

TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE

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**CHAPTER 200. PUBLIC WAYS AND PLACES
PART 1. PUBLIC FACILITIES****SECTION 200.100: PUBLICATION OF REGULATIONS**

Regulations established under this Article shall be in written form, shall be available to the public at the City Hall, and shall be adequately posted in summary form on or near the public property affected by such regulations.

SECTION 200.110: PENALTY FOR VIOLATION

Unless another penalty is expressly provided, every person convicted of a violation of any of the provisions of the code Title II. Public Health, Safety and Welfare, or any code adopted by reference therein, shall be punished by a fine not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00), or to imprisonment for a term not exceeding ninety (90) days, or both such fine and imprisonment, plus the cost of prosecution. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided shall apply to the amendment of any code section whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as recovery of costs, abatement of nuisances, injunctive relief, and revocation of license or permits.

SECTION 200.120: SEVERABILITY OF PARTS OF CODE

It is hereby declared to the intention of the City Council that the titles, chapters, parts, sections, paragraphs, sentences, clauses and phrases of this code are severable and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the validity of the remaining portions of these ordinances. The City of Crane, Missouri, Board of Aldermen, hereby declares that it would have passed the same, even though such portions so held to be unconstitutional had not been included therein.

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**CHAPTER 200. PUBLIC WAYS AND PLACES
PART 2. PARKS****SECTION 200.200: DEFINITIONS**

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

CITY. The City of Crane, Missouri.

DIRECTOR. A person actively serving on the Park Board of Directors.

INLINE SKATE. A shoe, metal frame that can be fitted to the sole of a shoe, or similar device with wheels attached.

PARK. A park, playground, recreation center or any other area in the city, owned or used by the city, and devoted to active or passive recreation.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

SKATEBOARD. A rectangular board or other surface mounted on wheels for the purpose of personal locomotion, sporting activity or similar purpose.

SKATEPARK. The City of Crane Skatepark, the concrete portion and proximal area of the facility for the use of skateboards, roller skates and inline roller skates located in the City of Crane Park System and any and all other parks owned and/or maintained by the City of Crane, Missouri.

VEHICLE. Any wheeled conveyance, whether motor powered, animal-drawn, or self-propelled. The term includes any trailer in tow of any size, kind or description. Exception is made for baby carriages and vehicles in the service of the city parks.

SECTION 200.205: PARK HOURS

It shall be unlawful for any person to be or remain on any part of the Crane City Park, including the skatepark, between 11:00 p.m. and 6:00 a.m., unless a special event or activity is taking place, or unless specific written permission shall have first been granted by the City Park Board. Further, it shall be unlawful to operate a motor-driven vehicle or leave a motor-driven vehicle in the City Park between 11:00 p.m. and 6:00 a.m., unless a special event or activity is taking place, or unless specific written permission shall have first been granted by the City Park Board.

SECTION 200.210: TRAFFIC AND MOTOR VEHICLES IN PARK

- A. *Regulation of hours.* The driveways in the parks shall be closed to motor vehicle traffic after designated park hours, unless permission for extended use has been obtained from the Park Board.
- B. *Washing or repairing of vehicles.* It shall be unlawful to repair any motor vehicle in the parks of the city except as in the case of an emergency when the vehicle cannot be removed from the park under its own power. Washing of vehicles in the parks is prohibited.
- C. *Removal of vehicles.* All motor vehicles left in the city park after hours as provided by these regulations, may be removed from the parks at the direction of the Police Department, at the owner's expense.
- D. *Speed limits.* No person shall drive any motor vehicle on any roadway located in any of the city parks at any speed over 15 MPH.
- E. *Traffic control devices.* It shall be unlawful for any persons driving a motor vehicle to operate such vehicle in contravention of any traffic control device, such as a "stop" sign, "no turn" sign, or other traffic control device located in any of the city parks.
- F. *Parking.* No person shall park any motor vehicle in any of the parks of the city, except in areas specifically designated for the parking of such vehicles.
- G. *Keep to road.* No person shall drive any motor vehicle in any of the parks of the city, except upon the driveways and other places provided for driving or parking motor vehicles.
- H. *Biking / Hiking trails.* No motorized vehicles shall be allowed upon hiking or bicycle trails.
- I. *All terrain vehicles.* The use of all-terrain vehicles including dirt bikes shall be limited to operation on driveways and other places provided for driving or parking motor vehicles.
- J. Bicycles, skateboards, non-motorized scooters, and roller blades shall not be allowed to travel upon, park or rest on the grass, but may travel upon any other paved driving areas in city parks that are not specifically prohibited by signs posted in such areas.
- K. *Provisions not applicable to employees.* The provisions of this chapter shall not be applicable to park employees while actually engaged in their official duties, nor shall the provisions of this chapter be applicable to city officials while attending to park business.
- L. Exceptions to this section may be granted for an authorized park event by the Park Board.

SECTION 200.215: LITTER

- A. No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, storm sewer or drain flowing into such waters, any substances matter or thing, liquid or solid, which will or may result in the pollution of the waters.
- B. No person shall litter or cause to be littered any of the grounds, driveways, buildings or other structures or properties of the City parks, by scattering, dumping or leaving, paper, garbage, cans, broken glass, bottles, ashes, cigarette butts, rubbish, waste, or other trash. All such rubbish or waste shall be placed in the proper receptacles where they are provided. Where receptacles are not provided, all rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.
- C. No person shall bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash.

SECTION 200.220: DESTRUCTION OF PROPERTY

It shall be unlawful for any person to willfully mark, deface, disfigure, injure, tamper with, displace, remove, destroy or damage any park property or equipment, whether on City Park property or not, or other property in the park, including the skatepark area. It shall be unlawful for any person to cut, remove, deface or destroy any tree, sapling, seedling, brush or shrub, whether living or dead, or to chip, blaze, trim or otherwise deface or injure any tree or shrub, or break or remove any branch, foliage, flower or any tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant or grass unless specific written permission shall have first been granted by the City Park Board.

SECTION 200.225: MINORS ON PARK PROPERTY

It shall be unlawful for any person under the age of 18 years and/or who is enrolled as a student at a primary or secondary school, whether suspended or not, to enter into or remain upon City Park property, including the skatepark, during regular school hours of a normal school day except as follows:

1. Unless accompanied by a parent or guardian;
2. Unless on a class assignment and accompanied by a teacher or school administrator;
3. Except as stated above in the body of this section.

SECTION 200.230: PARK DISORDERLY CONDUCT

Any person, in any city park or public places of the park department, does any act in such an unreasonable manner as to alarm or disturb another and to provoke a breach of the peace shall be guilty of disorderly conduct. Actions which shall be deemed to constitute disorderly conduct shall include but not be limited to:

Doing any act in such manner as to cause another to reasonable fear that he may be injured;

1. Fighting or in any way interfere by the use of physical force or by the threat of such force with any person peacefully moving in and about the grounds and buildings, except for a Law Enforcement Officer or employee of the parks in the performance of his/her duty;
2. Causing or creating any unreasonable noise and/or disturbance injurious to the health, peace and quiet of persons in the park, including the playing of radios, phonographs, compact disc or other tape recorded music or amplifying music in such manner or with such volume to annoy the quiet, comfort and repose of other persons.
3. Conducting himself/herself in an unusually loud or disturbing manner; use threatening, abusive, insulting, indecent, obscene or profane language; harass, annoy, curse at, or intentionally jostle any patron of any public park.
4. Intentionally interfering with the work of any employee or concessionaire of the park department.
5. Throw stones, rocks, sticks, bottles, or other similar things by hand or otherwise.
6. Mark upon, tear up, injure, deface, cut, dig, or in any other way intentionally injure or impair the usefulness of structures, grass, trees, shrubs or plants, pavement, sidewalk or roadway.
7. Erect, place or maintain any tent, building, booth, stand or other structures temporary or otherwise without the written permission of the Park Board.
8. Drop, throw, place or discard any waste paper, dirt, weeds, trash, refuse or other rubbish of any sort except in a receptacle provided therefore.
9. Camp or picnic other than in an area expressly designated for camping or picnicking, nor shall any person attempt to move or relocate any benches, chairs or tables unless the same shall not be secured in any way whatsoever to the ground, in which case the same may be moved and relocated within the confines of the designated picnicking or camping area.

SECTION 200.235: INTOXICANTS AND INTOXICATION PROHIBITED IN PARK

No person shall enter any of the parks or public places of the city while under the influence of alcohol, a controlled substance or drug or any combination thereof. It shall be unlawful for any person to possess, consume or transport any alcoholic beverage or glass containers containing beverages while such person is on any part of the premises constituting the City Park or skatepark. For purposes of this chapter, any alcoholic beverage located in or upon any motor vehicle parked or operated on City Park premises shall be deemed to be in the possession of such person who caused said motor vehicle to enter upon City Park premises and shall also be deemed to be in the possession of the registered owner of said motor vehicle.

SECTION 200.240: FIRES

It shall be unlawful for any person to leave a fire unattended in the City Park. All fires shall be extinguished upon leaving the vicinity. No person shall willfully set or cause to be set a fire upon park property except within fireplaces, cooking grills or other receptacles provided for cooking as designated by the city for cooking purposes.

SECTION 200.245: PARK FIREARMS

No person shall carry or have in his possession any fire arm, air pistol, air rifle or any other instrument capable of launching or firing any projectile, or noxious substances, whether propelled by gunpowder, gas, air, spring, or any other means, while within any park, roadway, driveway, or other public place of the department; except that this section shall not apply to items otherwise legal and designed for personal defense, or to any law enforcement officer authorized by law to carry a weapon within the parks, and except in conjunction with a City organized, authorized, and supervised recreational program. Neither shall this section apply to any person who has a valid concealed carry endorsement issued pursuant to Section 571.101 to 571.121, R.S.Mo., or a valid permit or endorsement to carry concealed weapons issued by another state or political subdivision of another state which is recognized as valid by the State of Missouri or as otherwise permitted to have and possess such weapons under the laws of this State.

SECTION 200.250: ANIMALS IN PARK

Except as provided herein or as part of an organized, authorized, or supervised parks department program, no animals shall be taken into, or allowed to enter, the parks except on a leash and when accompanied by the owner or other responsible person. No leash on which a dog or other animal is tethered or restrained shall be of greater length than that which permits the owner to have at all times sufficient control of the animal so as to protect all persons from possible injury by the animal. No animal shall be tethered to any bush, tree, shrub, or to any park structure. No vicious animal of any kind shall be brought into the park at any time even though restrained as described above. Neither shall any person run any animal behind any motor vehicle or bicycle or any other vehicle, whether on a leash or not. No person shall ride or otherwise bring any horse, mule, pony or other such riding animal in any of the parks, except in designated areas or as part of an organized, authorized and supervised Parks Department program. Pursuant to this Code, any person bringing an animal into the parks shall remove and dispose of all waste left by such animal. No animals or fowl are allowed on the concrete portion of the skatepark. Any person bringing an animal into the parks and/or facilities shall remove and dispose of all feces left by such animal.

No person shall bring any animal into any City Park when signs have been erected bearing the words “No animals in this area during this event.”

SECTION 200.255: PARK WILDLIFE

No person in a city park except duly authorized city officials, park employees, or city employees, such as patrolmen or animal control officers or State Conservation agent, shall hunt, molest, harm, trap, or shoot at any animal, reptile, or bird; or remove the eggs or disturb the habitat or young of any bird, fish or animal. No person in a city park shall give or offer, or attempt to give to any animal or bird any substance.

SECTION 200.260: PARK PUBLIC ASSEMBLAGE AND MEETINGS

Prior to the use of any City Park or section thereof whereby any activity which is other than purely social or recreational or any use or activity involving vehicles of any kind, organized or promoted activities, any public meeting or assemblage, or any private meeting or assemblage involving more than fifty (50) people, or give or conduct any concert performance, or public exhibition or entertainment of any kind, the person seeking such use must first obtain a permit from the City Park Board or a duly appointed designee of the City Park Board.

- A. Person(s) seeking such permit must at least one (1) week prior to the planned use of park facilities submit an application to the City Park Board or a duly appointed designee of the City Park Board. The applicant will be required to state on such application the following information:
 1. The name of the organization or agency or person applying for permit to use the public parks;
 2. Facilities requested;
 3. Purpose and estimate of the anticipated attendance;
 4. Date and time for which permit is desired;
 5. Signature, address and telephone number of the applicant representative.
- B. Upon receipt of any such application, the City Park Board or a duly appointed designee of the City Park Board may request the appearance of the person or representative submitting said application.
- C. Standards for issuance of permit. The City Park Board or a duly appointed designee of the City Park Board shall be obliged to issue a permit as hereinabove provided only if it finds:
 1. That the proposed activity or use of the park or park facilities does not detract from the general public enjoyment of the park in which that activity is to be held;
 2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
 3. That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
 4. That the proposed activity or use will not entail unusual, extraordinary or burdensome expense or police operation by the city;
 5. That the facilities desired have not been reserved or approved for other use at the day and hour requested in the application.
- D. Effect of permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances as though the same were inserted in said permits.

- E. Liability of permittee. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person, by reason of the negligence of the person or persons to whom such permit shall have been issued.
- F. Exhibit of permits. No person shall fail to produce and exhibit any permit he claims to have upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance, rule or regulation
- G. Revocation. The municipal public parks board, director of parks and recreation or a duly appointed designee of the municipal parks board shall have the authority to revoke a permit upon the finding of a violation of any rule or regulation, or ordinance, or upon good cause shown.

SECTION 200.265: SWIMMING POOL

The Park Board of Directors, Pool Manager, Department employees in charge of the swimming or wading pool or any Department Lifeguard may refuse to grant entrance to any swimming or wading pool to any child under ten (10) years of age unless accompanied by a parent, or an adult of the age of eighteen (18) or over, who will assume responsibility for the safety of the child; or to any person suffering from a disease or skin infection, or to any other person if such refusal of entry will protect the health, safety or welfare of others at the facility. The Park Board shall prescribe fees for admission to any swimming or wading pool and shall also prescribe rules and regulations governing the conduct of all persons using any such pool. The amount of such fees, rules and regulations shall be posted at the entrance to any swimming pool. Any person failing to pay the prescribed fee, or who violates any of the rules or regulations shall be evicted from such pool or refused admittance.

SECTION 200.270: PROHIBITIONS FOR PUBLICLY OWNED OR PUBLICLY OPERATED SKATEBOARD FACILITIES.

- A. All skaters shall follow all posted rules and regulations while using the skatepark. Further, signs shall be posted at City skatepark facilities that reiterate the rules, regulations and equipment recommended and whether or not the skatepark is supervised.
- B. No person may smoke when on the concrete portion of the skatepark.
- C. No person may possess, propel or ride a scooter, bicycle, or other pedal- or chain-driven device within the boundaries of any publicly owned or publicly operated skateboard facility. Skateboards and inline skates are the only acceptable device to be used in the skatepark.
- D. No ramp(s) located in the skatepark shall exceed six feet in height. No additional ramps, jumps or obstacles are allowed in the skatepark. No modifications to the skating surfaces or features are allowed.
- E. This section shall not apply to an officer, agent or employee of the federal, state, or local government who enters any publicly owned or operated skateboard facility in furtherance of an official duty.
- F. *Ejection period.* Any designated city personnel shall have the authority to eject from the skatepark any person acting in violation of the City Code of Ordinances or state law. The employee ordering the ejection may prohibit return to the skatepark for any period of time up to 24 hours. If the ejected person enters upon or remains upon the skatepark in violation of the directive, the individual shall be guilty of criminal trespass and subject to prosecution therefor.
- G. *Seizure of property.* Any fulltime city employee shall have the authority to seize and confiscate as evidence, any property, thing or device in the skatepark which is used in violation of this chapter or has not been purchased by or installed by the city. In the event the property goes unclaimed for a period of 30 days and is not needed for prosecution, the property shall be destroyed or auctioned at the discretion of the police department.

SECTION 200.275: EJECTION FROM PARKS

The Mayor, Police Chief, Police Officers and Park Board shall have the authority to eject from the park any person acting in violation these sections. Nothing contained herein shall be held to prohibit prosecution in the municipal court for the city for violations of this article upon proper complaint filed. This section shall not prohibit enforcement of provisions of this article by any duly authorized law enforcement officer.

SECTION 200.280: CLOSING OR PARKS

Whenever the Park Board, Police Chief or Mayor shall find that there exists a disturbance, situation or condition within or near the vicinity of any city park where the safety of persons or property within a park or within the vicinity thereof has been or is being threatened, said person shall close to the public, except for officers or employees of the city and officers and city officials, the said park for such period of time as to him/her shall seem reasonably necessary to quell the disturbance, or threat to life or property, and no unauthorized person shall enter any park so closed if the notice of the closing thereof shall be posted in conspicuous places thereabout, nor shall any person remain in such park after it shall have been closed, after knowledge of the closing shall come to him by signs posted in the vicinity of the park or verbal order or otherwise.

SECTION 200.285: REWARD FOR INFORMATION LEADING TO ARREST

The City offers a reward to any person who supplies information leading to the conviction of any person for the theft of park property, the malicious destruction or damage to park property or the skatepark, or operation of unauthorized vehicles on park property or the skatepark, including, but not limited to, motor vehicles, three-wheelers, motorcycles, recreational vehicles, or mopeds, on the City Park Hiking Trails, skatepark, or any right-of-way within the City Park. The reward to the individual shall be in the amount not to exceed \$500, as determined by the City Board of Aldermen by resolution for any incident that is of public concern or safety.

**CHAPTER 200. PUBLIC WAYS AND PLACES
PART 3. LITTERING****SECTION 200.300: LITTERING PROHIBITED**

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

No person owning or occupying a place of business shall sweep into or deposit in any sidewalk, parkway, gutter, street, alley, or other public place within the city litter from any building or lot or from any public or private sidewalk or driveway.

State law references: Similar provisions, RSMo 577.070

SECTION 200.305: LITTERING VIA CARCASSES

- A. If any person or persons shall put any dead animal, carcass or part thereof, the offal or any other filth into any well, spring, brook, branch, creek, pond or lake, every person so offending shall, on conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), or to imprisonment in jail for a term not exceeding ninety (90) days, or to both such fine and imprisonment.
- B. If any person shall remove, or cause to be removed and placed in or near any public road or highway, or upon premises not his/her own, or in any river, stream or watercourse any dead animal, carcass or part thereof, or other nuisance, to the annoyance of the citizens of this City, or any of them, every person so offending shall, upon conviction thereof, be fined for every offense not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or to imprisonment in jail for a term not exceeding ninety (90) days, or to both such fine and imprisonment, and if such nuisance be not removed within three (3) days thereafter, it shall be deemed a second (2nd) offense against the provisions of this Section.

SECTION 200.310: LITTER THROWN BY PERSONS IN VEHICLES

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.

SECTION 200.315: LITTERING OF STREETS BY CONTRACTORS AND HAULERS

All building contractors, contract haulers and other haulers of refuse, debris and waste, and all operators of vehicles hauling any such matter shall be required to remove any waste, debris, dirt, mud or other material, whatever, deposited by any vehicles owned, controlled or operated by any such person, firm or corporation, from all public and private streets and ways within the City of Crane, whether such littering is caused by spillage from the vehicles, or from the tires or wheels of such vehicles, as soon as practicable.

SECTION 200.320: PENALTIES FOR VIOLATION

Any such contractor, hauler or operator as set out in Section 200.315 hereof, who shall fail or refuse to remove such material, after being notified by any police officer or other duly authorized agent of the City of Crane so to do, shall be guilty and upon conviction shall be fined not more than five hundred dollars (\$500.00) or to imprisonment in jail for a term not exceeding ninety (90) days, or to both such fine and imprisonment and each violation hereof shall be a separate offense.

CHAPTER 200. PUBLIC WAYS AND PLACES
PART 4. OBSTRUCTION OF STREETS AND PUBLIC WAYS**SECTION 200.400: OBSTRUCTIONS PROHIBITED**

No person may stand or walk upon, or congregate with others upon or put, place, or throw, or cause to be put, placed, or thrown upon any public way or place any article whatever so as to obstruct or impede travel, or interfere with the full and free use by the public thereof, provided that any merchant, mechanic or other person may receive upon the streets, avenues, alleys, or sidewalks his goods, wares, and merchandise or other articles and things necessary for his use, if in so doing he interferes as little and for as short a time as is possible, under the circumstances with the use of the streets, avenues, alleys and sidewalks; provided further, the Street Department may grant the right to use and occupy any sidewalk, street, avenue or alley for a reasonable time for building purposes.

SECTION 200.405: OVERHANGING BRANCHES, DANGEROUS TREES

Every owner of property shall remove every branch of a tree or shrub overhanging the sidewalk or street to a height of ten feet above the sidewalk or street, and shall remove any tree or other object which is a source of danger to persons using the sidewalk or public highway, and shall remove all dead limbs of trees that overhang the property of others.

SECTION 200.410: OVERHANGING STRUCTURES; PERMIT REQUIRED

No person may erect or cause to be erected any structure, except awnings, which projects over a public way or attach or cause to be attached any stationary awning, canopy, marquee, bridge, or overhead passageway to any building which shall project over a public way, unless a permit therefore has been issued by the City in accordance with the Building Code. No permit may be issued for a structure of which any part or any attachment is less than eleven (11) feet above the surface of the roadway part of the public highway or less than nine (9) feet above the sidewalk area of such highway, or of which any part or any attachment extends closer than two (2) feet to the curblines, or for a structure of which any support, pier or pillar rests in or upon any part of the public way, or for a structure erected of any material other than fireproof material.

SECTION 200.415: HOISTING OVER PUBLIC WAYS

No person may hoist on the outside of any building or over any public way or place any merchandise, grain, building material, machinery, or other article, the fall of which would endanger the safety of passers-by.

SECTION 200.420: BARBED WIRE FENCES

No person may erect or maintain, or permit to be erected or maintained, along the line of any sidewalk upon any street or highway, bounding any lot or premises owned or occupied by him, any fence composed wholly or in part of barbed wire.

SECTION 200.425: WARNING OF OBSTRUCTION

Any person who occupies or causes to be occupied any portion of any public street, alley, highway or public place with building materials, wagons, rock, steam rollers, plows or any other obstruction of any character whatever, shall cause one red light to be securely and conspicuously placed on or near such obstruction, and for any obstruction extending more than ten feet and less than fifty feet, shall place two red lights, one at each end, and one red light for each additional fifty feet, or part thereof, and shall keep all such lights burning during the entire night.

SECTION 200.430: REMOVAL OF OBSTRUCTION

When any obstruction or other matter is found contrary to any provision hereof, the Street Department shall cause the Police Chief to notify the person or persons responsible to remove it. Upon receiving such a notice, the person notified shall remove forthwith the obstruction, and in default of such removal, the Police Chief may remove the obstruction and report the expense to the City Attorney, who shall thereupon bring suit against such person or persons, in the name of the City as plaintiff, for the recovery of such sum and a reasonable attorney's fee and costs. Any offender will be liable for the expense of such removal, in addition to the penalties otherwise provided.

**CHAPTER 220. NUISANCES
PART 1. GENERAL****SECTION 220.100: DEFINITIONS**

For the purpose of this chapter, the following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

LESSEE: shall mean any person who leases all or a portion of a premises on a day to day, week to week or month to month basis.

OWNER: shall mean any person or persons or entity who have a vested fee simple title, an equitable interest, or a life interest in any lot or tract of land or in a particular part thereof, whether such tract or lot of land is held in common by joint owners.

PERSON HAVING CONTROL: shall mean any occupant, agent, servant, representative of employee of any owner, or lessee or renter of any property who exercises any control on behalf of the owner, lessee or renter.

RENTER: shall mean any person who rents all or a part of a premises on a day to day, week to week or month to month basis. For purposes of this chapter, a person over the age of eighteen (18) years who is living in a household with a parent but who is neither the owner, the lessee, the head of the household, or the person having control, shall be considered to be a "renter," regardless of whether they pay rent for such occupancy in money.

LOT. Includes any land, lot, tract, ground or parcel of land within the city limits of Crane, except those properties zoned for Agricultural use.

WEEDS. The term "*weeds*" shall mean all grasses, annual plants and vegetation other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens.

SECTION 220.105: MAINTENANCE, ETC., OF NUISANCES PROHIBITED

Every person who owns, occupies or controls any building, residence, vacant lot or other premises must maintain the same in such a manner that it will be safe and sanitary. The neglect, disregard, abandonment, or other act, or failure to act, so as to permit any building, residence, premises or lot to become unsafe, unsanitary or injurious to the public health, safety and welfare is a public nuisance and is prohibited.

SECTION 220.110: DEFINITION AND ENUMERATION OF NUISANCES

Every act or thing done or made, permitted or allowed or continued on any property, public or private, by any person or corporation, its agents or servants, to the annoyance, detriment, damage or injury of the public, or which is injurious to the public health, safety or welfare is hereby declared to be a public nuisance and, as such, punishable as provided by law.

