

outline is defined and used in this document

## **TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE**

### **CHAPTER 200: POLICE DEPARTMENT**

#### **SECTION 200.010:**

#### **CITY MAY ENTER INTO AGREEMENT**

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

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## CHAPTER 205: ANIMAL REGULATIONS

### ARTICLE I. DEFINITIONS

#### SECTION 205.010: DEFINITIONS

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

*AFFECTED WITH RABIES:* Infected with the rabies virus as determined by standard laboratory testing.

*AT LARGE:* Off the premises of the owner and not under the control of the owner or a person who has custody of the said dog or animal with the owner's consent, either by leash, cord, chain or otherwise not exceeding six (6) feet in length so as to effectively prevent the dog or animal from biting, molesting, being with or approaching any other animal or person.

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

*EXPOSED TO RABIES:* When bitten by, or fought with, or has come in close contact with a dog or other animal shown to be infected with the rabies virus as determined by standard laboratory testing.

*HARBOR:* To feed or shelter an animal at the same location for three (3) or more consecutive days.

*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.

*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.

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

**ARTICLE II. LICENSING AND REGULATIONS**

**FOR DOGS**

**SECTION 205.020: ANTI-RABIES VACCINATION  
 REQUIRED—APPLICATION FOR  
 LICENSE—TRANSFER OF OWNERSHIP REPORTED TO CITY CLERK**

- A. The owner or keeper of any dog or cat in the City of Pasadena Hills is hereby required to have such animals vaccinated against rabies by a licensed veterinarian and to procure a certificate of such vaccination from the veterinarian and to present such certificate to the City Clerk annually; and the City Clerk shall register such certificate, which registration shall remain in force for one (1) year, and upon registration, the City Clerk shall issue a license for every dog evidencing the registration and certificate of vaccination. The owner or keeper shall securely attach the tag procured from the vet upon vaccination to a collar to be worn continuously by the animal for which the tag was issued. It shall be unlawful for the owner or keeper of any dog or cat to permit such animal to remain in the City of Pasadena Hills unless wearing the tag above provided for herein.
- B. The transfer of ownership or custody of any dog shall be reported to the City Clerk by transferee within ten (10) days after such transfer, by written notice on forms supplied by the Clerk at which time the transferee shall pay to the Clerk the transfer fee of twenty-five cents (\$.25). (R.O. 2009 §205.010; Ord. No. 58 §2, 5-15-51)

**SECTION 205.030: ISSUANCE OF LICENSE—FEE—EXEMPTION FROM  
 LICENSE  
 FEE—TERM OF LICENSE**

- A. The City Clerk shall issue a dog license to any person upon proper application for which he/she shall charge a fee of two dollars (\$2.00) for each dog, provided that no such license shall issue unless such applicant shall produce a certificate from a competent licensed veterinarian that such dog has been inoculated against hydrophobia or rabies, such certificate to be dated within one (1) year prior to such application. Applications for a dog license shall be made and the license obtained on or before the first (1st) day of June of each year. A license shall be obtained within sixty (60) days after the birth of any such animal after June first (1st), the license procurement date. All fees collected by the City Clerk shall be reported and certified in writing to the Board of Aldermen and paid into the City Treasury on the first (1st) day of each month.
- B. There shall be no charge for a license for any dog duly and properly trained to assist blind persons when any such dog is actually being used by a blind person for the purpose of aiding or assisting such blind person in going from place to place. (R.O. 2009 §205.020; Ord. No. 58 §3, 5-15-51)

**SECTION 205.040: LOST TAGS**

Any owner of a dog who suffers the loss of his/her dog license tag shall report said loss promptly to

the licensing official and exhibit the original license at which time he/she shall be issued a new license tag at a cost of twenty-five cents (\$.25). (R.O. 2009 §205.030; Ord. No. 58 §3, 5-15-51)

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5-15-51; Ord. No. 246 §1, 11-12-79)

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**SECTION 205.065: INTERFERENCE WITH OFFICER PERFORMING DUTIES—UNLAWFUL CONCEALMENT OF ANIMAL**

Any person who unlawfully conceals an animal or who interferes with the Chief of Police or his/her deputies or any duly authorized representative of the City of Pasadena Hills in the performance of their legal duties as provided in these regulations shall be guilty of a misdemeanor and upon conviction shall be subject to the penalties herein provided. (R.O. 2009 §205.150; Ord. No. 58 §13, 5-15-51)

**SECTION 205.070: RUNNING AT LARGE**

- A. *Running At Large Prohibited.* It shall be unlawful for any owner, owning, controlling, possessing or having the management or care in whole or in part of any dog to permit the same to run at large or go off the premises of the owner or keeper thereof, unless such dog is securely tied and led by a line or leash not exceeding eight (8) feet in length so as to effectively prevent the dog from biting, molesting, being with or approaching any other animal or person.
- B. *Presumption In Reference To Dogs Running Off Owner's Premises.* In any prosecution charging a violation of this Section, proof that a dog was running at large, together with proof that the defendant named in the complaint was, at the time described in the complaint, the owner or keeper of such dog, shall constitute a prima facie presumption that said owner or keeper was the person who permitted said dog to go off the premises of said owner or keeper. (R.O. 2009 §205.090; Ord. No. 94 §§2–5, 5-3-60)

**SECTION 205.080: IMPOUNDMENT**

Any dog captured and impounded as provided herein may be redeemed to the custody of the owner or other person having the right of possession of such animal upon the presentation of a proper license and upon payment of a redemption fee as may be fixed by the County of St. Louis or the County Health Commissioner. If such animal shall not be redeemed in this manner provided herein one (1) week after his/her capture, such animal shall, in the discretion of the Health Commissioner of St. Louis County or of the Chief of Police, be disposed of. Provided however, that such animal may be redeemed by any other person before its disposal upon securing a license for such animal and paying the redemption fee provided herein. (R.O. 2009 §205.100; Ord. No. 58 §8, 5-15-51)

**SECTION 205.085: FEES—CONFINEMENT AND ISOLATION—FAILURE TO PAY FEES—DISPOSAL OF ANIMAL**

Fees shall be charged for confining and isolating any animal, including domestic animals, under the provision of these regulations and no person shall be exempt from the payment thereof and the custody of any such animal shall be retained until the owner or persons having had custody of such animal shall have paid the fees charged for confining the same. Such fees shall be paid within five (5) days after the owner or person having had custody of such animal shall have received notice thereof. Failure to pay such fees shall authorize the disposal of such animal in the discretion of the

Chief of Police or Health Commissioner. Provided however, that the disposal of or destruction of any such animal during the period of observation shall not exempt the owner or person having had custody thereof from the fees to be charged hereunder. (R.O. 2009 §205.140; Ord. No. 58 §9, 5-15-51)

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**ARTICLE III. DANGEROUS DOGS****SECTION 205.090: DOG BITES—QUARANTINE**

It shall be the duty of any person bitten by a dog or the parent or guardian of any minor child bitten by a dog to report the same to the Chief of Police or his/her deputies immediately. Such report shall contain the name and address of the owner of the dog, the day and time bitten, the street location where bitten and a general description of the animal. The Chief of Police or his/her deputies shall immediately take said animal into custody or have the same confined by the owner thereof under their supervision to determine whether such animal be affected with rabies. If the owner shall not confine such animal in a manner satisfactory to the Chief of Police or his/her deputies, such animal shall be forthwith surrendered to them upon demand. (R.O. 2009 §205.110; Ord. No. 58 §10, 5-15-51)

**SECTION 205.100: VICIOUS DOGS PROHIBITED—EXCEPTIONS**

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

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

**ARTICLE IV. ADDITIONAL PROVISIONS**

**SECTION 205.110: ANIMAL NEGLECT OR ABANDONMENT**

- A. A person is guilty of animal neglect when he/she has custody or ownership or both 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 animal abandonment when he/she has knowingly abandoned an animal in any place without making provisions for its adequate care.
- C. Animal neglect or animal abandonment are ordinance violations. For a first (1st) offense of either violation, a term of imprisonment not to exceed fifteen (15) days or a fine not to exceed five hundred dollars (\$500.00) or both such fine and imprisonment may be imposed. For a second (2nd) or subsequent violation of either offense, a term of imprisonment not to exceed ninety (90) days or a fine not to exceed five hundred dollars (\$500.00) or both such fine and imprisonment may be imposed. All fines and penalties for a first (1st) conviction of animal neglect or animal abandonment may be waived by the court provided that the person found guilty of animal neglect or abandonment shows that adequate, permanent remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care and maintenance of neglected or abandoned animals may not be waived.
- D. In addition to any other penalty imposed by this Section, the court may order a person found guilty of animal neglect or animal 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 the neglect or abandonment of the animals.

**SECTION 205.120: ANIMAL ABUSE**

A person is guilty of animal abuse when a person:

- 1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of Sections 578.005 to 578.023 and 273.030, RSMo.;
- 2. Purposely or intentionally causes injury or suffering to an animal; or
- 3. Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control.

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

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**SECTION 205.130: KNOWINGLY RELEASING AN ANIMAL**

- A. A person commits the offense of knowingly releasing an animal if that person, acting without the consent of the owner or custodian of an animal, intentionally releases any animal that is lawfully confined for the purpose of companionship or protection of persons or property or for recreation, exhibition or educational purposes.
- B. As used in this Section, "*animal*" means every living creature, domesticated or wild, but not including *Homo sapiens*.
- C. The provisions of this Section shall not apply to a public servant acting in the course of such servant's official duties.

**SECTION 205.140: 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.

**SECTION 205.150: DANGEROUS WILD ANIMALS PROHIBITED**

No person may keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, wolf, bear, non-human primate, coyote, any deadly, dangerous or poisonous reptile, or any deadly or dangerous reptile over eight (8) feet long in any place other than a properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge.

**ARTICLE V. ENFORCEMENT**

**SECTION 205.160: CITY MAY CONTRACT WITH COUNTY FOR  
ENFORCEMENT  
SERVICES**

The City of Pasadena Hills may contract with the County of St. Louis, Missouri, for the services, facilities or functions required for the enforcement of this Chapter upon the terms and conditions as may be agreed upon by and between the Board of Aldermen of the City and the County of St. Louis, Missouri. (R.O. 2009 §205.160; Ord. No. 58 §14, 5-15-51)

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## CHAPTER 210: OFFENSES

### ARTICLE I. GENERAL PROVISIONS

#### SECTION 210.005: DEFINITIONS

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

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

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

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

*CONFINEMENT:*

1. A person is in confinement when he/she is held in a place of confinement pursuant to arrest or order of a court and remains in confinement until:
  - 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

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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 (1st) degree, assault in the first (1st) 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 (1st) degree, domestic assault in the first (1st) degree, elder abuse in the first (1st) degree, robbery in the first (1st) degree, statutory rape in the first (1st) degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first (1st) degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, and abuse of a child pursuant to Subdivision (2) of Subsection (3) of Section 568.060, RSMo., child kidnapping, and parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty (120) days under Section 565.153, RSMo.

*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.

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*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.

**PERSON** **ARTICLE II. OFFENSES AGAINST THE**

**SECTION 210.010: ASSAULT**

A person commits the offense of assault if:

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

**SECTION 210.015: DOMESTIC ASSAULT**

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

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

6. The person knowingly attempts to cause or causes the isolation of such family or household

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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.

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

**SECTION 210.020: ASSAULT OF A LAW ENFORCEMENT OFFICER, CORRECTIONS OFFICER, EMERGENCY PERSONNEL, HIGHWAY WORKER OR PROBATION AND PAROLE OFFICER**

- A. A person commits the offense of assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer if:
  - 1. Such person recklessly causes physical injury to a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone or Probation and Parole Officer;
  - 2. Such person purposely places a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer in apprehension of immediate physical injury;
  - 3. Such person knowingly causes or attempts to cause physical contact with a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer without the consent of the Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer.
- B. As used in this Section, *"emergency personnel"* means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in Subdivisions (15), (16), (17) and (18) of Section 190.100, RSMo.
- C. As used in this Section, the term *"Corrections Officer"* includes any jailor or Corrections Officer of the State or any political subdivision of the State.
- D. As used in this Section, the term *"highway worker"*, *"construction zone"* or *"work zone"* shall have the same meaning as such terms are defined in Section 304.580, RSMo.
- E. Assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, or Probation and Parole Officer is an ordinance violation.

**SECTION 210.030: HARASSMENT**

- A. A person commits the offense of harassment if he or she:
  - 1. Knowingly communicates a threat to commit any felony to another person and in so doing

frightens, intimidates, or causes emotional distress to such other person;

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2. When communicating with another person, knowingly uses coarse language offensive to one of average sensibility and thereby puts such person in reasonable apprehension of offensive physical contact or harm;
3. Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication;
4. Knowingly communicates with another person who is, or who purports to be, seventeen (17) years of age or younger and in so doing and without good cause recklessly frightens, intimidates, or causes emotional distress to such other person;
5. Knowingly makes repeated unwanted communication to another person; or
6. Without good cause engages in any other act with the purpose to frighten, intimidate, or cause emotional distress to another person, cause such person to be frightened, intimidated or emotionally distressed, and such person's response to the act is one of a person of average sensibilities considering the age of such person.

B. Harassment is an ordinance violation unless:

1. Committed by a person twenty-one (21) years of age or older against a person seventeen (17) years of age or younger; or
2. The person has previously pleaded guilty to or been found guilty of a violation of this Section, or of any offense committed in violation of any County or Municipal ordinance in any State, any State law, any Federal law or any military law which, if committed in this State, would be chargeable or indictable as a violation of any offense listed in this Subsection.

C. This Section shall not apply to activities of Federal, State, County or municipal Law Enforcement Officers conducting investigations of violation of Federal, State, County or municipal law.

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

**SECTION 210.035:**

**STALKING—DEFINITIONS**

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

*COURSE OF CONDUCT:* A pattern of conduct composed of two (2) or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests.

*CREDIBLE THREAT:* A threat communicated with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family or household members or domestic animals or livestock as defined in Section 276.606, RSMo., kept at such person's residence or on such person's property. The threat must be against the life of, or a threat to cause physical injury to, or the kidnapping of, the person, the person's family, or the person's household members or domestic animals or livestock as defined in Section 276.606, RSMo., kept at

such person's residence or on such person's property.

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*HARASSES:* To engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person under the circumstances to be frightened, intimidated or emotionally distressed.

- B. A person commits the offense of stalking if he or she purposely, through his or her course of conduct, harasses or follows with the intent of harassing another person.
- C. The offense of stalking shall be an ordinance violation unless the person has previously pleaded guilty to or been found guilty of a violation of this Section, or of any offense committed in violation of any County or municipal ordinance in any State, any State law, any Federal law or any military law which, if committed in this State, would be chargeable or indictable as a violation of any offense listed in this Section.
- D. Any Law Enforcement Officer may arrest, without a warrant, any person he or she has probable cause to believe has violated the provisions of this Section.
- E. This Section shall not apply to activities of Federal, State, County or municipal Law Enforcement Officers conducting investigations of violation of Federal, State, County or municipal law.

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

**SECTION 210.040:**

**FALSE IMPRISONMENT**

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

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

**SECTION 210.045:**

**IDENTITY THEFT**

- A. A person commits the offense of identity theft if he/she knowingly and with the intent to deceive or defraud obtains, possesses, transfers, uses or attempts to obtain, possess, transfer or use one (1) or more means of identification not lawfully issued for his/her use. Any person accused of identity theft may be prosecuted in the Municipal Court provided:
  - 1. The offense was committed wholly or partly within the City,
  - 2. The victim resides in the City, or
  - 3. The property obtained or attempted to be obtained was located in the City.
- B. The term "*means of identification*", as used in this Code, includes, but is not limited to, the following:
  - 1. Social Security numbers;
  - 2. Driver's license numbers;

3. Checking account numbers;

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4. Savings account numbers;
5. Credit card numbers;
6. Debit card numbers;
7. Personal identification (PIN) code;
8. Electronic identification numbers;
9. Digital signatures;
10. Any other numbers or information that can be used to access a person's financial resources;
11. Biometric data;
12. Fingerprints;
13. Passwords;
14. Parent's legal surname prior to marriage;
15. Passports; or
16. Birth certificates.

C. In addition to any punishment under Section 100.220 of this Code, the court may order that the defendant make restitution to any victim of the offense. Restitution may include payment for any costs, including attorney fees, incurred by the victim:

1. In clearing the credit history or credit rating of the victim; and
2. In connection with any civil or administrative proceeding to satisfy any debt, lien or other obligation of the victim arising from the actions of the defendant.

D. In addition to the criminal penalties in Subsection (C), any person who commits an act made unlawful by Subsection (A) shall be liable to the person to whom the identifying information belonged for civil damages of up to five thousand dollars (\$5,000.00) for each incident, or three (3) times the amount of actual damages, whichever amount is greater. A person damaged as set forth in Subsection (A) may also institute a civil action to enjoin and restrain future acts that would constitute a violation of Subsection (A). The court, in an action brought under this Subsection, may award reasonable attorneys' fees to the plaintiff.

E. If the identifying information of a deceased person is used in a manner made unlawful by Subsection (A), the deceased person's estate shall have the right to recover damages pursuant to Subsection (D).

