

CHAPTER 18

MISCELLANEOUS PROVISIONS AND OFFENSES¹

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ARTICLE I. IN GENERAL

Sec. 18-1. Definitions and rules of construction.

The definitions of Chapters 556, 562 and 563 of the Revised Statutes of Missouri shall apply to the provisions of this chapter.

Secs. 18-2 - 18-14. Reserved.

ARTICLE II. OFFENSES AGAINST THE PERSON

Sec. 18-15. Assault.

A person commits the offense of assault if:

- A. He attempts to cause or recklessly causes physical injury to another person; or
- B. With criminal negligence he causes physical injury to another person by means of a deadly weapon; or
- C. He purposely places another person in apprehension of immediate physical injury; or
- D. He recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or
- E. He knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.

(Code 1977, §§ 26-3, 26-42(c))

State law reference - Similar provisions, RSMo. § 565.070.

Secs. 18-16 - 18-27. Reserved.

ARTICLE III. SEXUAL OFFENSES

Sec. 18-28. Indecent exposure, nudity, etc.

- A. Any person who shall, within the city, make an indecent exposure of his person, appear in any public place in a state of nudity or be guilty of any indecent or lewd conduct, act or behavior shall be deemed guilty of an offense.
- B. Whoever shall bathe, wash or swim in any watercourse, pond or pool in the city, open to the public or in view of the public, being naked or insufficiently clothed to prevent improper exposure of his person, shall be deemed guilty of an offense.

(Code 1977, §§ 26-31, 26-32)

State law reference - Indecent exposure, RSMo. § 566.130.

Sec. 18-29. Public urination and defecation.

Any person who shall, within the city, urinate or defecate in a place open to public view, shall be deemed guilty of an offense.

(Ord. No. 11459, § 1, 8-28-90)

Secs. 18-30 - 18-42. Reserved.

ARTICLE IV. PROSTITUTION

Sec. 18-43. Definitions and rules of construction.

The definitions of Sections 567.010 of the Revised Statutes of Missouri shall apply to the provisions of this article.

Sec. 18-44. Prostitution.

A person commits the offense of prostitution if he performs an act of prostitution.
(Code 1977, § 26-39)

State law reference - Similar provisions, RSMo. § 567.020.

Secs. 18-45 - 18-69. Reserved.

ARTICLE V. OFFENSES INVOLVING PROPERTY DAMAGE OR TRESPASS

Sec. 18-70. Tampering.

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

(Code 1977, §§ 23-3, 26-52, 26-55)

State law reference - Similar provisions, RSMo. § 569.090.

Sec. 18-71. Property damage.

A person commits the offense of property damage if:

- A. He knowingly damages property of another; or
- B. He damages property for the purpose of defrauding an insurer.

(Code 1977, §§ 23-3, 26-52, 26-53, 26-55)

State law reference - Similar provisions, RSMo. § 569.120.

Sec. 18-72. Trespass.

- A. A person commits the offense of trespass if he knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.
- B. A person does not commit the offense of trespass in the first degree by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:
1. Actual communication to the actor; or
 2. Posting in a manner reasonably likely to come to the attention of intruders.

Rev. 3/31/2010

(Code 1977, §§ 26-52, 26-55)

State law reference - Similar provisions, RSMo. § 569.140.

Sec. 18-73. Tampering with motor vehicles

No person shall climb upon or into or swing upon a motor vehicle or trailer, or sound the horn or attempt to manipulate any lever, starting device, steering wheel, brakes or any part of the machinery of a motor vehicle, or set the machinery in motion, without the permission of the owner or person in charge thereof.

(Code 1977, § 23-2)

Sec. 18-74. Tampering with, injuring, etc., CATV equipment.

A. No person shall willfully or maliciously tamper with, remove, cut, splice or otherwise damage or injure any wires, cables, devices or equipment owned by any community antenna television system, without the knowledge and consent of its owner.

B. No person shall willfully or maliciously attach to or tamper with any wires, cables, devices or equipment of any community antenna television system, or in any other manner establish any method for the purpose of receiving television signals, radio signals, pictures, programs or sound thereby, or for any other purpose, without the knowledge and consent of the owner of such system; or, knowingly and with intent to defraud, receive or cause any other person to receive television signals, radio signals, pictures, programs or sound from such system, without the knowledge and consent of the owner.

(Code 1977, §§ 9-1, 9-2)

Sec. 18-75. Defacement of property by graffiti.

A. Any person who writes, sprays, scratches or otherwise affixes graffiti upon any property, public or private, in which another has an interest and without the consent of such other person shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars, or by imprisonment for not more than 6 months, or by both such fine and imprisonment. In addition to such penalty the court may order the defendant to perform the necessary labor to clean up, repair, or replace the property damaged by that person, or to pay any costs incurred by the owner related to the cleanup, repair or replacement of property damaged by that person.

B. It shall be the duty of the owner and/or occupant of a building, residence or any other structure or property that has been defaced by graffiti to clean up or otherwise cover such graffiti, however, no person shall clean up or otherwise cover such graffiti without first notifying the police department and allowing the police an opportunity to photograph such graffiti. If, after the police have photographed the graffiti, the owner or occupant of a building, residence or other structure or property that has been defaced by graffiti fails to clean up or otherwise cover such graffiti, the Director of Planning and Code Enforcement or his designee shall give notice to such owner or occupant, which notice shall:

1. be in writing;
2. be addressed to and served upon the owner and/or occupant of the premises; and
3. inform the owner and/or occupant of the premises that such person has three (3) days from receipt of such notice to remove or otherwise cover the graffiti or to contact the Director of

Planning and Code Enforcement or any of his or her authorized representatives and give the City permission to remove or otherwise cover the graffiti.

Notice shall be deemed properly served upon such owner and/or occupant if a copy thereof is sent by certified mail to such owner or occupant's last known address, or if the notice cannot be conveniently served by the aforesaid methods, service of the notice is to be made upon such person or persons by at least one publication in the official newspaper of the City of Jefferson, and such publication to contain the conditions and reasons of notice.

Any person who fails to notify the police department as required herein or fails to comply with any of the terms and conditions set forth in the notice after service of such notice upon them shall be guilty of an offense and upon conviction thereof shall be punished by a fine not to exceed five hundred dollars.

- C. In addition to all law enforcement officers, the following personnel employed by the City of Jefferson shall have the power to enforce the provisions of this chapter:
 - 1. All employees under the supervision of the Director of Planning and Code Enforcement;
 - 2. All health officers that are authorized representatives of the Director of the Cole County Department of Community Health.

