

**CHAPTER 19**  
**CRIMINAL OFFENSES**  
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**CHAPTER 19  
CRIMINAL OFFENSES**

**ARTICLE I. In General**

**19.005. Definitions and Abbreviations**

For the purposes of this chapter, and unless the context specifically indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**ARTICLE II. Offenses Against the Person**

**19.010. Offense of Assault**

A person shall be deemed guilty of an offense if he, within the City, shall;

Attempt to cause or recklessly causes physical injury to another person; or

With criminal negligence cause physical injury to another person by means of a deadly weapon; or

Purposely place another person in apprehension of immediate physical injury; or

Recklessly engage in conduct which creates a grave risk of death or serious physical injury to another person; or

Knowingly cause physical contact with another person knowing the other person will regard the contact as offensive or provocative.

(State Law Reference-565.070 RSMo.)

**ARTICLE III. Sexual Offenses**

**19.100. Offense of Indecent exposure, nudity, etc.**

Any person who shall, within the city, make an indecent exposure of his person, appear in any public place in a state of nudity or be guilty of any indecent or lewd conduct, act or behavior shall be deemed guilty of an offense.

Whoever shall bathe, wash or swim in any watercourse, pond or pool in the city, open to the public or in view of the public, being naked or insufficiently clothed to prevent improper exposure of his person, shall be deemed guilty of an offense.

(State Law Reference-566.130. RSMo.)

**19.105. Offense of Public urination and defecation**

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

**19.110. Offense of prostitution**

Any person who shall, within the City, engage in or offer or agree to engage in sexual conduct with another person in return for something of value to be received by the person or by a third person, shall be deemed guilty of an offense.

(State Law Reference-567.020. RSMo.)

**Article IV. Offenses Involving Property Damage or Trespass**

**19.200. Offense of Tampering**

1. A person shall be deemed guilty of an offense if he shall, within the City; tamper with the property of another for the purpose of causing substantial inconvenience to that person or to another; or
2. Unlawfully ride in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or  
(State Law Reference-569.090. RSMo.)

**19.205. Tampering with motor vehicles**

A person shall be deemed guilty of an offense if he shall, within the City, climb upon or into or swing upon a motor vehicle or trailer, or sound the horn or attempt to manipulate any lever, starting device, steering wheel, brakes or any part of the machinery of a motor vehicle, or set the machinery in motion, without the permission of the owner or person in charge thereof.

**19.210. Tampering with, injuring, etc. Cable Television Equipment**

A person shall be deemed guilty of an offense if he shall, within the City;

Willfully or maliciously tamper with, remove, cut, splice or otherwise damage or injure any wires, cables, devices or equipment owned by any cable television system, without the knowledge and consent of its owner.

Willfully or maliciously attach to or tamper with any wires, cables, devices or equipment of any community antenna television system, or in any other manner establish any method for the purpose of receiving television signals, radio signals, pictures, programs or sound thereby, or for any other purpose, without the knowledge and consent of the owner of such system; or, knowingly and with intent to defraud, receive or cause any

other person to receive television signals, radio signals, pictures, programs or sound from such system, without the knowledge and consent of the owner.

**19.215. Property damage**

A person commits the offense of property damage if he knowingly damages property of another.(State Law Reference 569.120. RSMo.)

**19.220. Trespass**

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

A person does not commit the offense of trespass 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:

Actual communication to the actor; or

Posting in a manner reasonably likely to come to the attention of intruders.  
(State Law Reference-569.140. RSMo.)

**19.225. Defacement of property by graffiti**

A person shall be deemed guilty of an offense if he shall write, sprays, scratches or otherwise affixes graffiti upon any property, public or private, in which another has an interest and without the consent of such other person. In addition to such penalty as the court may assess for violation of this ordinance, the court may order the defendant to perform the necessary labor to clean up, repair, or replace the property damaged by that person, or to pay any costs incurred by the owner related to the cleanup, repair, or replacement of property damaged by that person.