The definition of “*public nuisance*,” as set forth above, shall include, but not by way of limitation, the following:

1. The accumulation upon any premises, lot or parcel of ground, or the discharge thereof upon any public street or private property, of stagnant or foul waste, water or liquids of any kind whatsoever, to the injury and annoyance of the public;
2. The maintenance of any outside toilet, privy water closet or private vault which is kept in such condition as to emit any offensive, noxious or disagreeable odor and all substances emitting an offensive, noxious, unhealthy or disagreeable effluvia in the neighborhood where they exist;
3. All carcasses of dead animals which the owner or keeper thereof shall permit to remain within the City exceeding twelve (12) hours after death;
4. The keeping of animals of any kind, domestic or wild, upon any public or private place or premises in such a manner or condition that same constitute a hurt, injury, annoyance, inconvenience or danger to the public or the residents of the vicinity;
5. The causing, keeping, maintaining or permitting of trash, debris, garbage, rubbish, junk, decaying vegetable or animal matter or other obnoxious or filthy substance upon any public or private property or premises constituting a hurt, injury, annoyance, inconvenience or danger to the public, public health, safety or welfare;

6. The maintenance, upon public or private property, of dead or dying trees or tree limbs or branches, which by reason of their location, size, or state of deterioration, constitute a danger to the public health, safety or welfare, or the maintenance upon public or private property of trees which are infected with Dutch Elm or other contagious disease or blight, dangerous to persons, animals, or other trees or plant life.
7. All dried or decaying trees in the City including trees upon which a subdivision plat has been recorded in accordance with law and all property within one hundred (100) feet from the out-boundary of such subdivision so long as the subdivision is occupied and improved or upon the right-of-way adjoining such premises which have been declared dead by the building commissioner are a nuisance and a hazard to the public welfare;
8. Shrubs, hedges and limbs of trees projecting over a sidewalk or street as to obstruct traffic visibility or cause a hazard to pedestrians or traffic.
9. The use of any light sources, except for approved street lights or light sources originating from all commercial and/or industrial properties, which is so arranged as to be visible at the property line of a lot or parcel of land where light shines at any point on said property line above the ground more than thirty-six (36) inches or any light that exceeds .2 foot candles of illumination of any common ground or on adjacent properties in the non-urban, and all residential zoning districts.
10. The dumping or discharging of sewage, human excrement, animal excrement, trash, debris, garbage, rubbish, leaves, grass clippings or other material into any storm sewer system, inlet, drain or manhole.
11. The presence graffiti on private property exposed to public view. As used in this Section the word "graffiti" shall mean and refer to any unauthorized inscription, word, phrase, motto, name, figure, symbol, picture or design which is written, scribbled, marked, etched, scratched, drawn or painted on any exterior surface or structural component of any building, structure, or other facility regardless of the nature of the material of that structural component.
12. Allowing trailers, junkers, wrecks, or dilapidated or abandoned automobiles, i.e., owner cannot be determined, whether the same are operable or not, to remain on any street, alley, roadway, public driveway or public parking lot for a period of time in excess of twenty-four (24) hours.

13. No person shall permit any inoperable, derelict, junked or abandoned vehicle, or parts of derelict cars or trucks or other vehicle deemed by the City to constitute a public safety hazard, to be stored or parked on any premise occupied by or owned by the person. Nothing in this subsection shall apply to a vehicle which is completely enclosed within a locked building or locked fenced area and not visible from adjacent public or private property, nor to any vehicle upon the property of a business licensed as salvage, swap, junk dealer, towing or storage facility so long as the business is operated in compliance with its business license and the property is in compliance with applicable zoning ordinances. A vehicle shall be considered junked or abandoned if it is not in operable condition for a consecutive period of 30 days. Vehicles that are being restored by the owner shall not fall within said definition provided said restoration is in progress on a continuous basis and the owner establishes a reasonable date for completion of such work. After the completion date, if such vehicle is not operable, it shall be deemed junked and subject the owner to the requirements of this Section.
14. Trash, garbage, ashes, slops, filth, excrement, stones, straw, soot, rubbish, debris, manure, offal, stagnant water, all sorts of decaying animal matter, decaying fruit or vegetables or other vegetable matter, broken kitchenware, wrecked or parts of worn out automobiles or other machines, scrap iron or other metals, junk, tin cans, old bottles, broken glass, discarded wearing apparel, appliances, dead animals, or any other offensive or disagreeable substance or thing, old dilapidated barns, sheds or other buildings left, deposited or caused or permitted to remain, left or deposited in such quantity or in such condition as to be offensive to the sight or smell or a menace to health, safety, peace or comfort or of such a nature as to be or become harbors or breeding places for mosquitoes, ants, flies, rats, mice or other insects, animals or vermin, whether left or deposited upon private premises owned, occupied or controlled by persons causing or permitting the same or upon any public street, sidewalk, alley, parkway, public enclosure or vacant lot; all water, steam and condensation drained from, emitted from or thrown upon a sidewalk, parkway, alley or street from any place occupied by a commercial or business structure or any appurtenances thereto belonging. Also, the creation of dust by the operation of motor vehicles, racing cars, rides, or other motor driven contrivances where the dust is carried beyond the borders of the property whereon the above enumerated vehicles may be operated in such quantities as to interfere with reasonable enjoyment of any property in the neighborhood.
15. Factories, slaughterhouses and all places of business causing an offensive odor to a greater extent than is reasonably necessary in the prosecution or carrying on of such business.
16. The rendering, heating or steaming of any animal or vegetable product or substance in such a manner as to cause disagreeable odors off the premises.
17. All substances or things which cause an odor disagreeable to the surrounding neighborhood.

SECTION 220.115: HIGH WEEDS, ETC. , DECLARED MENACE TO PUBLIC HEALTH, SAFETY AND WELFARE

The presence of high weeds, brush and other rank vegetation, excluding shade trees, ornamental shrubs, fruit trees, domesticated berry bushes and vines, cover crops and domestic grains and plantings on lots and pieces of land within the city, constitute a menace to the public safety, health and welfare by reason that such conditions may:

1. Cause a fire hazard.
2. Furnish cover for prowlers.
3. Create a nuisance with potential danger of injury on rocks, debris, holes, etc., covered by excess growth.
4. Obstruct visibility at street intersections.
5. Result in the aggravation of allergies.
6. Furnish a potential harborage or breeding place for disease carrying insects anthropoids, animals and poisonous snakes.

SECTION 220.120: WEEDS, ETC., OVER EIGHTEEN INCHES IN HEIGHT DECLARED NUISANCE PER SE

It shall be unlawful for any property owner, lessee or agent in control of any lot or piece of land to allow the growth of weeds, brush, or other rank vegetation in excess of eighteen (18) inches in height on such land, or lot, or adjoining right of way that has been declared to be a public nuisance, per se, detrimental to the health, safety and welfare of the public.

Any person who owns, leases, occupies, or exercises authority or control over any lot shall cut to the side and rear lot lines and to the curb or pavement line of the immediate adjacent road(s) and remove from such lot all weeds or other rank growths, with such frequency as will insure that the growth will not at any time attain a height in excess of eighteen (18) inches.

SECTION 220.125: BOARD OF ALDERMEN OR DESIGNATED OFFICER OR COMMITTEE TO DETERMINE WHEN WEEDS, ETC., CONSTITUTE PUBLIC NUISANCE.

The growth of weeds, brush or rank vegetation shall constitute a public nuisance when, in the opinion of the Board of Aldermen, or its designated officer or committee, any such growth on a lot or piece of land may substantially endanger the health, safety or welfare of the public, having considered the hazards enumerated in Sections 220.115 and 220.120.

SECTION 220.130: WARNING NOTICE TO ABATE

- A. Whenever it comes to the attention of the City, or the City becomes aware of the existence of a nuisance in the City, the City shall investigate the nuisance and have prepared a report concerning the same. Whenever the Board of Aldermen, or its designated officer or committee or the Chief of Police is informed and believes that a nuisance, exists under Chapter 220 of the City Code, or whenever the Board of Aldermen or its designated officer or committee, or Chief of Police shall be of the opinion that a nuisance exists as provided by Chapter 220 of the City Code, the Board of Aldermen, or such designated officer or Chief of Police shall give the owner, lessee, occupant or other person having control or exercising authority over the property, by delivering a written warning notice to such person, to abate or remove such nuisance within fourteen (14) days from the date of the warning notice or if no one is present in the property or refuses to accept the notice, then by posting the warning notice on the front, or side or rear entrance to the residence or building.

If the nuisance is not abated within fourteen (14) days from the date of notice is posted or sent, then the Board of Aldermen or Chief of Police shall cause such nuisance to be abated by whatever reasonable means are necessary.

- B. The warning notice provided in paragraph (A) shall contain:
1. The address or legal description of the property;
 2. The ordinance number of the ordinance being violated;
 3. The nature of the violation, and the date by which such violation shall be removed or abated;
 4. A notice of the penalty for failure to remove or abate the nuisance, stating that if the nuisance reoccurs by the same occupier, owner or person in charge, a summons will be issued without further notice.
- C. If the nuisance occurs on unimproved property or where the residence or building is unoccupied, the property may be posted as provided in paragraph (B), and if the property is unimproved by placing the notice upon a tree or other object upon such property, as may be available.
- D. A notice in writing containing the same information as provided on the warning notice provided in paragraph (B) shall be sent to the owner or any other person having control of the property at the last known address of the owner, or at the address of the person having control, by first class mail, postage prepaid. In the event of non-delivery of mailed notice, the posted notice shall serve as notice. Receipt or acknowledgement of notification is not required.
- E. No person notified as provided in this Section shall fail, neglect or refuse to comply with the same within the time specified in such notice. For every day thereafter that such person shall fail, neglect or refuse to comply with the same and for every day thereafter that such person shall fail, neglect or refuse to abate or remove such nuisance, he shall be deemed guilty of a separate offense and shall be proceeded against as in the first instance.

SECTION 220.135: FAILURE TO ACT UPON WARNING NOTICE

Upon neglect or failure to act upon the warning notice, the City shall issue a summons as follows:

- A. *Summons, service of.* If a warning notice is given as provided in Section 220.130, and if after the time for removal or abatement has lapsed, the property is reinspected and the inspecting officer finds and determines that the nuisance has not been removed or abated, the inspecting officer shall fill out and sign as the complainant a complaint and information form, hereinafter referred to as a summons, directed by name to the occupant, owners, or person in charge of the property, showing the address or legal description of property on which the nuisance is located, and such other information as may be available to the inspecting officer as shown on the summons, and specifying the section of the ordinance which is being violated and setting forth in general the nature of the nuisance, and may serve the summons on the occupant, owners, or person in charge, or any or all of such persons. The summons shall contain a date on which the case will be on the municipal court docket for hearing. The City Prosecuting Attorney shall sign the original copy of all such summons, and the original thereof shall be forwarded to the Clerk of the Municipal Court for inclusion on the court's docket for the date shown on the summons.
- B. *Summons, delivery by mail.* If no one is found at the property to accept a summons for failure to remove or abate a nuisance, the inspecting officer shall fill out and sign the summons as the complainant as provided in subsection (A) and deliver the original and one copy of the summons to the Clerk of the Municipal Court, who shall verify or insert the date that the case has been set for hearing before the Municipal Court. The Clerk shall then mail the copy of the summons by ordinary mail, postage prepaid to the person named therein at the address shown on the summons, or at such other address as the person charged therewith may be found, or shall be known to reside. If the mail is duly addressed to the person named in the summons at the address as provided above and is not returned to the City, it shall be deemed to have been delivered and received by the person to whom addressed.
- C. *Abatement by City; costs assessed to person responsible.* If the occupant, owner or person in charge of property for which a warning notice has been given to remove or abate a nuisance, fails to remove or abate the nuisance in the time specified in the notice, whether on public or private property, the City may remove the same and thereby abate the nuisance and, if necessary, may lawfully enter upon the property on which the nuisance remains unabated to remove or abate such nuisance at the costs of the person or persons responsible for creating or maintaining the nuisance, if the cause therefore lies with any of the persons as defined in Section 220.130.

- D. *Payment of costs; special tax bill or judgment.* All costs and expenses incurred by the City in removing or abating any nuisance on any private property may be assessed against the property in the form of a special tax bill, which special tax bill shall become a lien on the property. Alternatively, the cost of removing or abating the nuisance, whether on public or private property, may be made a part of the judgment by the Municipal Judge, in addition to any other penalties and costs imposed, if the person charged either pleads guilty or is found guilty of causing, creating or maintaining a nuisance on public or private property.
- E. *Warning notice, first offense.* In all cases where the nuisance on public or private property is the first offense of the specified ordinance violation for the person charged therewith, the warning notice provisions of Section 220.130 shall be observed.
- F. *Warning notice, subsequent offenses.* In all cases where the violation on public or private property is a repeat, recurs or continued offense on the same lot or tract of land by the same person or persons responsible therefore, no further warning notice need be given. Thereafter such responsible person or persons may be summoned into Municipal Court to answer to the charges against him. In addition to the court costs normally assessed in all such cases, there shall be added thereto all costs incurred by the City in abating the nuisance, as set out in this Chapter. Each day a violation continues after the expiration of the warning period to abate such violation shall constitute a separate offense.

**SECTION 220.140: WEED VIOLATION NOT CORRECTED; REMOVAL BY CITY;
SPECIAL TAX BILL**

After the expiration of fourteen days after date of the warning notice of violation of Sections 220.115 and 220.120, if the weeds are not removed from the lot, the Chief of Police may have the weeds removed therefrom, keeping an accurate record of the expense of all labor and material used in such removal as to each lot. He shall report such expense to the Board of Aldermen, certifying to the correctness thereof, showing the lot by lot and block numbers or other legal description, and the date or dates on which the cutting and removal occurred, and the name and address of the owner, lessee, occupant or other person exercising control of the lot. Upon receipt by the City Board of Aldermen of that report, the City Board of Aldermen shall assess against each lot concerned a special assessment or tax equivalent to the expense incurred in removing the weeds therefrom, including all reasonable administrative costs, and shall direct the City Clerk to issue a special tax bill therefore, against each such lot. Such special tax bill shall be due and payable thirty (30) days after its date, shall bear interest at the rate of eight percent (8%) per annum from and after thirty (30) days after its date, and shall be a lien against the lot against which it is issued until paid.

**SECTION 220.145: AUTHORITY OF POLICE, ETC., TO ENTER PREMISES, ETC.,
FOR PURPOSE OF REMOVING OR ABATING NUISANCES**

Police officers and other employees of the city authorized by the Board of Aldermen or the Police Chief or contracted with the City for the abatement of a nuisance and any agent or employee of such person are hereby authorized and required to go, in the daytime, in and upon any house, building, lot or premises, whether public or private, for the purpose of removing or abating any nuisance, when abatement of a nuisance is ordered under the provisions of this Chapter.

SECTION 220.150: EMERGENCY ABATEMENT

Whenever it becomes necessary to abate a nuisance immediately, in order to protect the public health, safety or welfare, the Mayor or designee may abate such nuisance without notice, and he may use any suitable means or assistance for such purpose. The Mayor shall certify the cost of abating such nuisance to the Board of Aldermen and the Board of Aldermen may by ordinance levy the cost thereof as a special tax against the property on which said nuisance is located, which said tax shall be collected as are other City taxes and shall constitute a first lien on the property until paid.

SECTION 220.155: COSTS OF ABATEMENT TO BE LIEN AGAINST PROPERTY

If any nuisance abated by the Board of Aldermen, as hereinabove provided, the costs of the abatement, any fees for causing and maintaining any such nuisance as deemed appropriate by the council, and a reasonable and necessary charge for administering the provisions this Chapter, shall be certified to the City Clerk who shall cause a special tax bill therefore against the property to be prepared and collected by the City Collector. At the request of the taxpayer, the tax bill may be paid in installments over a period of not more than ten years. The tax bill from the date of its issuance shall be a lien upon the property until paid. Such assessment shall bear interest at a rate of eight percent per annum until paid.

SECTION 220.160: RESPONSIBILITY FOR OBSERVANCE

The owner of any premises, or his agent in control thereof, as well as the tenant or occupant of such premises, is charged with the duty of observing all of the provisions of this Chapter. Any or all of such persons, together with any person causing or contributing to cause any nuisance, may be charged with violation thereof, and shall be equally liable.

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**CHAPTER 225. DANGEROUS BUILDINGS
PART 1. IN GENERAL****SECTION 225.100: PURPOSE AND SCOPE**

It is the purpose of this Chapter to provide a just, equitable and practicable method for the repairing, vacation or demolition of buildings or structures that may endanger the life, limb, health, property, safety or welfare of the occupants of such buildings or general public, and this Chapter shall apply to all dangerous buildings, as herein defined, that now are in existence or that may hereafter exist in the City of Crane, Missouri. (This section updated by Ordinance 2000, 12/17/2015)

SECTION 225.105: DANGEROUS BUILDINGS DEFINED

All buildings that are detrimental to the health, safety or welfare of the residents of the City of Crane, Missouri and that have any or all of the following defects shall be deemed “*dangerous buildings*”:

1. Those with interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
2. Those that, exclusive of the foundation, show thirty-three percent (33%) or more damage or deterioration of the supporting member or members or fifty percent (50%) damage or deterioration of the non-supporting enclosing or outside walls or covering.
3. Those that have improperly distributed loads upon the floors or roofs, or in which the same are overloaded or that have insufficient strength to be reasonably safe for the purpose used.
4. Those that have been damaged by fire, wind or other causes so as to become dangerous to life, safety or the general health and welfare of the occupants or the people of the city.
5. Those that are so dilapidated, decayed, unsafe, unsanitary or that so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or welfare of those occupying such building.
6. Those having light, air and sanitation facilities that are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.
7. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other adequate means of evacuation.

8. Those that have parts thereof that are so attached that they may fall and injure members of the public or property.
9. Those that because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this city.
(This section updated by Ordinance 2000, 12/17/2015)

SECTION 225.110: DANGEROUS BUILDINGS DECLARED NUISANCE

All dangerous buildings, as defined by Section 225.105, are hereby declared to be public nuisances, and shall be repaired, vacated or demolished as provided. (This section updated by Ordinance 2000, 12/17/2015)

SECTION 225.115: STANDARDS FOR REPAIR, VACATION OR DEMOLITION

The following standards shall be followed in substance by the Building Inspector and the Building Commissioner, in ordering repair, vacation or demolition of any dangerous building.

1. If the dangerous building reasonably can be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be ordered repaired.
2. If the dangerous building is in such condition as to make it dangerous to the health, safety or general welfare of its occupants, it shall be ordered to be vacated and repaired.
3. In all cases where a building cannot be repaired so that it no longer will exist in violation of the terms of this Chapter, it shall be demolished.
4. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this Chapter or any Chapter of this City or statute of the State of Missouri, it shall be repaired or demolished. (This section updated by Ordinance 2000, 12/17/2015)

SECTION 225.120: BUILDING INSPECTOR

All city police officers and all other City employees so designated by the Board of Aldermen are hereby authorized to act as Building Inspector(s) within the meaning of this Chapter with said designation made by the Mayor in writing and maintained by the City Clerk of the City of Crane, Missouri. (This section updated by Ordinance 2000, 12/17/2015)

SECTION 225.125: DUTIES OF BUILDING INSPECTOR: PROCEDURE AND NOTICE

The Building Inspector shall have the duty under this Chapter to:

1. Inspect, or cause to be inspected, as often as may be necessary, all residential, institutional, assembly, commercial, industrial, garage, special or miscellaneous occupancy buildings for the purpose of determining whether conditions exist that render such places a dangerous building when he has reasonable grounds to believe that any such building is dangerous.
2. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in violation of this Chapter, and the Building Inspector determines that there are reasonable grounds to believe that such building is dangerous.
3. Inspect any building, wall or structure reported by the Fire or Police Departments of this City as probably existing in violation of this Chapter.
4. Notify in writing, either the personal service or by certified mail, return receipt requested, or if service cannot be had by either of these modes of service, then service may be had by publication in a newspaper qualified to publish legal notices for two (2) successive weeks, the owner, occupant, lessee, mortgagee, agent and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Stone County, of any building found by him to be a dangerous building within the standards set forth in Section 225.105.

The notice required shall state that:

- a. The owner must vacate, vacate and repair or vacate and demolish said building in accordance with the terms of the notice and this Chapter;
- b. The occupant or lessee must vacate said building or have it repaired in accordance with the notice and remain in possession;
- c. The mortgagee, agent or other persons having an interest in said building as shown by the land records of the Recorder of Deeds of the County wherein the land is located, may, at his/her own risk, repair, vacate or demolish or have such work done, provided that any person notified under this subsection to repair, vacate or demolish any building, shall be given such reasonable time not exceeding thirty (30) days to commence the required work;

5. The notice provided for in this section shall state a description of the building or structure deemed dangerous, a statement of the particulars that make the building or structure a dangerous building and an order requiring the designated work to be commenced within the time provided for in the above subsection;
6. Report in writing to the City Building Commissioner the noncompliance with any notice to vacate, repair or demolish or upon the failure to proceed continuously with the work without unnecessary delay;
7. Appear at all hearings conducted by the Building Commissioner and testify as to the condition of dangerous buildings.
8. Immediately report to the Building Commissioner concerning any building found by him to be inherently dangerous and that he determined to be a nuisance per se. The Building Commissioner may direct that such building be marked or posted with a written notice reading substantially as follows:

“This building has been found to be a dangerous building by the Building Inspector. This notice is to remain on this building until it is repaired, vacated or demolished in accordance with the notice that has been given the owner, occupant, lessee, mortgagee or agent of his building, and all other persons having an interest in said building as shown by the land records of the Recorder of Deeds of Stone County. It is unlawful to remove this notice until such notice is complied with.”

Provided, however, that the order by the Building Commissioner and the posting of said notice, shall not be construed to deprive all persons entitled thereto by this Chapter to the notice and hearing prescribed herein. (This section updated by Ordinance 2000, 12/17/2015)

SECTION 225.130: BUILDING COMMISSIONER

The Mayor or other designated officer or officers shall act as Building Commissioner under this Chapter. (This section updated by Ordinance 2000, 12/17/2015)

SECTION 225.135: DUTIES OF THE BUILDING COMMISSIONER

The Building Commissioner shall have the power pursuant to this Chapter to:

1. Supervise all inspections required by this Chapter, and cause the Building Inspector to make inspections and perform all the duties required of him by this Chapter. Upon receiving a complaint or report from any source, that a dangerous building exists in the city, the building commissioner shall cause an inspection to be made forthwith. If the Building Commissioner deems it necessary to the performance of his duties and responsibilities imposed herein, the Building Commissioner may request an inspection and report be made by any other city department or retain services of an expert whenever the Building Commissioner deems such service necessary.
2. Upon receipt of a report from the Building Inspector indicating failure by the owner, lessee, occupant, mortgagee, agent or other person(s) having interest in said building to commence work of reconditioning or demolition within the time specified by this Chapter or upon failure to proceed continuously with work without unnecessary delay, the Building Commissioner shall hold a hearing giving the affected parties full and adequate hearing on the matter.

Written notice, either by personal service or by certified mail, return receipt requested, or by publication for two (2) successive weeks, in a newspaper qualified to publish legal notices, at least twenty-one (21) days in advance of a hearing date, to the owner, occupant, mortgagee, lessee, agent and all other persons having an interest in said building as shown by the land records of the recorder of deeds of the county wherein the land is located, to appear before the Building Commissioner on the date specified in the notice to show cause why the building or structure reported to be a dangerous building should not be repaired, vacated or demolished in accordance with the statement of particulars set forth in the Building Inspector's notice as provided herein. Any party may be represented by counsel and all parties shall have an opportunity to be heard.

3. Make written findings of fact from the evidence offered at said hearing s to whether or not the building in question is a dangerous building within the terms of Section 225.105.

4. If the evidence supports a finding based upon competent and substantial evidence that the building or structure is a dangerous building, the Building Commissioner shall issue an order based upon its findings of fact commanding the owner, occupant, mortgagee, lessee, agent or other person(s) having an interest in said building as shown by the land records of Stone County, to repair, vacate or demolish any building found to be a dangerous building, provided that any person so notified, shall have the privilege of either repairing or vacating and repairing said building, if such repair will comply with the Chapters of this City or the owner or any person having an interest in said building as shown by the land records of the county wherein the land is located, may vacate and demolish said dangerous building at his own risk to prevent the acquiring by the City of the lien against the land where the dangerous building stands. If the evidence does not support a finding that a building or structure is a dangerous building, no order shall be issued.
5. If the owner, occupant, mortgagee or lessee fails to comply with the order within thirty (30) days, the Building Commissioner shall cause such building or structure to be repaired, vacated or demolished and the property cleaned up as the facts may warrant; and the Building Commissioner shall certify the cost of the work borne by the City for such repair, vacation or demolition or cleaned up to the City Clerk as a special assessment represented by a special tax bill against the real property affected; said tax bill shall be a lien upon said property and shall be deemed a personal debt against the property owner(s) unless the building or structure is demolished, secured or repaired by a contractor pursuant to an order issued by the City and such contractor files a mechanic's lien against the property where the dangerous building is located. The contractor may enforce this lien as provided in Sections 429.010 through 429.360, RSMo. Except as provided in Subsection (6) of this Section, at the request of the taxpayer this special tax bill may be paid in installments over a period of not more than ten (10) years; said assessment shall bear interest at the rate of nine percent (9%) per annum until paid.
6. As to damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, if an order is issued by the Building Commissioner as provided in Subsection (4) of this Section and a special tax bill or assessment is issued against the property, it shall be deemed a personal debt against the property owner. If there are proceeds of any insurance policy based upon a covered claim payment made for damage or loss to a building or other structure caused by or arising out of any fire, explosion or other casualty loss, the following procedure is established for the payment of up to twenty-five percent (25%) of the insurance proceeds as set forth in Subparagraphs (a) and (b) of this Subsection. This Subsection shall apply only to a covered claim payment that is in excess of fifty percent (50%) of the face value of the policy covering a building or other structure.
 - a. The insurer shall withhold from the covered claim payment up to twenty-five percent (25%) of the covered claim payment and shall pay such monies to the City to deposit into an interest-bearing account. Any named mortgagee on the insurance policy shall maintain priority over any obligation under the Chapter.