- D. For the purposes of this section, graffiti shall be defined as any form of unauthorized painting, writing, or inscription regardless of the content or nature of the material used in the commission of the act.
(Ord. No. 11849, § 1, 1-5-93)

Secs. 18-76 - 18-90. Reserved.

ARTICLE VI. STEALING AND RELATED OFFENSES

Sec. 18-91. Definitions and rules of construction.

The definitions of sections 570.010, 570.020, 570.060 and 570.070 of the Revised Statutes of Missouri shall apply to the provisions of this article.
(Code 1977, § 26-45)

Sec. 18-92. Stealing.

- A. 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.
- B. Evidence of the following is admissible in any prosecution under this section on the issue of the requisite knowledge or belief of the alleged stealer:
1. That he failed or refused to pay for property or services of a hotel, restaurant, inn or boardinghouse;
 2. That he gave in payment for property or services of a hotel, restaurant, inn or boardinghouse a check or negotiable paper on which payment was refused;
 3. That he left the hotel, restaurant, inn or boardinghouse with the intent to not pay for property or services;
 4. That he surreptitiously removed or attempted to remove his baggage from a hotel, inn or boardinghouse.
- C. This section shall not apply:
1. The value of the property or services appropriated is one hundred fifty dollars (\$150.00) or more; or
 2. The actor physically takes the property appropriated from the person of the victim; or
 3. The property appropriated consists of:
 - a. Any motor vehicle, watercraft or aircraft; or
 - b. Any will or recorded deed affecting real property; or
 - c. Any credit card or letter of credit; or
 - d. Any firearms; or
 - e. Any original copy of an act, bill or resolution, introduced or acted upon by the legislature of the state; or
 - f. Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or

- g. Any book of registration or list of voters required by Chapter 116 of the Revised Statutes of Missouri; or
- h. Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or
- i. Any narcotic drugs as defined by section 195.010.

(Code 1977, §§ 26-26, 26-46, 26-55)

State law reference - Similar provisions, RSMo. § 570.030.

Sec. 18-93. Failure to return leased or rented property.

- A. A person commits the offense of failing to return leased or rented property if he willfully fails to return leased or rented personal property to the place and within the time specified in a written agreement providing for the leasing or renting of such personal property.
- B. It shall be prima facie evidence of the willfulness when a person who has leased or rented personal property of another 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 notifies 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 for registered mail to the lessee at the address given at the time of making the lease or rental agreement. The notice shall contain a statement that the failure to return the property may subject the lessee to criminal prosecution.

(Ord. No. 10834, 6-1-87)

Secs. 18-94 - 18-112. Reserved.

ARTICLE VII. WEAPONS OFFENSES

Sec. 18-113. Definitions and rules of construction.

The definitions of section 571.010 of the Revised Statutes of Missouri shall apply to the provisions of this article.

Sec. 18-114. Unlawful use of weapons.

- A. A person commits the offense of unlawful use of weapons if he or she knowingly:
1. Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or
 2. Sets a spring gun; or
 3. Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or
 4. Exhibits, in the presence of one or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
 5. Possesses or discharges a firearm or projectile weapon while intoxicated; or
 6. Discharges a firearm within one hundred (100) yards of any occupied school house, courthouse, or church building; or
 7. Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or
 8. Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any school, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof or into any public assemblage of persons met for any lawful purpose.
 9. Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or
 10. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.
 11. Exceptions
 - a. Gun clubs, skeet shoots, target ranges. The provisions of paragraph (9) of this section shall not apply to the firing of firearms within the bounds of gun clubs, skeet shoots or target ranges in the manner specified, and as authorized by the board of adjustment, after public hearing and in accordance with provisions of Chapter 35 of this Code.

- b. Temporary Permits. The chief of police is hereby authorized to issue permits for special one day shooting events to be held at such places as, in the opinion of the chief of police, shall provide maximum safety for all persons concerned, and under the direct supervision and control of such persons as the chief of police shall deem competent for such purposes.
- c. Nothing contained herein shall prohibit the use of firearms for hunting purposes in such areas where hunting is permitted by law.

(Ord. 13647, §1, 11-3-2003)

- B. Subdivisions (A)(1), (3), (4), (6), (7), (8), (9), and (10) of Subdivision A of this section shall not apply to or affect any of the following:
 - 1. All state, county and municipal peace officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are within or outside their jurisdictions or on or off duty, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
 - 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 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 § 84.340, RSMo; and,
- C. Subdivisions (1), (5), (8), and (10) of subsection A of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection A of this section does not apply when the actor is in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection 1 of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.
- D. Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any

school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

(Ord. 13672, §1, 1-5-2004)

(Code 1977, §§ 26-12, 26-14)

State law reference - Similar provisions, RSMo. § 571.030.

Sec. 18-115. Discharge of firearms.

A. No person shall discharge firearms of any kind within the city without a permit issued by the Police Department, except as stated below:

1. Such person is a member of the police force, sheriff's department or highway patrol, and deputized as such, and while acting within the scope of his duties as such, or unless such person is on duty in military service and acting under orders of a commanding officer.
2. The prohibition shall not apply to licensed shooting galleries or clubs or in private grounds or premises owned and operated by licensed shooting galleries or clubs under circumstances when such instruments can be fired, discharged or operated in such manner as not to endanger persons or property, and in such manner as to prevent the projectile from traversing any grounds or space outside the limits of such gallery except as provided in Sec. 18-131.

Target Ranges shall conform to the requirements of the City Code. (Ord. 13672, §2, 1-5-2004)

3. The prohibition shall not apply to firearms discharged under Section 18-131.
4. This section shall not apply to the use of firearms by any person in defense of life, livestock, crops or other property.

(Code 1977, § 26-13; Ord. 13414, § 1, 8-5-2002)

Sec. 18-116. Confiscation.

The police shall seize and confiscate all air guns, spring guns, slingshots or other implements or weapons which are capable of impelling with force a metal pellet or other projectile of any kind for a distance of more than ten (10) feet without the use of powder or other explosive, which they shall find in the unlawful possession of any person as provided by this article.

(Code 1977, § 26-15)

(Ord. No. 12168, § 1, 10-24-94; Ord. No. 12827, §1, 10-5-98; Ord. 13414, §2, 8-5-2002; (Ord. No. 14563, §1, 8-3-2009)

Sec. 18-118. Sale, possession, and use of laser pointers.

