

## Chapter 210

### OFFENSES

#### ARTICLE I General Provisions

##### Section 210.005. Definitions.

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

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

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

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

**CONFINEMENT** —

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

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

1. It is given by a person who lacks the mental capacity to authorize the conduct charged to constitute the offense and such mental incapacity is manifest or known to the actor;

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

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

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

DANGEROUS FELONY — The felonies of arson in the first degree, assault in the first degree, attempted rape in the first degree if physical injury results, attempted forcible rape if physical injury results, attempted sodomy in the first degree if physical injury results, attempted forcible sodomy if physical injury results, rape in the first degree, forcible rape, sodomy in the first degree, forcible sodomy, kidnapping, murder in the second degree, assault of a Law Enforcement Officer in the first degree, domestic assault in the first degree, elder abuse in the first degree, robbery in the first degree, statutory rape in the first degree when the victim is a child less than twelve (12) years of age at the time of the commission of the act giving rise to the offense, statutory sodomy in the first degree when the victim is a child less than twelve (12) years of age at the time of a commission of the act giving rise to the offense, and, abuse of a child if the child dies as a result of injuries sustained from conduct chargeable under Section 568.060, RSMo., child kidnapping, and parental kidnapping committed by detaining or concealing the whereabouts of the child for not less than one hundred twenty (120) days under Section 565.153, RSMo.

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

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

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

FORCIBLE COMPULSION — Means either:

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

INCAPACITATED — That physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of his/her conduct, or unable to communicate unwillingness to an act.

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

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

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

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

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

**OFFENSE** — Any felony, misdemeanor or infraction.

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

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

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

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

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

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

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

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

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

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

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

gratifying sexual desire of any person.

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

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

**Section 210.007. Attempt.**

- A. A person is guilty of attempt to commit an offense when, with the purpose of committing the offense, he/she does any act which is a substantial step towards the commission of the offense. A "*substantial step*" is conduct which is strongly corroborative of the firmness of the actor's purpose to complete the commission of the offense.
- B. It is no defense to a prosecution under this Section that the offense attempted was, under the actual attendant circumstances, factually or legally impossible of commission, if such offense could have been committed had the attendant circumstances been as the actor believed them to be.

**Section 210.009. Conspiracy.**

- A. A person is guilty of conspiracy with another person or persons to commit an offense if, with the purpose of promoting or facilitating its commission he/she agrees with such other person or persons that they or one (1) or more of them will engage in conduct which constitutes such offense.
- B. If a person guilty of conspiracy knows that a person with whom he/she conspires to commit an offense has conspired with another person or persons to commit the same offense, he/she is guilty of conspiring with such other person or persons to commit such offense, whether or not he/she knows their identity.
- C. If a person conspires to commit a number of offenses, he/she is guilty of only one (1) conspiracy so long as such multiple offenses are the object of the same agreement.
- D. No person may be convicted of conspiracy to commit an offense unless an overt act in pursuance of such conspiracy is alleged and proved to have been done by him/her or by a person with whom he/she conspired.
- E. *Exception.*
  - 1. No one shall be convicted of conspiracy if, after conspiring to commit the offense, he/she prevented the accomplishment of the objectives of the conspiracy under circumstances manifesting a renunciation of his/her criminal purpose.
  - 2. The defendant shall have the burden of injecting the issue of renunciation of criminal purpose under Subparagraph (1) of this Subsection.
- F. For the purpose of time limitations on prosecutions:
  - 1. Conspiracy is a continuing course of conduct which terminates when the offense or offenses which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he/she conspired.

2. If an individual abandons the agreement, the conspiracy is terminated as to him/her only if he/she advises those with whom he/she has conspired of his/her abandonment or he/she informs the law enforcement authorities of the existence of the conspiracy and of his/her participation in it.
- G. A person may not be charged, convicted or sentenced on the basis of the same course of conduct of both the actual commission of an offense and a conspiracy to commit that offense.

ARTICLE II  
**Offenses Against The Person**

**Section 210.010. Assault.**

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

**Section 210.020. Assault of A Law Enforcement Officer, Corrections Officer, Emergency Personnel, Highway Worker, Utility Worker, Cable Worker or Probation and Parole Officer.**

- A. A person commits the offense of assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer if:
1. Such person recklessly causes physical injury to a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer;
  2. Such person purposely places a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer in apprehension of immediate physical injury;
  3. Such person knowingly causes or attempts to cause physical contact with a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in

a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer without the consent of the Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer.