- b. The City shall release the proceeds and any interest that has accrued on such proceeds received under Subparagraph (a) of this Subsection to the insured or as the terms of the policy and endorsements thereto provide within thirty (30) days after the receipt of such insurance monies, unless the City has instituted legal proceedings under the provisions of Subsection (5) of this Section. If the City has proceeded under the provisions of Subsection (5) of this Section, all monies in excess of that necessary to comply with the provisions of Subsection (5) of this Section for the removal, securing, repair and clean up of the building or structure and the lot on which it is located, less salvage value, shall be paid to the insured.
7. If there are no proceeds of any insurance policy as set forth in Subsection (6) of this Section, at the request of the taxpayer the tax bill may be paid in installments over a period of not more than ten (10) years. The tax bill from date of its issuance shall be a lien on the property and a personal debt against the property owner(s) until paid.
8. Subsection (6) of this Section shall apply to fire, explosion or other casualty loss claims arising on all buildings and structures.
9. Subsection (6) of this Section does not make the City a party to any insurance contract and the insurer is not liable to any party for any amount in excess of the proceeds otherwise payable under its insurance policy.
10. The Building Commissioner may certify in lieu of payment of all or part of the covered claim under Subsection (6) that it has obtained satisfactory proof that the insured has removed or will remove the debris and repair, rebuild or otherwise make the premises safe and secure. In this event, the Building Commissioner shall issue a certificate within thirty (30) days after receipt of proof to permit covered claim payment to the insured without the deduction pursuant to Subsection (6) of this Section. It shall be the obligation of the insured or other person making the claim to provide the insurance company with the written certificate provided from this Subsection. (This section updated by Ordinance 2000, 12/17/2015)

SECTION 225.140: APPEAL

Any owner, occupant, lessee, mortgagee, agent or any other person(s) having an interest in a dangerous building as shown by the land records of the Recorder of Deeds of Stone County, Missouri, may, within thirty (30) days from the receipt of the order of the Building Commissioner, appeal such decision to the Circuit Court of Stone County, Missouri, pursuant to the procedure established in Chapter 536, RSMo. (4). (This section updated by Ordinance 2000, 12/17/2015)

SECTION 225.145: EMERGENCIES

In cases where it reasonably appears that there is immediate danger to the health, life or safety of any person unless a dangerous building, as defined herein, is immediately repaired, vacated or demolished and the property is cleaned up, the Building Inspector shall report such facts to the Building Commissioner and the Building Commissioner may cause the immediate repair, vacation or demolition of such dangerous building and clean up of the property. The costs of such emergency repair, vacation or demolition of such dangerous building shall be collected in the same manner as provided herein. (This section updated by Ordinance 2000, 12/17/2015)

SECTION 225.150: VIOLATIONS—DISREGARDING NOTICES OR ORDERS

- H. Any person having an interest in a "dangerous building" who shall fail to comply with any notice or order to repair, recondition, vacate or demolish said building given by the Building Commissioner shall upon conviction thereof be punishable as set forth herein. This Section shall not apply during the appeal procedure set forth in Section 225.135 (2) and Section 225.140 herein.
- I. The owner, occupant or lessee in possession of any dangerous building who shall fail to comply with the order to repair, vacate or demolish said building given by the Building Commissioner shall be guilty of a misdemeanor and upon conviction shall be punishable as set forth herein.
- J. Any person removing any notices provided for in Section 225.125 (8), shall be guilty of a misdemeanor and upon conviction shall be punishable as set forth herein. (This section updated by Ordinance 2000, 12/17/2015)

SECTION 225.155: PENALTIES

Any person convicted of a violation of any provision of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined a sum not exceeding five hundred dollars (\$500.00) or imprisoned for a term not exceeding ninety (90) days, or by both such fine and imprisonment. (This section updated by Ordinance 2000, 12/17/2015)

**CHAPTER 230. ANIMAL REGULATIONS
PART 1. IN GENERAL****SECTION 230.100: DEFINITIONS**

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

ADEQUATE CARE: Normal and prudent attention to the needs of an animal, including wholesome food, clean water, shelter and health care as necessary to maintain good health.

ADEQUATE CONTROL: To reasonably restrain or govern an animal so that the animal does not injure itself, any person, any other animal, or property.

ADOPTER: A person who is legally competent to enter into a contract, who is of eighteen (18) years of age, who is adopting or buying a dog or cat from the City Facility.

AFFECTED WITH RABIES: Manifesting any of the characteristic symptoms of such disease.

ANIMAL: Every living vertebrate except a human being.

ANIMAL CONTROL OFFICER: Any person or agent employed by the City to enforce this Chapter.

ANIMAL SHELTER: A facility which is used to house or contain animals and which is owned, operated or maintained by a duly incorporated human society, animal welfare society, society for the prevention of cruelty to animals, other not for profit organization devoted to the welfare, protection, and humane treatment of animals, municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of ordinance or state law.

APPROVED VACCINE: Animal rabies vaccine licensed by the United States Department of Agriculture and administered by a licensed veterinarian.

AT LARGE: Any animal shall be deemed to be at large when he/she is off the property of his/her owner and not restrained by a competent person.

CASTRATED MALE: Any male dog or cat which has undergone surgical operation to render the animal unable to reproduce.

CAT: Member of the feline family over six (6) months of age.

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

DOG: Member of the canine family over six (6) months of age.

EXPOSED TO RABIES: Shall mean when bitten by, or fought with, or has come in close contact with an animal showing symptoms of rabies.

FARM ANIMAL: An animal raised on a farm or ranch and used or intended for use in farm or ranch production, or as food or fiber

HARBOR: To feed or shelter an animal at the same location for three (3) or more consecutive days.

HEALTH DEPARTMENT: The Department of Public Health and Welfare of the County.

HUMANE EUTHANASIA: The act or practice of putting an animal to death in a humane or instantaneous manner under guidelines and procedures established by rules promulgated by the Director of the Department of Agriculture of the State of Missouri.

IMPOUND: To apprehend, catch, trap, net or anesthetize by means of a gun or other mechanical device any animal.

IMPOUNDING FACILITIES: Any premises designated by the City for the purpose of impounding or harboring animals found in violation of this Chapter, as well as seized, stray, homeless, abandoned or unwanted animals.

KENNEL: An establishment kept and maintained for the purpose of breeding, selling or boarding dogs and/or cats, or an establishment kept and maintained for the purpose of training dogs or cats.

LIVESTOCK: Means horses, mules, sheep, goats, cattle, swine and other domesticated animals, but excluding dogs, cats and small animals.

OWNER or KEEPER: In addition to its ordinary meaning, shall mean any person, firm, corporation or association which owns, harbors, shelters, keeps, controls, manages, possesses, or has part interest in any animal. The occupant of any premises on which a dog or cat remains for a period of seven (7) days or to which it customarily returns daily for a period often (10) days is presumed to be harboring, sheltering, or keeping the aforementioned dog or cat, within this definition. Under no circumstances are the normal and ordinarily accepted definitions of the terms harboring, sheltering or keeping, to be limited to the words of the aforementioned presumption. If a minor owns a dog, cat or other animal subject to the provisions of this chapter, the head of the household of which such minor owner is a member shall be deemed to be the owner of such dog, cat or animal for the purpose of this chapter and under this chapter shall be responsible as the owner, whether or not such household head is himself a minor, If not a member of a household, such minor owner shall himself be directly subject to the provisions of this chapter.

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

PUBLIC NUISANCE: Any animal that (a) molests passersby or passing vehicles; (b) attacks other animals; (c) is repeatedly at large; (d) damages public or private property; (e) barks, whines, howls or meows excessively or continuously; (f) Trespasses on school grounds; or (g) defecates upon any private property not owned by its owners, upon condominium common elements, or upon public property, unless its owner shall remove all feces so deposited by such animal.

RABIES: Hydrophobia.

RABIES CONTROL AUTHORITY: The Director of Public Health and Welfare of the County.

REGISTRATION, VACCINATION: The procedure of vaccinating for rabies and issuing an identification number and an appropriate certificate. The above words shall be interchangeable.

RESTRAINT: A dog is under restraint within the meaning of this Chapter if he/she is controlled by a leash, at heel of a competent person and obedient to that person's commands, or within a vehicle being driven or parked on the streets.

SPAYED FEMALE: Any female dog or cat which has undergone surgical operation to prevent conception.

STERILIZATION: The surgical removal of the reproductive organs in order to render the animal unable to reproduce.

TAG: Any metal object or badge issued by the City of Crane, regardless of shape or color, which bears an identification number and year of issuance.

VETERINARIAN: Any veterinarian holding a current State license.

WILD ANIMAL: Any live non-human primate (monkeys, chimpanzees, apes, gorillas and lemurs), kinkajou, coatamundi, raccoon, fox, skunk, poisonous reptiles, venomous snakes, constrictor reptiles six (6) feet or more in length, crocodilian reptiles including alligators, crocodiles and caimans, bear, wolf, wolf hybrids, coyote, coyote hybrids (coydogs), cougar, leopard, jaguar, tiger, lion, lynx, bobcat, ocelot, or any crossbreeds of the above. Wild animals does not include insects, fish, avian species, or other reptiles, mammals or animals not listed above.

State law references: Similar provisions, RSMo 578.005.

SECTION 230.105: EXEMPTIONS

This chapter does not apply to:

- A. Care or treatment performed by a licensed veterinarian within the provisions of RSMo chapter 340.
- B. Bona fide scientific experiments.
- C. Hunting, fishing, or trapping as allowed by RSMo chapter 252, including all practices and privileges as allowed under the Missouri Wildlife Code.
- D. Rodeo practices currently accepted by the Professional Rodeo Cowboy's Association.
- E. The killing of an animal by the owner thereof, the agent of such owner, or by a veterinarian at the request of the owner thereof.
- F. The lawful, humane killing of an animal by an animal control officer, the operator of an animal shelter, a veterinarian, or law enforcement or health official.
- G. With respect to farm animals, normal or accepted practices of animal husbandry.
- H. The killing of an animal by any person at any time if such animal is outside of the owned or rented property of the owner or custodian of such animal and the animal is injuring any person or farm animal but shall not include police or guard dogs while working.
- I. The killing of house or garden pests.
- J. Field trials, training and hunting practices as accepted by the Professional Houndsmen of Missouri.

State law references: Similar provisions, RSMo 578.007.

SECTION 230.110: ANIMAL CONTROL ENFORCEMENT

The Animal Control Officer, any Police Officer or anyone having the authority of animal control officer, humane officer or city police officer shall have the duty of enforcing all the terms and provisions of this chapter and shall be empowered to issue a citation and summons to Municipal Court for violations thereof.

SECTION 230.115: INTERFERENCE WITH ENFORCEMENT OFFICIALS

Any person who shall interfere with or obstruct a city official in the reasonable performance of his duty in apprehending any dog or cat for impounding or investigation under this article, or any person who shall refuse to deliver up his dog or cat, or dogs or cats, upon request by a proper city official, whenever such official has reasonable cause to believe that such dog or cat is unlicensed or has not been inoculated against rabies within a period of one year, or such dog or cat is running at large in violation of this article, shall be deemed guilty and upon conviction thereof shall be punished as hereinafter provided.

SECTION 230.120: RIGHT OF ENTRY

The Animal Control Officer, or any other person, firm, corporation, organization or agency with which the city has contracted according to the provisions of this article, and the members of the Police Department, while in pursuit of a dog or cat running at large, shall have the right of entry to any lots or lands, including those of the owner of such dog or cat, for the purpose of collecting any dog or cat found in violation of this article. Such official or officials shall have the right of entry to any building or premises within any quarantined area as provided in section 230.400 hereof, during the period of such quarantine, for the purpose of examining or collecting any dog or cat suspected of having rabies or having been exposed to rabies.

State law references: Similar provisions, RSMo 578.018

SECTION 230.125: REPORTING ANIMAL BITES

A physician or other medical personnel who renders professional treatment to a person bitten by an animal shall report to the Police Chief the fact that he has rendered professional treatment within twenty-four (24) hours of his first professional attendance. He shall report the name, sex, and address of the person bitten, as well as the type and location of the bite. If known, he shall give the name and address of the owner of the animal that inflicted the bite and any other facts that may assist the animal control officer in ascertaining the immunization status of the animal.

SECTION 230.130: ANIMALS CONSTITUTING PUBLIC NUISANCE

No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

SECTION 230.135: MEDICAL CARE REIMBURSEMENT

In the event an animal is picked up by either the Animal Control Officer or other City of Crane employee and is in need of medical attention, the animal may be taken to a licensed veterinarian. All costs incurred, either by neglect or injury, shall be the responsibility of the owner of said animal.

**CHAPTER 230. ANIMAL REGULATIONS
PART 2. DOG AND CAT REGULATIONS****SECTION 230.200: VACCINATION AND TAG**

The owner or keeper of any dog or cat in the City of Crane is hereby required to have such animals vaccinated against rabies by a licensed veterinarian and to procure a certificate of such vaccination from the veterinarian and to present such certificate to the City Collector on or before January first (1st) of each year; and the City Collector shall register such certificate, which registration shall remain in force until the December thirty-first (31st) next following said registration; and upon registration, the City Collector shall record the sex, breed, name and address of the owner, and the name of the animal. The City Collector will then issue a tag evidencing the registration and certificate of vaccination. At the time of such registration, a registration fee shall be collected as follows: \$10.00 per year for non-neutered and non-spayed dogs or cats; \$5.00 per year for neutered and spayed dogs or cats.

SECTION 230.205: LICENSE REQUIRED

It shall be unlawful for the owner or keeper of any dog or cat to permit such animal to remain in the City of Crane unless wearing the tag as required by Section 230.200.

SECTION 230.210: FACSIMILE, ETC., TAGS PROHIBITED

No person shall provide a facsimile or deface or change the tag issued in any manner which shall make or cause the tag to appear valid for a longer period of time than originally intended.

SECTION 230.215: NON-TRANSFERABILITY OF TAG

A tag shall not be transferred from the dog or cat for which it was issued to any other dog or cat.

SECTION 230.220: REGISTRATION LATE FEE

The City Collector may notify dog and cat owners of approaching license expiration on or about 30 days prior to actual expiration. Notification may be made by publication or public posting. There shall be a \$1.00 penalty per animal for any registration which occurs more than 10 days late. The failure to receive a notification hereunder shall not excuse any violation of this ordinance.

SECTION 230.225: REPLACEMENT FEE

Lost or misplaced license tags will be replaced upon payment of a fee of one dollar (\$1.00) for the replacement tag.

SECTION 230.230: RECEIPT TO BE ISSUED UPON PAYMENT OF LICENSE FEE

The City shall, upon payment of the license fee required by this Article, deliver to the person making said payment a receipt therefore, showing for what purpose payment was made and for what year, together with a full description of the dog or cat for which said license fee is paid.

SECTION 230.235: DOGS OR CATS OF TEMPORARY RESIDENTS

Any dog or cat owned by temporary residents of the City may be deemed in compliance with this Chapter if the dog or cat holds a valid rabies vaccination certificate issued by any veterinarian. Dogs or cats not vaccinated shall be subject to the provisions of this Chapter within thirty (30) days of date of arrival within the City.

SECTION 230.240: COLLAR WITH BADGES REQUIRED

It shall be the duty of the owner or keeper of any dog or cat which has been vaccinated against rabies and upon which the license fee has been paid, pursuant to this Article, to furnish a collar to be worn by the dog or cat on which shall be fastened a badge furnished by the veterinarian showing the rabies treatment and the years therefor and also to which shall be fastened a badge furnished by the City having an identification number and year of issuance. The absence of any such collar or badges from any dog or cat shall be prima facie evidence that such dog or cat has not been vaccinated nor the license fee paid.

SECTION 230.245: AUTHORITY TO CHECK REGISTRATION

The Chief of Police or appointed officer shall have the authority to inquire about the licensing of any dogs or cats penned or chained on private property within the City. Warnings to have animals licensed may be made one time before a citation is issued for failure to license an animal; however, a warning is not required before the issuance of a citation.

SECTION 230.250: LIST OF DOGS AND CATS WITHIN THE CITY

The City shall keep a list of all licensed dogs and cats in the corporate limits of the City, distinguishing the sex of each, together with the names of the owners or keepers thereof and file said list with the City who shall record the same in a file to be kept for that purpose.

SECTION 230.255: BARKING DOGS--HOWLING CATS

It shall be unlawful for any person or persons to keep or harbor upon his premises any animal or animals that shall be loud or frequent or habitual barking, yelping, howling or baying, and cause annoyance to the neighborhood. Summons for violation of disturb the peace of the neighborhood may be issued and conviction for violation of this ordinance may be obtained by the complaint and testimony of (1) two separate unrelated property owners or occupants or (2) one property owner or occupant and one Animal Control Officer or Police Officer who shall have had ample opportunity to observe and hear the conduct of the dog or dogs.

SECTION 230.260: RESPONSIBILITY OF PARENT OR GUARDIAN OF MINOR

The parent or guardian of a minor child is responsible for the adequate care of any animal owned by, in the control of, or harbored by that minor child.

State law references: Similar provisions, RSMo 578.014.

SECTION 230.265: GUARD DOGS

- A. No person shall own, keep, harbor, maintain or allow to be upon any premises occupied by him/her or under his/her charge or control any guard dog (for the purposes of this Chapter here defined as a dog not owned by a governmental unit which dog is professionally trained to guard public or private property) without such dog being confined behind a fence from which it cannot escape, or within any part of a house or structure except when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure; and must not be used or maintained in a manner which, as determined by the Police Department, endangers individuals on or off the premises guarded.
- B. Any guard dog, including law enforcement dogs, used in the City by virtue of such use is hereby declared to be subject to the license and rabies vaccination requirements of this Chapter.
- C. All guard dogs residing in or used as such in the City of Crane must be registered annually with the City.

**SECTION 230.270: NUMBER OF DOGS OR CATS KEPT, MAINTAINED
OR HARBORED IN RESIDENTIALLY ZONED DISTRICTS**

- A. It shall be unlawful for the occupant or occupants of any dwelling unit located in an area zoned "R-1" Single-Family Dwelling or "R-2" Duplex, or any subclassifications of such zoning districts, to keep, maintain or harbor more than three (3) dogs or three (3) cats over the age of six (6) months on or about the lot or premises which comprises such dwelling unit.
- B. It shall be unlawful for the occupant or occupants of any dwelling unit located in an area zoned "R-3" Apartments (more than a duplex, multi-family), or any subclassification thereof, to keep, maintain or harbor more than two (2) dogs or two (2) cats over the age of six (6) months on or about the premises which comprises such dwelling unit.

SECTION 230.275: KENNEL BUSINESS DEFINED

Every person, family, firm, corporation, or association which possesses, controls, boards or manages more than three (3) dogs or three (3) cats over the age of six (6) months, shall for the purpose of this article be deemed to be the operator of a kennel business. Veterinary hospitals are exempt.

SECTION 230.280: KENNEL LICENSING REQUIREMENTS

- A. It shall be unlawful for any person, family, firm, corporation or association to operate a kennel business within the City of Crane without procuring a license therefore and paying a license fee as hereinafter prescribed.
- B. Upon application in writing by the person, family, firm, corporation or association seeking the same, a license to conduct a kennel as herein provided may be issued by the Board of Aldermen. Such application shall set forth specifically the location of the proposed kennel and a full description of the buildings or other facilities to be provided therein and such other pertinent information concerning the proposed facilities and operation as will enable the Board of Aldermen properly to ascertain whether the conduct of such business will constitute a hazard to the health and welfare of the community, and whether the proposed operation will substantially comply with the minimum standards established by the animal protective association for the keeping and care of dogs or cats. No such license shall be issued for the conduct of a kennel in a location where forbidden by other ordinances of the city. Upon compliance with said requirements and upon a payment of a fee of seventy-five dollars (\$75.00) a license to conduct a kennel may be issued. Thereafter such license may be renewed upon the payment of an annual license fee of seventy-five dollars (\$75.00) on the first day of January of each year. The application and license fee herein provided shall be in addition to the license and fee requirements of Article I, regulating and controlling dogs and cats.
- C. All licenses so granted for the conduct of a kennel shall not be transferable and may be revoked by the Board of Aldermen at any time if it shall appear to the Board of Aldermen that said kennel is so conducted as to constitute a menace to the health of the community or the peace and quiet of the neighborhood. No license shall be revoked except after notice to the owner and a hearing thereon.

SECTION 230.285: KENNEL PREMISES

- A. Kennel premises shall be maintained in a clean and sanitary condition at all times, and sanitary methods shall be used to obliterate or prevent any offensive odors. The Animal Control Officer and the City police shall have the right to inspect such kennels at reasonable hours.
- B. All kennel dogs or cats shall be fed, maintained and housed in separate compartments with separate outdoor runways and shall not come in physical contact with other dogs or cats except when breeding, except in cases of mothers and their young. The inside and outside spaces shall be completely cleaned at least twice per day.
- C. The breeding of dogs or cats shall take place in an enclosed place and entirely out of public view and hearing.

SECTION 230.290: RECORDS; INSPECTIONS

Every owner or operator of a dog kennel shall at all times keep an accurate record of the number, age, breed, color and general description of all dogs kept therein, which records shall be subject to the inspection by police and health officials of the city; and by acceptance of a license to conduct such dog kennel, the owner agrees to permit periodic inspection at reasonable times of the premises upon which such kennel is conducted by police or health officials of the city.

**CHAPTER 230. ANIMAL REGULATIONS
PART 3. IMPOUNDMENT****SECTION 230.300: IMPOUNDMENT**

Unrestrained dogs, public nuisance animals, and animals covered by this chapter may be taken by the animal control officer or police officer, and impounded at an animal shelter and there be confined in a humane manner.

**SECTION 230.305: IMPOUNDMENT--PERIOD--DISPOSITION OF DOGS AND CATS
UNCLAIMED WITHIN IMPOUNDMENT PERIOD**

All dogs and cats impounded shall be kept in the custody of the Animal Control Officer for a period of not less than fourteen (14) days except that if the owner can be identified from the tags on the animal or other means, he/she will be notified prior to disposing of the animal. Those dogs and cats impounded, not within the exception aforesaid, shall be fed, watered and shielded from the elements in a manner acceptable to good veterinary practice. During the fourteen (14) day period, a dog or cat may be released by the Police Chief or Animal Control Officer to any person who shall sign an affidavit swearing such dog or cat is his/her personal property. The Police Chief or Animal Control Officer may, in addition to issuing a summons to the owner for a violation, impose a claiming fee of ten dollars (\$10.00) plus five dollars (\$5.00) per day boarding fee and shall require that the owner of the dog or cat fulfill the registration-vaccination procedure before release, or that he/she carry out the registration-vaccination procedure as set forth herein. At the end of the fourteen (14) day period, if the dog or cat has not been claimed as provided in this Section, the Police Chief or Animal Control Officer is at liberty to dispose of the dog or cat in any one (1) of the following ways:

1. Humane destruction by injection of approved barbiturate drug.
2. Humane destruction by subjection to a carbon monoxide environment.
3. Releasing the dog or cat to any person expressing a desire for any given dog or cat after the animal has been kept in the custody of the Animal Control Officer for the required period of time and after the execution of a sterilization agreement regarding any such animal. The adoption of any dog or cat by any person pursuant to the provisions of this Subsection shall not be final until such time as the animal is sterilized pursuant to the provisions of the aforementioned sterilization agreement and the requirements of Section 273.403, RSMo. The failure of any person to comply with the provisions and requirements of said agreement and/or said Statute shall result in custody and possession of such animal reverting to the City of Crane.
4. Humane destruction in any other manner provided by State law.
5. Transfer to another animal shelter.

State law references: Similar provisions, RSMo 578.016.

**SECTION 230.310: IMPOUNDMENT--COMPLETION OF REGISTRATION-
VACCINATION PROCEDURE FOLLOWING RELEASE**

When any dog or cat shall be released to the original or a new owner which has not completed a valid registration-vaccination procedure at the time or prior to release, he/she shall within seven (7) days after release complete the registration-vaccination procedure and submit proof of vaccinations to City and obtain City license as required.

SECTION 230.315: ADDITIONAL FEES COLLECTIBLE

In addition to all other fees, fines and costs imposed hereunder, the City is hereby empowered to charge and collect all veterinary, boarding and other expenses incurred by the impoundment of a dog or cat and to condition the release of said animal on payment of said amount, which shall be determined by the Animal Control Officer and/or Municipal Court.

SECTION 230.320: INTERFERING WITH IMPOUNDED ANIMALS

It shall be unlawful for any person to release or attempt to release any animal which is impounded in the City pound or which is in the custody of Police or Animal Control Officer.

**SECTION 230.325: TAMPERING WITH HUMANE TRAPS, CAGES, ANIMAL
CARRIERS OR OTHERWISE INTERFERING WITH THE
DUTIES OF THE ANIMAL CONTROL OFFICER**

It shall be unlawful for any person to tamper with, alter or otherwise damage any trap, cage, animal carrier or other animal control equipment, or fail to return such equipment after use in undamaged condition, or to interfere with the Police or Animal Control Officer in the performance of their duties.

