

**PART VIII. OFFENSES**

**CHAPTER 70. OFFENSES**

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## CHAPTER 70. OFFENSES

### Article I. Offenses Against Property

#### Section 70.010. Injury to Real or Personal Property Prohibited.

It shall be unlawful for any person within the City of Webster Groves to injure, deface, destroy or remove either real or personal property of any other person or corporation without the consent of the owner thereof.

#### Section 70.012. Graffiti.

- a. As used in this section the word “**graffiti**” shall mean and refer to any unauthorized inscription, word, phrase, motto, name, figure, symbol, picture or design which is written scribbled, marked, etched, scratched, burned, carved, drawn or painted on any exterior surface or structural component of any building, structure, or other facility regardless of the nature of the material of that structural component. Graffiti shall constitute a nuisance.
- b. No person shall cause graffiti to be placed upon any public or private building, fence, wall, bridge, sidewalk, road, parking area, driveway, or similar structure or surface, nor shall the owner thereof suffer the same to remain thereon for a period exceeding ten (10) days after the date notice is mailed to such person by U.S. Mail, postage prepaid.
- c. No person may be in possession of any spray paint or any container thereof, nor any permanent or semi-permanent paint pens or similar device while in or upon any public or private road, or upon any public sidewalk, parking area, driveway, park or premises, with the intent of causing graffiti as defined in subsection (b). Possession of a spray paint can in a public building, park, facility, or alley shall create a rebuttable presumption of intent to use the spray paint to cause graffiti in violation of this ordinance.
- d. If any unemancipated minor is found guilty of a violation of this ordinance or is shown to have placed graffiti on the property of another, the parent(s) or guardian(s), excluding foster parents, having custody or control of such minor at the time the minor causes graffiti to be made in violation of this ordinance, may be held liable in a civil action for damage to property and cost of removal of graffiti from property.
  1. Damages shall be recoverable as follows:
    - A. Damages up to Two Thousand Dollars (\$2,000.00), shall be recoverable in full; and
    - B. Damages exceeding Two Thousand Dollars (\$2,000.00) are recoverable to the extent of one-half (1/2) of such damages actually suffered and in addition to the damages received under subsection (a); and

- C. Any injured party may not collect more damages than are sufficient to make that party whole; and
  - D. Payment of costs and attorneys' fees may be awarded in addition to damages if judgment shall be rendered against a party litigant and, in the opinion of the court, such award is merited.
2. The liability provided in this subsection is additional to, and does not preclude any statutory or common law liability of parent(s), guardian(s) or unemancipated minor.
  3. The purpose of this ordinance is to partially compensate tort victims and to impose upon parents and guardians the responsibility to control the actions of their children.
- e. In addition to the abatement provisions of this chapter, any person found guilty of violating any provision of this section may, upon conviction, be punished as provided in Section 70.040 of this code.

(Ord. No. 7946, § 1, 1-21-97)

**Section 70.015. Tampering with Personal Property Prohibited.**

It shall be unlawful for any person within the City of Webster Groves to tamper with, possess, injure, deface, destroy or remove any sign, notice marker, fire alarm box, fire plug, or other personal property whatsoever, without the consent of the owner thereof.

**Section 70.020. Petit Larceny.**

Any person who attempts to steal, steals, or aids or abets any other person in such attempting or stealing of any money, personal property, or the effects of another, under the value of Seven Hundred and Fifty Dollars (\$750.00) shall be deemed guilty of petit larceny and subject to the Penalties provided in the Code of Webster Groves. (Ord. No. 8060, § 1, 10-20-98, Ord. No. 8446, § 1, 2-1-05, Ord. No. 8993, § 1, 10-3-2017)

**Section 70.023. Obtaining Property by False Pretenses; by Passing Bad Checks; Prima Facie Evidence of Violation.**

- a. No person who, with the intent to cheat and defraud, shall obtain or attempt to obtain from any other person or persons any money, services, property or valuable thing whatsoever, by means or by use of any trick or deception, or false or fraudulent representation, including the fraudulent use of credit cards or other credit device, or statement or by fraudulent pretense or by any other means or instrument or device, commonly called "the confidence game," or by means of or by use of any false or bogus check, or by means of a check drawn with intent to cheat and defraud on a bank in which the drawer of the check knows he has no funds, or by means or by use of any corporation stock or bonds, or by any other written or printed or engraved instrument or spurious coin or metal, and no person shall procure or attempt to procure any article or thing of value by making or drawing or uttering or delivering with intent to defraud, any check, draft or order for the payment of money upon any bank or other depository, knowing at

the time of such making, drawing, uttering or delivering that the maker or drawer does not have sufficient funds in or credit with such bank or depository for the payment of such check, draft or order in full upon its presentation.

As used in this subsection, the word “**credit**” shall be construed to mean an arrangement or understanding with the bank or depository for the payment of such check, draft or order.

- b. As against the maker or drawer thereof, the making, drawing, uttering or delivering of a check, draft, or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in, or credit with, such bank or other depository, provided such maker or drawer shall not have paid the drawee the amount due thereon, together with all costs and protest fees, within ten (10) days after receiving notice that such check, draft or order has not been paid by the drawee. (Ord. No. 7246, § 1, 12-21-82)

**Section 70.024, Fraudulent Use of a Credit Device or Debit Device.**

1. A person commits the offense of fraudulent use of a credit device or debit device if he or she uses a credit device or debit device for the purpose of obtaining services or property, knowing that:

- (1) The device is stolen, fictitious or forged; or
- (2) The device has been revoked or cancelled; or
- (3) his or her use of the device is unauthorized for any other reason; or

(4) his or her use of a credit device or debit device is for the purpose of paying property taxes and, the person knowingly cancels such charges or payment without just cause. It shall be prima facie evidence of a violation of this section if a person cancels such charges or payment after obtaining a property tax receipt to obtain license tags from the Missouri Department of Revenue.

2. The offense of fraudulent use of a credit device or debit device is a municipal offense if the value of the fraudulent use transaction within any 30-day period of time is: a) less than \$500 up to midnight of December 31, 2016; and b) less than \$750 after midnight of December 31, 2016.

(Ord. No. 8945, § 1, 9-20-2016)

**Section 70.025. Trespassing.**

No person other than one authorized by law, may go over or upon or remain on the property of another without the consent of the owner, or, while in or upon the property of another, may dig or remove any soil therefrom, or deposit or throw thereon any object, or may remove any plant, grass, sod, shrub, or any other article, or may cut, damage, deface or in any manner injure, destroy or mutilate any tree, shrub, flower, plant or other growing thing. Nor shall any such person remain on the property of another, although originally licensed or permitted so to do, after the owner or lawful occupant thereof shall

have directed or requested such person to remove himself. Nor shall any such person, whether or not on the property of the owner or lawful occupant, block the means of egress or access thereto or interfere with the free passage of persons desiring such access or egress.

**Section 70.026. Automobile Trespass.**

- a. No person shall park or stand a motor vehicle, whether occupied or not, in a private driveway, on a private parking lot, or on private property, without the express or implied consent of the owner or other person in lawful charge of such driveway, parking lot, or property.
- b. For the purpose of subsection (1), the parking or standing of a motor vehicle in a handicapped parking space is without the consent of the owner or other person in charge of the property unless the vehicle bears a distinguishing license plate or placard issued pursuant to Section 301.142 or Section 301.071, R.S.Mo.
- c. For the purpose of subsection (1), the parking or standing of a motor vehicle in a handicapped parking space is without the consent of the owner or other person in charge of the property unless the operator of the vehicle or a passenger is presently handicapped or is a temporarily disabled person.
- d. For the purpose of this section,
  1. **“Handicapped”** has the meaning ascribed to “physically disabled” in Section 301.142, R.S.Mo.
  2. A **“handicapped parking space”** is a parking space that meets the requirements of the federal Americans with Disabilities Act, as amended, and any rules or regulations established thereto and on which there is inscribed, and adjacent to which there is a posted sign upon which is inscribed the international symbol of accessibility on a blue background and the words **“Handicapped Parking”** in white, and which signs, or an additional sign posted below or adjacent to such sign, shall after January 1, 1998 also indicate that the space is reserved for the exclusive use of vehicles that display a distinguishing license plate or card and shall include the following: “Fifty Dollar (\$50.00) to Three Hundred Dollar (\$300.00) fine.”
  3. **“Motor vehicle”** is any self-propelled vehicle not operated exclusively on tracks, and includes the definition of “vehicle” given in Section 301.010 R.S.Mo.
  4. **“Private driveway,” “private parking lot,”** and **“private property”** mean any driveway, parking lot or property other than public streets, and includes any other driveway, parking lot, or property, even if owned by a governmental entity, including the City of Webster Groves.
  5. **“Temporarily disabled person”** has the meaning ascribed to that term in Section 301.142(2), R.S.Mo.

- e. If any motor vehicle is found in violation of this section, the owner or person in whose name such vehicle is registered in the records of any city, county, or state shall be held prima facie responsible for such violation, if the owner thereof is not present.
- f. The owners or other persons in lawful charge of such private driveway, private parking lot, or private property shall have sole responsibility for designating, posting, and maintaining such handicapped parking spaces, and shall advise the City of Webster Groves police department of the existence of such handicapped parking spaces and of infractions of this section. (Ord. No. 7414, § 1, 12-16-86)
- g. Police officers may cause the removal of any vehicle not displaying a distinguishing license plate or care on which is inscribed the international symbol of accessibility and the word disabled issued pursuant to Section 301.142 or a "disable veteran" license plate issued pursuant to Section 301.071 or a distinguishing license plate or card issued by any other state from a space designated for physically disabled persons if there is posted immediately adjacent to, and readily visible from, such space a sign on which is inscribed the international symbol of accessibility in white on a blue background and any appropriate wording to indicate the space is reserved for the exclusive use of vehicles that display a distinguishing license plate or card.
- h. Any person who parks in a space reserved for a handicapped or temporarily disabled person and does not display a distinguishing license plate or card is guilty of an infraction and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars (\$50.00) and not more than Three Hundred Dollars (\$300.00).
- i. Any vehicle that has been removed under the authority of this section and is not properly claimed within thirty (30) days after removal shall be considered to be an abandoned vehicle.
- j. Any person who, without authorization, uses a distinguishing license plate or card issued pursuant to Sections 301.071 or 301.142 to park in a parking space reserved under authority of this section shall be guilty of an infraction and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars (\$50.00) and not more than Three Hundred Dollars (\$300.00). (Ord. No. 8015, § 2, 1-6-98).

**Section 70.030. Damage to Buildings, Gates, Poles, Fences, Etc., Prohibited.**

No person may willfully and without authority cut, take, or throw down, or carry away any gate, or tear from any gate or fence any picket, board, or rail, or tear off any plank from any sidewalk, or building, or deface, smear or daub with paint or other substance any fence, wall, barn, or house, or any telegraph, telephone, electric light or trolley pole or other real property.

**Section 70.035. Damage to Signs Prohibited.**

No person may willfully and without authority remove, or in any manner deface, or smear or daub with paint, or any other substance, any sign or other article lawfully used or



placed as an advertisement by any person in front of or upon any building which he occupies for carrying on his business or profession, or any sign erected or authorized to be erected by the City of Webster Groves.