- B. As used in this Section, "*emergency personnel*" means any paid or volunteer firefighter, emergency room or trauma center personnel, or emergency medical technician as defined in Subdivisions (15), (16), (17), (18) and (19) of Section 190.100, RSMo.
- C. As used in this Section, the term "*Corrections Officer*" includes any jailor or Corrections Officer of the State or any political subdivision of the State.
- D. As used in this Section, the term "*highway worker*", "*construction zone*" or "*work zone*" shall have the same meaning as such terms are defined in Section 304.580, RSMo.
- E. As used in this Section, the term "*utility worker*" means any employee while in performance of their job duties, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunication services, or sewer services, whether privately, municipally, or cooperatively owned.
- F. As used in this Section, the term "*cable worker*" means any employee, including any person employed under contract, of a cable operator, as such term is defined in Section 67.2677, RSMo.
- G. Assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, or Probation and Parole Officer is an ordinance violation.

**Section 210.030. Harassment.** <sup>1</sup>

- A. A person commits the offense of harassment if he or she:
  - 1. Knowingly communicates a threat to commit any felony to another person and in so doing frightens, intimidates, or causes emotional distress to such other person;
  - 2. When communicating with another person, knowingly uses coarse language offensive to one of average sensibility and thereby puts such person in reasonable apprehension of offensive physical contact or harm;
  - 3. Knowingly frightens, intimidates, or causes emotional distress to another person by anonymously making a telephone call or any electronic communication;
  - 4. Knowingly communicates with another person who is, or who purports to be, seventeen (17) years of age or younger and in so doing and without good cause recklessly frightens, intimidates, or causes emotional distress to such other person;
  - 5. Knowingly makes repeated unwanted communication to another person or without good cause engages in any other act with the purpose to frighten, intimidate, or cause emotional distress to another person, cause such person to be frightened, intimidated,

---

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

or emotionally distressed, and such person's response to the act is one of a person of average sensibilities considering the age of such person.

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

**Section 210.035. Stalking — Definitions.** <sup>2</sup>

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

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

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

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

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

**Section 210.040. False Imprisonment.** <sup>3</sup>

---

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

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

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

**Section 210.050. Endangering The Welfare of A Child.** <sup>4</sup>

- A. A person commits the offense of endangering the welfare of a child if:
1. He/she with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old;
  2. He/she knowingly encourages, aids or causes a child less than seventeen (17) years old to engage in any conduct which causes or tends to cause the child to come within the provisions of Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;
  3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years old, he/she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him/her from coming within the provisions of Paragraph (c) of Subdivision (1) of Subsection (1) or Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;
  4. He/she knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 195.130, RSMo.; or
  5. He/she operates a vehicle in violation of Subdivision (2) or (3) of Subsection (1) of Section 565.024, RSMo. or Subdivision (4) of Subsection (1) of Section 565.060, RSMo., or Sections 342.020 or 342.030 of this Code, while a child less than seventeen (17) years old is present in the vehicle.
- B. Nothing in this Section shall be construed to mean the welfare of a child is endangered for the sole reason that he/she is being provided non-medical remedial treatment recognized and permitted under the laws of this State.

ARTICLE III  
**Offenses Concerning Administration of Justice**

**Section 210.060. Hindering Prosecution.** <sup>5</sup>

- A. A person commits the offense of hindering prosecution if for the purpose of preventing the apprehension, prosecution, conviction or punishment of another for conduct constituting a crime he/she:
1. Harbors or conceals such person;
  2. Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into

---

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

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

- compliance with the law;
3. Provides such person with money, transportation, weapon, disguise or other means to aid him/her in avoiding discovery or apprehension; or
  4. Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