- A. Application. This section applies only to handheld pointers and excludes any and all other laser devices that may be used in other professions or occupations.
- B. Sale. It is unlawful for any person to sell a laser pointer to any person under the age of 18 years.
- C. Possession. It is unlawful for any person under the age of 18 years to possess a laser pointer.
- D. Use. It is unlawful for any person to focus, point or shine a laser beam directly or indirectly on another person or animal in such a manner as to harass, annoy, or injure said person or animal.
- E. Exceptions. The prohibition of subsection C of this section shall not apply to the use of laser pointers with the permission and supervision of a person 21 years of age or older.
- F. Penalty. Any person violating any provision of this section, upon conviction shall be fined not less than one hundred dollars (\$100.00) nor more than five-hundred dollars (\$500.00), or shall be imprisoned for three (3) months, or shall be both fined and sentenced.

(Ord. No. 12885, §2, 2-1-99)

Secs. 18-119 - 18-129. Reserved. .

Sec. 18-130. Permitted use of bow and arrow.

- A. No person shall use a bow or crossbow within the city unless subject to an exception set out in subpart B. No person shall allow a minor in their custody to use a bow or crossbow within the city unless subject to an exception set out in subpart B.

- B. The following are permitted within the city notwithstanding subpart A above.
 - 1. The shooting of arrows on a regularly established range;
 - 2. The shooting of arrows by one whose business entails the testing of such equipment in an established facility constructed and maintained for such purposes;
 - 3. The use of bow and arrow for any lawful purpose, including hunting on private property following the Missouri Department of Conservation's Rules and Regulations concerning hunting and any applicable Federal Wildlife regulations, under circumstances when such bow and arrow can be fired, discharged, or operated in such a manner as not to endanger persons or property and in such a manner as to prevent any projectile from traversing any grounds or space outside the limits of such grounds or premises. (Ord. No. 13745, §1, 7-19-2004)
 - 4. The use of bow and arrow for target practice in an area designed to contain all projectiles within the confines of property on which the owner has consented to its use.

The use of bow and arrow where permitted by exception shall be in such a manner as not to endanger the life, limb or property of others.

(Ord. No. 14563, §1, 8-3-2009)

Sec. 18-131. Permitted use of firearms.

- A. Except when discharged in a lawfully operating target range, as defined in Chapters 17 and 18 of this Code, no person shall use a firearm within the city unless subject to all of the conditions set out in subpart B; (Ord. 13672, §3, 1-5-2004)

- B. Use of a firearm will be permitted within the City, notwithstanding subpart A above, if all of the following conditions are met.
 - 1. The private property or premises used must contain ten (10) or more acres and be zoned either RU or RC; and
 - 2. Hunters must follow all of the Missouri Department of Conservation's Rules and Regulations concerning hunting and any applicable Federal Wildlife regulations; and
 - 3. Firearms must not be discharged within 300 ft of an inhabited structure; and
 - 4. Firearms are only to be used under circumstances where such firearms can be fired, discharged, or operated in such a manner as not to endanger persons or property and in such a manner as to prevent any projectile from traversing any grounds or space outside the limits of such grounds or premises.

The use of firearms where permitted by exception shall be in such a manner as not to endanger the life, limb or property of others.

- C. Nothing in this section shall be construed to require a firearms permit under Section 18-115.

(Ord. 13413, 8-5-2002)

ARTICLE VIII. OFFENSES AGAINST PUBLIC ORDER

Sec. 18-148. Affrays.

It shall be a misdemeanor for two (2) or more persons, voluntarily or by agreement, in any public place within the city, to engage in any fight, or to use any blows or violence or mischief toward each other in any angry or quarrelsome manner.

(Code 1977, § 26-2)

State law reference - Peace disturbance, RSMo. §§ 574.010, 575.020.

Sec. 18-149. Disturbing the peace: Generally.

A. A person commits the offense of peace disturbance if that person:

1. Unreasonably and knowingly disturbs or alarms another person or persons by:
 - a. Loud noise;
 - b. Offense and indecent language which is likely to produce an immediate violent response from a reasonable recipient;
 - c. Threatening to commit a crime against any person if such threats are communicated in such a fashion or under such circumstances as would lead a reasonable person to believe that criminal activity may be imminent or that a substantial likelihood of such criminal conduct exists, and such a threat is likely to produce an immediate and violent response from a reasonable recipient; or
 - d. Fighting; or
 - e. Creating a noxious and offensive odor.
2. Is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:
 - a. Vehicular or pedestrian traffic; or
 - b. The free ingress or egress to or from a public or private place.

B. It shall be unlawful for any person to commit an act of peace disturbance.

(Code 1977, §§ 26-17, 26-18; Ord. No. 10427, § 1, 5-20-85; Ord. No. 11291, § 1, 9-6-89)

Sec. 18-150. Disturbing the peace: Drive-in restaurants and public establishments.

A. It shall be a misdemeanor for any person, at any time, to create, permit or cause, or permit to be created or caused, any loud noise or other sound, by means of phonographic, radio or other broadcasting apparatus or device, or by accelerating rapidly the motor of any vehicle, or by causing the backfiring of the motor of any vehicle or by the honking of a horn, or by spinning rapidly the wheels of a vehicle, or by the emission

of loud exhaust noises from a vehicle, in, upon or around any premises used or occupied as a drive-in restaurant or other public establishment within the city.

B. For the purposes of this section, the terms "drive-in restaurant" and "public establishment" are defined as follows:

1. A "drive-in restaurant" is a place of business wherein beverages, food or refreshments are served to patrons for consumption on the premises at tables or stands in open or unenclosed areas, or in any vehicle stopped, standing or parked in or upon the premises.
2. A "public establishment" shall include any commercial activity conducted within the city.

(Code 1977, § 26-19)

State law reference - Peace disturbance, RSMo. § 574.010, 574.020.

Sec. 18-151. Disturbing the peace: Religious and other assemblies.

Every person who shall willfully, maliciously or contemptuously disquiet or disturb any congregation or other assembly met for religious worship, or when meeting at the place of worship or dispersing therefrom, or any school or meeting or assembly of people met together for any lawful purpose whatever, by making a noise, or by rude or indecent behavior or profane discourse within the place of assembly, or so near the same as to interrupt or disturb the order or solemnity thereof, or who shall willfully menace, threaten or assault any person there being, shall be guilty of an offense.

(Code 1977, § 26-20)

State law reference - Peace disturbance, RSMo. §§ 574.010, 574.020.

Sec. 18-152. Unlawful assembly.

A person commits the offense of unlawful assembly if he knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this state or of the United States with force or violence.

(Code 1977, § 26-58)

State law reference - Similar provisions, RSMo. § 574.040.

Sec. 18-153. Rioting.

A person commits the offense of rioting if he knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this state or of the United States with force or violence, and thereafter, while still so assembled, does violate any of said laws with force or violence.