**Article V. Stealing and Related Offenses**

**19.300. Stealing**

A person shall be deemed guilty of an offense if he, within the city, appropriates property or services of another with the purpose to deprive him or her thereof, either without his or her consent or by means of deceit or coercion. This section shall not apply if;

The value of the property or services appropriated is One Hundred Fifty Dollars (\$150.00) or more; or

The actor physically takes the property appropriated from the person of the victim; or

The property appropriated consists of:

Any motor vehicle, water craft, or aircraft; or

Any will or recorded deed affecting real property; or

Any credit card or letter of credit; or

Any firearm; or

Any original copy of an act, bill, resolution, introduced or acted upon by the legislature of the state; or

Any pleading, notice, judgment or any other record or entry of any court of this state, any other state or of the United States; or

Any book of registration or list of voters required by Chapter 116 of the Revised Statutes of Missouri; or

Any animal of the species of horse, mule, ass, cattle, swine, sheep or goat, or

Any narcotic drugs as defined in section 195.010. RSMo.  
(State Law Reference-570.030. RSMo.)

**19.305. Failure to return leased or rented property**

1. A person shall be deemed guilty of an offense if he shall willfully fail to return leased or rented personal property to the place and within the time specified in a written agreement providing for the leasing or renting of such personal property.
2. It shall be prima facie evidence of the willfulness when a person who has leased or rented personal property of another fails to return or make arrangements acceptable with the lessor to return the personal property to its owner within ten (10) days after proper notice following the expiration of the lease or rental agreement.
3. This section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable, if the lessee notifies the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement or within ten (10) days after proper notice.
4. 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.

### **19.310. Willful concealment of un-purchased property-liability presumption**

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

## Article VI. Weapons Offenses

### **19.400. Definitions and rules of construction**

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

### **19.405. Unlawful use of weapons**

1. A person commits the offense of unlawful use of weapons if he knowingly:
  - A. Possesses or discharges a firearm or projectile weapon while intoxicated; or
  - B. Discharges a firearm within one hundred (100) yards of any occupied school house, courthouse, or church building; or
  - C. Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any school, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof, or into any public assemblage of persons met for any lawful purpose.
2. Subsection 1 of this section shall not apply to or affect any of the following:
  - A. All state, county and municipal law enforcement officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties of municipalities of the state, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
  - B. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
  - C. Members of the armed forces or national guard while performing their official duty;
  - D. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the state;
  - E. Any person whose bona fide duty is to execute process, civil or criminal;
  - F. Any person otherwise authorized by statute.

3. Subdivision C of subsection 1 of this section does not apply when the actor is transporting such weapon in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. (State Law Reference 571.030. RSMo.)

**19.410. Discharge of firearms**

1. No person shall discharge firearms of any kind within the city, except as provided in subsection 2, below, unless such person is a member of the police force, sheriff's department or highway patrol, and deputized as such, and while acting within the scope of his duties as such, or unless he is on duty in military service and acting under orders of his commanding officer; provided, further that this section shall not apply to the use of firearms by any person in defense of life or property.
2. Discharging of certain firearms shall be permitted in areas of the City designated by the Board as "Hunting Areas," subject to the following conditions:
  - a. Firearms may only be used in designated hunting areas during firearms seasons as designated by the Missouri Department of Conservation. Nothing in this ordinance shall be construed as limiting any law, statute, or regulations except where this ordinance imposes more stringent requirements.
3. The Board may select any area in the City to be a Designated Hunting Area upon the request of all the land owners within the area, by passing a resolution adopting the same. Any area to be included in a Designated Hunting Area must include no less than five (5) acres of un-developed land, excluding any portions of such land which may be within two hundred yards of a dwelling or commercial building. The Board hereby designates the following areas as Designated Hunting Areas.
  - a. An area bounded on the West by Highway 63, on the South by Loy Martin Road, on the North and east by the City limits.