**Section 210.070. Disturbing A Judicial Proceeding.**

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

**Section 210.080. Tampering With A Witness — Tampering With A Victim.** <sup>6</sup>

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

**Section 210.090. False Impersonation.**

---

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

- A. A person commits the offense of false impersonation if such person:
1. Falsely represents himself/herself to be a public servant with purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts, and
    - a. Performs an act in that pretended capacity; or
    - b. Causes another to act in reliance upon his/her pretended official authority.
  2. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and
    - a. Performs an act in that pretended capacity; or
    - b. Causes another to act in reliance upon such representation.
  3. Upon being arrested, falsely represents himself/herself to a Law Enforcement Officer with the first and last name, date of birth or Social Security number, or a substantial number of identifying factors or characteristics as that of another person that results in the filing of a report or record of arrest or conviction for an infraction, misdemeanor or felony that contains the first and last name, date of birth and Social Security number, or a substantial number of identifying factors or characteristics to that of such other person as to cause such other person to be identified as the actual person arrested or convicted.
- B. If a violation of Subsection (A)(3) hereof is discovered prior to any conviction of the person actually arrested for an underlying charge, then the prosecuting attorney bringing any action on the underlying charge shall notify the court thereof, and the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate identifying factors from the arrest and court records.
- C. Any person who is the victim of a false impersonation and whose identity has been falsely reported in arrest or conviction records may move for expungement and correction of said records under the procedures set forth in Section 610.123, RSMo. Upon a showing that a substantial number of identifying factors of the victim was falsely ascribed to the person actually arrested or convicted, the court shall order the false-identifying factors ascribed to the person actually arrested as are contained in the arrest and court records amended to correctly and accurately identify the defendant and shall expunge the incorrect and inaccurate factors from the arrest and court records.

**Section 210.100. False Reports.**

- A. A person commits the offense of making a false report if he/she knowingly:
1. Gives false information to any person for the purpose of implicating another person in a crime or offense;

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

**Section 210.110. Resisting or Interfering With Arrest, Detention or Stop.** <sup>7</sup>

- A. A person commits the offense of resisting or interfering with arrest, detention or stop if, knowing that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or detention, the person:
1. Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or
  2. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.
- B. This Section applies to:
1. Arrests, stops or detentions with or without warrants;
  2. Arrests, stops or detentions for any crime, infraction or ordinance violation; and
  3. Arrests for warrants issued by a court or a probation and parole officer.
- C. A person is presumed to be fleeing a vehicle stop if that person continues to operate a motor vehicle after that person has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing that person.
- D. It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.

**Section 210.120. Escape or Attempted Escape From Custody.** <sup>8</sup>

---

<sup>7</sup>. Note — Under certain circumstances this offense can be a felony under state law.

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

**Section 210.130. Interference With Legal Process.**

- A. A person commits the offense of interference with legal process if, knowing any person is authorized by law to serve process, for the purpose of preventing such person from effecting the service of any process, he/she interferes with or obstructs such person.
- B. "*Process*" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.
- C. Interference with legal process is an ordinance violation.

ARTICLE IV  
**Offenses Concerning Public Safety**

**Section 210.140. Abandonment of Airtight or Semi-Airtight Containers.**

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

**Section 210.150. Littering.**

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

**Section 210.160. Littering Via Carcasses.**

---

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

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

**Section 210.170. Corrupting or Diverting Water Supply.**

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

**Section 210.180. Abandoning Motor Vehicle or Trailer.**

- A. A person commits the offense of abandoning a motor vehicle or trailer if he/she abandons any motor vehicle or trailer on the right-of-way of any public road or State highway or on or in any of the waters in this State or on the banks of any stream or on any land or water owned, operated or leased by the State, any board, department, agency or commission thereof or any political subdivision thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his/her consent.
- B. For purposes of this Section, the last owner of record of a motor vehicle or trailer found abandoned and not shown to be transferred pursuant to Sections 301.196 and 301.197, RSMo., shall be deemed prima facie to have been the owner of such motor vehicle or trailer at the time it was abandoned and to have been the person who abandoned the motor vehicle or trailer or caused or procured its abandonment. The registered owner of the abandoned motor vehicle or trailer shall not be subject to the penalties provided by this Section if the motor vehicle or trailer was in the care, custody or control of another person at the time of the violation. In such instance, the owner shall submit such evidence in an affidavit permitted by the court setting forth the name, address, and other pertinent information of the person who leased, rented, or otherwise had care, custody or control of the motor vehicle or trailer at the time of the alleged violation. The affidavit submitted pursuant to this Subsection shall be admissible in a court proceeding adjudicating the alleged violation and shall raise a rebuttable presumption that the person identified in the

affidavit was in actual control of the motor vehicle or trailer. In such case, the court has the authority to terminate the prosecution of the summons issued to the owner and issue a summons to the person identified in the affidavit as the operator. If the motor vehicle or trailer is alleged to have been stolen, the owner of the motor vehicle or trailer shall submit proof that a Police report was filed in a timely manner indicating that the vehicle was stolen at the time of the alleged violation.

