense of receiving stolen property if, for the purpose of depriving the owner of a lawful interest therein, he/she receives, retains or disposes of property of another knowing that it has been stolen, or believing that it has been stolen.
- B. Evidence of the following is admissible in any criminal prosecution pursuant to this Section to prove the requisite knowledge or belief of the alleged receiver that:

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

1. He/she was found in possession or control of other property stolen on separate occasions from two (2) or more persons;
2. He/she received other stolen property in another transaction within the year preceding the transaction charged; or
3. He/she acquired the stolen property for a consideration which he/she knew was far below its reasonable value.

Section 215.375. Financial Exploitation of the Elderly and Disabled. ¹⁹ [RSMo. §570.145]

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

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

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

DISABLED PERSON — A person who suffers from a physical or mental impairment resulting from disease, injury, functional disorder or congenital condition which renders such person

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

incapable of avoiding or preventing the commission of an offense.

ELDERLY PERSON — A person sixty (60) years of age or older who is suffering from a disease or infirmity associated with advanced age and manifested by physical, mental or emotional dysfunctioning to the extent that such person is incapable of avoiding or preventing the commission of the offense.

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

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

Section 215.380. Fraudulent Use of a Credit or Debit Device. ²⁰

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

Section 215.390. Deceptive Business Practice.

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

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

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

Section 215.400. Alteration or Removal of Item Numbers With Intent to Deprive Lawful Owner.
21

- 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 215.410. Failure to Return Rented Personal Property — Enforcement Procedure — Penalty — Venue. 22

- A. A person commits the offense of failing to return leased or rented property if, with the intent to deprive the owner thereof, he/she purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property. In addition, any person who has leased or rented personal property of another who conceals the property from the owner or who otherwise sells, pawns, loans, abandons or gives away the leased or rented property is guilty of the offense of failing to return leased or rented property. The provisions of this Section shall apply to all forms of leasing and rental agreements including, but not limited

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

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

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

- B. It shall be prima facie evidence of the offense of failing to return leased or rented property when a person who has leased or rented personal property of another willfully fails to return or make arrangements acceptable with the lessor to return the personal property to its owner at the owner's place of business within ten (10) days after proper notice following the expiration of the lease or rental agreement, except that if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the offense of failing to return leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the ten (10) day period prescribed in this Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.
- C. This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable, if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement or within ten (10) days after proper notice.
- D. Proper notice by the lessor shall consist of a written demand addressed and mailed by certified or registered mail to the lessee at the address given at the time of making the lease or rental agreement. The notice shall contain a statement that the failure to return the property may subject the lessee to criminal prosecution.
- E. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner shall be guilty of property damage pursuant to Section 215.300 in addition to being in violation of this Section.
- F. Venue shall lie in the County where the personal property was originally rented or leased.

Section 215.413. Distribution of Advertising Matter on Vehicles. [Ord. No. 3.06 §§1 — 2,

11-1-1938]

It shall be unlawful for any person directly, or by agent, to distribute or deposit pamphlets, sale bills, price lists or other advertising matter in or upon any motor vehicle parked within the City limits of the City of Mount Vernon, Missouri.

Section 215.415. Attaching Printed Matter to Utility Poles. [Ord. No. 3.29 §§1 — 2, 9-13-1988]

It shall be unlawful for any person directly, or by agent, to attach or cause to be attached to utility poles in the City limits of Mount Vernon, Missouri, any type of printed material by any means.

Section 215.420. Passing Bad Checks. ²³

A. A person commits the offense of passing a bad check when:

1. With purpose to defraud, the person makes, issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee; or
2. The person makes, issues or passes a check or other similar sight order for the payment of money, knowing that there are insufficient funds in that account and fails to pay the check or sight order 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.

B. As used in Subparagraph (2) of Subsection (A) of this Section, "*actual notice in writing*" means notice of the non-payment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten (10) day period during which the instrument may be paid and that payment of the instrument within such ten (10) day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses to accept.

Section 215.425. Shoplifting — Detention of Suspect by Merchant — Liability Presumption.

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

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

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

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

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 215.426. Unlawful Transactions With a Child. [Ord. No. 3.40 §1, 2-9-2010]

It shall be unlawful for any pawnbroker, junk dealer, dealer in secondhand goods, or any employee of such person, with criminal negligence, to buy or receive personal property other than agricultural products from an unemancipated child age seventeen (17) or younger, unless the child's parent or guardian has consented in writing.

ARTICLE VII
Offenses Concerning Prostitution and Morals

Section 215.430. Article Definitions.

As used in this Article, the following terms mean:

PATRONIZING PROSTITUTION — A person patronizes prostitution if:

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

another, or to secure a third (3rd) person to engage in sexual conduct with him/her or with another, in return for something of value.

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

SEXUAL CONDUCT — Occurs when there is:

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

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

Section 215.440. Prostitution. ²⁴

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

Section 215.450. Patronizing Prostitution.

A person commits the offense of patronizing prostitution if he/she patronizes prostitution.

Section 215.460. Prostitution and Patronizing Prostitution — Sex of Parties No Defense, When.

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

Section 215.470. Prostitution Houses Deemed Public Nuisances.

- A. Any room, building or other structure regularly used for sexual contact for pay as defined in Section 215.430 or any unlawful prostitution activity prohibited by this Article is a public nuisance.

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

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

Section 215.480. Indecent Exposure (Sexual Misconduct).

A person commits the offense of indecent exposure (sexual misconduct) if he/she exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm.

ARTICLE VIII
Offenses Concerning Pornography

Section 215.490. Definitions.

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

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

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

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

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

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

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

scientific value.

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

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

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

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

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

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

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

Section 215.500. Promoting Pornography. ²⁵

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

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

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 215.510. Furnishing Pornographic Materials to Minors.