**SECTION 230.330: IMPOUNDMENT--PERIOD--DISPOSITION OF OTHER
ANIMALS UNCLAIMED AFTER IMPOUNDMENT PERIOD**

If any animal be found at large within the corporate limits of the City of Crane, it shall be the duty of the Chief of Police, Animal Control Officer or any other person, firm, corporation, organization or agency with which the city has contracted according to the provisions of this article, to take immediate charge of the same and to confine them in some secure place. The Chief of Police may proceed to sell the same, after giving immediate notice to the owner or his/her agent, if known. He/she shall post up in three (3) public places within the City notice of sale of said animals at public auction giving at least five (5) days' notice of said sale. Said notices shall give a particular description of the marks, brands, color and age, as near as possible, of each animal to be sold. The officer shall give the purchaser of any stock sold a bill of sale giving the date of the sale, the description of the animal sold and the amount the animal sold for when requested to do so by the purchaser. Any animal may be redeemed at any time before the sale by the owner or his/her agent by paying the officer's fees and all costs made in keeping and advertising the same. All sales under this Section shall be at public auction to the highest bidder for cash in hand.

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**CHAPTER 230. ANIMAL REGULATIONS
PART 4. RABIES CONTROL****SECTION 230.400: QUARANTINE ORDER TO BE ISSUED BY MAYOR**

The Mayor shall have the power and authority, at any time he shall deem it necessary for the protection of the public health and safety against rabies, to issue an order of quarantine, requiring any or all animals within the city to be restrained and kept under observation, and prescribing such other regulations concerning the same as he shall deem necessary. Immediately upon the issuance of such quarantine order, the Mayor shall take steps to properly inform the residents of the City of Crane of the existence of such order and of the penalties attached to the violation of such order; and it shall be the duty of every person who owns, controls, possesses or has in custody any animal, to comply strictly with such order.

SECTION 230.405: SUSPECTED RABID ANIMALS

- A. Any domestic animal which exhibits clinical symptoms suggestive of rabies may be impounded at a veterinary clinic, licensed by the State, for clinical observation for ten (10) days. If after the observation period, the animal is alive it may be picked up by the owner. All costs of impoundment shall be paid by the owner.
- B. If such animal shall die during the observation period, regardless of the location, the head shall be removed and submitted to a qualified official laboratory for examination. All costs of impoundment shall be paid by the owner.

SECTION 230.410: ANIMALS EXPOSED TO RABIES

Any dog, cat or domestic animal which has been exposed to rabies should be immediately destroyed, unless otherwise provided. If the owner is unwilling to do this, one (1) of the following alternatives shall be followed:

- A. Strict isolation in a kennel or animal hospital for six (6) months and vaccinate with Animal Rabies Vaccine licensed by the United States Department of Agriculture and administered by a licensed veterinarian if no previous vaccination has been given in the past three (3) years.
- B. If the animal exposed to rabies has been vaccinated against the virus within the last three (3) years, the animal must be re-vaccinated at once with Animal Rabies Vaccine licensed by the United States Department of Agriculture and administered by a licensed veterinarian, and be isolated and observed for ninety (90) days.

SECTION 230.415: REPORT OF RABIES

All veterinarians in the City shall report at once all cases of clinical rabies to the Chief of Police.

SECTION 230.420: NOTIFICATION OF DESTRUCTION OF RABID ANIMAL

Any person destroying an animal affected with rabies or suspected of being affected with rabies shall immediately notify the Chief of Police and shall provide the Chief of Police with all pertinent information respecting persons bitten or suspected of being bitten by said animal and also with all pertinent information respecting any other animal exposed to the animal destroyed.

SECTION 230.425: PROCEDURE WHEN ANIMAL BITES A HUMAN BEING

The owner or keeper of any domesticated animal which bites any person, regardless of the circumstances or whether the animal is vaccinated and registered or not, shall follow the following procedure:

- A. The animal shall be considered a rabies suspect. The animal shall be immediately taken to and impounded at a veterinary hospital or other location approved by the Chief of Police where the animal shall be kept isolated and under observation for a period of ten (10) days following the evening of the day of the bite for the purpose of determining whether or not it is infected with rabies. If such animal develops symptoms suggestive of rabies, it shall be allowed to die a natural death or if the animal should die while in confinement for any reason, the head of such animal shall be removed and submitted to any qualified official laboratory. Only under special circumstances to be specified by the Chief of Police shall an animal be confined on the owner's or other premises for the ten (10) day period.
- B. All costs incurred by reason of the impoundment and examination of the rabies suspect animal shall be borne by the owner of the animal.
- C. Upon expiration of the ten-day confinement period, if the animal is determined by the veterinarian not to be infected, the animal shall either be retrieved by the owner or without delay transported to an animal shelter for further confinement.
- D. No owner shall be entitled to the return of the animal from the veterinary hospital or animal shelter unless he shall first have paid the city for all costs incurred by reason of the confinement. The costs shall be paid in the office of the city collector and no animal will be released to its owner without a receipt signed by the city.

SECTION 230.430: DELIVERY OF DOGS OR CATS TO ANIMAL CONTROL OFFICER REQUIRED

No person shall refuse to deliver his/her dog or cat to the Police or Animal Control Officer when requested to do so under the provisions of this Chapter.

SECTION 230.435: RIGHT OF ENTRY OF ANIMAL CONTROL OFFICER

The Police or Animal Control Officer or his/her duly appointed representative shall have the right of entry to any property or premises for the purpose of examining and impounding any dog or cat exposed to or exhibiting clinical symptoms of rabies.

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**CHAPTER 230. ANIMAL REGULATIONS
PART 5. DANGEROUS DOG****SECTION 230.500: DEFINING A DANGEROUS DOG**

- A. Any dog with the following characteristics shall be classified as dangerous:
1. Any dog which has inflicted a severe or fatal injury on a human being on public or private property. "Severe injury" means any physical injury, resulting directly from a dog's bite, which results in broken bones, or lacerations requiring stitches, or in-patient hospitalization. The victim receiving severe injuries, as defined above, must provide the Police or Animal Control Officer a signed physician's statement documenting injury and treatment qualifier, such as a severe injury or sign an authorization for release of such statement.
 2. Any dog which has killed a domestic animal, livestock or poultry without provocation, while off the owner's property.
 3. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
 4. Any dog which has bitten a human being, without provocation, on public or private property other than the property of the owner.
 5. Any dog which, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public grounds, or private property other than that property of the owner, in a menacing fashion or apparent attitudes of attack, regardless of whether or not a person is injured by said dog.
 6. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.
- B. If the circumstances surrounding the classification as a dangerous dog under any of the definitions listed in Subsection (A) are in dispute, then the owner has the option of submitting, within five (5) working days, a written request to the Municipal Court for a hearing.
1. Pending the outcome of such a hearing, the dog must be confined in such a manner so as not to be a threat to any person. The confinement may be on the owner's premises or with a licensed veterinarian.

2. The Municipal Court Judge shall determine whether to declare the animal a dangerous dog based upon evidence and testimony presented in any hearing involving such animal.

In determining whether to declare the animal a dangerous dog, the Court shall consider all evidence presented by the animal's owner, witnesses to any events described in Subsection (A) of this Section, Animal Control personnel, Police or any other person possessing information pertinent to such determination. If a dog is declared dangerous, the Court shall order that a brightly colored fluorescent yellow collar be attached by the owner to the dangerous dog. The Court shall further order that the collar be worn by such dangerous dog at all times.

3. The Municipal Court shall issue written findings within five (5) days after the hearing. The owner or possessor of the animal found to be dangerous shall be required to maintain the animal as herein provided in this Section.

C. Exemptions to Dangerous Dog Classification.

1. With the exception of Subsection (A)(1), no dog may be declared dangerous if the threat, injury, or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog, or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.
2. With the exception of Subsection (A) the Police Chief or Animal Control Officer may, because of extenuating circumstances, determine from the investigation of an incident that an animal is not dangerous. However, the owner, being responsible for said dog, may be warned of the animal's tendencies and to take appropriate action to prevent subsequent incidences. This, however, does not exempt the owner from being cited for other animal control ordinance violations.
3. Dogs owned by governmental or law enforcement agencies when being used in the services of those agencies are exempt.

D. Actions to Be Taken For Dangerous Dogs Causing Severe or Fatal Injuries.

1. A dog responsible for an unprovoked severe or fatal attack shall be humanely destroyed.
2. A dog responsible for a provoked severe or fatal attack should be maintained as a dangerous dog.

SECTION 230.505: OWNER RESPONSIBILITY

- A. The following actions shall be required of owners of dogs that have been declared dangerous dogs:
1. Any dangerous dog which bites or scratches a human being, or any dog, whose behavior immediately prior to or during an incident resulting in a human being bitten or scratched, which is determined to be dangerous, shall be impounded for a ten (10) day rabies quarantine at the municipal animal shelter or a veterinarian clinic or other location approved by the Police Chief with costs assessed to the owner.
 2. The owner or keeper shall notify the Police Department immediately if a dangerous dog is loose, unconfined or missing, has attacked another animal, or has attacked a human being.
 3. The owner or keeper shall notify the Police Department within twenty four (24) hours if a dangerous dog has died or has been sold or given away. If the dog has been sold or given away, the owner or keeper shall provide the Police Department with the name, address and telephone number of the new owner, and the new owner, if the dog is kept within the City limits of Crane, must comply with the requirements of this Article.
 4. While on the owner's property, a dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than twelve (12) inches. The enclosure must also provide protection from the elements for the dog. The enclosure, when occupied by a dangerous dog, shall not be occupied by any other animal. If the dangerous dog is a female with a litter of puppies under three (3) months of age, the puppies may occupy the same enclosure as the mother.
 5. No dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
 6. The owner or keeper shall display a sign on his/her premises that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public highway or thoroughfare from which the property is entered. In addition, a similar sign is required to be posted on the kennel or pen or fenced yard of such animal.

7. A dangerous dog may be off the owner's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of a responsible person. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal.
 8. All owners or keepers of dangerous dogs must within ten (10) days of such declaration provide the Police Department two (2) color photographs, one (1) showing the left profile, the other showing the right profile of the animal clearly showing the color and approximate size of the animal.
 9. Any dangerous dog shall wear at all times a bright fluorescent yellow collar with required tags attached so the dog can be identified as a dangerous dog.
 10. The owner shall maintain a policy of insurance in an amount not less than \$100,000.00, insuring the owner against any claim, loss, damage or injury to persons, domestic animals, or property resulting from the acts, whether intentional or unintentional of the dangerous or vicious dog. The owner shall provide evidence of insurance to the Crane Police Department. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice of said cancellation is first given to the Crane Police Department.
- B. It shall be unlawful for the owner or keeper of a dangerous dog within the City of Crane to fail to comply with requirements and conditions set forth in this Article. Anyone found to be subject of a violation of this Article may be, in addition to other penalties provided by ordinance, subject to immediate seizure and impoundment for a minimum of ten (10) days or the time necessary for the owner or keeper to show compliance with this Article, whichever is shorter.

SECTION 230.510: EUTHANIZATION OF CERTAIN DOGS UNDER CERTAIN CONDITIONS

If, upon violation and conviction of this Article, it shall appear to the judge of the Municipal Court that it is necessary for the public safety and welfare that the dog concerned be euthanized, the judge shall so order and the Police Chief shall execute the order of the court.

CHAPTER 230. ANIMAL REGULATIONS
PART 6. ANIMALS AND FOWL**SECTION 230.600: KEEPING LIVESTOCK WITHIN CITY**

No person may keep upon his premises any horse, cow, calf, swine, sheep, goat, llama, camel, ostrich, peacock, chicken, goose, duck, pigeon, rabbit or other agricultural animal or any nondomestic animal within the city's corporate limits except under the conditions set forth as follows:

- A. Small caged animals and fowl such as falcons, pigeons, pheasants, quail, chickens, ducks, geese, rabbits, ferrets and other small animals and fowl which are of such type and nature that state and national associations exist establishing norms for breeding, confining and rearing shall be allowed, provided that:
1. Cages, hutches, coops, cotes, lofts or other confinement shall be at least 25 feet away from any neighboring residence; such enclosures shall be of sufficient size to house the number of animals or fowl permitted by state or national standards.
 2. The area is maintained free of odors, insects and rodents, and disturbing noises such as crowing, cackling and gobbling, causing no safety or health hazards to the general public or interfering with the enjoyment of life and property by any neighboring resident.
 3. Animals and fowl included in this subsection shall be fed in the confines of their enclosures; all grains and food shall be stored in rodent proof containers.
 4. On any parcel of land less than an acre, such animals shall be limited to two species and 10 in total number.
 5. On any parcel of land of one acre or more, such animals shall be limited to six species and 25 in total number for the first acre and 50 in total number for 2 or more acres. More than 50 animals must be approved by the Board of Aldermen.
 6. No animal or fowl under this subsection may be maintained, enclosed or fenced in the front yard of a dwelling or within a dwelling.
 7. The young produced by any animals or fowl of this nature may be maintained with the parent animals for a period of approximately eight weeks but in no case more than ten weeks, unless by state and national standards a longer period is required.
 8. No animal or fowl, other than dogs or cats, may be kept in an area zoned "R-3" Apartments (more than a duplex, multi-family), or any subclassification thereof.

B. Nondomestic animals and agricultural animals such as cows, steers, horses, sheep, goats, ducks, geese and chickens shall have:

1. The minimum acreage for other animals or any nondomestic animals, whether or not used for agricultural purposes, shall be five (5) acres.
2. Adequate grazable acreage defined as open, non-treed acreage currently providing enough pasture or agricultural crops capable of supporting summer grazing at a density of one animal unit or its equivalent per two (2) acres. For purposes of these regulations, the following animal equivalents apply:

<u>Animal</u>	<u>Animal Units</u>
One (1) mature dairy cow or bull	1.4
One (1) slaughter steer or heifer	1.0
One (1) horse, donkey, mule, zebra	1.0
One (1) miniature horse, donkey, mule	0.5
One (1) goat or sheep	0.5
One (1) goose or duck	0.2
One (1) chicken	0.1
One (1) turkey	0.1

3. No person shall keep a cow or cattle of any kind, horse, mule, jack, horse, goat, sheep or other agricultural animal in any outdoor enclosure or pasture, the exterior boundary of which is within one hundred (100) feet of the dwelling house of another, a church, school or place of business of another and not located in a front yard area.
4. No person having the care of any cow or cattle of any kind, horse, goat or other animal, domestic or nondomestic, shall permit the animal to run at large within the corporate limits

C. No such animal shall be kept on the same lot or premises with any multiple dwelling.

D. No swine/pigs shall be permitted inside the city limits.

E. Subsections (A), (B), (C) and (D) of this section shall not be deemed to prohibit the keeping or maintaining of any animal which was legally kept upon any land prior to the adoption of this ordinance, provided no additional animals to those legally kept upon such date shall be placed upon any land on or after the adoption of this ordinance, and any animal which dies, is removed or ceases to be kept or maintained under this section may not be replaced as long as the total number of animals kept exceeds the number allowable under this Code. In order to establish a right to keep animals under this subsection, a person having control over land must make application to the City on or before three months after the adoption of this ordinance. To establish that animals were legally kept on land prior to the adoption of this ordinance, the City may make reasonable requests, including a request to inspect land, to verify any claim of exemption.

- F. Subsection (E) of this section notwithstanding, the keeping of animals for commercial or agricultural purposes which was lawful prior to the adoption of this ordinance may continue so long as the commercial or agricultural use is not discontinued.
- G. Nothing in subsection (A), (B), (E) or (F) of this section shall be construed as abrogating any requirement in this Code which requires the licensing or permitting of any animal or the keeping thereof.
- H. Animals inclusive of fowl maintained for educational purposes by schools, day care centers, vocational agricultural programs and for other public education programs; animals inclusive of fowl maintained for display at local fairs, science center, circuses; and the bringing in of such animals and fowl on a temporary basis for exhibits or shows are exempt from this section, provided all other requirements under this Code are met.
- I. Any person presently owning or maintaining animals that are not in compliance with this chapter may make application to the city for a variance, provided such application is filed before December 31, 2008 and meets the following conditions:
1. The keeping of such animals has been of long-standing duration that is, in excess of three years, or is presently under commercial contract.
 2. The area where such animals are maintained is so located as to cause no safety or health hazards to the general public or interferes with the enjoyment of life and property by any neighboring resident.
 3. The variance is granted conditioned upon all circumstances for the granting of the variance remaining constant.
- J. Nothing herein shall prohibit the keeping of chickens, geese, ducks, turkeys, pigeons, rabbits, goats or other fowl by a licensed dealer for selling at an established place of business in a commercial district in compliance with the zoning ordinances and regulations of the City.

SECTION 230.610: MAINTENANCE OF SANITARY CONDITIONS

- A. Any person having charge or control of any stable, shed or apartment, or any yard or appurtenance thereof, in which any domestic animals or fowl are kept, or any place in which manure or liquid discharges of such animals collect or accumulate, shall keep the same in a clean and wholesome condition so that no offensive smell escapes therefrom; provided, however, nothing in this section shall be construed to prohibit manure deposits upon any private property for the purpose of cultivating same.
- B. Any dropping and other refuse removed from the building or other enclosure in which domestic animals or fowl are kept may not be permitted to accumulate upon the premises but must be promptly disposed of.

**SECTION 230.615: DOMESTIC ANIMALS GENERALLY--RUNNING AT LARGE
PROHIBITED**

No person shall allow any livestock or fowl to at large upon the streets, alleys or thoroughfares of the City, or upon the property privately owned or occupied by another person without the consent of the person owning or occupying such property.

**SECTION 230.620: TURNING ANIMALS LOOSE FOR PURPOSE OF
IMPOUNDMENT PROHIBITED**

No person shall turn loose or cause to be turned loose from any pen or enclosure any animal for the purpose of causing the same to be impounded.

SECTION 230.625: RIDING HORSES GENERALLY

- A. No person shall ride any horse, mule or other large animal upon any public road in a reckless or dangerous manner.
- B. No person shall drive, ride or lead any horse, mule or other large animal along or upon any sidewalk in the city.
- C. It is unlawful for any person to ride or lead a horse, mule or other large animal over or onto any public or private sidewalk or parking lot in the city except to proceed by the shortest route to the traveled portion of the roadway.
- D. No person shall hitch or tie a horse, mule or other large animal to a tree or shrub in any street or other public place so as to interfere with pedestrian or vehicular traffic.
- E. No person who is the owner or keeper of a horse, mule or other large animal shall park it or tether it on a public right of way or allow it on a public way or in a park.
- F. It is unlawful for any person owning or having the care, custody or control of, or driving any horse, mule or other large animals used for the purpose of driving or hauling, to permit or allow any such animal to be driven upon any of the streets, avenues or highways of the City unless such animal is shod in such a manner as will prevent or tend with reasonable certainty to prevent it from slipping or damaging the street surface.
- G. It is unlawful for any manure deposited by a horse, mule or other large animal upon any public way or private property to remain where it is likely to cause a public nuisance. It shall be the duty of the owner or person in charge of the animal to promptly remove any manure and dispose of it in a manner that will not attract flies or allow odor to escape.
- H. Persons riding a horse, mule or other large animal or driving a horse, mule or other large animal -drawn vehicle upon a public roadway shall be subject to the provisions of this Code and state law applicable to the driver of motor vehicles (including lighting requirements if ridden or led between sunset and sunrise), except those provisions which by their nature have no application.
- I. In conjunction with a community-sponsored occasion such as a parade or other special event for which permit has been issued by the police department to the organizer of the event, the provisions of this section may be waived during such event.

SECTION 230.630: DANGEROUS ANIMALS - PROHIBITING THE KEEPING OR HARBORING THEREOF

- A. The keeping or harboring of dangerous animals, other than dogs, within the City is hereby prohibited. Other than as provided herein, the Police or Animal Control Officer shall have the authority and responsibility to declare an animal dangerous because of past behavior, violations, potential spread of zoonotic disease or the inherently dangerous nature of the animal to persons. Such declaration shall be made in writing and shall include the date and reasons for the declaration. Upon request, the Police or Animal Control Officer shall provide a copy of the written declaration to the requesting person. Such declaration shall be grounds for the impoundment of any such animal unless, without danger to the public, such animal can be, and is, removed from the City within forty-eight (48) hours after being declared dangerous. If such animal is found again in the City limits, it will be immediately seized and disposed of in some manner as permitted by law including, but not limited to, giving such animal to a licensed refuge or zoo.
- B. With the exception of insectivorous animals, it is unlawful to keep or harbor any carnivorous or omnivorous animal including, but not limited to, non-human primates; bears; all non-domestic cats, including bobcats and lynx, ocelots, mountain lions, tigers, panthers, lions or any wild/domestic cat hybrids; wolves; wolf/dog hybrids with any percent of wolf percentage; raccoons; skunks; foxes; poisonous snakes; constrictor snakes; crocodiles; alligators; caimans; eagles; hawks or other large fowl. This Article does not apply to domestic livestock, small fowl, domestic dogs, domestic cats and small rodents of varieties used for laboratory purposes. Snakes shall be kept in locked escape-proof cages, except when being handled. It shall be a violation of this Article for an owner, keeper, harbinger or handler to permit a snake or lizard to escape.
- C. Notwithstanding any other provision hereof to the contrary, the Board of Aldermen may allow special events in which these prohibited animals are displayed after holding hearings to ensure the safety of such display.

SECTION 230.635: ANIMAL NEGLECT OR ABANDONMENT

- A. A person is guilty of animal neglect when he/she has custody or ownership or both of an animal and fails to provide adequate care or adequate control which results in substantial harm to the animal.
- B. A person is guilty of animal abandonment when he/she has knowingly abandoned an animal in any place without making provisions for its adequate care.
- C. Animal neglect or animal abandonment are ordinance violations. For a first (1st) offense of either violation, a term of imprisonment, not to exceed fifteen (15) days or a fine, not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment may be imposed. For a second (2nd) or subsequent violation of either offense, a term of imprisonment, not to exceed ninety (90) days or a fine, not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment may be imposed. All fines and penalties for a first (1st) conviction of animal neglect or animal abandonment may be waived by the court provided that the person found guilty of animal neglect or abandonment shows that adequate, permanent remedies for the neglect or abandonment have been made. Reasonable costs incurred for the care and maintenance of neglected or abandoned animals may not be waived.
- D. In addition to any other penalty imposed by this Section, the court may order a person found guilty of animal neglect or animal abandonment to pay all reasonable costs and expenses necessary for:
1. The care and maintenance of neglected or abandoned animals within the person's custody or ownership;
 2. The disposal of any dead or diseased animals within the person's custody or ownership;
 3. The reduction of resulting organic debris affecting the immediate area of the neglect or abandonment; and
 4. The avoidance or minimization of any public health risks created by the neglect or abandonment of the animals.

State law references: Similar provisions, RSMo 578.009

SECTION 230.640: ANIMAL ABUSE

A person is guilty of animal abuse when a person:

- A. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of this article; or
- B. Purposely, intentionally or recklessly causes injury, suffering, or pain to an animal; or
- C. Abandons an animal in any place without making provisions for its adequate care; or
- D. Overworks or overloads an animal, or drives or works an animal unfit to work; or
- E. Having ownership or custody of an animal knowingly fails to provide adequate care or adequate control.
- F. For purposes of this Section, "animal" shall be defined as a mammal.

State law references: Similar provisions, RSMo 578.012

SECTION 230.645: RETURN OF NEGLECTED OR ABUSED ANIMAL TO OWNER

If a person is adjudicated guilty of the offense of animal neglect or animal abuse and the court having jurisdiction is satisfied that an animal owned or controlled by such person would in the future be subject to such neglect or abuse, such animal shall not be returned to or allowed to remain with such person, but its disposition shall be determined by the court.

State law references: Similar provisions, RSMo 578.021.

SECTION 230.650: FIGHTING, BAITING, KEEPING, USING, ETC., BULLS, BEARS, DOGS, ETC., PROHIBITED

No person shall keep or use or in any way be connected with, or interested in the management of, or shall receive any money for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock or other creature, and no person shall encourage, aid or assist or be present at such fighting or baiting, or shall permit or suffer any place belonging to him/her, or under his/her control, to be so kept or used.

CHAPTER 230. PUBLIC HEALTH
PART 7. ANIMAL EXHIBIT OR ESTABLISHMENT**SECTION 230.700: PERMIT REQUIRED**

- A. No person, partnership, owner or occupier of property inside the City of Crane shall permit or operate an animal exhibit or establishment without first obtaining a permit in compliance with this Article. Permits must be renewed annually, and posted in such a location at the physical site of the establishment or exhibit that it can be clearly viewed.
- B. Animal Control shall promulgate regulations for the issuance of permits relating to animal exhibits or establishments and shall include requirements for the humane care of all animals and for the compliance with provisions of this Article and all other applicable State and Federal laws. Animal Control may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals. Requirements for animal exhibits/establishments shall be provided to all applicants with the permit application packet, and such requirements will be updated annually in accordance with State and Federal regulations.
- C. When a permit applicant has shown that he/she is in compliance with the regulations, a permit shall be issued.
- D. The permit period shall begin January first (1st) 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 January first (1st). Application to establish a new animal exhibit or establishment under the provisions of this Article may be made at any time.
- E. If there is a change in ownership of an animal establishment or exhibit, the new owner must provide within thirty (30) days, updated information to the City of Crane, and receive an amended permit for the duration of the remaining year.
- F. Every facility regulated by this Article shall be considered a separate enterprise/location requiring an individual permit.
- G. All facilities shall be in compliance with Zoning, Building, Fire, Health and other current Codes as adopted by the City of Crane.
- H. Failure to obtain a permit before opening any facility or exhibit covered in this Section shall be considered in violation, establishments and/or exhibits may be ordered to cease activity and remove all live animals from within the City of Crane until such permit is obtained.