**Section 70.040. Penalty for Violation. - Repealed (Ord. No. 7983, § 3, 6-10-97)**

**Section 70.050. Abandonment of Vehicles – Definitions.**

The following terms, when used in this article, shall mean:

- a. **“Abandoned Property”** any unattended motor vehicle, trailer, off-road vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in this article, whether or not operational. [304.001(1)]
- b. **“Derelict Vehicle”** any vehicle that is abandoned, deserted, nonoperative, partially dismantled, wrecked, junked or does not display thereon a current valid license plate.
- c. **“Freeway”** a divided state highway with four or more lanes, with no access to the throughways except the established interchanges and with no at-grade crossings. [304.001(6)]
- d. **“Interstate Highway”** a state highway included in the national system of interstate highways located within the boundaries of the city, as officially designated or as may be hereafter designated by the Missouri Highway and Transportation Commission with the approval of the United States Secretary of Transportation, pursuant to Title 23, United States Code, as amended. [304.001(7)]
- e. **“Off-Road Vehicle”** any vehicle designed for or capable of cross-country travel on or immediately over land, water, ice, snow, marsh, swampland, or other natural terrain without benefit of a road or trail:
  1. Including, without limitation, the following:
    - A. Jeeps;
    - B. All-terrain vehicles;
    - C. Dune buggies;
    - D. Multi wheel drive or low-pressure tire vehicles;
    - E. Vehicle using an endless belt, or tread or treads, or a combination of tread and low pressure tires;
    - F. Motorcycles, trail bikes, mini bikes and related vehicles;
    - G. Any other means of transportation deriving power from any source other than muscle or wind; and
  2. Excluding the following:

- A. Registered motorboats;
  - B. Aircraft;
  - C. Any military, fire, or law enforcement vehicle;
  - D. Farm-type tractors and other self-propelled equipment for harvesting and transporting farm or forest products;
  - E. Any vehicle being used for farm purposes, earth moving, or construction while being used for such purposes on the work site;
  - F. Self-propelled lawnmowers, or lawn or garden tractors, or golf carts, while being used exclusively for their designed purpose; and
  - G. Any vehicle being used for the purpose of transporting a handicapped person. [304.001(9)]
- f. **“Person”** shall mean any natural person, firm, partnership, association, corporation, company or other legal entity. [304.001(10)]
  - g. **“Property”** shall mean any real property within the city which is not a street or highway, or other public property.
  - h. **“Right-of-Way”** the entire width of land between the boundary lines of a state highway, city street or alley, including any roadway, and shall include for the purpose of this article public walkways and sidewalks. [304.001(11)]
  - i. **“Roadway”** that portion of a state highway, city street or alley used for vehicular travel, exclusive of any berm or shoulder. [304.001(12)]
  - j. **“State Highway”** a highway constructed or maintained by the state highways and transportation commission with the aid of state funds or United States government funds, or any highway included by authority of law in the state highway system, including all right-of-way. [304.001(13)]
  - k. **“Towing Company”** any person or entity which tows, removes, or stores abandoned property. [304.001(14)]
  - l. **“Vehicle”** shall mean a machine propelled by powers, other than human power, designed to travel along the ground by use of wheels, treads, runners, or slides, and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

(Ord. No. 7993, § 1, 8-19-97)

**Section 70.051. Abandonment of Vehicles.**

- a. **Towing Abandoned Property on Right-of-Way and Public Lands.**
  - 1. Any law enforcement officer within the officer’s jurisdiction may authorize a towing company to remove to a place of safety:

- A. Any abandoned property on the right-of-way of:
- (i) any interstate highway, freeway or state highway, left unattended for more than ten (10) hours; [304.155(1)]
  - (ii) any other public street or alley left unattended for more than ninety-six (96) hours, or less if the abandoned vehicle, in the judgment of a law enforcement officer of the City of Webster Groves, constitutes a safety hazard or unreasonably interferes with the use of public property. Notwithstanding the foregoing, a person may permit up to two duly licensed motor vehicles that are not derelict and that are otherwise lawfully in the area to remain parked on public streets abutting such person's primary residence to exceed the 96-hour limit only during vacations, illnesses or other extreme circumstances, and may raise such an excuse as a defense to a citation for violation of this subsection in the municipal court;
- provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. § 5103(a) may only be removed under this article to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice; [Section 304.155(1)]
- B. Any unattended abandoned property illegally left standing upon any highway, street, alley or bridge if the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal; [Section 304.155.1(2)]
- C. Any abandoned property which has been abandoned under Section 577.080, R.S.Mo.; [Section 304.155.1(3)]
- D. Any abandoned property which has been reported as stolen or taken without consent of the owner; [Section 304.155(1)(4)]
- E. Any abandoned property for which the person operating such property is arrested for an alleged offense for which the officer is required to take the person into custody and where such person is unable to arrange for the property's timely removal; [Section 304.155(1)(5)]
- F. Any abandoned property which due to any other state law or city ordinance is subject to towing because of the owner's outstanding traffic or parking violations; [Section 304.155.1(6)]
- G. Any abandoned property left unattended in violation of a state law or city ordinance where signs have been posted giving notice of

the law or where the violation causes a safety hazard; or [Section 304.155.1(7)]

- H. Any abandoned property illegally left standing on the waters of the city and state as defined in Section 306.010, R.S.Mo., where the abandoned property is obstructing the normal movement of traffic, or where the abandoned property has been unattended for more than ten hours or floating loose on the water. [304.155.1(8)]
2. Neither the law enforcement officer nor anyone having custody of abandoned property under his direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this article other than damages occasioned by gross negligence or by willful or wanton acts or omissions. [Section 304.155(4)]
3. The owner of abandoned property removed as provided in this article shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property as provided in subsection (d) of this section. [Section 304.155(5)]
4. Upon the towing of any abandoned property under this article, the police department shall make an inquiry with the National Crime Information Center and any statewide 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. The police department shall submit a crime inquiry and inspection report to the Missouri Department of Revenue, on any unclaimed abandoned property, within ten (10) working days of the towing of the abandoned property. The crime inquiry and inspection report shall include the following:
- A. The year, model, make and property identification number of the property;
  - B. A description of any damage to the property noted by the law enforcement officer;
  - C. The license plate or registration number and the state of issuance, if available;
  - D. The storage location of the towed abandoned property;
  - E. The name, telephone number and address of the towing company;
  - F. The date, place and reason for the towing of the abandoned property;
  - G. The date of the inquiry of the National Crime Information Center, any statewide law enforcement computer system and any other

- similar system which has titling and registration information to determine if the abandoned property had been stolen;
- H. The signature and printed name of the law enforcement officer and the towing operation; and
  - I. Any additional information the Missouri Department of Revenue deems appropriate. [Section 304.155.6]
5. The Police Department shall complete a uniform "Authorization to Tow" form provided by the Missouri Department of Revenue. The completed form shall be issued by the authorizing law enforcement officer to the towing company for that company's records as proof of authorization to tow particular abandoned property. One copy of the crime inquiry and inspection report shall remain with the police department. One copy shall be provided to and retained by the towing company and one copy shall be provided to and retained by the storage facility in an accessible format in its business records for a period of three (3) years from the date of the tow or removal. [Sections 304.155.7 and 304.155.8]
  6. The owner of towed 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. [Section 304.155.9]
  7. Any towing company who removes abandoned property at the direction of a law enforcement officer as provided in this article shall have a lien for all reasonable charges for the towing and storage of the abandoned property until possession of the abandoned property is voluntarily relinquished to the owner of the abandoned property or to the holder of a valid security interest of record. Such lien shall be enforced in the manner described in Section 304.156, R.S.Mo. [Section 304.155.10]
  8. Towing companies shall keep a record for three (3) years on any abandoned property towed and not reclaimed by the owner of the abandoned property. Such record shall contain a copy of the law enforcement officer's authorization to tow, copies of all correspondence with the Missouri Department of Revenue concerning the abandoned property, and information concerning the final disposition of the possession of the abandoned property. [Section 304.155.11]
  9. Any personal property within the towed abandoned property need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping of the abandoned property have been paid or satisfactory arrangements for payment have been made, except that any medication prescribed by a physician shall be released to the owner thereof upon request. The company holding or storing the property shall either release the personal property to the owner of the abandoned property or allow the owner to inspect the property and provide an itemized receipt for the contents. The company

holding or storing the personal property shall be strictly liable for the condition and safe return of the property. [304.155.10]

10. Stolen, unidentified or impounded personal property, other than the abandoned property, which is removed or caused to be removed by the police department shall be stored at the law enforcement center, unless because of its size, nature or condition it should reasonably be stored elsewhere. Such personal property may be subject to the actual cost of removal and administrative and storage fees, provided that the storage fee for such unclaimed personal property shall not be less than One Dollar (\$1.00) per day of storage.

**b. Towing Abandoned Property on Private Lands.**

1. If a person abandons property on any real property owned by another without the consent of the owner or person in possession of the property, at the request of the person in possession of the real property, any law enforcement officer within the officer's jurisdiction may authorize a towing company to remove such abandoned property from the property in the following circumstances:
  - A. The abandoned property is left unattended for more than forty-eight (48) hours; or
  - B. In the judgment of the law enforcement officer, the abandoned property constitutes a safety hazard or unreasonably interferes with the use of the real property by the person in possession. [Section 304.157(1)]
2. The owner of real property or lessee in lawful possession of the real property may authorize a towing company to remove abandoned property without authorization by a law enforcement officer only when the owner, lessee or agent of the real property is present and only under any of the following circumstances:
  - A. There is displayed, in plain view at all entrances to the property, a sign not less than seventeen 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 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;
  - B. The abandoned property is on private property and lacks an engine, transmission, wheels, tires, doors, windshield or any other major part or equipment necessary to operate safely on the highways, the owner or lessee of the private property has notified the city police or county sheriff, as appropriate, and ninety-six (96) hours have elapsed since that notification; or

- C. The abandoned property is left unattended on private property, and the owner, lessee or agent of the real property in lawful possession of real property has notified the appropriate law enforcement agency, and ten (10) days have elapsed since that notification. [Section 304.157(2)]
3. 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 law enforcement officer shall within one hour of the tow file an abandoned property report with the appropriate law enforcement agency where the property is located. The report shall contain the following:
  - A. The year, model, make and abandoned property identification number of the property;
  - B. A description of any damage to the property noted by owner or lessee 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 signature and printed name of the owner or lessee in possession of the real property; and
  - G. The name of the law enforcement agency notified of the abandoned property. [Section 304.157(3)]
4. Neither the law enforcement officer or anyone having custody of abandoned property under his or her direction shall be liable for any damage to such abandoned property occasioned by a removal authorized by this section other than damages occasioned by gross negligence or by willful or wanton acts or omissions. [Section 304.157(5)]
5. When the owner of real property or a lessee in lawful possession of the real property authorizes a towing company to remove abandoned property without the authorization of a law enforcement officer, pursuant to subsection (2) and a towing company submits an abandoned property report to the police department, the police department must record the date the abandoned property report was filed with the department and within five (5) days of such filing make an inquiry into the National Crime Information Center and any statewide 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 abandoned property into the statewide law enforcement computer system. [Section 304.157(4)] The police department shall record the

date the property was towed and shall forward a copy of the abandoned property report to the Missouri Department of Revenue. [Section 304.157(7)]

6. Any towing company which tows abandoned property without authorization from a law enforcement officer pursuant to subdivision (1) of subsection (2) of this section shall within one hour of the tow report the event and the circumstances to the local law enforcement agency where the abandoned property report was filed. [Section 304.157(6)]

**c. Disposition of Towed Abandoned Property.**

1. Upon causing the removal of any abandoned property under this article, if the police department knows the registered owner or lienholder of the abandoned property, it shall within five (5) working days give notice in writing to the registered owner and any lienholder of the fact of the removal, the grounds for the removal, and indicate the place to which the property has been removed. 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 subsection shall include the amount of mileage, if available, shown on the abandoned property at the time of the removal. [Section 304.158(1)]
2. Any owner of any private real estate causing the removal of abandoned property from that real estate 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 property from which the abandoned property was removed. [Section 304.158(2)]
3. The owner of abandoned property removed from private 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. [Section 304.158(3)]
4. Any owner of any private 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 section or to state the grounds for the removal of the property if requested by the registered



owner of the abandoned property as required by subsection (2) of this section. [Section 304.158(4)]