- C. Any person convicted pursuant to this Section shall be civilly liable for all reasonable towing, storage and administrative costs associated with the abandonment of the motor vehicle or trailer. Any reasonable towing, storage and administrative costs in excess of the value of the abandoned motor vehicle or trailer that exist at the time the motor vehicle is transferred pursuant to Section 304.156, RSMo., shall remain the liability of the person convicted pursuant to this Section so long as the towing company, as defined in Chapter 304, RSMo., provided the title owner and lienholders, as ascertained by the Department of Revenue records, a notice within the timeframe and in the form as described in Subsection (1) of Section 304.156, RSMo.

ARTICLE V  
**Offenses Concerning Public Peace**

**Section 210.190. Peace Disturbance.**

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

**Section 210.200. Private Peace Disturbance.**

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

premises by:

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

**Section 210.210. Peace Disturbance Definitions.**

For the purposes of Sections 210.190 and 210.200, the following words shall have the meanings set out herein:

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

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

**PUBLIC PLACE** — Any place which at the time is open to the public. It includes property which is owned publicly or privately. — If a building or structure is divided into separately occupied units, such units are separate premises.

**Section 210.220. Refusal To Disperse.**

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

**ARTICLE VI**

**Offenses Concerning Weapons and Firearms**

**Section 210.230. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RIFLE — Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

SHORT BARREL — A barrel length of less than sixteen (16) inches for a rifle and eighteen (18) inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall rifle or shotgun length of less than twenty-six (26) inches.

SHOTGUN — Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger.

SPRING GUN — Any fused, timed or non-manually controlled trap or device designed or adapted to set off an explosion for the purpose of inflicting serious physical injury or death.

SWITCHBLADE KNIFE — Any knife which has a blade that folds or closes into the handle or sheath, and

1. That opens automatically by pressure applied to a button or other device located on the handle; or
2. That opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force.

**Section 210.240. Firearms in Buildings Prohibited.** [Ord. No. 1039 §1, 5-6-2004]

- A. No person shall carry a concealed firearm or openly carry a firearm into any building, or in that portion of a building owned, leased or controlled by the City of Mound City, Missouri.
- B. No person who has been issued a concealed carry endorsement by the Missouri Director of Revenue under Sections 571.101 to 571.121, RSMo., or other similar statutory provision, or who has been issued a valid permit or endorsement to carry concealed firearms pursuant to authority of 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 into any building or in that portion of a building owned, leased or controlled by the City of Mound City, Missouri.
- C. No person who has been issued a certificate of qualification which allows the person to carry a concealed firearm before the Missouri 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 in that portion of a building owned, leased or controlled by the City of Mound City, Missouri.
- D. Signs shall be posted stating that the carrying of firearms is prohibited at each entrance of a building entirely owned, leased or controlled by the City of Mound City, Missouri, or at each entrance to the portion of the building controlled by the City of Mound City, Missouri.
- E. This Section shall not apply to buildings used as public housing by private persons, to highways or rest areas, to firing ranges or to private dwellings owned, leased or controlled by the City of Mound City, Missouri.

- F. This Section shall not apply to any person lawfully carrying a firearm as a law enforcement officer.
- G. Any person violating this Section may be denied entrance to the building or ordered to leave the building, and any City of Mound City, Missouri, employee violating this Section may be disciplined. No other penalties shall be imposed for violation of this Section, except for such penalties as may be established by State or Federal law.