F. This Section shall not apply to the following activities:

1. A person obtains the identity of another person to misrepresent his/her age for the sole purpose of obtaining alcoholic beverages, tobacco, going to a gaming establishment or another privilege
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denied to minors;

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2. A person obtains means of identification or information in the course of a bona fide consumer or commercial transaction;
  3. A person exercises, in good faith, a security interest or right of offset by a creditor or financial institution;
  4. A person complies, in good faith, with any warrant, court order, levy, garnishment, attachment or other judicial or administrative order, decree or directive, when any party is required to do so;
  5. A person is otherwise authorized by law to engage in the conduct that is the subject of the prosecution.
- G. Nothing herein contained shall be construed as preventing or limiting the right of an identity theft victim to recover civil damages and attorneys' fees as allowed by Section 570.223, RSMo. (R.O. 2009 §210.155; Ord. No. 728 §1, 10-12-04)

**SECTION 210.046:****TRAFFICKING IN STOLEN IDENTITIES**

- A. A person commits the offense of trafficking in stolen identities when such person manufactures, sells, transfers, purchases or possesses with intent to sell or transfer means of identification or identifying information for the purpose of committing identity theft.
- B. Unauthorized possession of means of identification of five (5) or more separate persons shall be evidence that the identities are possessed with intent to manufacture, sell or transfer means of identification or identifying information for the purpose of committing identity theft. In determining possession of five (5) or more identification documents of the same person or possession of identifying information of five (5) or more separate persons for the purposes of evidence pursuant to this Subsection, the following do not apply:
  1. The possession of his/her own identification documents;
  2. The possession of the identification documents of a person who has consented to the person at issue possessing his/her identification documents.
- C. This Section shall not apply to the following activities:
  1. A person obtains the identity of another person to misrepresent his/her age for the sole purpose of obtaining alcoholic beverages, tobacco, going to a gaming establishment or another privilege denied to minors;
  2. A person obtains means of identification or information in the course of a bona fide consumer or commercial transaction;
  3. A person exercises, in good faith, a security interest or right of offset by a creditor or financial institution;
  4. A person complies, in good faith, with any warrant, court order, levy, garnishment, attachment or other judicial or administrative order, decree or directive, when any party is required to do so.

5. A person is otherwise authorized by law to engage in the conduct that is the subject of the prosecution. (R.O. 2009 §210.156; Ord. No. 728 §1, 10-12-04)

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

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.;
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.; or
5. He/she operates a vehicle in violation of Subdivisions (2) or (3) of Subsection (1) of Section 565.024, RSMo., or Subdivision (4) of Subsection (1) of Section 565.060, RSMo., or Sections 342.020 or 342.030 of this Code, while a child less than seventeen (17) years old is present in the vehicle.

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.

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

**SECTION 210.055: LEAVING A CHILD UNATTENDED IN A MOTOR VEHICLE**

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.

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- 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.

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

**ARTICLE III. OFFENSES CONCERNING  
ADMINISTRATION OF JUSTICE**

**SECTION 210.060: CONCEALING AN OFFENSE**

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.

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

**SECTION 210.070: HINDERING PROSECUTION**

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

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

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

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

A person commits the offense of refusal to identify as a witness if, knowing he/she has witnessed

any portion of a crime, or of any other incident resulting in physical injury or substantial property damage, upon demand by a Law Enforcement Officer engaged in the performance of his/her official

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duties, he/she refuses to report or gives a false report of his/her name and present address to such officer.

**SECTION 210.090: DISTURBING A JUDICIAL PROCEEDING**

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

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

- A. A person commits the offense of tampering with a witness if, with purpose to induce a witness or a prospective witness to disobey a subpoena or other legal process, or to absent himself/herself or avoid subpoena or other legal process, or to withhold evidence, information or documents, or to testify falsely, he/she:
  - 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.

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

**SECTION 210.105: TAMPERING WITH PHYSICAL EVIDENCE**

A person commits the offense of tampering with physical evidence if he/she:

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1. Alters, destroys, suppresses or conceals any record, document or thing with the purpose to impair its verity, legibility or availability in any official proceeding or investigation; or
2. Makes, presents or uses any record, document or thing knowing it to be false with purpose to mislead a public servant who is or may be engaged in any official proceeding or investigation.

**SECTION 210.110:****IMPROPER COMMUNICATION**

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

**SECTION 210.120:****FALSE IMPERSONATION**

A. A person commits the offense of false impersonation if such person:

1. Falsely represents himself/herself to be a public servant with purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts, and
  - a. Performs an act in that pretended capacity; or
  - b. Causes another to act in reliance upon his/her pretended official authority.
2. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and
  - a. Performs an act in that pretended capacity; or
  - b. Causes another to act in reliance upon such representation.
3. Upon being arrested, falsely represents himself/herself to a Law Enforcement Officer with the first and last name, date of birth or Social Security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction, misdemeanor or felony that contains the first and last name, date of birth and Social Security number, or a substantial number of identifying factors or characteristics to that of such other person as to cause such other person to be identified as the actual person arrested or convicted.

B. If a violation of Subsection (A)(3) hereof is discovered prior to any conviction of the person actually arrested for an underlying charge, then the prosecuting attorney bringing any action on the underlying charge shall notify the court thereof, and the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.

C. Any person who is the victim of a false impersonation and whose identity has been falsely reported in arrest or conviction records may move for expungement and correction of said records under the

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procedures set forth in Section 610.123, RSMo. Upon a showing that a substantial number of identifying factors of the victim was falsely ascribed to the person actually arrested or convicted, the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and court records.

**SECTION 210.130: 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 210.140: RESISTING OR INTERFERING WITH ARREST, DETENTION OR STOP**

- A. A person commits the offense of resisting or interfering with arrest, detention or stop if, knowing that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or detention, the person:
1. Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or
  2. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.
- B. This Section applies to:
1. Arrests, stops or detentions with or without warrants;
  2. Arrests, stops or detentions for any crime, infraction or ordinance violation; and
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**SECTION 210.155:**

**INTERFERENCE WITH LEGAL PROCESS**

A. A person commits the offense of interference with legal process if, knowing any person is authorized

by law to serve process, for the purpose of preventing such person from effecting the service of any process, he/she interferes with or obstructs such person.

- B. *"Process"* includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.

**SECTION 210.157: "911" EMERGENCY TELEPHONE SYSTEM**

- A. *Definitions.* As used in this Section, the following terms shall have the meanings and definitions hereinafter provided:

*EMERGENCY:* Any incident involving danger to life or property that calls for an emergency response dispatch of Police, fire, EMS or other public safety organization.

*MISUSE OF "911" EMERGENCY TELEPHONE SERVICE:* Calling "911" for non-emergency situations causing dispatchers, operators or equipment to be in use for such non-emergency situation.

- B. *Misuse Of Emergency Telephone Service Prohibited.* It shall be unlawful for any person to misuse the "911" emergency telephone service after receiving a written warning regarding the misuse of the "911" system from Police or emergency personnel. (R.O. 2009 §§201.010–201.020; Ord. No. 637 §1, 2-12-02)

**ARTICLE IV. OFFENSES CONCERNING PUBLIC SAFETY**

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

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

**SECTION 210.165: FIREWORKS**

- A. *Sale Or Discharge Of Fireworks Prohibited.* It shall be unlawful for any person or persons, firm,

partnership or corporation within this City to sell, offer for sale, expose for sale, use or discharge any blank cartridge, toy pistol, toy cannon or cane in which explosives are used or the type of balloon which requires fire underneath to propel the same or firecrackers, torpedoes, cannon

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crackers, sky rockets, Roman candles, aerial salutes, bombs, electric sparklers, colored fires or colored torches or displays of any other fireworks of any kind whatsoever.

- B. *Pyrotechnic Displays.* Nothing contained in Subsection (A) hereof shall prohibit the sale or use of fireworks for pyrotechnic displays given by any fair, association, amusement park, the officials in charge of any public park, any civic or public organization or group of individuals, any of which shall have respectively first obtained a permit from the Mayor for such display; nor shall anything in said Section prohibit the sale or use of blank cartridges for theatrical purposes, signal purposes, in athletic contests or sport events or for the use of militia, Police or military organizations, nor shall anything in said Section prohibit any resident wholesaler, dealer or jobber from selling fireworks at wholesale, provided the same are shipped or delivered directly outside the limits of this City.
- C. *Special Permits Authorized.* The Mayor is hereby authorized to issue permits for pyrotechnic displays to fair associations, amusement parks, officials in charge of public parks, civic or public organizations or groups of individuals, provided that no such permit shall be issued upon an application therefor and, provided further, that the Mayor is satisfied that the public safety will not be endangered by such display. (R.O. 2009 §210.050; Ord. No. 120 §§1–3, 10-9-67)

**SECTION 210.170:****LITTERING**

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

**SECTION 210.180:****LITTERING VIA CARCASSES**

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

**SECTION 210.190:****CORRUPTING OR DIVERTING WATER SUPPLY**

Whoever willfully or maliciously poisons, defiles or in any way corrupts the water of a well, spring,

brook or reservoir used for domestic or municipal purposes, or whoever willfully or maliciously

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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.

**ARTICLE V. OFFENSES CONCERNING**

**PUBLIC PEACE**

**SECTION 210.200: PEACE DISTURBANCE**

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 210.210: PRIVATE PEACE DISTURBANCE**

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

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

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

For the purposes of Sections 210.200 and 210.210, 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 210.223:****NOISES PROHIBITED**

- A. The creation of any unreasonably loud, disturbing, raucous or unnecessary noise in the City is hereby prohibited.
- B. The following acts, among others, are declared to be loud, disturbing, raucous and unnecessary noises in violation of the preceding Subsection, but this enumeration shall not be deemed to be exclusive:
  1. *Horns, signals, etc.* The sounding of any horn or signal device on a streetcar, motorbus, motorcycle, automobile or other vehicle while not in motion on a public street or highway, except as a danger signal if another is approaching apparently out of control; or if in motion, the excessive or prolonged sounding except only as a danger signal, after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound and the sounding of such device for an unnecessary or unreasonable period of time.
  2. *Radio, phonograph, etc., and animals and fowl.* The playing of any radio, music player such as a boom box, tape cassette, disc player, television, audio system or musical instrument or the keeping of any animal, bird or fowl which causes frequent or long-continued noise in a manner or at a volume which is plainly audible to persons one hundred (100) feet or more away from the source of the noise. Nothing herein shall be construed to prohibit an otherwise lawful public concert or public performance.
  3. *Schools, hospitals, etc.* The creation of any excessive or unnecessary noise within one hundred (100) feet of any portion of the grounds and premises on which is located a hospital or other institution reserved for the sick or any church or any school or other institution of learning while the same is in session, which unreasonably interferes with the proper functioning of any such place above mentioned; provided that conspicuous signs are placed in the public highways indicating the zones within which such noises are prohibited. The Director of Public Works is hereby authorized and directed to cause to be placed as many signs as he/she may deem necessary to properly indicate such quiet zones and to call attention to the prohibition of excessive or unnecessary noises within such zones.

4. *Musical instruments, loudspeakers, advertising.* The use of any drum, loudspeaker or other instrument or device, unless a permit be obtained therefor from the City, which permit shall specify the place where such device is to be used and the hours thereof; or the unnecessary calling with the voice for the purpose of attracting attention by the creation of noise or for advertising purposes between the hours of 9:30 P.M. and 8:00 A.M.
  
5. *Construction and lawn maintenance equipment.* The use of any loud mechanical or lawn maintenance equipment or the creation of any unreasonably loud and disturbing noise or any construction, repair or similar activity between the hours of 9:00 P.M. and 7:00 A.M. which annoys and disturbs the residential quiet, comfort or repose of persons in any building. (R.O. 2009 §210.115; Ord. No. 517 §1, 9-9-97)

**SECTION 210.225: UNLAWFUL ASSEMBLY**

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

**SECTION 210.227: DRUNKENNESS OR DRINKING IN CERTAIN PLACES PROHIBITED**

- A. It shall be unlawful for any person to enter any building or grounds used for school purposes, while students or teachers are present, in a drunken, intoxicated or drugged condition or to drink any intoxicating liquors in the presence of such students or teachers.
  
- B. It shall be unlawful for any person to appear in the Municipal Court in the City of Pasadena Hills in a drunken, intoxicated or drugged condition or to drink any intoxicating liquors in the presence of the court. (R.O. 2009 §210.095; Ord. No. 665 §1, 4-3-03)

**SECTION 210.230: RIOTING**

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

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

**SECTION 210.235: REFUSAL TO DISPERSE**

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

**SECTION 210.237:**

**LOITERING IN CERTAIN PLACES**

A. *Definitions.* For the purposes of this Section, the following terms are defined as:

*LOITER OR LOITERING:* Standing, lingering, hanging around, delaying, prowling, lurking, hiding, idling, sauntering or moving slowly about in one (1) location. The term "loiter" or "loitering" shall not include walking from one location to another.

*TRAFFIC WARNING OR DIRECTIONAL SIGN:* Any sign erected by a governmental entity for regulation of vehicular traffic including, but not limited to, "Stop" signs, "Yield" signs, speed limit signs, signs directing traffic one-way and signs prohibiting vehicular traffic or vehicular parking.

B. *Loitering Prohibited.*

1. *Roadways.* No person shall loiter within any roadway used by vehicular traffic, in the median of a roadway between two (2) lanes of traffic moving in opposite directions or within ten (10) feet of any roadway.
2. *Traffic warning or directional signs.* No person shall loiter within ten (10) feet of any traffic warning or directional sign or in any other manner which obstructs or blocks such sign from the view of oncoming motorists or which distracts motorists' attention to such sign.
3. *Certain intersections.* Because of the heavy volume of traffic and other traffic conditions present at the following intersections, no person shall loiter within twenty-five (25) feet of the following intersections:  
  
  - Lucas and Hunt and Pasadena
  - Pasadena and Roland
4. *Private property.* No person shall loiter on private property without the permission of the property owner.
5. *Sidewalks.* No person shall loiter upon any public sidewalk in such a manner as to impede, hinder, slow or block pedestrian traffic on such sidewalk or in such a manner as to create a hazard for other pedestrians.
6. *Doorways and emergency ingress and egress openings.* No person shall loiter within fifteen (15) feet of any doorway, entrance, exit, window, fire escape or other opening in a building that may be used for ingress or egress during an emergency.
7. *Firehouse.* No person shall loiter within twenty-five (25) feet of the driveway or front entrance of a firehouse unless that person is present at the firehouse on official business. No person shall loiter in the vicinity of the firehouse in such a manner to impede, hinder, slow or block emergency vehicles from entering or exiting the firehouse or in such a manner to create a distraction or hazard for such emergency vehicles as they enter or exit the firehouse.
8. *School safety zone.* No person shall loiter within one hundred (100) feet of the property known as the "Jefferson School" while school is in session or special events; provided however, that parents or others acting in loco parentis may attend to their children and/or monitor their child's

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entry into or exit from the school from a location within the school safety zone and persons may participate and attend special events on school grounds that are sponsored or permitted by the school.

9. *Peeping toms.* No person shall loiter in such a place and manner so as to view or watch through a window or other opening any part of the interior of a residence or people or activities occurring therein without the permission of the owner of the residence.
  
10. *Causing alarm.* No person shall loiter in a place at a time or in a manner not usual for law abiding individuals under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon the appearance of a Law Enforcement Officer, refuses to identify himself/herself or manifestly endeavors to conceal himself/herself or any object. Unless flight by the person makes it impracticable, a Law Enforcement Officer shall, prior to any arrest or issuance of a summons for an offense under this Section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself/herself and explain his/her presence and conduct. No person shall be convicted of an offense under this Section if the Law Enforcement Officer failed to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern. (R.O. 2009 §210.095; Ord. No. 721 §1, 8-10-04)

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

**SECTION 210.240: DEFINITIONS**

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

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

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

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

*BLASTING AGENT:* Any material or mixture consisting of fuel and oxidizer that is intended for blasting, but not otherwise defined as an explosive under this Section, provided that the finished

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product, as mixed for use of shipment, cannot be detonated by means of a numbered 8 test blasting cap when unconfined.

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

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

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

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

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

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

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

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

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

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

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

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

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any of the following:

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1. All State, County and municipal Peace Officers who have completed the training required by the Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or municipalities of the State, whether such officers are on or off duty, and whether such officers are within or outside of the law enforcement agency's jurisdiction, or all qualified retired Peace Officers, as defined in Subsection (10) of Section 571.030, RSMo., and who carry the identification defined in Subsection (11) of Section 571.030, RSMo., or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
  2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
  3. Members of the Armed Forces or National Guard while performing their official duty;
  4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal judiciary;
  5. Any person whose bona fide duty is to execute process, civil or criminal;
  6. Any Federal Probation Officer or Federal Flight Deck Officer as defined under the Federal Flight Deck Officer Program, 49 U.S.C. Section 44921;
  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. Any coroner, deputy coroner, medical examiner or assistant medical examiner.
- C. Subparagraphs (1), (5), (6) and (7) 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 to any person twenty-one (21) years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this State. Subparagraph (7) 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. Subparagraphs (1), (6) and (7) of Subsection (A) of this Section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to Sections 571.101 to 571.121, RSMo., or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State.

