

outline is defined and used in this document

TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE

CHAPTER 200: POLICE DEPARTMENT

ARTICLE I. GENERAL PROVISIONS

SECTION 200.010: FEE FOR COPIES OF REPORTS

Every person desiring to secure a copy of an accident report shall pay three dollars (\$3.00) for each copy received. There shall be a five dollar (\$5.00) service fee for Civil Proceedings. All money received by the Police Department for such reports shall be placed in the Police Department petty cash fund. The Chief of Police shall specify in the Operating Rules and Regulations what expenditures shall be allowed from that fund. The Police Clerk shall keep a record of receipts and disbursements.

(Ord. No. 138 §71.010, 11-5-84)

SECTION 200.020: PURCHASE ORDER SYSTEM

The Chief of Police shall be responsible for purchases within the Police Department. Purchases require his signature on a requisition to be given to the City Clerk who will issue a purchase order. (Ord. No. 138 §71.020, 11-5-84)

SECTION 200.030: EMERGENCY FUNDS

The Chief of Police shall have the authority to request emergency funds from the Mayor as the need arises. (Ord. No. 138 §71.030, 11-5-84)

SECTION 200.040: DISPOSITION OF UNCLAIMED OR ABANDONED PROPERTY IN THE POSSESSION OF THE POLICE DEPARTMENT OR MUNICIPAL COURT, AND PUBLIC SALE, TRANSFER AND DISPOSAL THEREOF

- A. This Section applies to personal property in the possession of the Police Department or Municipal Court, other than motor vehicles, real estate, weapons, drugs or currency, the owner of which is unknown and cannot be located through reasonable efforts.
1. The Chief of Police shall make reasonable efforts to locate owners of personal property in the possession of the Police Department.
 2. All items of personal property of the value of less than ten dollars (\$10.00), which have been a possession of the Police Department for a period in excess of thirty (30) days, shall be deemed abandoned and may, at the option of the Chief of Police, be disposed of as follows:
 - a. Pursuant to the provision of Subsection (A)(4) of this Section.
 - b. Items of a value of less than ten dollars (\$10.00) and which, in the opinion of the Chief of Police, the cost to the City of collecting said items, advertising the sale of the items and auctioning the items would exceed the proceeds received for

the items, may be disposed of pursuant to contract with a contractor who shall remove the items from the possession of the Police Department and shall hold the City harmless from any and all claims of personal injury or property damage arising from the removal of the property or from claims by third (3rd) parties claiming ownership to the property. Any item of property disposed of pursuant to the contract shall not be subject to any other provisions of this Chapter.

3. All items of unclaimed property of the value of more than ten dollars (\$10.00), shall not be considered abandoned until the requirements set forth in Chapter 447 of the Missouri Statutes are complied with. In that respect, the Chief of Police shall make an affidavit before the Judge of the Circuit Court of Scott County, Missouri, stating when and where he/she found all unclaimed items valued in excess of ten dollars (\$10.00), that the owner is unknown to him/her, and that he/she has not withheld or disposed of any part thereof. If, no owner appears and proves the money or property within forty (40) days, after the Judge of the Circuit Court has caused the list to be posted as provided in Section 447.030, each item of property valued at less than ten dollars (\$10.00) shall be deemed abandoned. In the event any item of property exceeds the sum of twenty dollars (\$20.00), and no owner claims the item within forty (40) days after the list has been posted as directed by the Judge, Police Chief shall, within thirty (30) days thereafter, cause a copy of the description to be inserted in a newspaper of general circulation within the City, for three (3) weeks, and if no owner proves the property within one (1) year after such publication, the same shall be deemed abandoned.
 4. The Chief of Police shall keep a current inventory of all unclaimed and abandoned personal property in the possession of the Police Department. When any personal property has been determined abandoned, as provided above, it may be sold at public sale or if the items are of a type that may benefit the City of Scott City, the item or items may be transferred to the respective department for use. The respective department head shall keep current the inventory of items turned over to that department and is subject to inspection by the Chief of Police or his/her delegate. The Chief of Police or his/her delegate shall keep current an inventory of all items transferred to other departments of the City, which is subject to inspection by the Mayor or his/her delegate. Public sales shall be conducted as deemed necessary by the Chief of Police of up to four (4) times per year. There shall be a minimum of one (1) public sale per year, with all proceeds going into the General Police Fund through the Municipal Court. If the property to be sold is not salable, the Judge may order its destruction.
 5. The public sale shall be held only after notice has been published in a newspaper of general circulation, for two (2) insertions, being the same day each week, and shall be held at a public place designated by the Chief of Police. Such notices shall include the date, time and place of such sale, but, need not describe the property to be sold.
 6. Individuals may reclaim personal property up to two (2) hours prior to the beginning of the sale by a reasonable show of ownership to the Chief of Police or his/her delegate. Once an item is sold, it is considered forfeited.
- B. Motor vehicles, real estate, other property or currency seized as a result of a criminal activity, forfeiture proceedings shall be conducted pursuant to the provisions of the Criminal Activity Forfeiture Act (CAFA) or Federal Forfeiture statutes for any felony. If any of the above is unclaimed after ninety (90) consecutive days following all legal hearings, trial proceedings, or all other legal processes involved are completed, legal process shall begin to forfeit the property to the Police Department. Any currency in the

possession of the Police Department, unclaimed after ninety (90) consecutive days, may be placed in the General Police Fund by authority of the Municipal Judge.

- C. All drugs and paraphernalia not used in a display for training, the Chief of Police or his/her delegate shall petition on the Court of jurisdiction for disposal of the drugs and paraphernalia. Upon order, the drugs and paraphernalia shall be disposed of by burning or rendering objects unusable. (Ord. No. 294 §§1—2, 2-5-90; Ord. No. 579 §§1—2, 11-17-97; Ord. No. 697 §1, 10-1-01; Ord. No. 830 §1, 10-15-07)

SECTION 200.045: DISPOSITION OF FIREARMS, DANGEROUS AND DEADLY WEAPONS

- A. The Chief of Police or his/her delegate shall dispose of all unclaimed, abandoned, or forfeited firearms and dangerous and deadly weapons, and all firearms and dangerous and deadly weapons turned in by individuals, in the following manner:
 - 1. If the firearm or dangerous and deadly weapon is of the type the Chief of Police designates as equipments for the Police Department, then the firearm or dangerous and deadly weapon may be utilized as police equipment.
 - 2. If the firearm or dangerous and deadly weapon is of historical value, or of an unusual nature, the firearm or dangerous and deadly weapon may be placed in the Police Department's display case for exhibition purposes only.
 - 3. All other firearms or dangerous and deadly weapons shall either be destroyed, in such a manner, as to render them irreparable, and buried in the City's landfill or disposed of in any other lawful manner.
- B. The Chief of Police or his/her authorized delegate, shall keep a current inventory of all such items of this Section.
- C. No firearm shall be considered to be unclaimed or abandoned unless the firearm is in the possession of the Police Department for ninety (90) consecutive days. An individual may reclaim his/her firearm or dangerous and deadly weapon only upon a reasonable showing of ownership. No firearm or dangerous and deadly weapon shall be returned to a convicted felon, to a minor, or any other individual not having the right of possession. The ninety (90) consecutive day requirement shall not begin to apply to a specific firearm or dangerous and deadly weapon when the item is being held for evidence in a trial, or other legal hearing, but, shall only begin to run when the trial or legal hearing and all other processes involved are completed. (Ord. No. 580 §1, 9-2-97)

ARTICLE II. MERIT SYSTEM POLICE DEPARTMENT

SECTION 200.050: ESTABLISHED—MERIT SYSTEM OF APPOINTMENTS, PROMOTIONS, ETC.

A Merit System Police Department has been established in the City. Every appointment or promotion to a position in the Police Department shall be on the basis of Merit, determined by the person's ability and eligibility rating established by competitive examinations. No appointment, promotion, demotion or dismissal of a member of the police department shall be based on favoritism, prejudice or discrimination, political affiliation or endorsement. (Ord. No. 138 §71.050, 11-5-84)

SECTION 200.060: COMPOSITION

The Police Department of the City of Scott City shall consist of the following:

Chief 1

Lieutenant: One (1) Lieutenant who will assist the Chief of Police in supervising of the Department.

Sergeant: A sufficient number of Sergeants as may be determined by the Mayor and City Council to be necessary for the protection and welfare of the City.

Patrolmen: A sufficient number of Patrolmen as may be determined by the Mayor and City Council to be necessary for the protection and welfare of the City.

Dispatchers: A sufficient number of Dispatchers as may be determined by the Mayor and City Council to be necessary for the protection and welfare of the City, at least one (1) of which may be required to do Police Department clerical work and may be a Patrolman. (Ord. No. 138 §71.060, 11-5-84; Ord. No. 273 §1, 8-21-89; Ord. No. 374 §1, 8-17-92; Ord. No. 440 §1, 6-20-94; Ord. No. 655 §2, 3-20-00; Ord. No. 657 §4, 4-17-00; Ord. No. 661 §1, 6-19-00; Ord. No. 717 §2, 3-17-03; Ord. No. 748 §2, 2-2-04)

SECTION 200.070: APPOINTMENTS AND PROMOTIONS

The Mayor and City Council shall be required to appoint or promote from a list of eligibles certified by the Police Personnel Board. All persons so appointed or promoted shall be entitled to hold office during good behavior and efficient service. All members of the Police Department appointed under Ordinance No. 67 of the Scott City Municipal Code and all dispatchers appointed under Ordinance No. 134 of the Scott City Municipal Code shall remain in their office at their present rank and grade, until removed, promoted or demoted by operation of this Chapter. (Ord. No. 138 §71.070, 11-5-84)

SECTION 200.080: RIGHT OF PUBLIC HEARING

Any person suspended, demoted or discharged for misbehavior or inefficiency shall, upon his application, be granted a public hearing before the Police Personnel Board.
(Ord. No. 138, §71.080, 11-5-84)

SECTION 200.090: QUALIFICATIONS

Any person appointed as a member of the Police Department shall be able bodied, industrious and sober, and shall possess such other general qualifications as may be prescribed by rule of Police Personnel Board. (Ord. No. 138 §71.090, 11-5-84)

SECTION 200.095: MANDATORY HOURS

- A. Any Police Officer employed by the City shall be required to have four hundred eighty (480) hours of training for certification unless grandfathered under current Missouri POST guidelines.
- B. All officers appointed on a probationary basis shall, within one (1) year after said officer's initial appointment, take all necessary steps to qualify for certification by the Director of the Missouri Department of Public Safety.
(Ord. No. 438 §1, 8-15-94; Ord. No. 717 §2, 3-17-03)

SECTION 200.100: OATH OF OFFICE

Each member of the Police Department, before entering upon the discharge of his duties, shall take the oath of office prescribed for City elective officers administered by the City Clerk. (Ord. No. 138 §71.100, 11-5-84)

SECTION 200.110: CHAIN OF AUTHORITY

The Chief of Police, in discharge of his duties, shall be subject to the orders of the Mayor only; all other members of the Police Department shall be subject to the orders of their superiors in the Police Department and the Mayor only. (Ord. No. 138 §71.110, 11-5-84)

SECTION 200.120: POWERS GENERALLY

Every officer of the Police Department, other than dispatchers shall have power at all times to make or order an arrest with proper process for any offense against the laws of the City, and to keep an offender in any City prison or jail or other proper place to prevent his escape until trial before the City Police Judge, unless such offender shall give a good and sufficient bond for his appearance for trial. Every officer of the Police Department, other than dispatchers, shall also have power to make arrests without process in all cases in which any offense against the laws of the City shall be committed in his presence. Every officer of the Police Department, other than dispatchers shall have the power to serve and execute all warrants, subpoenas, writs or other process issued by the Police Judge of the City at any place within the limits of the County within which the City is located. (Ord. No. 138 §71.120, 11-5-84)

SECTION 200.125: MUTUAL AID IN EMERGENCIES

Under the authority set forth in Section 70.837, RSMo., the Scott City Police Department is hereby authorized to respond and provide assistance as requested in any mutual aid or emergency aid request. (Ord. No. 597 §1, 2-2-98; Ord. No. 600 §1, 4-20-98)

SECTION 200.130: CITIZENS TO RENDER ASSISTANCE WHEN REQUIRED

The Chief of Police or any policeman of the City is authorized, whenever he deems it necessary, to call to his assistance any person needed to aid him in making arrests. (Ord. No. 138, §71.130, 11-5-84)

SECTION 200.140: DUTIES GENERALLY

- A. Each member of the Police Department shall be a conservator of the peace and shall be active and vigilant in the preservation of good order within the City.
- B. Any person arrested and taken to the City Jail shall be searched by an authorized member of the Department, and a correct memorandum shall be made of all personal property on the person so arrested, and such property shall be preserved in safekeeping until returned by the Police Judge or other proper authority.
- C. Each dispatcher shall keep a record of all calls received during his hours of duty.

- D. A record shall be kept of all arrests, convictions, accidents, traffic tickets and all other matters handled by the Police Department.
- E. All members of the Department shall report any known violations of this Code and other ordinances of the City to the City Attorney and take all necessary steps to enforce this Chapter and all City ordinances.
- F. Each dispatcher shall receive calls for assistance from citizens of the City of Scott City and from others who may be entitled to the City's service and, upon receipt of said calls, and after considering both the need of the caller and the availability of the City's resources, dispatch the required Police Department units, Fire Department units, emergency medical units, or such other available City resources as may be necessary to assist the caller, and such other duties as may be prescribed by the Chief of Police.
- G. Every member of the Police Department shall be required to submit to a polygraph test, when directed to by the Chief of Police. The Chief of Police shall be required to submit to a polygraph test when directed to by the Mayor. Neither the Mayor or the Chief of Police shall direct any member of the Department to submit to a polygraph test unless allegations of official misconduct or criminal activity concerning the Officer directed to submit to the polygraph test are in issue. (Ord. No. 138 §71.140, 11-5-84)

SECTION 200.150: PROHIBITED ACTS AND PRACTICES GENERALLY

- A. No person shall willfully or corruptly make any false statement, certificate, mark or report in regard to any examination, certification or appointment held or given under the provisions of this Chapter, or in any manner commit, or attempt to commit, any fraud preventing the impartial execution of the provisions of this ordinance, or of any rules and regulations made thereunder.
- B. No person seeking appointment to, or promotion in, the Police Department shall, either directly or indirectly, give, render or pay any money, service or other valuable thing to any person for, or on account of, or in connection with, his examination, appointment, proposed appointment, promotion or proposed promotion.
- C. No person holding any elective public office shall, while holding such office, be appointed to the Police Department.
- D. No person shall use, or threaten to use, any influence, persuasion or coercion to compel, or attempt to compel, any member of the Police Department to violate any provision of this Section.
- E. No person shall use, or promise to use, directly or indirectly, for any consideration whatsoever, any official authority or influence to secure or attempt to secure for any person an appointment or advantage in any appointment to any position in the Police Department or any increase in pay, promotion or other advantage in the Department. (Ord. No. 138 §71.150, 11-5-84; Ord. No. 717 §2, 3-17-03)

SECTION 200.160: FORFEITURE OF POSITION FOR VIOLATION

Any member of the Department who violates any provision of Section 200.150 shall, upon conviction therefore, forfeit his position as a member of the Department.
(Ord. No. 138 §71.160, 11-5-84)

SECTION 200.170: UNIFORM AND BADGE—PLAINCLOTHESMEN

All members of the Police Department, while on duty shall wear a uniform and badge prescribed by the Chief of Police, to indicate his official position. The Chief of Police may designate one (1) or more members of the Department as plainclothesmen for such period of time as the Chief of Police may deem necessary.
(Ord. No. 138 §71.170, 11-5-84)

SECTION 200.180: ASSIGNMENT OF SHIFTS

The Chief of Police or his designated agent shall arrange shifts each day in such a manner as will promote efficient working conditions in the Department.
(Ord. No. 358 §1, 12-2-91)

SECTION 200.190: VACATIONS, LEAVE, ETC.

Chapter 125 Personnel shall apply to the Police Department in all Sections that do not conflict with Chapter 200, Police Department. (Ord. No 138 §71.190, 11-5-84)

SECTION 200.200: RESERVED

Editor's Note—Ord. no. 570 §1, enacted July 7, 1997, repealed section 200.200 in its entirety without any provisions for replacement. Former section derived from ord. no. 263 §1, 6-19-89. This section has been left reserved for the city's future use.

SECTION 200.210: AUTHORITY OF MAYOR TO SUSPEND WITHOUT PAY OR DISCHARGE CHIEF OF POLICE—RIGHT OF APPEAL

The Mayor shall have the authority to suspend without pay or recommend the discharge of the Chief of Police for cause. A written statement of reasons for disciplinary action shall be given at the time of action. In the case of a recommended discharge, the Chief of Police shall be granted the right of appeal in advance of the recommended action. If he does not appeal after being advised of the charges, then the recommendation of the Mayor shall become effective. In the event of a recommended discharge, the Chief of Police shall be suspended without pay pending final determination of the recommended action. For right of appeal, see Section 200.460 of this Article. Time limit for making appeal shall be five (5) working days.

(Ord. No. 138 §71.210, 11-5-84)

SECTION 200.220: AUTHORITY OF CHIEF OF POLICE TO SUSPEND WITHOUT PAY OFFICERS AND DISPATCHERS—RIGHT OF APPEAL

The Chief of Police shall have the authority to suspend for a definite period of time any Officer of the Police Department or dispatcher for cause. A written statement of reasons for suspension shall be given at the time of action. For right of appeal, see Section 200.460 of this Article. Time limit for making appeal shall be five (5) working days. (Ord. No. 138 §71.220, 11-5-84)

SECTION 200.225: VACANCY IN OFFICE OF CHIEF OF POLICE

During any period where there is a vacancy in the office of Chief of Police, the ranking officer shall have the same authority granted the Chief of Police under this Chapter. (Vacancy would not include off duty time such as off days or vacations).

(Ord. No. 302 §1, 4-16-90)

SECTION 200.230: AUTHORITY OF CHIEF OF POLICE TO DEMOTE OR DISCHARGE POLICE OFFICERS AND DISPATCHERS—RIGHT OF APPEAL

The Chief of Police shall have the authority to demote or discharge pending appeal of any officer or employee of the Police Department for just cause. A written copy of the charges shall be given to the officer or employee, City Administrator and Mayor at the time of action. The officer or employee shall be granted the right to appeal within the time period specified in Section 200.460 of this Chapter. Failure to appeal in the required time period qualifies the Chief of Police's action as final. (Ord. No. 138 §71.230, 11-5-84; Ord. No. 717 §2, 3-17-03)

SECTION 200.240: RULES AND REGULATIONS

The Chief of Police shall develop and may amend from time to time operating Rules and Regulations for the Scott City Police Department, which shall become binding upon the written approval of the Mayor. Any violation thereof shall be subject to disciplinary action. A copy of the Rules and Regulations shall be on file at the City Clerk's office. (Ord. No. 138 §71.240, 11-5-84; Ord. No. 547 §1, 2-18-97)

SECTION 200.250: SALARIES AND CITY SERVICE CLASSIFICATION

The salaries and City service classification are set forth in Chapter 125 and Section 125.240 of the Scott City Code. (Ord. No. 138 §71.250, 11-5-84)

SECTION 200.260: INTER-DEPARTMENT COMPLAINTS

Any inter-department complaint that cannot be resolved within the Department, may be taken to the Police Personnel Board at their regular monthly meeting. If the Board feels the Chief of Police is in error, they shall notify the Mayor. If the Board feels some member of the Department is in error, they shall notify the Chief of Police and the Mayor. (Ord. No. 138 §71.260, 11-5-84)

SECTION 200.270: CHIEF OF POLICE TO SERVE AS EX-OFFICIO SERGEANT OF ARMS

The Chief of Police shall be ex-officio Sergeant of Arms of the City Council, shall attend its meetings (unless he is excused by the Mayor), preserve order in the Council Chamber and execute its orders, notices or mandates. (Ord. No. 138 §71.270, 11-5-84)

SECTION 200.280: RESERVED**ARTICLE III. POLICE PERSONNEL BOARD****SECTION 200.290: POLICE PERSONNEL BOARD ESTABLISHED**

A Police Personnel Board has been established in the City of Scott City. For the purposes of Article III, the Police Personnel Board shall hereinafter be referred to as "The Board". (Ord. No. 138 §71.290, 11-5-84)

SECTION 200.300: MEMBERSHIP APPOINTMENT

The Board shall consist of six (6) members, three (3) of which shall be from the largest political party and three (3) members of which shall be from the second (2nd) largest political party within the City. All appointments shall be for four (4) year terms. The Mayor, with the consent of the majority of the City Council, shall make appointments and fill vacancies for any unexpired terms. Members of the Board shall serve until their successors shall have been appointed and qualified. The appointments shall be so staggered that the terms of no more than two (2) members shall expire at the same time. (Ord. No. 138 §71.300, 11-5-84; Ord. No. 522 §1, 9-3-96)

SECTION 200.310: QUALIFICATIONS

No person shall be appointed to the Board unless he has attained his twenty-first (21) birthday, is a legal voter of the City and has been a resident of the City for at least two (2) years immediately prior to his appointment. He shall be a person of good character and reputation and shall not hold any other office or public employment under the City. (Ord. No. 138 §71.310, 11-5-84)

SECTION 200.320: OATH OF OFFICE

Members of the Board shall be required to take the oath of office prescribed for City elective Officers administered by the City Clerk. (Ord. No. 138 §71.320, 11-5-84)

SECTION 200.330: CHAIRMAN

Each year, in the month of July, the Board may select one (1) of its members to serve as Chairman and one (1) to serve as Vice-Chairman and one (1) to serve as Secretary. The Board shall adopt and may amend from time to time rules governing its internal operations, a copy of which shall be on file with the City Clerk. The Chairman shall be required to vote when it is necessary to break a tie or his vote is needed to make a quorum. If for any reason, a vacancy occurs in the office of Chairman, Vice-Chairman or Secretary, between July of each year, the Board shall have the authority to select one (1) of its members to fill the vacancy. (Ord. No. 138 §71.330, 11-5-84; Ord. No. 302 §3, 4-16-90)

SECTION 200.340: MEETINGS

Regular meetings shall be held once a month on a day set by the Chairman of the Board. Failure to attend three (3) or more consecutive meetings shall be cause for removal from the Board. (Ord. No. 138 §71.340, 11-5-84)

SECTION 200.350: QUORUM

A majority of the members of the Board shall constitute a quorum and the action of a majority of the members present at a meeting at which a quorum is present shall be the action of the Board. (Ord. No. 138 §71.350, 11-5-84)

SECTION 200.360: REMOVAL FROM OFFICE

The Mayor may with the consent of a majority vote of the City Council, remove any member of the Board from office. A member may also be removed by two-thirds (2/3) vote of the City Council independently of the Mayor's approval or recommendation. A removal from office shall result in a vacancy in such office.
(Ord. No. 138 §71.360, 11-5-84)

SECTION 200.370: COMPENSATION

Members of the Board shall serve without compensation.
(Ord. No. 138 §71.370, 11-5-84)

SECTION 200.380: POWERS AND DUTIES GENERALLY

The Board shall be required to give examinations to candidates for appointment or promotion and to certify lists of eligibles to the Mayor.
(Ord. No. 138 §71.380, 11-5-84)

SECTION 200.390: EXAMINATIONS

- A. The Board or the Chief of Police at the Board's direction, shall from time to time, conduct open, competitive examinations and promotional examinations as they deem necessary to establish eligibility and promotional registers. The examinations shall be of such character as to determine the relative qualifications, fitness and ability of the persons tested to perform the duties of the class of position for which a register is established. The examination may be divided into various parts and may be written, oral or physical, or it may evaluate training and experience, require a demonstration of skill or it may be any combination of these factors. The examination shall be of such character as to determine the relative qualifications of the persons taking the examination and may take into consideration any relevant factor, including training, experience, aptitude, capacity, knowledge, character, health, physical fitness, marksmanship and other qualifications as, in the judgement of the Board, shall enter into a proper determination of the relative fitness of the applicants. Political or religious opinions or affiliations shall not be considered in determining the qualifications of an applicant, and no question shall be framed to elicit information concerning such opinions or affiliations.
- B. *Same - Notice.* The Board shall give public notice of each open, competitive examination and promotional examination sufficiently in advance of same and of a sufficient width in scope to afford persons who are interested in taking the examination a reasonable opportunity to apply. The time between the official announcement of an examination and the holding of the examination shall not be less than fifteen (15) days. Each official notice of an examination shall state the titles, job description and pay of the position in the class for which the examination is to be held, the necessary or desirable qualifications required and the time, place and manner of applying for admission to such examination. The official announcement shall consist of the posting of an official notice thereof in any newspaper published and of general circulation within the City, and the posting of an official notice thereof on a public bulletin board maintained at the office of the Police