5. 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 inches in height on the sides of the truck, wrecker or other vehicle used in the towing. [Section 304.158(5)]
6. A towing company may impose a charge of not more than one-half of the regular towing charge for the towing of abandoned property at the request of the owner of private property or that owner's agent pursuant to this section if the owner of the abandoned property or the owner's agent returns to the abandoned property before it is removed from the private property. The regular towing charge may only be imposed after the abandoned property has been removed from the property and is in transit. [Section 304.158(6)]
7. A towing company storage facility where abandoned property is stored pursuant to this article shall accept cash or a valid bank credit card for payment of towing and storage by a registered owner or the owner's agent claiming the abandoned property, except where the tow and impoundment of the abandoned property was the result of an arrest or accident whereby the towing company may then demand payment in the form of cash. A towing company who refuses to accept a valid bank credit card pursuant to this subsection is liable to the registered owner of the abandoned property for four times the amount of the towing and storage charges, but not to exceed Five Hundred Dollars (\$500.00), as provided by Section 304.158.7, R.S.Mo. In addition, persons operating or in charge of a towing company storage facility, shall have sufficient moneys on the premises to accommodate, and make change in, a reasonable monetary transaction. [Section 304.158(7)]
8. A towing company shall not remove or commence the removal of abandoned property from private property without first obtaining written authorization from the property owner. All written authorizations shall be maintained for at least one (1) year by the towing company. 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 the fifteen feet of a fire hydrant or in a fire lane designated by a fire department or the state fire marshal. [Section 304.158(8)]
9. 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 an employee or agent thereof, who is present at the time of removal or commencement of the removal, except as permitted in subsection (8) of this section, is liable to the owner of the property for four times the amount of the towing and storage charges, in addition to any

applicable criminal penalty, for a violation of this section. [Section 304.158(9)]

10. Any towing company which comes into possession of abandoned property pursuant to this article and who claims a lien for recovering, towing or storing abandoned property shall give notice to the title owner and to all persons claiming a lien thereon, as disclosed by the records of the Missouri Department of Revenue or of a corresponding agency in any other state. The towing company shall notify the owner and/or lienholder(s) within ten (10) business days of the date of mailing indicated on the Missouri Department of Revenue notice to the towing company of the names and addresses of the owner and/or lienholder(s) ascertained. The notice shall contain the following:
  - A. The name, address and telephone number of the storage facility;
  - B. The date, reason and place from which the abandoned property was removed;
  - C. 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;
  - D. A statement that the towing company claims a possessory lien for all such charges;
  - E. 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;
  - F. A statement that, should the owner or holder of a valid security interest 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 304.156.5(1) R.S.Mo. to contest the propriety of such towing or removal;
  - G. 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
  - H. 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. [Section 304.156(1)]
11. A towing company may assess storage charges for abandoned property only for the time in which it complies with the procedural requirements of this article. [Section 304.156(2)]

12. In the event that the records of the Missouri Department of Revenue fail to disclose the name of the owner or any lienholder of record for the abandoned property, upon notification by the Department of Revenue to the towing company of such failure, 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 and that a good faith effort was made. For purposes of this subsection, "good faith effort" means that the following checks have been performed by the towing company to establish the prior state of registration and title:
  - A. 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;
  - B. Check the police report for a license plate number or registration number if the abandoned property was towed at the request of a police officer;
  - C. Check the tow ticket/report of the towing company operator to see if a license plate was on the abandoned property at the beginning of the tow, if a private tow; and
  - D. If there is no address of the owner on the impound report, check the police report to see if an out-of-state address is indicated on the driver license information.
13. If no ownership information is discovered, the Missouri Department of Revenue shall be notified in writing by the towing company. Title may then be obtained in accordance with Section 304.156, R.S.Mo.
14. Thirty (30) days after the notification form has been mailed by the towing company to the abandoned property owner and any holder(s) of a security agreement and the property is unredeemed and no satisfactory arrangement has been made with the lienholder in possession for continued storage, and the owner or any holder of a security agreement has not requested a hearing as provided in subsection (f) of this section, the lienholder in possession may apply to the Missouri Department of Revenue for a salvage certificate of title designated with the words "salvage/abandoned property" or junking certificate based on the condition of the abandoned property as stated in the abandoned property report or crime inquiry and inspection report. The application for title shall be accompanied by:
  - A. An affidavit from the lienholder in possession that he has been in possession of the abandoned property for at least thirty (30) days and the owner of the abandoned property or any holder of a security agreement has not made arrangements for payment of towing and storage charges;

- B. An affidavit that the lienholder in possession has not been notified of any application for hearing as provided in subsection (f) of this section;
- C. A copy of the abandoned property report or crime inquiry and inspection report;
- D. A copy of the thirty (30) day notice given by certified mail to any owner and person holding a valid security interest and a copy of the certified mail receipt indicating that the owner and/or lienholder(s) of record received notice as required in this section.

If notice to the owner and/or holder of a security agreement has been returned marked "not forwardable" or "addressee unknown," the lienholder in possession shall comply with subsection (12) of this section. [Section 304.156(7)]

- 15. The owner of abandoned property removed pursuant to the provisions of this article or any person claiming a lien, other than the towing company, within ten (10) days after the receipt of notification from the towing company may file a petition in the Associate Division of the St. Louis County Circuit Court to determine if the abandoned property was wrongfully taken or withheld from the owner, as provided in Section 304.156.5, R.S.Mo.

(Ord. No. 7993, § 2, 8-19-97)

**Section 70.052. Leaving a Wrecked or Non-Operating Vehicle in Street.**

No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street, highway, or other public property, within the City.

**Section 70.053. Disposition of Wrecked or Discarded Vehicles.**

No person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked, or discarded vehicle to remain on such property longer than seventy-two (72) hours, and no person shall leave any such vehicle on any property within the City for a longer time than seventy-two (72) hours, except that this ordinance shall not apply with regard to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, or a vehicle when in an appropriate storage place or depository maintained in a lawful place and manner by the City.

**Section 70.054. Limits on Number of Vehicles on Residential Property.**

- a. As used in this section the following words shall have the following meanings:
  - 1. **"Adjacent Street"** shall mean either side of any street, public or private.

2. **“All Other Laws”** shall mean all state and local laws and regulations, including but not limited to regulations on derelict vehicles (Code Section 70.053), parking on unpaved surfaces (Code Section 31.010j), parking of trailers in front yards (Zoning Code), commercial vehicles (Zoning Code) and unlicensed vehicles (Existing Structures Code, Section ES-301.10.1).
  3. **“Licensed Driver”** shall mean a person with a current and valid driver’s license issued by the State of Missouri.
  4. **“Outdoors”** shall mean not within a fully enclosed garage.
  5. **“Passenger Vehicle”** shall mean any self-propelled vehicle used or manufactured for use in carrying a person or persons, but excluding boats, recreational vehicles, and special vehicles for the “physically disabled” as that term is defined in Missouri Revised Statute Section 301.142, as amended.
  6. **“Residential Property”** shall mean any single-family residential property.
  7. **“Residing on the Premises”** shall mean a person who has made the subject property his or her official permanent place of residency.
- b. At any residential property within the City of Webster Groves, there shall not be stored outdoors on the premises of a residential property or on the adjacent street, more than the greater of:
1. Three (3) passenger vehicles, or
  2. One (1) passenger vehicle per licensed driver residing at the premises plus two additional passenger vehicles in excess of the number of licensed drivers residing on the premises.
- c. Regardless of the number of passenger vehicles permitted under subsection (b), the storage of such vehicles must comply with all other laws of the City of Webster Groves, and each passenger vehicle must be registered through the State of Missouri at the residential property in question.
- d. Any passenger vehicle in violation of this Section 70.054 may be impounded in a manner consistent with Section 70.051 and any person found guilty of violating any provision of this section may, upon conviction, be punished as provided in Sections 70.040 or 70.055 of this Code.

(Ord. No. 7943, § 1, 10-8-96)

**Section 70.055. Penalties. - Repealed (Ord. No. 7983, § 4, 6-10-97)**

**Section 70.056. Conflict.**

Nothing in this ordinance shall be construed to conflict or repeal any provision of any applicable zoning ordinance or other code or regulation of the City prohibiting the

abandonment of vehicles or the storage or maintenance of partially dismantled, non-operating, wrecked, or junked vehicles on any property within the City.

Should any section, paragraph, sentence or word of this ordinance be declared for any reason to be invalid, it is the intent of the Council that it would have passed all other portions of this ordinance independent of the elimination therefrom of any such portion as may be declared invalid.

## **Article II. Offenses Against Morals And Conduct**

### **Section 70.110. Keeping Gaming Devices and Gambling Prohibited.**

No person may set up, or keep for gaming purposes, or permit to be set up, or kept or used for gaming purposes, any house, building, shed, booth or shelter, or upon any vacant lot, or other premises any gaming table or gambling device whatever at which the public is invited or permitted to enter. Nor shall any person enter into any such establishment.

### **Section 70.115. Intoxication in Public Prohibited.**

Any person being, or appearing to be, intoxicated shall not appear in or upon any street, highway, thoroughfare, store, or other public place.

### **Section 70.120. Loitering Prohibited.**

No person shall loiter either alone or in concert with another in, upon or around any public or private parking lot, street, park or park facility, sidewalk, building, driveway, corridor, stairway or doorway, in such a manner as to obstruct free access thereto by members of the public (including without limitation, police officers), and no person shall by his presence or by means either alone or in concert with another, interfere with or interrupt the conduct of business in any office located in any public or private building.

### **Section 70.121. Loitering on School Premises Prohibited.**

No person not a student in good standing, or employee of any public or private school located in the City of Webster Groves, or parent or guardian of any student enrolled therein, shall remain within any school during normal school hours or on any land owned, occupied or used by any such school and adjacent to any such school, without securing the written permission of the principal or person in charge of said school.

The term “**student in good standing**” as used herein is hereby defined as any person of school age who is enrolled in the school at which he or she then is present and who is not under suspension or expulsion.

### **Section 70.125. Vagrancy Prohibited.**

It shall be unlawful for any person to conduct himself as a vagrant within the City. The term “**vagrant**” as used in this section includes:

- a. Any able bodied male person over the age of sixteen (16) years who is found loitering about the City without visible means of support and maintenance, and

who does not apply himself to labor or some other honest calling to procure a livelihood.

- b. Any person who is found begging and every person found tramping or wandering around from place to place without any visible means of support.

An able bodied person, within the meaning and intent of this section, is any one who is not by reason of physical or mental disability prevented from following some honest vocation as a means of support and maintenance.