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3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise;

4. Was incident to displaying the weapon in a public museum or exhibition; or
5. Was incident to dealing with the weapon solely as a curio, ornament or keepsake or to using it in a manner reasonably related to a lawful dramatic performance; but if the weapon is the type described in paragraphs (1) or (4) of Subsection (A) of this Section, it must be in such a non-functioning condition that it cannot readily be made operable. No barreled rifle, short-barreled shotgun, machine gun or firearm silencer may be possessed, manufactured, transported, repaired or sold as a curio, ornament or keepsake unless such person is an importer, manufacturer, dealer or collector licensed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968, U.S.C. Title 18, or unless such firearm is an "antique firearm" as defined in Subsection (3) of Section 571.080, RSMo., or unless such firearm has been designated a "collectors item" by the Secretary of the Treasury pursuant to the U.S.C. Title 26, Section 5845(a).

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

**SECTION 210.260: DEFACING FIREARM**

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

**SECTION 210.270: UNLAWFUL TRANSFER OF WEAPONS**

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

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

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

**SECTION 210.275: POSSESSION OF FIREARM UNLAWFUL FOR CERTAIN PERSONS**

A person commits the offense of unlawful possession of a firearm if such person knowingly has any firearm in his or her possession and:

1. Such person has been convicted of a felony under the laws of this State or of a crime under the laws of any State or of the United States which, if committed within this State, would be a

felony; or

2. Such person is a fugitive from justice, is habitually in an intoxicated or drugged condition, or is currently adjudged mentally incompetent.

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

**SECTION 210.280: CARRYING CONCEALED FIREARMS  
PROHIBITED—PENALTY FOR  
VIOLATION**

- A. It shall be a violation of this Section, punishable as hereinafter provided, for any person to carry any concealed firearm into:
1. Any Police, Sheriff or Highway Patrol office or station without the consent of the Chief Law Enforcement Officer in charge of that office or station. Possession of a firearm in a vehicle on the premises of the office or station shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
  2. Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
  3. The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
  4. Any courthouse solely occupied by the Circuit, Appellate or Supreme Court or any courtrooms, administrative offices, libraries or other rooms of any such court whether or not such court solely occupies the building in question. This Subdivision shall also include, but not be limited to, any juvenile, family, drug or other court offices, any room or office wherein any of the courts or offices listed in this Subdivision are temporarily conducting any business within the jurisdiction of such courts or offices, and such other locations in such manner as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection. Nothing in this Subdivision shall preclude those persons listed in Subsection (B)(1) of Section 210.250 while within their jurisdiction and on duty, those persons listed in Subsections (B)(2) and (3) of Section 210.250, or such other persons who serve in a law enforcement capacity for a court as may be specified by Supreme Court Rule pursuant to Subdivision (6) of this Subsection from carrying a concealed firearm within any of the areas described in this Subdivision. Possession of a firearm in a vehicle on the premises of any of the areas listed in this Subdivision shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
  5. Any meeting of the Board of Aldermen. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
  6. Any building owned, leased or controlled by the City of Pasadena Hills identified by signs posted at the entrance to the building. This Subsection shall not apply to any building used for public housing by private persons, highways or rest areas, firing ranges, and private dwellings owned, leased or controlled by the City of Pasadena Hills. Persons violating this Subsection may be denied entrance to the building, ordered to leave the building and, if employees of the City, be subjected to disciplinary measures for violation.
  7. Any establishment licensed to dispense intoxicating liquor for consumption on the premises,

which portion is primarily devoted to that purpose, without the consent of the owner or manager. The provisions of this Subdivision shall not apply to the licensee of said

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establishment. The provisions of this Subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and that receives at least fifty-one percent (51%) of its gross annual income from the dining facilities by the sale of food. This Subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this Subdivision authorizes any individual who has been issued a concealed carry endorsement to possess any firearm while intoxicated.

8. Any area of an airport to which access is controlled by the inspection of persons and property. Possession of a firearm in a vehicle on the premises of the airport shall not be a violation so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
9. Any place where the carrying of a firearm is prohibited by Federal law.
10. Any higher education institution or elementary or secondary school facility without the consent of the Governing Body of the higher education institution or a school official or the district school board. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
11. Any portion of a building used as a child care facility without the consent of the manager. Nothing in this Subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a driver's license or non-driver's license containing a concealed carry endorsement.
12. Any riverboat gambling operation accessible by the public without the consent of the owner or manager pursuant to rules promulgated by the Gaming Commission. Possession of a firearm in a vehicle on the premises of a riverboat gambling operation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
13. Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
14. Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
15. Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one (1) or more signs displayed in a conspicuous place of a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch. The owner, business or commercial lessee, manager of a private business enterprise or any other organization, entity or person may prohibit persons holding a concealed carry endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry endorsement from

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

16. Any sports arena or stadium with a seating capacity of five thousand (5,000) or more. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
  17. Any hospital accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
- B. Any person violating any of the provisions of Subsection (A) of this Section shall be punished as follows:
1. If the violator holds a concealed carry endorsement issued pursuant to State law, the violator may be subject to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Peace Officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars (\$100.00) for the first (1st) offense. If a second (2nd) citation for a similar violation occurs within a six (6) month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00). If a third (3rd) citation for a similar violation is issued within one (1) year of the first (1st) citation, such person shall be fined an amount not to exceed five hundred dollars (\$500.00). Upon conviction of charges arising from a citation issued pursuant to this Section, the court shall notify the Sheriff of the County which issued the certificate of qualification for a concealed carry endorsement and the Department of Revenue.
  2. If the violator does not hold a current valid concealed carry endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section 100.220 of this Code of Ordinances.
  3. Employees of the City of Pasadena Hills may, in addition to any other punishment hereby, be subject to disciplinary action.
- C. It shall be a violation of this Section, punishable by a citation for an amount not to exceed thirty-five dollars (\$35.00), for any person issued a concealed carry endorsement pursuant to State law to fail to carry the concealed carry endorsement at all times the person is carrying a concealed firearm or to fail to display the concealed carry endorsement upon the request of any Peace Officer.

**SECTION 210.285:****DISCHARGING AIR GUN, ETC.**

Any person within the limits of this City who shall discharge any BB gun which expels a projectile by means of a spring, air or any other means, paintball 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.

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**ARTICLE VII. OFFENSES CONCERNING  
PROPERTY**

**SECTION 210.290: TAMPERING**

- 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.

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

**SECTION 210.295: THEFT OF CABLE TELEVISION SERVICE**

- A. A person commits the offense of theft of cable television service if he/she:
1. Knowingly obtains or attempts to obtain cable television service without paying all lawful compensation to the operator of such service by means of artifice, trick, deception or device; or
  2. Knowingly assists another person in obtaining or attempting to obtain cable television service without paying all lawful compensation to the operator of such service; or
  3. Knowingly connects to, tampers with or otherwise interferes with any cables, wires or other devices used for the distribution of cable television if the effect of such action is to obtain cable television without paying all lawful compensation to the operator of such service; or
  4. Knowingly sells, uses, manufactures, rents or offers for sale, rental or use any device, plan or kit designed and intended to obtain cable television service in violation of this Section.

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- B. Any cable television operator may bring an action to enjoin and restrain any violation of the provisions of this Section or bring an action for conversion in a court of competent jurisdiction. In addition to any actual damages, an operator may be entitled to punitive damages and reasonable attorney's fees in any case in which the court finds that the violation was committed willfully and for purpose of commercial advantage. In the event of a defendant's verdict, the defendant may be entitled to reasonable attorney fees.
- C. The existence on the property and in the actual possession of the accused of any connection wire or conductor which is connected in such a manner as to permit the use of cable television service without the same being reported for payment to and specifically authorized by the operator of the cable television service 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 the accused has committed the crime of theft of cable television service.
- D. If a cable television company either:
  - 1. Provides unsolicited cable television service; or
  - 2. Fails to change or disconnect cable television service within ten (10) days after receiving written notice to do so by the customer, the customer may deem such service to be a gift without any obligation to the cable television company from ten (10) days after such written notice is received until the service is changed or disconnected.
- E. Nothing in this Section shall be construed to render unlawful or prohibit an individual or other legal entity from owning or operating a video cassette recorder or devices commonly known as a "satellite receiving dish" for the purpose of receiving and utilizing satellite-relayed television signals for his/her own use.
- F. As used in this Section, the term "*cable television service*" includes microwave television transmission from a multi-point distribution service not capable of reception by conventional television receivers without the use of special equipment. (R.O. 2009 §210.160; Ord. No. 447 §6, 12-14-93)

**SECTION 210.300: PROPERTY DAMAGE**

A person commits the offense of property damage if:

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

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

**SECTION 210.310: CLAIM OF RIGHT**

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

reasonable grounds to believe he/she has such a right.

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

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

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

**SECTION 210.330: 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 210.335: TRESPASS OF A SCHOOL BUS**

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

**SECTION 210.340: RECKLESS BURNING OR EXPLODING**

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

**SECTION 210.350: NEGLIGENT BURNING OR EXPLODING**

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

**SECTION 210.360: STEALING**

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

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- 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.

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

**SECTION 210.365:**

**THEFT OF MOTOR FUEL**

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

**SECTION 210.370:**

**RECEIVING STOLEN PROPERTY**

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

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3. He/she acquired the stolen property for a consideration which he/she knew was far below its reasonable value; or
4. He/she obtained control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce a person to believe the property was stolen.

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

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

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

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

*"Deception"* includes:

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

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

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

*INTIMIDATION:* A threat of physical or emotional harm to an elderly or disabled person or the



manner the sale of property or services with the purpose not to sell or provide the property or services:

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1. At the price he/she offered them; or
2. In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement; or
3. At all. (R.O. 2009 §210.200; Ord. No. 447 §10, 12-14-93)

**SECTION 210.390:**

**DECEPTIVE BUSINESS PRACTICE**

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

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

**SECTION 210.400:**

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

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

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

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

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

- A. A person commits the offense of failing to return leased or rented property if, with the intent to deprive the owner thereof, he/she purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property. In addition, any person who has leased or rented personal property of another, who conceals the property from the owner or who otherwise sells, pawns, loans, abandons or gives away the leased or rented property is guilty of the offense of failing to return leased or rented property. The provisions of this Section shall apply to all forms of leasing and rental agreements including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.
- B. It shall be prima facie evidence of the offense of failing to return leased or rented property when a person who has leased or rented personal property of another willfully fails to return or make arrangements acceptable with the lessor to return the personal property to its owner at the owner's place of business within ten (10) days after proper notice following the expiration of the lease or rental agreement, except that if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the offense of failing to return leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the ten (10) day period prescribed in this Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.
- C. This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement or within ten (10) days after proper notice.
- D. Proper notice by the lessor shall consist of a written demand addressed and mailed by certified or registered mail to the lessee at the address given at the time of making the lease or rental agreement. The notice shall contain a statement that the failure to return the property may subject the lessee to criminal prosecution.
- E. Any person who has leased or rented personal property of another who destroys such property so as

to avoid returning it to the owner shall be guilty of property damage pursuant to Section 210.300 in addition to being in violation of this Section.

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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

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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.

- C. In addition to any penalty otherwise provided, if a person issues a check or draft to the City of Pasadena Hills for any purpose in violation of this Section or if a person shall violate Section 210.415 with respect to any check or draft payable to the City of Pasadena Hills or if any check payable to the City of Pasadena Hills is not honored upon presentation, the maker of the check shall be liable to the City of Pasadena Hills for payment of such fees, costs or expenses as the City may incur with respect thereto or shall be obligated to pay a service fee to the City in the amount of twenty-five dollars (\$25.00), whichever is greater. (R.O. 2009 §210.230(B); Ord. No. 447 §13, 12-14-93)

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

**SECTION 210.425: 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.

*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.

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**SECTION 210.426: COPPER WIRE OR CABLE, COLLECTORS AND DEALERS TO KEEP REGISTER, INFORMATION REQUIRED—PENALTY—EXEMPT TRANSACTIONS**

- A. Every purchaser or collector of, or dealer in, junk, scrap metal or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in which each type of metal subject to the provisions of this Section is obtained for value. There shall be a separate record for each transaction involving any:
1. Copper, brass or bronze;
  2. Aluminum wire, cable, pipe, tubing, bar, ingot, rod, fitting or fastener; or
  3. Material containing copper or aluminum that is knowingly used for farming purposes as farming is defined in Section 350.010, RSMo.;
- whatever may be the condition or length of such metal. The record shall contain the following data: a copy of the driver's license or photo identification issued by the State or by the United States Government or agency thereof to the person from whom the material is obtained which shall contain a current address of the person from whom the material is obtained and the date, time and place of and a full description of each such purchase or trade including the quantity by weight thereof.
- B. The records required under this Section shall be maintained for a minimum of twenty-four (24) months from when such material is obtained and shall be available for inspection by any Law Enforcement Officer.
- C. Anyone convicted of violating this Section shall be guilty of an ordinance violation.
- D. This Section shall not apply to any of the following transactions:
1. Any transaction for which the total amount paid for all regulated scrap metal purchased or sold does not exceed fifty dollars (\$50.00);
  2. Any transaction for which the seller, including a farm or farmer, has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business; or
  3. Any transaction for which the type of metal subject to Subsection (A) of this Section is a minor part of a larger item, except for equipment used in the generation and transmission of electrical power or telecommunications.

**SECTION 210.427: METAL BEER KEG, PROHIBITION ON PURCHASE OR POSSESSION BY SCRAP METAL DEALER—VIOLATION, PENALTY**

- A. No scrap metal dealer shall knowingly purchase or possess a metal beer keg, whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store, shred, melt, cut or otherwise alter scrap metal except when the purchase is from the

brewer or its authorized representative. For purposes of this Section, "keg" shall have the same meaning as in Section 311.082, RSMo.

- B. Anyone who is found guilty of, or pleads guilty to, violating this Section shall be guilty of an ordinance violation punishable only by fine. Nothing in this Section shall be construed to preclude a person violating this Section from also being prosecuted for any applicable criminal offense.

**SECTION 210.428: METAL BELONGING TO CEMETERIES, POLITICAL SUBDIVISIONS, ELECTRIC COOPERATIVES AND UTILITIES—SCRAP YARD NOT TO PURCHASE—VIOLATION, PENALTY**

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

**SECTION 210.429: SCRAP METAL DEALERS—PAYMENTS IN EXCESS OF \$500.00 TO BE MADE BY CHECK—EXCEPTIONS**

- A. Any scrap metal dealer paying out an amount that is five hundred dollars (\$500.00) or more shall make such payment in the form of a check or shall pay by any method in which a financial institution makes and retains a record of the transaction.
- B. This Section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a business.

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

**SECTION 210.430: ARTICLE DEFINITIONS**

As used in this Article, the following terms mean:

*PATRONIZING PROSTITUTION:* A person patronizes prostitution if:

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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 210.440: PROSTITUTION**

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

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

**SECTION 210.450: PATRONIZING PROSTITUTION**

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

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

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

In any prosecution for prostitution or patronizing a prostitute, the sex of the two (2) parties or

prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

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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 210.465: PROSTITUTION HOUSES DEEMED PUBLIC NUISANCES**

- A. Any room, building or other structure regularly used for sexual contact for pay as defined in Section 210.430 or any unlawful prostitution activity prohibited by this Article is a public nuisance.
- B. The City prosecuting attorney may, in addition to all other sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for sexual contact for pay or unlawful prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one (1) year.
- C. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any sexual contact for pay or unlawful prostitution activity anywhere within the jurisdiction of the court.
- D. Appeals shall be allowed from the judgment of the court as in other civil actions.

**ARTICLE IX. SEXUAL OFFENSES**

**SECTION 210.470: ARTICLE DEFINITIONS**

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

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

*SEXUAL CONDUCT:* Sexual intercourse, deviate sexual intercourse or sexual contact.

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

*SEXUAL INTERCOURSE:* Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.

**SECTION 210.473: PUBLIC INDECENCY**

A. *Definitions.* The following words and/or phrases shall have the following meanings as set out herein:

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*NUDITY OR STATE OF NUDITY:*

1. The showing of the bare human male or female genitals or pubic area with less than full opaque clothing covering; or
2. The showing of the female breast below a horizontal line across the top of the areola, or a simulation thereof, at its highest point with less than fully opaque clothing covering. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing or swim suit or other wearing apparel, provided the areola is not exposed in whole or in part; or
3. The showing of the covered male genitals in a discernably turgid state.

*Exception:* The mother in the act of nursing her baby shall not be included within this definition, nor shall any child under the age of seven (7).

*PUBLIC PLACE:* Any location frequented by the public or where the public is present or likely to be present or where a person may reasonably be expected to be observed by members of the public. Public places include, but are not limited to, streets, sidewalks, parks, schools, churches, government buildings, business and commercial establishments (whether for profit or not-for-profit and whether open to the public at large or where entrance is limited by a cover charge or membership requirement), hotels, motels, restaurants, bars, nightclubs, country clubs and meeting facilities utilized by any religious, social, fraternal or similar organizations. Premises used solely as a private residence, whether permanent or temporary in nature, and enclosed motel and enclosed hotel rooms designed and intended for sleeping accommodations shall not be deemed to be public places except where or in a manner such that the person knows or has reason to know that his/her state of nudity or conduct described in this Section is observable by or in the presence of persons other than the occupants of the residence or those for whom the sleeping accommodations in the enclosed motel or hotel room are intended, nor shall the definition of "public place" include nudity in places in which nudity is necessarily and customarily expected outside the home including: enclosed single-sex public restroom, enclosed single-sex functional showers, locker and/or dressing facilities, doctors' offices, portions of hospitals and similar places.