Department and in the City Hall building. The Board shall also use such other means of publication as, in its judgement, is best suited and reasonably necessary to inform the public that the examination is to be given. (Ord. No. 138 §71.390, 11-5-84)

SECTION 200.400: RATING

Ratings of each examination shall be completed, and the appropriate registers established, not later than ninety (90) days after the first part of the examination was held, unless such time is extended by the Board for reasons stated in their official records. The methods of rating the various parts of the examinations and the minimum satisfactory grade shall be determined by appropriate regulations. Each person taking the examination shall be notified in writing whether he passed or failed the examination. Each person taking the examination shall in accordance with regulations adopted by the Board, be entitled to inspect his examination papers and ratings, but ratings shall not be open to inspection by the general public. A manifest error in rating and grading of an examination which affects the relative ranking of persons taking the examination shall be corrected, if called to the Board's attention, in writing, by certified mail within thirty (30) days after the establishment of the register, but such correction shall not invalidate any appointment previously made from such register, unless it is established that the error was made in bad faith and with intent to deprive the person adversely affected by certification to the eligibility list. (Ord. No. 138 §71.400, 11-5-84)

SECTION 200.405: PROMOTIONS WITHIN THE DEPARTMENT

If the Board determines that a suitable candidate for a vacated office is available within the department, it may elect not to advertise the vacancy to the public as set forth in Section 200.290(B) of this Chapter. Instead, the Board may examine members of the Police Department suitable for promotion to the vacancy and certify a list of the members of the department, who have passed the examination, to the Mayor. If the Mayor elects not to appoint from the members of the departments certified by the Board, the Board shall thereafter notify the public of the vacancy as set forth in Section 200.390(B) of this Chapter. (Ord. No. 593 §1, 12-15-97)

SECTION 200.410: REGISTERS

The Board shall keep an application and promotional register, in which shall be entered the names and addresses of all applicants, the order and date of all applications for competitive examinations and the positions in the Police Department sought by the applicants. All applications shall be on forms prescribed by the Board. (Ord. No. 138 §71.410, 11-5-84)

SECTION 200.420: REJECTION OF APPLICATIONS

The Board may reject the application of any person for admission to an examination or may strike the name of any person on a register for a position in the Police Department, or withdraw the certification of such person, if it finds that such person lacks any of the required qualifications, is physically unfit to perform effectively the duties of the position to which he seeks employment, is addicted to the habitual use of drugs or intoxicating beverages, has been convicted of a crime or guilty of any notorious or disgraceful conduct, has been dismissed from any public service because of delinquency or has made a false statement of fact or attempted to practice any fraud or deception in his application, or

in his examination, or in attempting to secure appointment to the City Police Department. (Ord. No. 138 §71.420, 11-5-84)

SECTION 200.430: RULES AND REGULATIONS

The Board shall formulate and adopt all necessary rules and regulations reasonably necessary for the efficient operation of the merit system and for the qualification and appointment of members to the City Police Department. The rules approved by the Board shall then be submitted to the City Council and shall become effective when approved by the Council. The rules shall include provisions for:

1. Frequency of competitive examinations
2. Standardization and classification of all positions in the Police Department on the basis of duties and responsibilities, so arranged as to promote the filling of the higher grades through promotion as fast as practicable.
3. Certification to the Mayor of eligible persons in order of rank, for the purpose of filling vacancies.
4. Temporary or emergency appointments, in the absence of an eligibility list.
(Ord. No. 138 §71.430, 11-5-84)

SECTION 200.440: CERTIFICATION OF ELIGIBLES

The Board shall certify a list of all eligible persons for membership in the Police Department to the Mayor, as often as is necessary for the good of the Department and the interest of the public. (Ord. No. 138 §71.440, 11-5-84)

SECTION 200.450: OATHS AND SUBPOENAS

Any member of the Board, on behalf of the Board shall have power to administer oaths, subpoena witnesses and compel the production of books and records relevant to any investigation or hearing authorized by this Article. Attendance of witnesses may be compelled by attachment if necessary. Persons who fail to produce books and records subpoenaed by the Board, or who fail to testify without lawful cause, or who testify falsely, shall be deemed guilty of a misdemeanor.

(Ord. No. 138 §71.450, 11-5-84)

SECTION 200.460: APPEALS

Any member of the City Police Department or dispatcher who is suspended, demoted, or discharged may appeal within the prescribed time limit in writing to the Board setting forth his reasons for claiming his suspension, demotion, or discharge was not for good cause or for the good of the department. Upon such action the Board shall make an investigation of the reasons stated for disciplinary action and shall set time and date and shall hear the appeal in the City Council chambers within fourteen (14) days of receipt of request, unless the time shall be extended for good cause. The Board shall notify by registered mail or personal service, the date, time and place of hearing to the appellant at least ten (10) days prior to the hearing. The appellant shall state in the appeal his/her request for a public or private hearing. If not stated, the hearing shall be closed. Notice of closed hearing shall be posted twenty-four (24) hours in advance. Whether public or

private, the appellant, Chief of Police, Mayor, City Administrator and City Council shall have the right to be present during the hearing and to be heard in person if they so desire. The appellant shall have the right to be represented by counsel and to present evidence. Technical rules of evidence shall not apply at such hearings. Upon consideration of the evidence, and within three (3) days of the conclusion of the hearing, the Board shall have the authority to uphold, overturn or modify the severity of the action appealed from. In the event the action appealed from is overturned, the appellant is reinstated to his former position with his/her lost pay. In the event the action appealed from is modified the Board may enter such order lessening the severity of the action as in its judgement is just and proper. The Board shall within three (3) days of the close of the hearing, give notice by registered mail or personal service of its findings to the appellant and shall place a copy of its findings in the appellants personnel file. (Ord. No. 302 §4, 4-16-90; Ord. No. 509 §1, 2-5-96)

SECTION 200.470: CITIZEN COMPLAINTS AGAINST POLICE DEPARTMENT

The Board shall have authority to hear complaints against the Police Department at their regular monthly meeting. If a complaint against the Chief of Police is believed to be justified, the Board shall notify the Mayor. If a complaint against any other member of the Department is believed to be justified, the Board shall notify the Chief of Police and the Mayor. (Ord. No. 138 §71.470, 11-5-84)

SECTION 200.480: AID IN PREPARATION OF BUDGET

The Board may recommend improvements within the Police Department to the Mayor and City Council and shall aid the Chief of Police in the preparation of the Police Department budget. (Ord. No. 138 §71.480, 11-5-84)

SECTION 200.490: APPOINTMENT OF CHIEF OF POLICE

The Mayor shall, with the advice and consent of a majority of the City Council, appoint the Chief of Police from a list of eligibles certified to the Mayor by the Board.
(Ord. No. 138 §71.490, 11-5-84)

SECTION 200.500: APPOINTMENT OF REGULAR POLICE OFFICERS AND DISPATCHERS

The Board shall present a list of certified eligibles for each opening in the Police Department to the Mayor. The Mayor and the Chief of Police shall review the list of eligibles and make a recommendation to the City Council for their approval.
(Ord. No. 138 §71.500, 11-5-84)

SECTION 200.510: PROBATIONARY PERIOD OF APPOINTMENT, REMOVAL DURING PERIOD

After his initial appointment to the Police Department, all Officers and dispatchers shall serve a six (6) month probationary period. This probationary period shall be utilized for closely observing the Officer or dispatcher's work and for rejecting any Officer or dispatcher whose performance does not meet the required work standards. A review of the Officer or dispatcher's work shall be made before expiration of the probationary period by his supervisor who shall certify to the City Council that he is fit for permanent

employment or recommend he be rejected. If the Officer or dispatcher is rejected, he shall have no rights of appeal.

Exception: If there is reason to believe that the probationary Officer or dispatcher may develop the ability to perform satisfactorily by the extension of the probationary period, his supervisor may recommend an extension not to exceed sixty (60) days.

(Ord. No. 138 §71.510, 11-5-84)

SECTION 200.520: PROMOTION OF POLICE OFFICERS

Promotion of Police Officers to a higher classification may be made at any regular Council meeting upon recommendation to the Mayor by the Police Personnel Board and a majority vote of the City Council, subject to the following requirements:

1. The normal initial employment designation shall be Patrolman.
2. No Officer shall be promoted to Sergeant unless he/she has successfully completed two (2) years of consecutive service within the Scott City Police Department or has previous experience with another department of equal size or larger. Promotions from within the department are preferred, however, lateral transfers may be considered if the applicant possesses the years of experience and qualifications. Officers considered for promotion will have demonstrated exceptional competence and performance in job dimensions of Police patrol, response to call(s) for assistance, arrest and detention procedures, search and seizure, traffic control and investigation, public relations, community policing, investigation, court activities and administrative duties, is recommended by the Police Chief, and has passed all physical and mental examinations as may be promulgated by the Police Personnel Board to qualify for such promotion.
3. No patrolman shall be promoted to Lieutenant without first achieving the rank of Sergeant within the department. Lateral transfers may be considered if the applicant previously achieved the rank of Sergeant. (Ord. No. 138 §71.520, 11-5-84; Ord. No. 468 §1, 4-3-95; Ord. No. 557 §1, 5-5-97; Ord. No. 660 §1, 6-19-00; Ord. No. 717 §2, 3-17-03; Ord. No. 892 §1, 3-1-10)

ARTICLE IV. POLICE RESERVE UNIT

SECTION 200.530: POWER OF APPOINTMENT

The City Mayor is authorized to appoint Police Reserve Officers with the approval of the City Council. Officers so appointed shall meet the qualifications and shall have the powers set forth in this Article. (Ord. No. 208 §1, 8-17-87)

SECTION 200.540: QUALIFICATIONS AND TRAINING

- A. All armed Police Reserve Officers must be Missouri residents, twenty-one (21) years of age or older.
- B. All unarmed Police Reserve Officers must be Missouri residents, eighteen (18) years of age or older.

- C. All armed Police Reserve Officers shall qualify in the use of firearms semi-annually in accordance with standards established by the Scott City Police Department. Such Officers may be required to participate in training programs sponsored and provided by the Scott City Police Department.
- D. Recruitment and selection of Police Reserve Officers shall be based on minimum standards developed by the Chief of Police and approved by the Mayor and City Council.
- E. All armed Police Reserve Officers must successfully complete a course of basic training for Peace Officers in a program approved and accredited by the Director of the Missouri Department of Public Safety. (Ord. No. 208 §2, 8-17-87)

SECTION 200.550: POLICE RESERVE PAY

Members of the Police Reserve shall receive compensation normally equal to that of a Patrolman I, as approved by the Mayor and Chief of Police. They shall serve the City on a part-time basis and shall not receive any other benefits or compensation. (Ord. No. 208 §3, 8-17-87; Ord. No. 658 §1, 6-5-00)

SECTION 200.560: POLICE RESERVE OFFICER POWERS

Police Reserve Officers who are appointed and duly qualified shall have the same powers, when on duty, as regular Police Officers. (Ord. No. 208 §4, 8-17-87)

SECTION 200.570: SUPERVISION

The Police Reserve shall serve at the direction of the Chief of Police. (Ord. No. 208 §5, 8-17-87)

SECTION 200.580: RULES AND REGULATIONS

The Chief of Police may issue rules and regulations governing the Police Reserve, which shall become effective upon written approval of the Mayor. (Ord. No. 208 §6, 8-17-87)

SECTION 200.590: RANK

The City Mayor may authorize a rank structure for the Police Reserve. Police Reserve Officers, regardless of rank, shall be subordinate to regular Police Officers of any rank. (Ord. No. 208 §7, 8-17-87)

SECTION 200.600: DISMISSALS

The Mayor may at any time and without prior notification or hearing, terminate the membership of any person in the Police Reserve. (Ord. No. 208 §8, 8-17-87)

CHAPTER 205: FIRE DEPARTMENT

ARTICLE I. GENERAL PROVISIONS

SECTION 205.010: FIRE DEPARTMENT ESTABLISHED; COMPOSITION

There is hereby established a Fire Department for the City, which shall consist of a Chief, one (1) Assistant Chief, and such organized volunteer Firemen as may be enrolled by the Chief with the consent of the Mayor. (CC §70.010)

SECTION 205.020: FIRE DEPARTMENT—DUTIES

The Fire Department shall have charge of the fire apparatus and shall keep the same in good order for immediate use, and for more effectually perfecting the Firemen in discharge of their duties shall as often as practicable thoroughly test the condition of the fire fighting apparatus. Upon arrival at any fire, the members present shall take all necessary and proper action to extinguish such fire as quickly as possible and with the least damage possible. The Department shall take all reasonable steps necessary under the circumstances to prevent the spread of the fire and damage to adjoining property. (CC §70.020)

SECTION 205.025: CONTRACTS FOR FIRE PROTECTION OUTSIDE CITY LIMITS

- A. Subject to priority calls within the City of Scott City, Missouri, the City will provide fire protection to persons owning property outside City limits, provided said property owners comply with each of the following requirements:
1. The property outside City limits is not located within any existing fire protection district, is not located within the City limits of any other municipality, and the owner of said property is not a party to any contract for fire services for said property with any other Fire Department.
 2. The property to be provided fire protection is located east of the limits of Scott City and west of the Mississippi River or as located within a three and one-half (3½) mile radius of the City limits of Scott City, Missouri.
- B. The owner of the property requesting fire protection has signed a written contract with the City of Scott City, Missouri, for said fire protection services. The terms of said contract shall be as follows:
1. All residential owners shall pay an initial fee equal to fifteen (15) times the number of months of the initial term of the contract. The initial term of the contract shall commence the date of the contract until the following September first (1st). Thereafter, a one hundred eighty dollar (\$180.00) annual renewal fee shall be paid by each member for each renewal term, which shall run from September first (1st) until August thirty-first (31st). In addition, each residential member shall pay the City a fee of five hundred dollars (\$500.00) per call made to said residence.

2. Industrial commercial owners shall pay a fee equal to fifty dollars (\$50.00) times the number of months of the initial terms of the contract. The initial term of the contract shall be from the date of the contract until the following September first (1st). A six hundred dollar (\$600.00) annual renewal fee shall be paid for each renewal term, which shall run from September first (1st) until the following August thirty-first (31st). In addition, each industrial commercial member shall pay a fee of one thousand dollars (\$1,000.00) per call.
3. Said contract shall contain a provision holding the City harmless on all claims for injuries or property damages arising from the City's response to a fire call or alarm to any person with whom the City contracts for fire protection outside of City limits. A form copy of said contract for fire protection is marked "Exhibit A" and shall be kept on file with the City Clerk's office.
4. In the event there is divided ownership of a building requesting an outside fire contract (such as a duplex where one (1) owner owns one (1) side and another owner owns the other side or a high rise where different owners own different floors thereof), each owner shall be required to execute a separate contract for outside fire protection to cover his or her interest in the building.

Divided ownership does not refer to joint ownership of one (1) parcel, such as husband and wife, tenancy by the entireties, tenancies in common or joint tenancies, but only applies to one (1) owner holding title to a portion of a building or structure and the other owner or owners owning the remaining portion.

5. Rental buildings owned by one (1) owner housing more than one (1) family unit, such as an apartment having multiple rental units, shall be treated as commercial property for the purpose of procurement of an outside fire protection contract.
 6. If the owner requesting outside fire protection has both residential and commercial buildings on the property (such as a farm with a residence and barns and machine sheds), he shall be required to sign a commercial contract for fire protection, which shall cover all structures on the owner's property. This provision shall not apply to owners who have shops or buildings on their premises for recreational or hobby purposes who shall be allowed to purchase a residential fire protection contract.
- C. The Mayor is authorized to sign, on behalf of the City, the contracts for fire protection aforementioned.
- D. This Section shall not affect any existing contracts between the City and other municipalities or businesses located outside the City limits for fire protection, nor shall it effect any mutual aid agreements between the City and other municipalities or fire protection districts.
- E. The City shall not provide fire protection to any residences or businesses located outside City limits, who have not signed the aforesaid contract, except as allowed under Section 205.030 of the Scott City Code. (Ord. No. 483 §1, 7-3-95; Ord. No. 695 §§1—2, 9-4-01; Ord. No. 756 §§1—2, 6-21-04; Ord. No. 853 §1, 4-6-09; Ord. No. 860 §§1—2, 8-17-09)

SECTION 205.030: FIRE SERVICES OUTSIDE OF CITY LIMITS FOR NON-MEMBERS

If there are two (2) serviceable fire trucks with adequate equipment and a request is received for fire-fighting equipment outside the City limits by any person who does not have a contract with the City for fire protection services, the Fire Chief or Assistant Chief

may determine whether to answer such request depending upon the road conditions, water supply and other conditions at the time and his decision shall be final. The decision of the Fire Chief or Assistant Fire Chief shall in no way subject him to liability. In the event the Fire Department answers the call, it shall take only one (1) truck, insuring that one (1) serviceable fire truck remains in the City and not more than one-half (½) of the available members of the Department. The charge for responding to a call or alarm to residential property outside the City limits shall be five (5) times the per call rate charged to owners of residential property with existing fire protection contracts with the City. The charge for responding to a call or alarm outside City limits to commercial or industrial property shall be five (5) times the per call rate charged to commercial or industrial owners with existing fire protection contracts with the City, regardless of the success or failure of the mission. (Ord. No. 222 §1, 6-6-88; Ord. No. 484 §1, 7-3-95; Ord. No. 860 §3, 8-17-09)

SECTION 205.035: MUTUAL AID IN EMERGENCIES

Under the authority set forth in Section 320.090 and 70.837, RSMo., the City of Scott City Fire Department and first responders are hereby authorized to respond and provide assistance as requested in any mutual aid or emergency request.

(Ord. No. 597 §1, 2-2-98)

SECTION 205.040: SELECTION OF FIRE CHIEF

When a vacancy arises in the office of Fire Chief, the Mayor, with the advice and consent of the majority of the City Council, shall appoint a Fire Chief who shall serve at the pleasure of the Mayor and City Council. (Ord. No. 220 §2, 3-21-88)

SECTION 205.050: DUTIES OF FIRE CHIEF

It shall be the duty of the Chief to examine and report quarterly to the Mayor the condition of the Department and its equipment, and to recommend such alterations and additions and changes as the Department may in his judgment require. It shall also be his duty to ascertain and report to the Mayor the condition and efficiency of the Fire Department and if the Department fails to observe and enforce its rules and regulations so as to impair its efficiency to report the same, with such suggestions as he may deem most appropriate.

1. The Fire Chief shall examine all buildings and all places where explosives and inflammable materials are kept in the City and to report their condition at least once a year to the Mayor, and the Fire Chief is hereby authorized to enter any and all buildings and places for the purposes of inspecting same.
2. The Fire Chief shall enforce the provisions of Chapter 525 of this Code.
3. The Fire Chief shall from time to time report to the Mayor the condition of fire escapes on public buildings and on other buildings required by law to be provided with fire escapes.
4. He shall keep an inventory of all the City Fire Department's property and equipment and report the same to the Mayor at least once a year.
5. He shall keep informed and make a report as to the condition of the City water supply and fire plugs.

6. He shall keep the department in good condition and at all times ready for inspection.
7. In the exercise of these duties, the Fire Chief may delegate to other Department members such responsibilities as in his judgment may be required. (CC §70.050)

SECTION 205.060: FIREMEN; DUTIES

The Firemen shall be under the immediate control and direction of the Fire Chief, and upon an alarm of fire, shall without unnecessary delay, repair to the endangered premises with the City fire apparatus. (CC §70.070)

SECTION 205.070: COMPENSATION

The compensation paid to members of the Fire Department by the City shall be as set from time to time by the City Council by ordinance. (CC §70.080)

SECTION 205.080: FIRE CHIEF; POWERS AND DUTIES AT FIRES

The Fire Chief shall have full power, control and command over all persons at a fire. He shall station the fire apparatus and see to it that all persons belonging to the Fire Department perform the duties required of them. It shall also be the duty of the Fire Chief to direct at all fires such measures as he shall deem advisable for the extinguishment and control of such fires. (CC §70.090)

SECTION 205.090: DRIVING OVER FIRE HOSE PROHIBITED

No person shall drive any vehicle over, upon or across any fire hose at any time when said hose may be in use or lying upon or across any public way. (CC §70.100)

SECTION 205.100: BLOCKING FIRE HYDRANTS, FIRE HOUSE PROHIBITED

No person shall park or leave standing in front of, or within thirty (30) feet of any fire hydrants, or in front of the fire house, any vehicle at any time. (CC §70.110)

SECTION 205.110: USE OF WHISTLES, ETC., PROHIBITED

No person shall use, or as owner thereof, permit to be used, any siren, whistle or whistles not installed on Fire or Police apparatus or in some way pertaining to fire without first obtaining permission from the Fire Chief. (CC §70.120)

SECTION 205.120: INTERFERE WITH MOVEMENT OF FIRE TRUCK

It shall be unlawful for any person to interfere with the movement of the vehicles of the Fire Department of Scott City, Missouri, while going to or returning from a fire. No person shall follow such fire vehicles to a fire or block traffic on any public street within the City by parking near a fire. (CC §70.130)

ARTICLE II. FIRE HYDRANTS**SECTION 205.130: USE OF FIRE HYDRANT PROHIBITED**

No person, other than members of the City's Fire Department or Public Works Department in the discharge of their official duties, shall use, access or tamper with any fire hydrant of the City. Any person violating the provisions of this Section shall be guilty of tampering with a public utility as set forth in Section 225.100 of the City Code. (Ord. No. 59 §1, 5-4-81; Ord. No. 485 §1, 7-3-95)

SECTION 205.140: FEE FOR USE

In addition to paying for water usage fee for the use of a fire hydrant, the applicant, for the use of the fire hydrant, shall pay the City a permit fee in the sum of twenty-five dollars (\$25.00) to cover its clerical expense. In addition, the applicant shall pay the City the cost of having a public works employee supervise the private use of the fire hydrant based upon the City's actual cost for labor and equipment. All permitted use of the fire hydrant must be supervised by an authorized member of the Public Works Department, who shall be the only person authorized to open and close the fire hydrant and remove apparatus from the site. A permit to use a City fire hydrant shall be affective for only one (1) day and each day of use shall require a separate permit. (Ord. No. 59 §2, 5-4-81; Ord. No. 717 §2, 3-17-03; Ord. No. 860 §4, 8-17-09)

SECTION 205.150: CHARGES FOR RESPONSE BY FIRE DEPARTMENT IN CERTAIN CIRCUMSTANCES

In the event the Fire Department is called to respond to a motor vehicle crash, fire or potential fire not involving a mutual-aid call for emergency medical services, the City shall collect the sum of five hundred dollars (\$500.00) for responding to the motor vehicle crash, fire or potential fire, which shall be assessed to the owner's motor vehicle insurance or the owner of the motor vehicle. (Ord. No. 860 §5, 8-17-09)

Editor's Note—Ord. no. 860 §5, adopted August 17, 2009, repealed section 205.150 "permit" in its entirety. Former section 205.150 derived from ord. no. 59 §3, 5-4-81. At the same time ord. no. 860 §5 enacted the new provisions set out above.

ARTICLE III. RESERVED**SECTION 205.160: RESERVED**

Editor's Note—Ord. no. 602 adopted June 1, 1998, enacted a one-fourth percent (1/4%) capital improvements' tax for purchase and maintenance of fire trucks. This section 205.160 "Sales tax for certain capital improvements" which terminated five (5) years after its effective date of 8-17-92, and derived from ord. no. §§1-3, 8-17-92, has been left reserved for the City's future use. Ord. no. 602 has been placed in section 120.125 of this code.