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

ARTICLE IX

Offenses Concerning Alcohol and Drugs

Section 215.515. Possession or Consumption of Intoxicating Liquor. [Ord. No. 7.26 §§2 — 4, 9-11-1984; Ord. No. 12.62 §1, 6-10-2008]

- A. No person shall consume or drink any intoxicating liquor, as defined in Chapter 600, upon any street, alley, road or sidewalk within the City limits of Mount Vernon, Missouri.
- B. No person shall have in his/her possession or under his/her control any open container containing intoxicating liquor upon any street, alley, road or sidewalk within the City limits of Mount Vernon, Missouri.

Section 215.517. Minor in Possession of Alcohol. [Ord. No. 3.39 §1, 5-13-2008]

- A. A person commits the offense of being a minor in possession of alcohol if he or she is under the age of twenty-one (21) years and:
1. Purchases, attempts to purchase, or has in his or her possession any intoxicating liquor as defined in Section 600.010 of this Municipal Code; or
 2. Is visibly intoxicated or has a detectable blood alcohol content of more than two-hundredths of one percent (.02%) or more by weight of alcohol in such person's

blood as defined in Section 311.325, RSMo.

Section 215.520. Possession of Marijuana. ²⁶

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

Section 215.530. Possession or Control of a Controlled Substance. ²⁷

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

Section 215.532. Limit on Over-The-Counter Sale of Methamphetamine — Exceptions. [RSMo. §195.417]

- A. No person shall deliver in any single over-the-counter sale more than:
1. Two (2) packages or any number of packages that contain a combined total of no more than six (6) grams, of any drug containing a sole active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers; or
 2. Three (3) packages of any combination drug containing, as one of its active ingredients, ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers, or any number of packages of said combination drug that contain a combined total of no more than nine (9) grams of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers.
- B. All packages of any drug having a sole active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers, shall be displayed and offered for sale only behind a checkout counter where the public is not permitted, or within ten (10) feet and an unobstructed view of an attended checkout counter. This Subsection shall not apply to any retailer utilizing an electronic anti-theft system that utilizes a product tag and detection alarm which specifically prevents the theft of such drugs from the place of business where such drugs are sold.
- C. This Section shall supersede any municipal ordinances or regulations passed on or after December 23, 2002, to the extent that such ordinances or regulations are more restrictive than the provisions of this Section. This Section shall not apply to any product labeled pursuant to Federal regulation for use only in children under twelve (12) years of age or to any products that the State Department of Health and Senior Services, upon application of a manufacturer, exempts by rule from this Section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into

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.

methamphetamine or its salts or precursors or to the sale of any animal feed products containing ephedrine or any naturally occurring or herbal ephedra or extract of ephedra.

- D. Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine or phenylpropanolamine products are available for sale who violates Subsection (A) of this Section shall not be penalized pursuant to this Section if such person documents that an employee training program was in place to provide the employee with information on the State and Federal regulations regarding ephedrine, pseudoephedrine or phenylpropanolamine.

Section 215.535. 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. Any person holding a retail sales license pursuant to Chapter 144, RSMo., who knowingly violates Subsection (A) of this Section is guilty of a misdemeanor.
- C. Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine or phenylpropanolamine products are available for sale who violates Subsection (A) of this Section shall not be penalized pursuant to this Section if such person documents that an employee training program was in place to provide the employee with information on the State and Federal regulations regarding ephedrine, pseudoephedrine or phenylpropanolamine.

Section 215.540. Unlawful Use of Drug Paraphernalia. ²⁸

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

Section 215.550. Inhalation or Inducing Others to Inhale Solvent Fumes to Cause Certain Reactions, Prohibited — Exceptions.

No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, or induce any other person to do so for the purpose of causing a condition of, or inducing symptoms

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

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 215.560. Inducing, or Possession With Intent to Induce, Symptoms by Use of Solvents, Prohibited.

- A. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use of any solvent, particularly toluol.
- B. No person shall intentionally possess any solvent, particularly toluol, for the purpose of using it in the manner prohibited by Section 215.550 and this Section.

Section 215.570. Possession or Purchase of Solvents to Aid Others in Violations, Prohibited — Violations of Sections 215.550 to 215.560 — Penalty.

- A. No person shall intentionally possess or buy any solvent, particularly toluol, for the purpose of inducing or aiding any other person to violate the provisions of Sections 215.550 and 215.560 hereof.
- B. Any person who violates any provision of Sections 215.550 — 215.570 is guilty of an ordinance violation.

**ARTICLE X
Offenses Concerning Minors**

Section 215.580. Definitions.

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

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

GUARDIAN — Guardian appointed by court of competent jurisdiction.

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

PARENT — The natural father or mother, or the adoptive father or mother.

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

Section 215.590. Curfew for Persons Under Seventeen.

- A. It shall be unlawful for any person under the age of seventeen (17) years to be in or upon

any public place or way within the City of Mount Vernon between the hours of 12:01 A.M. and 6:00 A.M. The provisions of this Section shall not apply to any such persons accompanied by a parent or guardian, to any such person upon an errand or other legitimate business directed by such person's parent or guardian, to any such person who is engaged in gainful, lawful employment during said time period, or who is returning or in route to said employment, or to any such person who is attending or in route to or from any organized religious or school activity.

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

Section 215.600. Parental Responsibility.

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

person who has been damaged by the misconduct of the minor in an amount not to exceed two thousand dollars (\$2,000.00).

ARTICLE XI
Offenses Concerning Tobacco

Section 215.610. Definitions.

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

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 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 samples.

TOBACCO PRODUCTS — Any substance containing tobacco leaf including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

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.

Section 215.620. Unlawful to Sell or Distribute Tobacco Products to Minors-Vending Machine Requirements.