(Code 1977, § 26-59)

State law reference - Similar provisions, RSMo. §574.050.

Sec. 18-154. Curfew for persons under 17.

A. Generally. No person under the age of seventeen (17) years shall be in any automobile or in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings, places

of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 12:30 p.m. and 6:00 a.m.

- B. Responsibility of Parent. It shall be unlawful for the parent, guardian, or other person having the legal care and custody, or who has accepted responsibility for the care and custody of a person under the age of seventeen (17) to knowingly or with reason to know permit such minor to violate the provisions of this ordinance.
- C. Procedure upon violation.
1. Any police officer, upon finding a minor in violation of this ordinance, shall determine the name and address of such minor and warn the minor that his is in violation of the curfew established herein and shall direct the minor to proceed at once to his or her home or usual place of abode. The police officer shall report such action to his desk officer, who in turn may notify the parent, guardian, or person having the legal care and custody of such minor of the violation.
 2. If the minor refuses to obey the directions of the police officer or refuses to give his correct name and address, or if the minor has previously been warned that he or she is in violation of the curfew established herein, the minor shall be taken to the police department and the parent, guardian, or other person having the legal care and custody of the minor shall be notified to come and take charge of the minor. If the parent, guardian, or other person having the legal care and custody of the minor cannot be located or fails to come and take care of the minor, the minor shall be released to the juvenile authorities.
- D. Service of notice. Notice of a violation of the curfew established herein shall be given in writing to the parent, guardian, or other person having the legal care and custody of the minor. The written notice of violation may be served by leaving a copy thereof at the residence of such person, with any adult person found at such residence, or by mailing the notice to the last-known address of such person or wherever such person may be found.
- E. Penalty for violation.
1. Any person under the age of seventeen (17) found in repeated violation of the curfew established herein shall be reported by the police to the juvenile authorities and shall be dealt with in accordance with the juvenile law and procedure.
 2. Any parent, guardian, or other person having the legal care and custody of a minor found in violation of the curfew established herein, after having been given written notice of a prior violation as provided herein, shall be deemed guilty of a misdemeanor.
- F. Exceptions. This ordinance shall not apply (i) to any minor while going to or coming home from the minor's place of employment, (ii) to any minor who is accompanied by his parent, guardian, or other person having legal care and custody of the minor, (iii) to any minor on an emergency, or (iv) to any minor who is on legitimate business directed by his parent, guardian, or other person having the legal care and custody of the minor.
- G. Definitions. As used herein, "minor" means any person under seventeen (17) years of age, and "adult" means any person twenty-one (21) years of age or older.
- (Ord. No. 10881, 8-3-87)

Sec. 18-155. Habitual Offenders.

- A. As used in this chapter, the term “habitual offender” shall be defined a person who, after the effective date of this ordinance, has at least three times in any 365 day period, or five times in any 730 day period:
1. been ordered to abate a code violation after a hearing (including a hearing for which the person had notice but did not attend); or
 2. has been convicted in municipal court for violation of:
 - a. Any violation of Chapter 21 of the City Code, or
 - b. Any violation of Chapter 8 of the City Code, or
 - c. Any violation of Chapter 5 of the City Code, or
 - d. Any violation of the following sections of the City Code:
 - (1) 18-75 Graffiti
 - (2) 22-30 Abandoned Motor Vehicles
 - (3) 29-18 Connection to public sewer required.
- B. Any person found to be guilty of a code violation identified in subsection A.2 and found by the court to be a habitual offender shall be punished by a fine of not less than Three Hundred Fifty and no/100 Dollars (\$350.00) and not less than thirty (30) days in jail.
- C. The Court shall not suspend imposition of sentence nor suspend execution of sentence for any person found guilty of a code violation identified in subsection A.2 and found by the court to a habitual offender unless the Court imposes probation on the person of not less than one year with at least the following conditions of probation:
1. The habitual offender shall post a bond in an amount determined by the Court based upon a recommendation from the Director of Community Development or his designee. In making such a recommendation the Director of Community Development shall estimate the total expected cost to the City to abate the type of violations committed by the habitual offender assuming the habitual offender continues to commit such violations during the period of probation, as well as administrative fees and the costs to prosecute such expected violations. Such bond shall be held by the Director of Community Development who shall account separately for the bond fund of each habitual offender; and
 2. The habitual offender consents in writing, in a form approved by the Court, to allow the Director of Community Development to apply his or her bond to the costs of abating any code violation committed by the habitual offender during the term of the probation, provided however that the Director of Community Development shall give the habitual offender not less than ten (10) days notice by registered mail of his intent to apply such bond funds, and, provided further that the habitual offender may appeal the action of the Director of Community Development to the Court and if the Court finds after a hearing that the habitual offender did not violate the City Code, then said sums shall be refunded to the habitual offender’s bond fund. The Court may stay the action of the Director for up to 45 days.
- D. The Court shall not suspend imposition of sentence nor suspend execution of sentence for any person found guilty of a code violation identified in subsection A.2 and found by the court to be a habitual offender of a second or subsequent conviction.

(Ord. 14133, §1, 12-4-2006; Ord. 14336, §1, 4-7-2008)

Secs. 18-156 - 18-164. Reserved.

ARTICLE IX. OFFENSES AGAINST THE ADMINISTRATION OF JUSTICE

Sec. 18-165. False reports.

- A. A person commits the offense of making a false report if he knowingly:
1. Gives false information to a law enforcement officer for the purpose of implicating another person in a crime; or
 2. Makes a false report to a law enforcement officer that a crime has occurred or is about to occur; or
 3. Makes, initiates, or transmits a signal, message, report, or other notification of an event of fire when no such danger exists.
 4. Makes, initiates, or transmits a false claim or report, or causes a false report to be made, to a city employee charged with enforcement of City codes, that a code violation has occurred when such person knows that the said violation has not occurred.
- B. It is a defense to a prosecution under subsection (A) of this section that the actor retracted the false statement or report before the law enforcement officer or any other person took substantial action in reliance thereon.
- C. The defendant shall have the burden of injecting the issue of retraction under subsection (b) of this section.

(Code 1977, §§ 26-21, 26-22; Ord. 14345, §1, 4-21-2008)

State law reference - Similar provisions, RSMo. § 575.080.

Sec. 18-166. False bomb report.

A person commits the offense of making a false bomb report if he knowingly makes a false report or causes a false report to be made to any person that a bomb or other explosive has been placed in any public or private place or vehicle.

(Code 1977, §§ 26-21, 26-22)

State law reference - Similar provisions, RSMo. § 575.090.

Sec. 18-167. False impersonation.