**Section 70.130. 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 play in or upon the public streets, highways, roads, alleys, parks, playgrounds, 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 limit, except on Fridays and Saturdays when the hours shall be 12:00 a.m. midnight to 6:00 a.m. of the following day, official city time; provided, however, that the provisions of the subsection do not apply to the following:
1. A minor accompanied by his or her parents, guardian or other adult person having the care and custody of the minor;
  2. A minor who is upon an emergency errand directed by his or her parent, guardian or other adult person having the care and custody of the minor;
  3. A minor who is exercising his or her first amendment rights protected by the Constitution, such as free exercise of religion, freedom of speech, or the right of assembly, provided the minor first has given notice to the City Manager by delivering to the City Manager a written communication signed by the minor and countersigned if practical by a parent of the minor which specifies when, where, in what manner and for what first amendment purpose the minor will be in a public place during the curfew time period;
  4. A minor who is in public due to a reasonable necessity which has been communicated by the minor's parent to the police setting forth the facts establishing the reasonable necessity and setting forth the specified streets and designated time for a described purpose including points of origin and destination;
  5. A minor who is returning directly home from a school activity, a voluntary association or a religious activity which has been communicated by the minor's parent to the police setting forth the activity, the place, the probable time of termination of the activity and the specified streets;
  6. A minor who is engaged in or in transit to or from lawful employment;

7. A minor in a motor vehicle with consent of his or her parent, guardian or other adult person having the care and custody of the minor;
8. A minor who is within one hundred (100) feet of his or her residence.

Each violation of the provisions of this section 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 knowingly to permit such minor to loiter, idle, wander, stroll 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 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 a.m. midnight to 6:00 a.m. of the following day, official city time; provided, however, that the provisions of the subsections do not apply to exceptions (1) through (8) set forth in subsection (a) of this Section. 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) of this Section shall warn the child to desist immediately from such violation and may take the child into custody and release him to his or her parent or guardian. If said parent or guardian cannot be located, the police department shall retain custody until the parent or guardian is located and the child delivered to him or to her or until referral has been made to St. Louis County Juvenile Court. The officer shall also report the violation to his superior officer and shall cause a written report to be served upon the parent, guardian or other person in charge of said child, setting forth the manner in which the subsection has been violated. Any parent, guardian or other adult person having the care and custody of such child who shall knowingly permit such child again to violate the provisions of subsection (a) of this section after receiving notice of the first violation, shall be fined not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00).

**Section 70.135. Fortune Telling, Etc. Prohibited.**

No person may carry on the business, practice, trade, profession or act of fortune telling, palmistry, mediumship, phrenology, astrology, spiritualism, or clairvoyance. For the purpose of this Section, said terms shall be defined as follows:

**“Fortune Telling”** means pretending or professing to tell future events in the life of another.

**“Palmistry”** means the art of telling or of judging character or future events by means of the features of the palms of the hands.

**“Clairvoyance”** means the practice of the so-called power of discerning objects or events not normally perceptible, or of penetrating thought so as to disclose future events.



**“Astrology”** means the art of pseudo science by which it is claimed the influence of the stars and planets upon human lives can be determined.

**“Mediumship”** means claiming to be susceptible to supernatural agencies and therefore capable of imparting knowledge derived therefrom, concerning the lives of others.

**“Phrenology”** means the theory that one’s mental powers are indicated by the shape of the skull.

**“Spiritualism”** means the practice of the doctrine or belief whereby living persons are enabled to hold conscious discourse with the spirits of deceased persons, through the mediumship of some living person.

**Section 70.140. Sale of Alcohol to Minors Prohibited, Possession Prohibited.**

No person may sell to any minor any alcoholic beverage whatever, nor shall any minor possess any alcoholic beverage. Alcoholic beverage shall not include medicine sold by pharmacies.

**Section 70.142. Public Consumption of Alcohol.**

No person shall consume any beverage containing alcohol, in any percent, either by weight or by volume, on the streets, public walkways, public parks, public parking lots or other public place within the City of Webster Groves without a valid permit issued by the Webster Groves City Manager or his designee. (Ord. No. 8052, § 1, 9-14-98)

**Section 70.145. Indecent Behavior, Exposure.**

No person may appear in or upon any street, highway, thoroughfare or public place in a state of nudity, or in an indecent or lewd dress, or commit any indecent or lewd act or behavior, or exhibit or perform any indecent, lewd or immoral play or representation or make or voice any indecent suggestions, expressions or motions. (Ord. No. 9080, § 1, 7-16-2019)

**Section 70.150. Indecent Advertising.**

No person may post or put up or cause to be posted or put up in or on any street, avenue, alley or building or any public place any bill, sign, or written notice containing any lewd or indecent matter.

**Section 70.155. Bawdy Houses.**

No person may open, keep or maintain any bawdy house, brothel, house of ill-fame or prostitution or knowingly permit any dwelling, tenement house, out-house, booth or shed owned or occupied by him, or in his possession or under his control, to be used or occupied as a place of assemblage of persons of either sex for the purpose of fornication or of any lewd, lascivious or indecent act, nor shall any person occupy or frequent or visit any such place.

**Section 70.160. Prostitution.**

No person commonly known as a prostitute may ply said vocation in the City.

**Section 70.165. Child Molestation.**

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

**Section 70.170. Sale or Circulation of Obscene Matter.**

It shall be unlawful for any person, firm or corporation, with knowledge of the contents or appearance thereof, to sell, offer for sale or advertise for sale, or to have in his, her, their, or its possession, with intention to sell or circulate, or to give away, distribute or circulate any obscene, lewd, licentious, indecent or lascivious book, pamphlet, magazine, paper, drawing, lithograph, engraving, picture, photograph, model, cast, print, article or other publication of indecent, obscene, immoral or scandalous character within the corporate limits of the City of Webster Groves, Missouri.

**Section 70.171. Possession of Marijuana.**

It shall be unlawful for any person to have in his possession thirty-five (35) grams or less of marijuana.

**Section 70.175. Penalty for Violation. - Repealed (Ord. No. 7983, § 5, 6-10-97)****Article III. Offenses Against Public Peace, Safety and Property****Section 70.210. Common Assault.**

No person shall assault or beat or wound another except under circumstances permitted by law.

**Section 70.211. Peace Disturbance.**

No person may disturb the peace of any neighborhood or person, including police officers, by causing or permitting loud and unusual noise, including, inter alia, excessive honking of horns, or by offensive or indecent conversation, or gestures, or by threatening, quarreling, challenging, fighting, or pushing or striking any person whatsoever, or by entering into, or remaining in, without the consent of the owner or occupant, any premises whatever.

**Section 70.212. Peace Disturbance on School Premises.**

No person while in any public or private school building, or on any public or private grounds adjacent thereto, while any class thereof is in session or in or on which any gathering or function is in progress, whether in the day or night time, shall willfully make

or assist in the making of any noise or diversion which disturbs or tends to disturb the peace, quiet or good order of such school session, class, gathering or function.

**Sec. 70.213. Funeral protests prohibited, when**

(a) Every citizen may freely speak, write and publish the person's sentiment on all subjects, being responsible for the abuse of the right, but no person shall picket or engage in other protest activities, nor shall any association or corporation cause picketing or other protest activities to occur within three hundred (300) feet of any residence, cemetery, funeral home, church, synagogue, or other establishment during or within one (1) hour before or one (1) hour after the conducting of any actual funeral or burial service at that place.

(b) As used in this Section, "*other protest activities*" means any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service.

(c) As used in this Section, "*funeral*" and "*burial service*" mean the ceremonies and memorial services held in conjunction with the burial or cremation of the dead, but Section does not apply to processions as they are in transit beyond any three hundred (300) foot zone that is established under Subsection (a) above.

**Section 70.215. Imitation of or Interference with City Officer.**

No person shall falsely represent himself to be an officer of the City; or, without being authorized by the City, exercise or attempt to exercise any of the duties, functions or powers of a City officer, or hinder, obstruct, resist, or otherwise interfere with any City Officer in the discharge of his official duties, or attempt to prevent any such officer from arresting any person, or attempt to rescue from such officer any person in his custody.

**Section 70.216. False Police or Fire Report.**

No person shall knowingly and intentionally make a false report of a fire or violation of the law, or provide a false name or identification, to any police or fire department officer or employee in person, or over the telephone, or by any other means of communication. (Ord. No. 8038, § 1, 7-7-98)

**Section 70.220. Unlawful Assembly.**

It is unlawful for any two or more persons to assemble together in the City of Webster Groves, with the intent to agree to assist one another to do any unlawful act, against the property of the City or against the person or property of any other person or persons, or against the peace, or to the terror of the people, or to make any movement in preparation therefor, or to block or obstruct any public way, or any passersby proceeding thereon.

No person or persons, by their presence, counsel or encouragement may assist or abet another or others in the commission of this offense, or, being present at such assembly or meeting, may remain thereat, or so near thereto as to afford a presumption of consent or assent to the commission of such offense, or sympathy with the perpetrators thereof, after being commanded to disperse by any person specified in Section 542.150 of the Revised Statutes of Missouri of 1959, as it may be amended from time to time.

**Section 70.225. Unlawful Use of Weapons Including Concealed Weapons.**

A person commits the crime of unlawful use of weapons if he or she knowingly:

1. Carries concealed upon or about his or her persons a knife, a firearm, a blackjack or any other weapon readily capable of lethal use **except as may otherwise be provided by Missouri law**; or
2. Sets a spring gun; or
3. Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or
4. Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
5. Possesses or discharges a firearm or projective weapon while intoxicated; or
6. Discharges a firearm within one hundred yards of any occupied schoolhouse, courthouse, or church building; or
7. Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or
8. Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or
9. Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or
10. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.
11. Subdivisions (1), (3), (4), (6), (7), (8) (9) and (10) of this section shall not apply to or affect any of the following::
  - a. All state, county and municipal peace officers 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 within or outside their jurisdictions or on or off duty, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
  - b. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

- c. Members of the armed forces or national guard while performing their official duty;
  - d. 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;
  - e. Any person whose bona fide duty is to execute process, civil or criminal;
  - f. Any federal probation officer;
  - g. Any state probation or parole officers, including supervisors and members of the board of probation and parole; and
  - h. 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.
  - i. any coroner, deputy coroner, medical examiner or assistant medical examiner.
12. Subdivisions (1), (5), (8) and (10) of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection 1 of this section does not apply to any person twenty-one 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 or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.
13. Subdivisions (1), (8), and (10) of this section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to section 571.094 or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.
14. Subdivisions (3), (4), (5), (6) (7), (8), (9), and (10) of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031, RSMo.
15. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

16. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection 1 of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.
17. Violations of this section shall be subject to the penalties set forth in Section 70.620.
18. The carrying of firearms in city buildings shall be further limited as follows:
  - a. No person who has been issued a concealed carry endorsement by the Missouri Director of Revenue under Section 571.094 RSMo or who has been issued a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, shall, by authority of that endorsement or permit, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased or controlled by the city.
  - b. Signs shall be posted at each entrance of a building entirely owned, leased or controlled by the city stating that carrying of firearms is prohibited. Where the city owns, leases or controls only a portion of a building, signs shall be posted at each entrance to that portion of the building stating that carrying of firearms is prohibited.
  - c. This subsection shall not apply to buildings used for public housing by private persons, highways or rest areas, firing ranges, or private dwellings owned, leased or controlled by the city.
  - d. Any person violating this subsection may be denied entrance to the building or ordered to leave the building. Any city employee violating this section may be disciplined. No other penalty shall be imposed for a violation of this subsection (18) only. Violations of all other subsections shall be subject to the penalties set forth in Section 70.620.
  - e. No person who has been issued a certificate of qualification which allows the person to carry a concealed firearm before the director of revenue begins issuing concealed carry endorsements in July 2004, shall, by authority of that certificate, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased or controlled by the city. (Ord. No. 8374 § 1, 10-21-03)
  - f. To the extent that the restrictions in this Section are in direct conflict with SB656 regarding the open carrying of firearms, then the provisions of SB656 shall govern; however, the restrictions of this Ordinance shall be enforced to the fullest extent permitted by Missouri law. Furthermore, any person who is open carrying a firearm, shall also comply with the following provisions of SB656:

Any person with a valid concealed carry endorsement or permit who is open carrying a firearm shall be required to have a valid concealed carry endorsement or permit from this state, or a permit from another state that is recognized by this state, in his or her possession at all times;

Any person open carrying a firearm in such jurisdiction shall display his or her concealed carry endorsement or permit upon demand of a law enforcement officer;

In the absence of any reasonable and articulable suspicion of criminal activity, no person carrying a concealed or unconcealed firearm shall be disarmed or physically restrained by a law enforcement officer unless under arrest;

Any person who violates this subdivision shall be subject to the penalty provided in Mo.Rev.Stat. Section 571.121.