SECTION 230.705: LICENSE AND PERMIT ISSUANCE AND REVOCATION

- A. After application is filed, Animal Control shall inspect the facility prior to issuing the permit. The City of Crane may revoke the permit if the person holding or applying for the permit refuses or fails to comply with this Article, the regulations promulgated by the City, Animal Control, or any laws governing the protection and keeping of animals.
- B. Any person whose permit is revoked shall, within ten (10) days thereafter cease activity and remove all live animals from within the City of Crane, humanely dispose of, or make suitable arrangements for all animals owned, kept or harbored within the City limits.
- C. It shall be a condition of the issuance of any permit that City Officials/Animal Control shall be permitted to inspect all the premises where animals are kept at any time, and shall, if permission for such inspection is refused, revoke the permit of the refusing owner.
- D. If the applicant had withheld or falsified any information on the application, the City of Crane shall refuse to issue or renew a permit, or will revoke an existing permit.
- E. No person who has been convicted of abuse, neglect, cruelty or abandonment of animals in any City, County or State shall be issued a permit to operate an animal establishment/exhibit within the City of Crane.
- F. Any person having been denied a permit may not reapply for a period of thirty (30) days.

CHAPTER 250. OFFENSES
PART 1. IN GENERAL**SECTION 250.100: ATTEMPTS**

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

State law references: Similar provisions, RSMo 564.011.

SECTION 250.105: CONCEALING AN OFFENSE

A person commits the offense of concealing an offense if:

- A. He/she confers or agrees to confer any pecuniary benefit or other consideration to any person in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof;
or
- B. He/she accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his/her concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof.

SECTION 250.110: CONSPIRACY

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

SECTION 250.115: PUBLICATION OF REGULATIONS

Regulations established under this Article shall be in written form, shall be available to the public at the City Hall, and shall be adequately posted in summary form on or near the public property affected by such regulations.

SECTION 250.120: PENALTY FOR VIOLATION

Unless another penalty is expressly provided, every person convicted of a violation of any of the provisions of the code Title II. Public Health, Safety and Welfare, or any code adopted by reference therein, shall be punished by a fine not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00), or to imprisonment for a term not exceeding ninety (90) days, or both such fine and imprisonment, plus the cost of prosecution. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided shall apply to the amendment of any code section whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as recovery of costs, abatement of nuisances, injunctive relief, and revocation of license or permits.

SECTION 250.125: SEVERABILITY OF PARTS OF CODE

It is hereby declared to the intention of the City Council that the titles, chapters, parts, sections, paragraphs, sentences, clauses and phrases of this code are severable and if any phrase, clause, sentence, paragraph or section of this Code shall be declared unconstitutional otherwise invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect the validity of the remaining portions of these ordinances. The City of Crane, Missouri, Board of Aldermen, hereby declares that it would have passed the same, even though such portions so held to be unconstitutional had not been included therein.

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CHAPTER 250. OFFENSES
PART 2. OFFENSES AGAINST ADMINISTRATION OF JUSTICE

State law references: Offenses against administration of justice, RSMo Ch. 575;
Offenses affecting government, RSMo Ch. 576.

SECTION 250.200: HINDERING PROSECUTION

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

1. Harbors or conceals such person; or
2. Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law; or
3. Provides such person with money, transportation, weapon, disguise or other means to aid him/her in avoiding discovery or apprehension; or
4. Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person.

SECTION 250.203: PERJURY

Any person who in a judicial proceeding or in a course of justice, willfully and corruptly gives, upon a lawful oath or in any form allowed by law to be substituted for an oath, any false testimony material to the issue or matter of inquiry is guilty of perjury and shall be punished as a Court may direct.

State law references: Similar provisions, RSMo 40.398

SECTION 250.205: FALSE REPORTS

- A. A person commits the offense of making a false report if he/she knowingly:
1. Gives false information to a Law Enforcement Officer for the purpose of implicating another person in a crime or offense; or
 2. Makes a false report to a Law Enforcement Officer that a crime or offense has occurred or is about to occur; or
 3. Makes a false report or causes a false report to be made to a Law Enforcement Officer, security officer, Fire Department or other organization, official or volunteer which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred.
- B. It is a defense to a prosecution under 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.

State law references: Similar provisions, RSMo 575.080.

SECTION 250.210: FALSE BOMB REPORT

A person commits the crime 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.

State law references: Similar provisions, RSMo 575.090

SECTION 250.215: FALSE AFFIDAVIT

- A. A person commits the crime of making a false affidavit if, with the purpose to mislead any person, he, in any affidavit, swears falsely to a fact which is material to the purpose for which such affidavit is made.
- B. A fact is material, regardless of its admissibility under rules of evidence, if it could substantially affect, or did substantially affect, the course or outcome of the cause, matter or proceeding.
- C. Knowledge of the materiality of the statement is not an element of this crime, and it is no defense that:
 - 1. The defendant mistakenly believed the fact to be immaterial; or
 - 2. The defendant was not competent, for reasons other than mental disability or immaturity, to make the statement.
- D. It is a defense to a prosecution under subsection (a) of this section that the actor retracted the false statement by affidavit or testimony but this defense shall not apply if the retraction was made after:
 - 1. The falsity of the statement was exposed; or
 - 2. Any person took substantial action in reliance on the statement.
- E. The defendant shall have the burden of injecting the issue of retraction under subsection (D) of this section.

SECTION 250.220: REFUSAL TO IDENTIFY AS A WITNESS

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

State law references: Similar provisions, RSMo

OFFENSES CONCERNING ADMINISTRATION OF JUSTICE

SECTION 250.222: REFUSAL TO OFFER IDENTIFICATION UPON REQUEST BY A POLICE OFFICER

When a Police Officer has reasonable cause to believe that a person has violated this Code and to believe that the person suspected is still present on the business premises, such officer may request the suspect to identify himself/herself. It shall be unlawful for anyone to refuse to properly identify himself/herself when asked to do so by an officer in accordance with this Section.

SECTION 250.225: IMPERSONATION OF CITY OFFICER OR EMPLOYEE

No person shall falsely represent himself to be an officer or employee of this city, or shall, without being authorized by the City, exercise or attempt to exercise any of the duties, functions or powers of any City officer or employee.

SECTION 250.230: INTERFERING WITH, HAMPERING, ETC. CITY OFFICERS AND EMPLOYEES

No person shall hinder, obstruct, resist or otherwise interfere with any City officer or employee who is engaged in the discharge of his official duties.

SECTION 250.235: DISTURBING A JUDICIAL PROCEEDING

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

SECTION 250.240: REFUSING TO MAKE AN EMPLOYEE AVAILABLE FOR SERVICE OF PROCESS

Any employer, or any agent who is in charge of a business establishment, commits the crime of refusing to make an employee available for service of process if he knowingly refuses to assist any officer authorized by law to serve process who calls at such business establishment during the working hours of an employee for the purpose of serving process on such employee, by failing or refusing to make such employee available for service of process.

State law references: Similar provisions, RSMo 575.170.

SECTION 250.245: SIMULATING LEGAL PROCESS

- A. A person commits the crime of simulating legal process if, with purpose to mislead the recipient and cause him to take action in reliance thereon, he delivers or causes to be delivered:
1. A request for the payment of money on behalf of any creditor that in form and substance simulates any legal process issued by any court of this state; or
 2. Any purported summons, subpoena or other legal process knowing that the process was not issued or authorized by any court.
- B. This section shall not apply to a subpoena properly issued by a notary public.

State law references: Similar provisions, RSMo 575.130

SECTION 250.250: RESISTING OR INTERFERING WITH ARREST

- A. A person commits the offense of resisting or interfering with arrest if, knowing that a Law Enforcement Officer is making an arrest, or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle, for the purpose of preventing the officer from effecting the arrest, stop or detention, the person:
1. Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or
 2. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.
- B. This Section applies to arrests, stops or detentions with or without warrants and to arrests, stops or detentions for any crime, infraction or ordinance violation.
- C. It is no defense to a prosecution under 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.

State law references: Similar provisions, RSMo 575.150

SECTION 250.255: INTERFERENCE WITH LEGAL PROCESS

- A. A person commits the crime of interference with legal process if, knowing any person is authorized by law to serve process, for the purpose of preventing such person from effecting the service of any process, he interferes with or obstructs such person.
- B. The term "process" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.

State law references: Similar provisions, RSMo 575.160

SECTION 250.260: IMPROPER COMMUNICATION

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

SECTION 250.265: FAILURE TO EXECUTE AN ARREST WARRANT

A law enforcement officer commits the crime of failure to execute an arrest warrant if, with the purpose of allowing any person charged with or convicted of a crime to escape, he fails to execute any arrest warrant, capias or other lawful process ordering apprehension or confinement of such person, which he is authorized and required by law to execute.

SECTION 250.270: ESCAPE OR ATTEMPTED ESCAPE FROM CUSTODY

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

State law references: Escape, RSMo 575.195 et seq.

SECTION 250.272: AIDING ESCAPE OF A PRISONER

A person commits the crime 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.

State law references: Similar provisions, RSMo 575.230.

SECTION 250.275: DUTY TO ASSIST POLICE

No person shall refuse or neglect to give aid or assistance to the Chief of Police or other Police Officer of this City, after being called upon for such aid or assistance while such officer is discharging his/her official duties.

SECTION 250.280: OBSTRUCTING A POLICE OFFICER OR EMERGENCY PERSONNEL

No person shall:

1. Interfere with a Police Officer or emergency personnel by entering or remaining at a police, fire or emergency scene, which is restricted to authorized personnel after having received notice of the restriction either by verbal notice from police or emergency personnel, a physical barrier to entry or by signage restricting entry; or
2. Refuse to comply with a lawful order of a Police Officer or other emergency service worker, when a person knows or should know such refusal prevents the officer from completing an investigation or performing any other lawful duty; or
3. Engage in conduct which a person knows or should know would prevent a Police Officer or other emergency service worker from completing an investigation or performing any other lawful duty; or
4. Identify him/herself to a City Police Officer by using a name or date of birth other than his/her own when the officer is entering the information into an official document or when the officer is using the information in the conduct of an investigation of a crime or ordinance violation. This would also include intentionally supplying false, unfounded or misleading information.

SECTION 250.285: OBSTRUCTING GOVERNMENT OPERATIONS

A person commits the crime 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.

OFFENSES CONCERNING ADMINISTRATION OF JUSTICE

SECTION 250.290: TAMPERING WITH A WITNESS - TAMPERING WITH A VICTIM

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

SECTION 250.292: TAMPERING WITH EVIDENCE

- A. Any person who tampers with physical evidence shall, upon conviction be punished as provided by ordinance.
- B. A person commits the offense of tampering with physical evidence if he/she:
1. Alters, destroys, conceals or removes any record, document or thing with purpose to impair its verity or availability in such proceeding or investigation; or
 2. Makes, presents or uses any record, document or thing knowing it to be false with purpose to mislead a public servant who is or may be engaged in any official proceeding or investigation.

SECTION 250.295: TAMPERING WITH A PUBLIC RECORD

A person commits the crime of tampering with a public record if, with the purpose to impair the verity, legibility or availability of a public record:

1. He knowingly makes a false entry in or falsely alters any public record; or
2. Knowing he lacks authority to do so, he destroys, suppresses or conceals any public record.

CHAPTER 250. OFFENSES
PART 3. OFFENSES AGAINST PROPERTY**SECTION 250.300: DEFINITIONS**

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

ABANDONED PROPERTY: any unattended motor vehicle, trailer, off-road vehicle, outboard motor or vessel removed or subject to removal from public or private property as provided in this Article, whether or not operational. RSMo. 304.001

ADULTERATED: means varying from the standard of composition or quality prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage.

APPROPRIATE: means to take, obtain, use, transfer, conceal or retain possession of.

COERCION: means a threat, however communicated:

1. To commit any crime; or
2. To inflict physical injury in the future on the person threatened or another; or
3. To accuse any person of any crime; or
4. To expose any person to hatred, contempt or ridicule; or
5. To harm the credit or business repute of any person; or
6. To take or withhold action as a public servant, or to cause a public servant to take or withhold action; or
7. To inflict any other harm which would not benefit the actor.

A threat of accusation, lawsuit or other invocation of official action is not coercion if the property sought to be obtained by virtue of such threat was honestly claimed as restitution or indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful service. The defendant shall have the burden of injecting the issue of justification as to any threat.

CREDIT DEVICE: means a writing, number or other device purporting to evidence an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer.

DEALER: means a person in the business of buying and selling goods.

DECEIT: means purposely making a representation which is false and which the actor does not believe to be true and upon which the victim relies, as to a matter of fact, law, value, intention or other state of mind. The term "deceit" does not, however, include falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. Deception as to the actor's intention to perform a promise shall not be inferred from the fact alone that he did not subsequently perform the promise.

DEPRIVE: means:

1. To withhold property from the owner permanently; or
2. To restore property only upon payment of reward or other compensation; or
3. To use or dispose of property in a manner that makes recovery of the property by the owner unlikely.

DERELICT VEHICLE: any vehicle that is abandoned, deserted, nonoperative, partially dismantled, wrecked, junked or does not display thereon a current valid license plate.

MISLABELED: means varying from the standard of truth or disclosure in labeling prescribed by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if none, as set by commercial usage; or represented as being another person's product, though otherwise accurately labeled as to quality and quantity.

OF ANOTHER: property or services is that "of another" if any natural person, corporation, partnership, association, governmental subdivision or instrumentality, other than the actor, has a possessory or proprietary interest therein, except that property shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security arrangement.

OFF-ROAD VEHICLE: any vehicle designed for or capable of cross-country travel on or immediately overland, water, ice, snow, marsh, swampland, or other natural terrain without benefit of a road or trail:

1. Including, without limitation, the following:
 - a. Jeeps;
 - b. All-terrain vehicles;
 - c. Dune buggies;
 - d. Multi wheel drive or low-pressure tire vehicles;
 - e. Vehicle using an endless belt, or tread or treads, or a combination of tread and low-pressure tires;
 - f. Motorcycles, trail bikes, minibikes and related vehicles;
 - g. Any other means of transportation deriving power from any source other than muscle or wind; and

2. Excluding the following:
 - a. Registered motorboats;
 - b. Aircraft;
 - c. Any military, fire, or law enforcement vehicle;
 - d. Farm-type tractors and other self-propelled equipment for harvesting and transporting farm or forest products;
 - e. Any vehicle being used for farm purposes, earth moving, or construction while being used for such purposes on the work site;
 - f. Self-propelled lawnmowers, or lawn or garden tractors, or golf carts, while being used exclusively for their designed purpose; and
 - g. Any vehicle being used for the purpose of transporting a handicapped person.

PERSON: shall mean any natural person, firm, partnership, association, corporation, company or other legal entity.

PROPERTY: means anything of value whether real or personal, tangible or intangible, in possession or in action, and shall include but not be limited to the evidence of a debt actually executed but not delivered or issued as a valid instrument.

RECEIVING: means acquiring possession, control or title or lending on the security of the property.

RIGHT-OF-WAY: the entire width of land between the boundary lines of a state highway, city street or alley, including any roadway, and shall include for the purpose of this Article public walkways and sidewalks.

ROADWAY: that portion of a state highway, city street or alley used for vehicular travel, exclusive of any berm or shoulder.

SERVICES: includes transportation, telephone, electricity, gas, water or other public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and use of vehicles.

STATE HIGHWAY: a highway constructed or maintained by the state highways and transportation commission with the aid of state funds or United States government funds, or any highway included by authority of law in the state highway system, including all right-of-way.

TOWING COMPANY: any person or entity which tows, removes, or stores abandoned property.

VEHICLE: shall mean a machine propelled by powers, other than human power, designed to travel along the ground by use of wheels, treads, runners, or slides, and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

WRITING: includes printing, any other method of recording information, money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other symbols of value, right, privilege or identification.

State law references: Similar provisions, RSMo 570.010

SECTION 250.303: INJURY TO REAL OR PERSONAL PROPERTY PROHIBITED

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

SECTION 250.306: POSTERS AND BILLS

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

SECTION 250.310: GRAFFITI

- A. As used in this Section the word ‘graffiti’ shall mean and refer to any unauthorized inscription, word, phrase, motto, name, figure, symbol, picture or design which is written scribbled, marked, etched, scratched, burned, carved, drawn or painted on any exterior surface or structural component of any building, structure, or other facility regardless of the nature of the material of that structural component. Graffiti shall constitute a nuisance.
- B. No person shall cause graffiti to be placed upon any public or private building, fence, wall, bridge, sidewalk, road, parking area, driveway, or similar structure or surface, nor shall the owner thereof suffer the same to remain thereon for a period exceeding 2 days after the date notice is received by such person.
- C. No person may be in possession of any spray paint or any container thereof, nor any permanent or semi-permanent paint pens or similar device while in or upon any public or private road, or upon any public sidewalk, parking area, driveway, park or premises, with the intent of causing graffiti as defined in subsection (B). Possession of a spray paint can in a public building, park, facility, or alley shall create a rebuttable presumption of intent to use the spray paint to cause graffiti in violation of this ordinance.
- D. If any unemancipated minor is found guilty of a violation of this ordinance or is shown to have placed graffiti on the property of another, the parent(s) or guardian(s), having custody or control of such minor at the time the minor causes graffiti to be made in violation of this ordinance, may be held liable in a civil action for damage to property and cost of removal of graffiti from property.

SECTION 250.320: PROPERTY DAMAGE

A person commits the offense of property damage if:

1. He/she knowingly damages property of another; or
2. He/she damages property for the purpose of defrauding an insurer.

State law references: Similar provisions, RSMo 569.120

SECTION 250.322: PROPERTY DAMAGE RELATING TO A SPORTS EVENT

A person commits the offense of property damage related to a sporting event if the person:

1. Causes damage to the property of a sports official immediately before, during or after an event in which the sports official participated, and the damage is related to the sports official's participation in the event; or
2. Causes damage to any arena, field, court, gym or any other structure related to a sporting event or causes damage to any equipment, uniform or other property used for or related to a sporting event.

SECTION 250.325: CLAIM OF RIGHT

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

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

State law references: Similar provisions, RSMo 569.130.

**SECTION 250.330: DAMAGE TO BUILDINGS, GATES, POLES, FENCES, ETC.,
PROHIBITED**

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

SECTION 250.335: DAMAGE TO SIGNS PROHIBITED

No person may willfully and without authority remove, or in any manner deface, or smear or daub or spray with paint, or any other substance, any sign or other article lawfully used or placed as an advertisement by any person in front of or upon any building which he occupies for carrying on his business or profession, or any sign erected or authorized to be erected by the City of Crane.

SECTION 250.340: DAMAGE TO PROPERTY OF CITY PROHIBITED

No person may deface, destroy, injure or damage any building, fence or other enclosure, sign, tree, lamp post, fire plug, hydrant, parking meter, railing or other property belonging to the City of Crane, either by cutting, hacking, breaking, daubing or spraying with paint or other substance, marking with chalk or in any other way or manner, defacing, destroying or tearing down or injuring such property.

SECTION 250.345: DEFACING PROPERTY OF PUBLIC LIBRARY PROHIBITED

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

SECTION 250.350: DEFACING PUBLIC OR PRIVATE SCHOOL PROPERTY PROHIBITED

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

SECTION 250.360: TAMPERING

- A. A person commits the offense of tampering if he/she:
1. Tamper with, possess, injure, deface, destroy or remove any sign, notice marker, fire alarm box, fire plug, or other personal property whatsoever, without the consent of the owner thereof;
 2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle;
 3. Tamper or makes connection with property of a utility; or
 4. Tamper with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:
 - a. To prevent the proper measuring of electric, gas, steam or water service; or
 - b. To permit the diversion of any electric, gas, steam or water service.
- B. In any prosecution under paragraph (4) of Subsection (A), proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service, with one (1) or more of the effects described in paragraph (4) of Subsection (A), shall be sufficient to support an inference which the trial court may submit to the trier of fact, from which the trier of fact may conclude that there has been a violation of such subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

State law references: Similar provisions, RSMo 569.090.

SECTION 250.365: TAMPERING WITH LOCKS - DUPLICATION OF KEYS

No person except a Police Officer, Fireman or other public official engaged in the performance of his/her duty shall commit the following acts:

1. Destroy the security of a lock by alteration, removal of any part or otherwise, without the authorization of the person owning or controlling the lock.
2. Duplicate any key stamped "Do not duplicate," "It is unlawful to duplicate this key," or similar words unless the owner of the area which the lock secures provides identification and authorization.

SECTION 250.370: TRESPASS IN THE FIRST DEGREE

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

State law references: Similar provisions, RSMo 569.140.

SECTION 250.371: TRESPASS IN THE SECOND DEGREE

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

SECTION 250.373: TRESPASS OF A SCHOOL BUS

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

SECTION 250.375: TRESPASS TO A SPORTING EVENT

A person commits the offense of trespass at a sporting event if he enters onto the playing area, including a team bench, or coaching area of an arena, field, court, gym or any other structure or property related to a sporting event:

1. if a sign has been posted in a manner reasonably likely to come to the attention of an intruder directing that entry is denied to those not participating in the sporting event as a player, coach, manager or other official recognized as a team official; or
2. if a verbal instruction has been given directing that such entry is denied; or
3. if a verbal order has been given by a sports official, police officer or management official, directing the individual, whether a team official or not, to leave the playing area, team bench area or coaching area of an arena, field, court, gym or any other structure or property related to the sporting event.

**SECTION 250.377: POSTING OF PROPERTY AGAINST TRESPASSERS –
VIOLATION**

In addition to the posting of real property as set forth in Section 250.370 the owner or lessee of any real property may post the property by placing identifying purple paint marks on trees or posts around the area to be posted. Each paint mark shall be a vertical line of at least eight (8) inches in length and the bottom of the mark shall be no less than three (3) feet nor more than five (5) feet high. Such paint marks shall be placed no more than one hundred (100) feet apart and shall be readily visible to any person approaching the property.

Property so posted is to be considered posted for all purposes, and any unauthorized entry upon the property is trespass in the first degree.

SECTION 250.380: AUTOMOBILE TRESPASS

- A. No person shall park or stand a motor vehicle, whether occupied or not, in a private driveway, on a private parking lot, or on private property, without the express or implied consent of the owner or other person in lawful charge of such driveway, parking lot, or property.
- B. For the purpose of subsection (A), the parking or standing of a motor vehicle in a handicapped parking space is without the consent of the owner or other person in charge of the property unless the vehicle bears a distinguishing license plate or placard issued pursuant to 301.142 or 301.071, R.S.Mo.
- C. For the purpose of subsection (A), the parking or standing of a motor vehicle in a handicapped parking space is without the consent of the owner or other person in charge of the property unless the operator of the vehicle or a passenger is presently handicapped or is a temporarily disabled person.
- D. For the purpose of this section, “Handicapped” has the meaning ascribed to “physically disabled” in section 301.142, R.S.Mo.

A “*handicapped parking space*” is a parking space that meets the requirements of the federal Americans with Disabilities Act, as amended, and any rules or regulations established thereto and on which there is inscribed, and adjacent to which there is a posted sign upon which is inscribed the international symbol of accessibility on a blue background and the words “Handicapped Parking” in white, and which signs, or an additional sign posted below or adjacent to such sign, shall after January 1, 1998 also indicate that the space is reserved for the exclusive use of vehicles that display a distinguishing license plate or card and shall include the following: “\$50 to \$300 fine.”

- E. “Motor vehicle” is any self-propelled vehicle not operated exclusively on tracks, and includes the definition of “vehicle” given in Section 301.010 RSMo.
- F. “Private driveway,” “private parking lot” and “private property” mean any driveway, parking lot or property other than public streets, and includes any other driveway, parking lot, or property, even if owned by a governmental entity, including the City of Crane.
- G. “Temporarily disabled person” has the meaning ascribed to that term in section 301.142.2, R.S.Mo.
- H. If any motor vehicle is found in violation of this section, the owner or person in whose name such vehicle is registered in the records of any city, county, or state shall be held prima facie responsible for such violation, if the owner thereof is not present.

- I. The owners or other persons in lawful charge of such private driveway, private parking lot, or private property shall have sole responsibility for designating, posting, and maintaining such handicapped parking spaces, and shall advise the City of Crane police department of the existence of such handicapped parking spaces and of infractions of this section.
- J. Police officers may cause the removal of any vehicle not displaying a distinguishing license plate or card on which is inscribed the international symbol of accessibility and the word disabled issued pursuant to 301.142 RSMo or a “disable veteran” license plate issued pursuant to 301.071 RSMo or a distinguishing license plate or card issued by any other state from a space designated for physically disabled persons if there is posted immediately adjacent to, and readily visible from, such space a sign on which is inscribed the international symbol of accessibility in white on a blue background and any appropriate wording to indicate the space is reserved for the exclusive use of vehicles that display a distinguishing license plate or card.
- K. Any vehicle that has been removed under the authority of this section and is not properly claimed within thirty days after removal shall be considered to be an abandoned vehicle.
- L. Any person who, without authorization, uses a distinguishing license plate or card issued pursuant to section 301.071 or 301.142 to park in a parking space reserved under authority of this section shall be guilty of an infraction and upon conviction thereof shall be punished by a fine of not less than fifty dollars and not more than three hundred dollars.

SECTION 250.385: LEAVING A WRECKED OR NON-OPERATING VEHICLE IN STREET

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

SECTION 250.387: CONFLICT

Nothing in this ordinance shall be construed to conflict or repeal any provision of any applicable zoning ordinance or other code or regulation of the City prohibiting the abandonment of vehicles or the storage or maintenance of partially dismantled, non-operating, wrecked, or junked vehicles on any property within the City.