**19.415. Discharging arrows from bow or crossbow prohibited; exceptions**

1. No person shall themselves nor shall any person permit a minor in their custody to discharge an arrow from a bow or crossbow within the city unless subject to an exception set out in subpart 2;
2. The following are permitted within the city notwithstanding subpart 1 above.

The shooting of arrows on a regularly established range;

The shooting of arrows by one whose business entails the testing of such equipment in an established facility constructed and maintained for such purposes;

The use of bow and arrow on private property or premises under circumstances when such bow and arrow can be fired, discharged, or operated in such a manner as not to endanger persons or property and in such a manner as to prevent any projectile from traversing any grounds or space outside the limits of such gallery; grounds or premises;

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

#### **19.420. Possession of dangerous weapons prohibited; with exceptions**

1. No person shall themselves nor shall any person permit a minor in their custody to have in his possession, except within his own domicile, or carry or use any pellet gun, sling shot, blow gun, or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.
2. The prohibition of subsection 1 of this section shall not apply to licensed shooting galleries or in private grounds or premises under circumstances when such instruments can be fired, discharged or operated in such manner as not to endanger persons or property, and in such manner as to prevent the projectile from traversing any grounds or space outside the limits of such gallery, grounds or residence.

#### **19.425. Sale, possession, and use of laser pointers**

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

dollars (\$500.00), or shall be imprisoned for three (3) months, or shall be both fined and sentenced.

## **Article VII. Offenses Against Public Order**

### **19.500. Affrays**

Any person who shall, within the City, voluntarily or by agreement, in any public place within the City, to engage in any fight, or to use any blows or violence or mischief toward each other in any angry or quarrelsome manner.(State Law Reference-574.010, 575.020 RSMo.)

### **19.505. Disturbing the peace; Generally**

1. A person commits the offense of peace disturbance if:
  1. That person unreasonably and knowingly disturbs or alarms another person or persons by:
    - a. Loud noise which may be heard in excess of 50 feet from the source of the noise;
    - b. Offensive and indecent language which is likely to produce an immediate violent response from a reasonable recipient;
    - c. Threatening to commit a crime against any person if such threats are communicated in such a fashion or under such circumstances as would lead a reasonable person to believe that criminal activity may be imminent or that a substantial likelihood of such criminal conduct exists, and such a threat is likely to produce an immediate and violent response from a reasonable recipient; or
    - d. Fighting; or
    - e. Creating a noxious and offensive odor.
  2. That person is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing;
    - a. Vehicular or pedestrian traffic; or
    - b. The free ingress or egress to or from a public or private place.

3. In terms of this ordinance, every individual is protected within its provisions and any individual may have his or her peace distorted regardless of said individual's profession.

(amended Section 19.505. 2003-042 9-02-03)

**19.510. Disturbing the peace; squealing tires**

It shall be a misdemeanor for any person, at any time, to create, permit or cause, or permit to be created or caused, any loud noise or other sound, by accelerating rapidly the motor of any vehicle, or by causing the backfiring of the motor of any vehicle or by the honking of a horn, or by spinning rapidly the wheels of a vehicle, or by the emission of loud exhaust noises from a vehicle (19.210). Disturbing the peace; Religious and other assemblies every person who shall willfully, maliciously or contemptuously disquiet or disturb any congregation or other assembly met for religious worship, or when meeting at the place of worship or dispersing there from, or any school or meeting or assembly of people met together for any lawful purpose whatever, by making a noise, or by rude or indecent behavior or profane discourse within the place of assembly, or so near the same as to interrupt or disturb the order or solemnity thereof, or who shall willfully menace, threaten or assault any person there being, shall be guilty of an offense. (State Law Reference-574.010. 574.020. RSMo.)