(Ord. No. 8374, § 1, 10-21-03, Ord. No. 8860, §1, 10-21-2014)

**Section 70.230. Discharge of Firearms and Fireworks Prohibited.**

No person, not on duty in a military corps and acting under the orders of the commander thereof, or not an officer of the United States, state, county or city in the discharge of his official duty, may discharge any kind of firearms or air rifle in this City; nor shall any person throw or shoot from rubber slings, or bean shooters, any stones, missiles or pellets; nor shall any fireworks be sold in the city, nor shall any fireworks be used without a special permit of the Fire Chief.

Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than Five Hundred Dollars (\$500.00), or to imprisonment for a term up to ninety (90) days or both. (Ord. No. 7983, § 1, 6-10-97, Ord. No. 8431 § 1, 11-16-04)

**Section 70.235. Electric Fences.**

No person may construct, use or maintain, within the corporate limits of Webster Groves, any fence composed either wholly or in part of any kind of metal fencing charged with electric current, without a permit so to do, issued by the City Council.

**Section 70.240. False Alarms.**

No person, in the limits of the City, may turn in or cause to be turned in or reported a false or fictitious call for the fire or police departments of the City.

**Section 70.245. Abandoned Iceboxes.**

No person may leave or permit to remain in unenclosed places under his control, readily accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has an air-tight door or lid, and a snaplock or other locking device which may not be released from the inside, without first removing the door or lid, snaplock or other locking device from the ice box, refrigerator or container.

**Section 70.250. Damage to Property of City Prohibited.**

No person may deface, destroy, injure or damage any building, fence or other enclosure, sign, tree, lamp post, fire plug, hydrant, parking meter, railing or other property belonging

to the City of Webster Groves, either by cutting, hacking, breaking, daubing with paint or other substance, marking with chalk or in any other way or manner, defacing, destroying or tearing down or injuring such property.

**Section 70.255. Defacing Property of Public Library Prohibited.**

No person may willfully and wantonly cut, mutilate, tear, write upon or otherwise deface, destroy or injure, either in whole or in part, any book, magazine, pamphlet, paper, periodical, map, document, picture, writing or engraving, belonging to the Public Library, or suffer or permit any of such injuries to be inflicted upon any such property while in his possession or under his control, or may willfully deface, damage or destroy any furniture, fixture, or furnishing then and there the property of the Public Library.

**Section 70.256. Defacing Public or Private School Property Prohibited.**

No person shall mark with any substance or in any other manner deface or do damage to any building, fence, tree, lawn or other fixture situated on lands owned, occupied or otherwise used by any public or private school in the City of Webster Groves.

**Section 70.260. Posters and Bills.**

No person may stick, post or put upon any house, fence, wall, shed, barn or other building or upon any telegraph, telephone, electric light, or trolley pole within the City any written, printed, painted, or other advertisement, bill, notice, sign, poster or device of any kind, without having first obtained the written permission of the owner of such pole, house, fence, wall, shed, barn or other building, nor in violation of the comprehensive sign ordinance of this City.

**Section 70.265. Unlawful to Solicit Passengers.**

No operator of any motor vehicle operated for the purpose of carrying passengers for hire within the City may solicit fares by pulling, hauling, clamoring or shouting at prospective fares upon the streets or highways of this City; or may drive or operate his vehicle along the streets or highways immediately in front of or behind any passenger-carrying motor bus then and there operated over and along a regularly designated route, for the purpose or with the object of picking up or obtaining fares awaiting transportation by such motor bus. However, the operator of such a motor vehicle may respond at any time when signaled or called by a prospective passenger.

**Section 70.270. Climbing on Railroad Cars Prohibited.**

No person may within the City climb upon or into a car of any railroad train, while it is in motion or standing upon the tracks of the railroad or any of its switches, unless such person is employed upon the car, is a passenger or is taking passage thereon.

**Section 70.275. Quiet Zones.**

No person may make, cause, or permit any unnecessary noise with a sound-producing device, muffler, cutout, or otherwise within any zone of quiet, which disturbs or may tend to disturb any of the patients or inmates of any hospital located therein. No operator of a motor vehicle may at any time or place cause or permit the making of noise by any



sound-producing device on the vehicle, while in the use of the streets, so as unnecessarily to disturb or annoy the inhabitants.

**Section 70.280. Dangerous or “Stunt” Flying.**

No person may operate, or cause to be operated, over the City of Webster Groves, any airplane which is flying in a manner commonly known as “stunt” flying, or at an unreasonably low altitude, or in any other manner that may be hazardous or dangerous to persons or property within the City, or unnecessarily noisy.

**Section 70.285. Broadcasting from Airplanes.**

No person may broadcast by means of phonograph records or loudspeakers, or in any other manner, loud, disturbing or unnecessary noises from airplanes, and no person may cause, aid, or abet the flying of any airplane over the City from which are emanated any such noises.

No person may operate, or cause to be operated, any aircraft for commercial sound advertising purposes in or over the City of Webster Groves, nor drop leaflets or advertising matter therefrom in violation of the anti-litter ordinance.

**Section 70.290. Outdoor Solicitations.**

No person may solicit the sale of any article or thing of value, by means of loud outcry, upon the streets and public places.

**Section 70.291. Garage, Estate, Moving and Yard Sales.**

An individual, church, charitable, benevolent, educational, religious or fraternal organization, or business taxing district, may engage in the sale of goods or products which is conducted outdoors or partially outdoors such as garage sales, estate sales, moving sales and yard sales; provided, however, that no such sale shall last for more than two (2) consecutive days and not more than four (4) total garage, estate, moving and/or yard sales may occur within a calendar year on the same premises. (Ord. No. 8525 § 1, 12-5-06)

**Section 70.295. Distribution of and Prohibitions Applicable to Handbills, Circulars, Notices, Posters, Placards and Similar Materials.**

a. Definitions

The following words, terms, and phrases, when used in this Ordinance, have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

1. **Commercial handbill** shall mean and include any printed or written matter, any sample or device, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature:

- A. Which advertises for sale any merchandise, product, commodity, or thing;
  - B. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interests thereof by sales;
  - C. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order; provided, that nothing contained in this clause shall be derived to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license, where such license is or may be required by any law of this State, or under any ordinance of this City; or
  - D. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.
2. **Newspaper** shall mean and include any newspaper of general circulation as defined by general law, any newspaper duly entered with the United States Postal Service, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.
  3. **Non-Commercial handbill** shall mean and include any printed or written matter, any sample or device, circular, leaflet, pamphlet, newspaper, magazine, paper booklet, or any other printed or otherwise reproduced original or copies of any matter or literature not included in the aforesaid definitions of a commercial handbill or a newspaper.
  4. **Obscene** means material which depicts or describes sexual conduct that is objectionable or offensive to accepted standards of decency which the average person, applying contemporary community standards would find, taken as a whole, appeals to prurient interests or material which depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable State law, which, taken as a whole, lacks serious literary, artistic, political, or scientific value.

5. **Person** shall mean and include any person, firm, partnership, association, corporation, company or organization of any kind.
6. **Private premises** shall mean and include any dwelling, house, building, or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited, uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, or other structure.
7. **Public place** shall mean and include any and all streets, boulevards, avenues, lanes, alleys, or other public ways and rights of way, and any and all public parks, squares, spaces, plazas, grounds and buildings.

**b. Posting Notice, Placard, Bill, etc., Prohibited.**

No person shall post, stick, stamp, paint or otherwise affix, or cause the same to be done by any person, any notice, placard, bill, card, poster, advertisement or other paper or device calculated to attract the attention of the public, to or upon any sidewalk, crosswalk, curb or curbstone, flagstone, or any other portion or part of any public way or public place, or any lamp post, electric light, telegraph, telephone or trolley line pole, or railway structure, hydrant, shade tree or tree-box, or upon the piers, columns, trusses, girders, railings, gates or other parts of any public bridge or viaduct, or other public structure or building, or upon any pole, box or fixture of the fire alarm except such as may be authorized or required by the laws of the United States, or the State of Missouri and the ordinances of the City.

**c. Throwing Handbills in Public Places Prohibited.**

It shall be unlawful for any person to deposit, place, throw, scatter or cast any commercial or non-commercial handbill in or upon any public place within the City; provided, however, that it shall not be unlawful for any person to hand out or distribute, without charge to the receiver thereof, any commercial or non-commercial handbill in any public place to any person willing to accept such handbill.

**d. Placing Handbills In or Upon Vehicles Prohibited.**

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or non-commercial handbill in or upon any automobile or other vehicle that is moving upon a street, boulevard, avenue, lane, alley, or other public way or right of way, or while the vehicle is parked in any public or private place and which contains a sign bearing the words: "No Trespassing," "No Handbills," "No Advertisements," or any similar notice, indicating in any manner that the owner or occupant of the vehicle does not desire to have any such commercial or non-commercial handbills left upon such vehicle.

The provisions of this Section shall not be deemed to prohibit the handing, transmitting or distributing of any commercial or noncommercial handbill to the

owner or other occupant of any automobile or other vehicle who is willing to accept the same.

**e. Distribution of Handbills Where Prohibition Properly Posted.**

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any commercial or non-commercial handbill upon any premises, if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance thereof, a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisements," or any similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or to have their right of privacy disturbed, or to have any such commercial or non-commercial handbills left upon such premises.

**f. Distributing Handbills at Private Premises; Exceptions.**

1. No person shall throw, deposit, or distribute any commercial or non-commercial handbill in or upon private premises except by handing or transmitting any such handbill directly to the owner, occupant, or other person then present in or upon such private premises; provided, that, except where the premises are posted as provided in this Ordinance or where anyone upon the premises requests otherwise, a person may place or deposit any such commercial or non-commercial handbill in or upon such private premises, if such handbill is contained in a plastic bag ventilated with airholes throughout the surface of the bag, or unventilated plastic bag no greater than six inches in width, or if such handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places. Mailboxes may not be so used when so prohibited by federal postal law or regulations.
2. The provisions of this Section shall not apply to the distribution of mail by the United States or to newspapers; except that newspapers shall be placed on private property in such a manner as to prevent their being carried or deposited by the elements upon any street, sidewalk, or other public place or upon private property.