**Section 210.250. Firearms At City Parks and Swimming Pool Prohibited.** [Ord. No. 1044 §1, 7-8-2004]

- A. It shall be unlawful for any person to carry firearms of any kind into or upon any park or other public grounds under the jurisdiction of the City, including all City parks and swimming pool areas, unless the same is otherwise authorized by the Board of Aldermen.
- B. It shall be unlawful for any person to fire or discharge any firearm of any kind at or into any City park, swimming pool area or other public grounds under the jurisdiction of the City.
- C. This Section shall not apply to individuals participating in historical re-enactments as approved by the Board of Aldermen, and such re-enactors shall be exempt therefrom.

**Section 210.260. Discharging Air Gun, Etc.**

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

**Section 210.270. "Turkey Shoots", Agricultural Areas and Other Charitable Events.** [Ord. No. 935 §1, 5-7-1998]

- A. The discharge of firearms in connection with any turkey shoots or other charitable event may be authorized by the Board of Aldermen.
- B. *Exceptions.* The discharge of a shotgun or bow for the purpose of wildlife hunting or "skeet" shooting shall be permitted in areas used strictly for agricultural purposes and lying west of Interstate Highway 29.

ARTICLE VII  
**Offenses Concerning Property**

**Section 210.280. Tampering.** <sup>9</sup>

- A. A person commits the offense of tampering if he/she:
  - 1. Tampers with property of another for the purpose of causing substantial inconvenience to that person or to another;

---

<sup>9</sup>. Note — Under certain circumstances this offense can be a felony under state law.

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

**Section 210.290. Property Damage.** <sup>10</sup>

- A. A person commits the offense of property damage if:
1. He/she knowingly damages property of another; or
  2. He/she damages property for the purpose of defrauding an insurer.

**Section 210.300. Claim of Right.**

- A. A person does not commit an offense by damaging, tampering with, operating, riding in or upon or making connection with property of another if he/she does so under a claim of right and has reasonable grounds to believe he/she has such a right.
- B. The defendant shall have the burden of injecting the issue of claim of right.
- C. No person who, as a tenant, willfully or wantonly destroys, defaces, damages, impairs or removes any part of a leased structure or dwelling unit, or the facilities, equipment or appurtenances thereof, may inject the issue of claim of right.

**Section 210.310. Trespass in The First Degree.**

- A. A person commits the offense of trespass in the first degree if he/she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.
- B. A person does not commit the offense of trespass by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:

---

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

1. Actual communication to the actor; or
2. Posting in a manner reasonably likely to come to the attention of intruders.

**Section 210.320. Trespass in The Second Degree.**

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

**Section 210.330. Trespass of A School Bus.**

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

**Section 210.340. Reckless Burning or Exploding.**

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

**Section 210.350. Negligent Burning or Exploding.**

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

**Section 210.360. Stealing.** <sup>11</sup>

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

---

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

makes, alters, counterfeits or reproduces a retail sales receipt, price tag or universal price code label or possesses, with intent to cheat or defraud, the device that manufactures fraudulent receipts or universal price code labels.

**Section 210.365. Theft of Motor Fuel.**

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

**Section 210.370. Receiving Stolen Property.** <sup>12</sup>

- A. A person commits the offense of receiving stolen property if, for the purpose of depriving the owner of a lawful interest therein, he/she receives, retains or disposes of property of another knowing that it has been stolen or believing that it has been stolen.
- B. Evidence of the following is admissible in any criminal prosecution pursuant to this Section to prove the requisite knowledge or belief of the alleged receiver that:
  - 1. He/she was found in possession or control of other property stolen on separate occasions from two (2) or more persons;
  - 2. He/she received other stolen property in another transaction within the year preceding the transaction charged;
  - 3. He/she acquired the stolen property for a consideration which he/she knew was far below its reasonable value; or
  - 4. He/she obtained control over stolen property knowing the property to have been stolen or under such circumstances as would reasonably induce a person to believe the property was stolen.

