

TITLE XIII: GENERAL OFFENSES

Chapter

130. CRIMES AND MISDEMEANORS

CHAPTER 130: CRIMES AND MISDEMEANORS

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OFFENSES AGAINST THE PERSON

§ 130.001 ASSAULT.

A person commits the offense of assault if:

(A) He or she attempts to cause or recklessly causes physical injury to another person;

(B) With criminal negligence, he or she causes physical injury to another person by means of a deadly weapon;

(C) He or she purposely places another person in apprehension of immediate physical injury;

(D) He or she recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or

(E) He or she knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.

(Prior Code, § 210.010) Penalty, see § 130.999

§ 130.002 ASSAULT OF A LAW ENFORCEMENT OFFICER.

A person commits the offense of assault of a law enforcement officer if:

(A) He or she attempts to cause or recklessly causes physical injury to a law enforcement officer;

(B) With criminal negligence, he or she causes physical injury to a law enforcement officer by means of a deadly weapon;

(C) He or she purposely places a law enforcement officer in apprehension of immediate physical injury;

(D) He or she recklessly engages in conduct which creates a grave risk of death or serious physical injury to a law enforcement officer; or

(E) He or she knowingly causes or attempts to cause physical contact with a law enforcement officer without the consent of the law enforcement officer.

(Prior Code, § 210.020) Penalty, see § 130.999

§ 130.003 HARASSMENT.

A person commits the offense of harassment if, for the purpose of frightening or disturbing another person, he or she:

(A) Communicates in writing or by telephone, a threat to commit any felony;

(B) Makes a telephone call or communicates in writing and uses coarse language offensive to one of average sensibility;

(C) Makes a telephone call anonymously; or

(D) Makes repeated telephone calls.

(Prior Code, § 210.030) Penalty, see § 130.999

§ 130.004 FALSE IMPRISONMENT.

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

(Prior Code, § 210.040) Penalty, see § 130.999

Editor's note:

Under certain circumstances this offense can be a felony under state law

§ 130.005 ENDANGERING THE WELFARE OF A CHILD.

(A) A person commits the offense of endangering the welfare of a child if:

(1) He or she, with criminal negligence, acts in a manner that creates a substantial risk to the life, body, or health of a child less than 17 years old;

(2) He or she knowingly encourages, aids, or causes a child less than 17 years old to engage in any conduct which causes or tends to cause the child to come within the provisions of RSMo. §§ 211.031(1)(2)(d) or 211.031(1)(3);

(3) Being a parent, guardian, or other person legally charged with the care or custody of a child less than 17 years old, he or she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him or her from coming within the provisions of RSMo. §§ 211.031(1)(1)(c), 211.031(1)(2)(d), or 211.031(1)(3); or

(4) He or she knowingly encourages, aids, or causes a child less than 17 years of age to enter into any room, building, or other structure which is a public nuisance as defined in RSMo. § 195.130.

(B) Nothing in this section shall be construed to mean the welfare of a child is endangered for the sole reason that he or she is being provided non-medical remedial treatment recognized and permitted under the laws of this state.

(Prior Code, § 210.050) Penalty, see § 130.999

Editor's note:

Under certain circumstances this offense can be a felony under state law

OFFENSES CONCERNING ADMINISTRATION OF JUSTICE

§ 130.020 CONCEALING AN OFFENSE.

A person commits the offense of concealing an offense if:

(A) He or she confers or agrees to confer any pecuniary benefit or other consideration to any person in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof; or

(B) He or she accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his or her concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof.

(Prior Code, § 210.060) Penalty, see § 130.999

Editor's note:

Under certain circumstances this offense can be a felony under state law

§ 130.021 HINDERING PROSECUTION.

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

(A) Harbors or conceals such person;

(B) Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law;

(C) Provides such person with money, transportation, weapon, disguise, or other means to aid him or her in avoiding discovery or apprehension; or

(D) Prevents or obstructs, by means of force, deception, or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

(Prior Code, § 210.070) Penalty, see § 130.999

Editor's note:

Under certain circumstances this offense can be a felony under state law

§ 130.022 REFUSAL TO IDENTIFY AS A WITNESS.

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

(Prior Code, § 210.080) Penalty, see § 130.999

§ 130.023 DISTURBING A JUDICIAL PROCEEDING.

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

(Prior Code, § 210.090) Penalty, see § 130.999

§ 130.024 TAMPERING WITH A WITNESS; TAMPERING WITH A VICTIM.

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

- (1) Threatens or causes harm to any person or property;
- (2) Uses force, threats, or deception;
- (3) Offers, confers, or agrees to confer any benefit, direct or indirect, upon such witness; or
- (4) Conveys any of the foregoing to another in furtherance of a conspiracy.