ARTICLE IV. FIRE DEPARTMENT—OPEN BURNING**SECTION 205.170: OPEN BURNING**

- A. No person shall dispose of refuse by open burning or cause, suffer, allow or permit open burning of refuse.
- B. *Prohibition Of Salvage Operations By Open Burning.* No person may conduct, cause or permit or allow the disposal of trade waste, construction waste, salvage operation waste, or demolition project waste by open burning. This open burning prohibition includes, but is not limited to, tires, rubber products, asbestos-containing material, hazardous material, styrofoam, plastics, petroleum-based products, treated wood and other refuse.
- C. *Exceptions.* The open burning of certain trade wastes and vegetation may be permitted only when it can be shown that open burning is the only safe or feasible method of disposal. Economic consideration shall not be the primary determinant of feasibility. Any person intending to engage in open burning shall request a burn permit and must receive written approval from the Fire Chief or his designee.
- D. *Conditions.* All burning, whether or not a permit is required, shall be subject to the following conditions:
1. The open burning will take place at a time of day when atmospheric conditions will permit adequate dispersion of smoke, but only between the hours of 8:00 A.M. and 8:00 P.M., or as otherwise specified by the Fire Chief or his designee;
 2. The Fire Chief or designee shall prohibit open burning that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous. The Fire Chief or designee shall order the extinguishment of any open burning which creates or adds to a hazardous or objectionable situation;
 3. The open burning shall not create a fire hazard. Burning shall not take place within fifty (50) feet of any ignitable material;
 4. Nothing in this rule may be construed to permit open burning which causes or constitutes a public health hazard, nuisance, or a hazard to vehicular or air traffic, nor which violates any other rule or Statute; and
 5. The Fire Chief or designee may prohibit any open burning during hazardous atmospheric conditions and at any time any State agency has issued a no burn order.
 6. Burning of leaves is permitted between the hours of 9:00 A.M. and 6:30 P.M. except from November first (1st) to April first (1st) the hours shall be from 9:00 A.M. until 5:00 P.M.
- E. Applications for open burning shall be verbally submitted before the fire is set and shall contain such information as required by the Fire Chief or designee. Such applications shall contain, as a minimum, information regarding the purpose of the proposed burning, the nature and quantities of materials to be burned, the date when such burning will take place, the location of the burning site and the on-site fire extinguishing equipment to be provided.
- F. In areas where no public or commercial refuse collection service is available, the open burning of refuse on residential premises, or refuse originating in dwelling units on the same premises, shall not be in violation of this Section. (Ord. No. 726 §1, 5-19-03)

CHAPTER 210: EMERGENCY MANAGEMENT ORGANIZATION

SECTION 210.010: ESTABLISHMENT

There is hereby created within and for the City of Scott City, Missouri, an emergency management organization known as the Scott City Emergency Management Agency, which is responsible for the preparation and implementation of emergency functions required to prevent injury and minimize and repair damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, RSMo., 1978, and supplements thereto, and the Missouri Emergency Operations Plan adopted thereunder. (Ord. No. 159 §1, 5-6-85)

SECTION 210.020: ORGANIZATION

This Agency shall consist of a Director and other members appointed by the Mayor to conform to the State Organization and procedures for the conduct of emergency operations as outlined in the Missouri Emergency Operations Plan.
(Ord. No. 159 §2, 5-6-85)

SECTION 210.030: FUNCTIONS

The Organization shall perform emergency management functions within the territorial limits of the City of Scott City, Missouri, and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of Chapter 44, RSMo., 1978, and supplements thereto.
(Ord. No. 159 §3, 5-6-85)

SECTION 210.040: DIRECTOR

- A. The Director will be appointed by the Mayor and shall serve at the pleasure of the Mayor.
- B. The Director shall have the direct responsibility for the organization, administration and operations of local emergency management activities.
- C. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Emergency Management Agency. (Ord. No. 159 §4, 5-6-85)

SECTION 210.050: EXECUTIVE OFFICER

The Mayor and the Director, in accordance with Chapter 44, RSMo., 1978, and the supplements thereto, may:

- 1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for civil defense purposes; provide for the health and safety

of persons, including emergency assistance to victims of any enemy attack; the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State Disaster and Emergency Planning;

2. Appoint, provide, or remove rescue teams, Auxiliary Fire and Police personnel and other emergency operations teams, units or personnel who may serve without compensation;
3. In the event of enemy attack, waive the provisions of statutes and ordinances requiring advertisements for bids for the performance of public work or entering into contracts;
4. With the approval of the Governor and consistent with the Missouri Emergency Operations Plan, enter into mutual-aid agreements with other public and private agencies within and without the State for reciprocal emergency aid;
5. Accept services, materials, equipment, supplies or funds granted or loaned by the Federal Government for disaster planning and operations purposes.
(Ord. No. 159 §5, 5-6-85)

SECTION 210.060: OATH

No person shall be employed or associated in any capacity in any organization established under this Chapter, as authorized by Chapter 44, RSMo., who advocates or has advocated a change by force or violence in the constitutional form of the Government of the United States or in this State or the overthrow of any Government in the United States by force or violence, or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization shall, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows.

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri, against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such a time as I am a member of the Scott City, Missouri Emergency Management Agency, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence."

(Ord. No. 159 §6, 5-6-85)

SECTION 210.070: OFFICE SPACE

The Mayor is authorized to designate space in any City owned or leased building for the Scott City Emergency Management office. (Ord. No. 159 §7, 5-6-85)

CHAPTER 215: ANIMAL REGULATIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 215.010: DEFINITIONS

As used in this Article, the following terms mean:

ANIMAL: Any live, vertebrate creature, domestic or wild.

ANIMAL SHELTER: Any facility operated by a Humane Society, or Municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this Article, or State laws.

AUCTIONS: Any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this Article. This definition does not apply to individual sales of animals by owners.

CIRCUS: A commercial variety show featuring animal acts for public entertainment.

COMMERCIAL ANIMAL ESTABLISHMENT: Any pet shop, grooming shop, auction, zoological park, circus, performing animal exhibition or boarding facility.

GROOMING SHOP: A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

HUMANE OFFICER: Any person designated by the State of Missouri, a Municipal Government or a Humane Society as a Law Enforcement Officer who is qualified to perform such duties under the laws of this State.

OWNER: Any person, partnership or corporation owning or claiming ownership of one (1) or more animals.

PERFORMING ANIMAL EXHIBITION: Any spectacle, display, act or event other than circuses, in which performing animals are used.

PET: Any animal kept for pleasure rather utility.

PET SHOP: Any person, partnership or corporation, whether operated separately or in connection with another business enterprise that buys and sells any species or animal.

PUBLIC NUISANCE: Any animal or animals which:

1. Molest passersby or passing vehicles;
2. Attack other animals;
3. Trespasses on school grounds;
4. Is repeatedly at large;
5. Damages private or public property; or

6. Barks, whines or howls in an excessive, continuous or untimely fashion.

RESTRAINT: Any animal secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.

TEMPORARY BOARDING FACILITY: Any commercial establishment that engages in the business of the temporary boarding of a dog or cat. Boarding facilities must be a licensed operation registered with the licensing authority within this municipality. Temporary boarding is not to exceed fourteen (14) days. Facility is not meant for the purpose of boarding business owner's own dogs or cats.

VETERINARY HOSPITAL: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

VICIOUS ANIMAL: Any animal or animals that constitute a physical threat to human beings or other animals.

WILD ANIMAL: Any live monkey (non-human primate), raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, or any other warm blooded animal which can normally be found in the wild state.

ZOOLOGICAL PARK: Any facility, other than a pet shop, displaying or exhibiting one (1) or more species of non-domesticated animals operated by a municipality or government agency. (Ord. No. 14 §1, 6-2-80; Ord. No. 512 §1, 5-20-96)

SECTION 215.020: LICENSING

- A. Any person owning, keeping, harboring, or having custody of any animal over three (3) months of age within this Municipality must obtain a license as herein provided. This provision may not apply to the keeping of small cage birds, or aquatic and amphibian animals solely as pets.
- B. Written application for licenses shall be made to the Licensing Authority which shall include name and address of applicant, description of the animal, the appropriate fee, and rabies certificate issued by a licensed veterinarian or anti-rabies clinic.
- C. If not revoked, licenses for the keeping of dogs or cats shall be for a period of one (1) year.
- D. Application for a license must be made within thirty (30) days after obtaining a dog or cat over three (3) months, except that this requirement will not apply to a non-resident keeping a dog or cat within the Municipality for not longer than sixty (60) days.
- E. License fees shall not be required for seeing eye dogs or Governmental police dogs.
- F. Upon acceptance of the license application and fee, the Licensing Authority shall issue a durable tag or identification collar, stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.
- G. Dogs and cats wear identification tags or collars at all times when off the premises of the owners.

- H. The Licensing Authority shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.
- I. The licensing period shall begin with the fiscal year and shall run for one (1) year. Application for license may be made thirty (30) days prior to, and up to, sixty (60) days after the start of the fiscal year. Persons applying for a license during the licensing year, shall be required to pay fifty percent (50%) of the fee stipulated in this Section.
- J. Persons who fail to obtain a license as required within the time period specified in this Section will be subjected to a fine of ten dollars (\$10.00).
- K. A license shall be issued after payment of the applicable fee of two dollars (\$2.00).
- L. A duplicate license may be obtained upon payment of a fifty cent (\$.50) replacement fee.
- M. No person may use a license for any animal other than the animal for which it was issued. (Ord. No. 14 §2, 6-2-80)

SECTION 215.030: PERMITS

- A. No person, partnership, or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this Section.
- B. The Licensing Authority shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this Article and other applicable laws. The Licensing Authority may amend such regulations from time to time as deemed desirable for public health and welfare and the protection of animals.
- C. Upon showing by an applicant for a permit that he is willing and able to comply with the regulations promulgated by the Licensing Authority, a permit shall be issued upon payment of the applicable fee.
- D. The permit period shall begin with the fiscal year and shall run for one (1) year. Renewal applications for permits shall be made thirty (30) days prior to, and up to sixty (60) days after, the start of the fiscal year. Application for permit to establish a new commercial animal establishment under the provisions of this Article may be made at any time.
- E. If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to his name upon payment of a ten dollar (\$10.00) transfer fee.
- F. Annual permits shall be issued upon payment of the applicable fee:

For each pet shop	\$75.00	
For each auction	50.00	
For each circus	25.00	
For each performing animal exhibition		50.00
For each grooming shop	50.00	
For each temporary boarding facility		50.00

- G. Every facility regulated by this Chapter shall be considered a separate enterprise and requires an individual permit.

- H. No fee shall be required of any veterinary hospital, animal shelter, or government or municipal operated zoological park.
- I. Any person who has a change in the category under which a permit was issued shall be subject to reclassification and appropriate adjustment of the permit fee shall be made.
- J. Failure to obtain a permit before opening any facility covered in this Section shall result in a fine of two hundred dollars fifty cents (\$200.50). (Ord. No. 14 §3, 6-2-80; Ord. No. 512 §§2–3, 5-20-96; Ord. No. 776 §1, 4-4-05)

SECTION 215.040: LICENSE AND PERMIT ISSUANCE AND REVOCATION

- A. The Licensing Authority may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this Article, the regulation promulgated by the Licensing Authority, or any law governing the protection and keeping of animals.
- B. Any person whose permit or license is revoked shall, within ten (10) days thereafter, humanely dispose of all animals owned, kept, or harbored and no part of the permit or license fee shall be refunded.
- C. It shall be a condition of the issuance of any permit or license that the Licensing Authority shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspections is refused, revoke the permit or license of the refusing owner.
- D. If the applicant has withheld or falsified any information on the application, the Licensing Authority shall refuse to issue a permit or license.
- E. No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.
- F. Any person having been denied a license or permit may not reapply for a period of thirty (30) days. Each reapplication shall be accompanied by a ten dollar (\$10.00) fee. (Ord. No. 14 §4, 6-2-80)

SECTION 215.050: RESTRAINT

- A. All dogs shall be kept under restraint.
- B. No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.
- C. Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such dog or cat cannot come into contact with another animal except for planned breeding.
- D. Every vicious animal, as determined by the Licensing Authority, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner. (Ord. No. 14 §5, 6-2-80)

SECTION 215.060: IMPOUNDMENT AND VIOLATION NOTICE

- A. Unrestrained dogs and nuisance animals shall be taken by the Police, Animal Control Officers, or Humane Officers and impounded in an animal shelter and there confined in a humane manner.
- B. Impounded dogs and cats shall be kept for not less than five (5) working days.
- C. If by a license tab or other means, the owner of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone or mail.
- D. At any time prior to the disposal of any animal impounded by the City, the owner thereof, upon satisfactory proof of ownership, may redeem such animal upon exhibiting a certificate of license and a certificate of vaccination for rabies and by paying a redemption fee of ten dollars (\$10.00), plus an additional ten dollars (\$10.00) for each day the animal was impounded. If such animal has not been licensed or vaccinated for rabies, the owner, in addition to paying the redemption fee and the boarding fee shall, immediately after the animal is released to the owner, have such animal licensed and/or vaccinated for rabies. Thereafter, within five (5) days after the animal has been released to the owner, the owner shall tender to the Humane Officer proof of licensing and/or vaccination for rabies. If the owner fails to tender proof of licensing and/or vaccination for rabies within the prescribed time, the Humane Officer shall impound the animal and dispose of the animal pursuant to Subsection (E) of this Section.
- E. Any animal not reclaimed by its owner within five (5) working days shall become the property of the local Government authority, or Humane Society, and shall be placed for adoption in a suitable home or humanely euthanized, upon the discretion of the Animal Control Officer.
- F. In addition to, or in lieu of, impounding an animal found at large, the Animal Control Officer, Humane Officer, or Police Officer may issue to the known owner of such animal a notice of ordinance violation. Such notice shall impose upon the owner a penalty of ten dollars (\$10.00), which may, at the discretion of the animal owner, be paid to any agency designated by the Licensing Authority within seventy-two (72) hours in full satisfaction of the assessed penalty. In the event that such penalty is not paid within the time period prescribed, a criminal warrant shall be initiated before a Magistrate and upon conviction of a violation of this Article, the owner shall be punished as provided in Section 215.130 of this Article.
- G. The owner of an impounded animal may also be proceeded against for violation of this Article.
- H. The Licensing Authority shall review automatically all licenses issued to animal owners against whom three (3) or more violations have been assessed in a twelve (12) month period. (Ord. No. 14 §6, 6-2-80; Ord. No. 125 §73.150, 4-9-84; Ord. No. 516 §1, 7-1-96)

SECTION 215.070: ANIMAL CARE

- A. No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

- B. No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
- C. No owner of an animal shall abandon such animal.
- D. No person shall crop a dog's ears, except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health and comfort, and in no event shall any person except a licensed veterinarian perform such an operation.
- E. Chickens or ducklings younger than eight (8) weeks of age may not be sold in quantities of less than twenty-five (25) to a single purchaser.
- F. No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game, or their competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
- G. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate Law Enforcement Agency or to the local Humane Society.
- H. No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances. (Ord. No. 14 §7, 6-2-80)

SECTION 215.080: KEEPING OF WILD ANIMALS

- A. No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This Section shall not be construed to apply to zoological parks, performing animal exhibition, or circuses.
- B. No person shall keep or permit to be kept any wild animal as a pet.
- C. The Licensing Authority shall have the power to release or order the release of any infant wild animal kept under temporary permit which is deemed capable of survival. (Ord. No. 14 §8, 6-2-80)

SECTION 215.090: PERFORMING ANIMAL EXHIBITIONS

- A. No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.
- B. All equipment used on a performing animal shall fit properly and be in good working condition. (Ord. No. 14 §9, 6-2-80)

SECTION 215.100: ANIMAL WASTE

The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, or private property. (Ord. No. 14 §10, 6-2-80)

SECTION 215.110: STERILIZATION

No unclaimed dog or cat shall be released for adoption without being sterilized or without written agreement from the adopter guaranteeing that such animal will be sterilized and a deposit of at least fifteen dollars (\$15.00) must be paid at the time of adoption. (Ord. No. 14 §11, 6-2-80)

SECTION 215.120: ENFORCEMENT

The civil and criminal provisions of this Article shall be enforced by those persons or agencies designated by Municipal authority. It shall be a violation of this Chapter to interfere with a Humane Officer in the performance of his duties. (Ord. No. 14 §12, 6-2-80)

SECTION 215.130: PENALTIES

Any person violating any provision of this Article shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars (\$10.00), nor more than five hundred dollars (\$500.00). If any violation be continuing, each day's violation shall be deemed as a separate violation. If any person be found guilty by a Court of violating Section 215.080, his permit to own, keep, harbor, or have custody of animals shall be deemed automatically revoked and no new permit may be issued. (Ord. No. 14 §13, 6-2-80)

ARTICLE II. MISCELLANEOUS ANIMAL REGULATIONS**SECTION 215.140: DISTURBING WILDLIFE**

It shall be unlawful for any person to willfully injure, molest or disturb in any way any birds or the nest, eggs, young or brood of any such birds, except that this provision shall not apply to any birds declared by any law or ordinance to be "pests", nor shall any person kill, molest or injure any squirrel in the City. (CC §73.020)

SECTION 215.150: DISPOSAL OF DEAD ANIMALS IN PUBLIC WAYS

- A. No person shall deposit, throw or place any dead or fatally sick or injured animal, or part thereof, on any public place or private premises, or into any sewer or drainage ditch.
- B. It shall be the duty of the City to pick up and dispose of all dead animals and fowl on the public streets or public places. (CC §73.060)

SECTION 215.160: KEEPING OF LIVESTOCK, DOMESTIC ANIMALS AND FOWL

- A. No person shall keep or maintain any hogs, goats or sheep within four hundred (400) feet of any residence or other dwelling place other than that of the owner, nor keep or maintain horses or cows within one hundred fifty (150) feet of any residence or other dwelling place other than that of the owner, nor keep or maintain a combined total of three (3) or more rabbits, chickens, ducks, turkeys, or other domestic fowl within one hundred fifty (150) feet of any residence or other dwelling place other than that of the owner, provided however, that if all occupants of residences or other dwelling places within such distances agree thereto in writing, such animals or fowl may be kept and maintained at less than such distances; and provided, further, that nothing in this Section shall prevent the keeping of cows, cattle, sheep or goats at any auction barn or veterinary hospital provided same are kept in a clean and non-odorous condition.
- B. Except for a licensed boarding facility regulated by the Zoning Code of the City of Scott City, no owner shall own, keep or harbor more than three (3) dogs and/or three (3) cats over the age of three (3) months. The total number of cats and dogs can equal six (6) with no more than three (3) of that combined total being dogs or three (3) being cats over the age of three (3) months. Any person who shall own, keep or harbor upon his/her premises more than three (3) dogs and/or three (3) cats (over the age of three (3) months shall be deemed the owner or keeper of a kennel. Kennels within the City of Scott City, Missouri are declared to be a public nuisance and shall hereafter be prohibited within the corporate limits of said City. (CC §73.070; Ord. No. 512 §4, 5-20-96; Ord. No. 569 §1, 7-7-97; Ord. No. 920 §1, 6-6-11)

SECTION 215.170: VEHICLES TRANSPORTING LIVESTOCK; PARKING, RESTRICTION

Any person who shall, within the City, load, unload, or transfer from one (1) vehicle to another any hogs, sheep, cattle or other livestock in any public place, street or thoroughfare or on any private premises, and any person who shall park or stand any vehicle in which hogs, sheep, cattle or other livestock are loaded on any public place, street or thoroughfare or on any unenclosed private premises for a period longer than one (1) hour, shall be deemed guilty of a misdemeanor. (CC §73.080)

SECTION 215.180: KEEPING OF BEES PROHIBITED

No person shall, within the City, keep or suffer to be kept a beehive containing bees. (CC §73.090)

SECTION 215.190: ANNOYING, BARKING DOGS

No person shall own, keep or harbor any dog which by loud, continual or frequent barking, howling or yelping shall annoy or disturb any neighborhood or person, or which habitually barks at or chases pedestrians or any vehicle whatsoever, to the annoyance of such pedestrians or drivers. (CC §73.110; Ord. No. 743 §1, 12-15-03; Ord. No. 790 §1, 11-7-05)

SECTION 215.200: VICIOUS DOGS; RESTRAINT, POSTING

No person shall own, keep, harbor or allow to be in or upon his premises any dog of a cross, dangerous, vicious or ferocious disposition, or which habitually snaps at or bites or

manifests a disposition to bite or attack persons, unless such dog is securely fastened by a chain not over six (6) feet long, or is otherwise securely confined upon such premises; and in addition, unless there is in a conspicuous place upon such premises a sign with letters at least two (2) inches high containing the following words, "Beware of Dangerous Dog". (CC §73.120)

SECTION 215.210: RUNNING LOOSE PROHIBITED

- A. No person owning, controlling, possessing, or having the management or care, in whole or in part, of any dog shall permit such dog to run at large or go off the premises of any owner or keeper thereof, unless such dog is securely tied or led by a line or leash, not to exceed ten (10) feet in length, so as to effectively prevent such dog from biting, molesting or approaching any other person or animal.
- B. No person owning, possessing, or otherwise having under his control or custody any wild animal or domestic animal or fowl of any kind shall permit the same to run at large in or upon any of the streets or public places or unenclosed lands of the City, or to tie or tether same in such a way that such animal or fowl may go across or upon any of such places. (CC §73.130)

**CHAPTER 220: FAIR HOUSING AND PUBLIC ACCOMMODATIONS
POLICY**

SECTION 220.010: DECLARATION OF POLICY

The City Council of the City of Scott City hereby declares it to be the public policy of the City to eliminate discrimination and safeguard the right of any person to sell, purchase, lease, rent or obtain real property without regard to race, sex, color, national original, ancestry, religion or religious affiliation, handicap and without regard to whether a family has children. This Chapter shall be deemed an exercise of the police powers of the City of Scott City, Missouri, for the protection of the public welfare, prosperity, health and peace of the people of Scott City. (Ord. No. 38 §1, 10-6-80; CC §56.020; Ord. No. 458 §1, 1-16-95)

SECTION 220.020: DEFINITIONS

The following words shall have the prescribed meanings as used in this Chapter:

AGGRIEVED PERSON: Includes any person who is attempting to provide housing for himself and/or his family in the City of Scott City, Missouri.

COMMISSION: The City Commission on Human Relations.

DISCRIMINATE: Distinctions in treatment because of race, sex, color, religion or religious affiliation, handicap, familial status, or national origin of any person.

DISCRIMINATORY HOUSING PRACTICE: An act that is unlawful under Sections 220.030, 220.040 or 220.050 of this Chapter.

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

FAMILY: Includes a single individual.

PERSON: Includes any individual, firm, partnership or corporation.

PLACES OF PUBLIC ACCOMMODATION: All businesses or enterprises offering, providing, or holding out to the general public, facilities or commodities.

TO RENT: Includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.
(Ord. No. 38 §2, 10-6-80; CC §56.030; Ord. No. 458 §2, 1-16-95)

SECTION 220.030: DISCRIMINATORY PRACTICES

It shall be a discriminatory practice and a violation of this Chapter for any person to:

1. Refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any

person because of race, sex, color, religion, religious affiliation, handicap, familial status or national origin of any person.

2. Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, sex, color, religion, religious affiliation, handicap, familial status or national origin.
3. Make, print, or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, sex, color, religion, religious affiliation, handicap, familial status or national origin, or an intention to make any such preference, limitation or discrimination.
4. Represent to any person, because of race, sex, color, religion, religious affiliation, handicap, familial status or national origin that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available.
5. For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, sex, color, religion, religious affiliation, handicap, familial status or national origin.
6. Bars discrimination in the sale or rental of housing on the basis of a handicap, and requires the design and construction of new multi-family dwelling with four (4) or more units to meet certain adaptability and accessibility requirements.
7. Bars discrimination in the sale or rental of housing because a family has children, but exempts certain types of buildings that house older person, e.g. Section 202 housing. (Ord. No. 38 §3, 10-6-80; CC §56.040; Ord. No. 458 §3, 1-16-95)

SECTION 220.040: DISCRIMINATION IN THE FINANCING OF HOUSING

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan to a person applying therefor for the purpose of purchasing, constructing, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, or conditions of such loan, because of the race, sex, color, religion, religious affiliation, handicap, familial status or national origin of such person or of any person associated with him in connection with such financing. (Ord. No. 38 §4, 10-6-80; Ord. No. 458 §4, 1-16-95)

SECTION 220.050: DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in terms or conditions of such access membership or participation, on account of race, creed, color, religion, national origin or ancestry. (Ord. No. 38 §5, 10-6-80)

SECTION 220.060: ADMINISTRATION

- A. There is hereby created a Fair Housing committee whose membership shall consist of five (5) members, who shall be appointed by the Mayor of the City with the approval of the City Council.
- B. Every complaint of a violation of this Chapter shall be referred to the Fair Housing Committee. The Fair Housing Committee shall forthwith notify the person against whom the complaint is made. The identity of the aggrieved person shall be made known to the person against whom the complaint is made at that time. If the Fair Housing Committee, after investigation, finds there is no merit to the complaint, the same shall be dismissed. If the Fair Housing Committee finds that there is merit in the complaint, in their opinion, then and in that event, the Fair Housing Committee will endeavor to eliminate the alleged discriminatory practice by conference and conciliation.
- C. If the Fair Housing Committee is unable to eliminate the alleged discriminatory practice by a conference and conciliation, then and in that event, the Fair Housing Committee shall forward said complaint to the City Attorney for handling. The final determination of whether or not to prosecute on said complaint shall be left to the City Attorney. (Ord. No. 38 §6, 10-6-80; Ord. No. 458 §5, 1-16-95)

SECTION 220.070: EDUCATION AND CONCILIATION

Immediately after the enactment of this Chapter, the Commission shall commence such educational and conciliatory activities as in its judgment will further the purposes of this Chapter. It may hold conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this Chapter and their suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and or enforcement. The Commission shall issue such reports on such conferences and consultations as it deems appropriate. (Ord. No. 38 §7, 10-6-80)

SECTION 220.080: ENFORCEMENT

- A. Any person convicted of a violation of this Chapter shall be punished by a fine of not more than two hundred dollars (\$200.00) or by confinement in the City Jail for not more than thirty (30) days, or by both such fine and imprisonment.
- B. The City Attorney, instead of filing a complaint in Municipal Court of said City, may as an alternative remedy, seek to have the alleged discriminatory practices abated by an action for an injunction to be maintained in the appropriate Circuit Court of the State of Missouri. (Ord. No. 38 §8, 10-6-80; Ord. No. 458 §6, 1-16-95)

SECTION 220.090: ENFORCEMENT BY PRIVATE PERSONS

The rights granted by Sections 220.020, 220.040 and 220.050 may be enforced by civil actions to enjoin the violation of this Chapter in the Circuit Court of Scott County, Missouri. Any such civil action shall be commenced within one hundred eighty (180) days after the alleged discriminatory housing practice occurred. The City Attorney, on behalf of the City, may intervene as a party plaintiff. (Ord. No. 38 §9, 10-6-80)

SECTION 220.100: ENFORCEMENT BY THE CITY ATTORNEY

- A. The Commission, in the event of failure to secure voluntary compliance with the requirements of this Chapter, shall cause the Chairman thereof to certify, in writing, to the City Attorney that all reasonable efforts of the Commission to secure conciliation are concluded in the matter and the Commission shall, with such certification, transmit the Commission file, the transcript of the hearing, if any, and in all other respects cooperate with the City Attorney.
- B. Upon certification by the Commission, the City Attorney shall institute a charge in the Municipal Court against the alleged violator and prosecute the same to a final conclusion.
- C. Pursuant to Subsections (A) and (B) hereof, or whenever the City Attorney has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this Chapter, or that any group of persons has been denied any of the rights granted by this Chapter and such denial raises an issue of general public importance, he may bring a civil action in the Circuit Court of Scott County, Missouri, by filing with it a complaint setting forth the facts and requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for such pattern or practice or denial of rights, as he deems necessary to insure the full enjoyment of the rights granted by this Chapter.
- D. If it appears that the complainant is in danger of suffering irreparable injury, or if it appears that some action is about to be taken which will jeopardize the complainant's interest in the subject property, the City Attorney shall file an injunction in the Circuit Court of Scott County, Missouri, to prevent the continued violation of this law or to prevent the parties from acting in such a manner as to frustrate the intent and purpose of this Chapter, upon a showing that the complainant would suffer irreparable harm without such action.
- E. Upon a conviction in the Municipal Court for a violation of Section 220.030, 220.040 and 220.050 of this Chapter, in addition to any other penalties which may have been imposed under this Chapter, the license of such person to engage in the real estate business in this City may be suspended for a period not to exceed thirty (30) days, for the first conviction, and may be suspended for a period not to exceed six (6) months or revoked upon the second conviction.
- F. Any person who shall commit a discriminatory housing practice in violation of Section 220.030, 220.040, 220.050 or 220.120 of this Chapter shall, upon conviction thereof, be punished for each such violation by a fine not exceeding one hundred dollars (\$100.00), or by imprisonment in the Municipal Jail for a period of time not to exceed three (3) months for each such violation, or by both such fine and imprisonment. Each day shall constitute a separate violation. (Ord. No. 38 §10, 10-6-80)

SECTION 220.110: INVESTIGATIONS

- A. In conducting an investigation and hearing, the Commission shall have access at all reasonable times to premises, records, documents, individuals and other evidence or possible sources of evidence and may examine, record and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation.

- B. The City Attorney shall conduct all litigation in which the Commission participates as a party or as amicus pursuant to this Chapter. (Ord. No. 38 §11, 10-6-80)

SECTION 220.120: INTERFERENCE, COERCION OR INTIMIDATION

It shall be unlawful to coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by the provisions of this Chapter. (Ord. No. 38 §12, 10-6-80)

SECTION 220.130: COMMISSION ON HUMAN RELATIONS ESTABLISHMENT AUTHORIZED

There is hereby authorized a City Commission on Human Relations to consist of three (3) members to be appointed by the Mayor subject to the approval of the City Council. The Committee shall designate one (1) of its members to serve as Chairman. Of the first appointees, one (1) shall be appointed for a one (1) year term, one (1) for a two (2) year term, and one (1) for a three (3) year term. Thereafter, all members appointed shall serve a term of three (3) years, excepting those appointed to fill a vacancy occurring during the term of a member. All members shall serve without compensation. (Ord. No. 38 §13, 10-6-80)

SECTION 220.140: COMMISSION ON HUMAN RELATIONS ESTABLISHMENT—MEETINGS AND PROCEDURES

The Commission shall fix the time and place of its meetings, and shall, except as herein provided, adopt such other procedures deemed necessary for the successful administration of the provisions and the consummation of the purpose of this Chapter. (CC §56.060)

CHAPTER 225: OFFENSES

SECTION 225.010: HARASSMENT

- A. A person commits the offense of harassment if for the purpose of frightening or disturbing another person, he:
1. Communicates in writing or by telephone a threat to commit any felony; or
 2. Makes a telephone call or communicates in writing and uses coarse language offensive to one (1) of average sensibility; or
 3. Makes a telephone call anonymously; or
 4. Makes repeated telephone calls.
- B. Harassment is a Class A misdemeanor. (Ord. No. 143 §1, 1-7-85; RSMo. §565.090)

SECTION 225.015: STALKING

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

COURSE OF CONDUCT: A pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct". Such constitutionally protected activity includes picketing or other organized protests.

CREDIBLE THREAT: A threat made with the intent to cause the person who is the target of the threat to reasonably fear for his/her safety. The threat must be against the life of, or a threat to cause physical injury to, a person.

HARASSES: To engage in a course or conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person to suffer substantial emotional distress, and that actually causes substantial emotional distress to that person.

- B. Any person who purposely and repeatedly harasses or follows with the intent of harassing another person commits the crime of stalking.
- C. Any person who purposely and repeatedly harasses or follows with the intent of harassing or harasses another person, and makes a credible threat with the intent to place that person in reasonable fear of death or serious physical injury, commits the crime of aggravated stalking.
- D. Any Police Officer may arrest, without a warrant, any person he/she has probable cause to believe has violated the provisions of this Section. (Ord. No. 538 §1, 11-18-96)

SECTION 225.020: SEXUAL ABUSE IN THE SECOND DEGREE

A person commits the crime of sexual abuse in the second degree, if he subjects another

person to whom he is not married to sexual contact, when the other person is incapacitated or twelve (12) or thirteen (13) years old. (Ord. No. 143 §1,1-7-85; RSMo. §566.110)

SECTION 225.030: SEXUAL ABUSE IN THE THIRD DEGREE

A person commits the crime of sexual abuse in the third degree if he subjects another person to whom he is not married to sexual contact without that person's consent.

(Ord. No. 143 §1,1-7-85; RSMo. §566.120)

SECTION 225.040: PROHIBITED ACTS CONCERNING DRUGS

- A. It is unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense, distribute, or compound any controlled or counterfeit substances except as authorized in §§195.010 to 195.320, RSMo.
- B. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of this Chapter.
- C. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of this Chapter.
- D. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.
- E. It is unlawful for any person to use, or to possess with intent to use, an imitation controlled substance in violation of this Chapter.
- F. It is unlawful for any person to deliver, possess with intent to deliver, manufacture with intent to deliver, or cause to be delivered any imitation controlled substance.
- G. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication, or to post or distribute in any public place, any advertisement or solicitation with reasonable knowledge that the purpose of the advertisement or solicitation is to promote the distribution of imitation controlled substances.
(Ord. No. 143 §1,1-7-85; RSMo. §195.020)

SECTION 225.045: PROHIBITED ACTS CONCERNING SOLVENTS

- A. No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, amyl nitrite, butyle nitrite, cyclohexyl nitrite, ethyl 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.

- B. As used in this Section, "*alcohol beverage vaporizer*" means any device which, by means of heat, a vibrating element or any other 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.
- C. 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:
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; and
 7. Propyl nitrite and its iso-analogues.
- D. 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.
- E. No person shall intentionally possess any solvent, particularly toluol, ethyl alcohol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by Section 578.250, RSMo., and this Section.
- F. No person shall possess or use an alcoholic beverage vaporizer.
- G. Nothing in this Section shall be construed to prohibit the legal consumption of intoxicating liquor, as defined by Section 311.020, RSMo., or non-intoxicating beer, as defined by Section 312.010*, RSMo.
- H. No person shall intentionally possess or buy any solvent, particularly toluol, ethyl alcohol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, propyl nitrite and their iso-analogues for the purpose of inducing or aiding any other person to violate the above provision. (Ord. No. 879 §1, 2-1-10)

SECTION 225.047: REGULATION OF METHAMPHETAMINE PRECURSOR DRUGS

- A. *General Policy.* The City Council of the City of Scott City has found the manufacture, transportation, possession and sale of methamphetamine to be inherently dangerous and that the chemical precursors of methamphetamine and the by-products and wastes of methamphetamine production are inherently dangerous and injurious to the public health, safety and welfare of the citizens of the City. Regulation of the sale of the chemical precursors to methamphetamine production, namely, ephedrine products and

pseudoephedrine products, is necessary to protect the citizens of the City.

B. *Definitions.* For the purposes of this Section, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

EPHEDRINE: All forms of ephedrine, ephedrine hydrochloride and all combinations of these chemicals and any methamphetamine precursor drug containing these chemicals.

METHAMPHETAMINE PRECURSOR DRUG: Any drug or substance as described in Section 195.246 or Section 195.248, RSMo.

PERSON: Any individual, corporation, partnership, trust, limited liability company, firm, association or other entity.

PSEUDOEPHEDRINE: All forms of pseudoephedrine, pseudoephedrine hydrochloride and all combinations of these chemicals and any methamphetamine precursor drug containing these chemicals.

C. *Prohibition Of Sale Of Methamphetamine Precursor Drugs.* It shall be illegal for any person to sell, deliver or distribute ephedrine, pseudoephedrine or any other methamphetamine precursor drugs except as set forth in the specific exceptions contained in this Section.

D. *Exceptions.*

1. Ephedrine, pseudoephedrine or other methamphetamine precursor drugs may be sold by a Missouri licensed pharmacist after being authorized to do so by prescription from a physician or other health care professional licensed by the State of Missouri to write prescriptions.
2. Ephedrine, pseudoephedrine or other methamphetamine precursor drugs may be distributed by a licensed physician within the physician's office, clinic, nursing home or other licensed health care facility.
3. This Section regulating ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall not apply to the sale of animal feed containing ephedrine or dietary supplement products containing naturally occurring or herbal ephedra or extracts of herbal ephedra.

E. *Prima Facie Evidence.* It shall be prima facie proof that a substance is regulated by this Section if the substance is contained in its original packaging and is labeled as being ephedrine, pseudoephedrine or other methamphetamine precursor drugs.

F. *Reporting Theft Of Methamphetamine Precursor Drugs.*

1. All thefts, shortages, disappearances, miscounts or other losses of ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall be reported to the Police Department of the City within twenty-four (24) hours of discovery.
2. Any person selling ephedrine, pseudoephedrine or other methamphetamine precursor drugs shall report any difference between the quantity of the aforementioned drugs shipped and the quantity received to the Police Department of the City within twenty-four (24) hours of discovery.

G. *Injunctive Relief.* The City may seek injunctive relief against any person who is in violation of this Section.

H. *Penalty.* Each violation of this Section shall be considered a separate offense. Violation of this Section shall be punished under Section 110.010 of the Code. (Ord. No. 911 §1, 12-6-10; Ord. No. 914 §1, 2-7-11)

SECTION 225.050: POSSESSION OF BURGLAR'S TOOLS

A person commits the crime of possession of burglar's tools if he possesses any tool, instrument or other article adapted, designed or commonly used for committing or facilitating offenses involving forcible entry into premises, with a purpose to use or

knowledge that some person has the purpose of using the same in making an unlawful forcible entry into a building or inhabitable structure or a room thereof. (Ord. No. 143 §1, 1-7-85; RSMo. §569.180)

SECTION 225.060: RECEIVING STOLEN PROPERTY

- A. A person commits the crime of receiving stolen property if for the purpose of depriving the owner of a lawful interest therein, he 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.
1. That he was found in possession or control of other property stolen on separate occasions from two (2) or more persons;
 2. That he received other stolen property in another transaction within the year preceding the transaction charged;
 3. That he acquired the stolen property for a consideration which he knew was far below its reasonable value. (Ord. No. 143 §1, 1-7-85; RSMo. §570.080)

SECTION 225.070: REFUSAL TO IDENTIFY AS A WITNESS

- A. A person commits the crime of refusal to identify as a witness if, knowing he 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 official duties, he refuses to report or gives a false report of his name and present address to such officer.
- B. Refusal to identify as a witness is a misdemeanor.
(Ord. No. 143 §1, 1-7-85; RSMo. 575.190)

SECTION 225.075: FAILURE TO APPEAR IN MUNICIPAL COURT

- I. Any person who, having been issued a summons or a Missouri uniform traffic ticket for any violation of the laws of the City fails to appear before the Judge of the Municipal Court as required shall be guilty of an offense.
- J. In addition to the forfeiture of any security which was given or pledged for his/her release, any person who, having been released upon a recognizance of bond pursuant to any other provisions of law, fails to appear before the Judge of the Municipal Court as required shall be guilty of an offense.
- K. Nothing in this Section shall prevent the exercise of the Municipal Court of its power to punish for contempt.
- L. It shall be unlawful for any person to fail or refuse to obey a lawful subpoena or order issued by the Municipal Court for the City. (Ord. No. 413 §1, 10-16-93)

SECTION 225.076: ACTS CONSTITUTING CONTEMPT OF COURT

A person commits the crime of contempt of court if guilty of any of the following:

1. Disorderly, contemptuous or insolent behavior committed during its session, in its immediate view and presence, and directly tending to interrupt its proceedings or to impair the respect due to the court's authority;
2. Any breach of the peace, noise or other disturbance directly tending to interrupt the court's proceedings;
3. Willful disobedience of any process or order lawfully issued or made by the court;
4. Resistance willfully offered by any person to the lawful order or process of the court;
5. The contumacious and unlawful refusal of any person to be sworn as a witness or, when so sworn, to refuse to answer any legal and proper interrogatory. (Ord. No. 718 §3, 3-17-03)

SECTION 225.080: DISTURBING A JUDICIAL PROCEEDING

A person commits the crime 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 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. (Ord. No. 143 §1, 1-7-85; RSMo. §575.250)

SECTION 225.085: FAILURE TO REPORT TO CONFINEMENT

A person commits the offense of failure to report to confinement if, being a defendant in a municipal case, the defendant is directed by the Municipal Judge to report to the Municipal Jail at a designated time for service of a sentence, but fails to report at the designated time. (Ord. No. 622 §1, 1-4-99)

SECTION 225.086: FAILURE TO RETURN TO CONFINEMENT

A person commits the offense of failure to return to confinement if, while serving a sentence for any ordinance violation under a work-release program, or while under sentence of any ordinance violation to serve a term of confinement which is not continuous, or while serving any other type of sentence for any ordinance violation wherein he is temporarily permitted to go at large without guard, he purposely fails to return to confinement when he is required to do so. (Ord. No. 699 §1, 11-19-01)

SECTION 225.088: DELIVERY OR CONCEALMENT IN CITY JAIL OF NARCOTICS, LIQUOR OR PROHIBITED ITEMS—UNLAWFUL

- A. It shall be an offense for any person to knowingly deliver, attempt to deliver or have in his possession, deposit or conceal in or about the City Jail the following:

1. Any controlled substance as that term is defined by law, except upon the written prescription of a licensed physician or dentist.
 2. Any other alkaloid or any controlled substance, or any spirituous malt liquor, or any intoxicating liquor as defined in Section 311.020, RSMo.
 3. Any article or item of personal property which an offender is prohibited by the rules and regulations of the Police Department from receiving or possessing. The Section of the Police rules and regulations setting forth what items of personal property are prohibited in the jail shall be posted in the jail.
 4. Any gun, knife, weapon or any other article or item of personal property that may be used in such a manner as to endanger the safety or security of the jail or as to endanger the life or limb of any inmate or employee at the jail.
- B. Any person who has been found guilty of a violation of this Section shall be subject to a punishment not to exceed ninety (90) days in the County Jail or a five hundred dollar (\$500.00) fine, or both fine and confinement. (Ord. No. 734 §§1-2, 9-2-03)

SECTION 225.090: PENALTY FOR SECTIONS 225.010 THROUGH 225.086

Any person who shall be found guilty of violating any of the aforesaid Sections shall be punished by a fine of not less than five dollars (\$5.00), nor more than five hundred dollars (\$500.00), or by imprisonment not less than one (1) day, nor more than three (3) months, or both fine and imprisonment. (Ord. No. 143 §1, 1-7-85; Ord. No. 717 §2, 3-17-03)

SECTION 225.100: TAMPERING

A person commits the offense of tampering if he:

1. Tamper with the property of another for the purpose of causing substantial inconvenience to that person or to another; or
2. Unlawfully operates or 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.
4. Tamper with, or causes to be tampered with, any meter or any 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 prevent the diversion of any electric, gas, steam, or water services.
(CC §75.010)

SECTION 225.110: PROPERTY DAMAGE

A person commits the offense of property damage if he knowingly damages property of another, or he damages property for the purpose of defrauding an insurer. (CC §75.020)

SECTION 225.120: TRESPASS

A person commits the offense of trespass if he enters unlawfully upon real property of another, without license or privilege. In addition, a person also commits the offense of trespass if he enters lawfully upon real property of another, but refuses to leave upon reasonable request by the owner or the owner's authorized agent. (Ord. No. 353 §1, 11-6-91)

SECTION 225.130: DISORDERLY CONDUCT

- A. It is unlawful for any person to engage in disorderly conduct.
- B. A person commits the offense of disorderly conduct if, with the purpose of causing public inconvenience, annoyance or alarm, or recklessly creating a risk thereof he/she:
 - 1. Engages in fighting or in violent, threatening or tumultuous behavior;
 - 2. Disturbs or disrupts any lawful assembly or meeting of persons;
 - 3. Knowingly exposes his genitals under circumstances under which he/she knows that his/her conduct is likely to cause affront or alarm. (Ord. No. 536 §1, 10-21-96; Ord. No. 751 §1, 4-5-04)

SECTION 225.135: OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS

No person shall willfully fail or refuse to comply with any lawful order or direction of Police Officer or Fire Department official. (Ord. No. 751 §2, 4-5-04)

SECTION 225.140: PEACE DISTURBANCE

- A. *Definitions.* For the purposes of this Section, the following words shall have the prescribed meanings:

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.

SEPARATE PREMISES: If a building or structure is divided into separately occupied units, such units are separate

premises.

- B. *Peace Disturbance.* A person commits the crime of peace disturbance if:
1. He/she unreasonably and knowingly disturbs or alarms another person or persons by:
 - a. Loud noise, or
 - b. Offensive and indecent language which is likely to produce an immediate violent response from a reasonable recipient, or
 - c. Threatening to commit a crime against any person, or
 - d. Fighting, or
 - e. Creating a noxious and offensive odor.
 2. He/she is in a public place or on property of another without consent and purposely causes inconvenience to another person or persons by unreasonable and physically obstructing:
 - a. Vehicular or pedestrian traffic.
 - b. The free ingress or egress to and from a public or private place. (CC §§75.040–75.060; Ord. No. 313 §9, 10-1-90; Ord. No. 537 §1, 10-21-96)

SECTION 225.145: NOISE DISTURBANCE

- A. It shall be unlawful for any individual to play any musical instrument, radio, television or any device made to play cassettes, records, compact discs, audio and/or video tapes, loud speaker, public address system or any similar device so that it emits a sound that can be heard one hundred fifty (150) feet or more from the device. This includes any of the aforementioned devices that are mounded in/on motor vehicles, boats, trucks, bicycles, carried on one's person or placed in a building, to include private residences, apartments, places of business and similar structures.
- B. It shall be unlawful for any individual to operate any vehicle equipped with a muffler cutout device which is open or that is equipped with a straight pipe(s).
- C. It shall be unlawful for any individual to use an engine exhaust brake (except in an emergency situation).
- D. A Police Officer may issue a Uniform Traffic Ticket (UTT) to the individual responsible for any such device/vehicle emitting sound in violation of Subsection (A), (B) or (C) above, including the driver of a motor vehicle or the first (1st) registered owner of the vehicle, the owner of record or a resident of a residence or apartment, the proprietor of a business or the person who is in physical control of any such device or vehicle.
- E. This Section shall not apply to licensed carnivals, religious services, rodeos, ball games, swim meets, noise emitted by machinery during its normal operation, emergency vehicles or noise emitted under similar circumstances, Scott City R-1 School District activities, activities with business or commercial locations in an appropriately zoned district where the activities are inside the structure.
- F. *Permits Authorized.* Any individual, business or organization may apply for a permit that will allow for an outside event where the noise generated may otherwise be in violation of this Section. A permit may be issued/obtained from the City Clerk at their discretion.