- B. *Nudity And Certain Acts Prohibited.* It shall be unlawful for any person in a public place to knowingly or intentionally:
1. Engage in acts of, or simulated acts of, sexual intercourse, masturbation, sodomy, bestiality, oral copulation, sadomasochism, excretory functions or other ultimate sexual acts;
  2. Appear in a state of nudity;
  3. Caress or fondle the buttock, anus, vulva, female breasts or genitals of himself/herself or another person; or
  4. Urinate or defecate.
- C. *Exception.* The provisions of this Section shall not apply to nudity as defined herein when such nudity is in a theatrical production which is not obscene as defined in Chapter 573, RSMo., which has serious artistic merit and is performed within a fine arts theatre by a professional or amateur
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theatrical company or musical company, provided that such production is not in violation of other criminal Statutes.

D. *Penalty.* Violations of the provision of this Section shall be punishable as provided in Section 100.220 of the Municipal Code. (R.O. 2009 §210.270; Ord. No. 727 §1, 9-14-04)

**SECTION 210.475: INDECENT EXPOSURE (SEXUAL MISCONDUCT)**

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

1. Exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm;
2. Has sexual contact in the presence of a third (3rd) person or persons under circumstances in which he/she knows that such conduct is likely to cause affront or alarm; or
3. Has sexual intercourse or deviate sexual intercourse in a public place in the presence of a third (3rd) person.

**SECTION 210.480: SEXUAL MISCONDUCT**

A person commits the offense of sexual misconduct in the first (1st) degree if such person purposely subjects another person to sexual contact without that person's consent.

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

**SECTION 210.483: CERTAIN OFFENDERS NOT TO PHYSICALLY BE PRESENT OR LOITER WITHIN FIVE HUNDRED FEET OF A CHILD CARE FACILITY—VIOLATION—PENALTY**

- A. Any person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:
  1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Subsection (2) of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First (1st) Degree; Subsection (2) of Section 568.080, RSMo., Use Of A Child In A Sexual Performance; Section 568.090, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography In The First (1st) Degree; Section 573.035, RSMo., Promoting Child Pornography In The Second Degree; Section 573.037, RSMo., Possession Of Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or
  2. Any offense in any other State or foreign country or under Federal, tribal or military jurisdiction which, if committed in this State, would be a violation listed in this Section shall not knowingly be physically present in or loiter within five hundred (500) feet of or to approach, contact or

communicate with any child under eighteen (18) years of age in any child care facility building,  
on the real property comprising any child care facility when persons

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under the age of eighteen (18) are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian or custodian of a student present in the building or on the grounds.

- B. For purposes of this Section, "*child care facility*" shall have the same meaning as such term is defined in Section 210.201, RSMo.
- C. Any person who violates the provisions of this Section is guilty of an ordinance violation.

**SECTION 210.485: CERTAIN OFFENDERS NOT TO BE PRESENT  
WITHIN FIVE  
HUNDRED FEET OF SCHOOL PROPERTY, EXCEPTION—  
PERMISSION REQUIRED FOR PARENTS OR GUARDIANS WHO  
ARE OFFENDERS, PROCEDURE**

- A. Any person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:
  1. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Subsection (2) of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First (1st) Degree; Subsection (2) of Section 568.080, RSMo., Use Of A Child In A Sexual Performance; Section 568.090, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or
  2. Any offense in any other State or foreign country or under tribal, Federal or military jurisdiction which, if committed in this State, would be a violation listed in this Section

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

- B. No parent, legal guardian or custodian who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the offenses listed in Subsection (A) of this Section shall be present in any school building, on real property comprising any school or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance unless the parent, legal guardian or custodian has permission to be present from the Superintendent or School Board or in the case of a private school from the Principal. In the case of a public school, if permission is granted, the Superintendent or School Board President must inform the Principal of the school where the sex offender will be present. Permission may be granted by the Superintendent, School Board, or in the case of a private school from the Principal for more than one (1) event at a time, such as a series of events, however, the parent, legal guardian or custodian must obtain permission for any other event he/she wishes to

attend for which he/she has not yet had permission granted.

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- C. Regardless of the person's knowledge of his or her proximity to school property or a school-related activity, violation of the provisions of this Section shall be an ordinance violation.

**SECTION 210.487: HALLOWEEN, RESTRICTIONS ON CONDUCT-VIOLATIONS**

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

**ARTICLE X. OFFENSES CONCERNING PORNOGRAPHY**

**SECTION 210.490: DEFINITIONS**

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

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

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

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

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

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

- 1. Applying contemporary community standards, its predominant appeal is to prurient interest in

sex;

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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 210.500: PROMOTING PORNOGRAPHY FOR MINORS OR OBSCENITY**

A person commits the offense of promoting pornography for minors or obscenity if he/she:

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

3. Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain;

- 4. Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; or
- 5. Promotes, possesses with the purpose to promote, produces, presents, directs or participates in any performance that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.

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

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

- A. A person commits the offense of furnishing pornographic material to minors if 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.
- B. It is not an affirmative defense to a prosecution for a violation of this Section that the person being furnished the pornographic material is a Peace Officer masquerading as a minor.
- C. Furnishing pornographic material to minors or attempting to furnish pornographic material to minors is an ordinance violation.

**ARTICLE XI. OFFENSES CONCERNING DRUGS**

**SECTION 210.520: POSSESSION OF MARIJUANA**

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

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

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

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

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



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

A. As used in this Section "*alcohol beverage vaporizer*" means any device which, by means of heat,



violation for the first (1st) violation.

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

**ARTICLE XII. REGULATIONS CONCERNING  
MINORS****SECTION 210.580: CURFEW**

- A. It shall be unlawful for any minor under the age of seventeen (17) years to loiter, idle, wander, stroll or to drive or ride in a motor vehicle or to play in or upon the public streets, highways, roads, alleys, parks, playgrounds, wharves, docks or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 11:00 P.M. and 6:00 A.M. of the following day, official City time, except on Fridays and Saturdays when the hours shall be 12:00 Midnight to 6:00 A.M. of the following day, official City time; provided however, that the provisions of this Subsection do not apply to a minor accompanied by his/her parent, guardian or other adult person having the care and custody of the minor or where the minor is upon an emergency errand or legitimate business directed by his/her parent, guardian or other adult person having the care and custody of the minor. Each violation of the provisions of this Subsection shall constitute a separate offense.
- B. It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of seventeen (17) years to knowingly permit such minor to loiter, idle, wander, stroll or to drive or ride in a motor vehicle or to play in or upon the public streets, highways, roads, alleys, parks, playgrounds, wharves, docks or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 11:00 P.M. and 6:00 A.M. of the following day, official City time, except on Fridays and Saturdays when the hours shall be 12:00 Midnight to 6:00 A.M. of the following day, official City time; provided however, that the provisions of this Subsection do not apply to a minor accompanied by his/her parent, guardian or other adult person having the care and custody of the minor or where the minor is upon an emergency errand or legitimate business directed by his/her parent, guardian or other adult person having the care and custody of the minor. Each violation of the provisions of this Subsection shall constitute a separate offense.
- C. Any Police Officer finding a child violating the provisions of Subsection (A) shall warn the child to desist immediately from such violation and take the child home to his/her parent or guardian. If said parent or guardian cannot be located, he/she shall retain custody until the parent or guardian is located and the child delivered to him/her. The officer shall also report the violation to his/her superior officer who shall cause a written notice to be served on the parent, guardian or person in charge of said child setting forth the manner in which the Subsection has been violated. (R.O. 2009 §210.060; Ord. No. 121 §§1-3, 10-9-67)

**SECTION 210.590: HOURS FOR USE REGULATED AT JEFFERSON  
SCHOOL—CURFEW  
IMPOSED**

- A. For the purposes of imposing a curfew, no person shall enter or remain, loiter, idle, wander, stroll or play in or upon the interior and exterior confines of the Jefferson School, known and numbered as 4315 Cardwell, Pasadena Hills between the hours of 8:00 P.M. and 6:00 A.M. of the following day during the period of the calendar year in which Central Daylight Saving Time is in effect and between the hours of 6:00 P.M. and 6:00 A.M. the following day during that period of time of the

calendar year when Central Standard Time is in effect.

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- B. The curfew imposed herein shall not apply to any person who is attending and/or participating in an activity sanctioned by the Normandy School Board or its designated representative.
- C. The City of Pasadena Hills shall erect, place and maintain appropriate signs designating the hours of curfew. (R.O. 2009 §210.070; Ord. No. 303 §§1-4, 8-8-83)

**SECTION 210.595:**

**PARENTAL RESPONSIBILITY**

- A. Whenever a minor shall be arrested or detained for the commission of any offense within the City, the Police Department shall, as soon as possible thereafter, deliver written notice to the minor's parent of the arrest or detention, and such notice shall advise the parent of his/her responsibility under this Section. The notice shall be in such a form as to be signed by the notified parent signifying receipt thereof. If the parent refuses to sign said notice, the notifying Law Enforcement Officer shall indicate such refusal on the notice.
- B. No parent shall fail to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit any offense. Written parental notice as defined in Subsection (A) of this Section shall be prima facie evidence of parental neglect if the minor commits a second (2nd) or successive violation of any offense.
- C. Each violation of the provisions of this Section shall constitute a separate offense. Any person who shall violate this Section shall be subject to 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).

**SECTION 210.600:**

**PARENTAL NEGLECT**

- A. *Definitions.* For the purpose of this Section, 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 Pasadena Hills including, but not limited to, moving traffic violations, juvenile delinquency, vandalism and malicious mischief.

*MINOR:* An unemancipated person seventeen (17) years of age or less.

*PARENT:* Mother, father, legal guardian or any person having the care or custody of a minor.

- B. No parent shall knowingly permit, encourage, aid or cause a minor to commit a criminal act as defined herein or engage in any conduct which would be injurious to the minor's morals or health.
- C. No parent shall fail to exercise sufficient and effective care, vigilance, discipline or control over a minor so as to contribute to, cause or tend to cause a minor to commit a criminal act as defined

herein.

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- D. Any person who shall violate this Section shall be found guilty of parental neglect and shall be punished as provided in Section 100.220. In addition, the court may, as a condition of any probation granted to any person found guilty of violating 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). (R.O. 2009 §210.080; Ord. No. 412 §§1–4, 1991)

**SECTION 210.605: OFFENSES CONCERNING ALCOHOLIC BEVERAGES—MINORS**

A. *Persons Eighteen Years Of Age Or Older May Sell Or Handle Intoxicating Liquor, When.*

1. Except as otherwise provided in this Section, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor.
2. In any place of business licensed in accordance with Chapter 311, RSMo., persons at least eighteen (18) years of age may stock, arrange displays, operate the cash register or scanner connected to a cash register, accept payment for, and sack for carry-out intoxicating liquor. Delivery of intoxicating liquor away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years. Any licensee who employs any person under the age of twenty-one (21) years, as authorized by this Subsection, shall, when at least fifty percent (50%) of the licensee's gross sales does not consist of non-alcoholic sales, have an employee twenty-one (21) years of age or older on the licensed premises during all hours of operation.
3. In any distillery, warehouse, wholesale distributorship, or similar place of business which stores or distributes intoxicating liquor but which does not sell intoxicating liquor at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor for all purposes except consumption, sale at retail, or dispensing for consumption or sale at retail. Any wholesaler licensed pursuant to Chapter 311, RSMo., may employ persons of at least eighteen (18) years of age to rotate, stock and arrange displays at retail establishments licensed to sell intoxicating liquor.
4. Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor in places of business which sell food for consumption on the premises if at least fifty percent (50%) of all sales in those places consists of food; provided that nothing in this Section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar, intoxicating beverages.

B. *Sales To Minor—Exceptions.*

1. No licensee, his/her employee, or any other person shall procure for, sell, vend, give away or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, except that this Section shall not apply to the parent or guardian of the minor nor to the supplying of intoxicating liquor to a person under the age of twenty-one (21) years for medical purposes only or to the administering of such intoxicating liquor to such person by a duly licensed physician. No person shall be denied a license or renewal of a license issued under Chapter 311, RSMo., solely due to a conviction for unlawful sale or supply to a minor while serving in the capacity as an employee of a licensed establishment.

2. Any owner, occupant, or other person or legal entity with a lawful right to the exclusive use and enjoyment of any property who knowingly allows a person under the age of twenty-one (21)

to drink or possess intoxicating liquor or knowingly fails to stop a person under the age of twenty-one (21) from drinking or possessing intoxicating liquor on such property, unless such person allowing the person under the age of twenty-one (21) to drink or possess intoxicating liquor is his/her parent or guardian, is guilty of an ordinance violation.

3. It shall be a defense to prosecution under this Subsection if:
  - a. The defendant is a licensed retailer, club, drinking establishment, or caterer or holds a temporary permit, or an employee thereof;
  - b. The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one (21) or more years of age; and
  - c. To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri non-driver's identification card, or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was twenty-one (21) years of age and of the legal age for consumption of intoxicating liquor.

C. *Misrepresentation Of Age By Minor To Obtain Liquor—Use Of Altered Driver's License, Passport Or I.D. Cards, Penalties.*

1. No person under the age of twenty-one (21) years shall represent, for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor, that he/she has attained the age of twenty-one (21) years, except in cases authorized by law.
2. In addition to Subsection (C)(1) of this Section, no person under the age of twenty-one (21) years shall use a reproduced, modified or altered chauffeur's license, motor vehicle operator's license, identification card issued by any uniformed service of the United States, passport or identification card established in Section 302.181, RSMo., for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor.

D. *Minors In Possession Of Intoxicating Liquor.*

1. No person under the age of twenty-one (21) years, shall purchase or attempt to purchase, or have in his/her possession, any intoxicating liquor as defined in Section 311.020, RSMo., or shall be visibly in an intoxicated condition as defined in Section 577.001, RSMo., or shall have 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.
2. The provisions of this Subsection shall not apply to a student who:
  - a. Is eighteen (18) years of age or older;
  - b. Is enrolled in an accredited college or university and is a student in a culinary course;
  - c. Is required to taste, but not consume or imbibe, any beer, ale, porter, wine, or other similar malt or fermented beverage as part of the required curriculum; and
  - d. Tastes a beverage under Subsection (D)(2)(c) of this Section only for instructional purposes during classes that are part of the curriculum of the accredited college or

university.

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The beverage must at all times remain in the possession and control of any authorized instructor of the college or university, who must be twenty-one (21) years of age or older. Nothing in this Subsection, may be construed to allow a student under the age of twenty-one (21) to receive any beer, ale, porter, wine or other similar malt or fermented beverage unless the beverage is delivered as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted as part of the curriculum.

3. Any person under the age of twenty-one (21) years who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor, or who is visibly in an intoxicated condition as defined in Section 577.001, RSMo., shall be deemed to have given consent to a chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol or drug content of the person's blood. The implied consent to submit to the chemical tests listed in this Subsection shall be limited to not more than two (2) such tests arising from the same arrest, incident, or charge. Chemical analysis of the person's breath, blood, saliva, or urine shall be performed according to methods approved by the State Department of Health and Senior Services by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health and Senior Services for this purpose. The State Department of Health and Senior Services shall approve satisfactory techniques, devices, equipment, or methods to be considered valid and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the State Department of Health and Senior Services. The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. "Full information" is limited to the following:
  - a. The type of test administered and the procedures followed;
  - b. The time of the collection of the blood or breath sample or urine analyzed;
  - c. The numerical results of the test indicating the alcohol content of the blood and breath and urine;
  - d. The type and status of any permit which was held by the person who performed the test;
  - e. If the test was administered by means of a breath-testing instrument, the date of performance of the most recent required maintenance of such instrument.

"Full information" does not include manuals, schematics, or software of the instrument used to test the person or any other material that is not in the actual possession of the State. Additionally, "full information" does not include information in the possession of the manufacturer of the test instrument.

**ARTICLE XIII. OFFENSES CONCERNING TOBACCO**

**SECTION 210.610: 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 210.620: 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.

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- 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 210.650 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 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.
- F. The exemption in Subsection (E) of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products 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.
- G. If a sale is made by an employee of the owner of an establishment in violation of this Article, the employee shall be guilty of an offense established in Subsections (A), (B) and (C) of this Section. If a vending machine is in violation of Section 210.650, 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.
- H. 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:

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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.
- I. Any person adversely affected by this Section may file an appeal with the Administrative Hearing Commission which shall be adjudicated pursuant to the procedures established in Chapter 621, RSMo.

**SECTION 210.630: 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 210.640: 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 210.650: REQUIRED SIGN STATING VIOLATION OF STATE LAW TO SELL TOBACCO TO MINORS UNDER AGE EIGHTEEN—DISPLAY OF SIGN REQUIRED WHERE**

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 (½) inch high on a white background the

following:

"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

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2. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle and the words "Under 18".

**SECTION 210.660: RESTRICTIONS ON SALES OF INDIVIDUAL PACKS OF CIGARETTES**

No person or entity shall sell individual packs of cigarettes or smokeless tobacco products unless such packs satisfy one (1) of the following conditions prior to the time of sale:

1. It is sold through a vending machine; or
2. It is displayed behind the checkout counter or it is within the unobstructed line of sight of the sales clerk or store attendant from the checkout counter.

**SECTION 210.670: 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.
- D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections (A), (B) and (C) of Section 210.620 of this Article. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section 210.620 on any single day.