- A. It shall be unlawful for any person to sell, provide or distribute tobacco products to persons under eighteen (18) years of age.
- B. All vending machines that dispense tobacco 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 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 (E) 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 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 Subsections (A), (B) or (C) of this Section or Section 215.650 of this Article shall be penalized as follows:
 - 1. For the first (1st) offense, twenty-five dollars (\$25.00);
 - 2. For the second (2nd) offense, one hundred dollars (\$100.00); and
 - 3. For a third (3rd) and subsequent offense, two hundred fifty dollars (\$250.00).
- E. Any owner of the establishment where tobacco products are available for sale who violates Subsection (C) of this Section, in addition to the penalties established in Subsection (D) of this Section, shall be penalized in the following manner:
 - 1. For the first (1st) violation per location within two (2) years, a reprimand shall be issued by the Division of Alcohol and Tobacco Control;
 - 2. For the second (2nd) violation per location within two (2) years, the Division of Alcohol and Tobacco Control shall issue a citation prohibiting the outlet from selling tobacco products for a twenty-four (24) hour period;
 - 3. For the third (3rd) violation per location within two (2) years, the Division of Alcohol and Tobacco Control shall issue a citation prohibiting the outlet from selling tobacco products for a forty-eight (48) hour period;
 - 4. For the fourth (4th) and any subsequent violations per location within two (2) years, the Division of Alcohol and Tobacco Control shall issue a citation prohibiting the outlet from selling tobacco products for a five (5) day period.
- F. Any owner of the establishment where tobacco 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 tobacco sales to minors. Such training program must be attended by all employees who sell tobacco 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; 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.

- G. The exemption in Subsection (F) of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products are available for sale if:
 - 1. Four (4) or more violations per location of Subsection (C) of this Section occur within a one (1) year period; or
 - 2. Such person knowingly violates or knowingly allows his/her employees to violate Subsection (C) of this Section.
- H. 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 215.650, 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.
- I. A person cited for selling, providing or distributing any tobacco product to any individual less than eighteen (18) years of age in violation of Subsections (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:
 - 1. 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.
- J. 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 215.630. Minors Prohibited From Purchase or Possession of Tobacco-Misrepresentation of Age.

- A. No person less than eighteen (18) years of age shall purchase, attempt to purchase or possess cigarettes or other tobacco products unless such person is an employee of a seller of cigarettes or tobacco 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 or tobacco products.
- C. Any person who violates the provisions of this Section shall be penalized as follows:
 - 1. For the first (1st) violation, the person is guilty of an infraction and shall have any cigarettes or tobacco products confiscated;

2. For a second (2nd) violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes or tobacco products confiscated and shall complete a tobacco education or smoking cessation program, if available.

Section 215.640. Retail Sales Tax License Required for Sale of Tobacco Products.

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

Section 215.650. Required Sign Stating Violation of State Law to Sell Tobacco to Minors Under Age Eighteen-Display of Sign Required Where.

- A. The owner of an establishment at which tobacco 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 are sold and on every vending machine where tobacco products are purchased a sign that shall:
 1. Contain in red lettering at least one-half ($\frac{1}{2}$) inch high on a white background the following:
 1. "IT IS A VIOLATION OF STATE LAW FOR CIGARETTES OR OTHER TOBACCO 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 OR OTHER TOBACCO 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 215.660. 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 215.670. Proof of Age Required, When Defense to Action for Violation Is Reasonable Reliance on Proof-Liability.

- A. A person or entity selling tobacco products or rolling papers or distributing tobacco 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 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 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 a misdemeanor and upon conviction shall be subject to a fine of not more than one thousand dollars (\$1,000.00) and confinement for not more than one (1) year, or by both such fine and imprisonment.
- 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 215.620 of this Article. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section 215.620 on any single day.

ARTICLE XII
Fireworks ²⁹

Section 215.680. Sales of Fireworks Within City Limits. [Ord. No. 3.41 §2, 6-25-2010]

- A. Consumer fireworks, as defined in Section 320.131, RSMo., and by the United States Department of Treasury as fireworks UNO336, 1.4G, may be sold within the City as set forth herein beginning June 20 and ending on July 10, or such other time as set forth in the Code of State Regulations, 11 CSR 40-3.010. [Ord. No. 3.47 §1, 6-25-2013]
- B. Sales may only occur by a seasonal retailer that holds a valid permit issued by the State Fire Marshal, and retail locations are limited to business districts "B-1" or "B-3".
 - 1. No consumer fireworks retail location may be located within fifty (50) feet of any motor vehicle fuel dispensing station dispenser, retail propane dispensing station dispenser, compressed natural gas dispensing station dispenser, gasoline or propane bulk station, or any building in which gasoline or volatile liquids are sold in quantities in excess of one (1) gallon. The provisions of this Subsection shall not apply to stores where cleaners, paints, and oils are sold in the original containers to consumers.
- C. No consumer fireworks shall be sold from or stored in a permanent structure, defined as buildings or structures with permanent foundations other than tents, mobile homes and trailers.

29. Editor's Note — Ord. no. 3.41 §1, adopted June 25, 2010, repealed sections 215.680 — 215.700 and enacted new provisions set out herein. Former sections 215.680 — 215.700 derived from ord. no. 3.10 §§1 — 5, 8-2-1966; ord. no. 3.11 §1, 6-6-1967; ord. no. 3.20 §§1 — 2, 6-30-1980; ord. no. 3.21 §§1 — 2, 6-14-1983.

- D. No person under the age of sixteen (16) shall sell fireworks or work in a location where fireworks are stored, sold or offered for sale unless supervised by an adult.
- E. No person shall sell at retail or attempt to sell at retail any fireworks to children under the age of fourteen (14) unless such person is accompanied by a parent or guardian.