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

SECTION 250.390: RECKLESS BURNING OR EXPLODING

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

SECTION 250.395: NEGLIGENT BURNING OR EXPLODING

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

CHAPTER 250. OFFENSES
PART 4. STEALING AND RELATED OFFENSE**SECTION 250.400: STEALING**

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

State law references: Similar provisions, RSMo 570.030

SECTION 250.405: RECEIVING STOLEN PROPERTY

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

State law references: Similar provisions, RSMo 570.080.

SECTION 250.410: LOST PROPERTY

- A. A person who appropriates lost property shall not be deemed to have stolen that property within the meaning of section Stealing (Section 250.400) unless such property is found under circumstances which give the finder knowledge of or means of inquiry as to the true owner.
- B. The defendant shall have the burden of injecting the issue of lost property.

State law references: Similar provisions, RSMo 570.060.

SECTION 250.415: CLAIM OF RIGHT

- A. A person does not commit an offense by Stealing (Section 250.400) if, at the time of the appropriation, he:
1. Acted in the honest belief that he/she had the right to do so; or
 2. Acted in the honest belief that the owner, if present, would have consented to the appropriation.
- B. The defendant shall have the burden of injecting the issue of claim of right.

State law references: Similar provisions, RSMo 570.070

**SECTION 250.420: DETENTION OF SUSPECT BY MERCHANT - SHOPLIFTING
LIABILITY PRESUMPTION**

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

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

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

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

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

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

SECTION 250.425: FRAUDULENT USE OF A CREDIT OR DEBIT DEVICE

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

1. The device is stolen, fictitious or forged; or
2. The device has been revoked or canceled; or
3. For any other reason his/her use of the device is unauthorized.

State law references: Similar provisions, RSMo 570.130

SECTION 250.430: ISSUING A FALSE INSTRUMENT OR CERTIFICATE

A person commits the crime of issuing a false instrument or certificate when, being authorized by law to take proof or acknowledgment of any instrument which by law may be recorded, or being authorized by law to make or issue official certificates or other official written instruments, he issues such an instrument or certificate, or makes the same with the purpose that it be issued, knowing:

1. That it contains a false statement or false information; or
2. That it is wholly or partly blank.

State law references: Similar provisions, RSMo 570.110

SECTION 250.435: OBTAINING PROPERTY BY FALSE PRETENSES; BY PASSING BAD CHECKS; PRIMA FACIE EVIDENCE OF VIOLATION

No person who, with the intent to cheat and defraud, shall obtain or attempt to obtain from any other person or persons any money, services, property or valuable thing whatsoever, by means or by use of any trick or deception, or false or fraudulent representation, including the fraudulent use of credit cards or other credit device, or statement or by fraudulent pretense or by any other means or instrument or device, commonly called “the confidence game,” or by means of or by use of any false or bogus check, or by means of a check drawn with intent to cheat and defraud on a bank in which the drawer of the check knows he has no funds, or by means or by use of any corporation stock or bonds, or by any other written or printed or engraved instrument or spurious coin or metal, and no person shall procure or attempt to procure any article or thing of value by making or drawing or uttering or delivering with intent to defraud, any check, draft or order for the payment of money upon any bank or other depository, knowing at the time of such making, drawing, uttering or delivering that the maker or drawer does not have sufficient funds in or credit with such bank or depository for the payment of such check, draft or order in full upon its presentation.

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

As against the maker or drawer thereof, the making, drawing, uttering or delivering of a check, draft, or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds in, or credit with, such bank or other depository, provided such maker or drawer shall not have paid the drawee the amount due thereon, together with all costs and protest fees, within ten (10) days after receiving notice that such check, draft or order has not been paid by the drawee.

State law references: Similar provisions, RSMo 570.120.

SECTION 250.440: DECEPTIVE BUSINESS PRACTICE

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

1. Uses or possesses for use a false weight or measure or any other device for falsely determining or recording any quality or quantity; or
2. Sells, offers or exposes for sale or delivers less than the represented quantity of any commodity or service; or
3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he/she furnishes the weight or measure; or
4. Sells, offers or exposes for sale adulterated or mislabeled commodities; or
5. Makes a false or misleading written statement for the purpose of obtaining property or credit.

State law references: Similar provisions, RSMo 570.140

**SECTION 250.445: ALTERATION OR REMOVAL OF ITEM NUMBERS WITH
INTENT TO DEPRIVE LAWFUL OWNER**

A person commits the offense of alteration or removal of item numbers if he/she, with the purpose of depriving the owner of a lawful interest therein:

1. Destroys, removes, covers, conceals, alters, defaces or causes to be destroyed, removed, covered, concealed, altered or defaced the manufacturer's original serial number or other distinguishing owner-applied number or mark on any item which bears a serial number attached by the manufacturer or distinguishing number or mark applied by the owner of the item for any reason whatsoever; or
2. Sells, offers for sale, pawns or uses as security for a loan any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced; or
3. Buys, receives as security for a loan or in pawn, or in any manner receives or has in his/her possession any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered or defaced.

**SECTION 250.450: FAILURE TO RETURN RENTED PERSONAL PROPERTY -
ENFORCEMENT PROCEDURE – PENALTY - VENUE**

- 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 purposefully 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 renting of such personal property. In addition, any person who has leased or rented personal property of another who conceals the property from the owner, or who otherwise sells, pawns, loans, abandons or gives away the leased or rented property is guilty of the offense of failing to return leased or rented property. The provisions of this Section shall apply to all forms of leasing and rental agreements, including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.
- B. It shall be prima facie evidence of the offense of failing to return leased or rented property when a person who has leased or rented personal property of another willfully fails to return or make arrangements acceptable with the lessor to return the personal property to its owner at the owner's place of business within ten (10) days after proper notice following the expiration of the lease or rental agreement.
- C. 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 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.
- D. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner shall be guilty of property damage pursuant to Section 250.320 in addition to being in violation of this Section.

SECTION 250.455: COMMERCIAL BRIBERY

A person commits the crime of commercial bribery:

1. If he solicits, accepts or agrees to accept any benefit as consideration for knowingly violating or agreeing to violate a duty of fidelity to which he is subject as:
 - a. Agent or employee of another; or
 - b. Trustee, guardian or other fiduciary; or
 - c. Lawyer, physician, accountant, appraiser or other professional adviser or informant; or
 - d. Officer, director, partner, manager or other participant in the direction of the affairs of an incorporated or unincorporated association; or
 - e. Arbitrator or other purportedly disinterested adjudicator or referee.
2. If as a person who holds himself out to the public as being engaged in the business of making disinterested selection, appraisal or criticism of commodities or services, he solicits, accepts or agrees to accept any benefit to influence his selection, appraisal or criticism.
3. If he confers or offers or agrees to confer any benefit the acceptance of which would be criminal under subsections (1) and (2) of this section.

State law references: Similar provisions, RSMo 570.150

CHAPTER 250. OFFENSES
PART 5. OFFENSES AGAINST THE PERSON**SECTION 250.500: ASSAULT**

A person commits the offense of assault if:

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

State law references: Similar provisions, RSMo 565.070

SECTION 250.505: ASSAULT OF A LAW ENFORCEMENT OFFICER

A person commits the offense of assault of a Law Enforcement Officer if:

1. He/she attempts to cause or recklessly causes physical injury to a Law Enforcement Officer;
2. With criminal negligence he/she causes physical injury to a Law Enforcement Officer by means of a deadly weapon;
3. He/she purposely places a Law Enforcement Officer in apprehension of immediate physical injury;
4. He/she recklessly engages in conduct which creates a grave risk of death or serious physical injury to a Law Enforcement Officer; or
5. He/she knowingly causes or attempts to cause physical contact with a Law Enforcement Officer without the consent of the Law Enforcement Officer.

SECTION 250.510: ASSAULT ON A SPORTS OFFICIAL

A. As used in this section, the term “Sports Official” means any referee, umpire, scorekeeper, timekeeper, field or arena security personnel, field or arena manager or person serving in a similar management or supervisory capacity, in connection with a sporting event, activity or location.

B. A Person commits the offense of assault on a sport official if:

1. The person attempts to cause or recklessly causes physical injury to a sports official; or
2. With criminal negligence the person causes physical injury to a sports official by means of a deadly weapon; or
3. The person purposely places a sports official in apprehension of immediate physical injury; or
4. The person recklessly engages in conduct which creates a grave risk of death or serious physical injury to a sports official; or
5. The person knowingly causes physical contact with a sports official knowing the sports official will regard the contact as offensive or provocative.

SECTION 250.515: CONSENT AS A DEFENSE

When conduct is charged to constitute an offense because it causes or threatens physical injury, consent to that conduct or to the infliction of the injury is a defense only if:

1. The physical injury consented to or threatened by the conduct is not serious physical injury; or
2. The conduct and the harm are reasonably foreseeable hazards of:
 - a. The victim's occupation or profession; or
 - b. Joint participation in a lawful athletic contest or competitive sport.
3. The consent establishes a justification for the conduct under RSMo chapter 563.

State law references: Similar provisions, RSMo 565.080.

SECTION 250.520: HARASSMENT

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

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 of average sensibility; or
3. Makes a telephone call anonymously; or
4. Makes repeated telephone calls.

State law references: Similar provisions, RSMo 565.090

SECTION 250.525: HARASSMENT OF A SPORTS OFFICIAL

- A. As used in this section, the term “Sports Official” means any referee, umpire, scorekeeper, timekeeper, field or arena security personnel, field or arena manager or person serving in a similar management or supervisory capacity, in connection with a sporting event, activity or location.
- B. A person commits the offense of harassment of a sports official if for the purpose of frightening or disturbing a sports official the person: Communicates in writing or by telephone a threat to commit any crime; confronts a sports official at a sporting event or sporting venue or on nearby property such as a parking lot after the person has been asked to leave the event or venue; confronts a sports official and after having been told to leave the sports official’s presence remains in the presence of the sports official.

SECTION 250.530: CYBER-HARASSMENT

- A. A person commits the offense of cyber-harassment if, with the intent to harass, alarm, annoy, abuse, threaten, intimidate, torment or embarrass any other person, he or she:
 - 1. transmits or causes the transmission of an electronic communication, or knowingly permits an electronic communication to be transmitted from an electronic communication device under the person’s control, to such other person or a third party:
 - a. Using any lude, lascivious, indecent or obscene words images or language or suggesting the commission of any lude or lascivious act; or
 - b. Anonymously or repeatedly whether or not conversation occurs; or
 - c. Threatening to inflict injury on the person or property of the person communicated with or any member of his or her family or household; or
 - d. Knowingly frightens, or intimidates, or disturbs or causes emotional distress to another person by communicating by means of an electronic communication device using a false or anonymous identification; or
 - 2. transmits or causes the transmission of an electronic communication, or knowingly permits a electronic communication to be transmitted from an electronic communications device under his or her control, to a third party for the purpose of instigating, initiating, prompting or otherwise bringing about or causing such third party to harass, alarm, annoy, abuse, threaten, intimidate, torment or embarrass such other person.
- B. Any offence committed under this Section may be deemed to have been committed either at the place from which the communication was made or at the place where the communication was received.

SECTION 250.535: STALKING

Any person who purposely and repeatedly harasses or follows with the intent of harassing another person commits the offense of stalking. As used in this section, “harassing” means to engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person to suffer substantial emotional distress. As used in this section, “course of conduct” means a pattern of conduct composed of a series of acts, which may include electronic or other communications, over a period of time, however short, evidencing a continuity of purpose.

State law references: Similar provisions, RSMo 565.225

SECTION 250.540: FALSE IMPERSONATION

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

- A. Falsely represents himself/herself to be a public servant with purpose to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official acts, and
 - 1. Performs an act in that pretended capacity; or
 - 2. Causes another to act in reliance upon his/her pretended official authority.
- B. Falsely represents himself/herself to be a person licensed to practice or engage in any profession for which a license is required by the laws of this State with purpose to induce another to rely upon such representation, and
 - 1. Performs an act in that pretended capacity; or
 - 2. Causes another to act in reliance upon such representation.

State law references: Similar provisions, RSMo 575.120.

SECTION 250.545: INVASION OF PRIVACY

A person commits the offense of invasion of privacy if he/she knowingly views, photographs or films another person, without that person's knowledge and consent, while the person being viewed, photographed or filmed is in a state of full or partial nudity and is in a place where he/she would have a reasonable expectation of privacy.

SECTION 250.550: IDENTITY THEFT

- A. A person commits the offense of identity theft if he or she knowingly and with the intent to deceive or defraud obtains, possesses, transfers, uses, or attempts to obtain, possess, transfer or use, one or more means of identification not lawfully issued for his or her use. Any person accused of identity theft may be prosecuted in the municipal court provided:
1. the offense was committed wholly or in partly within the City, or
 2. the victim resides in the City, or
 3. the property obtained, or attempted to be obtained, was located in the City.
- B. The term "means of identification" as used in this section includes, but is not limited to, the following:
1. Social Security numbers;
 2. Drivers license numbers;
 3. Checking account numbers;
 4. Savings account numbers;
 5. Credit card numbers;
 6. Debit card numbers;
 7. Personal identification (PIN) code;
 8. Electronic identification numbers;
 9. Digital signatures;
 10. Any other numbers or information that can be used to access a person's financial resources;
 11. Biometric data;
 12. Fingerprints;
 13. Passwords;
 14. Parent's legal surname prior to marriage;
 15. Passports; or
 16. Birth certificates.

- C. In addition to the provisions of subsection 3 of this section, the court may order that the defendant make restitution to any victim of the offense. Restitution may include payment for any costs, including attorney fees, incurred by the victim:
1. in clearing the credit history or credit rating of the victim; and
 2. in connection with any civil or administrative proceeding to satisfy any debt, lien, or other obligation of the victim arising from the actions of the defendant.
- D. This Section shall not apply to the following activities:
1. A person obtains the identity of another person to misrepresent his or her age for the sole purpose of obtaining alcoholic beverages, tobacco, going to a gaming establishment, or another privilege denied to minors;
 2. A person obtains means of identification or information in the course of a bona fide consumer or commercial transaction;
 3. A person exercises, in good faith, a security interest or right of offset by a creditor or financial institution;
 4. A person complies, in good faith, with any warrant, court order, levy, garnishment, attachment, or other judicial or administrative order, decree, or directive, when any party is required to do so.
- E. Any person convicted of committing an offense established by this Section shall be subject to punishment as follows:
- If the offense does not result in the theft or appropriation of credit, money, goods, services, or other property, the person shall be punished by a fine not to exceed \$500.00, by imprisonment not to exceed 90 days, or both.
- If the offense results in the theft or appropriation of credit, money, goods, services or other property, the person shall be punished by a fine not to exceed \$1,000.00, by imprisonment not to exceed 90 days, or both.
- F. Nothing herein contained shall be construed as preventing or otherwise limiting a person's right to recovery of civil damages and attorneys fees in an action brought under section 570.223 RSMo.

SECTION 250.555: TRAFFICKING IN STOLEN IDENTITIES

- A. A person commits the offense of trafficking in stolen identities when such person manufactures, sells, transfers, purchases, or possesses with intent to sell or transfer means of identification or identifying information for the purpose of committing identity theft
- B. Unauthorized possession of means of identification of five or more separate persons, shall be evidence that the identities are possessed with intent to manufacture, sell, or transfer means of identification or identifying information for the purpose of committing identity theft. . In determining possession of five or more identification documents of the same person or possession of identifying information of five or more separate persons for the purposes of evidence pursuant to this subsection, the following do not apply:
1. The possession of his or her own identification documents;
 2. The possession of the identification documents of a person who has consented to the person at issue possessing his or her identification documents.
- C. This Section shall not apply to the following activities:
1. A person obtains the identity of another person to misrepresent his or her age for the sole purpose of obtaining alcoholic beverages, tobacco, going to a gaming establishment, or another privilege denied to minors;
 2. A person obtains means of identification or information in the course of a bona fide consumer or commercial transaction;
 3. A person exercises, in good faith, a security interest or right of offset by a creditor or financial institution;
 4. A person complies, in good faith, with any warrant, court order, levy, garnishment, attachment, or other judicial or administrative order, decree, or directive, when any party is required to do so.

SECTION 250.560: UNLAWFUL TO SOLICIT PASSENGERS

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

SECTION 250.565: OUTDOOR SOLICITATIONS

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

SECTION 250.570: DISTRIBUTION OF HANDBILLS LIMITED

No person may circulate, deliver or distribute handbills, or any printed or written circulars, posters and dodgers, advertising any commercial product or service in such a manner as to cause public or private places to become littered. No person shall distribute any such matter without first receiving a permit from the Police Chief or his authorized agent.

SECTION 250.575: SOLICITING RIDES, BUSINESS, CONTRIBUTIONS OR SIMILAR CONDUCT

- A. No person shall be in or near a street, highway or roadway for the purpose of soliciting a ride from the driver of any private vehicle.
- B. No person shall stand on or in proximity to a street, highway or roadway for the purpose of soliciting employment, business or contributions or distributing literature of any type whatsoever to or from the occupants of any motor vehicle while the motor vehicle shall be upon the public streets or ways of the City, unless the vehicle shall be lawfully parked.

SECTION 250.580: AGGRESSIVE SOLICITATION PROHIBITED

- A. The following words and phrases, as used herein, shall have the following meanings, unless a different meaning is plainly required by the context.

SOLICIT: means to request an immediate donation of money or other thing of value from another person, regardless of the solicitor's purpose or intended use of the money or other thing of value. The solicitation may be, without limitation, by the spoken, written, or printed word, or by other means of communication.

AGGRESSIVE MANNER: means and includes:

1. Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent;
2. Following the person being solicited, if that conduct is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (ii) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
3. Continuing to solicit within five (5) feet of the person being solicited after the person has made a negative response, if continuing the solicitation is: (i) intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (H) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation;
4. Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation. Acts authorized as an exercise of one's constitutional right to picket or legally protest, and acts authorized by a permit issued pursuant to the City Code, shall not constitute obstruction of pedestrian or vehicular traffic;
5. Intentionally or recklessly using obscene or abusive language or gestures: (i) intended to or likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or (H) words intended to or reasonably likely to intimidate the person into responding affirmatively to the solicitation; or
6. Approaching the person being solicited in a manner that: (i) is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon the property in the person's possession; or (H) is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.

AUTOMATED TELLER MACHINE: means a device, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to; account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

AUTOMATED TELLER MACHINE FACILITY: means the area comprised of one or more automatic teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

CHECK CASHING BUSINESS: means any person duly licensed to engage in the business of cashing checks, drafts or money orders for consideration pursuant to the provisions of the State of Missouri's banking laws.

PUBLIC AREA: means an area to which the public or a substantial group of persons has access, and includes, but is not limited to, alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.

- B. It shall be unlawful for any person to solicit money or other things of value, or to solicit the sale of goods or services:
1. In an aggressive manner in a public area; or
 2. In any public transportation vehicle, or bus or subway station or stop; or
 3. Within fifteen (15) feet of any entrance or exit of any bank or check cashing business or within fifteen (15) feet of any automated teller machine during the hours of operation of such bank, automated teller machine or check cashing business without the consent of the owner or other person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility; or
 4. On private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property; or
 5. From any operator of a motor vehicle that is in traffic on a public street, whether in exchange for cleaning the vehicle's windows, or for blocking, occupying, or reserving a public parking space, or directing the occupant to a public parking space; provided, however, that this paragraph shall not apply to services rendered in connection with emergency repairs requested by the operator or passengers of such vehicle.
 6. While standing on or going into any street or highway, including medians, on ramps and exit ramps.

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CHAPTER 250. OFFENSES
PART 6. OFFENSES CONCERNING PROSTITUTION,
PORNOGRAPHY AND MORALS

SECTION 250.600: CHAPTER DEFINITIONS

As used in this Chapter, the following terms mean:

DISPLAYS PUBLICLY: means exposing, placing, posting, exhibiting or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be seen and its content or character distinguished by normal unaided vision viewing it from a street, highway or public sidewalk, or from the property of others or from any portion of the person's store, or the exhibitor's store or property.

EXPLICIT SEXUAL MATERIAL: means any pictorial or three (3) dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of human genitals; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition.

MATERIAL: Anything printed or written, or any picture, drawing, photograph, motion picture film, videotape or videotape production, or pictorial representation, or any recording or transcription, or any mechanical, chemical or electrical reproduction, or stored computer data, or anything which is or may be used as a means of communication. "Material" includes undeveloped photographs, molds, printing plates, stored computer data, and other latent representational objects.

OBSCENE: Any material or performance is obscene if, taken as a whole:

1. Applying contemporary community standards, its predominant appeal is to prurient interest in sex;
2. The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and
3. A reasonable person would find the material lacks serious literary, artistic, political or scientific value.

OFFENSES CONCERNING PROSTITUTION, PORNOGRAPHY AND MORALS

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; or
2. He/she gives or agrees to give something of value to another person on 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.

PERSON: Any natural person, firm, partnership, co-partnership, association, corporation or organization of any kind.

PROFITING FROM PROSTITUTION: Occurs when a person, acting other than as a prostitute receiving compensation for personally rendered prostitution services, knowingly accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he/she participates or is to participate in the proceeds of prostitution activity.

PROMOTE: To manufacture, issue, sell, provide, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same, by any means including a computer.

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

1. Causes or aids a person to commit or engage in prostitution; or
2. Procures or solicits patrons for prostitution; or
3. Provides persons or premises for prostitution purposes; or
4. Operates or assists in the operation of a house of prostitution or a prostitution enterprise; or
5. Accepts or receives or agrees to accept or receive something of value pursuant to an agreement or understanding with any person whereby he 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.

OFFENSES CONCERNING PROSTITUTION, PORNOGRAPHY AND MORALS

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.

SEXUAL CONDUCT: Actual or simulated, normal or perverted acts of human masturbation; deviate sexual intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or gratification or any sadomasochistic abuse or acts including animals or any latent objects in an act of apparent sexual stimulation or gratification.

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

SECTION 250.605: PROSTITUTION, PROFITING FROM PROSTITUTION - PROHIBITED

A person shall not engage in prostitution or profiting from prostitution. No person commonly known as a prostitute may ply said vocation in the City.

State law references: Similar provisions, RSMo 567.020.

SECTION 250.610: PROSTITUTION SOLICITATION IN PUBLIC

A prostitute or lewd person shall not ply or seek to ply his/her vocation by word, sign or action, on the streets, alleys or any public place, or at the door or window of any house or rooms.

SECTION 250.615: PATRONIZING PROSTITUTION

A person commits the offense of patronizing prostitution if he/she patronizes prostitution.

State law references: Similar provisions, RSMo 567.030.

SECTION 250.620: PROSTITUTION AND PATRONIZING PROSTITUTION - SEX OF PARTIES NO DEFENSE, WHEN

In any prosecution for prostitution or patronizing a prostitute, the sex of the two (2) parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

1. Both persons were of the same sex; or
2. The person who received, agreed to receive or solicited something of value was a male/female and the person who gave or agreed or offered to give something of value was a female/male.

State law references: Similar provisions, RSMo 567.040.

SECTION 250.625: PROSTITUTION HOUSES DEEMED PUBLIC NUISANCES

- A. Any room, building or other structure regularly used for sexual contact for pay as defined in Section 250.600 or any unlawful prostitution activity prohibited by this Article is a public nuisance.
- B. The City Prosecuting Attorney may, in addition to all other sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for sexual contact for pay or unlawful prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one (1) year.
- C. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any sexual contact for pay or unlawful prostitution activity anywhere within the jurisdiction of the court.
- D. Appeals shall be allowed from the judgment of the court as in other civil actions.

State law references: Similar provisions, RSMo 567.080.

SECTION 250.630: PROCUREMENT OF PERSONS - PROHIBITED

A person shall not induce, entice, or procure any person or agree to procure any person for the purpose of illicit sexual intercourse, sodomy or any unnatural sex act for money or other thing of value.

SECTION 250.635: PROHIBITED SEXUAL CONDUCT

- A. It shall be unlawful for any person, while in public view, to engage in human sexual intercourse; sodomy; bestiality; oral copulation; masturbation; urination or defecation; exhibition of the genitals, pubic areas, or buttocks of the human male or female; or exhibition of the breasts of a female.
- B. This Section shall not apply to artistic or dramatic performances which are otherwise lawful and not prohibited as obscene, nor to exposure necessarily incident to breast-feeding an infant, nor to exposure of the breasts of a prepubescent female.

SECTION 250.640: INDECENT BEHAVIOR

No person may appear in or upon any street, highway, thoroughfare or public place in a state of nudity, or commit any indecent or lewd act or behavior, or exhibit or perform any indecent, lewd or immoral play or representation or make or voice any indecent suggestions, expressions or motions.

SECTION 250.645: INDECENT EXPOSURE (SEXUAL MISCONDUCT)

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

State law references: Similar provisions, RSMo 566.130

SECTION 250.650: PUBLIC DISPLAY OF EXPLICIT SEXUAL MATERIAL

A person commits the crime of public display of explicit sexual material if he knowingly:

1. Displays publicly explicit sexual material; or
2. Fails to take prompt action to remove such a display from property in his possession after learning of its existence.