**ARTICLE XIV. MISCELLANEOUS OFFENSES**

**SECTION 210.680: UNLAWFUL MOVING OF FURNITURE OR OTHER  
HEAVY  
HOUSEHOLD GOODS—WHEN**

- A. It shall be unlawful to move furniture or household goods exceeding three hundred (300) pounds in total weight or exceeding a size of twenty-five (25) cubic feet in or out of any premises in the City between the hours of sunset and 7:00 A.M. the following morning.
- B. Persons seeking to move furniture or household goods into or out of any building located in the City contrary to the provisions of this Section may do so by special permit issued by the City Clerk or his/her authorized representative. (R.O. 2009 §210.240; Ord. No. 293 §§1–2, 11-8-82)

## **CHAPTER 215: NUISANCES**

### **ARTICLE I. IN GENERAL**

#### **SECTION 215.010: NUISANCES PROHIBITED**

It shall be 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 Pasadena Hills, Missouri, to cause, permit or maintain a nuisance on any such lot or land. Additionally, it is unlawful for any person or his/her agent, servant, representative or employee to cause or maintain a nuisance on the land or property of another with or without permission. Each day that a nuisance shall be maintained is a separate offense. (R.O. 2009 §215.010; Ord. No. 867 §3, 8-26-09)

#### **SECTION 215.020: CONDITIONS AND ACTS WHICH CONSTITUTE A NUISANCE**

The following conditions, acts and business operations are hereby declared to be nuisances affecting public health:

1. Stagnant water and water collected and allowed to stand for more than twenty-four (24) hours and any land disturbance or condition or the presence of containers, old tires, debris or other conditions which lend themselves to the collection and retention of pools or puddles of water which may become stagnant. This Subsection shall not include swimming pools, decorative or patio ponds or fountains or other containers where the water is continuously filtered, cleaned or cycled.
2. Accumulations, wheresoever they may occur, of manure, rubbish, garbage, refuse and human and industrial, noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes.
3. Any storage or accumulation on any premises or any open lot of any lumber, bricks, stones, gravel, concrete, dirt, sand or similar materials, unless the same shall be stored in permanently constructed structure which is fully enclosed.
4. The presence of debris of any kind including, but not limited to, weed cuttings, cut and fallen trees and shrubs, rubbish and trash, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material which may endanger public safety or any material which is unhealthy or unsafe.
5. Any accumulation, deposit or outside storage or any vehicular or equipment parts, inoperable appliances and other equipment, junk or material of any nature where said accumulation, deposit or outside storage may constitute an attractive nuisance danger to children, provide a breeding or nesting area for vermin, rodents and other animals or collect stagnant water.
6. Any and all infestation of flies, fleas, roaches, lice, ticks, rats, mice, fly maggots, mosquito larvae and hookworm larvae.

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7. The keeping of animals and fowls in any area within the City where the keeping of such animals is not permitted or in any unclean or filthy pen, shed or other enclosure.
8. All diseased animals running at large.
9. Carcasses of dead animals not buried or destroyed within twenty-four (24) hours after death.
10. Any land disturbance, grading or unnatural condition of land which causes erosion of mud, dirt, silt or debris onto neighboring properties or public property; which causes the unnatural storm water runoff onto neighboring properties or public property; or which causes any hazardous condition which is detrimental to the property, health, safety and welfare of the public.
11. Dead or dying trees.
12. The shining of artificial light onto public or private property as to be an annoyance, hurt, injury or inconvenience other persons.
13. Any loud or obnoxious noise clearly discernible past the lot lines of the property.
14. The presence on any property of any steel-jawed animal traps or similar devices.
15. Structures, including buildings and accessory structures such as fences and sheds, which are only partially constructed or which are in such a state of disrepair as to affect the health, safety and welfare of the citizens of Pasadena Hills or which are maintained in violation of the zoning or building codes of the City.
16. Any accumulation or storage of firewood in the front yard of any lot, other than in a commercially manufactured decorative firewood rack on the front porch, or in the rear yard of any lot unless evenly piled or stacked either on open racks elevated not less than six (6) inches above the ground or on a durably paved surface.
17. The maintenance, storage or use of any furniture outside a fully enclosed structure, unless the furniture is designed and built for exterior use and to resist damage and deterioration by the elements.
18. Water or other liquid diverted from a sump pump or other type of device which flows onto streets and sidewalks.
19. Any land disturbance activity or area where vegetation has been cleared or has not been maintained or other condition which results in the runoff of mud, dirt, rocks or any other material onto sidewalks, streets or other rights-of-way or into creeks, streams, drainage ditch or any storm water system or facility.
20. The discharge onto any street, sidewalk or right-of-way or into any creek, stream, drainage ditch or storm water system of 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 water drainage or the storm system or interfere with the proper

operation of the system or which will pollute the natural creeks or waterways or cause a hazard to the public.

21. Every privy, privy vault, cess pool, septic tank or other receptacle of any kind containing waste or other liquid substances which is overflowing, full, insecure or in a defective condition or which emits offensive, noxious or unhealthful odor to the neighborhood or which permits discharges in violation of State law or ordinance.
22. Garbage cans which are not securely covered, which are leaking, which are unsanitary or which do not prevent the entry of flies, insects and rodents and garbage cans which have been left or stored along public roads, sidewalks and rights-of-way in the City of Pasadena Hills for more than thirty-six (36) hours.
23. 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.
24. 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 the premises, occupant or to any other person.
25. Any vehicle used for septic tank cleaning, hauling of garbage or similar type of function which does not meet the requirements of the Code of Ordinances for the City of Pasadena Hills.
26. Any vehicle used for garbage or rubbish disposal which is not equipped with a water-tight 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.
27. The parking or storage of any derelict, unlicensed or non-functional vehicle, trailer, boat, camper or other recreational vehicle in violation of the ordinances of the City of Pasadena Hills.
28. All decayed or unwholesome food offered for sale to the public or offered to the public at no charge.
29. Common drinking cups, roller towels, combs, brushes or eating utensils in public or semi-public places where not properly sanitized after use.
30. Unlicensed dumps and licensed dumps not operated or maintained in compliance with the ordinances of the City of Pasadena Hills or State law.
31. The presence of any graffiti displayed on exterior surfaces of property. "*Graffiti*" is hereby defined as any word, phrase, motto, name, design, symbol or picture written, scribbled, painted, drawn, etched or scratched directly onto any portion of public property or onto an exterior surface on private property.
32. Any obstruction or encumbrance of any street, curb, alley, cul-de-sac, sidewalk or right-of-way within the City by placing or causing to be placed barricades, objects or other obstructions,

including, but not limited to, signs, boxes, stones, junk, portable basketball hoops, etc., on such streets, curbs, alleys, cul-de-sacs, sidewalks or right-of-way unless such placement is permitted by the City or permitted under the provisions of this Code.

- 33. Any business operation or establishment, although licensed or permitted, which is operating in violation of any law, ordinance or permit or plan condition or which is causing or maintaining any condition which is detrimental to the health, safety and welfare of the inhabitants of the area.
- 34. 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 Pasadena Hills. (R.O. 2009 §215.020; Ord. No. 867 §3, 8-26-09)

**SECTION 215.030: INSPECTIONS**

For the purpose of examining the sanitary condition thereof and for the discovery and abatement of public nuisances therein, any Code Enforcement Officer, Police Officer or other official, agent or employee of the City are hereby authorized to:

- 1. Inspect property from any adjoining public property or from adjoining private property if the owner of the neighboring private property has given consent to such entry; and
- 2. Enter and inspect all property, buildings and parts of buildings and other premises pursuant to lawful authority which shall include consent of the owner of the property, valid administrative search warrant or in areas where the owner of which has no expectation of privacy. (R.O. 2009 §215.030; Ord. No. 867 §3, 8-26-09)

**SECTION 215.035: PENALTY FOR CAUSING OR MAINTAINING A NUISANCE— PROCEEDINGS IN MUNICIPAL COURT**

- A. Every person, occupant, tenant, owner or every officer or agent or employee of any corporation or other entity who shall cause or maintain any nuisance shall be deemed guilty of an offense and upon conviction thereof shall be punished as provided in Section 100.220 of this Code. Each and every day such nuisance is maintained after such notice shall constitute a separate and distinct offense punishable in such manner.
- B. Any Code Enforcement Officer or Police Officer of this City is hereby authorized to issue a citation requiring an appearance before the Municipal Judge at the date and time as specified in the citation. In addition, any other City official, elected or appointed, may be authorized to issue such a citation upon authorization from the Mayor. The citation shall, in sufficient detail, describe the nuisance and state the name of the person to appear. The form of the citation shall be approved by the Municipal Judge. In lieu of a citation, any Code Enforcement Officer or Police Officer of this City is hereby authorized to file a complaint with the municipal prosecutor detailing the circumstances of the nuisance and the person responsible therefor; such complaint shall serve as a basis to file and issue an appropriate information and summons to the person maintaining a nuisance in order to charge and proceed in all respects in the Municipal Court as in other cases involving violations of

City ordinance. (R.O. 2009 §215.035; Ord. No. 867 §3, 8-26-09; Ord. No. 873 §1, 11-9-09)

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**SECTION 215.040: ORDINANCES NOT TO BE CONSTRUED AS LIMITING ANY OFFICIAL'S POWER OF ABATEMENT**

Nothing in this Chapter or other ordinances relating to public nuisances, including the failure to set forth a particular condition as constituting a nuisance or denominated by a particular ordinance as offenses or prescribing penalties therefore, shall be construed as limiting or interfering with the duties and powers of any City Official relative to the condemnation and abatement of any matter which in law constitutes a public nuisance. (R.O. 2009 §215.040; Ord. No. 867 §3, 8-26-09)

**SECTION 215.050: NOTICE OF NUISANCE AND HEARING**

- A. Before any abatement action is taken with respect to any nuisance, the Code Enforcement Official shall give written notice to the person or persons causing or maintaining such nuisance and shall order such person or persons to abate the same within a reasonable time to be specified in such notice. If the City contemplates abatement of the nuisance, then the notice shall also set forth the date, time and place for hearing and shall order such person to appear before the Commissioner of Community Development or his/her designee at such time and place as the Code Official may direct to show cause, if any, why the nuisance should not be abated.
- B. Such notice may be served by the Code Enforcement Officer or any Police Officer of the City. A copy of such notice shall be kept by the officer serving the same who shall make his/her written return thereon stating how, when, on whom and where he/she served the same and subscribe his/her name thereto. Such notice may be served by delivering the same to the person or persons to be notified or a copy thereof left at the usual place of abode of such person with a member of the family over the age of fifteen (15) years, unless otherwise provided in this Chapter.
- C. Provided that if the nuisance is being maintained upon property to which record title is held by a person or corporation not a resident of this City, a notice prescribed in this Section may be served by posting a copy thereof in plain view upon such property at least ten (10) days before any further action be taken by the City with regard to said nuisance and mailing a copy to the person maintaining the nuisance at the address as reflected in the County tax or real estate records. (R.O. 2009 §215.050; Ord. No. 867 §3, 8-26-09)

**SECTION 215.060: AUTHORITY TO ABATE EMERGENCY CONDITIONS**

In cases where it reasonably appears that there is an immediate danger to the health, safety or welfare of the public due to the existence of a nuisance, the City shall have authority to immediately abate the nuisance in an appropriate manner. (R.O. 2009 §215.060; Ord. No. 867 §3, 8-26-09)

**SECTION 215.070: ABATEMENT OF NUISANCES—GENERALLY**

In addition to other remedies and enforcement procedures set forth in this Code, the City may proceed to abate the nuisance in accordance with the provisions of this Section.

1. Nuisances caused by high grass, weeds, brush and vegetation may be abated in accordance with the separate procedure for such nuisance as set forth in this Chapter or in accordance with the provisions of this Section.

2. Nuisances caused by an accumulation of trash, litter and debris may be abated in accordance with the specific procedure for such nuisance as set forth in this Chapter or in accordance with the provisions of this Section.
3. For all other nuisances, the City shall proceed as follows:
  - a. The Code Official shall have issued a notice of the violation in accordance with the provisions of this Chapter and shall have included notice of hearing. Every person required to appear shall have at least ten (10) days' notice thereof except in the case of high grass and weeds and the case of litter and debris.
  - b. The hearing shall be conducted by the Code Enforcement Official or his/her designee. If, after hearing all the evidence, it is determined that a nuisance exists, the Code Enforcement Official shall order the person to abate the nuisance within twenty (20) days or within such other time as the Commissioner may deem reasonable. Such order shall be served in the manner provided in this Section for service of the notice of violation. 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 established and that a special tax bill be issued for the costs of abating the nuisance.
  - c. The decision of the Code Enforcement Official may be appealed by filing an appeal, on such forms as prescribed by the City, with the Mayor within seven (7) days from the official's decision. The appeal form shall set forth, at a minimum, the detailed grounds for such appeal and such further information as requested on the appeal form. The Mayor shall review the decision of the Code Enforcement Official either, within the Mayor's sole discretion, upon the record previously made or upon a new hearing and shall issue a written decision to all parties; such decision may be subject to judicial review in the Circuit Court of St. Louis County by filing an appropriate petition for judicial review within fifteen (15) days of the Mayor's decision.
  - d. If the nuisance has not been abated within the established time period, the appropriate City Official shall proceed to abate the nuisance in the manner provided by the order of the official or the Mayor and the cost of same shall be assessed as a special tax against the property so improved or upon which such work was done and shall be a lien against said property. The City Clerk or his/her designee shall cause a special tax bill to be issued 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.

The costs and expenses incurred by the City shall include the actual costs billed by third (3rd) parties performing the abatement and paid by the City, costs billed by the City Attorney related to the abatement and paid by the City; costs of mailing or publication of notices; and costs related to time spent by City personnel in performing tasks related to the abatement and in preparation of the tax bill, lien or other paperwork (these costs shall be based on the time spent in quarter of an hour increments multiplied by the hourly rate of pay for the employee).

All City departments shall determine and document the costs and expenses related to abatement of a nuisance which shall be provided to the City Clerk or his/her designee for proper billing of such costs and expenses and for general oversight purposes.

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Mayor's decision.

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- F. If the nuisance is not abated or other provisions of the order are not obeyed within the established time period, the business license or other permit shall, in the discretion of the City Clerk, be suspended for a certain period of time or revoked without further proceedings.
- G. Upon suspension or revocation of a business license, the owner and/or operator of the business shall immediately cease operation of the business at the location set forth in the order. (R.O. 2009 §215.080; Ord. No. 867 §3, 8-26-09)

**SECTION 215.090:**

**EQUITABLE AND OTHER RELIEF**

In addition to the other remedies provided in this Code, if a person has violated or continues to violate the provisions of this Chapter, the City may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. In addition, the City may utilize any other remedy, at law or in equity, in order to enforce the provisions of this Chapter. The City shall recover all attorneys' fees, court costs and other expenses associated with enforcement of this Section. (R.O. 2009 §215.090; Ord. No. 867 §3, 8-26-09)

**ARTICLE II. WEEDS AND VEGETATION**

**SECTION 215.100:**

**WEEDS OR RANK VEGETATION**

- A. *Definition.* The word "*weeds*", as used herein, shall include all rank vegetable growth which exhale unpleasant and noxious odors and high grasses which may conceal filthy deposits or vermin.
- B. *Prohibitions.*
  - 1. Except as provided in Subsection (C) of this Section, no person shall cause or permit any weeds or rank vegetation growth to attain a height in excess of seven (7) inches upon any property within the City.
  - 2. Except as provided in Subsection (C) of this Section, any owner, lessee or occupant of any lot, parcel of land or land of any other description in the City who shall cause or permit any weeds or rank vegetation growth to attain a height in excess of seven (7) inches upon any property in the City shall be deemed to have committed a public nuisance.
  - 3. All weeds or rank vegetation growth, when cut down, shall be removed and disposed of in such a manner as not to create a nuisance.
- C. *Exceptions.* With respect to any undeveloped property in excess of three (3) acres, this Section shall apply only to the portions of such property which are located within one hundred (100) feet of any street right-of-way or within one hundred (100) feet of any adjoining property. For purposes of this Section, "*street*" shall include all highways, streets and roads other than those highways commonly known as "interstate" highways.
- D. *Notice, Hearing And Special Tax Bills.*  
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1. *Notice—hearing.*  
grow on any

Whenever weeds or rank vegetation growth are allowed to

portion of any property in violation of this Section, the Building Commissioner shall give a hearing after four (4) days' written notice thereof either personally or by United States mail to the owner(s) or his/her/their agent(s) or posting such notice on the premises.

2. *Declaration of nuisance.* If the evidence at such hearing supports such a finding, the Building Commissioner shall declare the weeds to be a nuisance and order the same to be abated within five (5) days.
3. *Removal by the City.* If the weeds are not cut down and removed within the said five (5) days, the Building Commissioner shall have the weeds cut down and removed and shall certify the costs of same to the City Clerk.
4. *Special tax bill.* The City Clerk shall cause a special tax bill therefore against the property to be prepared and to be collected by the Collector with other taxes assessed against the property. 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.

As a part of the cost of removing such weeds or rank vegetation growth, each such special tax bill shall include a charge, to be determined by the City Clerk, for inspecting the subject property, giving the requisite notice and issuing and recording the special tax bill.

The special 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.