(B) A person commits the offense of "victim tampering" if, with purpose to do so, he or she prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from:

(1) Making any report of such victimization to any Peace Officer, or state, local, or federal law enforcement officer, or prosecuting agency or to any judge;

(2) Causing a complaint, indictment, or information to be sought and prosecuted or assisting in the prosecution thereof; or

(3) Arresting or causing or seeking the arrest of any person in connection with such victimization.

(Prior Code, § 210.100) Penalty, see § 130.999

Editor's note:

Under certain circumstances this offense can be a felony under state law

§ 130.025 IMPROPER COMMUNICATION.

A person commits the offense of improper communication if he or she communicates, directly or indirectly, with any juror, special master, referee, or arbitrator in a judicial proceeding, other than as part of the proceedings in a case, for the purpose of influencing the official action of such person.
(Prior Code, § 210.110) Penalty, see § 130.999

§ 130.026 FALSE IMPERSONATION.

A person commits the offense of false impersonation if he or she:

(A) Falsely represents himself or herself to be a public servant with purpose to induce another to submit to his or her pretended official authority or to rely upon his or her pretended official acts and:

(1) Performs an act in that pretended capacity; or

(2) Causes another to act in reliance upon his or her pretended official authority.

(B) Falsely represents himself or herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this state with purpose to induce another to rely upon such representation and:

(1) Performs an act in that pretended capacity; or

(2) Causes another to act in reliance upon such representation.
(Prior Code, § 210.120) Penalty, see § 130.999

§ 130.027 FALSE REPORTS.

(A) A person commits the offense of making a false report if he or she knowingly:

(1) Gives false information to a law enforcement officer for the purpose of implicating another person in a crime or offense;

(2) Makes a false report to a law enforcement officer that a crime or offense has occurred or is about to occur; or

(3) Makes a false report or causes a false report to be made to a law enforcement officer, security officer, Fire Department, or other organization, official, or volunteer, which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred.

(B) It is a defense to a prosecution under division (A) above that the actor retracted the false statement or report before the law enforcement officer or any other person took substantial action in reliance thereon.

(C) The defendant shall have the burden of injecting the issue of retraction under division (B) above.
(Prior Code, § 210.130) Penalty, see § 130.999

§ 130.028 RESISTING OR INTERFERING WITH ARREST.

(A) A person commits the offense of resisting or interfering with arrest if, knowing that a law enforcement officer is making an arrest, or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a law enforcement officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop, or detention, the person:

(1) Resists the arrest, stop, or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or

(2) Interferes with the arrest, stop, or detention of another person by using or threatening the use of violence, physical force, or physical interference.

(B) This section applies to arrests, stops, or detentions with or without warrants and to arrests, stops, or detentions for any crime, infraction, or ordinance violation.

(C) It is no defense to a prosecution under division (A) above that the law enforcement officer was acting unlawfully in making the arrest; however, nothing in this section shall be construed to bar civil suits for unlawful arrest.

(Prior Code, § 210.140) Penalty, see § 130.999

Editor's note:

Under certain circumstances this offense can be a felony under state law

§ 130.029 ESCAPE OR ATTEMPTED ESCAPE FROM CUSTODY.

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

(Prior Code, § 210.150) Penalty, see § 130.999

Editor's note:

Under certain circumstances this offense can be a felony under state law

OFFENSES CONCERNING PUBLIC SAFETY

§ 130.040 ABANDONMENT OF AIRTIGHT OR SEMI-AIRTIGHT CONTAINERS.

(A) A person commits the offense of abandonment of airtight icebox if he or she abandons, discards, or knowingly permits to remain on premises under his or her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of one and one-half cubic feet or more, and an opening of 50 square inches or more, and which has a door or lid equipped with hinge, latch, or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches, or other hardware which may cause a person to be confined therein.

(B) Division (A) above does not apply to an icebox, refrigerator, or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman, or repairman.

(C) The defendant shall have the burden of injecting the issue under division (B) above.
(Prior Code, § 210.160) Penalty, see § 130.999

§ 130.041 LITTERING.

A person commits the offense of littering if he or she throws or places, or causes to be thrown or placed, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature, or description on the right-of-way of any public road or state highway or on or in any of the waters in this city or on the banks of any stream, or on any land or water owned, operated, or leased

by the state, any board, department, agency, or commission thereof or on any land or water owned, operated, or leased by the federal government or on any private real property owned by another without his or her consent.

(Prior Code, § 210.170) Penalty, see § 130.999

§ 130.042 CORRUPTING OR DIVERTING WATER SUPPLY.