Such permit shall identify the applicant and duration of the event. No fee shall be charged for said permit. (Ord. No. 910 §1, 11-15-10)

SECTION 225.150: SHOPLIFTING, STEALING

A person commits the offense of stealing if he appropriates property or services of another with the purpose to deprive him thereof, either without his consent or by means of deceit or coercion. (CC §75.120)

SECTION 225.155: FAILURE TO RETURN RENTED PERSONAL PROPERTY

- A. A person commits the offense of failing to return leased or rented property if, with the intent to deprive the owner thereof, he/she knowingly fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or returning of such personal property.
- B. It shall be prima facie evidence of the crime of failing to return leased or rented property when a person who has leased or rented personal property of another knowingly fails to return or make arrangements acceptable with the lessor to return the personal property to its owner within ten (10) days after proper notice following the expiration of the lease or rental agreement.
- C. This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable, if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement, or within ten (10) days after proper notice.
- D. Proper notice by the lessor shall consist of a written demand addressed and mailed by certified or registered mail to the lessee at the address given at the time of the making

of the lease or rental agreement. The notice shall contain a statement that the failure to return the property may subject the lessee to prosecution. (Ord. No. 419 §1, 1-3-94)

SECTION 225.160: CONSUMPTION OF ALCOHOLIC BEVERAGE IN MOVING VEHICLE—PROHIBITED

- A. No person shall consume any alcoholic beverage while operating a motor vehicle upon any public street, avenue or alley within the City.
- B. Any person found guilty of violating the provisions of this Section shall be punished by a fine of not more than five hundred dollars (\$500.00).
- C. Any conviction under this Section shall not reflect on any records of the Department of Revenue. (Ord. No. 377 §§1—2, 8-17-92)

SECTION 225.170: POSSESSION OF OPEN CONTAINER—PROHIBITED

Except where authorized by appropriate City licenses, no person shall be in possession of any glass, can, bottle or other opened container containing intoxicating liquor or non-intoxicating beer, in or upon the streets, alleys, sidewalks or public parking areas, nor shall any person consume intoxicating liquor or non-intoxicating beer in or upon the streets, alleys, sidewalks or public parking areas within the City limits of the City of Scott City. (Ord. No. 595 §1, 12-15-97)

Editor's Note—Ord. no. 536 §3, enacted October 21, 1996, repealed section 225.170 in its entirety. Former section 225.170 derived from CC §75.150. The following provisions have subsequently been passed.

SECTION 225.180: LEAVING THE SCENE OF A MOTOR VEHICLE ACCIDENT

A person commits the offense of leaving the scene of a motor vehicle accident when being the operator or driver of a vehicle on a public street or on any publicly or privately owned parking lot or parking facility generally open for use by the public and knowing that an injury has been caused to a person or damage has been caused to property, he leaves the place of said injury, damage, or accident without stopping and giving his name, residence (including City and street number), motor vehicle number and chauffeur's or registered operator's number, if any, to the injured party or to a Police Officer, or if no Police Officer is in the vicinity then to the nearest Police Station or Judicial Officer.
(CC §75.160)

SECTION 225.190: DISCHARGING OF FIREARMS, HURLING MISSILES, AND EXPELLING PROJECTILES

- A. *Definitions.* As used in this Section the following terms shall have these prescribed meanings:

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

MISSILE: Any rock, ball, pellet, or other hard object capable of causing serious physical injury or death or property damage when hurled, expelled or driven.

PROJECTILE WEAPON: Any bow, crossbow, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death or cause property damage by striking persons or property.

- B. Except as hereinafter provided in Subsection (H), no person shall discharge any firearm within the City limits.
- C. No person shall hurl or drive any missile or expel any projectile from a projectile weapon within one hundred (100) yards of any occupied school or church building.
- D. No person shall hurl or drive any missile or expel any projectile from a projectile weapon at any object, or at random, on, along or across a public highway or toward any residence or place of business.
- E. No person shall carry any projectile weapon within City limits while intoxicated.
- F. No parent or guardian of any child under seventeen (17) years of age shall knowingly allow or permit such child to commit any of the acts set forth in Subsections (B, C, D and E).
- G. This Section shall not apply to possession of a soft-tipped bow equipped with rubber-tipped arrows or other soft-tipped arrows, any toy slingshot, designed to expel a soft projectile, or any missile incapable of inflicting serious physical injury or property damage.
- H. The City Council may upon written application allow the discharge of firearms within City limits for the purpose of firearm demonstrations and/or competitions, upon the following conditions:
 - 1. No firearms are discharged in a residential area.
 - 2. The applicant has notified the Chief of Police of the time, location and type of demonstration or competition.
 - 3. The Chief of Police has inspected the site to insure the firearm demonstration or competition is safe and has submitted his report to the City Council.
 - 4. The applicant has provided the City with proof of liability insurance covering any injury or death which may result from the activity requested in the application and has released the City from liability pursuant to a release form provided by the City.
 - 5. The applicant has paid to the City a twenty-five dollar (\$25.00) permit for the demonstration or competition. (CC §75.170; Ord. No. 69 §1, 8-17-81; Ord. No. 496 §1, 10-16-95; Ord. No. 678 §§1—2, 2-5-01)

SECTION 225.195: LEAVING THE SCENE OF A SHOOTING

A person commits the offense of leaving the scene of a shooting when, being in possession of a firearm, as described in Section 225.190, he discharges the weapon and causes injury or death to another and, knowing he has done so, leaves the place of the shooting without giving his name, address and driver's license number to the Police Officer. (Ord. No. 652 §1, 2-25-00)

SECTION 225.200: ASSAULT

It shall be unlawful for any person to assault another. A person commits the crime of assault if:

1. He beats or wounds another person without just cause; or
2. He attempts to cause or recklessly causes physical injury to another person; or
3. With criminal negligence he causes physical injury to another person by means of a deadly weapon; or
4. He purposely places another person in apprehension of immediate physical injury; or
5. He recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or
6. He knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative. (CC §75.180; Ord. No. 501 §1, 10-16-95)

SECTION 225.205: POINTING LASER BEAM

- A. It shall be unlawful for any person to focus, point or shine a laser beam directly or indirectly on another person in such a manner as is intended to harass or annoy, or in a manner that may do physical injury to another person.
- B. Any violation of this Section shall subject the violator to a summons to the Municipal Court and upon conviction shall be punishable by a fine of up to five hundred dollars (\$500.00) and costs, or ninety (90) days imprisonment, or both a fine and imprisonment. (Ord. No. 625 §§1–2, 3-15-99)

SECTION 225.210: ESCAPE FROM JAIL OR CUSTODY

If any person confined in any City or County Jail upon conviction for violation of any City ordinance of the City or held in custody going to such jail, shall break such jail or custody, and escape therefrom, he shall, upon conviction, be guilty of a misdemeanor. (CC §75.190)

SECTION 225.220: PEEPING TOMS

- A. No person shall during the night time, except in the discharge or execution of an official duty, loiter about or upon the premises of a place where people reside; nor shall any person, during the night time peep or gaze through windows, doors or other openings of a place wherein people reside.
- B. No person shall during the night time, engage in an indecent or perverted conduct, commonly called that of a "Peeping Tom". (CC §75.200)

SECTION 225.225: LOITERING PROHIBITED

- A. No person shall loiter at anytime between the hours of 12:00 Midnight and 6:00 A.M. on the following parking lots owned by or leased to the City of Scott City: VFW and bank area parking lot, ballpark parking lot, City park pool parking lot, and Shady Grove Park lot.
- B. "*Loiter*" means to remain idle in essentially one (1) location and includes the concept of spending time idly, being dilatory, lingering, sauntering, delaying, standing around or hanging around. (Ord. No. 608 §1, 8-3-98)

SECTION 225.230: MINOR IN POSSESSION OF ALCOHOL

- A. Any person under the age of twenty-one (21) years, who purchases or attempts to purchase, or has in his or her possession any intoxicating liquor as defined in Section 311.020, RSMo., or who is visibly in an intoxicated condition as defined in Section 577.001, RSMo., or has a detectable blood alcohol content of more than two-hundredths of one percent (0.02%) or more by weight of alcohol in such person's blood is guilty of a misdemeanor.
- B. For the purposes of determining violations of any provision of this Section, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The alleged violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.
- C. Any person under the age of twenty-one (21) years who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor or who is visibly in an intoxicated condition as defined in Section 577.001, RSMo., shall be deemed to have given consent to a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood. The implied consent to submit to the chemical tests listed in this Subsection shall be limited to not more than two (2) such tests arising from the same arrest, incident or charge. Chemical analysis of the person's breath, blood, saliva or urine shall be performed according to methods approved by the State Department of Health and Senior Services by licensed medical personnel or by a person possessing a valid permit issued by the State Department of Health and Senior Services for this purpose. The State Department of Health and Senior Services shall approve satisfactory techniques, devices, equipment or methods to be considered valid and shall establish standards to ascertain the qualifications and competence of individuals to conduct analyses and to issue permits which shall be subject to termination or revocation by the State Department of Health and Senior Services. The person tested may have a physician or a qualified technician, chemist, registered nurse or other qualified person of their choosing and at the expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. "*Full information*" is limited to the following:
1. The type of test administered and the procedures followed;

2. The time of the collection of the blood or breath sample or urine analyzed;
3. The numerical results of the test indicating the alcohol content of the blood and breath and urine;
4. The type and status of any permit which was held by the person who performed the test;
5. If the test was administered by means of a breath-testing instrument, the date of performance of the most recent required maintenance of such instrument.

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

D. The provisions of this Section shall not apply to a student who:

1. Is eighteen (18) years of age or older; and,
2. Is enrolled in an accredited college or university and is a student in a culinary course; and,
3. Is required to taste, but not consume or imbibe, any beer, ale, porter, wine or other similar malt or fermented beverage as part of the required curriculum; and,
4. Tastes a beverage under Subdivision (3) of this Subsection only for instructional purposes during classes that are part of the curriculum of the accredited college or university.

The beverage must at all times remain in the possession and control of an authorized instructor of the college or university, who must be twenty-one (21) years of age or older. Nothing in this Subsection may be construed to allow a student under the age of twenty-one (21) to receive any beer, ale, porter, wine or other similar malt or fermented beverage unless the beverage is delivered as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted as part of the curriculum. (CC §75.210; Ord. No. 789 §§1–2, 10-17-05; Ord. No. 885 §§1–2, 2-1-10)

SECTION 225.240: RESISTING OR INTERFERING WITH ARREST

A. A person commits the crime 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 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 pursuant to 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. (Ord. No. 216 §2, 11-2-87; Ord. No. 531 §1, 10-7-96; Ord. No. 878 §1, 2-1-10)

SECTION 225.250: ASSAULT OF A LAW ENFORCEMENT OFFICER, CORRECTIONAL OFFICER, EMERGENCY PERSONNEL OR PROBATION AND PAROLE OFFICER

- A. A person commits the crime of assault of a Law Enforcement Officer, Correctional Officer, Emergency Personnel, or Probation and Parole Officer if:
 - 1. Such person recklessly causes physical injury to a Law Enforcement Officer, Correctional Officer, Emergency Personnel, or Probation and Parole Officer;
 - 2. Such person purposely places a Law Enforcement Officer, Correctional Officer, Emergency Personnel, 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, Correctional Officer, Emergency Personnel, or Probation and Parole Officer without the consent of the Law Enforcement Officer or Correctional Officer, Emergency Personnel, or Probation and Parole Officer.
- B. As used in this Section, "*Emergency Personnel*" means any paid or volunteer firefighter, emergency room or trauma center personnel or emergency medical technician as defined in Subdivisions (15), (16), (17) and (18) of Section 190.100, RSMo.
- C. As used in this Section, the term "*Corrections Officer*" includes any Jailor or Corrections Officer of the State or any political subdivision of the State. (CC §75.240; Ord. No. 886 §§1–2, 2-1-10)

SECTION 225.260: IMPERSONATE POLICE

It shall be unlawful for any person to impersonate an Officer or other official of the City. (CC §75.250)

SECTION 225.270: PASSING BAD CHECKS

- A. A person violates the provisions of this Section prohibiting the passing of a bad check when, with the purpose to defraud, he or she issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee, or that there is no such drawee.
- B. If the issuer has no account with the drawee, or if there was no such drawee at the time

the check or order was issued, this fact shall be prima facie evidence of his or her purpose to defraud and of his or her knowledge that the check or order would not be paid.

- C. If the issuer has an account with the drawee, failure to pay the check or order within ten (10) days after notice in writing that it has not been honored because of insufficient funds or credit with the drawee is prima facie evidence of his or her purpose to defraud and of his or her knowledge that the check or order would not be paid.
- D. Notice in writing means notice deposited as first class mail in the United States mail and addressed to the issuer at his or her address as it appears on the dishonored check or to his last known address.
- E. The range of punishment for violation of this Section shall be up to three (3) months in the City Jail or a fine of five hundred dollars (\$500.00) or both fine and confinement. (Ord. No. 176 §§1-5, 6-2-86)

SECTION 225.275: IDENTITY THEFT

A person commits the offense of identity theft if he knowingly and with intent to deceive or defraud obtains, possesses, transfers, uses, or attempts to obtain, transfer or use, one (1) or more means of identification not lawfully issued for his use. (Ord. No. 653 §1, 2-25-00)

SECTION 225.280: GIVING FALSE INFORMATION

- A. It shall be unlawful for any person to give false information, knowingly, to any official or employee or representative of the City on any matter pertaining to or affected by his or her official duty.
- B. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement, but this defense shall not apply if the retraction was made after:
 - 1. The falsity of the statement was exposed; or
 - 2. Any City official, employee or representative took substantial action in reliance on the statement. (Ord. No. 115 §§1-2, 10-17-83)

SECTION 225.290: CARRYING CONCEALED WEAPONS

- A. No person, who is not licensed to carry a concealed weapon shall carry a concealed weapon upon his or her person, as defined by the Missouri Statutes.
- B. No person may exhibit any weapon in a rude, angry or threatening manner, or shall have any weapon in his possession when intoxicated or, directly or indirectly, sell or deliver, loan or barter to any minor any weapon, without consent of the parent or guardian of such person.
- C. No person licensed to carry a concealed weapon, shall enter into any public building in the City, including, but not limited to Police Station, City Hall, Fire Station, all Public Works buildings, City Jail or Municipal Court room. No person shall carry a concealed weapon into any hospital accessible by the public. In addition, no person licensed to carry a concealed weapon may carry a concealed weapon into any place licensed for the sale of liquor, a school or any portion of a building used as a child care facility, any gated area of an amusement park, including a municipal park after the same is gated, church or

other place of worship or any private property with a posted notice. In addition, no person shall carry a concealed weapon who is in possession or under the influence of alcoholic beverages, including non-intoxicating beer.

D. Nothing contained in Subsections (A) and (C) hereof shall apply to:

1. Any legally qualified Sheriffs, Police Officers who have completed the training required by Police Officer Standards and Training Commission pursuant to Sections 590.030 to 590.050, RSMo., and possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or municipalities of the State, whether such officers are on or off duty, and whether such officers are within or outside of the Law Enforcement Agency's jurisdiction, or any other 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;
 8. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Board of Police Commissioners under Section 84.340, RSMo.;
 9. Any Coroner, Deputy Coroner, Medical Examiner or Assistant Medical Examiner.
- E. Any person violating Subsections (A) or (B) of this Section shall, upon conviction, be punished by imprisonment of not more than three (3) months and/or by a fine of not more than five hundred dollars (\$500.00).
- F. Any person in violation of Subsection (C) of this Section shall be guilty of trespass and shall be assessed a fine not to exceed one hundred dollars (\$100.00). (Ord. No. 175 §§1-2, 6-2-86; Ord. No. 741 §1, 10-21-03; Ord. No. 750 §1, 3-1-04; Ord. No. 883 §1, 2-1-10)

SECTION 225.300: OFFENSES IN CITY PARK

A. It shall be unlawful for any person in a public park or recreation area to:

1. Ride or lead a horse, except on a bridle trail, plainly designated as such by order of the Park Director.
2. Allow a horse or other animal to graze or go unattended on park or recreation property.

3. Operate an all-terrain vehicle in any City Park or recreation area, except on a designated street.
- B. An "All-Terrain Vehicle" shall be as defined in Section 300.020 of this Code.
- C. Any person violating the provisions of this Section shall, upon conviction in Municipal Court, be subject to a fine not to exceed five hundred dollars (\$500.00) or imprisonment in the City Jail of up to sixty (60) days, or both fine and confinement. (Ord. No. 225 §§1-3, 7-5-88)

SECTION 225.310: EMERGENCY TELEPHONE SERVICE—UNLAWFUL ACTIVITIES

- A. An emergency telephone tax, in an amount of fifteen percent (15%) of the tariffed local service rate as defined by Section 190.300, RSMo., is imposed in the City of Scott City, Missouri for which emergency 911 telephone service has been contracted pursuant to Sections 190.300 through 190.320, RSMo.
- B. This tax shall be imposed for a period of three (3) years from the commencement of the collection as specified herein, subject to adjustments in the percentage as provided for by Sections 190.300 through 190.320, RSMo.
- C. This tax rate shall be reviewed annually by the City Council no later than September first (1st) to establish a tax rate not to exceed the amount authorized that together with any surplus revenues carried forward will produce sufficient revenues to fund necessary expenditures for the following year as provided for by Sections 190.300 through 190.320, RSMo.
- D. The collection of said tax shall commence on January 1, 1992 and continue through January 1, 1995 subject to periodic renewals thereafter as provided in Section 190.305.2, RSMo.
- E. It shall be unlawful for any person to:
1. Fail to pay the telephone tax imposed by this Section.
 2. Intentionally place calls through the emergency telephone system for purposes *other* than reporting Police, fire, medical or other emergency situations.
 3. Any person violating any of the provisions of Subsection (E) of this Section shall, upon conviction in Municipal Court, be punished by a fine of not more than five hundred dollars (\$500.00). (Ord. No. 355 §§1-5, 12-2-91; Ord. No. 777 §1, 4-4-05)

SECTION 225.320: PROSTITUTION

- A. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

PROMOTING PROSTITUTION: A person promotes prostitution if, acting other than as a prostitute or a patron of a prostitute, he/she knowingly:

1. Causes or aids a person to commit or engage in prostitution;
2. Procures or solicits patrons for prostitution;

3. Provides persons or premises for prostitution purposes;
4. Operates or assists in the operation of a house of prostitution or a prostitution enterprise;
5. Accepts or receives or agrees to accept or receive something of value pursuant to an agreement or understanding with any person whereby he/she participates or is to participate in proceeds of prostitution activity; or
6. Engages in any conduct designed to institute, aid or facilitate an act or enterprise of prostitution.

PROSTITUTION: A person commits prostitution if he/she engages or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by the person or by a third (3rd) person.

PATRONIZING PROSTITUTION: A person patronizes prostitution if:

1. Pursuant to a prior understanding, he/she gives something of value to another person as compensation for that person or a third (3rd) person having engaged in sexual conduct with him/her or with another;
2. He/she gives or agrees to give something of value to another person or an understanding that in return therefor that person or a third (3rd) person will engage in sexual conduct with him/her or with another; or
3. He/she solicits or requests another person to engage in sexual conduct with him/her or with another, or to secure a third (3rd) person to engage in sexual conduct with him/her or with another, in return for something of value.

SEXUAL CONDUCT: Occurs when there is:

1. *DEVIATE SEXUAL INTERCOURSE:* Any sexual act involving the genitals of one (1) person and the mouth, hand, tongue or anus of another person.
2. *SEXUAL CONTACT:* Any touching, manual or otherwise, of the anus or genitals of one (1) person by another, done for the purpose of arousing or gratifying sexual desire of either party.
3. *SEXUAL INTERCOURSE:* Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.

SOMETHING OF VALUE: Any money or property, or any token, object or article exchangeable for money or property.

- B. *Prostitution.* It shall be unlawful for any person to perform an act of prostitution.
- C. *Patronizing Prostitution.* It shall be unlawful for any person to patronize prostitution.
- D. *Promoting Prostitution.* It shall be unlawful for any person to promote prostitution. (Ord. No. 541 §1, 1-6-97)

SECTION 225.325: CHILD PORNOGRAPHY OR OBSCENITY

- A. A person commits the crime of promoting pornography for minors or obscenity in the second (2nd) degree if, knowing its content or character, he or she:
1. Promotes or possesses with the purpose to promote any obscene material for pecuniary gain; or
 2. Produces, presents, directs or participates in any obscene performance for pecuniary gain; or
 3. Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain; or
 4. Produces, presents, directs or participates in any performance pornographic for minors for pecuniary gain; or
 5. Promotes, possesses with the purpose to promote, produces, presents, directs or participates in any performance that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.
- B. A person commits the crime of furnishing pornographic material to minors if, knowing its content and character, he or she:
1. Furnishes any material pornographic for minors, knowing that the person to whom it is furnished is a minor or acting in reckless disregard of the likelihood that such person is a minor; or
 2. Produces, presents, directs or participates in any performance pornographic for minors that is furnished to a minor knowing that any person viewing such performance is a minor or acting in reckless disregard of the likelihood that a minor is viewing the performance; or
 3. Furnishes, produces, presents, directs, participates in any performance or otherwise makes available material that is pornographic for minors via computer, electronic transfer, Internet or computer network if the person made the matter available to a specific individual known by the defendant to be a minor.
- C. It is not an affirmative defense to a prosecution for a violation of this Section that the person being furnished the pornographic material is a Peace Officer masquerading as a minor. (Ord. No. 877 §1, 2-1-10)

SECTION 225.327: RESTRICTIONS ON SEXUAL OFFENDERS

- A. "*Sexual offender*" as used in this Section refers to any person who has plead guilty or nolo contendere, to or been convicted of, or been found guilty of violating restrictions of Chapters 568 and 573, RSMo., relating to sexual offenders, being Section 568.020, "Incest", Section 568.045, "Endangering The Welfare Of A Child", Section 568.080, "Use Of A Child In A Sexual Performance", Section 568.090, "Promoting A Sexual Performance By A Child", Section 573.023, "Sexual Exploitation Of A Minor", Section 573.025, "Promoting

Child Pornography In The First Degree", Section 573.035, "Promoting Child Pornography In The Second Degree", Section 573.037, "Possession Of Child Pornography" or Section 573.040, "Furnishing Pornographic Material To Minors".

- B. No sexual offender shall knowingly be physically present in or loiter within five hundred (500) feet of or to approach, contact or communicate with any child under eighteen (18) years of age in any child care facility building, on the real property comprising any child care facility when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance, unless the offender is a parent, legal guardian or custodian of a student present in the building or on the grounds.

For the purpose of this Section, "*child care facility*" shall have the same meaning as such term is defined in Section 210.201, RSMo.

- C. No sexual offender shall be present or loiter within five hundred (500) feet of any school building or any real property comprising any school, or in the conveyance owned, leased or contracted by a school to transport children to and from school or a school related activity when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance, unless the offender is a parent, legal guardian or custodian of a student present in the building and has met the conditions otherwise excluded by law.

- D. No parent, legal guardian or custodian who is a sexual offender shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity when persons under the age of eighteen (18) are present in the building, on the grounds or in the conveyance unless the parent, legal guardian or custodian has permission to be present from the superintendent or school board or, in the case of a private school, from the principal. In the case of a public school, if permission is granted, the superintendent or school board president must inform the principal of the school where the sex offender will be present. Permission may be granted by the superintendent, school board or, in the case of a private school, from the principal, for more than one (1) event at a time, such as a series of events. However, the parent, legal guardian or custodian must obtain permission for any other event he or she wishes to attend for which he or she has not yet had permission granted. (Ord. No. 887 §1, 2-1-10)

SECTION 225.330: DISCLOSURE OF CLOSED MEETINGS OR RECORDS

Any person who participates in a meeting closed to the public or who has access to records closed to the public, as authorized by Section 610.020 of the Missouri Statutes, who thereafter discusses any portion of the contents of the meeting or discloses or releases any portion of the closed records shall be guilty of a misdemeanor, punishable under the provisions of Chapter 110 of the Scott City Ordinances. This Section shall not apply to anyone lawfully required to disclose records under the provisions of Chapter 610 of the Missouri Statutes or any person ordered to disclose the contents of a closed meeting or record by a court of competent jurisdiction. (Ord. No. 670 §1, 10-2-00)

CHAPTER 230: NUISANCES

SECTION 230.010: OBSTRUCT NATURAL DRAINS

It shall be unlawful for any person to obstruct or to throw anything or material into any ditch or natural drain that might tend to obstruct the natural flow of water within such ditch or natural drain, or to permit or cause to be permitted any such obstruction to be placed in said ditch or natural drain. (CC §74.010)

SECTION 230.020: MUD ON PUBLIC STREETS

It shall be unlawful for anyone to disturb the surface of the ground or to do any act which would result in mud and dirt washing onto the public streets of the City of Scott City and into the public sewer system of the City of Scott City, Missouri.

