

BILL NO. 1998-5
ORDINANCE NO. 159

AN ORDINANCE TO PROHIBIT CERTAIN OFFENSES WITHIN THE CITY LIMITS OF LAKE ANNETTE, MISSOURI, PROVIDE THE RANGE OF PUNISHMENT, AND REPEAL CONFLICTING ORDINANCES.

BE IT ORDIANED BY THE BOARD OR ALDERMEN OF THE CITY OF LAKE ANNETTE, MISSOURI AS FOLLOWS:

Section 1: Assault – No person shall:

- a. Attempt to cause or reckless cause physical injury to another person or
- b. Purpose place another person in apprehension of immediate physical injury; or
- c. Reckless engage in conduct which creates a grave rash of death or serious physical injury to another person; or
- d. Knowingly cause physical contact with another person knowing the other person will regard the contact as offensive or provocative.

Section 2: Harassment – No person shall for the purpose of frightening or disturbing another person:

- a. Communicate in writing or by telephone a threat to commit any felony; or
- b. Make a telephone call or communicate in writing and use coarse language offensive to one of average sensibility; or
- c. Make a telephone call anonymously; or
- d. Make repeated telephone calls.

Section 3: Indecent Exposure – No person shall knowingly expose his/her genitals under circumstances in which he knows that his/her conduct is likely to cause an affront or alarm.

Section 4: Sexual Abuse - No person shall subject another person to whom he/she is not married to sexual contact without that person's consent. (566.120 RSMO.)

Section 5: Tampering – No person shall

- a. Tamper with property of another for the purpose of causing substantial inconvenience to that person or to another;
- b. Unlawfully operate or ride in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or
- c. Tamper or make connection with property of a utility. (569.090 RSMO.)

Section 6: Property Damage or Vandalism – No person shall knowingly damage the property of another. (569.090 RSMO.)

Section 7: Trespass –

- a. **Generally:** No person shall knowingly enter upon or knowingly remain building or upon the real property of another.

- b. **Notice of trespass:** No person shall be convicted of a violation of this section in regard to the entering upon or remaining upon the real property of another unless the property is fenced or otherwise enclosed in a manner designed to exclude the intruder, or as to which notice against trespass is given by:
- (1) Actual communications to the intruder; or
 - (2) Posting in a manner reasonably likely to come to the attention of the intruder.
- c. **Parking lots:** It shall be a violation of this ordinance for any person to enter upon, loiter on, drive upon or park on a private or quasi private parking lot which displays a no parking sign or a no parking after certain hours or between certain hours sign or no parking except when doing business with certain merchant signs in violation of the terms thereof.
- d. **Tampering signs described in subsection c.** No person shall tamper with or destroy any sign as described in subsection c.

(569.140 RSMO)

Section 8: Stealing

- a. It shall be unlawful for any person to intentionally steal the property of another, either without his/her consent or by means of deceit.
- b. In this section the word "steal" shall mean to appropriate by exercising dominion over property in a manner inconsistent with the rights of the owner, either by taking, obtaining, using, transferring, concealing, or retaining possession of hid property. The term "property" as used herein shall mean everything of value, whether real or personal, tangible in possession or in action and shall include but not be limited tot he evidence of debt actually executed but not delivered or issued as a valid instrument.
- c. If the property stolen is a chattel and the person charged with stealing the same proves by preponderance of the evidence that no further transfer was made, and that, at the time of the appropriation he intended merely to use the chattel and promptly return and discontinue his use of it, he has a defense to a prosecution under subsection a. The term "chattel" as used in this subsection does not include money, securities, negotiable instruments, documents of title, postage or revenue stamps or other valuable paper.
- d. A person who appropriates lost property shall not be deemed to have stolen the same within the meaning of subsection a, unless such property is found under such circumstances which gives the finder knowledge of or means of inquiry as to the true owner of such.

(Generally 570.030 RSMO.)

Section 9: Unlawful Use of Weapon

- a. No person shall knowingly:
- (1) Carry **concealed** upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or
 - (2) Set a spring gun; or
 - (3) Discharge a firearm within the city limits; or
 - (4) Exhibit, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
 - (5) Possess or discharge a firearm or projectile weapon while intoxicated; or

- (6) Carry a fire arm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship or into any school, or into any election precinct on any election day or into any building owned or occupied by any agency of the federal government or political subdivision thereof or into any public assemblage of persons met for any lawful purpose.
- b. Subsection a.(1), a.(3), and a.(6) shall not apply to or affect any of the following:
- (1) All state, county and municipal law enforcement officers possess the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances for counties or municipalities of the state 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 for 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;
 - (5) Any person whose bona fide duty is to execute process, civil or criminal.
- c. Subsections a.(1), a.(5), and a.(6) do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible. Subsection a.(1) does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceable through this state.
- d. Subsection a.(3) of this section shall not be constructed to prevent the issuance of a permit for the operation of an organized, supervised trap shoot and skeet range, where upon investigation and recommendation by the city marshal and approval by the board of aldermen it shall be determined that such organized activity shall not be detrimental to the safety and welfare of the citizens of the city and will not constitute a nuisance to adjoining residents and property owners; provided that any such permit may be revoked by action of the board of aldermen for cause shown.