Whoever willfully or maliciously poisons, defiles, or in any way corrupts the water of a well, spring, brook, or reservoir used for domestic or municipal purposes, or whoever willfully or maliciously diverts, dams up, and holds back from its natural course and flow any spring, brook, or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, town, or city for their use, shall be adjudged guilty of a misdemeanor.

(Prior Code, § 210.190) Penalty, see § 130.999

§ 130.043 ABANDONING MOTOR VEHICLE.

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

(Prior Code, § 210.200) Penalty, see § 130.999

OFFENSES CONCERNING PUBLIC PEACE

§ 130.055 PEACE DISTURBANCE.

A person commits the offense of peace disturbance if:

(A) He or she unreasonably and knowingly disturbs or alarms another person or persons by:

(1) Loud noise;

(2) Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient;

(3) Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out;

(4) Fighting; or

(5) Creating a noxious and offensive odor.

(B) He or she is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:

(1) Vehicular or pedestrian traffic; or

(2) The free ingress or egress to or from a public or private place.

(Prior Code, § 210.210) Penalty, see § 130.999

§ 130.056 PRIVATE PEACE DISTURBANCE.

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

(A) Threatening to commit a crime or offense against any person; or

(B) Fighting.

(Prior Code, § 210.220) Penalty, see § 130.999

§ 130.057 PEACE DISTURBANCE DEFINITIONS.

(A) For the purposes of §§ 130.055 and 130.056, the following words shall have the meanings set out herein.

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

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

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

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

(Prior Code, § 210.230)

§ 130.058 WEAPONS; CARRYING CONCEALED; OTHER UNLAWFUL USE.

(A) A person commits the offense of unlawful use of weapons if he or she knowingly:

(1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack, or any other weapon readily capable of lethal use;

(2) Discharges or shoots a firearm within the city limits;

(3) Possesses a firearm or projectile weapon while intoxicated; or

(4) Carries a firearm or any other weapon readily capable of lethal use.

(B) Divisions (A)(1), (A)(2), and (A)(4) above shall not apply to or affect any of the following:

(1) All state, county, and municipal law enforcement 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, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents, and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the Armed Forces or National Guard while performing their official duty;

(4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the state and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal Judiciary;

(5) Any person whose bona fide duty is to execute process, civil or criminal;

(6) Any Federal Probation Officer;

(7) Any state probation or parole officer, including supervisors and members of the Board of Probation and Parole, authorized to carry a firearm pursuant to RSMo. § 217.710;

(8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Board of Police Commissioners under RSMo. § 84.340; and

(9) The discharge of firearms in connection with any turkey shoots or other charitable event authorized by the Board of Aldermen.

(C) Divisions (A)(1), (A)(3), and (A)(4) above do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Division (A)(1) above does not apply when the actor is

also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon business premises over which the actor has possession, authority, or control, or is traveling in a continuous journey peaceably through the city.
(Prior Code, § 210.240) Penalty, see § 130.999

§ 130.059 UNLAWFUL TRANSFER OF WEAPONS.

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

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

(B) Recklessly, as defined in RSMo. § 562.016, sells, leases, loans, gives away, or delivers a firearm or ammunition for a firearm to a person who is intoxicated.
(Prior Code, § 210.245) Penalty, see § 130.999

§ 130.060 DISCHARGING AIR GUN AND THE LIKE.

Any person within the limits of this city, who shall discharge any BB gun, spring gun, or air gun, or shall shoot any pebble, bullet, slug, or other hard substance by means of a sling, crossbow, rubber band, or bow or any other means shall be deemed guilty of a misdemeanor.
(Prior Code, § 210.250) Penalty, see § 130.999

§ 130.061 UNLAWFUL ASSEMBLY.

A person commits the offense of unlawful assembly if he or she knowingly assembles with six or more other persons and agrees with such persons to violate any of the criminal laws of this state or of the United States with force or violence.
(Prior Code, § 210.260) Penalty, see § 130.999

§ 130.062 RIOTING.

A person commits the offense of rioting if he or she knowingly assembles with six or more other persons and agrees with such persons to violate any of the criminal laws of this state or of the United States with force or violence, and thereafter, while still so assembled, does violate any of said laws with force or violence.
(Prior Code, § 210.270) Penalty, see § 130.999

§ 130.063 REFUSAL TO DISPERSE.