1. It shall be unlawful for any person at any site upon which construction is taking place, where it is necessary to disturb the surface of the ground in order to complete the construction, to construct any such facility in such manner so that mud and dirt will wash onto any public street or into any public sewer facility of the City of Scott City.
2. Before being issued a permit for such construction, it will be necessary for the person seeking said permit to submit a plan and drawing of the manner in which the construction work is to be done and which plan and drawing will show that dirt and mud will not be permitted to wash out onto a public street or into a public sewer facility. (CC §74.020)

SECTION 230.030: HOUSE NUMBERS

Each property owner or occupier of a business, house, mobile home, apartment or other dwelling shall display the number assigned to each property by the City of Scott City, Missouri, on the front of the dwelling or business. Such numbers shall be displayed in numbers of sufficient size and clarity to be read with ease from a position across the street or private road abutting the front of said business or dwelling. The emergency management director may direct the number be posted at another site on the property if he determines posting the number by the front door would not be visible to emergency responders. (CC §74.030; Ord. No. 915 §1, 2-22-11)

SECTION 230.040: POOL HALL HOURS

- A. All pool halls located within the corporate limits of Scott City shall be closed for business except when permitted by law to be open. The permitted hours of operation shall be, during the days Monday through Saturday, inclusive, from 6:00 A.M. to 12:00 Midnight; on Sundays a pool hall may be open from 12:00 Noon until 6:00 P.M.
- B. No minor shall enter or remain in any premises operated as a pool hall, unless such minor shall present a written consent signed by the parents or legal guardian of said minor, authorizing him to play pool or to be in such pool hall. (CC §74.050)

SECTION 230.045: PROHIBITING UNSECURED APPLIANCES LOCATED OUTSIDE OF BUILDINGS

It shall be unlawful for any owner, lessee, occupant or any agent, servant, representative or employee of such owner, lessee or occupant having control of any real estate within the City to permit any ice boxes, freezers, refrigerators, washers, dryers, dishwashers or any other appliance containing doors to be in any unsecured buildings or outside the exterior walls of any building located on said real estate, unless the doors to said appliance are first secured by a lock or other secure device to prevent entry into the appliance by any third party. (Ord. No. 818 §1, 4-2-07)

SECTION 230.050: POSTING OF ADVERTISEMENT PROHIBITED

- A. No person shall willfully and maliciously tack, wire, tie or affix any card, poster, bill, streamer, announcement or other advertising matter upon any tree, shrub, post, pole, or building located on public property owned by the City of Scott City, Missouri.
- B. No person shall willfully and maliciously tack, wire, tie or affix any card, poster, bill, streamer, announcement or other advertising matter upon any tree, shrub, post, pole, pier or abutment used for telegraph, telephone, electric light and power or radio broadcasting purposes; nor shall any person injure, molest or destroy any of the lines, insulators, wire, posts, poles, piers, or abutments of any such company used in or about the transmissions of dispatches; radio programs or other communications or in the transmission of electricity for light or power purposes.
- C. No person shall affix any sign, poster, billboard or other advertising matter upon private property in such a way that it protrudes over a public street or sidewalk so that to obstruct or restrict the public use of said street or sidewalk or other public place.
- D. Nothing contained in this Section shall be construed as prohibiting the display of cards, posters, bills, streamers, announcements or other advertising matter upon private property, so long as the advertising matter displayed does not obstruct or restrict public use of a street, sidewalk or other public place. (Ord. No. 62 §§1-4, 5-18-81)

SECTION 230.060: DEBRIS

- A. *Removal Of Debris.* It shall be unlawful for any owner, lessee, occupant, or any agent, servant, representative or employee of such owner, lessee or occupant having control of any lot or land or having use of any alleys or easements adjacent to said lot or land zoned residential, commercial or industrial to permit or maintain on such lot, land, alley or easement or on or along the sidewalk and street between said person's lot and the curb the presences of any debris of any kind including, but not limited to, weed cuttings, cut and fallen trees and shrubs, overgrown vegetation and weeds which are seven (7) inches or more in height, rubbish and trash, lumber not piled or stacked twelve (12) inches off the ground, rocks or bricks, tin, steel, broken furniture or any flammable material which may endanger public safety.
- B. The maintenance of any debris, set forth in Subsection (A) hereof, is declared to be a public nuisance.

- C. *Cultivation Of Agricultural Crops.* Nothing contained in the above Subsection shall prohibit the cultivation of agricultural crops, where permitted by the zoning ordinances of Scott City, except that the cultivation of agricultural crops shall not be permitted within fifteen (15) feet of any improved street or alley or drainage ditch.
- D. *Vegetation At Street Intersection.* No person shall allow vegetation (trees, shrubs, grass, etc.) or any other object to be so located as to unreasonably obstruct the view of approaching or cross traffic at street intersections.
- E. *Duty Of Owner, Lessee Or Occupant.* It shall be the duty of any owner, lessee or occupant of any lot or land to remove any debris maintained on said lot or land or on any alley or easement adjacent to said lot or land or on any portion of City right-of-way between the lot and the curb so as to comply with the provisions of Subsections (A) and (D) hereof.
- F. *When City To Do Work.* If the provisions of this Section are not complied with, the nuisance officer shall serve a notice upon the owner of the lot or his/her agent, the occupant, if any, and the lessee, if any, by either of the following methods:
1. Hand delivering the notice to the owner or his/her agent, the occupant, if any, and the lessee, if any.
 2. Alternatively, by mailing the notice to the owner at the last known address of the owner, as reflected by the records of the City Collector, and by simultaneously posting the notice on the property in a conspicuous location.

Said notice shall demand abatement of the nuisance within seven (7) days, which notice shall further state that if the nuisance is not abated within seven (7) days, the City will proceed to abate the nuisance by removing the debris. If the nuisance is not abated within seven (7) days, the nuisance officer or other designated official shall abate the nuisance by having the debris removed and shall certify the cost of the same to the City Clerk. The City Clerk shall then notify the owner of the premises or his/her agent of the cost of abating the nuisance and shall cause to be delivered upon the owner of the premises or his/her agent a notice of intent to file a lien claim for the cost of abatement. The City Clerk shall also cause the notice of intent to file lien claim to be recorded with the Recorder of Deeds' office of Scott County, Missouri. Whenever the bill for such charge remains unpaid for thirty (30) days after it has been rendered, the City Clerk shall file with the Recorder of Deeds of Scott County, Missouri, a statement of lien claim. This statement shall contain a legal description of the property, the expenses and costs incurred and the date the debris was removed from the premises and that the City claims a lien for this amount. Notice of such lien shall be mailed to the owner of the premises at his/her last address as reflected by the records of the City Collector. The charges for the cost incurred in abating the nuisance shall be collected by the Collector with other taxes assessed against the property.

- G. *City May Proceed In City Court.* In addition to the remedy set forth in Subsection (F), hereof, the City Attorney may proceed to file a municipal ordinance violation against the person in violation of Subsections (A) or (D) hereof, which is punishable under Subsection (H) hereof of the Scott City Municipal Code. The failure of the City to follow the procedure set forth under Subsection (F) of this Section, shall not be a bar or defense to any action instituted by the City Attorney in Municipal Court for violation of Subsections (A) and (D) hereof.

H. *Penalty.* Each person who shall neglect to remove debris as directed by this Chapter, or shall fail, neglect, or refuse to comply with the provisions of any notice herein provided, or who shall resist or obstruct the nuisance officer or any other representative of the City in the removal of the debris shall, upon conviction thereof, be guilty of a misdemeanor. If any person fails to comply with Subsection (E) the City may, at its option, either proceed as administratively as provided by Subsection (F) or may, without notice, immediately prosecute any person alleged in violation of Subsection (E) in Municipal Court.

1. Each person convicted of a violation of this Section shall be penalized as follows:
 - a. Upon a first (1st) violation, a fine not to exceed one hundred fifty dollars (\$150.00).
 - b. For a second (2nd) violation in the same year, a fine not to exceed three hundred dollars (\$300.00).
 - c. For a third (3rd) violation in the same year, a fine not to exceed four hundred fifty dollars (\$450.00).
2. Each day any person remains in violation of this Section constitutes a separate offense for the purpose of prosecution in Municipal Court. (CC §§65.010—65.050; Ord. No. 198 §§2—3; Ord. No. 236 §2, 9-5-88; Ord. No. 307 §1, 5-21-90; Ord. No. 393 §1, 12-7-92; Ord. No. 585 §§1—2, 10-20-97; Ord. No. 718 §5, 3-17-03; Ord. No. 760 §§1—2, 7-6-04; Ord. No. 803 §1, 6-5-06)

SECTION 230.070: OBSTRUCTION OF STREETS AND OTHER PUBLIC WAYS

No person shall obstruct or endanger or place or permit anything to obstruct or endanger the free passage or proper use of any public street, sidewalk, alley, crosswalk, bridge, easement for ingress and/or egress, or entrance to any church, school or any other public hall or place. (Ord. No. 395 §1, 2-17-93; Ord. No. 698 §1, 10-1-01)

SECTION 230.075: PENALTY FOR FAILURE TO REPAIR SIDEWALK OR STREET

If any owner of any lot or tract, who is directed by the City Council pursuant to Section 88.877, RSMo., to build or construct, or rebuild or reconstruct, or repair a sidewalk along or adjacent to his/her property or who is directed to grade, fill or part that portion of the street between the property line and the street curb and after having received proper notice to do said work fails, neglects or refuses to comply with this Section, said person shall be guilty of a misdemeanor and may be punished in accordance with Section 110.010 of the City Code. (Ord. No. 552 §1, 3-17-97; Ord. No. 858 §1, 7-20-09)

SECTION 230.080: ENCLOSURE OF SWIMMING POOLS

A. Except as hereafter provided, every outdoor swimming pool or family pool shall be completely surrounded by a fence or wall of not less than four (4) feet in height, which shall be so constructed as to not have openings, holes, or gaps larger than four (4) inches

in any dimension except for doors and gates; and if a picket fence is erected or maintained, the horizontal dimension between the pickets shall not exceed four (4) inches. A dwelling house or accessory building may be used as part of such enclosure. The above provision shall not be applicable to any swimming pool or family pool, which has an attachable deck or fencing which is so attached to the pool as to provide a fence completely surrounding the pool of no less than two (2) feet in height from the top of the pool to the top of the fence and no less than four (4) feet from ground level to the top of the attachable deck or fence.

- B. All gates or doors opening through such enclosure shall be equipped with a latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
- C. This requirement shall be applicable to all new swimming pools or family pools hereafter constructed, other than indoor pools, and shall apply to all existing pools which have a minimum depth of eighteen (18) inches of water. No person in possession of land within the City, either as owner, lessee, tenant or a licensee, upon which is situated a swimming pool or family pool having a minimum depth of eighteen (18) inches shall fail to provide and maintain such fence or wall as herein provided.
- D. The building inspector may recommend to the City Council and the City Council may approve modifications in individual cases, upon a showing of good cause with respect to the height, nature or location of the fence, wall, gates or latches or the necessity therefor, provided the protection as sought hereunder is not reduced thereby. The building inspector may recommend and the City Council may approve other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the wall, fence, gate and latch described herein.
- E. The owners, lessees, tenants, or licensees of any existing pools, which fail to meet the requirements set forth above, shall have until June 15, 1998 to comply with provisions of the Code relating to enclosure of swimming pools.
- F. Any swimming pool erected or maintained in violation of this Section is hereby declared a nuisance. Any owner, lessee, tenant or licensee, who fails to comply with this Section after receipt of fifteen (15) days' written notice from the Building Inspector, shall be guilty of a misdemeanor and may be punished pursuant to Section 100.010 of the City Code. Each day a person remains in violation of this Section constitutes a separate offense for the purpose of prosecution in Municipal Court. (Ord. No. 596 §1, 2-17-98; Ord. No. 858 §2, 7-20-09)

SECTION 230.090: BURNING OF VEGETATION ON PROPERTY USED FOR AGRICULTURAL PURPOSES PROHIBITED

- A. It shall be unlawful for any person to burn any weeds, grass, growing crops, stubble or other vegetation on any property used for agricultural purposes, except as hereinafter provided.
- B. In special circumstances, upon recommendation of the Fire Chief, the Mayor and City Council may approve the burning of vegetation, which special circumstances shall be duly noted in the minutes of the City Council. (Ord. No. 612 §1, 7-20-98)

CHAPTER 235: DISABLED AND ABANDONED AUTOMOBILES

ARTICLE I. JUNK AUTOMOBILES

SECTION 235.010: DEFINITIONS

Except where otherwise indicated, the following definitions shall apply in the interpretation and enforcement of this Chapter.

DAMAGED OR DISABLED VEHICLE: Any vehicle which is not registered or is improperly registered with the State of Missouri; has been inoperable for more than seventy-two (72) hours or is in such a state of repair as to be inoperable, except those on the premises of a duly licensed automobile repair or sales business; or in a duly licensed automobile junking yard.

JUNK: Shall have the same meaning as defined in Section 615.010 of this Code.

VEHICLE: Any machine propelled by power other than human power, designed to travel along the ground by use of wheels, treads, runners, or slides, including but not limited to automobiles, trucks, trailers, motorcycles, tractors, buggies, and wagons, or any part thereof. (Ord. No. 72 §1, 11-2-81)

SECTION 235.020: REMOVAL OF VEHICLE

The Chief of Police shall remove any vehicle or other removable object located on highways, streets or alleys within the corporate City limits, which congests, obstruct or unduly restricts the free, clear and unimpeded movement of traffic. The vehicle shall be removed to such a place remote from such traffic and movement and impounded until such time as the registered owner thereof shall claim the same by the full payment of the costs accrued for towing and storage while so impounded, and the Court costs and fines assessed. (Ord. No. 72 §2, 11-2-81)

SECTION 235.030: DAMAGED OR DISABLED VEHICLES

A. *Damaged or Disabled Vehicles Are Nuisances.* Any damaged or disabled vehicle, part thereof, or junk, located on any property, street, or highway which:

1. Presents a hazard to children, or
2. Harbors tall grass, weeds, or other vegetation, or
3. Creates a fire hazard, or
4. Affords a breeding place or nesting place for mosquitoes, flies, rodents, rats, or other vermin, or
5. Is allowed to remain unmoved on any street or highway for seventy-two (72) hours, or

6. Any such vehicle or part thereof, which that is allowed to remain on private premises, other than a duly licensed automobile repair or sales business, or junk yard, for a period of more than ten (10) days, is hereby declared a public nuisance.
- B. *Vehicles Exempted.* The provisions of Subsection A(6) hereof shall not apply to historic motor vehicles, which are being restored for licenses pursuant to Section 301.130 RSMo., or to motor vehicles which are awaiting repair pending the adjustment of an insurance claim, provided the owners of such vehicles have applied for and received a permit from the Chief of Police, which permit may be granted upon proof that the owner is taking all necessary steps to restore said historic vehicle or settle the insurance claim so as to repair the vehicle. Said permits shall be issued for thirty (30) days, but may be renewed upon further application to the Chief of Police.
- C. Competitive racing vehicles which met the conditions as set forth in Subsection (B) above. (Ord. No. 235 §2, 9-5-88; Ord. No. 717 §2, 3-17-03)

SECTION 235.040: UNLAWFUL TO MAINTAIN

It shall be unlawful for any person to create or maintain a nuisance as defined in Section 235.010, and any person who maintains such a nuisance may, upon conviction in the Municipal Court, be assessed the penalty provided in Section 110.010 of the City Code. Failure of the City to dispose of damaged or disabled vehicles pursuant to Sections 235.050 through 235.120 shall not preclude the City Attorney from filing ordinance violation charges against any person whose damaged or disabled vehicle constitutes a nuisance. (Ord. No. 235 §4, 9-5-88; Ord. No. 778 §1, 4-4-05; Ord. No. 858 §3, 7-20-09)

SECTION 235.050: NOTICE

Whenever the Chief of Police receives a complaint alleging that a vehicle or junk constitutes a nuisance or whenever he reasonably believes that a vehicle or junk constitutes a nuisance, as defined in Section 235.030 of this Article, he shall cause written notice to be served upon the owner or the custodian of the junk or vehicle if he can be located. Service of the written notice may be by personal service or by registered mail. The notice shall be signed by the City Clerk and shall set forth the time and place of the public hearing, which will be held to determine whether or not the vehicle or junk in question constitutes a nuisance in violation of this Article. (Ord. No. 72 §5, 11-2-81)

SECTION 235.060: PROCEDURE WHEN OWNER CANNOT BE LOCATED

Whenever the Chief of Police reasonably believes that a vehicle or junk constitutes a nuisance as defined in Section 235.030 of this Article, but the owner or custodian of the property cannot be located by reasonable search, a notice shall be attached to the property. The notice shall advise the owner or custodian that if he fails to contact the Chief of Police or the City Clerk within fifteen (15) days from the time the notice was first posted, then the property will be removed, stored, and if necessary sold and disposed of pursuant to Sections 235.090 and 235.100 of this Article. If the owner contacts the Chief of Police or the City Clerk within fifteen (15) days of the posting of the notice, he may request a public hearing to determine whether or not the property in question constitutes a nuisance. (Ord. No 72 §6, 11-2-81)

SECTION 235.070: FIVE DAYS NOTICE GIVEN

The owner or custodian of the vehicle or junk deemed to be a nuisance shall be given at least five (5) days notice of the time and place of the public hearing. The Municipal Judge shall act as the Hearing Officer at said public hearing.

(Ord. No. 72 §7, 11-2-81)

SECTION 235.080: OWNER TO ABATE THE NUISANCE

The Hearing Officer, after conducting the public hearing, shall make written findings of fact from the testimony offered at the public hearing as to whether or not the vehicle or junk in question constitutes a nuisance within the meaning of this Article. If the Hearing Officer determines that the property is a nuisance, he shall issue an order commanding the owner or custodian of the property to abate the nuisance within seven (7) days after the order is entered. (Ord. No. 72 §8, 11-2-81)

SECTION 235.090: DISPOSITION

If the property determined to be a nuisance is not removed within the time specified in Section 235.080 of this Article, the property shall be transported to a storage area by or at the direction of the Chief of Police at the expense of the owner or person in custody thereof. It shall then be stored for a period of at least ninety (90) days, and the person entitled to possession thereof, may redeem the property by payment to the City of the actual cost of its removal and a reasonable storage fee. If the property is unredeemed after the expiration of the ninety (90) day period, the Chief of Police may sell it to the highest bidder or, if it has no sale value, may otherwise dispose of it. Any money received from disposal of any vehicle or junk shall be applied to the expenses charged to the owner or person in charge thereof, and any excess held in escrow or returned to him. After another ninety (90) day period, if the excess be unclaimed, it shall be paid over to the General Fund of the City.

(Ord. No. 72 §9, 11-2-81)

SECTION 235.100: NOTICE OF SALE

Prior to the sale of any such property, the Chief of Police shall cause to be posted in the City Hall, at the place of storage, and at least one (1) other place in the City a notice of sale stating:

1. That the City is selling abandoned property,
2. The color, make, year, motor number, and serial number, if available, and any other information necessary for an accurate identification of the property,
3. The terms of the sale,
4. The date, time and place of the sale.

This notice shall be published not less than ten (10), or more than twenty (20) days prior to the date of the sale. (Ord. No. 72 §10, 11-2-81)

SECTION 235.110: ENTRY ONTO PRIVATE PROPERTY

The Chief of Police or his duly authorized representative may enter upon private property for inspection or for the purpose of removing any property in accordance with this Article. If any person refuses to allow entry onto his private property, the Chief of Police may obtain a warrant from the proper Official and proceed in accordance therewith. (Ord. No. 72 §11, 11-2-81)

SECTION 235.120: EMERGENCY REMOVAL

In the case where it reasonably appears to the Chief of Police that there is immediate danger to the life or safety of any person unless a nuisance as defined in Section 235.030 of this Article is immediately abated, the Chief of Police shall remove or abate the nuisance. The cost of such emergency removal or abatement shall be collected in the same manner as provided by Sections 235.090 and 235.100 of this Article. (Ord. No. 72 §12, 11-2-81)

ARTICLE II. ABANDONED VEHICLES**SECTION 235.130: DEFINITION**

For the purpose of this Article, "*motor vehicles*" shall include but not be limited to the following: Automobile, pickup truck, truck, trailer, tractors, van, flat bed, farm machinery, construction vehicles, buses, motorcycles or any portions thereof. (Ord. No. 105 §1, 5-16-83)

SECTION 235.140: ABANDONMENT

The abandonment of a motor vehicle or any part thereof on any highway in this Municipality is unlawful and subject to penalties as set forth herein. The abandonment of a motor vehicle or other vehicles or any part thereof on private or public property, other than a highway, in view of the general public, anywhere in the City is unlawful except on property of the owner or bailee of such abandoned vehicle. A motor vehicle or other vehicle or any part thereof so abandoned on private property may be authorized for removal by or upon the order of the Chief of the Police Department of the City, after a waiting period of seven (7) days or more has expired. (Ord. No. 105 §2, 5-16-83)

SECTION 235.150: NOTIFICATION TO POLICE

When an abandoned, lost or stolen or unclaimed motor vehicle comes into the temporary possession or custody of a person in this State, not the owner of the vehicle, such person shall immediately notify the Police Department when the vehicle is within the corporate limits of the City. Upon receipt of such notification, the Chief of the Police Department shall authorize a towing service to remove and take possession of the abandoned, lost, stolen, or unclaimed motor vehicle. The towing service will safely keep the towed vehicle and its contents, maintain a record of the tow until the vehicle

is claimed by the owner or any other person legally entitled to possession thereof, or until it is disposed of as provided in this Article. (Ord. No. 105 §3, 5-16-83)

SECTION 235.160: TOWING AWAY¹

A. Any Police Officer may authorize a towing company to remove to a place of safety:

1. Any abandoned vehicle or property on the right-of-way of:
 - a. Any interstate highway or freeway, which has been left unattended for twenty-four (24) hours or after four (4) hours if a Police Officer determines that the abandoned property is a serious hazard to other motorists, provided that commercial motor vehicles not hauling materials designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;
 - b. Any State Highway other than an interstate highway or freeway left unattended for more than twenty-four (24) hours; provided that commercial motor vehicles not hauling waste designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety until the owner or owner's representative has had a reasonable opportunity to contact a towing company of choice;
2. Any unattended abandoned vehicles or property illegally left standing upon any highway or bridge or the abandoned property is left in a position or under such circumstances as to obstruct the normal movement of traffic where there is no reasonable indication that the person in control of the property is arranging for its immediate control or removal;
3. Any abandoned vehicle which has been abandoned under Section 577.080, RSMo.;
4. Any abandoned vehicle which has been reported as stolen or taken without consent of the owner;
5. Any abandoned vehicle which the person operating such property is arrested for an alleged offense for which the officer takes the person into custody and where such person is unable to arrange for the property's timely removal;
6. Any abandoned vehicle which due to any other State Law or local ordinance is subject to towing because of the owner's outstanding traffic or parking violations;
7. Any abandoned vehicle left unattended in violation of a State law or local ordinance where signs have been posted giving notice of the law or where the violation causes a safety hazard;

¹ Editor's Note—Ord. No. 882 §1, adopted February 1, 2010, repealed sections 235.160 "towing away"; 235.170 "records" and 235.180 "obtaining registration information" and enacted new provisions set out herein. Former sections 235.160–235.180 derived from ord. no. 105 §§4–6, 5-16-83.