Section 10: Peace Disturbance – A person commits the crime of peace disturbance if:

- a. He unreasonably and knowingly causes alarm to another person or persons not physically on the same premises by:
- (1) Loud and unusual noise; or
 - (2) Loud and abusive language; or
 - (3) Threatening to commit a crime against any person; or
 - (4) Fighting; or
 - (5) Creating a noxious and offensive odor

- b. He is in a public place or on private property of another without consent and unreasonably and knowingly causes alarm to another person or persons by:
 - (1) Loud and unusual noise; or
 - (2) Loud and abusive language; or
 - (3) Threatening to commit a crime against any person; or
 - (4) Fighting; or
 - (5) Creating a noxious and offensive order;
- c. He 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:
 - (1) Vehicular or pedestrian traffic; or
 - (2) The free ingress or egress to or from public or private places.
- d. He is on private property of his own and unreasonably and purposely causes alarm to another person or persons on the same premises by:
 - (1) Threatening to commit a crime against any person; or
 - (2) Fighting.
- e. For the purposes of this section:
 - (1) "Property of another" means any property in which the actor does not have a possessory interest;
 - (2) "Private property" means any place which at the time is not open to the public. It includes property which is owned publicly or privately;
 - (3) "Public Place" means any place which at the time is open to the public. It includes property which is owned publicly or privately;
 - (4) If a building is divided into separate occupied units, each such unit is a separate premise.

Section 11: Unlawful Assembly - No person shall knowingly assemble with six or more other persons and agree with such persons to violate any of the criminal laws of this state or of the United States with force and violence.

Section 12: Rioting - No person shall knowingly assemble with six or more persons and agree 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, violate any of said laws with force or violence.

Section 13: Refusal to Disperse - No person shall, being present at the scene of an unlawful assembly or at the scene of a riot, knowingly fail or refuse to obey the lawful command of a law enforcement officer to depart from the scene of such unlawful assembly or riot.

Section 14: Resisting or Interfering With Arrest -

- a. No person shall knowing that a law enforcement officer is making an arrest for the purpose of preventing an officer from effecting an arrest:
 - (1) Resist the arrest of himself by using or threatening the use of violence or physical force or by fleeing from such officer; or

- (2) Interfere with the arrest of another person by using or threatening the use of violence, physical force or physical interference.
- b. This section applies to arrests with or without warrants and to arrest for any crime or ordinance violation.
- c. It is no defense to a prosecution under subsection a. that the law enforcement officer was acting unlawfully in making the arrest.

Section 15: False Reports -

- a. No person shall knowingly:
 - (1) Give false information to a law enforcement officer for the purpose of implicating another person in a crime; or
 - (2) Make a false report to a law enforcement officer that a crime has occurred or is about to occur; or
 - (3) Make a false report or cause a false report to be made to a law enforcement officer, security officer, fire department or other organization, official or volunteer, which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred.
- b. It is a defense to a prosecution under subsection a. of this section that the actor retracted the false statement or report before the law enforcement officer or any other person took substantial action in reliance thereon.

Section 16: Interference with Legal Process - No person shall knowingly interfere with any person authorized by law to serve process for the purpose of preventing such person from effecting the service of any process.

Section 17: Tampering with a Public Record - No person shall knowingly make a false entry in or falsely alter any public record or knowing that he lacks authority to do so, destroy, suppress or conceal any public record.

Section 18: Abandonment of Airtight Containers - No person shall abandon, discard or knowingly permit to remain on premises under his control, in a place accessible to children any abandoned or discarded icebox, refrigerator or other airtight or semi air tight container which has a capacity of one and one-half (1 ½) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with a 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. This section shall not apply to an icebox, refrigerator or other airtight or semi air tight container located in that part of a building occupied by a dealer, warehouseman or repairmen. Any person violating this section shall be guilty of an offense.

Section 19: Garage Sale Signs - No person shall post more than 5 signs no larger than two (2) feet by three (3) feet advertising the sale within the city. Signs may be posted one day prior to the sale and must be removed at the end of the last day of the sale. All signs must have the name of the applicant, dates of sale and address of the applicant. Self supporting signs may be posted on city rights-of-way. Signs may not be posted on utility poles, street signs, traffic signs or on private property without permission of the owner.

Section 20: Peeping Toms - No person shall look, peer or peek into or be found loitering around or within view of any window of a dwelling house of another.

Section 21: Molesting Minor – No person shall, in presence of any minor, indulge in any degrading, lewd, immoral or vicious habits or practices, or take indecent or improper liberties with such minor, or publicly expose his or her to such minor in an obscene or indecent manner, or by language, sign or touching such minor, suggest or refer to any immoral, lewd, lascivious or indecent act or detain or divert such minor with intent to perpetrate any of the aforesaid acts.

Section 22: Curfew on Minors –

(Amend Current Ord. ?)