Section 215.685. Permit To Sell Fireworks Within City Limits. [Ord. No. 3.48 §1, 10-22-2013]

Any person or entity selling fireworks within the City limits shall first secure a permit from the City of Mount Vernon. The fee for said permit shall be included in the fee schedule adopted and approved by the City of Mount Vernon, and the sale of fireworks without such a permit is prohibited. Any person or entity selling fireworks within the City limits without a permit shall be guilty of an infraction punishable in Municipal Court.

Section 215.690. Possession and Discharge of Fireworks Within City Limits. [Ord. No. 3.41 §2, 6-25-2010]

- A. Consumer fireworks may be possessed by consumers from June twentieth (20th) until Midnight on July fourth (4th). Consumer fireworks may be discharged on July fourth (4th) from 7:00 A.M. until Midnight, and may be discharged from 11:58 P.M. on December thirty-first (31st) until 12:03 A.M. on January first (1st).
- B. No fireworks shall be discharged within one hundred (100) feet of any location where fireworks are stored, sold or offered for sale.
- C. No fireworks shall be discharged within three hundred (300) feet of any permanent storage of ignitable liquid, gases, gasoline pump, gasoline filling station, or any non-permanent structure where fireworks are stored, sold or offered for sale.
- D. No fireworks shall be discharged or ignited by any occupant of a motor vehicle.
- E. No fireworks shall be discharged or ignited in such a way as to cause them to go into a motor vehicle.
- F. No fireworks shall be discharged or ignited in such a way as to cause them to be directed at a person or a group of people.

Section 215.700. Permits for Public Fireworks Displays. [Ord. No. 3.41 §2, 6-25-2010; Ord. No. 3.42 §1, 6-8-2010]

- A. The Fire Chief may issue permits to any organization, group or individual seeking to present or host a firework display for public viewing upon the Fire Chief's determination that the manner in which the fireworks are located, discharged, and fired will not be hazardous to property or endanger the health and welfare of citizens.
- B. When such a permit is sought for a firework display in connection with any sporting event involving students of the Mount Vernon R-5 School District, the Fire Chief may allow the permit to be effective for up to four (4) months.
- C. There will be no charge for the permits listed in this Section.

ARTICLE XIII
Miscellaneous Offenses

Section 215.710. Obstructing Sidewalk or Street. [Ord. No. 12.51 §3, 4-9-1996]

It shall be unlawful for any person to occupy a sidewalk or street in such manner as to obstruct the same. Any person so obstructing any such sidewalk or street, and who shall fail, neglect or refuse to abate said obstruction when commanded to do so by the Mount Vernon Chief of Police or a Mount Vernon Police Officer, shall be punished as for a misdemeanor.

Section 215.720. Animal Abuse and Neglect. [Ord. No. 3.35 §1, 10-23-2007]

- A. A person is guilty of animal neglect when he has custody or ownership of an animal and fails to provide adequate care or adequate control which results in substantial harm to the animal.
- B. A person is guilty of abandonment when he has knowingly abandoned an animal in any place without making provisions for its adequate care.
- C. In addition to any other penalty imposed by this Section, the court may order a person found guilty of animal neglect or abandonment to pay all reasonable costs and expenses necessary for:
 - 1. The care and maintenance of neglected or abandoned 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 or abandonment; and
 - 4. The avoidance or minimization of any public health risks created by neglect or abandonment of the animals.
- D. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

ADEQUATE CARE — Normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health in a specific species of animal.

ADEQUATE CONTROL — To reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal or property.

Chapter 220

NUISANCES

ARTICLE I Nuisances — Generally

Section 220.010. 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 yard waste, 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. Privy vaults or garbage cans which are not fly-tight, that is, privy vaults or 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 semi-public 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 Mount Vernon.
 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 Mount Vernon 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 interfere 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 Mount Vernon.
- 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 Mount Vernon or within one-half (½) mile of the corporate limits of the City of Mount Vernon, 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.
- B. Each day that a nuisance shall be maintained is a separate offense.
- C. *Authority To Abate Emergency Cases.* In cases where it reasonably appears that there is an immediate danger to the health, safety or welfare of the public due to the existence of a nuisance, the Mayor or his/her designate shall have the authority to order the Chief of Police or Health Officer or other City Official to immediately abate the nuisance in an appropriate manner.
- D. *Abatement — Procedure Generally.* Whenever the Board of Aldermen or it's designee receives notification that a nuisance may exist, it shall proceed as follows, except as may be otherwise provided herein:
1. *It shall investigate the same.* The Board or it's designee may order any person who has caused or is maintaining the nuisance to appear before the Board or it's designee at such time and place as the Board or it's designee may direct to show cause, if any,

why that person should not abate the nuisance. Every person required to appear before the Board shall have at least ten (10) days' notice thereof.

2. Such notice shall be signed by the Health Officer or Chief of Police and shall be served upon that person by delivering a copy thereof to the person, or by leaving a copy at his/her residence with some member of the family or household over fifteen (15) years of age, or upon any corporation by delivering the copy thereof to the President or to any other officer at any business office of the corporation within the City. If the notice cannot be given for the reason that the person named in the notice or his/her agent cannot be found in the City, of which fact the return upon such notice of the officer serving the same shall be conclusive evidence, such notice shall be published in a daily newspaper for three (3) consecutive days, if a daily, or once, if a weekly paper, giving at least ten (10) days' notice from the final publication date of the time fixed for the parties to appear before the Board or its designee.
3. If after hearing all the evidence the Board of Aldermen or its designee may determine that a nuisance exists, it may direct the Health Officer or Chief of Police or other City Official to order the person to abate the nuisance within twenty (20) days or within such other time as the Board or its designee may deem reasonable. Such order shall be served in the manner provided in this Section for service of the order to show cause. The order may further provide that the appropriate City Official be directed to abate the nuisance if the order is not obeyed within the time period set by the Board or its designee, and that a special tax bill be issued for the costs of abating the nuisance.
4. If the order has not been obeyed within the time period set by the Board or its designee, the appropriate City Official shall proceed to abate the nuisance in the manner provided by the order of the Board or its designee, and the cost of same, if ordered by the Board, may be assessed as a special tax against the property so improved or upon which such work was done; and, if so ordered, the City Clerk shall cause a special tax bill therefor against the owner thereof when known, and if not known then against the unknown persons, and the certified bills of such assessment shall describe therein the property upon which the work was done.
5. The bills for the above work shall be recorded and shall be collected and paid as provided for the collection of other special tax bills for the repairing of sidewalks or grading or paving of streets and shall be a lien on the property.
6. The cost of abating nuisances on private property shall be levied and assessed on each lot in proportion to the amount of work done and material used in abating the nuisance located on each such lot.