A person commits the offense of false impersonation if he falsely represents himself to be a public servant with purpose to induce another to submit to his pretended official authority or to rely upon his pretended official acts, and:

- A. Performs an act in that pretended capacity; or
- B. Causes another to act in reliance upon his pretended official authority.

(Code 1977, §§ 2-149, 26-30)

State law reference - Similar provisions, RSMo. § 575.120.

Sec. 18-168. Resisting or interfering with arrest.

- A. A person commits the offense of resisting or interfering with arrest if, knowing that a law enforcement officer is making an arrest, for the purpose of preventing the officer from effecting the arrest, he:
1. Resists the arrest of himself by using or threatening the use of violence or physical force or by fleeing from such officer; or
 2. Interferes with the arrest of another person by using or threatening the use of violence, physical force or physical interference.
- B. This section applies to arrests with or without warrants and to arrests for any crime or ordinance violation.

(Code 1977, § 26-42)

- C. It is no defense to a prosecution under subsection (A) of this section that the law enforcement officer was acting unlawfully in making the arrest. However, nothing in this section shall be construed to bar civil suits for unlawful arrest.
- D. This section shall not apply to resisting, by means other than flight, or interfering with an arrest for a felony.

(Code 1977, § 26-42)

State law reference - Similar provisions, RSMo. § 575.150.

Sec. 18-169. Obstructing police.

- A. It shall be unlawful for any person to fail or refuse to obey any reasonable order or direction of any such officer while in the exercise of his duty.
- B. It shall be unlawful for any person to obstruct an officer in an attempt to arrest any person or while the officer is carrying out any duty incumbent upon him as a police officer.

(Code 1977, § 26-42(a), (b))

Sec. 18-170. Escape from custody.

- A. A person commits the offense of escape from custody if, while being held in custody after arrest for any crime, he escapes from custody.
- B. This section shall not apply to an escape from custody under the following circumstances:
1. It is effected by means of a deadly weapon or dangerous instrument or by holding any person as hostage, in which case escape from custody is a class A felony;
 2. The person escaping is under arrest for a felony, in which case escape from custody is a class D felony.

(Code 1977, § 26-37)

State law reference - Similar provisions, RSMo. § 575.200.

Sec. 18-171. Aiding escape of a prisoner.

- A. A person commits the offense of aiding escape of a prisoner if he:
1. Introduces into any place of confinement any deadly weapon or dangerous instrument, or other thing adapted or designed for use in making an escape, with the purpose of facilitating the escape of any prisoner confined therein, or of facilitating the commission of any other crime; or
 2. Assists or attempts to assist any prisoner who is being held in custody or confinement for the purpose of effecting the prisoner's escape from custody or confinement.
- B. This section shall not apply to:
1. Aiding escape of a prisoner by introducing a deadly weapon or dangerous instrument into a place of confinement.
 2. Aiding escape of a prisoner being held in custody or confinement on the basis of a felony charge or conviction.

(Code 1977, § 26-38)

State law reference - Similar provisions, RSMo. § 575.230.

Sec. 18-172. Failure to comply with subpoena.

A person commits the offense of failure to comply with a subpoena issued by the municipal court, if he fails to appear at the time and in the manner directed in the subpoena or to do any other act required by the subpoena having been duly served.

(Ord. No. 10807, § 1, 4-6-87)

Sec. 18-173. Failure to pay a fine.

A person commits the offense of failure to pay a fine assessed by the municipal court, if he fails to pay such fine on or before the date on which it is due.

(Ord. No. 10807, § 1, 4-6-87)

Sec. 18-174. Failure to appear before the municipal court.

A person commits the offense of failure to appear before the municipal court, if he has been charged with a violation of the municipal ordinances of the City of Jefferson, Missouri, and fails to appear before the municipal court at the time and on the date on which he was summoned.

(Ord. No. 10807, § 1, 4-6-87)

Sec. 18-175. Abuse of Police Animals.

- A. It shall be unlawful for any person to willfully or maliciously kill, assault, torture, torment, threaten, beat, strike, kick, mutilate, injure, disable, arouse, anger, excite or otherwise interfere with any animal while it is being caged, kenneled, transported, exhibited, exercised, or used in discharging or attempting discharge of any lawful duty or function or power of office by any bona fide officer or his representative for any police agency.

- B. Any person violating any provision of this ordinance, upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), or shall be imprisoned for not more than three (3) months, or shall be both fined and sentenced.

(Ord. No. 12081, § 1, 5-2-94)

Sec. 18-176 Assaulting a Law Enforcement Officer.

- A. A person commits the crime of assault of a law enforcement officer if:
1. Such person recklessly causes physical injury to a law enforcement officer;
 2. Such person purposely places a law enforcement officer in apprehension of immediate physical injury;
 3. Such person knowingly causes or attempts to cause physical contact with a law enforcement officer without the consent of the law enforcement officer.
- B. Assault of a law enforcement officer is a code violation.

(Ord. 14215. §1, 6-18-2007)

Secs. 18-177- 18-200. Reserved.

ARTICLE X. OFFENSES AFFECTING GOVERNMENT

Sec. 18-201. Obstructing government operations.

A person commits the offense of obstructing government operations if he purposely obstructs, impairs, hinders or perverts the performance of a governmental function by the use or threat of violence, force, or other physical interference or obstacle.

State law reference - Similar provisions, RSMo. § 576.030.

Secs. 18-202 - 18-212. Reserved.

ARTICLE XI. OTHER OFFENSES

Sec. 18-213. Abandoned wells or cisterns.

It shall be unlawful for any person owning real estate property within the corporate limits to abandon or discontinue the use of any well or cistern located on his property, unless such well or cistern is completely sealed with concrete or metal or some other material of a durable nature which is securely fixed in place over the top of such well or cistern.

(Code 1977, § 26-1)

(Code 1977, § 26-6; Ord. 13434, §1, 9-3-2002)

State law reference - Authority to regulate, prohibit, etc., barbed wire fences in public places, RSMo. §77.510.

Sec. 18-214. Polluting or defiling reservoirs, water tanks, etc.

Any person who shall put or cause to be put any dead animal carcass, or any part thereof, or any offal or other filth into any reservoir, water tank or tower, which is used or intended to be used for the purpose of supplying the inhabitants of the city with water, or who shall in any manner or by any means defile, attempt to defile or cause to be defiled the water contained in any such reservoir, water tank or tower, shall be guilty of a misdemeanor.

(Code 1977, § 26-35)

State law reference - Fouling water supplies, RSMo. §577.076.

Sec. 18-215. Polluting or fouling wells, cisterns, etc.