SECTION 250.655: SALE OR CIRCULATION OF OBSCENE MATTER

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

SECTION 250.660: INDECENT ADVERTISING

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

SECTION 250.665: PROMOTING PORNOGRAPHY

A person commits the offense of promoting pornography for minors or obscenity if, knowing its content or character, he/she:

1. Promotes or possesses with the purpose to promote any obscene materials for pecuniary gain;
2. Produces, presents, directs or participates in any obscene performance for pecuniary gain;
3. Promotes or possesses with the purpose to promote any material pornographic for minors for pecuniary gain;
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.

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CHAPTER 250. OFFENSES
PART 7. OFFENSES CONCERNING MINORS**SECTION 250.700: DEFINITIONS**

For the purposes of this part, the following words and phrases are defined as follows:

ALCOHOLIC BEVERAGE: Any beverage containing alcohol, the consumption, purchase or possession of which by a person under the age of twenty-one (21) years is prohibited by the laws of the State of Missouri.

CONTROLLED SUBSTANCE: Any substance, the possession or distribution of which is prohibited by the provisions of Chapter 195 of the Revised Statutes of the State of Missouri.

CRIMINAL ACT: An act which violates the Statutes of the United States, the Statutes of the State of Missouri or the ordinances of the City of Crane, including curfew and moving traffic violations.

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

FURNISH: To issue, sell, give, provide, lend, mail, deliver, transfer, circulate, disseminate, present, exhibit or otherwise provide.

GUARDIAN: Guardian appointed by court of competent jurisdiction.

MINOR: Any person under the age of seventeen (17); for the sale or possession of tobacco, minor shall mean any person under the age of eighteen (18); for alcohol related offense minor shall mean any person under twenty-one (21) years of age.

NUDITY: The showing of post-pubertal human genitals or pubic area, with less than a fully opaque covering.

OPEN PARTY: A gathering of any number of people on the premises of a person in control thereof, with the exception of persons of the immediate household of such person in control, where alcoholic beverages are made available for consumption.

PARENT: Mother, father, legal guardian or any person having the care or custody of a minor.

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

PERFORMANCE: Any play, motion picture film, videotape, dance or exhibition performed before an audience of one (1) or more.

PERSON IN CONTROL: One who has a possessory right to any premises, whether individual or joint, and regardless of whether such possessory right is the result of ownership, oral or written lease, rental agreement, license agreement, or authority from one who otherwise exercises control over such premises.

PORNOGRAPHIC FOR MINORS: Any material or performance is pornographic for minors if the following apply:

The average person, applying contemporary community standards, would find that the material or performance, taken as a whole, has a tendency to cater or appeal to a prurient interest of minors;

The material or performance depicts or describes nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and

The material or performance, taken as a whole, lacks serious literary, artistic, political or scientific value for minors.

PREMISES: Any realty, with or without improvements thereon, occupied or unoccupied, located within the corporate limits of the City, including residences, open fields, vacant lots, apartments, condominiums, motel rooms, hotel rooms, business structures, meeting rooms, dwelling units of any kind or any place of assembly or structure which may be used as a gathering place for social or business functions.

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

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

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

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

SEXUAL EXCITEMENT: The condition of human male or female genitals when in a state of sexual stimulation or arousal.

TOBACCO EQUIPMENT: Any equipment paraphernalia or item used for, but not limited to, the use of tobacco products.

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

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

SECTION 250.705: CURFEW FOR PERSONS UNDER SEVENTEEN

- A. It shall be unlawful for any minor under the age of seventeen (17) years to be in or upon any public place or way or loiter, wander, stroll, or to drive or ride in an automobile, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or public grounds, public places of amusement and entertainment, vacant lots or other unsupervised places, within the City of Crane between the hours of 12:01 a.m. and 6:00 a.m.; provided, however, that the provisions of the subsection do not apply to the following;
1. a minor accompanied by his or her parents, guardian or other adult person having the care and custody of the minor;
 2. a minor who is upon an emergency errand or other legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor;
 3. a minor who is in public due to a reasonable necessity which has been communicated by the minor's parent to the police setting forth the facts establishing the reasonable necessity and setting forth the specified streets and designated time for a described purpose including points of origin and destination;
 4. a minor who is returning directly home from a school activity, a voluntary association or a religious activity which has been communicated by the minor's parent to the police setting forth the activity, the place, the probable time of termination of the activity and the specified streets;
 5. a minor who is engaged in or in transit to or from lawful employment during said time period, or who is returning or in route to said employment, or to any such person who is attending or in route to or from any organized religious or school activity;
 6. a minor in a motor vehicle with consent of his or her parent, guardian or other adult person having the care and custody of the minor;
 7. a minor who is within 100 feet of his or her residence.

Each violation of the provisions of this section shall constitute a separate offense.

- B. It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of seventeen (17) years knowingly to permit such minor to violate this Section.

- C. Any police officer finding a child violating the provisions of Subsection (A) of this section shall warn the child to desist immediately from such violation and may promptly report the violation to that person's parent or guardian. If said parent or guardian cannot be located, the police department may retain custody until the parent or guardian is located and the child delivered to him or to her or until referral has been made to the proper Juvenile Court. The officer shall also report the violation to his superior officer and shall cause a written report to be served upon the parent, guardian or other person in charge of said child, setting forth the manner in which the subsection has been violated. Any parent, guardian or other adult person having the care and custody of such child, who shall knowingly permit such child again to violate the provisions of Subsection (A) of this section after receiving notice of the first violation, shall be fined not less than \$25 nor more than \$500.

SECTION 250.710: PARENTAL NEGLECT – PROHIBITED

- A. No parent shall knowingly permit, encourage, aid or cause a minor to commit a criminal act nor engage in any conduct which would be injurious to the minor's morals or health.
- B. No parent shall fail to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit a criminal act. Written parental notice as defined in Subsection (A) of this Section shall be prima facie evidence of parental neglect if the minor commits a second (2nd) or successive violation of any criminal act.
- C. Notification Of Responsibility.
1. Whenever a minor shall be arrested or detained for the commission of any criminal act within the City of Crane, the Police Department shall, as soon as possible thereafter, notify the minor's parent of the arrest or detention and shall advise the parent of his/her responsibility under this Section. The notice shall be in such a form as to be signed by the notified parent signifying receipt thereof. If the parent refuses to sign said notice, the notifying Police Officer shall indicate such refusal on the notice.
 2. A record of said notifications shall be kept by the Police Department.
- D. Each violation of the provisions of this Section shall constitute a separate offense.

SECTION 250.715: PROHIBITED SALE OR POSSESSION OF TOBACCO PRODUCTS AND ROLLING PAPERS TO OR BY MINORS

- A. No person shall give, barter, sell, cause to be sold, buy for, distribute samples of or furnish any cigarettes or other tobacco product, tobacco equipment, distribute any cigarettes or other tobacco product, tobacco equipment or rolling papers to any minor who is less than eighteen years of age. This paragraph shall not apply to the distribution by family members on property that is not open to the public.
- B. It shall be unlawful for any minor who is less than eighteen years of age to purchase, possess, accept receipt of or attempt to purchase or accept receipt of cigarettes or other tobacco products, or to present or offer to any person purported proof of age which is false, fraudulent or not actually his or her own for the purpose of purchasing, possessing or receiving any cigarettes or other tobacco product or rolling papers.
- C. A person selling cigarettes or other tobacco products or rolling papers or distributing tobacco product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).
- D. A person selling cigarettes or other tobacco products or rolling papers or distributing cigarettes or other tobacco product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).
- E. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of this Section. No person shall be liable for more than one (1) violation of this Section on any single day.

State law references: Similar provisions, RSMo 407.931

SECTION 250.720: USE OF ALCOHOLIC BEVERAGES AND/OR CONTROLLED SUBSTANCES BY MINORS AT OPEN PARTIES PROHIBITED - PENALTIES - PERSON IN CONTROL OF PREMISES LIABLE

No person in control of any premises shall allow an open party to take place on or about such premises if any such person in control knows, or should know, that alcoholic beverages or controlled substances will be consumed, used, ingested or possessed by a minor under twenty-one (21) years of age attending such open party.

SECTION 250.725: SALE OF ALCOHOL TO MINORS PROHIBITED

- A. No person may sell, vend, give away or otherwise supply any intoxicating liquor whatever in any quantity whatsoever to any person under the age of twenty-one (21) years, or to any person intoxicated or appearing to be in a state of intoxication, or to a habitual drunkard, and any person whomsoever except his parent or guardian who shall procure for, sell, give away or otherwise supply intoxicating liquor to any person under the age of twenty-one (21) years, or to any intoxicated person or any person appearing to be in a state of intoxication, or to a habitual drunkard, except that this section shall not apply to the supplying of intoxicating liquor to a person under the age of twenty-one years for medical purposes only, or to the administering of such intoxicating liquor to any person by a duly licensed physician.
- B. It shall be a defense to prosecution under this section if:
1. The defendant sold the intoxicating liquor to the minor with reasonable cause to believe that the minor was twenty-one or more years of age; and
 2. To purchase the intoxicating liquor, the person exhibited to the defendant a driver's license, Missouri nondriver's identification card, or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was twenty-one years of age and of the legal age for consumption of intoxicating liquor.

State law references: Similar provisions, RSMo 311.310

**SECTION 250.730: PURCHASE OR POSSESSION OF ALCOHOL BY MINOR
PROHIBITED**

No person under the age of twenty-one years, shall purchase or attempt to purchase, or have in his or her possession, any intoxicating liquor as defined in section 311.020 RSMo, or nonintoxicating beer as defined in section 312.010 RSMo, or be visibly intoxicated as defined in section 577.001, RSMo, or have a detectable blood alcohol content of more than two-hundredths of one percent or more by weight of alcohol in such person's blood. For purposes of prosecution under this section or any other provision of this chapter involving an alleged illegal sale or transfer of intoxicating liquor to a person under twenty-one years of age, 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.

State law references: Similar provisions, RSMo 311.325, 312.407

SECTION 250.735: UNLAWFUL TRANSACTION WITH A CHILD

A person commits the crime of unlawful transactions with a child if:

1. Being a pawnbroker, junk dealer, dealer in secondhand goods, or any employee of such person, he with criminal negligence buys or receives any personal property other than agricultural products from an unemancipated minor, unless the child's custodial parent or guardian has consented in writing to the transaction; or
2. He knowingly permits a minor child to enter or remain in a place where illegal activity in controlled substances is maintained or conducted; or
3. He with criminal negligence sells blasting caps, bulk gunpowder or explosives to a child under the age of seventeen (17) or fireworks to a child under the age of fourteen (14), unless the child's custodial parent or guardian has consented in writing to the transaction; criminal negligence as to the age of the child is not an element of this crime.

SECTION 250.740: ENDANGERING THE WELFARE OF A CHILD

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

State law references: Similar provisions, RSMo 568.050

SECTION 250.745: CHILD MOLESTATION

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

SECTION 250.750: FURNISHING PORNOGRAPHIC MATERIALS TO MINORS

A person commits the offense of furnishing pornographic material to minors if, knowing its content and character, he/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.

SECTION 250.755: LEAVING OF CHILDREN IN VEHICLES – PROHIBITED

No person shall leave any child in a standing, parked, or locked motor vehicle. The Police Department of the City or any officer or agent thereof is authorized to use whatever force may be necessary to remove the child from the vehicle in order to protect the health, welfare, and safety of such child.

CHAPTER 250. OFFENSES
PART 8. OFFENSES CONCERNING ALCOHOL AND DRUGS

SECTION 250.800: DEFINITIONS

For the purpose of this chapter, the following terms are defined:

CITY'S DRUG POSSESSION ORDINANCE: means Chapter 250, Part 8 of the Code of the City of Crane in effect upon passage and approval of this Ordinance.

CONTROLLED SUBSTANCE: as used herein shall be defined and include the following;

1. *MARIJUANA*: means all parts of the plant genus Cannabis in any species or form thereof, including, but not limited to Cannabis Sativa L., Cannabis Indica, Cannabis Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It shall not include the mature stalks of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination, or as defined and enumerated in Chapter 195, RSMo.
2. *CONTROLLED SUBSTANCES*: as defined and enumerated in Chapter 195 of the Missouri Revised Statutes.
3. *CONTROLLED SUBSTANCES ANALOGUE*: as defined and enumerated in Chapter 195 of the Missouri Revised Statutes. (This subsection updated by Ordinance 1079, 1/28/2014)

CONTROLLED SUBSTANCES ACT: means Chapter 195 of the Missouri Revised Statutes.

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

1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
3. Insomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
7. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
8. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - b. Water pipes;
 - c. Carburetion tubes and devices;
 - d. Smoking and carburetion masks;
 - e. Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - f. Miniature cocaine spoons, and cocaine vials;
 - g. Chamber pipes;
 - h. Carburetor pipes;
 - i. Electric pipes;
 - j. Air-driven pipes;
 - k. Chillums;
 - l. Bongs;
 - m. Ice pipes or chillers.

13. In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:
- a. Statements by an owner or by anyone in control of the object concerning its use;
 - b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substance;
 - c. The proximity of the object, in time and space, to a direct violation of the City's drug possession ordinance or the Controlled Substances Act;
 - d. The proximity of the object to controlled substances;
 - e. The existence of any residue of controlled substances on the object;
 - f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of the City's drug possession ordinance or the Controlled Substances Act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of the City's drug possession ordinance or the Controlled Substances Act shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
 - g. Instructions, oral or written, provided with the object concerning its uses;
 - h. Descriptive materials accompanying the object which explain or depict its use; National and local advertising concerning its use;
 - i. The manner in which the object is displayed for sale;
 - j. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
 - k. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
 - l. The existence and scope of legitimate uses for the object in the community;
 - m. Expert testimony concerning its use.

SECTION 250.805: POSSESSION OF MARIJUANA

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

SECTION 250.810: CULTIVATING MARIJUANA

Any person who commits the offense of cultivating marijuana shall, upon conviction be punished as provided by ordinance.

SECTION 250.815: POSSESSION OR CONTROL OF A CONTROLLED SUBSTANCE

Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to manufacture, possess or have under his/her control, sell, prescribe, administer, dispense or compound any controlled substance or controlled substance analogue, or to possess any apparatus, device or instrument for the unauthorized use of any controlled substance or controlled substance analogue. (This section updated by Ordinance 1079, 1/28/2014)

SECTION 250.820: COUNTERFEIT DRUGS OR COUNTERFEIT CONTROLLED SUBSTANCES

- A. No persons shall sell, offer for sale, deliver or give away any counterfeit drug or counterfeit controlled substance to another person.
- B. For purposes of this Section, "counterfeit drugs" or "counterfeit controlled substances" means:
 - 1. Any product which is identified or identifies itself by using a common name or slang term, similar name, similar term or similar mark, imprint, brand, stamp or impression associated with a controlled substance which is not, in fact, that controlled substance; or
 - 2. Any product which is promoted or advertised or which indicates on its label or accompanying promotional material that the product simulates the effect of a controlled substance, except that information which is provided by the manufacturer. (This section updated by Ordinance 1079, 1/28/2014)

SECTION 250.825: POSSESSION OF DRUG PARAPHERNALIA

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

SECTION 250.830: MANUFACTURE OR DELIVERY OF DRUG PARAHERNALIA

It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, a controlled substance in violation of the City's drug possession ordinance or the Controlled Substances Act.

SECTION 250.835: DELIVERY OF DRUG PARAPHERNALIA TO A MINOR

Any person eighteen (18) years of age or over who violates Section 250.830 by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years his junior is guilty of a special offense and upon conviction shall be fined a minimum of Two Hundred and Fifty Dollars (\$250.00).

SECTION 250.840: ADVERTISING OF DRUG PARAPHERNALIA

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

SECTION 250.845: INHALATION OR INDUCING OTHERS TO INHALE SOLVENT FUMES TO CAUSE CERTAIN REACTIONS, PROHIBITED --EXCEPTIONS

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

SECTION 250.850: INDUCING, OR POSSESSION WITH INTENT TO INDUCE, SYMPTOMS BY USE OF SOLVENTS, PROHIBITED

- A. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use of any solvent, particularly toluol.
- B. No person shall intentionally possess any solvent, particularly toluol, for the purpose of using it in the manner prohibited by Section 215.710 and this Section.

SECTION 250.855: POSSESSION OR PURCHASE OF SOLVENTS TO AID OTHERS IN VIOLATIONS, PROHIBITED

No person shall intentionally possess or buy any solvent, particularly toluol, for the purpose of inducing or aiding any other person to violate the provisions of Sections 250.845 and 250.850 hereof.

SECTION 250.860: EPHEDRINE CONTROL

A. Definitions. For the purposes of this section, the following definitions shall apply:

EPHEDRINE: All forms of ephedrine, pseudoephedrine, ephedrine hydrochloride, pseudoephedrine hydrochloride, phenylpropanolamine and all combinations of these chemicals.

EPHEDRINE PRODUCT: Any product that contains ephedrine, its salts, isomers, or salts of isomers, as its sole active ingredient or in combination with less than therapeutically significant quantities of other active ingredients.

PERSON: Any individual, corporation, partnership, trust, limited liability company, firm, association or other entity selling an ephedrine product or customers.

SELL: To knowingly furnish, give away, exchange, transfer, deliver, surrender or supply, whether for monetary gain or not.

PACKAGE: Any number of pills, tablets, capsules, caplets or individual units of a substance held within a container intended for sale.

COUNTER: Any obstructive, physical barrier that separates ephedrine products from access by a customer or the general public, and which makes such products available to a customer or the general public only through or by the act of an employee of the seller.

B. Restrictions on Public Access to Ephedrine Products. Except for the sale of animal feed containing ephedrine, it shall be unlawful for any person to display or offer to sell any ephedrine product unless the ephedrine product is laced behind a counter.

C. Reporting Theft of Ephedrine Products.

1. Any person who sells ephedrine products and who discovers a theft disappearance or other loss of an ephedrine product shall report the theft, disappearance or loss in writing to the Crane Police Department within three (3) calendar days of such discovery.
2. Any person who sells ephedrine products shall report to the Crane Police Department any difference between the quantity of ephedrine products shipped and the quantity of ephedrine products received within three (3) calendar days of discovery.

D. Penalty and Injunctive Relief

3. Each day a violation of this section exists shall be considered a separate offense.
4. The City may initiate an action for injunctive relief to enforce the provision of this section.
5. Every act or omission constituting a violation of any of the provisions of this section any agent or employee of any person shall be deemed and held to the act of such person, and said person shall be punishable in the same manner as if said act or omission had been done or omitted by him or it personally, provided such act or omission was within the scope of employment or the scope of authority of such agent or employee.

SECTION 250.865: PUBLIC CONSUMPTION OF ALCOHOL

No person shall possess any open container holding intoxicating liquor or beer or any other intoxicant in, about or upon any street, alley or other public way or public gathering or assembly, or in or around any store, shop, business or commercial establishment, or on the private property or place without lawful permission of the property owner, or in accordance with Chapter 250, part 8 of this Code.

CHAPTER 250. OFFENSES
PART 9. OFFENSES AGAINST PUBLIC HEALTH AND SAFETY

**SECTION 250.900: ABANDONMENT OF AIRTIGHT OR SEMI-AIRTIGHT
CONTAINERS**

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

State law references: Similar provisions, RSMo 577.100

**SECTION 250.905: DUMPING OR BURYING OF TRADE WASTE WITHIN CITY
LIMITS PROHIBITED**

- A. The dumping or burying of any trade waste is prohibited at all times within the City limits of Crane, Missouri.
- B. As used herein "trade waste" shall mean any solid, liquid or gaseous material resulting from any construction or demolition project, or which results from the operation of any business, trade or industry, such material to include, but not be limited to, plastics, cardboard materials, grease, oil, cinders or chemicals of any nature.
- C. Contractors/developers may burn trade waste, with the exception of the items listed in Subsection (B) above, within the City of Crane by obtaining a permit from the Crane Fire Department and the Missouri Department of Natural Resources.

SECTION 250.910: SMOKING IN CITY OWNED BUILDING IS PROHIBITED

No person shall smoke in city owned vehicles or buildings except in a designated smoking area.

SECTION 250.915: URINATING OR DEFECATING IN PUBLIC

It shall be unlawful for any person, male or female, to urinate or defecate in a place where a reasonable person would expect to be viewed by the public

SECTION 250.920: CLIMBING ON RAILROAD CARS PROHIBITED

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

SECTION 250.925: DANGEROUS OR “STUNT” FLYING

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

SECTION 250.930: THROWING OF PROJECTILES

No person, within this city, shall wantonly or mischievously throw or project any stone, brick, metal or other hard substance upon, over or across any street, avenue, alley, thoroughfare, sidewalk or other public place or in, upon, over or across any private property without lawful permission.

CHAPTER 250. OFFENSES
PART 10. OFFENSES CONCERNING PUBLIC PEACE**SECTION 250.1000: PEACE DISTURBANCE DEFINITIONS**

For the purposes of Chapter 250, Part 10, the following words shall have the meanings set out herein:

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

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

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

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

SECTION 250.1005: PEACE DISTURBANCE

No person may disturb the peace of any neighborhood or person, including police officers. A person commits the crime of peace disturbance if:

- A. He unreasonably and knowingly disturbs or alarms another person or persons by:
 - 1. Loud noise; or
 - 2. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient; or
 - 3. Threatening to commit a crime against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out; or
 - 4. Fighting; or
 - 5. Creating a noxious and offensive odor.
- B. He is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:
 - 1. Vehicular or pedestrian traffic; or
 - 2. The free ingress or egress to or from a public or private place.
- C. He/she unreasonably and knowingly causes alarm to another person or persons not physically on the same premises by:
 - 1. Personally abusive language addressed in a face-to-face manner to a specific individual or uttered under circumstances such that the words have a direct tendency to cause an immediate, violent response by a reasonable recipient; or
 - 2. Fighting or Tending to incite a fight; or
 - 3. by causing or permitting loud and unusual noise, including, inter alia, excessive honking of horns, or by offensive or indecent conversation, or gestures, or by threatening, quarreling, challenging, fighting, or pushing or striking any person whatsoever; or creating a noxious and offensive odor; or by entering into, or remaining in, without the consent of the owner or occupant, any premises whatever; or unreasonably and physically obstructing vehicle or pedestrian traffic or the free ingress or egress to or from a public or private place.

State law references: Similar provisions, RSMo 574.010, 574.020

SECTION 250.1010: PEACE DISTURBANCE ON SCHOOL PREMISES

No person while in any public or private school building, or on any public or private grounds adjacent thereto, while any class thereof is in session or in or on which any gathering or function is in progress, whether in the day or nighttime, shall willfully make or assist in the making of any noise or diversion which disturbs or tends to disturb the peace, quiet or good order of such school session, class, gathering or function.

SECTION 250.1015: PEACE DISTURBANCE AT A SPORTS EVENT

A person commits the offense of peace disturbance at a sports event if, the person unreasonably and knowingly disturbs or alarms another person or persons by:

- A. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient; or
- B. Threatening to commit a criminal act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out; or
- C. Fighting; or
- D. The person is in a public place or on private property of another without consent or after consent has been withdrawn and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:
 - 1. Vehicular or pedestrian traffic; or
 - 2. The free ingress or egress to or from a public or private place.

SECTION 250.1020: NOISES PROHIBITED, GENERALLY - EXEMPTIONS

- A. It shall be unlawful for any person to willfully make or continue, or cause to be made or continued, or cause, permit or suffer any premises under his/her control or care to be used for, any loud, unnecessary or unusual noise of any kind, which disturbs the neighborhood peace, comfort or repose of persons. The standards which shall be considered in determining whether a violation of the provisions of this section exist shall include, but not limited to, the following:
1. the volume of the noise;
 2. the intensity of the noise;
 3. whether the nature of the noise is usual or unusual;
 4. whether the origin of the noise is natural or unnatural;
 5. the volume and intensity of the background noise, if any;
 6. the proximity of the noise to the residential sleeping facility;
 7. the nature and zoning of the area in which the noise emanates;
 8. the density of the inhabitation of the area within which the noise emanates;
 9. the time of day or night in which the noise occurs;
 10. the duration of the noise;
 11. whether the noise is recurrent, intermittent, or constant;
 12. whether or not the noise is produced by commercial or noncommercial activity.
- B. The type of activity that shall be deemed to be prohibited shall include, but is not limited to the following:
1. Horns, signaling devices, etc. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the city except as a danger warning or during an approved parade; the creation of any unreasonably loud or harsh sound by means of any such signaling device and the sounding of any such device for an unreasonable period of time; the use of any signaling device, except a police whistle or one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any such signaling device when traffic is held up for any reason.
 2. Radios, televisions, phonographs, etc. The using, operating or permitting to be played, used or operated any radio receiving set, vehicle sound system, television set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person who is in the room, vehicle or chamber in which such machine or device is operated and who is a voluntary listener thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of 11:00 p.m. and 7:00 a.m., in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

3. Loudspeakers, amplifiers, etc. for advertising. The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure unless otherwise legally authorized. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device. Audibility at a distance of more than fifty (50) feet from such device between 11:00 P.M. and 7:00 A.M. is prima facie evidence of a violation of this Section.
4. Yelling, shouting, etc. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity.
5. Animals, birds, etc. The keeping of any animal or bird which, by causing frequent or long continued noise, shall disturb the peace and tranquility of the surrounding neighborhood is declared unlawful and is prohibited.
6. Steam whistle or horn. The blowing of any train whistle, steam whistle or horn attached to any stationary boiler or locomotive except to give notice of the time to begin or stop work or as warning of fire or danger or upon request of proper city authorities.
7. Exhaust. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motorboat or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
8. Defect in vehicle or load. The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise.
9. Construction and repair work. The exterior construction, demolition, alteration or repair of buildings involving the operation of machinery or equipment which causes loud or disturbing noise except between the hours of 7:00 a.m. and 8:00 p.m. on Monday through Saturday and between 9:00 a.m. and 8:00 p.m. on Sunday, and except for activities by governmental authorities or public utilities when the activities are in response to emergencies or otherwise in the interest of public health and safety.
10. Schools, courts, churches, hospitals, residences. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in session or adjacent to any hospital or in the residential area, and which unreasonably interferes with the work of such institution, or which disturbs or unduly annoys patients in the hospital; provided, that conspicuous signs are displayed about such institutions indicating the presence of such institutions.