8. Any abandoned vehicle for which the person operating such property or vehicle eludes arrest for an alleged offense for which the officer would have taken the offender into custody.
- B. The Police Officer may immediately remove any abandoned vehicle, unattended, wrecked, burned or partially dismantled vehicle, spilled cargo or other property from the right-of-way of any interstate highway, freeway or State highway if the abandoned property, cargo or personal property is creating a traffic hazard because of its position in relation to the interstate highway, freeway or State highway. In the event the property creating a traffic hazard is a commercial motor vehicle, as defined in Section 302.700, RSMo., the Officer's authority under this Subsection shall be limited to authorizing a towing company to remove the commercial motor vehicle to a place of safety, except that the owner of the commercial motor vehicle or the owner's designated representative shall have a reasonable opportunity to contact a towing company of choice. The provisions of this Subsection shall not apply to vehicles transporting any material which has been designated as hazardous under Section 5103(a) of Title 49, U.S.C.
- C. Any Police Officer authorizing a tow pursuant to this Section in which the abandoned vehicle is moved from the immediate vicinity shall complete a crime inquiry and inspection report. (Ord. No. 882 §§1–2, 2-1-10)

SECTION 235.170: WRECKERS²

- A. Upon the towing of abandoned vehicle pursuant to this Section, the Police Officer that authorized such towing or was properly notified by another government agency of such towing shall promptly make an inquiry with the National Crime Information Center and any Statewide Missouri law enforcement computer system to determine if the abandoned vehicle has been reported as stolen and shall enter the information pertaining to the towed property into the Statewide law enforcement computer system. If the abandoned vehicle is not claimed within ten (10) working days of the towing, the tower who has online access to the Department of Revenue's records shall make an inquiry to determine the abandoned vehicle's owner and lienholder, if any, of record. In the event that the records of the Department of Revenue fail to disclose the name of the owner or any lienholder of record, the tower shall comply with the requirements of Subsection (3) of Section 304.156, RSMo. If the tower does not have online access, the law enforcement agency shall submit a crime inquiry and inspection report to the Director of Revenue. A towing company that does not have online access to the department's records and that is in possession of abandoned vehicle after ten (10) working days shall report such fact to the law enforcement agency with which the crime inquiry and inspection report was filed. The crime inquiry and inspection report shall be designed by the Director of Revenue and shall include the following:
 1. The year, model, make and property identification number of the property and the owner and any lienholders, if known;

² *Editor's Note—Ord. No. 882 §1, adopted February 1, 2010, repealed sections 235.160 "towing away"; 235.170 "records" and 235.180 "obtaining registration information" and enacted new provisions set out herein. Former sections 235.160–235.180 derived from ord. no. 105 §§4–6, 5-16-83.*

2. A description of any damage to the property noted by the officer authorizing the tow;
 3. The license plate or registration number and the State of issuance, if available;
 4. The storage location of the towed property;
 5. The name, telephone number and address of the towing company;
 6. The date, place and reason for the towing of the abandoned property;
 7. The date of the inquiry of the National Crime Information Center, any Statewide Missouri law enforcement computer system and any other similar system which as titling and registration information to determine if the abandoned vehicle had been stolen. This information shall be entered only by the law enforcement agency making the inquiry;
 8. The signature and printed name of the officer authorizing the tow;
 9. The name of the towing company, the signature and printed name of the towing operator and an indicator disclosing whether the tower has online access to the department's records; and
 10. Any additional information the Director of Revenue deems appropriate.
- B. One (1) copy of the crime inquiry and inspection report shall remain with the agency which authorized the tow. One (1) copy shall be provided to and retained by the storage facility and one (1) copy shall be retained by the towing facility in an accessible format in the business records for period of three (3) years from the date of the tow or removal.
- C. The owner of such abandoned vehicle, or the holder of a valid security interest of record, may reclaim it from the towing company upon proof of ownership or valid security interest of records and repayment of all reasonable charges for the towing and storage of the abandoned property.
- D. Any person who removes abandoned vehicle at the direction of a Police Officer as provided in this Section shall have a lien for all reasonable charges for the towing and storage of the abandoned property until possession of the abandoned vehicle is voluntarily relinquished to the owner of the abandoned vehicle or to the holder of a valid security interest of record. Any personal property within the abandoned property need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping have been paid or satisfactory arrangements for payment have been made, except that any medication prescribed by a physician shall be released to the owner thereof upon request. The company holding or storing the abandoned property shall either release the personal property to the owner of the abandoned vehicle or allow the owner to inspect the property and provide an itemized receipt for the contents. The company holding or storing the property shall be strictly liable for the condition and safe return of the personal property. Such lien shall be enforced in the manner provided under this Section. (Ord. No. 882 §§1, 3, 2-1-10)

SECTION 235.180: CHARGES FOR TOWING AND STORAGE WHEN IN JAIL³

of abandoned vehicle removed as provided in this Section shall be responsible for payment of all reasonable charges for towing and storage of such abandoned property provided in Section 304.158, RSMo. (Ord. No. 882 §§1, 5, 2-1-10)

SECTION 235.190: REDEMPTION

Any time before a motor vehicle is sold at public sale or disposed of as provided herein, the owner or other person legally entitled to its possession may reclaim the vehicle by presenting to the Police Department proof of ownership or proof of the right to possession of the vehicle. No vehicle shall be released to the owner or other person under this Section until all towing and storage charges have been paid.
(Ord. No. 105 §7, 5-16-83)

SECTION 235.200: PUBLIC SALE NOTICE

Whenever an abandoned, lost, stolen, or unclaimed motor vehicle, remains unclaimed by the registered owner or other person legally entitled to its possession for a period of thirty (30) days after notice has been given as provided herein, the Police Department having possession of the vehicle shall cause it to be sold at public sale to the highest bidder. Notice of the time and place of the sale shall be posted in a conspicuous place for at least ten (10) days prior to the sale on the premises where the vehicle has been impounded. At least ten (10) days prior to the sale, the Police Department shall cause a notice of the time and place of the sale to be sent by certified mail to the registered owner or other person known by the Police Department or towing service to be legally entitled to the possession of the vehicle. Such notice shall contain a complete description of the vehicle to be sold and what steps must be taken by any legally entitled person to reclaim the vehicle. In those instances where the certified notification specified herein has been returned by the postal authorities to the Police Department due to the addressee having moved, or being unknown at the address obtained from the registration records of this State, the sending of a second certified notice will not be required. (Ord. No. 105 §8, 5-16-83)

SECTION 235.210: DISPOSAL

When the identity of the registered owner or other person legally entitled to the possession of an abandoned, lost, or unclaimed vehicle cannot be determined by any means provided for in this Article, the vehicle may be sold as provided herein or disposed of in the manner authorized by this Article without notice to the registered owner or other person legally entitled to the possession of the vehicle.
(Ord. No. 105 §9, 5-16-83)

³ *Editor's Note—Ord. No. 882 §1, adopted February 1, 2010, repealed sections 235.160 "towing away"; 235.170 "records" and 235.180 "obtaining registration information" and enacted new provisions set out herein. Former sections 235.160–235.180 derived from ord. no. 105 §§4–6, 5-16-83.*

SECTION 235.220: PROCEEDS OF PUBLIC SALE

When a vehicle located within the corporate limits of the City is authorized to be towed away by the Chief of Police and disposed of as set forth in this Article, the proceeds of the public sale or disposition after the deduction of towing, storage, and processing charges shall be deposited in the Municipal Treasury. (Ord. No. 105 §10, 5-16-83)

SECTION 235.230: IMMUNITY FROM DAMAGES

Neither the Police Officer, Police Department or the City, nor anyone having custody of the abandoned property under the officer's direction shall be liable for any damage to such abandoned vehicle or property occasioned by the removal authorized by ordinance other than the damages occasioned by negligence or by willful or wanton acts or omissions. (Ord. No. 105 §11, 5-16-83; Ord. No. 882 §§1, 4, 2-1-10)

SECTION 235.235: TOWING OF DISABLED OR DAMAGED VEHICLES

- A. Any vehicles requiring removal pursuant to Section 235.020 of the Code and any damaged or disabled vehicles requiring removal from an accident site where the owner or operator is unable or refuses to select a towing company shall be removed by a towing company selected by the Police Officer at the site. The Police Officer shall exercise his discretion in selecting the appropriate towing company, taking into consideration all factors including, but not limited to, the proximity of the tow truck or towing company to the site, availability of the tow truck, history of the towing company's reliability in performing prior services, history of the towing company's interferences at other sites and order of rotation of the towing company on the towing company list.
- B. The City shall maintain a list of approved towing companies. Any towing company wishing its name to be placed on the list shall provide the City with the following:
1. Proof of ownership;
 2. Proof of liability insurance in a minimum amount of \$300,000.00/\$100,000.00;
 3. Execution of a document on file with City Hall releasing the City from any and all liability arising from the towing company's removal or failure to remove upon request disabled or damaged vehicles; and
 4. That the office of the company or owner is located within one-half (½) mile of City limits. (Ord. No. 812 §1, 11-6-06)

CHAPTER 240: FIREWORKS

SECTION 240.010: DEFINITIONS

Definitions as used in this Chapter:

GROUND AND HAND-HELD SPARKLING DEVICES:

1. *Wire sparkler, Dipped Stick:* Stick or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition may not exceed one hundred (100) grams per item. Those devices containing any chlorate or perchlorate salts are not to exceed five (5) grams in total composition per item. Wire sparklers which contain no magnesium and which contain less than one hundred (100) grams of composition per item are not included in this category, in accordance with the regulations of the U.S. Department of Transportation.
2. *Cylindrical fountain:* Cylindrical tube not exceeding three-quarter (3/4) inch in inside diameter containing up to seventy-five (75) grams of pyrotechnic composition. Fountains produce a shower of color and sparks upon ignition, and sometimes a whistling effect. Cylindrical fountains may contain a spike to be inserted in the ground (spike fountain), a wooden or plastic base to be placed on the ground (base fountain), or a wooden handle or cardboard handle for items designed to be hand-held (handle fountain).
3. *Cone fountain:* Cardboard or heavy paper cone containing up to fifty (50) grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain.
4. *Illuminating torch:* Cylindrical tube containing up to one hundred (100) grams of pyrotechnic composition. Upon igniting, colored fire is produced. These may be either spike, base, or handle type devices.
5. *Wheel:* Pyrotechnic device attached to a post or tree by means of a nail or string. Wheel contains up to six (6) "driver" units; tubes not exceeding one-half (1/2) inch in inside diameter that may contain up to sixty (60) grams of composition per drive unit. Upon igniting, the wheel revolves, producing a shower of color and sparks and sometimes a whistling effect.
6. *Ground spinner:* Small device similar to wheels in design and effect placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device.
7. *Flitter sparkler:* Narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. These devices do not fuse for ignition. The paper at one (1) end of the tube is ignited to make the device function.

AERIAL DEVICES:

1. *Sky rocket:* Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight. Total propellant charge alone may not be less than four (4) grams nor more than twenty (20) grams each in weight.

2. *Missile-type rocket:* Device similar to sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability.
3. *Helicopter, aerial spinner:* A tube not exceeding one-half (½) inch in inside diameter that may contain up to twenty (20) grams of pyrotechnic composition. Some type of propeller or blade device is attached, and upon ignition the rapidly spinning device lifts into the air. A visible or blade effect is produced at the height of flight.
4. *Roman candle:* Heavy paper or cardboard tube not exceeding three-eighths (3/8) inch in inside diameter that contains up to twenty (20) grams of pyrotechnic composition. Upon ignition up to ten (10) "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals.
5. *Mine-shell:* Heavy cardboard or paper tube up to two and one-half (2 ½) inches in inside diameter with a wooden or plastic base attached, containing up to forty (40) grams of pyrotechnic composition. Upon ignition, "stars" (see "Roman Candle"), firecrackers (see "C. Ground and Audible Devices"), whistles, parachutes, or combinations of these effects are propelled into the air, with the tube remaining on the ground.

GROUND AND AUDIBLE DEVICES:

Firecrackers, Salute: Small paper-wrapped or cardboard tube that may not contain more than fifty (50) mg. of pyrotechnic composition, noise, accompanied by a flash of light, is produced upon ignition.

COMBINATION ITEMS: Firework devices containing combinations of two (2) or more of the effects described in the preceding categories.

EXPLOSIVE COMPOSITION: A chemical or mixture of chemicals that produces an audible effect by deflagration or detonation when ignited.

FIREWORKS: Any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation.

FIREWORKS STAND: A temporary structure used exclusively for the sale of fireworks and related items.

NOVELTIES: Include the following devices:

1. *Snake, glow worm:* Pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash extends in length as the pellet burns. These devices may not contain mercuric thicyanate.
2. *Smoke device:* Tube or sphere containing pyrotechnic composition that produces white or colored smoke upon ignition as the primary effect.
3. *Wire sparkler:* Wire coated with pyrotechnic composition that produced a shower of sparks upon ignition. These items may not contain magnesium and must not

exceed one hundred (100) grams of composition per item. Devices containing any chlorate or perchlorate salts may not exceed five (5) grams of composition per item.

PERMISSIBLE FIREWORKS: Those fireworks permissible for sale to and use by the general public and described in this Chapter as:

1. Common fireworks,
2. Novelties, and
3. Trick noisemakers.

PYROTECHNIC COMPOSITION: A mixture of chemicals that produces a visible or audible effect by combustion rather than deflagration or detonation. Pyrotechnic composition will not explode upon ignition unless severely confined.

REGULATIONS: The regulations heretofore issued by the Interstate Commerce Commission and published in 49 CFR Part 173.

SPECIAL FIREWORKS: All articles of fireworks that are classified as Special Fireworks under Class B Explosives in the Regulations.

TRICK NOISEMAKERS: Items that produce a small report intended to surprise the user. These devices include:

1. *Party popper:* Small plastic or paper items containing not in excess of sixteen (16) mg. of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it. Expelling paper streamers and producing a small report.
2. *Boobytrap:* Small tube with string protruding from both ends, similar to party popper in design. The ends of the string are pulled to ignite the friction sensitive composition producing a small report.
3. *Snapper:* Small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes.
4. *Trick match:* Kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match, a small report or a shower of sparks is produced.
5. *Cigarette load:* Small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one (1) of the pegs, a small report is produced.
6. *Auto burglar alarm:* Tube which contains pyrotechnic composition that produces a loud whistle or smoke when ignited. A small quantity of explosive, not exceeding fifty (50) mg. may also be used to ignite the device. (Ord. No. 241 §1, 11-7-88)

SECTION 240.020: FIREWORKS—RESTRICTIONS ON USE

Except as hereinafter provided, it shall be unlawful for any individual, firm, partnership, corporation, or association to possess for sale within the City of Scott City, sell or offer for sale at retail, or use, within the City of Scott City any fireworks other than permissible fireworks. (Ord. No. 241 §2, 11-7-88)

SECTION 240.030: LICENSE REQUIRED

- A. Each dealer in fireworks, at wholesale or retail, before selling any article of fireworks, shall obtain from the City Collector a license to sell fireworks for each location at which fireworks are to be offered for sale. Each license shall bear the date of expiration on the face thereof, shall designate the location for which it is granted, shall not be transferable, and shall only be issued after inspection and approval of the premises by the Fire Inspector. Each license for a wholesale location shall be for a period of not more than one (1) year. Each license for a retail location shall be for a period commencing fifteen (15) days prior to the day of the historical anniversary or occasion for which the private display of fireworks is authorized.
- B. The City Collector shall not issue any license for the sale of fireworks, either at wholesale or retail, unless the applicant presents to the Collector evidence of the following:
1. That the applicant has procured all permits required of the applicant by the Missouri Division of Fire Safety for the sale of fireworks.
 2. That the applicant has procured liability insurance in the minimum sum of fifty thousand dollars (\$50,000.00) to protect applicant against claims for damages to property or injury to persons arising out of the operation of the retail or wholesale fireworks business for which a City license is requested.
(Ord. No. 241 §3, 11-7-88; Ord. No. 646 §1, 12-6-99)

SECTION 240.040: COMMON FIREWORKS NOMENCLATURE

No article of common fireworks shall be sold or offered for sale at retail unless it shall be properly named to conform to the nomenclature in Section 240.010 hereof, and unless its classification as common fireworks is certified to by imprinting on the article or retail container "I.C.C. Class C Common Fireworks", such imprinting to be of sufficient size and so positioned as to be readily recognized.
(Ord. No. 241 §4, 11-7-88)

SECTION 240.050: SPECIAL FIREWORKS—PERMIT FOR PUBLIC DISPLAY

The Fire Chief may issue a permit for a maximum period of twenty-four (24) consecutive hours for the possession and use of special fireworks for the purpose of organized public fireworks exhibitions, provided that the permit holder takes adequate safety precautions to protect the public from injury or property damage, and provided that the exhibition is conducted by skilled qualified persons.
(Ord. No. 241 §5, 11-7-88)

SECTION 240.060: SAFETY REQUIREMENTS

- A. No permissible fireworks may be sold at retail without a retail license. The license must be on display at the location where the retail sale takes place.
- B. No license shall be issued for any locations where paints, oils, or varnishes are manufactured or kept for use or sale, nor where resin, turpentine, gasoline, or other similar inflammable substances or any substance which may generate inflammable vapors is used, stored or offered for sale or where the Fire Inspector shall determine that any condition exists which makes the storage or sale of fireworks at such locations unusually hazardous.
- C. No fireworks shall be stored, kept, sold, or discharged within one hundred (100) feet of any gasoline pump, gasoline filling station, gasoline bulk station, or any building in which gasoline or volatile liquids are sold in quantities in excess of one (1) gallon.
- D. Each license shall keep and maintain at least two (2), five (5) pounds each A.B.C. Dry Chemical fire extinguishers within a 2-A rating or over, mounted in plain view, per location.
- E. At all places where fireworks are sold or displayed, the words "No Smoking" must be posted in letters at least four (4) inches in height. Two (2) such signs shall be prominently displayed at each location.
- F. No fireworks shall be discharged within seventy-five (75) feet of any fireworks retail sales location.
- G. No fireworks shall be sold or discharged within three hundred (300) feet of any church, hospital or school building.
- H. It shall be unlawful to offer for sale or to sell any fireworks to children under the age of twelve (12) years or to any intoxicated or irresponsible person.
- I. No person shall expose fireworks in any location where the sun may shine through glass on the fireworks displayed, or permit the presence of lighted cigars, cigarettes or pipes on the premises where the fireworks are offered for sale.
- J. No person shall ignite or discharge any fireworks within or throw the same from a motor vehicle while within, nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle, or at or near any person or group of people.
- K. No fireworks shall be sold other than at a licensed fireworks stand. No fireworks stand shall be located within fifty (50) feet of any building.
- L. No person shall ignite or discharge any fireworks on property owned by the City, unless a special permit for a public fireworks display on City property is granted by the Fire Chief.
- M. It shall be unlawful to discharge fireworks from the roof or from inside any building.
- N. No person shall knowingly ignite or discharge any fireworks at or onto the property of another without first obtaining consent of the owner, lessee or occupant of such property.

- O. No bottle rockets may be sold, distributed or discharged within the City limits of Scott City after July 5, 2006. However, the prohibition of discharging bottle rockets shall not apply to City employees acting in the scope of their official duties.
- P. No "*aerial devices*", as defined in this Chapter, that utilize a straight and rigid stick of wood, plastic or other material attached to a propellant tube or driver to stabilize or direct flight may be sold, distributed, possessed or discharged within the City limits of Scott City, except as otherwise authorized in this Section. However, this prohibition shall not apply to public fireworks displays for which a permit has been issued pursuant to Section 240.030 and Section 240.050 of the City Code. (Ord. No. 241 §6, 11-7-88; Ord. No. 805 §1, 7-5-06)

SECTION 240.070: DATES AND HOURS OF SALE AND USE

- A. No fireworks shall be sold at retail to the general public except between the hours of 9:00 A.M. and 9:00 P.M. each day commencing fifteen (15) days prior to the day of the historical anniversary or occasion for which the private display of fireworks is authorized. No person shall discharge, ignite, or explode any article of fireworks except between the hours of 6:00 P.M. and 9:00 P.M. during the period commencing ten (10) days prior to the expiration of the time provided for the private display of fireworks and between the hours of 8:00 A.M. to Midnight of the day of the historical anniversary or occasion being celebrated.
- B. The above restrictions shall not apply to a public fireworks display, approved by the Fire Chief, on a national holiday (other than the 4th of July) or other special civic promotion.
- C. In the event there is a historical occasion or anniversary, such as the turn of the century, which is suitable for the private display of fireworks, the Mayor, after consultation with the Fire Chief and with the advice and consent of the City Council, may authorize the private display of fireworks, which said authorization shall be duly noted in the minutes of the City Council and shall specify the date and time said displays are authorized. The Clerk shall cause a notice to be published in a newspaper of general circulation in the City setting forth the date and times of the authorized display of fireworks and the Clerk shall further notify all persons who have purchased business licenses for the sale of fireworks with the City during the previous year of the occasion, date and time of authorized sale of fireworks. (Ord. No. 241 §7, 11-7-88; Ord. No. 646 §§2-3, 12-6-99)

SECTION 240.080: EXCLUSIONS

Nothing in this chapter shall be construed as applying to toy paper caps containing not more than an average of twenty-five hundredths (25/100) of a grain of explosive composition per cap, and packed in conformance with the regulations, or as prohibiting the storage of special fireworks for public display as provided in Section 240.050. Nothing in this Chapter shall be construed as applying to the manufacture, storage, sale, or use of signals necessary for the safe operation of railroads or other classes of public or private transportation or of illuminating devices for photographic use, nor as applying to the military or naval forces of the United States, or of this State, or to Peace Officers, nor as prohibiting the sale or use of blank cartridges for ceremonial, theatrical or athletic events. (Ord. No. 241 §8, 11-7-88)

SECTION 240.090: PENALTIES

Violation of any of the provisions of this Chapter shall be punishable by a fine of not more than five hundred dollars (\$500.00), or imprisonment for not more than sixty (60) days or both. Violation of any of the provisions of this Chapter in addition to a fine or imprisonment shall cause an immediate and automatic revocation of all licenses or permits issued pursuant to this Chapter, and the violator shall be prohibited from selling fireworks within the City for a period of two (2) years. Furthermore, any violation which involves the sale or use of "forbidden fireworks" shall cause an automatic forfeiture of that merchandise to the City. (Ord. No. 241 §9, 11-7-88)

CHAPTER 245: CURFEW

SECTION 245.010: DEFINITIONS

For the purposes of this Chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein:

CONSENT: Actual authorization by a parent or legal guardian or silent acquiescence by a parent or legal guardian having knowledge.

EMANCIPATED MINOR: One whose parent or legal guardian has renounced his right to the care, custody, and earnings of said person.

KNOWLEDGE: Need not be actual knowledge of the exact location of the minor in question, rather it may be imputed from the knowledge that the minor is not at home, that the minor has an ultimate destination, and that the minor may make a diversionary trip on his way to or from the ultimate destination.

MINOR: Anyone under the age of seventeen (17) years. It does not include anyone under the age of seventeen (17) years who is legally married. An "*emancipated minor*" is not included in the term "minor".

PUBLIC PLACE: Any bar, bowling alley, cafe, drive-in restaurant, drive-in theater, drug store, grocery store, hamburger stand, hotel, ice cream parlor, lobby, parking lot, pool room, restaurant, saloon, shopping center, supermarket, theater, or any place dedicated to amusement and entertainment, to which the public is invited, whether enclosed or out of doors, and which includes any accompanying parking lot or pedestrian walkway, or any appurtenance thereto which is used by the public.
(CC §77.010)

SECTION 245.020: CONSENT OF PARENT REQUIRED

No minor shall be present in or on any public street, park, square, or any public place within the City between the hours of 11:00 P.M. and 5:00 A.M., except on Friday and Saturday nights between the hours of 12:00 P.M. and 5:00 A.M. without the knowledge and consent of a parent or legal guardian having the care and custody of said minor.
(CC §77.020)

SECTION 245.030: POLICE AUTHORIZED TO STOP MINORS

It shall be the duty of the Police Department of this City to require identification from any person who loiters, idly remains, congregates, tarries or stays on public street, park, square or any public place within the City during the prescribed hours and whose actions, appearance, demeanor, or other fact within the knowledge of the Police Officer give rise to reasonable belief that the person stopped is a minor. Such identification shall include the person's name, age, home address, phone number, and if the person's home address is outside of this City, the address within the City at which he is staying (if any).

1. Should the person stopped and questioned not be a minor, he shall be allowed to proceed freely with no record made of the inquiry.
2. Should the person stopped and questioned be a minor, the Police Officer shall inquire of him whether the parent or legal guardian having care and custody of such minor has knowledge of, and has given consent to the presence of said minor in or on the public street, park, square or public place involved. (CC §77.030)

SECTION 245.040: PROCEDURE IF NO PARENTAL CONSENT

A response by the minor that a parent or legal guardian neither has knowledge nor has given consent to his presence in or on the public street, park, square, or public place in question, shall constitute grounds for the Officer to escort the minor in question to the address given, to inform the parent or legal guardian of the actions of the minor in question, and to inform the parent or legal guardian that he may be held responsible for the delinquency of the minor under Section 245.070 of this Chapter, should the minor later be brought before any Court of this City or State for delinquency or youthful offender proceedings. Should no parent or legal guardian be found at the address given, the procedure described in Section 245.060 shall be followed. (CC §77.040)

SECTION 245.050: CLAIM OF KNOWLEDGE AND CONSENT

A response by the minor that a parent or legal guardian has knowledge of and/or has given consent to his presence in or on the public street, park, square, or public place in question shall constitute grounds to call the parent or legal guardian of the minor, at the phone number given, or at the phone number registered and listed with the phone company, for a corroborating statement by the parent or legal guardian.