**g. Handbills Depicting Certain Matter Prohibited.**

It shall be unlawful for any person to post, hand out, distribute or transmit any sign, or any handbill:

1. Which is reasonably likely to incite or to produce imminent lawless action; or
2. Which is obscene or unlawful.

**h. Existing Ordinances Not Affected.**

This Ordinance shall not be deemed to repeal, amend or modify any ordinance ever ordained, either prohibiting, regulating or licensing canvassers, hawkers, peddlers, transient merchants, or any person using the public streets or places for any private business or enterprise, or for commercial sales, not covered herein.

i. **Penalty.**

Any person who shall violate any provision of this Ordinance, upon conviction thereof, shall be punished by a fine or penalty of not more than \$1,000 dollars, or by imprisonment for not more than 90 days, or both.

j. **Severability.**

If any provision, or portion of a provision, of this Ordinance, or its application to any person or circumstances, shall be held invalid by a court of competent jurisdiction, the remainder of the ordinance, or the application of the provision to other persons or circumstances, shall not be affected. (Ord. No. 8707, § 2, 3-1-11)

**Section 70.300. Penalty for Violation. - Repealed. (Ord. No. 7983, § 6, 6-10-97)**

**Section 70.310. Operators and Passengers to Wear Helmets.**

It shall be unlawful for a parent or guardian to permit a child under the age of seventeen (17) years to operate or be a passenger on a bicycle, a scooter, roller skates, roller blades or a skateboard unless the child shall wear protective headgear which properly fits and is fastened securely upon the head of the operator or passenger. The headgear shall meet or exceed the impact standard for protective bicycle helmets set by the U.S. Consumer Products Safety Commission, the American National Standards Institute (ANSI), the Snell Memorial Foundation or the American Society of Testing and Materials (ASTM). Every person convicted of a violation of this section shall be punished by a fine of not more than Twenty-Five Dollars (\$25.00). However, the first violation may be dismissed if the parent or guardian submits a receipt for the proof of purchase of a bicycle helmet, along with the approved helmet, to the Webster Groves Police Department prior to the court date set forth on the Complaint and Summons. An affidavit of helmet ownership shall be accepted in lieu of a receipt of helmet purchase.

**Article IV. Offenses Relating To The Possession, Manufacture, Delivery, Sale, And Advertising For Sale Of Drug Paraphernalia**

**Section 70.410. Definitions.**

For the purpose of Article IV the following terms are defined:

**“City’s Drug Possession Ordinance”** means Section 70.171 of the Code of the City of Webster Groves in effect upon passage and approval of this Ordinance.

**“Controlled Substance”** as used herein shall be defined and include the following:

- a. **"Marijuana"** means all parts of the plant genus Cannabis in any species or form thereof, including, but not limited to Cannabis Sativa L., Cannabis Indica, Cannabis Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It shall not include the mature stalks of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.
- b. **"Controlled Substances"** as defined and enumerated in Chapter 195 of the Missouri Revised Statutes in effect upon the passage of this Ordinance.

**"Controlled Substances Act"** means Chapter 195 of the Missouri Revised Statutes in effect upon the passage of this Ordinance.

**"Drug Paraphernalia"** means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance in violation of the City's drug possession ordinance or the Controlled Substances Act. It includes, but is not limited to:

- c. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
- d. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
- e. Insomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
- f. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
- g. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- h. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
- i. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
- j. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

- k. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
- l. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
- m. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
- n. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
  - 1. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
  - 2. Water pipes;
  - 3. Carburetion tubes and devices;
  - 4. Smoking and carburetion masks;
  - 5. Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
  - 6. Miniature cocaine spoons, and cocaine vials;
  - 7. Chamber pipes;
  - 8. Carburetor pipes;
  - 9. Electric pipes;
  - 10. Air-driven pipes;
  - 11. Chillums;
  - 12. Bongs;
  - 13. Ice pipes or chillers.

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- o. Statements by an owner or by anyone in control of the object concerning its use;
- p. Prior convictions, if any, of an owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substance;

- q. The proximity of the object, in time and space, to a direct violation of the City's drug possession ordinance or the Controlled Substances Act;
- r. The proximity of the object to controlled substances;
- s. The existence of any residue of controlled substances on the object;
- t. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of the City's drug possession ordinance or the Controlled Substances Act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of the City's drug possession ordinance or the Controlled Substances Act shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- u. Instructions, oral or written, provided with the object concerning its uses;
- v. Descriptive materials accompanying the object which explain or depict its use;
- w. National and local advertising concerning its use;
- x. The manner in which the object is displayed for sale;
- y. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- z. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
- aa. The existence and scope of legitimate uses for the object in the community;
- bb. Expert testimony concerning its use.

**Section 70.420. Possession of Drug Paraphernalia.**

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, a controlled substance in violation of the City's drug possession ordinance or the Controlled Substances Act.

**Section 70.430. Manufacture or Delivery of Drug Paraphernalia.**

It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the



human body, a controlled substance in violation of the City's drug possession ordinance or the Controlled Substances Act.

**Section 70.440. Delivery of Drug Paraphernalia to a Minor.**

Any person eighteen (18) years of age or over who violates Section 70.430 by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years his junior is guilty of a special offense and upon conviction shall be fined a minimum of Two Hundred Fifty Dollars (\$250.00). (Ord. No. 7983, § 2, 6-10-97)

**Section 70.450. Advertisement of Drug Paraphernalia.**

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

**Section 70.460. Penalty for Violation. Repealed. (Ord. No. 7983, § 8, 6-10-97)**

**Section 70.470. Severability.**

If any provision of this article or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the article which can be given without the invalid provision or application, and to this end the provisions of this article are severable.

**Article V. Regulation of the Use of Alarm Systems**

**Section 70.500. Definitions.**

As used in this article, certain words and terms shall be defined as follows, unless the context clearly indicates otherwise:

- a. **"Alarm System"** means any mechanical or electrical device designed to be activated manually or automatically upon the detection of an unauthorized entry, or other emergency in or on any building, structure or premises through the emission of a sound or transmission of a signal or message.
- b. **"False Alarm"** means other than an alarm caused by an attempted illegal entry, any activation of an alarm system intentionally or by inadvertence to which the city police department responds, including activation caused by the malfunction of the alarm system, except that the following shall not be considered false alarms:
  1. Alarm was caused by the malfunction of the indicator in the police station.
  2. Alarm was caused by the testing or repair of telephone equipment or lines.
  3. Alarm was caused by an act of nature such as earthquakes, floods, windstorms, thunder or lightning.

4. For purposes of this article only, false alarms shall not include the activation of an alarm which is not connected electronically to a location off the building, structure, or premises.
  5. **“Alarm User”** means a person who used an alarm system to protect any building, structure, facility or premises.
- c. **“Automatic Dialing Device”** means an alarm system that automatically dials a specific telephone number and transmits an emergency message via recording over regular telephone lines when activated. (Ord. No. 7247, § 1, 12-21-82)

**Section 70.510. Charges for False Alarms.**

- a. All false alarms to which the police department responds shall result in the following charge to the alarm user:
  1. A warning for the first false alarm in that calendar year.
  2. An Eight Dollar (\$8.00) service charge for the second false alarm in that calendar year.
  3. A Twenty-Five Dollar (\$25.00) service charge for the third or any subsequent false alarm in that calendar year.
- 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 payment within ten (10) days of any service charge that may be due.
- c. If more than four (4) false alarms are responded to in the same month, or more than six (6) in the same year, the alarm user of such system may have his alarm permit revoked after ten (10) days written notice has been given.
- d. Failure to pay fee for false alarm charge to the city within a period of thirty (30) days after the date of notice shall be considered a violation of this article. (Ord. No. 7247, § 1, 12-21-82)

**Section 70.515. Permit Required.**

- a. Any person who desires to install or continue use of an emergency alarm system shall first apply for and obtain a permit from the police chief on a form to be provided by him. Each application shall be signed by the applicant and shall include the following:
  1. The name, address and telephone number of the alarm user.
  2. The name of the alarm business which will install the system.
  3. The name of the alarm business which the user will contact for repair service.

4. The name and address of the agency to which the alarm system will be connected for monitoring.
- b. Within thirty (30) days from the effective date of this article all alarm users shall apply for such permit. After such date, no response shall be made to any alarm system by the police department unless a permit for such system be then in effect. (Ord. No. 7247, § 1, 12-21-82)

**Section 70.520. Restrictions on Automatic Programming.**

No person shall install or use an automatic dialing device which is programmed to dial the police department's primary trunk line telephone number. Within ninety (90) days from the effective date of this article, all automatic dialing devices shall be programmed to dial any consenting person who may relay the emergency message to the police department by live voice. The alarm user of such device shall be responsible for having his alarm system reprogrammed within the ninety (90) day time period. (Ord. No. 7247, § 1, 12-21-82)

**Section 70.525. Limited Duration of Audible Alarm.**

No person shall install or use an audible alarm which is equipped with an exterior sound-producing device such as a gong, buzzer, siren, bell or horn unless the same shall be equipped with a fifteen-minute timer for limited duration of audible alarm.

Within ninety (90) days from the effective date of this article, any alarm user having an audible alarm shall be responsible for equipping it with a fifteen (15) minute timer for limited duration of audible alarm. (Ord. No. 7247, § 1, 12-21-82)

**Section 70.530. Alarm User Responsibility.**

The alarm user shall be responsible for maintaining the system in good repair to assure reliability of operation. The alarm user shall also be responsible for seeing that the system is not misused. (Ord. No. 7247, § 1, 12-21-82)

**Section 70.535. City Not to Assume Liability.**

By monitoring such alarm systems, the city assumes no special relationship with the alarm user requiring a higher standard of police protection that which is afforded the general citizen. The city shall not be liable for any defects in operation of automatic dialing devices or signal line systems, for any failure or neglect to respond appropriately upon receipt of an alarm from any such source, nor for the failure or neglect of any person. In the event the city finds it necessary to disconnect an emergency alarm system, the city shall incur no liability by such action. (Ord. No. 7247, § 1, 12-21-82)

**Section 70.540. Penalty for Violation. - Repealed. (Ord. No. 7983, § 9, 6-10-97)**

**Article VI. Offenses Against Public Health and Safety**

**Section 70.600. Definitions.**

As used in this Article VI, the following terms shall have the meaning as follows:

**“Bar”** or **“Tavern”** means any licensed establishment which serves liquor on the premises for which not more than ten percent (10%) of the gross sales receipts of the business are supplied by food purchases, either for consumption on the premises or elsewhere.

**“Distribute”** means a conveyance to the public by sale, barter, gift or sample.

**“Minor”** for the purposes of Section 70.611, means a person under the age of eighteen.

**“Other Person in Charge”** means the agent or the proprietor authorized to give administrative directions to and general supervision of the activities within the public place, work place or public meeting at any given time.

**“Proof of Age”** means 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.

**“Proprietor”** means the party who ultimately controls, governs or directs the activities within the public place, work place or public meeting, regardless of whether he is the owner or lessor of such place or site. The term does not mean the owner of the property unless he ultimately controls, governs or directs the activities within the public place or public meeting. The term “proprietor” shall apply to a corporation as well as an individual.

**“Public Meeting”** means a gathering in person of members of a governmental body, whether an open or closed session, as defined in Chapter 610, Revised Statutes of Missouri.

**“Public Place”** means an enclosed indoor area used by the general public or serving as a place of work including, but not limited to:

- a. Any retail or commercial establishment.
- b. Health care facilities, health clinics or ambulatory care facilities including, but not limited to, laboratories associated with health care treatment, hospitals, nursing homes, physicians’ offices and dentists’ offices.
- c. Any vehicle used for public transportation including, but not limited to, buses, taxicabs and limousines for hire.
- d. Restrooms.
- e. Elevators.
- f. Libraries, educational facilities, day care facilities, museums, auditoriums and art galleries.
- g. All public areas and waiting rooms of public transportation facilities including, but not limited to, bus and airport facilities.
- h. Any enclosed indoor place used for entertainment or recreation including, but not limited to, gymnasiums, theater lobbies, concert halls, arenas and swimming pools.

- i. Any other enclosed indoor areas used by the general public including, but not limited to, corridors and shopping malls.