**Section 210.380. Fraudulent Use of A Credit or Debit Device.** <sup>13</sup>

- A. A person commits the offense of fraudulent use of a credit device or debit device if the person uses a credit device or debit device for the purpose of obtaining services or property knowing that:
  - 1. The device is stolen, fictitious or forged;

---

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

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

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

**Section 210.390. Shoplifting — Detention of Suspect By Merchant — Liability Presumption.**

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

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

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

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

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

- B. Any merchant, his/her agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money from a mercantile establishment, may detain such person in a reasonable manner and for a reasonable length of time for the purpose of investigating whether there has been a wrongful taking of such merchandise or money. Any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, his/her agent or employee criminally or civilly liable to the person so detained.
- C. Any person willfully concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of Subsection (A), and the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time of such person by a merchant, his/her agent or employee in order that recovery of such merchandise may be effected, and any such reasonable detention shall not be deemed to be unlawful nor render such merchant, his/her agent or employee criminally or civilly liable.

**Section 210.391. Copper Wire or Cable, Catalytic Converters, Collectors and Dealers To Keep Register, Information Required — Penalty — Exempt Transactions.**

- A. Every purchaser or collector of, or dealer in, junk, scrap metal or any secondhand property shall keep a register containing a written or electronic record for each purchase or trade in

which each type of metal subject to the provisions of this Section is obtained for value. There shall be a separate record for each transaction involving any:

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

**Section 210.392. Metal Beer Keg, Prohibition On Purchase or Possession By Scrap Metal Dealer — Violation, Penalty.**

- A. No scrap metal dealer shall knowingly purchase or possess a metal beer keg, whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store, shred, melt, cut or otherwise alter scrap metal except when the purchase is from the brewer or its authorized representative. For purposes of this Section, "keg" shall have the same meaning as in Section 311.082, RSMo.
- B. Anyone who is found guilty of, or pleads guilty to, violating this Section shall be guilty of an ordinance violation punishable only by fine. Nothing in this Section shall be construed to preclude a person violating this Section from also being prosecuted for any applicable criminal offense.

**Section 210.393. Metal Belonging To Various Entities — Scrap Yard Not To Purchase — Violation, Penalty.**

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

**Section 210.394. Scrap Metal Dealers — Payments in Excess of \$500.00 To Be Made By Check — Exceptions.**

- A. Any scrap metal dealer paying out an amount that is five hundred dollars (\$500.00) or more shall make such payment by issuing a pre-numbered check drawn on a regular bank account in the name of the licensed scrap metal dealer and with such check made payable to the person documented as the seller in accordance with this Section, or by using a system for automated cash or electronic payment distribution which photographs or videotapes the payment recipient and identifies the payment with a distinct transaction in the register maintained in accordance with Chapter 407, RSMo.
- B. Any scrap metal dealer that purchases scrap metal from a seller and pays in the form of cash is required to obtain a copy of the seller's driver's license or non-driver's license if the metal is copper or a catalytic converter. This Section shall not apply to any transaction for which the seller has an existing business relationship with the scrap metal dealer and is known to the scrap metal dealer making the purchase to be an established business or political subdivision that operates a business with a fixed location that can be reasonably expected to generate regulated scrap metal and can be reasonably identified as such a

business.

- C. Any person in violation of Sections 210.1210 to 210.1240 by selling stolen scrap metal shall be responsible for consequential damages related to obtaining the scrap metal.

ARTICLE VIII  
**Offenses Concerning Drugs**

**Section 210.400. Possession of Marijuana.** <sup>14</sup>

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

**Section 210.410. Unlawful Use of Drug Paraphernalia.** <sup>15</sup>

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

**Section 210.420. 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, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues 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.

**Section 210.430. Inducing, or Possession With Intent To Induce, Symptoms By Use of Solvents and Other Substances, Prohibited.**

- A. As used in this Section "*alcohol beverage vaporizer*" means any device which, by means of heat, a vibrating element, or any method, is capable of producing a breathable mixture containing one (1) or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.
- B. 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 or abuse of any of the following substances:

---

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

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

1. Solvents, particularly toluol;
  2. Ethyl alcohol;
  3. Amyl nitrite and its iso-analogues;
  4. Butyl nitrite and its iso-analogues;
  5. Cyclohexyl nitrite and its iso-analogues;
  6. Ethyl nitrite and its iso-analogues;
  7. Pentyl nitrite and its iso-analogues; and
  8. Propyl nitrite and its iso-analogues.
- C. This Section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.
- D. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by Section 210.420 and this Section.
- E. No person shall possess or use an alcoholic beverage vaporizer.
- F. Nothing in this Section shall be construed to prohibit the legal consumption of intoxicating liquor.