- E. *Multiple Violations.* If weeds or rank vegetation growth are allowed to grow on the same property in violation of this Section more than once during the same growing season, the Building Commissioner may:
  1. Order the weeds or rank vegetation growth be abated within five (5) business days after notice is sent to or posted on the property. If the weeds and/or rank vegetation growth are not cut down and removed within the five (5) days, the Building Commissioner shall cause the weeds and/or rank vegetation growth cut down and removed and the cost of the same billed in the manner described in Subsection (D) above; or
  2. Without further notification, cause the weeds and/or rank vegetation growth cut down and removed and the cost of the same billed in the manner described in Subsection (D) above.
- F. *Other Recourse.* In addition to any other provision provided in this Section, any violation of this Section shall be punishable pursuant to Section 100.220 of this Code. (R.O. 2009 §215.100; Ord. No. 583 §1, 11-9-99)

**ARTICLE III. DEBRIS**

**SECTION 215.110:**

**DEBRIS PROHIBITED**

A. *Prohibitions.* The presence on any lot or land or real property of debris of any kind, including, but

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not limited to, weed cuttings, cut and fallen trees and shrubs, rubbish and trash, lumber not piled or stacked twelve (12) inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material which may endanger public safety or any material which is unhealthy or unsafe and declared to be a public nuisance, is hereby prohibited and shall be abated as provided herein.

- B. *Abatement/Removal By City.* If the owner of the lot or land or real property fails to begin removing the nuisance within five (5) days of receiving notice that the nuisance has been ordered removed or upon failure to pursue the removal of such nuisance without unnecessary delay, the Building Commissioner shall cause such condition to be removed or abated.
- C. *Special Tax Bill.* If the Building Commissioner does cause such condition(s) to be removed or abated, then the Building Commissioner shall certify the costs of same to the City Clerk. The City Clerk shall cause a special tax bill therefore against the property to be prepared and to be collected by the Collector with other taxes assessed against the property. 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.

As a part of the cost of removing or abating such nuisance, each such special tax bill shall include a charge, to be determined by the City Clerk, for inspecting the subject property and issuing and recording the special tax bill.

The special 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.

- D. *Other Recourse.* In addition to any other provision provided in this Section, any violation of this Section shall be punishable pursuant to Section 100.220 of this Code. (R.O. 2009 §215.200; Ord. No. 584 §1, 11-9-99)

**ARTICLE IV. DRUG ACTIVITY–PUBLIC**

**NUISANCE**

**SECTION 215.120:**

**DRUG ACTIVITY–PUBLIC NUISANCE**

- A. *Nuisance Prohibited.* Every person who owns, resides in, uses or is responsible for an inhabitable structure shall take all possible action to prevent said inhabitable structure from being the site of any illegal use, possession or selling of a controlled substance or the site of the possession of methamphetamine precursors and/or chemicals used in the manufacture of methamphetamine for the purpose of manufacturing methamphetamine and related substances or the site where any controlled substance is manufactured illegally and any inhabitable structure which is the site of such activity is hereby declared to be a public nuisance.
- B. *Definitions.* For this purpose of this Section, the following terms shall be defined as follows:

*CONTROLLED SUBSTANCE:* Any substance so classified under Section 102(6) of the Controlled

Substances Act, 21 U.S.C. Section 802W and includes all substances listed in Schedules I through V of 21 CFR Part 1308, as they may be revised from time to time; and any controlled substance as

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defined in Chapter 195, RSMo., in effect upon the passage of or as amended; and any controlled substance defined as such in this Code.

*INHABITABLE STRUCTURE:* Any structure or portion of a structure, regardless of whether any person is actually present, in which:

1. Any person lives or carries on business or other calling;
2. People assemble for purposes of business, government, education, religion, entertainment or public transportation; or
3. Persons are accommodated overnight.

The following terms related to the production or manufacture of methamphetamine and related drugs shall mean:

1. *MANUFACTURE OF METHAMPHETAMINE:* The production, preparation, propagation, compounding or processing of methamphetamine and/or related drugs by way of either directly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. The possession of more than twenty-four (24) grams of any methamphetamine precursor drug or combination of methamphetamine precursor thugs shall be prima facie evidence of the manufacturing or production of methamphetamine.

2. *METHAMPHETAMINE PRECURSOR DRUG:* Any drug containing ephedrine, pseudoephedrine, phenylpropanolamine or any of their salts, optical isomers or salts of optical isomers.

3. *CHEMICAL USED IN THE MANUFACTURE OF METHAMPHETAMINE:* A chemical or substance which is commonly used in the manufacture of methamphetamine or related thugs and is an immediate chemical intermediary used or likely to be used in the manufacture of methamphetamine and related drugs including, but not limited to: Anthranilic acid, its esters and its salts; Benzyl cyanide; Ergotamine and its salts; Ergonovine and its salts; N-Acetylanthranilic acid, its esters and its salts; Phenylacetic acid, its esters and its salts; Piperidine and its salts; 3,4,-Methylenedioxypheny 1-2-propanone; Acetic anhydride; Acetone; Benzyl Chloride; Ethyl ether; Hydriodic acid; Potassium permanganate; 2-Butanone (or Methyl Ethyl Ketone or MEK); Thluene; Ephedrine, its salts, optical isomers and salts of optical isomers; Norpseudoephedrine, its salts, optical isomers and salts of optical isomers; Phenylpropanolamine, its salts, optical isomers and salts of optical isomers; Pseudoephedrine, its salts, optical isomers and salts of optical isomers; Methylamine and its salts; Ethylamine and its salts; Propionic anhydride; Isosafrole; Safrole; Piperonal; N-Methylephedrine, its salts, optical isomers and salts of optical isomers; N.Methylpseudoephedrine, its salts, optical isomers and salts of optical isomers; Benzaldehyde; Nitroethane; Methyl Isobutyl Ketone (MIBIO) Sulfuric acid; Iodine; Red phosphorous; Gamma butyrolactone; 1,4 Butanediol.

4. *PRODUCTION:* The manufacture of a controlled substance.

- C. *Notice Of Public Nuisances.* Whenever the City Attorney or the prosecuting attorney of the City receives notice that:

1. A search warrant has been issued and executed for any inhabitable structure in the City and that controlled substances have been confiscated as a result of said search warrant; or
2. An arrest has been made in any inhabitable structure in the City and that controlled substances have been confiscated as a result of said arrest; or
3. A search warrant has been issued and executed for any inhabitable structure in the City and that a methamphetamine precursor drug and two (2) or more chemicals used in the manufacture of methamphetamine were discovered as a result of said search warrant;
4. Then the City Attorney or the prosecuting attorney may cause a "notice of public nuisance" to be served on all owners and tenants of said inhabitable structure, advising them that the property may be declared a public nuisance by the Commissioner of Community Development either immediately or in the event of any subsequent use of the inhabitable structure for the illegal use, possession or sale of controlled substance. Said notice shall be given in accordance with this Section.

All notices required herein shall be served by means of certified mail, return receipt requested, sent to the last known address of the intended recipient. In the event said notice is not received within ten (10) days of the original mailing, posting said notice in a conspicuous place at the inhabitable structure described therein shall be sufficient and notice shall be deemed received on the date of posting.

It shall be unlawful to mutilate or remove any notice posted on or about an inhabitable structure under authority of this Section.

D. *Multiple Or Subsequent Incidents Or Involvement Of Methamphetamine.* If:

1. The City Attorney or prosecuting attorney believes that there have been two (2) or more instances of illegal use, possession or selling of controlled substances at the inhabitable structure within a three (3) year period; or
2. Within three (3) years of sending the "notice of public nuisance" the City Attorney or prosecuting attorney receives notice of a subsequent use of the inhabitable structure for the illegal use, possession or sale of controlled substances; or
3. The City Attorney or prosecuting attorney believes that the methamphetamine precursor drugs and chemicals used in the manufacture of methamphetamine found at the inhabitable structure were for the purpose of manufacturing methamphetamine;
4. The City Attorney or prosecuting attorney shall notify the Building Commissioner or his/her designee (hereinafter "Commissioner") of said uses. The Commissioner shall thereafter send a notice to all owners and tenants that a public nuisance may exist under this Chapter and that any such nuisance must be abated within thirty (30) days of sending of the notice. Said notice shall be given in accordance with Subsection (C) this Section.

E. *Failure To Abate Prohibited.* It shall be unlawful for any person or entity that is sent or receives notice of a public nuisance under this Chapter to fail to take all possible action to abate or bring about abatement of said public nuisance.

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- F. *Determination Of Nuisance And Abatement.* If the Commissioner believes that a public nuisance may exist at the expiration of the thirty (30) day period after sending the notice or posting of the notice, he/she shall give notice to all owners and tenants by certified mail that the Commissioner shall hold a hearing at the time and place specified therein for the purpose of determining whether a public nuisance exists. Any such notice shall be given at least twenty-one (21) days prior to the scheduled hearing and shall also be posted on the inhabitable structure which shall be sufficient and notice shall be deemed received on the date of posting.

Each interested person shall be given an opportunity at the hearing to present evidence under oath and to be represented by counsel. The Commissioner shall have the power, on his/her own motion, to subpoena witnesses and to take testimony, under oath, pertaining to all relevant matters. The Commissioner may continue all or part of a hearing, if necessary, to conclude the investigation.

If, based on all the evidence adduced, the Commissioner shall determine that the use of the inhabitable structure for the illegal use, sale or possession of drugs, methamphetamine precursor drugs or chemicals used in the manufacture of methamphetamine or the attempted manufacture of methamphetamine is a significant, continuous and unreasonable interference with the rights common to all members of the community in general, such as public health, safety, peace, morals or convenience, he/she may:

1. Order the discontinuance of such use of the inhabitable structure where a public nuisance exists; and/or
2. Order the closing of said inhabitable structure as necessary to abate the public nuisance as described hereafter.

In determining whether an inhabitable structure should be closed as a result of the existence of a public nuisance under this Chapter, the Commissioner shall consider, in addition to other relevant factors, the impact of the closure on innocent parties; however, the lack of knowledge of, acquiescence in, participation in or responsibility for a public nuisance on the part of the owners, lessors, lessees, mortgagees and all other persons in possession or having charge of as agent or otherwise or having an interest in the inhabitable structure used in conducting or maintaining the public nuisance shall not be a defense by such persons or entities.

Results of the hearing shall be mailed to the owner or the tenant by means of certified mail, return receipt requested. Any interested person or organization present at the hearing may request a copy of the Commissioner's order. A copy of said order shall also be posted on the inhabitable structure within seventy-two (72) hours of the decision. Thirty (30) calendar days after the posting of an order issued pursuant to this Section, officers of the Police Department are authorized to act upon and enforce such orders.

- G. *Appeal Of Commissioner's Order.* The decision of the Commissioner may be appealed by filing an appeal, on such forms as prescribed by the City, with the Mayor within seven (7) days from the Commissioner's decision. The appeal form shall set forth, at a minimum, the detailed grounds for such appeal and such further information as requested on the appeal form. The City Mayor shall review the decision of the Commissioner either, within the Mayor's sole discretion, upon the record previously made or upon a new hearing and shall issue a written decision to all parties; such decision may be subject to judicial review in the Circuit Court of St. Louis County by filing an appropriate petition for judicial review within fifteen (15) days of the Mayor's decision.

- H. *Enforcement Of Closure Order.* When the Commissioner orders the closing of an inhabitable structure under this Chapter, such closing shall be for a period as the Commissioner may direct, but in no event shall the closing be for a period longer than one (1) year from the date of the posting of the order. If the owner, lessor or lessee shall submit proof satisfactory to the Commissioner that the public nuisance has been abated for a period of thirty (30) days, then the Commissioner may vacate or modify the provisions of the order directing closure.

A closing directed by the Commissioner pursuant to this Chapter shall not constitute an act of possession, ownership or control of the closed inhabitable structure by the City of Pasadena Hills.

In the event that an inhabitable structure ordered closed by the Commissioner is not closed by the owners or others in control of it, the Commissioner shall take all appropriate steps to undertake and complete the work necessary to secure the inhabitable structure and shall charge the owners of the inhabitable structure therefor. In the event that the owners do not promptly reimburse the City for necessary steps taken, the Commissioner shall report the charges to the City's Collector of Revenue and/or Finance Commissioner who shall order the assessment against the property so benefited.

Additionally, the City Attorney may commence procedures through the appropriate court to recover costs incurred by the City for closure of the inhabitable structure.

- I. *Use Of A Closed Habitable Structure Prohibited.* It shall be unlawful to use or occupy or to permit the use or occupancy of any inhabitable structure ordered closed by the Commissioner pursuant to this Chapter.
- J. *Promulgation Of Rules.* The City Attorney may promulgate rules and regulations to carry out and give full effect to the provisions of this Section. (R.O. 2009 §215.400; Ord. No. 867 §4, 8-26-09)

## CHAPTER 217: ABANDONED PROPERTY

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

### SECTION 217.010: DEFINITIONS

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

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

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

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

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

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

*State Law Reference—For similar provisions, §304.001, RSMo.*

### SECTION 217.020: ABANDONING MOTOR VEHICLE—LAST OWNER OF RECORD DEEMED THE OWNER OF ABANDONED MOTOR VEHICLE, PROCEDURES—PENALTY—CIVIL LIABILITY

- A. A person commits the offense of abandoning a motor vehicle, vessel or trailer if he/she abandons any motor vehicle, vessel or trailer on the right-of-way of any public road or State highway or on or in any of the waters in this State or on the banks of any stream or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof or any political subdivision thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his/her consent.
- B. For purposes of this Section, the last owner of record of a motor vehicle, vessel or trailer found abandoned and not shown to be transferred pursuant to Sections 301.196 and 301.197, RSMo., shall be deemed prima facie to have been the owner of such motor vehicle, vessel or trailer at the time it was abandoned and to have been the person who abandoned the motor vehicle, vessel or trailer or caused or procured its abandonment. The registered owner of the abandoned motor vehicle, vessel or trailer shall not be subject to the penalties provided by this Section if the motor vehicle, vessel or

trailer was in the care, custody or control of another person at the time of the violation. In such instance, the owner shall submit such evidence in an affidavit permitted by the court setting

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- 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, and if the tower has online access to the Department of Revenue's records, the tower shall comply with the requirements of Section 304.155, RSMo. If the abandoned
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property is not claimed within ten (10) working days, the towing company shall send a copy of the abandoned property report signed by a Law Enforcement Officer to the Department of Revenue.

6. No owner, lessee or property or security manager of real property shall knowingly authorize the removal of abandoned property in violation of this Section.
  7. Any owner of any private real property causing the removal of abandoned property from that real property shall state the grounds for the removal of the abandoned property if requested by the registered owner of that abandoned property. Any towing company that lawfully removes abandoned property from private property with the written authorization of the property owner or the property owner's agent who is present at the time of removal shall not be held responsible in any situation relating to the validity of the removal. Any towing company that removes abandoned property at the direction of the landowner shall be responsible for:
    - a. Any damage caused by the towing company to the property in the transit and subsequent storage of the property; and
    - b. The removal of property other than the property specified by the owner of the private real property from which the abandoned property was removed.
- D. *Damage To Property.* The owner of abandoned property removed from private real property may recover for any damage to the property resulting from any act of any person causing the removal of, or removing, the abandoned property.
- E. *Real Property Owner Liability.* Any owner of any private real property causing the removal of abandoned property parked on that property is liable to the owner of the abandoned property for double the storage or towing charges whenever there has been a failure to comply with the requirements of this Chapter.
- F. *Written Authorization Required—Delegation Of Authority To Tow.*
1. Except for the removal of abandoned property authorized by the City Police Department pursuant to this Section, a towing company shall not remove or commence the removal of abandoned property from private real property without first obtaining written authorization from the real property owner. All written authorizations shall be maintained for at least one (1) year by the towing company.
  2. General authorization to remove or commence removal of abandoned property at the towing company's discretion shall not be delegated to a towing company or its affiliates except in the case of abandoned property unlawfully parked within fifteen (15) feet of a fire hydrant or in a fire lane designated by a Fire Department or the State Fire Marshal.
- G. *Towing Company Liability.* Any towing company, or any affiliate of a towing company, which removes, or commences removal of, abandoned property from private property without first obtaining written authorization from the property owner or lessee, or any employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in Subsection (F) of this Section, is liable to the owner of the property for four (4) times the amount

of the towing and storage charges, in addition to any applicable ordinance violation penalty, for a violation of this Section.

*State Law Reference—For similar provisions, §§304.157.1–2, 304.157.4–9, 304.158.2–4, 304.158.8–9, RSMo.*

**SECTION 217.050:****GENERAL PROVISIONS AND PROCEDURES**

- A. *Payment Of Charges.* The owner of abandoned property removed as provided in this Chapter shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in Section 385.050.
- B. *Crime Inquiry And Inspection Report.* As to crime inquiry and inspection reports required by State law, see Chapter 385 of this Code, Section 385.040.
- C. *Reclaiming Property.* The owner of such abandoned property, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of record and payment of all reasonable charges for the towing and storage of the abandoned property.
- D. *Lienholder Repossession.* If a lienholder repossesses any motor vehicle, trailer, all-terrain vehicle, outboard motor or vessel without the knowledge or cooperation of the owner, then the reposessor shall notify the City Police Department within two (2) hours of the repossession and shall further provide the Police Department with any additional information the Police Department deems appropriate. The City Police Department shall make an inquiry with the National Crime Information Center and the Missouri statewide law enforcement computer system and shall enter the repossessed vehicle into the statewide law enforcement computer system.
- E. *Notice To Owner/Tow Lien Claim.* Any towing company which comes into possession of abandoned property pursuant to this Chapter and who claims a lien for recovering, towing 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 Chapter or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company pursuant to Subsection (E) of this Section may file a petition in the Associate Circuit Court in the County where the abandoned property is stored to determine if the abandoned property was wrongfully taken or withheld from the owner. The petition shall name the towing company among the defendants. The petition may also name the agency ordering the tow or the owner, lessee or agent of the real property from which the abandoned property was removed. The Missouri Director of Revenue shall not be a party to such petition but a copy of the petition shall be served on the Director of Revenue.
- H. *Notice To Owner.* Notice as to the removal of any abandoned property pursuant to this Chapter shall be made in writing within five (5) working days to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and the place to which the property has been removed by either:

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

*State Law Reference—For similar provisions, §§304.155.5–6, 304.155.11–12, 304.158.1, 304.158.5, 304.158.7, RSMo.*

## CHAPTER 220: HUMAN RIGHTS

### ARTICLE I. IN GENERAL

#### SECTION 220.010: PURPOSES OF CHAPTER

The purposes of this Chapter are:

1. To secure for all individuals within the City freedom from any discriminatory practice made unlawful by Article II of this Chapter.
2. To implement within the City the policies embodied in Missouri and Federal human rights legislation and to promote cooperation between the City and the State and Federal agencies enforcing that legislation.
3. To provide a City Commission on Human Rights which is dedicated to the elimination of discriminatory practices made unlawful by Article II of this Chapter.