However, the following areas are not considered a public place:

- j. An entire room or hall which is used for private social functions, provided that the seating arrangements are under the control of the sponsor of the function and not the proprietor or other person in charge.
- k. Limousines for hire and taxicabs, where the driver and all passengers agree to smoking in such vehicle.
- l. Performers on the stage, provided that the smoking is part of the production.
- m. A place where more than fifty percent (50%) of the volume of trade or business carried on is that of the blending of tobaccos or sale of tobaccos, cigarettes, pipes, cigars or smoking sundries.
- n. Any bar, any tavern, a restaurant that seats less than fifty people, any bowling or any billiard parlor, provided such establishment conspicuously post at least two signs stating that "Nonsmoking Areas are Unavailable."
- o. Private residences.
- p. Any enclosed indoor arena, stadium or other facility which may be used for sporting events and which has a seating capacity for more than fifteen thousand persons.

**"Restaurant"** means any building, structure or area used, maintained or advertised as or held out to the public to be an enclosure where meals for consideration of payment are made available to be consumed on the premises.

**"Rolling Papers"** means 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 smokable cigarette.

**"Sample"** for the purposes of Section 70.611 means a tobacco product distributed to members of the general public or tobacco product samples.

**"Sampling"** for the purposes of Section 70.611, means the distribution to members of the general public of tobacco product samples.

**"Smoking"** means possession of burning tobacco in the form of a cigarette, cigar, pipe or other smoking equipment.

**"Tobacco Product(s)"** means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco.

**"Vending Machine"** for the purposes of Section 70.611, means any mechanical electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

(Ord. No. 7944, § 1, 9-17-96)

**Section 70.610. Smoking in Public Place or Public Meeting Prohibited.**

- a. No person shall smoke in a public place or in a public meeting except in a designated smoking area.
- b. No proprietor or other person in charge of a public place or public meeting shall permit, cause, suffer or allow a person to smoke in those areas where smoking is prohibited.
- c. The person having custody or control of a public place or public meeting shall:
  1. Make reasonable efforts to prevent smoking in the public place or public meeting by posting appropriate signs indicating no-smoking or smoking area and arrange seating accordingly. These signs shall be placed at a height and location easily seen by a person entering the public meeting and not obscured in any way; and
  2. Arrange seating and utilize available ventilation systems and physical barriers to isolate designated smoking areas; and
  3. Make a reasonable request of persons smoking to move to a designated smoking area; and
  4. Allow smoking in designated areas of theater lobbies only.
- d. A smoking area may be designated by persons having custody or control of public places, except in places in which smoking is prohibited by the fire marshal or by other law, ordinance or regulation. No public place shall have more than thirty percent (30%) of its entire space designated as a smoking area. Further, a proprietor or other person in charge of a restaurant shall designate an area of sufficient size to accommodate usual and customary demands for non-smoking areas by customers or patrons.

**Section 70.611. Prohibition of the Distribution or Possession of Tobacco Products and Rolling Papers to or by a Minor.**

- a. It shall be unlawful for any person to give, barter, sell, cause to be sold, buy for, distribute samples of or furnish any tobacco product or distribute any tobacco product or rolling papers to any minor. This paragraph shall not apply to the distribution by family members on property that is not open to the public.
- b. It shall be unlawful for any minor to purchase, possess, accept receipt of or attempt to purchase or accept receipt of tobacco products, or to present or offer to any person purported proof of age which is false, fraudulent or not actually his or her own for the purpose of purchasing, possessing or receiving any tobacco product or rolling papers.
- c. Any person who violates this Section 70.611 shall be fined:

1. For the first offense, One Hundred Dollars (\$100.00);
  2. For the second offense, Two Hundred Fifty Dollars (\$250.00);
  3. For a third and subsequent offense, Five Hundred Dollars (\$500.00).
- d. 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 upon every vending machine from which tobacco products may be purchased, a sign that shall:
1. Contain in red lettering at least one-half inch high on a white background the following: "It is a violation of state law for cigarettes or other tobacco products to be sold to any person under the age of eighteen;" and
  2. Include a depiction of a pack of cigarettes at least two inches high defaced by a red diagonal diameter of a surrounding red circle, and the words "Under 18."
- e. It shall be unlawful for any person to engage in tobacco product distribution to persons under eighteen (18) years of age.
- f. A person 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.
- g. If a sale is made by an employee of the owner of an establishment in violation of this Section 70.611, the employee shall be guilty of an offense established in paragraph (a). If a vending machine is in violation of this Section 70.611, the employee shall be guilty of an offense established in paragraph (a). If a vending machine is in violation of this Section 70.611, the owner of the establishment shall be guilty of an offense established in paragraph (a). If a sample is distributed by an employee of a company conducting the sampling, such employees shall be guilty of an offense established in paragraph (a).
- h. 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 this Section 70.611. No person shall be liable for more than one violation of this Section 70.611 on any single day.

(Ord. No. 7944, § 2, 9-17-96)

**Section 70.620. Penalties.**

Repealed. (Ord. No. 8972, §3, 2-21-2017)

**Article VII. Aggressive Solicitation****Section 70.700. Definitions.**

For purposes of this Ordinance:

- a. **“Solicit”** means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor’s purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written, or printed word, or by other means of communication.
- b. **“Aggressive Manner”** means and includes:
  1. Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person’s consent;
  2. Following the person being solicited, if that conduct is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person’s possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
  3. Continuing to solicit within five (5) feet of the person being solicited after the person has made a negative response, if continuing the solicitation is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person’s possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
  4. Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation. Acts authorized as an exercise of one’s constitutional right to picket or legally protest, and acts authorized by a permit issued pursuant to the City Code, shall not constitute obstruction of pedestrian or vehicular traffic;
  5. Intentionally or recklessly using obscene or abusive language or gestures: (i) intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person’s possession; or (ii) words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation; or
  6. Approaching the person being solicited in a manner that: (i) is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon the property in the person’s possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.



- c. **“Automated Teller Machine”** means a device, linked to a financial institution’s account records, which is able to carry out transactions, including, but not limited to: account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.
- d. **“Automated Teller Machine Facility”** means the area comprised of one or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.
- e. **“Check Cashing Business”** means any person duly licensed to engage in the business of cashing checks, drafts or money orders for consideration pursuant to the provisions of the State of Missouri’s banking laws.
- f. **“Public Area”** means an area to which the public or a substantial group of persons has access, and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.

(Ord. No. 7991, § 1, 7-1-97)

**Section 70.710. Prohibited Acts.**

It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:

- a. In an aggressive manner in a public area;
- b. In any public transportation vehicle, or bus or subway station or stop;
- c. Within fifteen (15) feet of any entrance or exit of any bank or check cashing business or within fifteen (15) feet of any automated teller machine during the hours of operation of such bank, automated teller machine or check cashing business without the consent of the owner or other person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
- d. On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property; or
- e. From any operator of a motor vehicle that is in traffic on a public street, whether in exchange for cleaning the vehicle’s windows, or for blocking, occupying, or reserving a public parking space, or directing the occupant to a public parking space; provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passengers of such vehicle.
- f. Between the hours of 8:00 p.m. and 9:00 a.m. Monday through Friday and 5:00 p.m. and 9:00 a.m. Saturday and Sunday.

(Ord. No. 7991, § 1, 7-1-97, Ord. No. 8424, § 1, 10-5-04)

**Section 70.720. Construction and Severability.**

- a. Severability is intended throughout and within the provisions of the Ordinance. If any section, sentence, clause, or phrase of this Ordinance is held invalid or unconstitutional by a court of competent jurisdiction, then such judgment shall in no way affect or impair the validity of the remaining portions of this Ordinance.
- b. This Ordinance is not intended to prescribe any demand for payment for services rendered goods delivered.
- c. This Ordinance is not intended to create a result through enforcement that is absurd, impossible or unreasonable. The Ordinance should be held inapplicable in any such cases where its application would be unconstitutional under the Constitution of the State of Missouri or the Constitution of the United States of America.

(Ord. No. 7991, § 1, 7-1-97)

**Article VIII. Domestic and Family Violence Code**

**Section 70.820. Definitions.**

Unless the context otherwise requires, as used in this chapter:

- a. **“Domestic or Family Violence”** means the occurrence of one or more of the acts listed under Section 70.830, and done by a family or household member, but does not include acts of self-defense.
- b. **“Family or Household Members”** include:
  1. Persons who are current or former spouses;
  2. Persons who live together or who have lived together;
  3. Persons who are dating or who have dated;
  4. Persons who are engaged in or who have engaged in a sexual relationship;
  5. Persons who are related by blood or adoption;
  6. Persons who are related or formerly related by marriage; and
  7. Persons who have a child in common.

For the purposes of this section, minor children who are seventeen (17) years of age or under of a person in a relationship that is described in paragraphs (1) through (7) can be included as victims; and minor children who are seventeen (17) years of age or under of a person in a relationship that is described in paragraphs (1) through (5) can be included in the list of perpetrators.

- c. **“Program of Intervention for Perpetrators”** means a specialized program that accepts perpetrators of domestic or family violence into batterer intervention programs that are members of the Association of Batterer Intervention Programs to satisfy court orders, and offers them classes or instruction.
- d. **“Program for Victims of Domestic or Family Violence”** means a specialized program for victims of domestic or family violence and their children that provides advocacy, shelter, crisis intervention, social services, treatment, counseling, education, or training.
- e. **“Safety Plan”** means a written or oral outline of actions to be taken by a victim of domestic or family violence to secure protection and support after making an assessment of the dangerousness of the situation.

**Section 70.830. “Offense Involving Domestic or Family Violence.”**

**Defined.** An **“Offense Involving Domestic or Family Violence”** occurs when a family or household member commits one or more of the following offenses as listed under this chapter against another family or household member:

- a. Domestic Assault;
- b. Domestic Destruction, Damage or Vandalism of Property;
- c. Domestic Petty Larceny;
- d. Domestic Unlawful Possession of Stolen Property;
- e. Domestic Peace Disturbance;
- f. Domestic Peace Disturbance – Loud Noise;
- g. Domestic Trespassing;
- h. Domestic Harassment;
- i. Domestic Stalking;
- j. Domestic Tampering with a Victim or Witness;
- k. Violation of Orders of Protection.

**Section 70.840. Adult Abuse.**

**Definitions.** For the purpose of prosecutions under Section 70.860, for violating an adult order of protection, the following terms, in accordance with Section 455.010 R.S.Mo., shall have the meanings ascribed to them herein, unless the context clearly indicates otherwise:

- a. **Abuse.** Abuse includes but is not limited to the occurrence of any of the following acts, attempts, or threats against a person who may be protected under

a valid protective order issued by the State of Missouri or any other state within the United States.

1. **Assault.** Purposely or knowingly placing or attempting to place another in fear of physical harm.
2. **Battery.** Purposely or knowingly causing physical harm to another with or without a deadly weapon.
3. **Coercion.** Compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain.
4. **Harassment.** Engaging in a purposeful or knowing course of conduct involving more than one (1) incident that alarms or causes distress to another person and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial emotional distress to the petitioner. Such conduct might include, but is not limited to the following:
  - A. Following another about in a public place or places;
  - B. Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity;
  - C. **Sexual Assault.** Causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress;
  - D. **Unlawful Imprisonment.** Holding, confining, detaining or abducting another person against that person's will.
- b. **Adult.** Any person eighteen (18) years of age or older or otherwise emancipated.
- c. **Court.** The circuit or associate circuit judge or a family court commissioner.
- d. **Ex Parte Order of Protection.** An order of protection issued by a court before the respondent has received notice of the petition or an opportunity to be heard on it.
- e. **Family or Household Member.** Spouses, former spouses, persons related by blood or marriage, persons who are presently residing together or have resided together in the past, a person who is or has been in a continuing social relationship of a romantic nature with the victim, and persons who have a child in common regardless of whether they have been married or have resided together at any time.
- f. **Full Order of Protection.** An order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard.