Any person who shall put or cause to be put any dead animal carcass, or any part thereof, or any offal or other filth into any well, cistern, spring, drinking fountain, trough or basin used for drinking purposes, or into any brook or branch within the city, which is or may be used for household or domestic purposes, or the water of which is or may be used by the public for drinking purposes, shall be deemed guilty of a misdemeanor.

(Code 1977, § 26-36)

State law reference - Fouling public waters, RSMo. §577.076.

Sec. 18-216. Use of sound amplifying equipment so as to constitute nuisance.

It shall be unlawful for any person to use any sound amplifying equipment, whether for the purpose of advertising any goods, wares or merchandise or for the purpose of announcing any public meeting, for playing music or for any other purpose whatsoever, when the sound produced thereby would constitute a nuisance under any ordinance of the city.

(Code 1977, § 26-44)

Sec. 18-217. Throwing objects from cars: Generally.

A. It shall be unlawful for any person to throw or otherwise propel firecrackers, explosives, eggs, water balloons or any other substance against any person, automobile or occupant thereof from an automobile,

whether the same is stationary or moving, and it shall be unlawful for any person to drive an automobile from which such objects or substances are thrown.

- B. The fact that such person is driving an automobile from which firecrackers, explosives, eggs, water balloons or other substance against any person, automobile or occupant thereof from an automobile, whether the same is stationary or moving, and it shall be unlawful for any person to drive an automobile from which such objects or substances are thrown.
- C. The fact that such person is driving an automobile from which firecrackers, explosives, eggs, water balloons or other substances are thrown at another automobile or pedestrian, shall be prima facie evidence that the driver of such automobile has violated this section.

(Code 1977, § 26-49)

Sec. 18-218. Throwing objects from cars: Responsibility of occupants.

Each occupant of an automobile, whether moving or stationary, from which firecrackers, explosives, eggs, water balloons or other substances have been thrown or propelled against pedestrians or other automobiles upon the public highways in the city, who shall fail to prevent other occupants from hurling such eggs, water balloons, firecrackers, explosives or other substances, as aforesaid, shall be guilty of a misdemeanor, and the fact that such objects or substances were hurled or propelled as aforesaid by an occupant of an automobile shall be prima facie evidence against all occupants of such automobile of a violation of the provisions of this section.

(Code 1977, § 26-50)

Sec. 18-219. Throwing objects from cars: Duty to report violations.

Both the driver and any other occupant of any automobile from which firecrackers, explosives, eggs, water balloons or other substances have been thrown against pedestrians or other automobiles upon the public highways of the city shall be equally guilty of a misdemeanor, unless the driver or other occupant of such automobile shall immediately stop such automobile, or cause the same to be stopped, and report such action to the police, and the failure of such driver and other occupant to stop such automobile, or cause the same to be stopped, and to report such violation shall be prima facie proof of a violation of the provisions of this section.

(Code 1977, § 26-51)

Sec. 18-220. Distribution of flyers, leaflets, commercial advertising, and unsolicited newspapers.

No person shall throw, deposit, distribute, nor cause to be thrown, deposited or distributed any unsolicited flyer, leaflet, advertisement, or newspaper (referred to hereinafter in this section as “flyers”) in or upon any private premises or upon any vehicle unless the flyers are distributed in a manner which is reasonably calculated to prevent the flyer from blowing off or otherwise leaving the premises or vehicle or are handed or transmitted directly to the owner, occupant or other person then present.

(Code 1977, § 26-56; Ord. No. 11192 § 1, 3-20-89; Ord. No. 14639, §1, 2-15-2010)

Sec. 18-221. Obstructing watercourses.

Any person who, in the city, shall place or suffer to be placed in any watercourse or stream of water, the Missouri River excepted, any dirt, stones, rubbish, tin cans, refuse, logs, tree branches or any other object which would fill up the channel or obstruct the free passage of water through any such watercourse or stream of water shall be deemed guilty of a misdemeanor.

(Code 1977, § 26-61)

State law reference - Authority to prevent obstruction of watercourse, RSMo. § 77.140.

Sec. 18-222. Changing channel of watercourse.

Any person in the city who shall change the natural or legally established channel of any watercourse, without having lawful authority to do so, shall be deemed guilty of a misdemeanor.

(Code 1977, § 26-62)

Sec. 18-223. Boxing or wrestling matches involving members of opposite sex.

It shall be unlawful for any person to sponsor, conduct, operate or participate in any manner whatsoever the activities of mud wrestling or events where wrestling or boxing partners are of the opposite sex.

(Ord. No. 9606, § 1(26.63), 4-6-81)

Sec. 18-224. Obstruction or interference with use of public property.

A. It shall be unlawful for any person to:

Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or to

Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon and thereto.

B. Public place shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks, and public or parochial schools.

(Ord. No. 14650, §1, 3-15-2010)

Sec. 18-225. Posting of bills, notices, etc., on public property.

It shall be unlawful for any person to stick, post, place or maintain upon any traffic or street sign, pole, tree, post, bridge or structure located on any street, alley, parkway, park or public place any bill, sign, poster, notice, placard, advertisement or printed or written matter of any kind; provided, that nothing contained in this section shall be construed to apply to notices required by law to be posted, or to official notices given by public authority.

Code 1977, § 26-54)

Sec. 18-226. Placement or operation of mechanical amusement devices on city property.

No person shall place or operate any mechanical amusement device on any city property, except that property controlled and operated by the park board. The term "mechanical amusement device" shall mean any machine, which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score; it shall include such devices as marble

machines, video games, and all games, operations, or transactions similar thereto under whatever name they [that] may be indicated.
(Ord. No. 9934, § 1(26-64), 3-7-83)

Sec. 18-227. Sale of tobacco to minors.

- A. It shall be unlawful for any person to sell tobacco products or tobacco product paraphernalia to a minor.
- B. Warning signs concerning sales of tobacco products to minors shall be plainly visible at every display from which tobacco products are sold. Such signs shall:
 - 1. Contain in red lettering at least one-half inch high on a white background "IT IS A VIOLATION OF THE LAW FOR TOBACCO PRODUCTS OR TOBACCO PRODUCT PARAPHERNALIA TO BE SOLD TO, OR POSSESSED BY, ANY PERSON UNDER THE AGE OF 18", and
 - 2. Include a depiction of a pack of cigarettes at least two inches high defaced by a red diagonal diameter of a surrounding red circle.
- C. The signs referred to in subparagraphs (B)(1) and (B)(2) shall be provided without cost by the City of Jefferson.
- D. For the purposes of this section, the following terms shall have the meanings designated:
 - 1. Tobacco products shall mean any substance containing tobacco leaf, including, but not limited to, cigars, cigarettes, pipe tobacco and smokeless tobacco. "Smokeless tobacco" means any tobacco products that are suitable for dipping or chewing, such as snuff, chewing tobacco or dipping tobacco.
 - 2. Tobacco product paraphernalia shall include, but not be limited to, cigarette wrapping papers and pipes made for smoking tobacco products.
 - 3. Minor shall mean any person under the age of 18 years.
 - 4. Vending machine shall mean any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.
- E. The provisions of this section shall not apply to the sale of tobacco products through a vending machine until January 1, 1993, if the vending machine contains thereon the warning signs referred to in paragraph (B) and the owner of the vending machine or person leasing the machine does not knowingly permit the sale of tobacco products to minors.