#### SECTION 220.020: DEFINITIONS

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

*COMMISSION:* The Missouri Commission on Human Rights.

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

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

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

*DISCRIMINATION:* Any unfair treatment based on race, color, religion, national origin, ancestry,  
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sex, age as it relates to employment, disability or familial status as it relates to housing.

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

*FAMILIAL STATUS:* One (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with:

1. A parent or another person having legal custody of such individual; or
2. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

*HOUSING FOR OLDER PERSONS:* Housing:

1. Provided under any State or Federal program that the Commission determines is specifically designed and operated to assist elderly persons, as defined in the State or Federal program;
2. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
3. Intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit.

Housing qualifies as housing for older persons under this Chapter if:

1. The housing has significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons;
2. At least eighty percent (80%) of the units are occupied by at least one (1) person fifty-five (55) years of age or older per unit; and
3. The owner or manager of the housing has published and adhered to policies and procedures which demonstrate an intent by said owner or manager to provide housing for persons fifty-five (55) years of age or older.

*PERSON:* Includes one (1) or more individuals, corporations, partnerships, associations, organizations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries or other organized groups of persons.

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

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

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

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

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

## **ARTICLE II. DISCRIMINATORY PRACTICES**

### **SECTION 220.030:**

### **UNLAWFUL HOUSING PRACTICES**

A. It shall be an unlawful housing practice:

1. To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable a dwelling to any person because of race, color, religion, national origin, ancestry, sex, disability or familial status.
2. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, disability or familial status.
3. To make, print or publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference,  
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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 220.030, 220.040 and 220.050, discrimination includes:

1. A refusal to permit, at the expense of the person with the disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
2. A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.
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. Nothing in this Chapter shall be construed to invalidate or limit any law of the State or of the City

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that requires dwellings to be designed and constructed in a manner that affords persons with disabilities greater access than is required by this Chapter.

B. Nothing in Sections 220.030, 220.040 and 220.050:

1. Requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
2. Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision of said Sections regarding familial status apply with respect to housing for older persons.
3. Shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by Section 195.010, RSMo.

C. Nothing in this Chapter shall prohibit a religious organization, association or society or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this Chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

D. Nothing in this Chapter, other than the prohibitions against discriminatory advertising in Subsection (A)(3) of Section 220.030, shall apply to:

1. The sale or rental of any single-family house by a private individual owner, provided the following conditions are met:
  - a. The private individual owner does not own or have any interest in more than three (3) single-family houses at any one time; and
  - b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this Section applies to only one (1) such sale in any twenty-four (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.

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**CHAPTER 225: EMERGENCY MANAGEMENT**

**SECTION 225.010: ESTABLISHMENT**

There is hereby created within and for the City of Pasadena Hills an emergency management organization to be known as the Pasadena Hills 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 Pasadena Hills 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 Pasadena Hills 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 and Board.
- 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 Pasadena Hills Emergency Management Organization.

**SECTION 225.050: SCOPE OF OPERATION**

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

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

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

**SECTION 225.060: MUTUAL-AID AGREEMENTS**

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

**SECTION 225.070: CITY MAY ACCEPT SERVICES, ETC.**

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

**SECTION 225.080: OATH**

No person shall be employed or associated in any capacity in the Pasadena Hills 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 Pasadena Hills 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 Pasadena Hills 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 Pasadena Hills Emergency Management Organization.

**CHAPTER 230: SOLID WASTE**

**ARTICLE I. GENERAL PROVISIONS**

**SECTION 230.010: DEFINITIONS**

For the purposes of this Article, 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 and State 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 Pasadena Hills, Missouri.

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

*CONSTRUCTION AND DEMOLITION WASTE:* Waste materials from the construction and demolition of residential, industrial, or commercial structures, but shall not include materials defined as clean fill under Section 260.200, RSMo.

*DIRECTOR:* The Director of the Solid Waste Management Program of the City or his/her authorized representative.

*DISPOSABLE SOLID WASTE CONTAINERS:* 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.

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

*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 FACILITIES:* A housing facility containing more than two (2) dwelling units under one (1) roof.



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**SECTION 230.020:**

**SOLID WASTE STORAGE**

*A. General Provisions.*

1. All garbage, refuse and solid waste shall be stored in a manner to make it inaccessible to insects and rodents. Except on the day when trash is collected, outside storage of unprotected plastic bags or paper bags is prohibited.
2. Garbage, refuse and solid waste shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents.

*B. Single-Family Residential Property And Duplex Property.*

1. The occupant of every residential structure consisting of two (2) units or fewer (single-family residential property and duplex property) shall provide sufficient and adequate containers for the storage of all solid waste except bulky rubbish and demolition and construction waste to serve such dwelling unit and/or establishment and to maintain such solid waste containers at all times in good repair.
2. Solid waste shall be stored in containers of not more than thirty-five (35) gallon capacity nor less than twenty (20) gallon capacity; however, containers not in excess of sixty-five (65) gallon capacity may be utilized if such containers were provided by or approved by the company under contract with the City to collect and haul solid waste within the City. 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 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 previously approved by the Director may also be used for storage of residential solid waste.
3. Except on the day in which trash is collected, all waste storage containers shall be kept in the garage or behind the residence.

*C. Multiple Housing Facilities.*

1. The owner of every multiple housing facility shall provide for the storage and collection of solid waste by providing dumpsters or other large storage containers that are to be emptied no less than twice per week.
2. All dumpsters and storage containers must be approved by the Director. Dumpsters and storage containers shall hold at least one-half (½) cubic yards per dwelling unit that said containers serve, shall be properly covered at all times when not in use, leakproof, waterproof and shall comply with all rules and regulations promulgated pursuant to Section 230.070. The Director may, upon investigation, reduce the minimum storage capacity requirement herein where usage is consistently found to be below the one-half (½) cubic yard per dwelling unit requirement.

3. Every occupant of a multiple housing facility shall place all solid waste to be collected in proper

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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.

D. *Institutional, Commercial Or Business Property.*

1. The owner of every institutional, commercial or business property shall provide for the storage and collection of solid waste by providing dumpsters that are to be emptied no less than twice per week.
2. All dumpsters must be approved by the Director. Dumpsters shall be sufficient to hold the solid waste generated by the institution or business, shall be of metal construction, properly covered at all times when not in use, leakproof, waterproof and shall comply with all rules and regulations promulgated pursuant to Section 230.070.
3. Every occupant of a institutional, commercial or business structure 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.

E. *Commercial Property And Multiple Housing Facilities—Trash Container Enclosures—Screening.*

1. Outside storage areas shall be large enough to store the garbage and refuse containers that accumulate and shall be kept clean. The areas in and around trash enclosures and dumpsters shall be kept free from debris and blowing trash which would litter the landscaped area and the parking lot of the property or neighboring properties or the right-of-way.
2. All exterior trash storage containers, except single-family and two-family structures, shall be screened on four (4) sides, three (3) of which are by a permanent six (6) foot high opaque masonry wall of material and color to match the primary structure or a six (6) foot high wooden fence. Door and gate appurtenances must be opaque, hang square and plumb at all times. Trash enclosures shall be located behind the front building line and the opening of the enclosure shall not be oriented toward any public street, walkway or bikeway. Wooden trash enclosures must be maintained in good condition.
3. Dumpsters and exterior trash storage containers shall be stored on or above a smooth surface of non-absorbent material such as concrete or machine-laid asphalt that is kept clean and maintained in good repair.
4. All trash enclosures shall be subject to all requirements regarding accessory buildings and exterior areas.
5. These dumpster screening provisions shall apply to all new construction and shall apply when any exterior remodeling, addition or construction is done to an existing development. A drawing showing the location on the site and specifications of the enclosure showing the construction design and material is required as part of the building permit plan document.

F. *Yard Waste.*

1. 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

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in storage containers. The weight of any individual bundle shall not exceed seventy-five (75) pounds.

- 2. 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. *Containers Not In Compliance.* Solid waste containers which are not approved and not in compliance with this Chapter shall be collected together with their contents and disposed of.

H. *Dumpsters And Other Trash Storage Containers—Permit—Required When—Fee.*

- 1. No owner or occupant of any residential structure consisting of two (2) dwelling units or fewer shall allow a dumpster or trash storage container larger than that specified in Subsection (B) of this Section to be stored on the property without obtaining a permit and paying the fee therefore.
- 2. In the event that an owner or occupant of a residential structure desires to temporarily keep a dumpster or large trash storage container on the property because of construction or renovation, the owner or occupant may apply for a permit and pay the appropriate fee as follows:

|  |          |
|--|----------|
| Permit for location of dumpster on residential property for<br>no more than seven (7) days | \$ 35.00 |
|--|----------|

|  |           |
|--|-----------|
| Permit for location of dumpster on residential property for<br>no more than thirty (30) days | \$ 100.00 |
|--|-----------|

- 3. Every dumpster shall be emptied at the end of the original permit period and at the end of each renewal period or when such dumpster is full, whichever occurs earlier.
- 4. A permit may be renewed no more than two (2) consecutive times in a one (1) year period of time.
- 5. The Director shall review all applications for dumpster/trash storage container permits and shall outline appropriate permit conditions with respect to temporary location, size and type of container, weight limitations, collection times and prohibiting certain special wastes such as toxic wastes, oils and flammable material.
- 6. The applicant shall comply with all permit conditions as set forth by the Director and the dumpster or trash storage container shall be removed immediately upon expiration of the permit.
- 7. No dumpster or trash storage container shall be placed on the sidewalk or on the right-of-way.
- 8. Failure to obtain the appropriate permit, failure to comply with permit conditions and failure to remove the container immediately upon the expiration of the permit is a violation of this Chapter and is punishable pursuant to Section 100.220 of the Municipal Code.

I. *Storage Of Wood.* It shall be unlawful for any person, firm, partnership or corporation to

accumulate or to permit the accumulation on any premises or any open lot of any wood or lumber

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or similar materials unless the same shall be evenly piled and stacked on open racks that are elevated not less than twelve (12) inches above the ground and not less than eighteen (18) inches away from the dwelling or accessory structure as defined in Chapter 510 of this Code. (R.O. 2009 §230.020; Ord. No. 176 §2, 12-9-74; Ord. No. 300, 8-8-83; Ord. No. 693 §1, 10-14-03; Ord. No. 882 §1, 4-12-10)

**SECTION 230.030:****COLLECTION OF SOLID WASTE**

- A. The City shall provide for the collection of all solid waste in the City, provided however, that the City may provide the collection service by contracting with a person, County or other City or a combination thereof, for the entire City or portions thereof, as deemed to be in the best interests of the City.
- B. All solid waste from premises to which collection services are provided by the City shall be collected, except bulky rubbish as defined herein, provided however, that bulky rubbish will be collected if tied securely in bundles not exceeding reasonable limitations of weight and bulk to be fixed by regulations to be made and promulgated by the Director as hereinafter provided. All solid waste collected shall, upon being loaded into transportation equipment, become the property of the collection agency.
- C. Tree limbs and yard wastes, as described in Section 230.020 (E) and (F) respectively, shall be placed only at the curb for collection in disposable containers of no greater than six (6) cubic feet in size. No more than thirty (30) such disposal containers shall be placed at the curb from any dwelling unit in a forty-two (42) hour period. Solid waste containers as required by this Article for the storage of other residential solid waste shall be placed at the rear of the building for collection. Any solid waste containers, tree limbs, yard wastes or other solid waste permitted by this Article to be placed at the curb for collection shall not be so placed until the regularly scheduled collection day.
- D. Bulky rubbish shall be collected by request to the Director. The Director shall establish the procedure for collecting bulky rubbish.
- E. Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Article. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval by the Director.
- F. The following collection frequencies shall apply to collections of solid waste within the City:

All residential solid waste, other than bulky rubbish, shall be collected at least twice weekly. At least forty-two (42) hours shall intervene between collections. All commercial solid waste shall be collected at least twice 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.
- G. 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

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be well drained, fully accessible to collection equipment, public health personnel and fire inspection personnel.

- H. 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 point of collection to the transportation vehicle provided the solid waste was stored in compliance with Section 230.020, Subsections (C–F) of this Article. 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. (R.O. 2009 §230.030; Ord. No. 176 §3, 12-9-74; Ord. No. 241 §1, 7-9-79)

**SECTION 230.040:****TRANSPORTATION OF SOLID WASTE**

- A. All transportation vehicles shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with water-tight bodies and with covers which shall be an integral part of the vehicle or shall be separate covers 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 excavating activities, however, all such material shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.
- C. Transportation and disposal of demolition and construction wastes shall be in accordance with Sections 230.050 and 230.060. (R.O. 2009 §230.040; Ord. No. 176 §4, 12-9-74)

**SECTION 230.050:****DISPOSAL OF SOLID WASTE**

- A. Solid wastes shall be deposited at a processing facility or disposal area approved by the City and complying with all requirements of the law.
- B. The Director may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Director and which will meet all local, State and Federal regulations. (R.O. 2009 §230.050; Ord. No. 176 §5, 12-9-74)

**SECTION 230.060:****PERMITS**

- A. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without first obtaining an annual permit therefor from the City; provided however, that this provision shall not be deemed to apply to employees of the holder of any such permit.
- B. No such permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the City evidence of a satisfactory public liability

insurance policy, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than two hundred thousand dollars (\$200,000.00) for each person injured or killed and in the amount of not less than five hundred thousand dollars (\$500,000.00) in the event of injury or death of two (2) or more persons in any single accident and in the amount of not less than fifty thousand dollars (\$50,000.00) for damage to property. Such policy may be written to allow the first two hundred dollars (\$200.00) in liability for damage to property to be deductible. Should any such policy be canceled, the Director shall be notified of such cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of such cancellation and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice.

- C. Each applicant for any such permit shall state in his/her application therefor:
1. The nature of the permit desired as to collect, transport, process or dispose of solid waste or any combination thereof;
  2. The characteristics of solid waste to be collected, transported, processed or disposed;
  3. The number of solid waste transportation vehicles to be operated thereunder;
  4. The precise location or locations of solid waste processing or disposal facilities to be used;
  5. Boundaries of the collection area; and
  6. Such other information as required by the Director.
- D. If the application shows that the applicant will collect, transport, process or dispose of solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the State of Missouri and this Article, the Director shall issue the permit authorized by this Article. The permit shall be issued for a period of one (1) year and each applicant shall pay therefor a fee of twenty dollars (\$20.00) for modifications to be made to the application regarding service, equipment or mode of operation so as to bring the application within the intent of this Article and the Director shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.
- E. If the applicant does not make the modifications pursuant to the notice in Subsection (D) within the time limit specified therein or if the application does not clearly show that the collection, transportation, processing or disposal of solid wastes will create no public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the Director, in writing, stating the reason for such denial. Nothing in this Section shall prejudice the right of the applicant to reapply after the rejection of this application, provided that all aspects of the reapplication comply with the provisions of this Article.
- F. The annual permit may be renewed simply upon payment of the fee or fees as designated herein if the business has not been modified. If modifications have been made, the applicant shall reapply for a permit as set forth in Subsections (B) and (C) hereof. No permits authorized by this Article shall be transferable from person to person.
- G. In order to insure compliance with the laws of this State, this Article and the rules and regulations

authorized herein, the Director is authorized to inspect all phases of solid waste management within the City of Pasadena Hills. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this Article, the rules and regulations authorized herein for the storage, collection, transportation, processing or disposal of solid waste or the laws of the State of Missouri, the Director shall issue notice for each violation stating therein the violation or violations found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.