A person commits the offense of refusal to disperse if, being present at the scene of an unlawful assembly, or at the scene of a riot, he or she knowingly fails or refuses to obey the lawful command of a law enforcement officer to depart from the scene of such unlawful assembly or riot.
(Prior Code, § 210.280) Penalty, see § 130.999

OFFENSES CONCERNING PROPERTY**§ 130.075 TAMPERING.**

(A) A person commits the offense of tampering if he or she:

(1) Tamper with property of another for the purpose of causing substantial inconvenience to that person or to another;

(2) Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle;

(3) Tamper or makes connection with property of a utility; or

(4) Tamper with, or causes to be tampered with, any meter or other property of an electric, gas, steam, or water utility, the effect of which tampering is either:

(a) To prevent the proper measuring of electric, gas, steam, or water service; or

(b) To permit the diversion of any electric, gas, steam, or water service.

(B) In any prosecution under division (A)(4) above, proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam, or water service, with one or more of the effects described in division (A)(4) above, shall be sufficient to support an inference which the trial court may submit to the trier of fact, from which the trier of fact may conclude that there has been a violation of such division by the person or persons who use or receive the direct benefit of the electric, gas, steam, or water service.
(Prior Code, § 210.290) Penalty, see § 130.999

Editor's note:

Under certain circumstances this offense can be a felony under state law

§ 130.076 PROPERTY DAMAGE.

A person commits the offense of property damage if:

(A) He or she knowingly damages property of another; or

(B) He or she damages property for the purpose of defrauding an insurer.

(Prior Code, § 210.300) Penalty, see § 130.999

§ 130.077 CLAIM OF RIGHT.

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

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

(Prior Code, § 210.310)

§ 130.078 TRESPASS IN THE FIRST DEGREE.

(A) A person commits the offense of trespass in the first degree if he or she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.

(B) A person does not commit the offense of trespass by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:

(1) Actual communication to the actor; or

(2) Posting in a manner reasonably likely to come to the attention of intruders.

(Prior Code, § 210.320) Penalty, see § 130.999

§ 130.079 TRESPASS IN THE SECOND DEGREE.

(A) A person commits the offense of trespass in the second degree if he or she enters unlawfully upon real property of another. This is an offense of absolute liability.

(B) Trespass in the second degree is an infraction.

(Prior Code, § 210.330) Penalty, see § 130.999

§ 130.080 RECKLESS BURNING OR EXPLODING.

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

(Prior Code, § 210.340) Penalty, see § 130.999

§ 130.081 NEGLIGENT BURNING OR EXPLODING.

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

(Prior Code, § 210.350) Penalty, see § 130.999

§ 130.082 STEALING.

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

(B) Evidence of the following is admissible in any prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer that:

(1) He or she failed or refused to pay for property or services of a hotel, restaurant, inn, or boarding house;

(2) He or she gave in payment for property or services of a hotel, restaurant, inn, or boarding house a check or negotiable paper on which payment was refused;

(3) He or she left the hotel, restaurant, inn, or boarding house with the intent to not pay for property or services; or

(4) He or she surreptitiously removed or attempted to remove his or her baggage from a hotel, inn, or boarding house.

(Prior Code, § 210.360) Penalty, see § 130.999

Editor's note:

Under certain circumstances this offense can be a felony under state law

§ 130.083 RECEIVING STOLEN PROPERTY.

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

(B) Evidence of the following is admissible in any criminal prosecution under this section to prove the requisite knowledge or belief of the alleged receiver that:

(1) He or she was found in possession or control of other property stolen on separate occasions from two or more persons;

(2) He or she received other stolen property in another transaction within the year preceding the transaction charged; or

(3) He or she acquired the stolen property for a consideration which he or she knew was far below its reasonable value.

(Prior Code, § 210.370) Penalty, see § 130.999

Editor's note:

Under certain circumstances this offense can be a felony under state law

§ 130.084 DECEPTIVE BUSINESS PRACTICE.

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

(A) Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity;

(B) Sells, offers, or exposes for sale, or delivers less than the represented quantity of any commodity or service;

(C) Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he or she furnishes the weight or measure;

(D) Sells, offers, or exposes for sale adulterated or mislabeled commodities; or

(E) Makes a false or misleading written statement for the purpose of obtaining property or credit.
(Prior Code, § 210.380) Penalty, see § 130.999

§ 130.085 SHOPLIFTING; DETENTION OF SUSPECT BY MERCHANT; LIABILITY PRESUMPTION.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

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

MERCHANT. Any corporation, partnership, association, or person who is engaged in the business of selling goods, wares, and merchandise in a mercantile establishment.

WRONGFUL TAKING. Includes stealing of merchandise or money and any other wrongful appropriation of merchandise or money.

(B) Any merchant, his or her agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money from a mercantile establishment, may detain such person in a reasonable manner and for a reasonable length of time for the purpose of investigating whether there has been a wrongful taking of such merchandise or money. Any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, his or her agent or employee, criminally or civilly liable to the person so detained.