Section 220.020. Animal Waste Prohibited on Public and Private Property — Exception.

Any person in physical possession and control of any animal shall remove excreta or other solid waste deposited by the animal in any public or private area not designated to receive such wastes including, but not limited to, streets, sidewalks, parking lots, public parks or recreation areas and private property. The provisions of this Section shall not apply to a guide dog accompanying any

blind person.

Section 220.030. Depositing of Certain Substances Prohibited. [Ord. No. 9.06 §3, 8-4-1964]

It shall be unlawful for any person or persons to leave, deposit or place or cause to be left, deposited or placed by any person or persons in their employ any earth, stone, timber, boxes, barrels, old iron, machinery or rubbish of whatsoever kind or nature on any street or alley within the corporate limits of the City of Mount Vernon; except the depositing of earth, gravel or stone when done by the permission or direction of the Street Commissioner for the improvement of the streets or alleys, and excepting further the occupancy of the streets for receiving, shipping and exhibition of goods, wares and merchandise and for building material for buildings in the course of construction when a passageway for vehicles and traffic is kept open through such streets so occupied, provided however, that any builder or contractor occupying said streets or alleys as aforesaid shall, within twenty days (20) after the completion of the roof or covering of any building being so constructed, remove all building material and rubbish from the streets, sidewalks and alleys that may have been placed thereon by him/her and leave said streets, alleys and sidewalks in as good condition for travel thereon as existed before such use.

Section 220.040. Drain or Ditch. [Ord. No. 9.06 §4, 8-4-1964]

It shall be unlawful for any person to dig or cut or cause to be dug or cut any drain or ditch in any street or alley in the City of Mount Vernon or to fill in or up any ditch or drain so as to in any way or manner change the flow or drainage of water from channels now in use or that may hereafter be made by the Street Commissioner or under his/her direction. It shall be unlawful for any person to fill in or embank any street or alley in front of premises owned or occupied by him/her so as to cause the water to flow into or across any street or alley otherwise than has been or may hereafter be provided by any person legally authorized to work on streets or alleys.

Section 220.050. Fences. [Ord. No. 9.06 §5, 8-4-1964]

It shall be unlawful for any person or persons to construct or place any fence or building in or across any street or alley in the City of Mount Vernon or to obstruct in any way any of the streets or alleys of said City.

ARTICLE II
Abandoned Property

Section 220.060. Definitions.

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

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

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

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

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

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

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

Section 220.070. Abandoned Vehicles Prohibited.

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

Section 220.075. Storage of Motor Vehicles. [Ord. No. 9.36 §2, 5-13-2008]

- A. *Derelict Vehicle On Private Property.* All vehicles or parts thereof, self-powered or non-self-powered, found upon any lot within the City limits in a dismantled, dilapidated, wrecked, abandoned or non-operative condition shall be considered a derelict vehicle thereby making it a public nuisance, detrimental to the health and safety of the public.
- B. *Unlicensed, Illegally Parked Vehicles On Private Property.* All vehicles or parts thereof, self-powered and non-self-powered found upon any lot within City limits, the license for which has been expired for thirty (30) or more days shall be considered a derelict vehicle thereby making it a public nuisance, detrimental to the health and safety of the public.
- C. *Derelict Vehicles — Unlicensed Vehicles — Illegally Parked Vehicles On Public Property.* Any vehicle or parts thereof, self-powered or non-self-powered, found upon any lot or any street, alley, easement, right-of-way or highway within the City limits, and which is inoperable, disassembled, wrecked, dilapidated, abandoned, unlicensed, for thirty (30) or more days, shall be considered a derelict vehicle for the purpose of this Chapter.
- D. The open storage of inoperable vehicles or other vehicles deemed by the City to constitute a public safety hazard is prohibited.
- E. 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 a salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with applicable zoning ordinances.

Section 220.080. (Reserved) ³⁰

Section 220.090. Obstructing the Flow of Traffic Prohibited.

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

Section 220.100. Towing of Abandoned Property on Public Real Property.

A. Any Law Enforcement Officer, or an official of the City where the City's real property is concerned, may authorize a towing company to remove to a place of safety:

1. Any abandoned property on the right-of-way of:
 - a. Any State highway or interstate highway or freeway in an urbanized area of the City left unattended for ten (10) hours;
 - b. Any State highway or interstate highway or freeway outside of an urbanized area of the City left unattended for more than forty-eight (48) hours;

provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this Section to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice.

2. Any unattended abandoned property illegally left standing upon any highway or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal.
3. Any abandoned property which has been abandoned under Section 220.070 herein or Section 577.080, RSMo.
4. Any abandoned property which has been reported as stolen or taken without consent of the owner.
5. Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer is required to take the person into custody and where such person is unable to arrange for the property's timely removal.

30. Editor's Note — Ord. no. 9.36 §1, adopted May 13, 2008, repealed sections 220.080 "open storage of inoperable vehicles or public safety hazards prohibited" in its entirety.