After January 1, 1993, all vending machines that are in areas open to minors must be supervised or controlled by the owner or lessor of the machine. The method of control may be visual, use of tokens, or a lockout.
- F. Any person found guilty of violating the provisions of this section shall be subject to a penalty for each violation as follows:
 - 1. A fine of \$100 for the first violation within a two-year period.

2. A fine of \$250 for the second violation within a two-year period.

3. A fine of \$500 for the third and any subsequent violation within a two-year period.
(Ord. No. 11533, § 1, 1-23-91)

Sec. 18-228. Purchase or possession of tobacco by minors.

A. It shall be unlawful for a minor to purchase or attempt to purchase cigarettes, or to have cigarettes in his or her possession.

B. Any person found guilty of violating the provisions of this section shall be subject to a penalty for each violation as follows:

The minor will be required to perform not less than 5 hours of community service and not more than 100 hours of community service.

(Ord. No. 11533, § 2, 1-23-91)

Sec. 18-229. Feeding of Migratory Waterfowl Prohibited.

A. No person shall feed, or leave food out for the purpose of feeding, migratory waterfowl within the City.

B. A violation of this ordinance shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00).

C. For purposes of this section migratory waterfowl means any species of birds commonly known as swans, geese, brants, river and sea ducks, and any other waterfowl falling under the jurisdiction of the Missouri Conservation Commission or otherwise defined by the Commission as migratory waterfowl.

(Ord. No. 13118, §1, 10-2-2000)

Secs. 18-230 - 18-250. Reserved.

ARTICLE XII. BURGLAR AND FIRE ALARM SYSTEMS

Sec. 18-251. Definitions.

For the purposes of this article, the following words or phrases shall have the meanings respectively ascribed to them by this section:

- A. Alarm Business. Any individual, partnership, corporation, or other entity in which the owners or employees engage in the activity of altering, selling, installing, leasing, maintaining, repairing, replacing, servicing, or responding in any manner to alarm systems.
- B. Alarm System. Any assembly of equipment and devices or a single device such as a solid state unit which uses electrical energy to signal the presence of a hazard requiring urgent attention and to which police or firemen are expected to respond. In this ordinance, the term "Alarm System" shall include but not be limited to the terms "Automatic Holdup Alarm Systems," "Burglar Alarm Systems," "Holdup Alarm Systems" and "Manual Holdup Alarm Systems" as those terms are hereinafter defined. This definition shall also include non-manually operated fire alarm systems.
- C. Answering Service. Any telephone answering service providing among its services the service of receiving on a continuous basis through trained employees emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the communication center of the police department.
- D. Automatic Answering Device. Any alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.
- E. Automatic Holdup Alarm System. Any alarm system in which the signal transmission is initiated by the action of the robber.
- F. Burglar Alarm System. Any alarm system signaling an entry or attempted entry into the area protected by the system.
- G. False Alarm. Any activation of an alarm system through mechanical failure, malfunction, improper installation, without an unlawful entry or other condition which the alarm is designed to detect, or through the negligent or intentional acts of the owner or lessee of an alarm system or of his employees or agents or other causes.
- H. Holdup Alarm System. Any alarm system signaling a robbery or attempted robbery.
- I. Manual Holdup Alarm System. Any alarm system in which the signal transmission is initiated by the direct action of the person attacked or by an observer of the attack.
- J. Subscriber. Any person who buys or leases, or otherwise obtains an alarm signaling system or contracts with or hires an alarm business to monitor or service the alarm device.

Sec. 18-252. Automatic Dialing Devices.

No person shall interconnect any automatic dialing device to a police or fire department primary trunkline and no person shall permit such devices to remain interconnected from any property owned or controlled by that person. Such devices may be interconnected to a modified central station or an answering service. Relaying messages received to the police or fire departments shall only be done person to person on a telephone line designated by the police chief. The police chief may approve a direct line installation between a modified central station or an answering service to the police or fire departments, with full costs to be borne by the person or business operating the station or service.

Sec. 18-253. Personnel to Respond to Alarm.

The subscriber shall provide the police department with the name and telephone number of the alarm business with whom the subscriber has contracted to respond to an emergency signal transmitted by the automatic alarm device. If the subscriber has not contracted with an alarm business to respond, the subscriber shall provide the police department with the names and telephone numbers of at least two other persons who have agreed in writing to respond to an emergency signal transmitted by the automatic alarm device, who can be reached at any time of the day or night, who are authorized to respond to an emergency signal and who can open the premises where the device is installed. If any such person refuses to cooperate with the police department, such refusal shall be a violation of this ordinance. If any such person withdraws his agreement to cooperate the subscriber will at once furnish another person who has consented and meets the qualifications set forth in this section.

Sec. 18-254. Direct Connections.

No alarm system designed to transmit emergency messages directly to the police or fire department shall be (1) tested or demonstrated without first notifying the police or fire department dispatcher, or (2) connected to the police or fire department without express written consent of the chief of the appropriate department. No direct connection of any alarm system designed to monitor an environmental condition shall be permitted.

Sec. 18-255. Notification.

When an alarm business service to its subscribers is disrupted for any reason by the alarm business, or the alarm business becomes aware of such disruption, it shall promptly notify the police department by telephone that protection is no longer being provided.

Sec. 18-256. False Alarms.

- A. In determining whether an alarm is a false alarm, all circumstances shall be considered. Police officers or fire officials investigating false alarms shall make a careful check for signs of an occurrence that had abated before the officer or official's arrival which would have justified the use of the alarm.
- B. Any false alarm initiated by an alarm system and responded to by the police or fire department shall constitute a violation of this article and shall be punishable by the warning and fine schedule set forth in this section. However, a false alarm caused by a person or persons other than the subscriber or owner or lessee of the alarm system shall not be charged to the subscriber.
- C. The following fine schedule is established for police or fire response to false alarms:
 - 1. After the first three responses within a ninety (90) day period: a written warning shall be issued by the chief of police or fire. Such warnings shall include a copy of this section.