**19.511. Regulate and reduce excessive noise and preserve peace and quiet**

1. It shall be unlawful for any person to make, continue, or cause to be made or continued, and loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city. The following enumerated subsections described in this ordinance, among others, are declared to be loud, disturbing and unnecessary noises in violation of this ordinance, but such enumeration shall not be deemed to be exclusive.
  - (a) The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such 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 persons who are in the room, vehicle or chamber in which such machine or device is declared unlawful. 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 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 subsection. The using, operating or permitting to be played, used or operated of any devices in this subsection between the hours of 9:00 p.m. and 11:00 p.m. in such a manner as to be plainly audible at a distance of three hundred

(300) feet from the building, structure or vehicle in which such device is located shall be prima facie evidence of a violation of this subsection.

(b) Construction, repair, and demolition of buildings, streets and utilities.

- (i) It shall be unlawful to interfere with and disturb the peace and quiet of neighboring inhabitants by demolishing, constructing, altering or repairing any building or structure other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays and between 8:00 a.m. and 7:00 p.m. on Saturdays and 9:00 a.m. to 7:00 p.m. on Sundays.
- (ii) It shall be unlawful to interfere with or disturb the peace and quiet of neighboring inhabitants by excavating, grading, paving, constructing, altering or repairing any public or private street, drive or parking lot other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, and between 8:00 a.m. and 7:00 p.m. on Saturdays and 9:00 a.m. and 7:00 p.m. on Sundays. Nothing in this ordinance shall prevent work on any public street, including utility installation, removal or repair, when any authorized city employee has determined that the work is necessary in order to minimize traffic disruption.
- (iii) It shall be unlawful to interfere with or disturb the peace and quiet of neighboring inhabitants by installing, removing or repairing any utility other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, and between 8:00 a.m. and 7:00 p.m. on Saturdays and 9:00 a.m. and 7:00 p.m. on Sundays. Nothing in this article shall prevent work on any utility in order to main or restore utility service.
- (iv) It shall be unlawful to interfere with or disturb the peace and quiet of neighboring inhabitants by operating any earthmoving, excavating, paving or tree cutting equipment other than between the hours of 7:00 a.m. and 8:00 p.m. on weekdays, and between 8:00 a.m. and 7:00 p.m. on Saturdays and 9:00 a.m. and 7:00 p.m. on Sundays.

(amended 10-08-02 Section 19.511. 2002-041)

### **19.512. Motor vehicle noise**

1. Loud noises prohibited. That causing, permitting or continuing of any loud, excessive, or necessary noise in the operation of a motor vehicle is hereby declared unlawful.
2. Vehicle operation. No vehicle shall be driven in such manner, condition, or state of repair that any loud, excessive or unnecessary noises shall be made by its machinery, motor, horn, signaling device, or other parts, or by any improperly loaded cargo; except as a danger warning.
3. Radios, etc. No person shall use, operate or permit to be played, used or operated any radio receiving set, musical instrument, phonograph, cassette

player, compact disc player, or other machine or device for the producing or reproducing of sound in such manner on any street, alley, driveway, or parking lot in the City of Ashland as to disturb the peace, quiet and comfort of the neighboring inhabitants or any time with louder volume than is necessary for convenient hearing for the person who are occupants of the vehicle in which such machine or device is operated. The operation of any such set, instrument, phonograph, cassette player, compact disc player, machine or device, in such manner as to be audible at a distance of thirty (30) feet from the vehicle in which it is located shall be prima facie evidence of a violation of this section.

Penalty. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50.00)

(amended 10-08-02 2002-042 Section 19.512)

### **19.515. Unlawful assembly**

A person commits the offense of unlawful assembly if he knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this state or of the United States with force or violence. (State Law Reference-574.040. RSMo.)

### **19.520. Rioting**

A person commits the offense of rioting if he knowingly assembles with six (6) or more other persons and agrees with such persons to violate any of the criminal laws of this state or of the United States with force or violence, and thereafter, while still so assembled, does violate any of said laws with force or violence. (State Law Reference-574.050.)