6. Any abandoned property which due to any other State law or City ordinance is subject to towing because of the owner's outstanding traffic or parking violations.
 7. Any abandoned property left unattended in violation of a State law or City ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard.
- B. When the City Police Department authorizes a tow pursuant to this Section in which the abandoned property is moved from the immediate vicinity, it shall complete a crime inquiry and inspection report.
- C. Any City agency other than the City Police Department authorizing a tow under this Section where property is towed away from the immediate vicinity shall report the tow to the City Police Department within two (2) hours of the tow, along with a crime inquiry and inspection report.

Section 220.110. Towing of Abandoned Property on Private Real Property.

- A. *Generally.* The City, including the City Police Department, may tow motor vehicles from real property which are deemed a public safety hazard pursuant to Section 220.080 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 220.120. 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 (17) by twenty-two (22) inches in size, with lettering not

less than one (1) inch in height, prohibiting public parking and indicating that unauthorized abandoned property or property parked in a restricted or assigned area will be removed at the owner's expense, disclosing the maximum fee for all charges related to towing and storage, and containing the telephone number of the local traffic law enforcement agency where information can be obtained or a twenty-four (24) hour staffed emergency information telephone number by which the owner of the abandoned property or property parked in a restricted or assigned area may call to receive information regarding the location of such owner's property.

- b. *Unattended on owner-occupied residential property.* The abandoned property is left unattended on owner-occupied residential property with four (4) residential units or less and the owner, lessee or agent of the real property in lawful possession has notified the City Police Department, and ten (10) hours have elapsed since that notification.
 - c. *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. 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 Article.
- 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 220.120. General Provisions and Procedures.

- A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Article shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 220.130.
- B. *Crime Inquiry And Inspection Report.* Upon the towing of any abandoned property pursuant to Section 220.100 or under authority of a Law Enforcement Officer or local governmental agency pursuant to Section 220.110, the City Police Department, where it authorized such towing or was properly notified by another governmental agency of such towing, shall promptly make an inquiry with the National Crime Information Center

(NCIC) and any statewide Missouri law enforcement computer system to determine if the abandoned property has been reported as stolen and shall enter the information pertaining to the towed property into the statewide law enforcement computer system.

- B. If the abandoned property is not claimed within ten (10) working days of the towing, the City Police Department shall submit a crime inquiry and inspection report to the Missouri Director of Revenue. The City Police Department shall also provide one (1) copy of the report to the storage facility and one (1) copy to the towing company. A towing company in possession of abandoned property after ten (10) working days shall report such fact to the City Police Department. The crime inquiry and inspection report shall be designed by the Director of Revenue and shall include the following:
1. The year, model, make and property identification number of the property and the owner and any lienholders, if known;
 2. A description of any damage to the property noted by the Law Enforcement Officer authorizing the tow;
 3. The license plate or registration number and the State of issuance, if available;
 4. The storage location of the towed property;
 5. The name, telephone number and address of the towing company;
 6. The date, place and reason for the towing of the abandoned property;
 7. The date of the inquiry of the National Crime Information Center, any statewide Missouri law enforcement computer system, and any other similar system which has titling and registration information to determine if the abandoned property had been stolen. This information shall be entered only by the City Police Department;
 8. The signature and printed name of the Law Enforcement Officer authorizing the tow and the towing operator; and
 9. Any additional information the Missouri Director of Revenue deems appropriate.
- C. *Reclaiming Property.* The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.
- D. *Lienholder Repossession.* If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the City Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The City Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.
- E. *Notice To Owner/Tow Lien Claim.* Any towing company which comes into possession of

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

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 of the abandoned property for any type of license plates, license plate record, temporary permit, inspection sticker, decal or other evidence which may indicate a State of possible registration and title;
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 Article or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue.
- H. *Notice To Owner.* Notice as to the removal of any abandoned property pursuant to this Article shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:
1. The public agency authorizing the removal; or
 2. The towing company, where authorization was made by an owner or lessee of real property.

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

- I. *Tow Truck Requirements.* Any towing company which tows abandoned property for hire shall have the towing company's name, City and State clearly printed in letters at least three (3) inches in height on the sides of the truck, wrecker or other vehicle used in the towing.
- J. *Storage Facilities.* Persons operating or in charge of any storage facility where the abandoned property is stored pursuant to this Article shall accept cash for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property.

Section 220.130. Maximum Charges.

- A. A towing company may only assess reasonable storage charges for abandoned property towed without the consent of the owner. Reasonable storage charges shall not exceed the charges for vehicles which have been towed with the consent of the owner on a negotiated basis. Storage charges may be assessed only for the time in which the towing company complies with the procedural requirements of this Article.
- B. The Board of Aldermen may from time to time establish maximum reasonable towing,

storage and other charges which can be imposed by towing and storage companies operating within the City, and which are consistent with this Article and with Sections 304.155 to 304.158, RSMo. Any violation of said established maximum charges shall be deemed a violation of this Section of the Code and shall be punishable pursuant to Section 100.220.

- C. A towing company may impose a charge of not more than one-half (½) of the regular towing charge for the towing of abandoned property at the request of the owner of private real property or that owner's agent pursuant to this Article if the owner of the abandoned property or the owner's agent returns to the abandoned property before it is removed from the private real property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit.

Section 220.140. Sale of Abandoned Property by City.

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

ARTICLE III

Weeds, High Grass or Other Vegetation

Section 220.150. Weeds, High Grass or Other Vegetation. [Ord. No. 9.37 §§1 — 3, 5-27-2008]

- 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 twelve (12) 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). Each day that a nuisance shall be maintained is a separate offense.
- 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. *Procedure To Abate Nuisance.* Whether or not a party described in Subsection (C) of this Section is or has been issued a citation for maintaining a nuisance, the City may proceed as follows to abate the nuisance:
 - 1. *Notice.* The City Administrator shall give a hearing after ten (10) days' notice thereof either personally or by United States mail to the owner or owners, or his/her or their

agents, or by posting such notice on the premises; thereupon, the City Administrator may declare the weeds, high grass or other vegetation to be a nuisance and order the same to be abated within five (5) days.