2. The fourth response within a ninety (90) day period: a minimum fine of ten dollars (\$10.00).
 3. The fifth response within a ninety (90) day period: a minimum fine of thirty dollars (\$30.00).
 4. All further responses within a ninety (90) day period: a minimum fine of seventy-five dollars (\$75.00).
- D. When the choice is made to notify the police or fire department directly by person of any situation, any determination of a false alarm or fines, warnings, and proceedings regarding false alarms shall be governed by Section 18-165 of this Code. This subsection shall apply to the use of a manually operated fire alarm.
- E. The warnings and fines imposed by this section shall be waived for sixty (60) days if the police chief or fire chief is notified, within five (5) working days of the installation, of a new alarm system. Any false alarms initiated by an alarm system within the sixty (60) day period shall not be counted in determining any warnings or fines accruing after the sixty (60) day period.

Sec. 18-257. Termination of Direct Connection.

- A. The police chief shall require the owner or lessee of any alarm system directly connected to the police or fire department to disconnect such device until it is working in such a manner as will not produce a high frequency of false alarms. The police chief may require disconnection if nine (9) false alarms are received in any ninety (90) day period. The police chief may, after giving notice to the subscriber, order disconnection of the system for noncooperation of the subscriber, or for violations of this article.
- B. A disconnection order shall be lifted if, after review of the alarm system and its operation, the police chief is satisfied that the fault has been corrected.
- C. If the police chief does not feel that the fault has been corrected and refuses to lift the suspension, the subscriber may submit a written appeal to the police chief who shall organize a meeting of the appeals board and the subscriber within seven (7) days of the postmarked date of the appeal letter. The appeals board shall determine whether the alarm system should be reconnected or whether the disconnection shall be continued until further evidence is presented to the police chief that the fault has been corrected.
- D. The police chief shall appoint the appeals board consisting of one subscriber, one member of the fire department and one other resident of the city.
- E. On the date of the reconnection of the alarm system, the false alarm count shall revert to zero.

Sec. 18-258. Obligation to Instruct.

Each alarm business which installs or services an alarm system shall clearly instruct the subscriber in the proper use and operation of the alarm system, as frequently as necessary, especially in those factors which can cause false alarms.

Sec. 18-259. Maintenance and Inspection.

- A. A subscriber shall maintain any alarm system in good working order, providing the necessary service to prevent false alarms, to prevent malfunctions endangering persons or property and to prevent other malfunctions.
- B. A subscriber shall cause any alarm system to be inspected regularly, by a representative of the alarm business with a service contract or other person qualified to inspect and service such equipment, at least once every twelve (12) months. Inspections shall be complete enough to detect any likely malfunctions and may include testing of the equipment. Particular attention shall be paid to the conditions that have the potential of causing false alarms. The person making the inspection shall make available a written report to the subscriber, and the report shall be kept for twelve (12) months, and shall be made available on request during regular business hours to the police department or the fire department.
- C. The subscriber shall be responsible for maintaining the alarm system, and he shall look to the report of the inspector for guidance, but shall not limit his maintenance effort to matters on the report of the inspector.

Sec. 18-260. Penalties.

Any individual, partnership, corporation or other entity violating any provision of this ordinance, except those set forth in Section 18-256, shall be fined not less than twenty-five dollars (\$25.00) nor more than two hundred and fifty dollars (\$250.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. Any fine imposed under this section, or Section 18-256, shall not preclude the use of any remedy set forth in Section 18-257.

(Ord. No. 10749, 11-5-86)

ARTICLE XIII. WILFUL CONCEALMENT OF UNPURCHASED MERCHANDISE

Sec. 18-270. Definitions and rules of construction.

The definitions of sections 537.125.(1), (2) and (3) of the Revised Statutes of Missouri shall apply to the provisions of this article.

Sec. 18-271. Willful concealment of unpurchased property—liability presumption.

- A. A person commits the offense of wrongful concealment if he or she willfully conceals unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment with the intent to deprive the owner.
- B. As used in this section:
1. "Willful concealment" is defined as any wrongful taking of merchandise offered for sale or displayed by a merchant with the intent to deprive the owner;
 2. "Wrongful taking" means to take, obtain, use, transfer, conceal, retain possession of.
- C. Any merchant, his agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a willful concealment of merchandise from a mercantile establishment may detain such person in a reasonable manner and for a reasonable length of time for the purpose of investigating whether there has been a wrongful concealment of such merchandise. Any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, his agent or employee criminally or civilly liable to the person so detained.
- D. Any person willfully concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of subsection 1 of subpart B above, and the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time, of such person by a merchant, his agent or employee, in order that recovery of such merchandise may be effected, and any such reasonable detention shall not be deemed to be unlawful, nor render such merchant, his agent or employee criminally or civilly liable.
- E. Any merchant, his agent or employee, who has reasonable grounds or probable cause to believe that a person has committed a wrongful taking of property, as defined in this section, and who has detained such person and investigated such wrongful taking, may contact law enforcement officers and instigate criminal proceedings against such person. Any such contact of law enforcement authorities or instigation of a judicial proceeding shall not constitute malicious prosecution, nor shall it render the merchant, his agent or employee criminally or civilly liable to the person so detained or against whom proceedings are instigated.

(Ord. No. 12639, § 1, 7-21-97)

ARTICLE XIV. OFFENSES AGAINST PUBLIC HEALTH AND SAFETY.

Sec. 18-280. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Controlled substance. Any drug or substance included in sections 195.005 through and including section 195.425, RSMo.

Drug paraphernalia. All equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or an imitation controlled substance in violation of sections 195.005 to 195.425, RSMo.

Sec. 18-281. Possession of marijuana; penalty.

- A. It is unlawful for any person to possess thirty-five (35) grams or less of marijuana.
- B. Any person violating any provision of this section, upon conviction, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or shall be imprisoned for three (3) months, or shall be both fined and sentenced.

State law reference - Possession or control of a controlled substance, penalty, RSMo. § 195.202.

Sec. 18-282. Unlawful use of drug paraphernalia; penalty.

- A. 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 sections 195.005 to 195.425, RSMo.
- B. Any person violating any provision of this section, upon conviction shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or shall be imprisoned for not more than three (3) months, or shall be both fined and sentenced.

State law reference - Unlawful use of drug paraphernalia, penalty, RSMo. § 195.233.

(Ord. No. 12720, § 1, 2-2-98)

Sec. 18-283 - 18-289. Reserved.

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1. . **Cross reference** - Definitions and rules of construction generally, § 1-2.