## **Article VIII. Offenses Against the Administration of Justice**

### **19.600. False reports**

A person commits the offense of making a false report if he knowingly:

- A. Gives false information to a law enforcement officer for the purpose of implicating another person in a crime; or
- B. Makes a false report to a law enforcement officer that a crime has occurred or is about to occur; or
- C. Makes a false report or false alarm or causes a false report or false alarm 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.

1. It is a defense to a prosecution that 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.
2. The defendant shall have the burden of injecting the issue of retraction under subsection (b) of this section. (State Law Reference-575.080. RSMo.)

#### **19.605. False bomb report**

A person commits the offense of making a false bomb report if he knowingly makes a false report or causes a false report to be made to any person that a bomb or other explosive has been placed in any public or private place or vehicle. (State Law Reference-575.090. RSMo.)

#### **19.610. False impersonation**

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

1. Performs an act in that pretended capacity; or
2. Causes another to act in reliance upon his pretended official authority.

(State Law Reference-575.120 RSMo.)

#### **19.615. Resisting or interfering with arrest**

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

3. 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.
4. This section shall not apply to resisting, by means other than flight, or interfering with an arrest for a felony.  
(State Law Reference-575.150. RSMo.)

**19.620. Obstructing police**

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

**19.625. Escape from custody**

1. A person commits the offense of escape from custody if, while being held in custody after arrest for any crime, he escapes from custody.
2. This section shall not apply to an escape from custody under the following circumstances;
  - A. It is effected by means of a deadly weapon or dangerous instrument or by holding any person as hostage, in which case escape from custody is a class A felony;
  - B. The person escaping is under arrest for a felony, in which case escape from custody is a class D felony.  
(State Law Reference-575.200. RSMo.)

**19.630. Aiding escape of a prisoner**

1. A person commits the offense of aiding escape of a prisoner if he:
  - A. 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
  - B. 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.
2. This section shall not apply to:

- A. Aiding escape of a prisoner by introducing a deadly weapon or dangerous instrument into a place of confinement.
- B. Aiding escape of a prisoner being held in custody or confinement on the basis of a felony charge or conviction.  
(State Law Reference-575.230. RSMo.)

**19.635. Failure to comply with subpoena**

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

**19.640. Failure to pay a fine**

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

**19.645. Failure to appear before the municipal court**

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

**19.650. Abuse of Police Animals**

1. It shall be unlawful for any person to willfully or maliciously kill, assault, torture, torment, threaten, beat, strike, kick, mutilate, injure, disable, arouse, anger, excite or otherwise interfere with any animal while it is being caged, kenneled, transported, exhibited, exercised, or used in discharging or attempting discharge of any lawful duty or function or power of office by an bona fide officer or his representative for any police agency.
2. Any person violating any provision of this ordinance, upon conviction shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00), or shall be imprisoned for not more than three (3) months, or shall be both fined and sentenced.

**Article IX. Offenses Affecting Government**

**19.700. Obstructing government operations**

A person commits the offense of obstructing government operations if he purposely obstructs, impairs, hinders or perverts the performance of a governmental function by the

use or threat of violence, force, or other physical interference or obstacle. (State Law Reference-576.030. RSMo.)

## **ARTICLE X. OTHER OFFENSES**

### **19.800. Throwing objects from cars; Generally**

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

### **19.805. Destroying or defacing signs**

Any person who shall, in the City, remove, take or tear down, deface, mark or injure or destroy any sign belonging to another or belonging to the City, or shall deface, injure or remove any sign indicating the name or number of any street without having lawful authority to do so, shall be deemed guilty of an offense.