**Section 210.440. Possession or Purchase of Solvents To Aid Others in Violations, Prohibited — Violations of Sections 210.420 To 210.430 — Penalty.** <sup>16</sup>

- A. No person shall intentionally possess or buy any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of inducing or aiding any other person to violate the provisions of Sections 210.420 and 210.430 hereof.
- B. Any person who violates any provision of Sections 210.420 — 210.440 is guilty of an ordinance violation for the first (1st) violation.

ARTICLE IX  
**Offenses Concerning Minors** <sup>17</sup>

**Section 210.450. Curfew — Children in Public Places At Night.** [Ord. No. 930 §1, 12-8-1997]

- A. It shall be unlawful for any parent, guardian, managing conservator, or any other person having legal custody, conservatorship or control of a child under the age of twelve (12)

---

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

17. Cross Reference — As to alcohol-related offenses involving minors, §600.060.

years of age to permit such child to be or remain upon any public street, alley, or thoroughfare, or in any other public place within the City limits, unless such child is in the presence of, or accompanied by his/her parent, guardian, managing conservator or other person having the legal custody, conservatorship or control of such child, between the hours of 11:00 P.M. and 5:00 A.M. the following day, on any Sunday, Monday, Tuesday, Wednesday, Thursday, and Friday, and between the hours of 12:00 A.M. and 5:00 A.M. on any Saturday or Sunday morning.

- B. It shall be unlawful for any parent, guardian, managing conservator or other person having the legal custody, conservatorship or control of a child twelve (12) years of age or older, but younger than seventeen (17) years of age, to permit such child to be or remain upon any public street, alley, or thoroughfare, or in any other public place within the City limits, unless such child is in the presence or accompanied by his/her parent, guardian, managing conservator or other person having the legal custody, conservatorship or control of such minor child, after the hour of 12:00 A.M. until 5:00 A.M. on any Monday, Tuesday, Wednesday, Thursday, and Friday, and between the hours of 1:00 A.M. until 5:00 A.M. on any Saturday or Sunday.

**Section 210.460. Defenses To Prosecution.** [Ord. No. 930 §2, 12-8-1997]

- A. It shall be a defense to prosecution under Subsections (A) or (B) of Section 210.450 of this Article that:
  - 1. The parent, guardian, managing conservator or other person having the legal custody, conservatorship or control of such child, had given such child a written consent or permission for such child to be upon a public street, alley, thoroughfare, or other public place within the City limits at a prohibited time, and the child shall have upon his/her person and exhibit, upon request by any Peace Officer detaining the child, such written permission or consent;
  - 2. The child is about emergency business or upon any emergency errand;
  - 3. The child is engaged in legitimate employment at night;
  - 4. The child is returning home from a religious or school meeting, an organized dance, theater or sporting event, or other associated activity by a direct route within one (1) hour of the termination of such event or activity; or
  - 5. The child is in a motor vehicle engaged in normal travel to, from, or through the City.
- B. The Prosecuting Attorney is not required to negate the existence of a defense in the complaint charging the commission of the offense.

**Section 210.470. Penalties.** [Ord. No. 930 §3, 12-8-1997]

Any person found guilty of violating any provision of Section 210.450 shall, upon conviction, be subject to punishment by fine only, not to exceed two hundred dollars (\$200.00).

**ARTICLE X  
Firearms and Explosives**

**Section 210.480. Firearms and Explosives.** [Ord. No. 398 §§1 — 2, 7-6-1940; Ord. No. 1225 §1, 8-13-2013]

*Firing And Shooting Off Firearms And Certain Fireworks.* Every person who shall willfully or promiscuously fire or shoot off any gun or pistol or shall set off, use, burn, explode or fire off any prohibited firecrackers, prohibited fireworks, torpedoes, bombs, rockets, pinwheels, fire balloons, toy cannons, toy pistols, or other prohibited fireworks of a like kind within this City shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as set out in Section 100.220, except as set out herein; provided however, that this Section shall not apply to parks and other public places when in charge of competent persons and under a permit issued in accordance with Chapter 235, Fireworks.