1. Should the parent not corroborate the statement of the minor, or should no parent or legal guardian answer the phone, the Police Officer shall escort the minor home and shall follow the procedure outlined in Section 245.040.
2. Should the parent or legal guardian answering the phone corroborate the statement of the minor in question, the Police Officer shall inform the parent or legal guardian that continuous presence of a minor in or on the public streets, parks, squares, or other public places during the prescribed hours may constitute lack of proper supervision and care by the parent or legal guardian of said minor and may be considered evidence in proceedings for aiding in the delinquency of a minor, as prescribed in Section 245.070. The Police Officer shall then allow the child to continue on his way or shall escort the child home, as desired by the parent or legal guardian. (CC §77.050)

SECTION 245.060: IF MINOR IS NON-RESIDENT

Should the minor identify himself as a non-resident of the City, the Police Officer shall check to see if the minor has been found present in or on a public street, park, square, or other public place within the previous three (3) months.

1. If there is no record of the minor being found present in or on a public street, park, square, or other public place within the previous three (3) months, the Police Officer shall inform the minor in question of this Chapter and shall escort him to the place within the Municipal jurisdiction of the City at which he is staying. If the minor is a transient who intends to leave the City before the next morning, the minor shall be detained and the parent or legal guardian of that minor shall be informed that the minor will be detained if desired until the parent or legal guardian, or the designee of the parent or legal guardian, arrives to claim said minor. If the parent or legal guardian of the transient minor so requests, the Police Officer shall release the minor and escort him out of the corporate limits of this City.
2. If the non-resident minor has been found present in or on a public street, park, square, or other public place within the previous three (3) months, the Officer shall follow the procedure for transient minors, as found in Subsection (1) of this Section, except that the minor shall not be released until claimed by a parent or legal guardian or the designee of the parent or legal guardian. (CC §77.060)

SECTION 245.070: RESPONSIBILITY OF PARENT

- A. No parent or legal guardian having the care and custody of a minor shall fail to properly supervise and care for such child and such failure of supervision or care shall cause the child to be brought before the Juvenile Court of the State or any other Court of the City or State, for delinquency or youthful offender proceedings.
- B. Continuous presence by a minor during the prescribed hours in or on the public streets, parks, squares, or other public place shall constitute prima face evidence of failure by the parent or legal guardian to properly supervise said minor and shall be considered a cause of the delinquency or offense committed. (CC §77.070)

CHAPTER 250: SOLID WASTE

SECTION 250.010: DEFINITIONS

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

APPROVED INCINERATOR: An incinerator which complies with all current regulations of the responsible local and State air pollution control agencies.

BULKY RUBBISH: Non-putrescible solid wastes consisting of combustible and/or noncombustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefor.

CITY: The City of Scott City, Missouri, or, in the event the City contracts for the collection and disposal of solid waste, the contractor.

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

DEMOLITION AND CONSTRUCTION WASTE: Waste materials from the construction or destruction of residential, industrial or commercial structures.

DIRECTOR: Director of Public Works or, with the Director's permission, the authorized agent for the contractor removing solid waste.

DISPOSABLE SOLID WASTE CONTAINER: Carts or other receptacle as may be provided by the contractor.

DWELLING UNIT: Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

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

HAZARDOUS WASTES: Including but not limited to: pathological wastes, explosive wastes, pesticides, pesticide containers, toxic or radioactive materials.

MULTIPLE HOUSING FACILITY: A housing facility containing more than one (1) dwelling unit under one (1) roof.

OCCUPANT: Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

PERSON: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

PROCESSING: Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

RECYCLING MATERIAL: Tin cans, aluminum cans, aluminum foil, other aluminum, newspapers, other paper products and cardboard materials.

REFUSE: Solid waste.

SOLID WASTE: Unwanted or discarded waste materials in a solid or semi-solid state, including but not limited to garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes.

1. *Commercial solid waste:* Solid waste resulting from the operation of any commercial (excluding mobile home parks), industrial, institutional or agricultural establishment, and multiple housing facilities with more than two (2) dwelling units.
2. *Residential solid waste:* Solid waste resulting from the maintenance and operations of dwelling units, excluding multiple housing facilities with more than two (2) dwelling units.

SOLID WASTE CONTAINER: Carts or receptacles supplied by the contractor used by persons to store solid waste during intervals between solid waste collections.

SOLID WASTE DISPOSAL: The process of discarding or getting rid of unwanted material. In particular the final deposition of solid waste by man.

SOLID WASTE MANAGEMENT: The entire solid waste system of storage, collection, transportation, processing and disposal.

STORAGE: Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

TRANSPORTATION: The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

YARD WASTES: Grass clippings, leaves, tree trimmings. (Ord. No. 210 §1, 8-3-87; Ord. No. 687 §1, 7-2-01; Ord. No. 713 §1, 12-16-02)

SECTION 250.020: SOLID WASTE STORAGE

- A. The owner of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the City shall receive and use carts or receptacles provided by the contractor for the storage of all solid waste, except bulky rubbish and demolition and construction waste, to serve each such dwelling unit and/or establishment and to maintain said solid waste carts or receptacles at all time and in good repair.
- B. The occupant of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain such solid

waste containers and the area surrounding them in clean, neat and sanitary condition at all times.

- C. Residential solid waste shall be stored in carts or receptacles provided by the contractor and shall contain such leakproof, waterproof and fly-tight lids as may be provided by the contractor.
- D. Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by Section 250.070.
- E. The contractor may refuse to pick up any solid waste placed outside a residence which is not contained in a cart or container provided by the contractor as set forth in Subsection (C) of this Section. In the event the solid waste for a single pickup exceeds the amount which may be placed in the cart or container, the excess solid waste may be disposed of as follows:
1. The person with the excess solid waste may rent a dumpster on a temporary basis from the contractor for the pickup of the excess solid waste.
 2. The excess solid waste may be hauled to a sanitary landfill or transported to a transfer station by the person who accumulated the excess solid waste or by a third party with whom he contracts.
 3. Said solid waste may otherwise be disposed of by the owner in a manner not prohibited by Federal, State or municipal law.
- F. Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights of way. The weight of any individual container and contents shall not exceed seventy-five (75) pounds.
- G. Solid waste containers which are not approved will be collected together with their contents and disposed of. (Ord. No. 210 §2, 8-3-87; Ord. No. 312 §1, 8-6-90; Ord. No. 366 §1, 3-2-92; Ord. No. 713 §2, 12-16-02)

SECTION 250.030: COLLECTION OF SOLID WASTE

- A. The City shall provide for the collection of solid waste as follows.
1. *Collection of residential solid waste.* The City shall provide for the collection of all residential solid waste in the City.
 2. *Other collections.* It shall be the duty of each establishment to provide for collection of all commercial solid waste produced upon any such premises in a manner approved by the City.
 3. *Collection of residential recycling materials.* The City shall provide for the collection of materials able to be recycled in the City.

- B. All solid waste and bulky rubbish from premises to which collection of services are provided by the City shall be collected and all solid waste collected shall, upon being loaded into transportation equipment, become the property of the contractor, or if there is no contractor, the property of the City.
- C. Tree limbs and yard waste as described in Sections 250.020 (E) and (F) respectively, shall be placed at the curb for collection. Solid waste containers as required by this Chapter for the storage of other residential solid waste shall be placed at the curb for collection. Recycling materials shall be segregated into separate bins, bags or boxes into tins, aluminum, papers or cardboard, after being so segregated shall be placed in bins, plastic bags or cardboard boxes at the curb for collection. Any solid waste containers, tree limbs, yard waste, recycling or other solid waste permitted by this Chapter to be placed at the curb for collection shall not be so placed until the regularly scheduled collection day or the evening immediately before. It shall be the duty of the Director to give adequate notice to all persons placing solid waste and/or recycling materials at the curb for collection of the time of day the solid waste and/or recycling materials are to be collected.
- D. Bulky rubbish shall be collected as provided in Section 250.035.
- E. The City is hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Chapter. City solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon agreement by the owner and the City.
- F. The following collection frequencies shall apply to the collections of solid waste and recycling materials within the City:
- All residential solid waste, other than bulky rubbish, shall be collected on a regular basis once per week. All residential recycling materials shall be collected on a regular basis once per week. All commercial solid waste shall be collected at such intervals as agreed upon by the owner and the City provided that such collections shall be at such intervals necessary for the preservation of the health and/or safety of the public.
- G. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, Public Health personnel and Fire Inspection personnel. (Ord. No. 210 §3, 8-3-87; Ord. No. 312 §2, 8-6-90; Ord. No. 380 §1, 11-2-92; Ord. No. 687 §§2—4, 7-2-01; Ord. No. 713 §3, 12-16-02)

SECTION 250.035: BULKY RUBBISH COLLECTION

- A. *Definitions.* For the purposes of this Section, the following terms shall be deemed to have the meaning indicated below:

BULKY RUBBISH: Non-putrescible (decaying) solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors. Bulky rubbish shall include the following:

1. *White goods:* Unwanted or discarded appliances including stove, ice box, washing machines, dryers, hot water heaters, dishwasher and other appliances used in a dwelling unit.
2. *Dwelling unit furniture including:* Couch, table, recliner, set of four (4) non-reclining chairs, bed, mattress, box springs, end table, dresser, chest of drawers, television or other residential furniture.
3. Tree limbs or bundles of branches.
4. Reserved.

DWELLING UNIT: Any structure enclosing any room or group of rooms forming a single one (1) family dwelling, with facilities used that are intended for living, sleeping, cooking and eating.

B. *Collection Of Bulky Rubbish.*

1. *Collection of bulky rubbish—other than storm damage.* The City's Public Works Director shall provide for the collection of bulky rubbish for dwelling units within the City. Bulky rubbish shall be delivered by City residents to a City designated site upon application and paid service charge. The City Council may also proclaim certain months to be set as "*bulky rubbish months*" each year. The Council may also set a service charge for bulky items during these months at their discretion, if they so choose a service charge to be different than set out hereafter.

Ward 1: The first (1st) full week of April and October.

Ward 2: The first (1st) full week of April and October.

Ward 3: The first (1st) full week of April and October.

Ward 4: The first (1st) full week of April and October.

2. *Collection of bulky rubbish caused by storm damage.* Following a storm which causes tree damage along alley or street easements, the City shall provide assistance in the removal of damaged trees and limbs. However, any resident requesting the City's assistance shall notify the City's Public Works Director of the damage within two (2) weeks after the storm. All tree limbs and branches shall be cut by the resident to manageable lengths to six (6) feet or less.

C. *Application And Service Charge.*

1. Any resident requesting bulky rubbish removal shall make written application on a form prescribed by the City with the City Billing Clerk, at least one (1) working day prior to collection at said residence or delivery by the residents to the public works building. Said written application shall set forth each item requested to be removed and whether the resident is requesting curbside pickup or will deliver the rubbish to the public works building. Upon payment to the City Billing Clerk of the service charges for curbside removal as hereinafter provided, the Billing Clerk shall advise the resident and the Public Works Director of the date scheduled for removal of the resident's bulky rubbish. Upon payment by resident who will deliver bulky rubbish to the public works building, the City Billing Clerk shall provide said resident with a receipt to be delivered to the Public Works Director or his employee upon delivery of the bulky rubbish to the public works building.

2. Each resident desiring removal of bulky rubbish from curb side by the Public Works Director shall pay, at the time of application, a fee of fifteen dollars (\$15.00) per item on white goods and dwelling unit furniture.
 3. Each resident desiring to transport bulky rubbish to the Public Works Department shall pay, at the time of application, a fee of ten dollars (\$10.00) per item on white goods. Demolition, remodeling or new construction debris will not be accepted as bulky rubbish. Public Works Department employees shall refuse to accept delivery of bulky rubbish unless the person delivers the receipt given to them by the Billing Clerk at City Hall. There shall be no charge for the removal of tree limbs and brush; however, a receipt from the Billing Clerk is still required.
- D. *Regulations Concerning Removal.* On the date notified by the City Billing Clerk, the resident requesting the removal of bulky rubbish shall send all items to be removed by the City at the dwelling unit's curb or the resident will deliver the bulky rubbish to the public works building upon obtaining appropriate permits from the City Billing Clerk.
1. All tree limbs and brush requested for removal must be less than four (4) inches in diameter. All brush requested for removal shall be securely tied in bundles no larger than forty-eight (48) inches long by eighteen (18) inches in diameter and the weight for any individual bundle shall not exceed seventy-five (75) pounds. A permit is required, but no fee shall be charged.
 2. No dwelling unit shall place curb side more than four (4) items of bulky rubbish.
 3. Except as hereafter provided, each white good and item of furniture shall be considered as one (1) item for the purpose of this Section. However, a set of four (4) folding or non-reclinable chairs shall be included as one (1) item of bulky rubbish.
 4. No white goods or other appliances containing coolant or gas systems shall be placed curb side for pickup by the Public Works Department, unless the resident removes from said appliance all compressors and coils and drains the freon therefrom.
 5. No bulky rubbish shall be placed curb side, unless said rubbish came from the dwelling unit immediately adjoining the curb. Any person who places his/her bulky rubbish along the curb of premises, other than his own, shall be guilty of littering under Chapter 255 of the City Code.
 6. The Public Works Department shall not pickup any bulky rubbish item placed curb side, unless the resident has complied with all requirements of this Section.
 7. The Public Works Department shall not accept any tree trunks, branches or limbs delivered by commercial tree service or an agent or straw party for a commercial tree service. (Ord. No. 380 §2, 11-2-92; Ord. No. 687 §§5—6, 7-2-01; Ord. No. 761 §1, 7-6-04; Ord. No. 798 §§1—4, 2-6-06; Ord. No. 811 §§2—3, 10-2-06)

SECTION 250.040: TRANSPORTATION OF SOLID WASTE

- A. All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed

with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

- B. Permits shall not be required for the removal, hauling or disposal of earth and rock materials from grading or excavation activities, however, all such material shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights of way.
- C. Transportation and disposal of demolition and construction wastes shall be in accordance with Sections 250.050 and 250.060. (Ord. No. 210 §3, 8-3-87)

SECTION 250.050: DISPOSAL OF SOLID WASTE

- A. Solid wastes shall be deposited at a processing facility or disposal area complying with all requirements of the Missouri Division of Health.
- B. The Director may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Director and which will meet all local, State and Federal regulations. (Ord. No. 210 §4, 8-3-87)

SECTION 250.060: PERMITS

- A. No person shall engage in the business of collecting, transporting, processing, or disposing of solid waste within the corporate limits of the City, otherwise than pursuant to a written contract duly approved by the City and containing such terms, conditions and provisions to comply with and implement this Chapter.
- B. In order to insure compliance with the laws of this State, this Chapter and the rules and regulations authorized herein, the Director is authorized to inspect all phases of solid waste management with the City. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. (Ord. No. 210 §6, 8-3-87)

SECTION 250.070: RULES AND REGULATIONS

- A. The Director shall make, amend, revoke, and enforce reasonable and necessary rules and regulations, governing, but not limited to:
1. Preparation, drainage, and wrapping of garbage deposited in solid waste containers.
 2. Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.
 3. Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any.
 4. Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
 5. Storage of solid waste in solid waste containers.
 6. Sanitation, maintenance and replacement of solid waste containers.
 7. Collection points of solid waste containers.
 8. Collection, transportation, processing and disposal of solid waste.
 9. Handling of special wastes such as toxic wastes, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.
- B. The City Clerk or such other City Official who is responsible for preparing utility and other service charge billings for the City, is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for.

- C. A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the Office of the City Clerk of the City. (Ord. No. 210 §7, 8-3-87)

SECTION 250.080: PROHIBITED PRACTICES

It shall be unlawful for any person to:

1. Deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container and/or, with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal;
2. Interfere in any manner with solid waste collection and transportation equipment, or with solid waste collectors in the lawful performance of their duties as such;
3. Burn solid waste, except as provided in Section 250.085;
4. Dispose of solid waste at any facility or location which is not approved by the Missouri Division of Health;
5. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a written contract from the City.
6. It shall be unlawful for any person to place recycling materials in any containers other than a bin, bag or box containing one (1) category of recycling materials, being either tins, aluminum products, papers or cardboard, except nothing contained in this Section shall prohibit a person from placing recycling material in a solid waste container with other solid waste. (Ord. No. 210 §8, 8-3-87; Ord. No. 624 §1, 3-1-99; Ord. No. 687 §7, 7-2-01)

SECTION 250.085: RESERVED

Editor's Note—Ord. no. 726 adopted May 19, 2003 superseded this section 250.085 "Burning of refuse prohibited—exceptions", which derived from ord. no. 624 §2, 3-1-99. New provisions on the same subject have been set out in Section 205.170 of this code.

SECTION 250.090: SERVICE CHARGES

- A. There is hereby imposed, for the collection and disposal of solid waste and/or recycling materials for the improvement of the general public health and environment, a service charge for each dwelling unit to which such service shall be provided under the provisions of this Chapter. The service charge for collection of solid waste shall be as follows:

1. Residential solid waste and/or recycling materials within the corporate limits of the City shall be nine dollars (\$9.00) per calendar month.
2. For households outside the corporate limits, which contract with the City for the disposal of their solid waste and/or recycling materials, ten dollars (\$10.00) per calendar month, plus an additional one dollar (\$1.00) per mile traveled outside the City limits by the City solid waste and/or recycling materials collectors to and from

the household unit. However, the City may refuse to provide collection services to households outside the City limits if the travel distance to said households, in the opinion of the Director, would interfere with the City's ability to service its own residents.

3. The monthly service charge for each commercial establishment, which contracts with the City for collection and disposal of solid waste and/or recycling materials, shall be as follows:
 - a. For commercial units with six (6) yard dumpsters, one hundred dollars (\$100.00) per month for one (1) pickup per week plus an additional twenty-five dollars (\$25.00) for each extra weekly pickup.
 - b. For commercial units with four (4) yard dumpsters, seventy dollars (\$70.00) per month for one (1) pickup per week plus an additional seventeen dollars fifty cents (\$17.50) for each extra weekly pickup.
 - c. For commercial units with two (2) yard dumpsters, forty dollars (\$40.00) per month for one (1) pickup per week plus an additional ten dollars (\$10.00) for each extra weekly pickup.
- B. The service and service charge shall be terminated upon presentation of satisfactory proof to the Director that any such dwelling unit or establishment is unoccupied, and shall be commenced upon renewed occupancy thereof.
- C. The system of services established by the provisions of this Chapter hereof is designed as an integral part of the City's program of health and sanitation, to be operated as an adjunct to the City's system for providing potable water and the City's system for providing sewerage disposal. The City may enforce collection of such charges by bringing proper legal action against the occupant of any premises which has received such services, to recover any sums due for such services plus a reasonable attorney's fee to be fixed by the Court, plus the cost of such action.
- D. The service charge herein provided for is hereby imposed upon the occupant of each occupied dwelling unit and the billing therefor shall be made to the person contracting for City water and/or sewerage service or for other water service or otherwise providing water service to each such dwelling unit. In the event a dwelling unit is not serviced by City water and/or sewerage service, billing therefor shall be made to the owner. Service charges shall be payable to the department empowered to collect service charges imposed by the City.
- E. The adjustments to the service charges set forth in Section 250.020 of this Chapter shall not effect any party who presently has a valid contract with the City for the collection and disposal of solid waste, until the expiration of the term of said contract.
- F. In the event fuel charges incurred by the City in the operation of its solid waste program increase by ten percent (10%) or more, the City shall add an additional surcharge to its solid waste customers. The surcharge shall be twelve percent (12%) of the percentage increase of the City's fuel charges. The surcharge shall be removed upon the City's actual fuel prices dropping by ten percent (10%) from the time the surcharge was imposed. (Ord. No. 230 §§2-3, 7-25-88; Ord. No. 267 §2, 7-3-89; Ord. No. 664 §2, 9-5-00; Ord. No. 687 §8, 7-2-01; Ord. No. 832 §§1-2, 12-17-07)

SECTION 250.100: RESERVED

Editor's Note—Ord. no. 888 §1, adopted March 1, 2010, repealed section 250.100 "penalties" in its entirety. Former section 250.100 derived from ord. no. 210 §10, 8-3-87. It is the city's intent to refer to the general penalty in section 110.010 of this code.

SECTION 250.110: TRASH SERVICE TO NON-RESIDENTS

All non-residents who reside within one-half (½) mile of the City of Scott City, Missouri, who wish to receive City trash service for *residential refuse only*, shall be offered City trash service upon signing a written contract with the City for said services. Such contract forms shall be on file in the City Clerk's office. (Ord. No. 372 §1, 7-6-92)

CHAPTER 255: LITTER

SECTION 255.010: LITTER IN PUBLIC PLACES

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the City except in public receptacles or authorized private receptacles. (CC §64.010)

SECTION 255.020: MANNER OF DEPOSITING LITTER

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (CC §64.020)

SECTION 255.030: SWEEPING LITTER INTO PUBLIC PLACES

- A. No person shall sweep into or deposit in any gutter, street or other public place within the City the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.
- B. Within the meaning of this Section, the word "*litter*" shall include, without excluding other substances, fallen leaves, cut weeds, grass clippings, branches and twigs that may accumulate on any building, lot or premises. (CC §64.030)

SECTION 255.040: SIDEWALKS TO BE KEPT FREE OF LITTER

Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. Persons owning or occupying places of business within the City shall keep the front of their business premises free of litter. (CC §64.050)

SECTION 255.050: LITTERING BY PERSONS IN VEHICLES

- A. No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the City, or upon private property.
- B. No driver of any vehicle shall allow any passenger in that vehicle to throw or deposit litter upon any street or other public place within the City, or upon private property. (CC §64.060)

SECTION 255.060: TRANSPORTATION OF LITTER

No person shall drive or move any truck or other vehicle hauling or transporting litter within or about the City, unless such vehicle is so constructed and the load secured so as to prevent any of the contents therein being blown, dropped or deposited upon any street, alley, or other public place. (CC §64.070)

SECTION 255.070: LITTERING ON ANY PRIVATE PREMISES

No person shall throw or deposit litter on any private property within the City, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property owned by another. (CC §64.080)

CHAPTER 260: SALE OR DISTRIBUTION OF TOBACCO PRODUCTS

SECTION 260.010: DISTRIBUTION OF TOBACCO PRODUCTS TO MINORS- -PROHIBITED

No person shall sell or distribute any tobacco product or rolling papers to any minor, except that this Section shall not apply to the distribution by family members on property that is not open to the public. (Ord. No. 386 §1, 10-5-92)

SECTION 260.020: SIGN TO BE DISPLAYED

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 ($\frac{1}{2}$) 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 (18); and
2. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle, and the words "*Under 18*".
(Ord. No. 386 §2, 10-5-92)

SECTION 260.030: EVIDENCE OF AGE TO BE REQUIRED

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 any ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18). 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 Chapter. (Ord. No. 386 §3, 10-5-92)

SECTION 260.040: EMPLOYEE LIABILITY

If a sale is made by an employee of the owner shall be guilty of an offense established in Section 260.010 of this Chapter. If a vending machine is in violation of the sign required by Section 260.020 of this Chapter, the owner of the establishment shall be guilty of an offense under this Chapter. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense under this Chapter.
(Ord. No. 386 §4, 10-5-92)

SECTION 260.050: PENALTY

Any person who violates this Chapter shall be fined:

1. For the first offense \$25.00

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2. For the second offense \$100.00

3. For a third offense and subsequent offense 250.00
 (Ord. No. 386 §5, 10-5-92)

SECTION 260.060: ONE VIOLATION EACH DAY

No person shall be liable for more than one (1) violation of this Chapter on any single day. (Ord. No. 386 §6, 10-5-92)