2. *Disposition.* In case the weeds, high grass or other vegetation are not cut down and removed within the five (5) days, the City Administrator shall have the weeds, high grass or other vegetation cut down and removed and shall certify the costs of same to the City Clerk.
3. *Tax bill.* The City Clerk shall cause a special tax bill therefor against the property to be prepared and to be collected by the Collector with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first (1st) lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the City Clerk and delivered to the Collector on or before the first (1st) day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum.

Chapter 225

EMERGENCY MANAGEMENT

Section 225.010. Establishment.

There is hereby created within and for the City of Mount Vernon an emergency management organization to be known as the Mount Vernon 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 by the Mount Vernon 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 Mount Vernon 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 Mayor.
- B. The Director shall have direct responsibility for the organization, administration and operations of local emergency management operations, subject to the direction and control of the Mayor or Board of Aldermen.
- C. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Mount Vernon Emergency Management Organization.

Section 225.050. Scope of Operation.

- A. The City of Mount Vernon 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.
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. [Ord. No. 541 §5(4), 1-14-1980]

- A. The Mayor may enter into mutual-aid arrangements or agreements with other public and private agencies within and without the State for reciprocal emergency aid. Such arrangements or agreements shall be consistent with the State disaster plan and program and the provisions of Section 70.837, RSMo., and Section 320.090, RSMo. In time of emergency it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual-aid arrangements or agreements.
- B. The coordinator of each local organization for emergency management may assist in negotiation of reciprocal mutual-aid agreements between the coordinator's organization and other public and private agencies and between the Governor and the adjoining States or political subdivisions thereof, and shall carry out arrangements or agreements relating to the local unit.

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 Mount Vernon 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 Mount Vernon 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 Mount Vernon 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 Mount Vernon Emergency Management Organization.

Chapter 230

FAIR HOUSING

ARTICLE I

Discriminatory Practices

Section 230.010. 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 based on 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 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 230.010, 230.020 and 230.030, 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.
 3. In connection with the design and construction of covered multi-family dwellings for first (1st) 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.
 - 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 Subdivision (3) of Subsection (B) of this Section, the term "*covered multi-family 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 physically disabilities, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of Subsection (B)(3)(a) of this Section.

Section 230.020. 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 230.030. 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 on account of race, color, religion, national origin, ancestry, sex, disability or familial status.

Section 230.040. Discrimination in Public Accommodations Prohibited — Exceptions.

- A. All persons within the City of Mount Vernon 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 on the grounds 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 213.010 RSMo., and this Section, or to segregate or discriminate against any such person in the use thereof on the grounds 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 213.010 RSMo., and this Section.

Section 230.050. 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 230.060. Exemptions.

- A. Nothing in this Chapter shall be construed to:
 - 1. Require the Commission to review or approve the plans, designs or construction of all covered dwellings to determine whether the design and construction of such dwellings are consistent with the requirements of Subsection (B)(3) of Section 230.010.
 - 2. 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 230.010, 230.020 and 230.030:
 - 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 230.010, 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 (24) month period.
 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 235

SOLID WASTE

Section 235.010. Definitions. [Ord. No. 9.09 §1, 2-11-1986]

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

APPROVED INCINERATOR — An incinerator which complies with all current regulations of the responsible local, State and Federal air pollution control agencies.

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 Mount Vernon, Missouri.

COLLECTION — Removal of solid waste from the designated pickup location to the transportation vehicle.

DEMOLITION AND CONSTRUCTION WASTE — Waste materials from the construction or destruction of residential, industrial or commercial structures.

DIRECTOR — The Director of the Solid Waste Management Program of the City shall be the Director of Public Works.

DISPOSABLE SOLID WASTE CONTAINER — Disposable plastic or paper sacks with a capacity of twenty (20) to thirty-five (35) gallons specifically designed for storage of solid waste.

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.

HAZARDOUS WASTE — Any waste or combination of wastes, as determined by the 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.

MULTIPLE HOUSING FACILITY — A housing facility containing more than one (1) dwelling unit under one (1) roof.

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, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision or organization of any kind or their legal representative, agent or assigns.

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

SOLID WASTE — Garbage, refuse and other discarded materials including, but not limited to, solid and semi-solid 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.

1. COMMERCIAL SOLID WASTE — Solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.
2. RESIDENTIAL SOLID WASTE — Solid waste resulting from the maintenance and operation of dwelling units.

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

Section 235.020. Solid Waste Storage. [Ord. No. 9.09 §2, 2-11-1986]

- A. The occupant or owner 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 or owner of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.
- C. Residential solid waste shall be stored in containers of not more than thirty-five (35) gallons nor less than twenty (20) gallons in nominal capacity. Containers shall be leakproof, waterproof and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers 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 and 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. Disposable solid waste containers with suitable frames or containers as approved by the Director 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 Director. 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 235.070.
- E. Tree limbs less than four (4) inches in diameter and brush shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed seventy-five (75) pounds.
- F. Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises or upon adjacent public rights-of-way. The weight of any individual container and contents shall not exceed seventy-five (75) pounds.
- G. Solid waste containers which do not meet the specifications as outlined in this Section will be collected together with their contents and disposed of.

Section 235.030. Collection of Solid Waste. [Ord. No. 9.09 §3, 2-11-1986]

- A. Tree limbs and yard wastes, as described in Section 235.020 (E) and (F) respectively, shall be placed at the curb or alley for collection. Solid waste containers as required by this Chapter for the storage of other residential solid waste shall be placed at the curb or alley for collection. Any solid waste containers, tree limbs, yard wastes or other solid waste permitted by this Chapter to be placed at the curb or alley for collection shall not be so placed until the regularly scheduled collection day.
- B. Bulky rubbish shall be collected at least once annually. The Director shall establish the procedure for collecting bulky rubbish.