ARTICLE XI  
**Open Burning**

**Section 210.490. Definitions.** [Ord. No. 962 §1, 4-6-2000]

Unless the context specifically indicates otherwise, the meaning of the terms used in this Article shall be as follows:

**INCINERATOR** — Any article, machine, equipment, contrivance, structure or part of a structure used to burn refuse or to process refuse material by burning other than by open burning as defined herein.

**OPEN BURNING** — The burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passage through a stack or chimney from an enclosed chamber. For the purposes of this definition, a chamber shall be regarded as enclosed when, during the time combustion takes place, only such apertures, ducts, stacks, flues or chimneys as are necessary to provide combustion air and to permit the escape of exhaust gases are open.

**REFUSE** — Garbage, rubbish, trade wastes, salvageable material, agricultural wastes or other wastes.

**TRADE WASTES** — Solid, liquid or gaseous materials resulting from construction or the prosecution of any business, trade or industry or any demolition operation including, but not limited to, plastics, cardboard cartons, grease, oil, chemicals or cinders.

**Section 210.500. Open Burning Restrictions.** [Ord. No. 962 §2, 4-6-2000]

- A. It shall be unlawful for any person to conduct, cause, permit or allow open burning of brush, leaves, grass or any other refuse, rubbish or other substance whatever within the City limits of the City of Mound City.
- B. It shall be unlawful for any person to conduct, permit, cause or allow the disposal of trade waste by open burning.

**Section 210.510. Exceptions.** [Ord. No. 962 §3, 4-6-2000]

- A. The open burning of trade wastes may be permitted only when it can be shown that such open burning is the only feasible method of disposal and that disposal is in the public

interest. Any person intending to engage in such open burning shall file a request to do so with the Mayor. The application shall state the following:

1. The name, address and telephone number of the person submitting the application.
  2. The type of business or activity involved.
  3. A description of the proposed burning method and material to be burned.
  4. The schedule of burning operations.
  5. The exact location where open burning will occur.
  6. The reasons why open burning is the only feasible method of disposal and why disposal is in the public interest.
- B. The open burning of tree trunks, tree limbs or vegetation shall not be a violation of this Article when such open burning takes place at the site of the disposal area for the aforesaid yard wastes established by the City.
- C. Open burning restrictions shall not apply to the following:
1. Fires set in connection with agricultural operations related to the growing or harvesting of crops or garden vegetables. For the purpose of this Article, botanical nursery operations shall not be considered as agricultural operations.
  2. Fireplaces located wholly within a residence, properly supervised fires set for recreational or ceremonial purposes or fires used for the non-commercial preparation of food, such as barbecuing.
  3. Fires set for the purpose of instructing and training firefighters in the methods of fighting fires.
  4. Open burning of tree trunks, tree limbs and vegetation from land clearing operations when such burning takes place at a distance equal to or greater than two hundred (200) yards from the nearest inhabited dwelling.
- D. Burning of refuse on residential premises having four (4) or more dwelling units and burning of refuse resulting from commercial or industrial activity shall be permitted following application to and approval of the incinerator by the Executive Secretary of the Missouri Air Conservation Commission as required by Regulations S-IV of the Missouri Air Conservation Commission. It shall be unlawful for any person to violate the provision of Sections 643.010 through 643.180, RSMo. Also, any violation of the Missouri Air Conservation law shall be deemed a separate violation of this Article.
- E. Burning of residential yard wastes consisting of grass, leaves and brush shall be permitted provided the burning is conducted as follows:
1. On the premises on which the waste originated and during the hours of 8:00 A.M. to 9:00 P.M. on any given day, seven (7) days a week, unless otherwise limited herein.
  2. All fires must be at least twenty (20) feet away from any building or structure. At no time shall a fire be located on or within three (3) feet of any City street, alley, public

rights-of-way, avenue, highway, paving, curbing or guttering.

3. Open burning of yard wastes must be constantly attended by a person capable of containing a fire, should containment become necessary, until such fire is extinguished. Such person shall have a garden hose connected to the water supply or other force extinguishing equipment readily available for use.
4. If the safety of the community or the public may be endangered, the Mayor may invoke a temporary burning ban.
5. If climatological conditions indicate open burning may create a health hazard or endanger persons or property, the Mayor may invoke a temporary burning ban.