11. Hawkers, peddlers, etc. The shouting and crying of peddlers, hawkers and vendors which disturb the peace and quiet of the neighborhood.
12. Noises to attract attention. The use of any drum or other instrument or device for the purpose of attracting attention to any performance, show or sale by creation of noise.
13. Pile drivers, hammers, etc. The operation from 6:00 p.m. to 7:00 a.m. on any pile drive, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise without a special permit from the mayor or council.
14. Blowers. The operation of any noise-creating blower and power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise.
15. Sound trucks. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other commercial purposes; the use of sound trucks for noncommercial purposes during such hours or in such places or with such volume as would constitute such use a public nuisance.
16. Automobile repair. The doing of any activity in the course of repairing or altering a motor vehicle or equipment thereof, in the nighttime, which creates any disturbing noise audible on the premises of another.

C. EXCEPTIONS. None of the terms or prohibitions of this Section 250.1020 shall apply to:

1. Any police or fire vehicle or any ambulance, while engaged upon emergency business; or
 2. Excavations or repairs of bridges, streets or highways by or on the behalf of the City, County or the State, during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day; or
 3. A parade or similar authorized school event or authorized musical production;
- D. A permit from the Chief of Police must be obtained for an outdoor event where the volume must exceed that established in Subsection (A). The Chief shall issue the permit if the peace would not be unduly disturbed thereby.

SECTION 250.1025: QUIET ZONES

No person may make, cause, or permit any unnecessary noise with a sound-producing device, muffler, cutout, or otherwise within any zone of quiet, which disturbs or may tend to disturb any of the patients or resident of any facility located therein. No operator of a motor vehicle may at any time or place cause or permit the making of noise by any sound-producing device on the vehicle, while in the use of the streets, so as unnecessarily to disturb or annoy the inhabitants or residents.

SECTION 250.1030: USE OF EXCESSIVE FORCE DURING NONVIOLENT CIVIL RIGHTS DEMONSTRATION PROHIBITED; BARRING ENTRANCE; PENALTIES

- A. The city hereby adopts a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individual engaged in nonviolent civil rights demonstrations. The city hereby also prohibits the physical barring of any entrance or exit to such a facility and will enforce all applicable state laws and local ordinances regarding same.
- B. Any person found to be violating any provision of this section shall be served by the city with written notice stating the nature of the violation.
- C. Any person guilty of this violation shall on conviction thereof be fined in an amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- D. Any person violating any of the provisions of this section shall be liable to the city for any expense, loss, or damage occasioned the city by reason of such violation.

SECTION 250.1035: UNLAWFUL ASSEMBLY

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

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

State law references: Similar provisions, RSMo 574.040

SECTION 250.1040: RIOTING

A person commits the offense of rioting if he/she 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, or of any ordinance of the City, with force or violence, and thereafter, while still so assembled, does violate any of said laws with force or violence.

State law references: Similar provisions, RSMo 574.050.

SECTION 250.1045: REFUSAL TO DISPERSE

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

State law references: Similar provisions, RSMo 574.060

SECTION 250.1050: DISORDERLY CONDUCT

A person commits the offense of disorderly conduct if he/she appears in a public place or within view of the public in such manner as to cause a disturbance to nearby persons by conducting himself/herself in a disorderly, loud, wanton, lewd, lascivious or profane manner.

SECTION 250.1055: DISORDERLY CONDUCT ON PUBLIC STREETS AND PUBLIC PARKING LOTS

Any person who, with intent to provoke a breach of the peace or whereby a breach of the peace may be occasioned commits the following acts shall be deemed to have committed the offense of disorderly conduct:

1. Congregates with others on a public street and refuses to move on when ordered by the Police.
2. Congregates with others on a public parking lot and refuses to move on when ordered by the Police.

SECTION 250.1060: AFFRAY (FIGHTING IN PUBLIC)

A person commits the crime of affray if he/she together with one (1) or more persons shall, in any public place, voluntarily or by agreement engage in any fight, or use any blows or violence toward each other in any angry or quarrelsome manner, or do each other willful mischief, or if any person shall assault another and strike him/her in any public place to the terror or disturbance of others.

**SECTION 250.1065: DISTURBANCE, ETC., AT RELIGIOUS GATHERINGS,
SCHOOL, ETC., MEETING PROHIBITED**

No person 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 other 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 of solemnity thereof, nor shall any person willfully menace, threaten or assault any person who is present at such meeting.

SECTION 250.1070: UNLAWFUL ENTRY

No person shall break into or enter the dwelling house of another, any church, school, commercial building, vacant building, or outbuilding without permission or license of the owner or person in charge thereof, for any unlawful purpose.

SECTION 250.1075: LOITERING PROHIBITED

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

SECTION 250.1080: LOITERING UPON CLOSED PARKING LOTS

- A. No person, except the owner, tenant or other person in possession or their invitees, shall loiter upon or about any public or private parking lot or upon any parking lot provided for the customers, business invitees or employees of any commercial or industrial establishments at any time any such public or private parking lot shall be closed to use by the public or any such commercial or industrial lot which shall be closed to use by customers, business invitees, and employees. Any such person found loitering upon any such lot or facility at any time that signs have been previously erected giving notice that the lot is closed to use after hours shall be presumptively upon the lot in violation of this section, which presumption shall be rebuttable. The term “private parking lot” shall, in addition to its customary meaning, include lots or areas devoted to the storage or display of new or used motor vehicles by dealers therein.
- B. No person shall leave any vehicle unoccupied on any business parking lot, except during the time such persons are in the business building or with the knowledge and consent of the operator of such business. The owner of the vehicle or lessee of said vehicle shall be presumed to be responsible for leaving any such vehicle on the premises.

SECTION 250.1085: LOITERING ON SCHOOL PROPERTY PROHIBITED

It shall be unlawful for any person to loiter on the grounds of or within the buildings of any public or private kindergarten, grade or high school when such school is in session, and it shall be unlawful for any person so loitering to refuse to leave immediately such buildings or grounds upon request of the principal or other person in charge thereof

SECTION 250.1090: VAGRANCY PROHIBITED

No person shall loiter or prowl in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a police or peace officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the police or peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

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CHAPTER 250. OFFENSES
PART 11. OFFENSES CONCERNING WEAPONS AND FIREARMS

SECTION 250.1100: DEFINITIONS

The definitions of Section 571.010, RSMo., as they may be amended from time to time, shall apply to the provisions of this Chapter.

SECTION 250.1105: UNLAWFUL USE OF WEAPONS

- A. A person commits the crime 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 yards of any occupied schoolhouse, courthouse, or church building; or
 7. Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or
 8. Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or

9. Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or
 10. Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board; or
 11. Discharges or shoots a firearm within the City limits except as permitted herein and except as permitted in Section 250.1110.
- B. Subdivisions 1, 3, 4, 6, 7, 8, 9, 10 and 11 of Subsection A of this section shall not apply to or affect any of the following:
1. All State, County and Municipal Peace Officers who have completed the training required by the 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 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 or federal flight deck officer as defined under the federal flight deck officer program, 49 U.S.C. Section 44921;
 7. Any state probation or parole officer, including supervisors and members of the board of probation and parole;

8. Any coroner, deputy coroner, medical examiner, or assistant medical examiner.
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- 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 to any person twenty-one (21) years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through the City. Subdivision 10 of subsection A 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. Subdivisions 1, 8 and 10 of subsection A of this section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to section 571.101 to 571.121, RSMo., or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.
 - E. Subdivisions 3, 4, 6, 7, 8, 9, 10 and 11 of subsection A of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031, RSMo.
 - F. 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.

- G. Any person knowingly aiding or abetting any other person in the violation of subdivision (9) of subsection A of this section shall be subject to the same penalty as that prescribed by this section for violations by other persons.
- H. The prohibition on discharge of a firearm contained in subdivision 11 of subsection A of this section shall not apply to those engaged in the lawful pursuit of game so long as the discharge of the firearm takes place in a rural, agriculturally zoned area of the City of five (5) acres or more and so long as the fired projectile does not enter onto or pass through property within two hundred (200) feet of a residence or commercial structure. This exception shall only apply to the discharge of handguns or shotguns within the area described above.
- I. The prohibition on discharge of a firearm contained in subdivision 11 of subsection A of this section shall not apply to:
1. the discharge of a firearm when authorized by State law with regard to defense of livestock or other animals specifically identified by Statute; or
 2. when such discharge takes place in the permitted area and under the conditions as authorized in Section 250.1110; or
 3. to firing ranges operated by a duly recognized law enforcement agency at a location approved by the City.
- J. Nothing in these subsections are intended to allow what is prohibited by Section 571.030, RSMo.

Note - Under certain circumstances this offense can be a felony under state law
State Law Reference-- §571.101 through 571.121, RSMo., as amended.

**SECTION 250.1110: SHOTGUNS - PERMIT FOR CERTAIN EVENTS INVOLVING
USE**

- A. *Criteria for Issuance.* Upon and pursuant to the issuance of a permit as authorized in this section, which permit has not been revoked, it shall be lawful to conduct and participate in an organized event involving the use and discharge of shotguns, such as a trap or skeet shot or turkey shoot, and to discharge a shotgun in such event, when the same is conducted by the Crane R-3 School system, under the following conditions:
1. Any permit shall only apply to the event location described in the application and shall not be transferable to any other location, person or entity.
 2. The event shall be operated as a part of the Crane R-3 School's curriculum or school-sponsored activity including fund raiser events sponsored by the school.
 3. No firearms shall be displayed or discharged other than shotguns of standard gauge, not larger than ten (10) gauge, and the use of ammunition of 7.5 grain shot or smaller.
 4. The event shall not be held earlier than 3:00 P.M. nor later than 7:00 P.M. on Mondays or earlier than 8:00 A.M. nor later than 7:00 P.M. on Saturdays. Saturday events will be limited to no more than one (1) Saturday per calendar month.
 5. No firearms will be discharged unless under the direct supervision of a Missouri Department of Conservation Certified Trap Shoot Coach.
 6. The event shall be conducted in accordance with recognized safety standards, including those prescribed by the National Association of Trap and Skeet Shoots.
- B. *Application - Duration.* If the Crane R-3 School desires to conduct such an event and outlined in this section, it shall make written application to the Board of Aldermen for a permit to conduct the same. Such application shall set forth information showing that such organization and the conduct of such event shall meet the requirements set forth in subsection A of this section. The permit shall be issued only for the event location described in the application and an event conducted in the manner set forth in the application and this section.
- C. *Issuance.* If the Board of Aldermen finds that the applying Crane R-3 School application meets the requirements set forth in subsection A of this section, he/she shall issue a permit for the same.
- D. *Revocation.* The permit may be revoked by the Board of Aldermen at any time it determines that the event is not conducted in accordance with the requirements of this section.

SECTION 250.1115: DEFACING FIREARM - POSSESSION OF A DEFACED FIREARM

- A. It shall be unlawful for any person to knowingly deface a firearm.
- B. It shall be unlawful for any person to knowingly be in possession of a firearm which has been defaced.

State Law Reference-- §571.045, 571.050, RSMo., as amended.

SECTION 250.1120: UNLAWFUL TRANSFER OF WEAPONS

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

1. Knowingly, sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to any person who, under the provisions of Section 571.070, RSMo., is not lawfully entitled to possess such; or
2. Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian, or recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers any firearm to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian; provided, that this does not prohibit the delivery of such weapons to any Peace Officer or member of the Armed Forces or National Guard while performing his/her official duty; or
3. Recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.

State Law Reference-- §571.060 RSMo., as amended.

**SECTION 250.1125: POSSESSION, MANUFACTURE, TRANSPORT, REPAIR,
SALE OF CERTAIN WEAPONS**

- A. Except as provided in subsection B of this section, it shall be unlawful for any person to knowingly possess, manufacture, transport, repair or sell:
1. A switchblade knife;
 2. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or
 3. Knuckles.
- B. A person does not commit an offense under this Section if his/her conduct:
1. Was incident to the performance of official duty by the Armed Forces, National Guard, a governmental law enforcement agency, or a penal institution; or
 2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in Paragraph (1) of this Subsection; or
 3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or
 4. Was incident to displaying the weapon in a public museum or exhibition; or

State Law Reference-- §571.020 RSMo., as amended.

SECTION 250.1130: DISCHARGE OF PELLET GUNS, AIR GUNS OR BB GUNS

It shall be unlawful to discharge any pellet gun, air gun, BB gun, paint gun, sling, crossbow, rubber band, bow or any other means which projects any missiles, pellets, or BB's within the City of Crane, when the projection therefrom shall extend beyond the private property line of the person discharging said pellet gun, air gun, BB gun, paint gun, sling, crossbow, rubber band, bow or any other means which projects any missiles, pellets, or BB's.

SECTION 250.1135: FIREARMS PROHIBITED IN CITY BUILDINGS

The Board of Aldermen of the City of Crane, Missouri, hereby prohibits firearms in all city buildings. The following conditions shall apply:

1. No person who has been issued a concealed carry endorsement by the Missouri Director of Revenue under RSMo 571.094 or who has been issued a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, shall, by authority of that endorsement or permit, be allowed to carry a concealed firearm or to openly carry a firearm in any building or portion of a building owned, leased or controlled by the city.
2. Signs shall be posted at each entrance of a building entirely owned, leased or controlled by the city stating that carrying of firearms is prohibited. Where the city owns, leases or controls only a portion of a building, signs shall be posted at each entrance to that portion of the building stating that carrying of firearms is prohibited.
3. This section shall not apply to buildings used for public housing by private persons, highways, or rest areas, firing ranges, or private dwellings owned, leased or controlled by the city.
4. Any person violating this section may be denied entrance to the building or ordered to leave the building. Any city employee violating this section may be disciplined. No other penalty shall be imposed for a violation of this section.

SECTION 250.1140: DUTY TO CARRY AND DISPLAY ENDORSEMENT

Any person issued a concealed carry endorsement pursuant to sections 571.101 to 571.121 shall carry the concealed carry endorsement at all times the person is carrying a concealed firearm and shall display the concealed carry endorsement upon the request of any peace officer. Failure to comply with this subsection shall not be a criminal offense but the concealed carry endorsement holder may be issued a citation for an amount not to exceed thirty-five dollars.

State Law Reference-- §571.121 RSMo., as amended.

SECTION 250.1145: POSSESSION AND USE OF PAINTBALL GUNS

- A. The use of a paintball gun against persons, property, or animals, on municipal land including municipal trails within the city is prohibited.
- B. The use of a paintball gun against persons, property, or animals, in a public place that is open to the general public within the city is prohibited.
- C. A person shall not discharge or fire a paintball gun in, toward or from any motor vehicle.
- D. A person shall not discharge or fire a paintball gun within, from, into or across the right of way of any traveled portion of a city, county, state or federal roadway.
- E. The discharge of a paintball gun in or about private property including but not limited to any private picnic grounds, roads, parking lots, or other private property within the city shall be performed only with consent of the property owner or person in charge of said property. Any and all paintball gun discharges allowed by this subparagraph shall be performed in a manner that ensures that the trajectory endpoint of all paintballs and their associated paint splatter are confined within the limits of the boundary of the private property wherein discharged.

CHAPTER 260. FIRE PREVENTION AND PROTECTION
PART 3. FIREWORKS**SECTION 260.300: DEFINITIONS**

As used in this Chapter, the following terms shall have these prescribed meanings:

FIREWORKS: means and includes 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, and includes blank cartridges, toy pistols, toy cannons, toy canes, or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, Roman candles, Dago bombs, sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance. The term "fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths grain or less of explosive compound are used, providing they are so constructed that the hand cannot come in contact with the cap when in place for use, and toy pistol paper caps which contain less than twenty-five hundredths grain of explosive mixture, the sale and use of which shall be permitted at all times. Nothing in this section is 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, nor applying to the military or navy 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, or theatrical, or athletic events or agricultural purposes.

State law references: Fire Protection Definitions, RSMo 320.106.11

SITE PLAN: Consists of a detailed, drawn sketch of the area to be used. The sketch will include the placement of the seasonal outlet with dimensions and distances in relation to streets, other structures, access and available parking.

STRUCTURE: That which is built or constructed of a number of parts held or put together in a specific way. This may be habitable or inhabitable.

TENT: A structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents that it protects.

VEGETATION: Weeds, grass, vines or other growth that is capable of being ignited and endangers property shall be cut down and removed by the owner or occupant of the premises.

SECTION 260.305: MANUFACTURE OF FIREWORKS PROHIBITED

The manufacture of fireworks is prohibited within the City of Crane, Missouri.

SECTION 260.310: USE OR DISCHARGE OF FIREWORKS PROHIBITED

- A. It shall be unlawful for any person within the City of Crane, Missouri to discharge or cause to be discharged, ignited, fired, or otherwise set in action within the City Limits of the City of Crane, Missouri, any fireworks, firecrackers, bottle rockets, sparklers, torpedoes, roman candles, fire balloons, squibs, snakes, spit-devils or other fireworks or substances of any combination whatsoever designed or intended for pyrotechnical use, as defined by Section 260.100 except on the fourth (4th) day of July between the hours of 8:00 A.M. and 12:00 Midnight, only, of each and every year hereafter so long as the person or persons exploding or igniting same shall have the permission of the property owner whereon the same are exploded or ignited. This section shall not grant the user of fireworks relief from any other section of the City Code such as but not limited to, property damage, peace disturbance, endangerment, etc.
- B. No fireworks shall be discharged or caused to be discharged, ignited, fired, or otherwise set in action within that area defined as the “Fire Limits” or Fire District consisting of: All of block 5, 6, 7, 8 and west ½ of block 11 and 12, and lot 12 in block 4 and lot 1 in block 9, all in North Crane, more commonly known as the downtown main street area.

SECTION 260.315: AERIAL FIREWORKS DISPLAYS

- A. Aerial fireworks displays are allowable only by permit issued by the Fire Department.
- B. An application for permit shall set forth the date and times during which such display is desired to be scheduled and such other information as the Fire Chief may require, including the names and addresses of all persons responsible for conducting such display

State law references--Fireworks regulations, RSMo. 320.106 et seq.; cities may grant permits for public displays, RSMo. 320.126.

SECTION 260.320: REGULATION OF THE SALE OF FIREWORKS

- A. All seasonal retail fireworks tents and stands shall have:
1. An approved fire inspection from the Crane Fire Department; and
 2. An approved electrical inspection from the Department of Public Works; and
 3. A City of Crane business license (A separate license shall be obtained for each place of business operated by a licensee under this chapter).
- B. The following regulations shall be:
4. The fireworks retailer shall have an approved seasonal fireworks permit from the Missouri Division of Fire Safety before applying for the City business license.
 5. Seasonal retail fireworks tents and stands shall be located only in Business, Commercial or Industrial zoning districts.
 6. Fireworks shall not be offered for sale within the City of Crane except from June twentieth (20th) until July fourth (4th) for seasonal retail outlets. Hours of operation shall be permitted between 8:00 A.M. until 12:00 A.M. (Midnight).
 7. Seasonal retail fireworks outlets shall comply with all the provisions of State regulations and City of Crane codes and ordinances relating to the sale and storage of fireworks.
 8. A copy of the site plan must accompany the application for Business License and must include;
 - a. The location of the property where the proposed stand is to be located.
 - b. The dimensions of the lot.
 - c. The location of existing buildings and distances from property lines.
 - d. The location of the proposed fireworks stand and the setbacks from the property lines.
 - e. The zoning of the parcel where the stand is to be located.
 - f. Approved fire inspection from the Crane Fire Department.
 - g. Approved electrical inspection from the Department of Public Works.

9. Setback Requirements:

- a. Fireworks stands are required to have a fifty (50) foot front setback, a twenty-five (25) foot side setback; twenty-five (25) foot rear setback from the property line.
- b. Fireworks stands must be at least ten (10) feet from any overhead electric line.
- c. All seasonal retail tents and stands shall be located a minimum of fifty (50) feet from other structures.
- d. All tents and fireworks stands must be a minimum of three hundred (300) feet from any use involving sale or storage of gasoline, L-P gas or any combustible product.
- e. No motor vehicle or trailer used for storage of consumer fireworks is permitted within 10 feet.

10. Portable fire extinguishing equipment must be kept on premises at all times.

11. All tents used for the sale of fireworks shall be constructed of a flame-retardant material. The operator/owner of the tent shall have documentation to this effect on file within the tent. The tent shall also have this documentation stamped on it in an accessible location for inspection.

12. The operators/owners of the tents and seasonal retail stands shall have documentation on file within the tents and seasonal retail stands showing that liability insurance has been purchased and is current for the specific location that the seasonal retail operation is located.

13. All vegetation within fifty (50) foot perimeter of the tent or seasonal retailer stand shall be no higher than four (4) inches. For the purpose of determining required distances, support ropes and guy wires shall be considered as part of the temporary membrane structure, tent or canopy.

14. Fireworks shall not be sold, stored or discharged within three hundred (300) feet of where a volatile, combustible or flammable liquid or gases is sold, stored, vented or dispensed. For the purpose of determining required distances, support ropes and guy wires shall be considered as part of the temporary membrane structure, tent or canopy.

Exception: Portable generators approved for the intended use and installed accordingly to NFPA 70, the National Electrical Code, shall be allowed when used as a primary source of power when no commercial source is available. The generator shall be a minimum of fifty (50) feet from the seasonal outlet and fireworks storage. Minimal fuel shall be stored on site in an approved container not in proximity of the generator or sales, storage area.

15. Fireworks shall not be sold within permanent structures that have mixed or multiple occupancies.

16. Trash, rubbish and empty boxes shall be stored a minimum of twenty-five (25) feet from the location of the seasonal retail operation (tent or stand). For the purpose of determining required distances, support ropes and guy wires shall be considered as part of the temporary membrane structure, tent or canopy.
17. No open flame, open flame cooking equipment or portable space heater shall be allowed within the seasonal retail location.
18. "No Smoking" signs of no less than six (6) inches in height and having all letters of contrasting color from the background of the sign and the tent or stand shall be posted at all ingress points to the seasonal retail tent, on the center supporting poles and throughout the seasonal retail tent as needed. Signs on the center supporting poles of the seasonal retail tents shall be posted six (6) feet above the finished grade to the bottom of the sign. All "No Smoking" signs shall be readily recognizable. Smoking shall not be permitted inside or within 50 feet of the consumer retail sales area.
19. Electrical cords from the meter to the tent must be 12-2 with ground exterior wire. All circuits entering the stand shall be protected by a GFI breaker.
20. Any consumer firework retail sales facility shall be accessible within 150 feet of public right of way or approved fire apparatus access.

SECTION 260.325: REVOCATION OF PERMITS

Permits for the sale of fireworks may be revoked by the City of Crane or the Crane Fire Department upon its determination, after inspection that unsafe conditions exist

SECTION 260.330: UNLAWFUL TO USE OR DISCHARGE FIREWORKS WITHIN ONE HUNDRED FEET OF COMBUSTIBLE OR FLAMMABLE MATERIALS

The provisions of any other ordinance of the City of Crane, Missouri, notwithstanding, it shall be unlawful for any person to set off, ignite, shoot, explode, discharge or use any fireworks within one hundred (100) feet of any wholesale or retail business which buys, sells or manufacturers gasoline, diesel fuel, propane gas, natural gas or any other combustible or flammable material or within one hundred (100) feet of any facility for the storage or transportation of gasoline, diesel fuel, propane gas, natural gas or any other combustible or flammable material.

SECTION 260.335: IGNITING OR SETTING OFF FIREWORKS IN AUTOMOBILE

The provisions of any other ordinance of the City of Crane, Missouri, notwithstanding, it shall be unlawful for any person to set off, ignite, shoot, explode, discharge or use any fireworks in an automobile or to expel the same therefrom or to expel or cause to be expelled fireworks toward a person or group of persons or to expel or cause to be expelled fireworks toward any structure within the City limits of Crane, Missouri.

**SECTION 260.340: EMERGENCY PROHIBITION OF THE USE OF FIREWORKS
AND PERMISSIBLE FIREWORKS BY RESOLUTION**

In the event that the Governor of the State of Missouri, State Legislature, or other local, state, or federal governmental entity, endowed with decision making authority concerning the use of fireworks or permissible fireworks, or in the event that the Board of Aldermen, due to dry weather conditions, or other factors which through the danger of fire present a health and safety concern to the citizens and property of the City of Crane, determine that a total prohibition of the use, sale, and possession of fireworks and permissible fireworks is necessary and required, then the Board of Aldermen through emergency Resolution, may prohibit the use, sale, and possession of fireworks for such time and under such conditions as the Board of Aldermen deems necessary for the health, safety, and welfare of its citizens and property.

SECTION 260.345: PENALTY

Any person found to have violated the terms of this Chapter 260 shall be subject to a fine in an amount not to exceed Five Hundred Dollars (\$500.00) per occurrence. In addition, the Municipal Court Judge may require restitution and costs from the violator in an amount sufficient to cover any damage or injury caused by the unauthorized use, sale, or possession of fireworks or permitted fireworks.

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