- g. **Order of Protection.** Either an ex parte order of protection or a full order of protection.
- h. **Petitioner.** A family or household member or a person who has been the victim of domestic violence who has filed a verified petition under the provisions of R.S.Mo 455.020.
- i. **Respondent.** The family or household member or person alleged to have committed an act of domestic violence, against whom a verified petition has been filed.
- j. **Stalking.** When a person purposely and repeatedly harasses or follows with the intent of harassing another person. As used in this paragraph, “**harass**” means to engage in a course of conduct directed at a specific person that serves no legitimate purpose that would cause a reasonable person to suffer substantial emotional distress. As used in this subdivision, “**course of conduct**” means a pattern of conduct composed of a series of acts 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”.

#### **Section 70.850. Child Protection Orders.**

**Definitions.** For the purpose of prosecutions under Section 70.860 for violation of a child order of protection, the following terms, in accordance with Section 455.010 R.S.Mo., shall have the meanings ascribed to them herein, unless the context clearly indicates otherwise:

- a. “**Abuse,**” any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by an adult household member, or stalking of a child. Discipline including spanking, administered in a reasonable manner shall not be construed to be abuse.
- b. “**Adult Household Member,**” any person eighteen (18) years of age or older or an emancipated child who resides with the child in the same dwelling unit.
- c. “**Child,**” any person under eighteen (18) years of age.
- d. “**Court,**” the circuit or associate circuit judge or a family court commissioner.
- e. “**Ex Parte Order of Protection,**” an order of protection issued by the court before the respondent has received notice of the petition or an opportunity to be heard on it.
- f. “**Full Order of Protection,**” an order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard.
- g. “**Order of protection,**” either an ex parte order of protection or a full order of protection.

- h. **"Petitioner,"** a person authorized to file a verified petition under the provision of Sections 455.503 and 455.505 R.S.Mo.
- i. **"Respondent,"** the adult household member, emancipated child or person stalking the child against whom a verified petition has been filed.
- j. **"Stalking,"** purposely and repeatedly harassing or following with the intent of harassing a child. As used in this subdivision, **"harassing"** means engaging in a course of conduct direct at a specific child that serves no legitimate purpose that would cause a reasonable adult to believe the child would suffer substantial emotional distress. As used in this subdivision, **"course of conduct"** means a pattern of conduct composed of a series of acts 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".
- k. **"Victim,"** a child who is alleged to have been abused by an adult household member.

**Section 70.860. Violation of Orders of Protection.**

- a. The respondent of an ex parte or full order of protection for an adult, of which the respondent has notice, shall not violate the terms and conditions of such order with regard to abuse, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit.
- b. The respondent of an ex parte or a full order of protection for a child, of which the respondent has notice, shall not violate the terms and conditions of such order with regard to abuse, child custody, or entrance upon the premises of the victim's dwelling unit.

**Section 70.861. Domestic Assault.**

No person shall commit an act of domestic assault. A person commits such an act if the person does any of the following:

- a. Attempts to cause or recklessly causes physical injury to a family or household member; or
- b. With criminal negligence, causes physical injury to a family or household member by means of a deadly weapon or dangerous instrument; or
- c. Purposely places a family or household member in apprehension of immediate physical injury by any means; or
- d. Recklessly engages in conduct which creates a grave risk of death or serious physical injury to a family or household member; or
- e. Knowingly causes physical contact with a family or household member knowing the other person will regard the contact as offensive; or

- f. Knowingly attempts to cause or causes the isolation of a family or household member by unreasonably and substantially restricting or limiting such family or household member's access to other persons, telecommunication devices or transportation for the purpose of isolation.

**Section 70.862. Domestic Destruction, Damage or Vandalism of Property.**

No person shall willfully destroy, damage, or injure any property of a family or household member of any kind whatsoever which does not belong to the said person.

**Section 70.863. Domestic Petty Larceny.**

No person shall steal, take, or carry away any article of value which is the property of a family or household member.

**Section 70.864. Domestic Unlawful Possession of Stolen Property.**

- a. No person shall buy or in any way receive or possess any personal property which has been unlawfully taken from a family or household member.
- b. Proof that any personal property has been unlawfully taken from the possession or control of a family or household member and that within six (6) months after said unlawful taking said property has been in the possession or under the control of the accused shall be deemed sufficient evidence to authorize conviction unless possession of said property is satisfactorily explained by proof that either:
  1. Before buying or receiving or coming into possession of said property, a diligent and good faith inquiry was made as to the source of said property sufficient to provide a reasonable belief that said property had not been taken unlawfully from another; or
  2. The property was acquired at a price and under circumstances sufficient to provide a reasonable belief that said property had not been taken unlawfully from another; or
  3. The accused complied with Section 447.010 R.S.Mo. relating to the duty of persons finding lost property.

**Section 70.865. Domestic Disturbance of the Peace.**

No person shall unreasonably and knowingly disturb or alarm any family or household member by: threatening or offensive language addressed in a face-to-face manner to that individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient; or by physically threatening or challenging or fighting that person.

**Section 70.866. Domestic Disturbance of the Peace – Loud Noise.**

- a. No person shall play any radio, music player such as a "boom box," tape cassette, disc player, television, audio system or musical instrument in a manner

or at a volume that disturbs the peace of any other reasonable family or household member; except, however, that nothing herein shall be construed to prohibit an otherwise lawful public concert or public performance.

- b. It shall be unlawful to speak, shout, sing or create any noise at a volume that disturbs the peace of any other reasonable family or household member, except that nothing herein shall be construed to prohibit the summoning of assistance in an emergency.
- c. For the purpose of prosecution under this section, it shall be presumed that any speech, song or noise, or the playing of any radio, music player such as a “boom box,” tape cassette, disc player, television, audio system or musical instrument, is disturbing to the peace of another reasonable family or household member if the volume is such that it is plainly audible to persons more than fifty (50) feet away from the source of the noise.

**Section 70.867. Domestic Trespassing.**

- a. No person without lawful authority, or without the expressed or implied consent of the family or household member or his agent, shall enter any building or enter on any enclosed or improved real estate, lot or parcel of ground; or being upon land of another, shall fail or refuse to leave the same when requested to do so by the family or household member lawfully in possession thereof, his agent or representative.
- b. For the purpose of this section, “implied consent,” as it relates to persons making deliveries on private property, extends only to sidewalks or other identifiable walkways, where available, and does not extend to lawns or other private property if such a sidewalk is available.

**Section 70.868. Domestic Harassment.**

No person shall, for the purpose of frightening or disturbing another family or household member:

- a. Communicate in writing or by telephone a threat to commit any felony or act of violence; 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 to the same person or telephone number.

**Section 70.869. Domestic Stalking.**

- a. As used in this section, the following terms shall have the meanings ascribed to them:



1. **Course of Conduct.** A pattern of conduct composed of a series of acts 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 included picketing or other organized protests.
  2. **Credible Threat.** A threat made with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety. The threat must be against the life of, or a threat to cause physical injury to, a person.
  3. **Harass.** To engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person to suffer substantial emotional distress, and that actually causes substantial emotional distress to that person.
- b. No person shall purposely and repeatedly harass or follow with the intent of harassing another family or household member or harass another family or household member, and make a credible threat with the intent to place that person in reasonable fear of death or physical injury.

**Section 70.870. Domestic Tampering With a Victim or Witness.**

- a. No person, with purpose to induce a family or household member who is a witness or prospective witness in an official proceeding to disobey a subpoena or other legal process, or to induce such family or household member to absent himself or avoid subpoena or other legal process, or to induce such family or household member to withhold evidence, information or documents, or to testify falsely, shall:
1. Threaten or cause harm to any person or property; or
  2. Use force, threats or deception; or
  3. Offer, confer or agree to confer any benefit, direct or indirect, upon such witness; or
  4. Convey any of the foregoing to another in furtherance of a conspiracy.
- b. A person commits the violation of “domestic victim tampering” if, with purpose to do so, he prevents or dissuades or attempts to prevent or dissuade any person who is a family or household member who has been a victim of any ordinance violation 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;

3. Arresting or causing or seeking the arrest of any person in connection with such victimization.
- c. Holding batterers accountable.

**Section 70.872. Dismissal of Charges.**

Cases involving domestic or family violence shall not be dismissed for the sole reason that a civil compromise or settlement is reached.

**Section 70.875. Rights of Victims of Domestic or Family Violence.**

- a. A victim of domestic and family violence is entitled to all rights granted to victims of crime as found in Sections 595.200 to 595.218 R.S.Mo including but not limited to the right to:
  1. Be informed of all hearing dates and continuances.
  2. Provide the court with a victim-impact statement, victim-opinion statement, and an assessment of the risk of further harm.
  3. Be present at sentencing and address the court.
  4. Be advised by the court of conditions of probation required to ensure the safety of the victim and other family or household members.
  5. Restitution for losses sustained as a direct consequence of any criminal conduct.
  6. Apply for victims' compensation and to be informed of procedures for applying.

**Section 70.877. Advocate-Victim Privilege Applicable in Cases Involving Domestic or Family Violence.**

- a. Except as otherwise provided in subsection b, a victim of domestic or family violence may refuse to disclose, and may prevent an advocate from disclosing, confidential oral communication between the victim and the advocate and written records and reports concerning the victim if the privilege is claimed by:
  1. The victim; or
  2. The person who was the advocate at the time of the confidential communication, except that the advocate may not claim the privilege if there is no victim in existence or if the privilege has been waived by the victim.
- b. The privilege does not relieve a person from any duty imposed pursuant to state laws on child abuse or neglect. A person may not claim the privilege when providing evidence in proceedings concerning child abuse or neglect pursuant to state law.

- c. As used in this subsection, “**advocate**” means an employee of or volunteer for a program for victims of domestic or family violence who:
1. Has a primary function of rendering advice, counseling, or assistance to victims of domestic or family violence; supervising the employees or volunteers of the program; or administering the program; or
  2. Works under the direction of a supervisor of the program, supervises employees or volunteers, or administers the program.

**Section 70.879. Conditions of Probation for Perpetrator Convicted of Offense Involving Domestic or Family Violence; Required Reports by Department of Justice Services.**

- a. Before placing a perpetrator who is convicted of an offense involving domestic or family violence on probation, the court shall consider the safety and protection of the victim of domestic or family violence and any member of the victim’s family or household.
- b. The court may condition the suspension of sentence or granting of probation to a perpetrator on compliance with one or more orders of the court, including but not limited to:
  1. Enjoining the perpetrator from threatening to commit or committing acts of domestic or family violence against the victim or other family or household member.
  2. Prohibiting the perpetrator from harassing, annoying, telephoning, contacting, or otherwise communicating with the victim, directly or indirectly.
  3. Requiring the perpetrator to stay away from the residence, school, place of employment, or a specified place frequented regularly by the victim and any designated family or household member.
  4. Prohibiting the perpetrator from possessing or consuming alcohol or controlled substances.
  5. Prohibiting the perpetrator from using or possessing a firearm or other specified weapon.
  6. Directing the perpetrator to surrender any weapons owned or possessed by the perpetrator.
  7. Directing the perpetrator to participate in and complete, to the satisfaction of the court, a program of intervention for perpetrators, treatment for alcohol or substance abuse, or psychiatric or psychological treatment; and/or an evaluation for such intervention or treatment.
  8. Directing the perpetrator to pay restitution to the victim.

9. Imposing any other condition necessary to protect the victim of domestic or family violence and any other designated family or household member or to rehabilitate the perpetrator.
10. Payment by the perpetrator of the costs of any condition of probation.