- C. The following collection frequencies shall apply to collections of solid waste within the City:
 - 1. All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. At least one hundred sixty-eight (168) hours shall intervene between collections. All commercial solid waste shall be collected at least once weekly and shall be collected at such lesser intervals as may be fixed by the Director or requested by the commercial establishment upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.
- D. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well drained, fully accessible to collection equipment, public health personnel and fire inspection personnel.
- E. Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, shall be responsible for the collection of solid waste from the designated pickup location to the transportation vehicle provided the solid waste was stored in compliance with the provisions set forth in 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.

Section 235.040. Transportation of Solid Waste. [Ord. No. 9.09 §4, 2-11-1986]

- A. All transportation vehicles shall be maintained in a safe, clean and sanitary condition and shall be so construed, 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 alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.
- 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. Demolition and construction wastes shall be transported to a disposal area as provided in Section 235.050(A). A permit shall not be required for the hauling of demolition and construction waste, 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.

Section 235.050. Disposal of Solid Waste. [Ord. No. 9.09 §5, 2-11-1986]

- 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 — 260.245, RSMo., and the rules and regulations adopted thereunder.

- B. Hazardous wastes under provisions will require special handling and shall be disposed of only in a manner authorized by State regulations.

Section 235.060. Rules and Regulations. [Ord. No. 9.09 §7, 2-11-1986]

- A. The Director shall make, amend, revoke and enforce reasonable 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 sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

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 235.070. Prohibited Practices. [Ord. No. 9.09 §8, 2-11-1986]

- 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;
2. Fail to have solid waste collected as provided in this Chapter;
 3. 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 or those of a solid waste collection agency operating under contract with the City;
 4. Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;
 5. Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Department of Natural Resources;
 6. 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;
 7. Violate any Section of this Chapter or any other rule or regulation promulgated under the authority of Section 235.060.

Chapter 240

PARK REGULATIONS

Cross Reference — As to parking a vehicle in the parking lots of city parks after closing hours, §355.140.

ARTICLE I

Public Parks, Swimming Pool Area and Golf Course Regulations — Generally

Section 240.010. Park Regulations — Generally. [Ord. No. 3.13 §§1 — 6, 6-2-1970]

- A. It shall be unlawful to allow or permit any horse, mare, pony, jack, jennet, mule, colt or other riding animals to be ridden, led, driven or otherwise run at large in the public parks, swimming pool area and golf course of the City of Mount Vernon, Missouri, at any time.
- B. It shall be unlawful to allow or permit any motorcycle, motorbicycle or motorcart to be ridden, driven or operated in the public parks and golf course, except the same may be ridden, driven or operated in the swimming pool parking area, at any time.
- C. It shall be unlawful to operate a motor vehicle of any kind, type or make on the golf course at any time, except for authorized maintenance vehicles.
- D. It shall be unlawful for any person, company, corporation or association to litter in any manner the public parks, swimming pool area and golf course at any time.
- E. It shall be unlawful for any motor vehicle, motorcycle, motorbicycle or motor cart to be operated at a speed in excess of than (10) miles per hour in the public parks and swimming pool area at any time.

ARTICLE II

Williams Creek Park Regulations

Section 240.020. Use of Park Limited to Pedestrians and Handicapped People in Wheelchairs. [Ord. No. 8.13 §§1 — 3, 6-10-1997]

- A. The use of the perimeter path in Williams Creek Park, the piers adjacent to the pond and all other areas, except the parking lot, shall be restricted to pedestrians and people using wheelchairs only.
- B. Employees and agents of the City of Mount Vernon, Missouri, may, for maintenance and security purposes, from time to time, enter upon the Williams Creek Park premises and all parts thereof by the use of motor vehicles or other equipment and vehicles necessary for the proper maintenance and security of Williams Creek Park.

Section 240.030. Prohibiting Swimming, Boating, Floating or Using Flotation Devices in Pond. [Ord. No. 8.14 §§1 — 2, 6-10-1997]

No person shall swim, boat, float or use flotation devices in the Williams Creek Park pond.

Section 240.040. Prohibiting Taking of Wildlife on or Within Williams Creek Park. [Ord. No. 8.15 §§1 — 2, 6-10-1997]

No wildlife, as defined by the Statutes of the State of Missouri, shall be pursued, taken, killed, possessed or disposed of from, within, about or on the premises of the Williams Creek Park.

ARTICLE III
Gibbs Park Fund

Section 240.050. Gibbs Park Fund. [Ord. No. 8.02 §§1 — 2, 12-4-1923]

- A. The Board of Aldermen hereby ordains and directs that a fund be created and set apart by the Treasurer, to be known as the Gibbs Park Fund, and that all monies derived through the rentals and all other income from the Gibbs dwelling and other buildings willed to the City by Mrs. Mary Gibbs for a park be placed in the Gibbs Park Fund, except such amounts as may be required for repairs and insurance on said buildings, and that said Park Fund be used only for the improvement of said park, in carrying out the provisions of the will creating said park, and that as soon as practicable the stone wall be built as directed around said park, and that the entrance and archway be built as directed by said will, so that the will and wishes of the late beloved Mary Gibbs concerning Gibbs Park be carried out according to the plans and directions by her set out in her last will and testament, and that all of the rentals and other income from said property, together with whatever funds that may be accumulated for that purpose, be economically expended in further beautifying said Gibbs Park.
- B. The City Treasurer is hereby ordered, upon the passage and approval of this Article, to at once place all funds heretofore accumulated from the rental of the Gibbs dwelling, out houses and private garage located thereon, together with the funds derived from the sale of the old stone house or granary building, in the Gibbs Park Fund and to use the same only for the purposes of this Article set out and for no other purpose.