(C) Any person willfully concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of division (A) above, and the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time, of such person by a merchant, his or her agent or employee, in order that recovery of such merchandise may be effected, and any such reasonable detention shall not be deemed to be unlawful, nor render such merchant or his or her agent or employee criminally or civilly liable.
(Prior Code, § 210.390) Penalty, see § 130.999

OFFENSES CONCERNING ALCOHOL AND DRUGS

§ 130.100 POSSESSION OF MARIJUANA.

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

MARIJUANA. 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 does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds 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) Except as authorized by RSMo. §§ 195.005 to 195.425, it is unlawful for any person to possess or have under his or her control marijuana as defined in division (A) above.
(Prior Code, § 210.410) Penalty, see § 130.999

§ 130.101 POSSESSION OR CONTROL OF A CONTROLLED SUBSTANCE.

Except as authorized by RSMo. §§ 195.005 to 195.425, it is unlawful for any person to possess or have under his or her control a controlled substance as defined by RSMo. § 195.010.
(Prior Code, § 210.420) Penalty, see § 130.999

Editor's note:

Under certain circumstances this offense can be a felony under state law

§ 130.102 UNLAWFUL USE OF DRUG PARAPHERNALIA.

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

(Prior Code, § 210.430) Penalty, see § 130.999

§ 130.103 INHALATION OR INDUCING OTHERS TO INHALE SOLVENT FUMES TO CAUSE CERTAIN REACTIONS, PROHIBITED; EXCEPTIONS.

No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, or induce any other person to do so, for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes; except that this section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

(Prior Code, § 210.440) Penalty, see § 130.999

§ 130.104 INDUCING, OR POSSESSION WITH INTENT TO INDUCE, SYMPTOMS BY USE OF SOLVENTS.

(A) No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses

or nervous system, distortion of audio, visual, or mental processes by the use of any solvent, particularly toluol.

(B) No person shall intentionally possess any solvent, particularly toluol, for the purpose of using it in the manner prohibited by § 130.103.

(Prior Code, § 210.450) Penalty, see § 130.999

§ 130.105 POSSESSION OR PURCHASE OF SOLVENTS TO AID OTHERS IN VIOLATIONS, PROHIBITED; VIOLATIONS.

No person shall intentionally possess or buy any solvent, particularly toluol, for the purpose of inducing or aiding any other person to violate the provisions of §§ 130.103 to 130.104.

(Prior Code, § 210.460) Penalty, see § 130.999

§ 130.106 DRINKING OR POSSESSION OF OPEN CONTAINER OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES PROHIBITED.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

INTOXICATING LIQUOR. Alcohol for beverages purposes, including alcoholic, spirituous, vinous, fermented, malt, or other liquors or combination of liquors, part of which is spirituous, vinous, or fermented, and all preparations or mixtures for beverages purposes containing in excess of 0.5% by volume except for non-intoxicating beer as defined below. All beverages having an alcohol content of less than 0.5% by volume shall be exempt from the provisions of this chapter.

NON-INTOXICATING BEER. Any beer manufactured from pure hops or pure extract of hops and pure barley malt or other wholesome grains or cereals, unwholesome yeast, impure water, and free from all harmful substances, preservatives, and adulterants, and having an alcoholic content of more than 0.5% by volume and not exceeding 3.2% by weight.

PUBLIC PLACE. Any public street, highway, alley, sidewalk, thoroughfare, or other public way of the city, any public building, establishment, school, business, or parking lot generally opened to the public. **PUBLIC PLACE** will not include the inside of an establishment licensed to sell intoxicating liquor or non-intoxicating beer or a place allowed under this section.

(B) No person shall drink or ingest any intoxicating liquor or non-intoxicating beer in or on any public place.

(C) No person shall possess or have under his or her control any unsealed glass, bottle, can, or other open container of any type containing any intoxicating liquor or non-intoxicating beer while in or upon any public place.

(D) No person shall possess or have under his or her control any unsealed glass, bottle, can, or other open container of any type containing any intoxicating liquor or non-intoxicating beer while within or on any motor vehicle while the same is being operated upon, or parked or standing in or upon any public place. Any person operating a motor vehicle shall be deemed to be in possession of an open container contained within the motor vehicle he or she has control of whether or not he or she has actual physical possession of the open container.

(E) For purposes of prosecution under this section, contents in a manufactured container describing that there is intoxicating liquor or non-intoxicating beer therein need not be tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor or non-intoxicating beer in such container, but the burden of proof of such allegation is on such person as it shall be presumed that such container describing that there is intoxicating liquor or non-intoxicating beer therein contains intoxicating liquor or non-intoxicating beer.