- H. In all cases, when the corrective measures have not been taken within the time specified, the Director shall suspend or revoke the permit or permits involved in the violation, however, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one (1) extension of time not to exceed the original time period may be given.
- I. Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the Director may, within ten (10) days of the act for which redress is sought, appeal directly to the Board of Aldermen of the City, in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.
- J. All motor vehicles operating under any permit required by this Article shall display the number or numbers on each side in colors which contrast with that of the vehicle, such numbers to be clearly legible and not less than two (2) inches high. Each permit for processing or disposal facilities shall be prominently displayed at the facility. (R.O. 2009 §230.060; Ord. No. 176 §6, 12-9-74)

#### **SECTION 230.070:**

#### **RULES AND REGULATIONS**

- A. The Director shall make, amend, revoke and enforce reasonable and necessary rules and regulations governing, but not limited to:
  - 1. Preparation, drainage and wrapping of garbage deposited in solid waste containers.
  - 2. Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.
  - 3. Identification of solid waste containers and of the covers thereof and of equipment thereto appertaining, if any.
  - 4. Weight limitations on the combined weight of solid waste containers and the contents thereof and weight and size limitations on bundles of solid waste too large for solid waste containers.
  - 5. Storage of solid waste in solid waste containers.
  - 6. Sanitation, maintenance and replacement of solid waste containers.
  - 7. Schedules of and routes for collection and transportation of solid waste.
  - 8. Collection points of solid waste containers.
  - 9. Collection, transportation, processing and disposal of solid waste.

10. Handling of special wastes such as toxic wastes, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, grasses, etc.
- B. The City Clerk or such other City Official who is responsible for preparing utility and other service charge billings for the City is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges as hereinafter provided for.
- C. A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk of the City. (R.O. 2009 §230.070; Ord. No. 176 §7, 12-9-74)

**SECTION 230.080:**

**PROHIBITED PRACTICES**

It shall be unlawful for any person to:

1. Deposit solid waste in any solid waste container, other than his/her own, without the written consent of the owner of such container and/or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal;
2. Interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City or those of a solid waste collection agency operating under contract with the City;
3. Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;
4. Dispose of solid waste at any facility or location which is not approved by the City and other applicable agencies;
5. 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.
6. Dump, place, deposit, discard, rake or shovel any yard waste, as defined herein, or tree trimmings or limbs onto any public property including, but not limited to, sidewalks, gutters, alleys, streets, roadways, medians or parks.
7. Burn or incinerate leaves, other yard waste or any other vegetation within the City of Pasadena Hills, other than as fuel in an oven or furnace designed for such purpose, within an enclosed structure. (R.O. 2009 §230.080; Ord. No. 176 §8, 12-9-74; Ord. No. 558 §1, 12-8-98; Ord. No. 572 §1, 6-8-99)

**SECTION 230.090:**

**SERVICE CHARGES**

- A. There is hereby imposed, for the collection and disposal of solid waste and for the improvement of the general public health and environment, a service charge for each dwelling unit and each

commercial establishment. The service charge for collection of residential and commercial solid waste shall be established by the City Board of Aldermen.

- B. Services for commercial establishments not meeting any of the aforementioned descriptions will be considered individually by the Director.
- C. The system of services established by the provisions of this Article hereof is designed as an integral part of the City's program of health and sanitation to be operated as an adjunct to the City's system of providing potable water and the City's system for providing sewerage disposal. The City may enforce collection of such charges by bringing proper legal action against the owner of each dwelling unit or commercial establishment to recover any sums due for such services plus a reasonable attorney's fee to be fixed by the court plus the cost of such action.
- D. The service charge herein provided for is hereby imposed upon the owner of each occupied dwelling unit. Service charges shall be payable to the department empowered to collect service charges imposed by the City. (R.O. 2009 §230.090; Ord. No. 176 §9, 12-9-74; Ord. No. 241 §2, 7-9-79; Ord. No. 579 §§1–3, 9-14-99)

**SECTION 230.100:**

**BONDS**

The contractor shall upon the execution of the contract furnish to the City a good and sufficient bond with one (1) or more sureties in the sum of ten thousand dollars (\$10,000.00) to be approved by the City, conditioned that the contractor will faithfully perform all of the terms and conditions of this contract and will not permit any nuisance to exist and will save the City harmless by reason of any suit, action or demand growing out of the collection, hauling and disposal by the contractor. (R.O. 2009 §230.100; Ord. No. 176 §11, 12-9-74)

**SERVICES—FEES—BILLING PROCEDURES**

**ARTICLE**

**II.**

**COLLECTION**

**SECTION 230.110:**

**DEFINITION**

As used in this Article, the term "owner" shall mean each person having a fee interest in real estate. The listing of any person on the records of the St. Louis County Recorder's office and/or the records of the St. Louis County Department of Revenue and/or occupancy or property records of the City of Pasadena Hills as such an owner of property shall be prima facie evidence that such person is an "owner" of that property within the meaning of this Article. (R.O. 2009 §230.110; Ord. No. 434 §1, 4-13-93)

**SECTION 230.120:**

**FEES ESTABLISHED**

- A. For the period from April 1, 2010, through March 31, 2011, there are hereby assessed the following fees every three (3) months for solid waste collection and disposal service:

|                         |                       |
|-------------------------|-----------------------|
| Single-family residence | \$ 104.00 per quarter |
|-------------------------|-----------------------|

Multiple-family residence (per residential unit) ..... \$ 80.00 per quarter

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B. For the period from April 1, 2011, through March 31, 2012, there are hereby assessed the following fees every three (3) months for solid waste collection and disposal service:

|  |                            |
|--|----------------------------|
| Single-family residence                          | \$ 108.00 per quarter      |
| Multiple-family residence (per residential unit) | ..... \$ 83.00 per quarter |

(R.O. 2009 §230.120; Ord. No. 434 §2, 4-13-93; Ord. No. 579 §4, 9-14-99; Ord. No. 643 §1, 5-14-02; Ord. No. 679 §1, 7-10-03; Ord. No. 710 §1, 6-22-04; Ord. No. 802 §1, 6-12-06; Ord. No. 826 §1, 5-14-07; Ord. No. 846 §1, 5-12-08)

**SECTION 230.130: OWNER TO BE RESPONSIBLE**

It shall be the joint and several responsibility of each owner of residential property within the City of Pasadena Hills, Missouri, to pay for the solid waste collection and disposal service offered through the City. (R.O. 2009 §230.130; Ord. No. 434 §3, 4-13-93)

**SECTION 230.140: BILLING PROCEDURES—INTEREST AND CIVIL PENALTIES**

- A. The City of Pasadena Hills will cause to be mailed to the owner of each residence, at his/her last known address, a bill for solid waste collection and disposal services. The fees shall be due and payable within thirty (30) days of mailing. In addition to any other penalties provided by law, if an owner fails to pay the fee assessed for service offered for such property within thirty (30) days of the date of mailing, a late payment fee of three dollars (\$3.00) shall be assessed for each month during which the fee remains unpaid.
- B. In the event that a bill remains unpaid or delinquent and the City begins the process of collecting such delinquent amounts, the owner shall be responsible for all costs of collection, whether or not reduced to judgment, including reasonable attorney fees for such collection attempts. Such costs shall be billed to such owner in the same manner as the original amounts were billed. In addition, the City may initiate and pursue any action in a court of competent jurisdiction to recover any unpaid fees, interest and penalties from any person liable therefore and, in addition, shall recover the cost of such action, including reasonable attorney fees.
- C. Any unpaid or delinquent fees, interest, penalties and costs of collection, whether or not reduced to judgment, shall constitute a lien against the property for which the fee was originally assessed until the same shall be fully satisfied. The City Clerk is authorized to take all steps necessary to file and perfect such liens as may be required or directed by the Board of Aldermen from time to time.
- D. In addition to any other penalties provided by law, if an owner fails to pay the fee assessed for service offered for such property, including any late payment fee subsequently imposed, within sixty (60) days of the date of mailing of the initial bill, said owner shall not be permitted to apply for or obtain any City dog license pursuant to Chapter 205 of the Municipal Code; any City motor vehicle license pursuant to Chapter 390 of the Municipal Code; any City certificate of occupancy pursuant to Chapter 405 of the Municipal Code; any City building permit or license pursuant to Chapter 500 of the Municipal Code; any City satellite dish permit pursuant to Chapter 510, Section 510.170 of the

Municipal Code; or any City swimming pool permit pursuant to Chapter 515 of the Municipal Code, until the fees provided herein shall have been paid in full. (R.O. 2009 §230.140; Ord. No. 434 §4, 4-13-93; Ord. No. 500 §1, 3-11-97; Ord. No. 636 §1, 2-12-02; Ord. No. 825 §1, 6-11-07)

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**SECTION 230.150:**

**PROHIBITED ACTS**

It shall be unlawful for any owner of any property for which the City of Pasadena Hills has offered solid waste collection, hauling or disposal services to fail to pay for such services. (R.O. 2009 §230.150; Ord. No. 434 §5, 4-13-93)

**SECTION 230.160:**

**ADDITIONAL REMEDY**

Prosecution or conviction of any person under this Article shall not interfere with or foreclose the availability of any other remedy or relief for the collection of any sums due to the City of Pasadena Hills for solid waste collection, hauling or disposal services which may be available under law or other Articles, said remedies being in addition to and not in lieu of prosecution or conviction for the offense described herein. Similarly, the initiation or conclusion of any other remedy for the collection of any sums due to the City of Pasadena Hills shall not bar prosecution or conviction for violation of this Article. (R.O. 2009 §230.160; Ord. No. 434 §7, 4-13-93)

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**CHAPTER 235: PARKS AND RECREATION**

**ARTICLE I. ROLAND PARK**

**SECTION 235.010: HOURS OPEN FOR PUBLIC USE**

Roland Park shall be open for public use between the hours of 6:00 A.M. and 8:00 P.M. during that period of the calendar year in which Central Daylight Saving Time is in effect and between the hours of 6:00 A.M. and 6:00 P.M. during the period of time of the calendar year when the Central Standard Time is in effect. (R.O. 2009 §235.010; Ord. No. 259 §1, 5-11-81)

**SECTION 235.020: HOURS CLOSED TO PUBLIC—CURFEW**

For the purposes of imposing the curfew, no person shall enter, loiter, idle, wander, stroll or play in or upon the confines of Roland Park between the hours of 8:00 P.M. and 6:00 A.M. of the following day during that period of the calendar year in which Central Daylight Saving Time is in effect and between the hours of 6:00 P.M. and 6:00 A.M. the following day during that period of time of the calendar year when Central Standard Time is in effect. (R.O. 2009 §235.020; Ord. No. 259 §2, 5-11-81)

**SECTION 235.030: CURFEW NOT APPLICABLE—WHEN**

The curfew imposed herein shall not apply to any person who is occupying and using Roland Park under the provisions of a special use permit or other permission or authority as granted by the City or one (1) of its departments. (R.O. 2009 §235.030; Ord. No. 259 §3, 5-11-81)

**SECTION 235.040: SIGNS POSTED DESIGNATING HOURS OF CURFEW**

The Chief of Police of the City of Pasadena Hills shall erect, place and maintain appropriate signs designating the hours of curfew at the park and shall post said signs at each entrance to the park. (R.O. 2009 §235.040; Ord. No. 259 §4, 5-11-81)

**ARTICLE II. PASADENA HILLS LAKE**

**SECTION 235.050: SWIMMING OR BOATING PROHIBITED**

It shall be unlawful for any person to swim or boat in or on Pasadena Hills Lake located at Lucas and Hunt Road and South Roland Boulevard. (R.O. 2009 §235.050; Ord. No. 450 §2, 1-11-94)

**SECTION 235.060: LOITERING OR CONGREGATING—CREATING LOUD OR UNUSUAL**

**NOISE NEAR LAKE PROHIBITED**

It shall be unlawful for one (1) or more persons to loiter or congregate in the vicinity of Pasadena

Hills Lake and to cause or permit loud or unusual noise which, either by reason of the volume of the noise or the time of day, would have a tendency to annoy persons residing nearby or to disturb the peaceful enjoyment and repose of occupants of nearby property. (R.O. 2009 §235.060; Ord. No. 450 §3, 1-11-94)

**ARTICLE III. BRISTOL RAVINE AND WINCHESTER RAVINE**

**SECTION 235.070: HOURS OPEN FOR PUBLIC USE**

Bristol Ravine and Winchester Ravine shall be open for public use between the hours of 6:00 A.M. and 8:00 P.M. during that period of the calendar year in which Central Daylight Saving Time is in effect and between the hours of 6:00 A.M. and 6:00 P.M. during the period of time of the calendar year when the Central Standard Time is in effect. (R.O. 2009 §235.070; Ord. No. 598 §1, 6-13-00)

**SECTION 235.080: HOURS CLOSED TO PUBLIC—CURFEW**

For the purposes of imposing the curfew, no person shall enter, loiter, idle, wander, stroll or play in or upon the confines of Bristol Ravine or Winchester Ravine between the hours of 8:00 P.M. and 6:00 A.M. of the following day during that period of the calendar year in which Central Daylight Saving Time is in effect and between the hours of 6:00 P.M. and 6:00 A.M. the following day during that period of time of the calendar year when Central Standard Time is in effect. (R.O. 2009 §235.080; Ord. No. 598 §1, 6-13-00)

**SECTION 235.090: LOITERING OR CONGREGATING—CREATING LOUD OR UNUSUAL NOISE PROHIBITED**

It shall be unlawful for one (1) or more persons to loiter or congregate in the vicinity of Bristol Ravine or Winchester Ravine and to cause or permit loud or unusual noise which, either by reason of the volume of the noise or the time of day, would have a tendency to annoy persons residing nearby or to disturb the peaceful enjoyment and repose of occupants of nearby property. (R.O. 2009 §235.090; Ord. No. 598 §1, 6-13-00)

**SYSTEMS** **CHAPTER 240: EMERGENCY ALARM**

**SECTION 240.010: SHORT TITLE**

This Chapter may be designated and/or cited as the Alarm Systems Code of the City of Pasadena Hills. (R.O. 2009 §240.010; Ord. No. 493 §1, 10-8-96)

**SECTION 240.020: DEFINITIONS**

As used in this Chapter, the following terms shall have the meanings and definitions hereinafter provided:

*ALARM SYSTEM:* Any mechanical or electrical device which is designed to be actuated manually or automatically upon the detection of an unauthorized entry, intrusion or other emergency in or on any building, structure, facility or premises through the emission of a sound or transmission of a signal or message.

*ALARM USER:* A person who uses an alarm system to protect any building, structure, facility or premises.

*AUDIBLE ALARM:* An alarm equipped with an exterior sound-producing device such as a gong, buzzer, siren, bell or horn.

*AUTOMATIC DIALING DEVICE:* An alarm system which automatically dials a specific telephone number and transmits an emergency message by recording over regular telephone lines when actuated.

*CHIEF OF POLICE:* The Chief of the Police agency providing law enforcement services in the City of Pasadena Hills under contract to the City and includes such Chief's duly authorized agents.

*DEPARTMENT:* The Police Department providing law enforcement services to the City of Pasadena Hills under a contract with the City.

*DIRECT SIGNAL ALARM SYSTEM:* An alarm system which provides for a special telephone line that is directly connected to a Police Department and has an outlet at the Department which emits a sound or transmits a signal, or both, when actuated.

*FALSE ALARM:* Any activation of an alarm system intentionally or by inadvertence, negligence or unintentional act to which Police Department personnel respond, including activation caused by the malfunction of the alarm system, except that the following circumstances shall not be considered false alarms, to wit:

1. When the Chief of Police determines that an alarm has been caused by damage, testing or repair of telephone equipment or lines by a telephone company, provided that such incidents are promptly reported by the company which caused them;
2. When an alarm is caused by an attempted and unauthorized or illegal entry of which there is  
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visible evidence;

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3. When an alarm is intentionally caused by a person at the premises acting under a reasonable belief that a need for calling emergency or Police personnel;
4. When an alarm is followed by notice to the Police Department canceling the alarm by giving proper information, prior to the arrival of Police or emergency personnel at the source of the alarm;
5. When the alarm is caused by an act of God, such as earthquake, flood, windstorm, thunder or lightning. (R.O. 2009 §240.020; Ord. No. 493 §1, 10-8-96)

**SECTION 240.030:**

**CHARGES FOR FALSE ALARMS**

- A. All false alarms to which the Police Department responds shall result in a charge of twenty-five dollars (\$25.00) to the alarm user.
- B. Upon determination by the Police Department that a false alarm has occurred, the Police Department shall send a notice to the alarm user notifying the alarm user of the determination and directing the payment within ten (10) days of any service charge that may be due.
- C. The Police Department shall cancel any notice or service charge upon satisfactory proof by the alarm user that a particular alarm falls within the exceptions enumerated in Section 240.020(1) through (5) above.
- D. Refusal to pay such a service charge within ten (10) days of such notice shall constitute a violation of this Section. (R.O. 2009 §240.030; Ord. No. 493 §1, 10-8-96)

**SECTION 240.040:**

**DIRECT SIGNAL ALARM SYSTEM**

- A. All direct signal alarm systems which connect to the Police Department are prohibited, except for Federal institutions which are required to have such an alarm system under Federal law.
- B. Any Federal institution which is permitted to have a direct signal alarm system shall be required to pay for all costs for the installation, maintenance and repair of the alarm system. (R.O. 2009 §240.040; Ord. No. 493 §1, 10-8-96)

**SECTION 240.050:**

**AUDIBLE ALARMS**

- A. No person shall install or use an audible alarm without a thirty (30) minute timer.
- B. On or after January 1, 1997, any alarm user having an audible alarm shall be required to have and be responsible for equipping such an alarm with a thirty (30) minute timer. (R.O. 2009 §240.050; Ord. No. 493 §1, 10-8-96)

§ 240.060

Emergency Alarm Systems

**SECTION 240.060:**

**PENALTY**

Any person violating any provision of the Chapter shall be guilty of an ordinance violation and punished as provided in Section 100.220 of this Municipal Code. (R.O. 2009 §240.060; Ord. No. 493 §1, 10-8-96)

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