- a. Imposed: It shall be unlawful for any minor under the age of seventeen (17) years to loiter, idle, wander, stroll, walk, or to drive or ride in a motor vehicle or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public places and public buildings, vacant lots or other unsupervised place between the hours of 11:00 p.m. and 6:00 a.m. the following day, official city time, except on Friday and Saturday when the hour shall be 12:00 midnight to 6:00 a.m. of the following day, official city time.
- b. Responsibility of parent: It shall be unlawful for the parent, guardian or other person having the care and custody of a minor under the age of seventeen (17) years to permit such minor to loiter, idle, wander, stroll, walk, or to drive or ride in a motor vehicle or play in or upon the public streets, highways, roadways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, 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 Friday and Saturday when the hours shall be 12:00 midnight to 6:00 a.m. the following morning, official city time.
- c. Exceptions: The provisions of this section shall not apply to a minor accompanied by his/her parent, guardian or other legally appointed adult person having the care and custody of such minor, or where the minor is upon an emergency errand directed by his/her parent, guardian or other legally appointed adult person having the care and custody of such minor or here the minor is traveling directly and immediately from a school or public function or place of entertainment at which such minor has a right to be, to his home or place of residence, or whose employment makes it necessary to be upon such street or public place during the nighttime after such hours specified provided that the foregoing exceptions shall not apply when such minor shall be playing or loitering in or upon any such street or public place or ride aimlessly upon the streets, highways, alleys, roads or other public places in the city whether accompanied by a parent, guardian or any other person.
- d. Duty of officer upon finding violator: Any police officer finding a minor violating the provisions of this section shall warn the child to desist immediately from such violation and take the child to the city police station where the parent or guardian of such child shall immediately be called to come and take custody of the minor. If such parent or guardian cannot be located the police officer shall retain custody until the parent or guardian is located and shall notify the juvenile officer of the county.

Section 23: Littering Prohibited – Generally – It shall be unlawful for any person to throw, drop, cast or deposit upon any street, alley, sidewalk, sewer, ditch, stream, body of water of any yard or premises, public or private, any garbage, refuse or filth of any kind or cans, paper, trash, paper, containers, rubbish, bottles or any other form of litter or waste matter.

Section 24: Controlled Substances –

- a. Unlawful manufacture, sale, possession, etc.: It is hereby declared to be unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense, distribute or compound any controlled counterfeit substance except as authorized in Section 195.010 to 195.320 Revised Statutes of Missouri, or to possess any apparatus, device or instrument for the unauthorized use of any controlled substances.
- b. Definitions: For the purpose of this section:
 - (1) **Controlled substance** means a drug, substance or immediate precursor in Schedules I through V as listed in Chapter 195 of the Revised Statutes of the State of Missouri, or any substance which is added to that list pursuant to the authority granted to the division of health.
 - (2) **Counterfeit substance** means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributed, or dispensed the substance.

- c. Forfeiture and destruction; records; return under oath: All controlled substances or any apparatus, device, instrument or raw material for the administration, use or manufacture of controlled substances which have come into the custody of a peace officer of the city, the lawful possession of which is not established, or the title of which cannot be ascertained, shall be forfeited, and the municipal judge, having jurisdiction, shall order such controlled substance, apparatus, device or instruments forfeited and destroyed. A record of the place where said drugs, apparatus, devices or instruments were seized, of the kinds and quantities of the drugs, apparatus, devices or instruments so destroyed, and of the time, place and manner of destruction shall be kept, and a return under oath, reporting the destruction of the controlled substances shall be made to the municipal court by the officer who destroys them.

Section 25: No minors shall purchase or attempt to purchase or have in his or her possession any intoxicating liquor or a nonintoxicating beer.

Section 26: No person of ^{the} ~~he~~ age of seventeen (17) and under the age of twenty-one (21) shall represent that he has attained the age of twenty-one (21) for the purpose of purchasing, asking for, or in any way receiving any intoxicating liquor or nonintoxicating beer.

Section 27: No person shall sell, give, or distribute to anyone under the age of twenty-one (21) any intoxicating liquor or nonintoxicating beer.


Section 28: That any ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 29: If any section, subsection sentence, clause, phrase or portion of the ordinances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion thereof.

Section 30: Any person who is found guilty of a violation of this ordinance shall upon a conviction be fined not more than \$500.00 or imprisoned in the county jail for not more than 90 days, or by both fine and imprisonment.

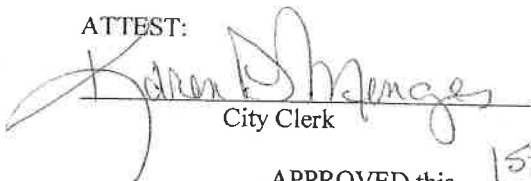
Section 31: That this ordinance shall be in full force and effect from and after its passage and approval.

by ^{file two}
Read three times and approved by the Board of Aldermen of the City of Lake Annette, Missouri
this 1st day of June, 1998.



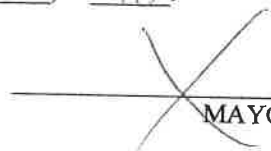
Mayor and Ex-Officio Chairman of the
Board of Aldermen

ATTEST:




City Clerk

APPROVED this 1st day of June, 1998.



MAYOR

ATTEST:



City Clerk