(F) Consumption of intoxicating liquor or non-intoxicating beer as well as possession of open containers of said beverages shall be allowed on a permit basis at the only shelter house in the city and in the city owned park area immediately surrounding the shelter house, which consists of a rectangle with the approximate dimensions of 168 feet by 175 feet bordered on the east by Quail Road, the north by an unnamed road, the west by a field, and the south by a branch or creek. Permit shall be obtained from City Hall. All permits shall be signed by an adult who will be held responsible for the actions of anyone consuming intoxicating liquor or non-intoxicating beer under the permit. All permits shall be accompanied by a \$5 fee and shall run concurrently with the reservation of the shelter house and shall be for no more than one day. Possession of a permit does not allow the permit holder or any member of his or her party to violate any local, state, or federal law.

(Prior Code, § 210.470) (Ord. 169, passed 9-3-1973; Ord. 306, passed 12-5-2000) Penalty, see § 130.999

OFFENSES CONCERNING MINORS

§ 130.120 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CRIMINAL ACT. An act which violates the statutes of the United States, the statutes of the State of Missouri, or the ordinances of the city, including curfew and moving traffic violations.

GUARDIAN. Guardian appointed by a court of competent jurisdiction.

MINOR. Any person under the age of 17.

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

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

(Prior Code, § 210.480)

§ 130.121 CURFEW FOR PERSONS UNDER 17.

(A) It shall be unlawful for any person 17 years of age or younger to be in or upon any public place or way within the city between the hours of midnight and before sunrise the following day. The provisions of this section shall not apply to any such persons accompanied by a parent or guardian, to any such person upon an errand or other legitimate business directed by such person's parent or guardian, to any such person who is engaged in gainful, lawful employment during said time period, or who is returning or in route to said employment, or to any such person who is attending or in route to or from any organized religious or school activity.

(B) The parent, guardian, or other adult person having the care and custody of a person under the age of 17 years shall not knowingly permit such person to violate this section.

(C) The term **PUBLIC PLACE**, as used in this section, shall mean any street, alley, sidewalk, vacant lot, square, tavern, store, theater, recreation parlor, or any other place at or in which people are assembled or to which people commonly resort, for business, amusement, pleasure, or recreation.
(Prior Code, § 210.490) (Ord. 273, passed 12-5-1995) Penalty, see § 130.999

§ 130.122 PARENTAL RESPONSIBILITY.

(A) Whenever a minor shall be arrested or detained for the commission of any criminal act within the city, the Police Department shall, as soon as possible thereafter, deliver written notice to the minor's parent of the arrest or detention, and such notice shall advise the parent of his or her responsibility under this section. The notice shall be in such a form as to be signed by the notified parent signifying receipt thereof. If the parent refuses to sign said notice, the notifying Police Officer shall indicate such refusal on the notice.

(B) No parent shall fail to exercise customary and effective control over a minor so as to contribute to, cause, or tend to cause a minor to commit any criminal act. Written parental notice, as defined in division (A) above, shall be prima facie evidence of parental neglect if the minor commits a second or successive violation of any criminal act.

(Prior Code, § 210.500) Penalty, see § 130.999

§ 130.123 PROHIBITED SALE OF TOBACCO PRODUCTS TO MINORS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DISTRIBUTE. A conveyance to the public by sale, barter, gift, or sample.

MINOR. A person under the age of 18.

PROOF OF AGE. A driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

ROLLING PAPERS. Paper designed, manufactured, marketed, and sold for use primarily as a wrapping or enclosure for tobacco, which enables a person to roll loose tobacco into a smokeable cigarette.

SAMPLE. A tobacco product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

SAMPLING. The distribution to members of the general public of tobacco product samples.

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

VENDING MACHINE. Any mechanical, electric, or electronic self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco products.

(B) *Prohibition of the sale of tobacco products to a minor.* No person shall sell any tobacco product or distribute any tobacco product or rolling papers to any minor. This division (B) shall not apply to the distribution by family members on property that is not open to the public.

(C) *Vending machines.* The owner of an establishment at which tobacco products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products are sold and on every vending machine where tobacco products are purchased a sign that shall:

(1) Contain in red lettering at least one-half 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".

(D) *Age requirement.* It shall be unlawful for any person to engage in tobacco product distribution to persons under 18 years of age.

(E) *Proof of age.* 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 18.

(F) *Liability.* If a sale is made by an employee of the owner of an establishment in violation of this section, the employee shall be guilty of an offense established in division (B) above. If a vending machine is in violation of this section, the owner of the establishment shall be guilty of an offense established in division (B) above. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in division (B) above.

(G) *Defense to prosecution.* 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. No person shall be liable for more than one violation of this section on any single day.

(Prior Code, § 210.510) Penalty, see § 130.999

MISCELLANEOUS OFFENSES

§ 130.135 INDECENT EXPOSURE/SEXUAL MISCONDUCT.

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

(Prior Code, § 210.400) Penalty, see § 130.999

§ 130.136 ERECTION OR MAINTENANCE OF BARBED WIRE OR ELECTRICALLY CHARGED FENCES.

(A) It shall be unlawful for any person to erect or maintain or for any property owner or occupant to allow to be erected or maintained on any property within the city, any fence equipped with or having barbed wire, spikes, or any similar device or any electrical charge sufficient to cause an electric shock.

(B) It shall, however, not be unlawful under this section to maintain a barbed wire fence so long as said barbed wire is at least six feet above the ground and at least one foot within the property line of the owner's or occupant's property and so long as said property is located within an industrial or business zoning classification.

(Prior Code, § 210.520) Penalty, see § 130.999

§ 130.137 FIREWORKS.

No person shall purchase or sell any fire cracker or cannon cracker of a greater length than three inches, any Roman candle of a greater capacity than 12 shots, any torpedo, or other fireworks within the limits of the city. Nor shall any firecracker or other fireworks not prohibited herein be sold within the limits of the city until after June 25 and before July 4 in any year. Nor shall any such firecracker or other fireworks not prohibited be shot within the city at any time other than between the hours of 7:00

a.m. and 11:00 p.m. of either the July 3, 4, or 5 in any year. Any person shooting any such firecracker or other fireworks not herein prohibited within the limits of the city shall do so in a careful and prudent manner, and shall not throw any such lighted firecracker or other fireworks at or near any person so that such person might be injured, frightened, or disturbed thereby, nor at or near any vehicle, or at or near any building of any person within the limits of the city.

(Prior Code, § 210.530) (Ord. 276, passed 6-4-1996) Penalty, see § 130.999

§ 130.138 REFUSE DUMP ON PRIVATE PREMISES PROHIBITED.

No person shall establish, maintain, keep, or use any private premises within the city as a refuse dump for the purpose of depositing garbage, cans, debris, or rubbish of any kind of character thereon. (Prior Code, § 210.540) (Ord. 155, passed 12-27-1971) Penalty, see § 130.999

§ 130.139 UNLAWFUL REMOVAL OF CONSTRUCTION MATERIALS AND THE LIKE FROM PUBLIC WAYS.

No person shall remove from any roadway, alley, or other public way in the city, any gravel, rock, or other material forming part of, or placed thereon by the city for the construction, maintenance, and repair of such roadway, alley, or other public way.

(Prior Code, § 210.550) (Ord. 155, passed 12-27-1971) Penalty, see § 130.999

§ 130.140 CONGREGATION OF PERSONS PROHIBITING FLOW OF VEHICULAR OR PEDESTRIAN TRAFFIC.

No person shall congregate with another or others in or on any public way or property in the city so as to hinder or halt the flow of vehicular or pedestrian traffic thereon.

(Prior Code, § 210.560) (Ord. 155, passed 12-27-1971) Penalty, see § 130.999

§ 130.141 UNNECESSARY NOISE.

(A) No person shall create any unreasonably loud, disturbing, or unnecessary noise in the city.

(B) The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section but this enumeration shall not be deemed to be exclusive:

(1) The sounding of any horn or signal device on any vehicle while such vehicle is not in motion on a public street or highway, except as a danger signal;

(2) The playing between the hours of 11:00 p.m. and 7:00 a.m., of any radio, phonograph, or other musical instrument with such volume as to annoy or disturb the quiet comfort or repose of persons in any dwelling, hotel, or other type of residence, provided that any such noise that can be distinctly

heard at a distance of more than 100 feet from its source shall be deemed unreasonably loud and disturbing;

(3) The keeping of any animal, bird, or fowl which, by frequent or long-continued noise, disturbs the comfort and repose of any person within 100 feet of the source of such noise;

(4) The blowing of any steam whistle attached to any stationary boiler, except to give notice of time to begin or start work or as a warning of danger;

(5) The discharge into the open air of the blow-down of any steam engine or of the exhaust of any stationary internal combustion engine or air compressor, except through a muffler or other device which will affectively prevent loud or explosive noise therefrom; and

(6) The use between the hours of 9:30 p.m. and 7:00 a.m. of any drum, loud speaker, or other instrument or device or the use of a loud voice for advertising purposes or for the purpose of attracting attention.

(Prior Code, § 210.570) (Ord. 155, passed 12-27-1971) Penalty, see § 130.999

§ 130.142 REAL ESTATE OWNERS; PROHIBITED ACTS.

(A) No person, being the owner or occupier of any real estate in the city, shall maintain or allow any tree, shrub, or any limb or branch thereof, to overhang any public street, sidewalk, or other public way in such a way as to impede or interfere with travel on such public way or which has become likely to fall on or cross any such public way, nor shall such person maintain or allow any tree or shrub to grow or stand upon such real estate when, by reason of disease, injury or age, or other condition it has become likely that such tree or shrub, or any limb or branch thereof, will fall and thereby destroy or damage a structure on adjacent property or injure a person thereon.

(B) No person, being the owner or occupier of real estate in the city, shall:

(1) Permit or allow a residence or other building or structure to be kept thereon while in a condition dangerous to the safety of persons or property therein or on adjacent property;

(2) Maintain any pond or pool of stagnant water thereon;

(3) Discharge or permit the discharge of foul water or other foul liquid into water ways and drainage ditches within the city; and

(4) Discharge any septic tank sludge or sanitary sewer flowage into any drainage ditch or water way within the city.

(C) No person, being the owner or occupier of private residential or other premises in the city, shall keep any abandoned, dismantled, or partially dismantled motor car, truck, motor tricycle, wagon, cart, or other conveyance thereon unless same shall be kept in a building away from public view.

(D) No person, being the owner or occupier of private residential premises in the city, shall accumulate or permit the accumulation of junk, trash, old newspapers and magazines, lumber, scrap metal, and other rubbish, trash, or refuse so that same will constitute a fire hazard on such premises or adjoining premises.

(Prior Code, § 210.580) (Ord. 155, passed 12-27-1971)

§ 130.143 POSTING OF HANDBILLS AND THE LIKE ON PROPERTY.

No person shall post, stick, or place any handbill, placard, sale bill, or notice upon any tree, box, building, or fence on any premises in the city without the consent of the owner or occupier of the premises.

(Prior Code, § 210.590) (Ord. 155, passed 12-27-1971) Penalty, see § 130.999

§ 130.144 ANIMAL CARCASSES.

No person shall burn or bury carcasses of dead animals on public or private premises in the city. Such carcasses shall be removed from within the city by the owner or keeper thereof within ten hours of the time of death of such animal.

(Prior Code, § 210.600) (Ord. 155, passed 12-27-1971) Penalty, see § 130.999

§ 130.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Violation of § 130.042 shall be punished by a fine not less than \$50, nor more than \$500, or by imprisonment in the city or county jail not exceeding 90 days, or by both such fine and imprisonment, and shall be liable to the party injured for three times the actual damage sustained, to be recovered by suit at law.

(Prior Code, § 210.190)

(C) Any person who violates any provision of §§ 130.103 to 130.105 is guilty of a misdemeanor.
(Prior Code, § 210.460)

(D) Any person convicted of violating § 130.106 shall, upon conviction, be punished by fine not exceeding \$500 or by imprisonment in jail not to exceed 90 days, or by both such fine and imprisonment. Minimum fine for the first violation shall be a fine of no less than \$75. Minimum fine for any repeat violation shall be a fine of no less than \$150.

(Prior Code, § 210.470)

(E) Each violation of the provisions of § 130.122 shall constitute a separate offense. Any person who shall violate § 130.122 shall be subject to imprisonment for not more than 90 days and/or a fine of not less than \$100 for the first violation, not less than \$200 for a second violation, and not less than \$500 for any successive violation. In addition, the court may, as a condition of any probation granted to any parent found guilty of violating § 130.122(B), order the defendant to make restitution to any person who has been damaged by the misconduct of the minor in an amount not to exceed \$4,000.
(Prior Code, § 210.500)

(F) Any person who violates § 130.123 shall be fined:

(1) For the first offense: \$100;

(2) For the second offense: \$200; and

(3) For the third offense and subsequent offenses: \$500.

(Prior Code, § 210.510)

(G) (1) If any person or persons shall put any dead animal, carcass or part thereof, the offal or any other filth into any well, spring, brook, branch, creek, pond, or lake, every person so offending shall, on conviction thereof, be fined not less than \$25 nor more than \$500.

(2) If any person shall remove, or cause to be removed, and placed in or near any public road or highway, or upon premises not his or her own, or in any river, stream, or watercourse any dead animal, carcass or part thereof, or other nuisance, to the annoyance of the citizens of this city, or any of them, every person so offending shall, upon conviction thereof, be fined for every offense not less than \$25 nor more than \$500, and if such nuisance be not removed within three days thereafter, it shall be deemed a second offense against the provisions of this division (G).

(Prior Code, § 210.180)

(Ord. 169, passed 9-3-1973; Ord. 306, passed 12-5-2000)