### **19.810. Attaching advertising signs, etc., to motor vehicles**

1. It shall be unlawful for any person to attach to any motor vehicle parked or standing at rest within any street right-of-way, or within any street, or in any other public place or way, any poster, paper, cardboard or any other materials for the purpose of advertising any private or commercial enterprises or events, except in a manner which will prevent it from falling off such vehicle.
2. It shall be unlawful for any person to attach to any motor vehicle parked or standing at rest upon private property any poster, paper, cardboard, or any other materials for the purpose of advertising any private or commercial enterprises or events, except in a manner which will prevent it from falling off such vehicle and only with the written approval of the owner or lessee of the real estate upon which such vehicle or vehicles are located.

### **19.820. Posting of bills, notices, etc., on public property**

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

### **19.830. Obstructing streets, alleys, and sidewalks**

1. Any person who shall in any manner, obstruct any street, sidewalk, alley or any part thereof, without a permit from the City, or shall drive any motor vehicle on any of the sidewalks within the City limits, shall be deemed guilty of an offense; provided, that this section shall not apply to persons driving across such sidewalks into an adjoining enclosure at the usual place of egress or ingress nor to persons crossing such sidewalks on streets or alleys.
2. For good cause the City Clerk is authorized to issue permits for definite periods of time for obstruction of portions of streets, sidewalks and alleys upon consultation with the City Administrator.
3. Nothing in this section shall be deemed to require agents or employees of the City of Ashland, to obtain permits for repair, improvement, or construction of streets, sidewalks and alleys.

### **19.840. Enticing livestock from enclosure**

Any person who shall willfully, without the consent of the owner, drive, entice, or lead or in any manner cause livestock to leave the enclosure in which it is kept or shall aid or abet the same, shall be deemed guilty of an offense.

### **19.845. Permitting domestic fowl to run at large**

Any person who shall permit or allow any domestic fowl, chicken, geese, duck, turkey, or guinea to run at large or outside the enclosure of a yard or pen shall be deemed guilty of an offense.

### **19.850. Burials**

Every funeral director or person having charge or control of any burial who shall permit any human body to be interred at a depth of less than six feet below the surface of the ground, shall be deemed guilty of an ordinance violation.

### **19.855. Public Intoxication**

1. It shall be an offense to be drunk or intoxicated and disorderly in a public place.
2. It shall be an offense to be drunk or intoxicated in premises where alcoholic beverages of any nature whatever are sold by the drink and not to leave said premises at the request of the owner, manager, waiter, waitress, bartender or any police officer.
3. As the word disorderly is used herein, it means unruly, tumultuous, or tending to cause a breach of the peace.  
(State Law Reference-562.260 RSMo.)

### **19.856. Consumption of alcoholic beverages on public property or in public view**

1. No person shall consume alcoholic beverages of any kind or possesses open containers of alcoholic beverages while upon public property or in public view, public property being all city parks, city buildings, streets, alleys, thoroughfares, and business parking areas, whether owned publicly or privately, within the city limits, subject to the exceptions set forth in Subsection 3 of this Section.
2. It shall be unlawful for any person to enter any schoolhouse or church house in which there is an assemblage of people, met for a lawful purpose, or City Hall, in a drunken or intoxicated and disorderly condition, or to drink or offer to drink any intoxicating liquors in the presence of such assembly of people, without the benefit of said facility having first received permission in proper form to serve alcoholic beverages, and any persons so doing shall be guilty of an ordinance violation.
3. Providing for exception. Notwithstanding of this Section, any group of persons or organizations desirous of providing of serving or allowing the consumption of alcoholic beverages at a picnic, barbeque, reunion, or other organized activity may do so if permission to do so is obtained from the city administrator or designee no later than the day prior to said activity, provided that no alcoholic beverage may be consumed at any such place or places between the hours of 1:00 a.m. and 10:00 a.m. on any given day.

(amended Council Bill No.2003-045 9-16-2003 adding Section 19.856)

### **19.860. Sale of Fireworks**

Any person who shall sell or expose for sale any fireworks, firecrackers, torpedoes, bombs, rockets, pin wheels, fire balloons, roman candles, or any other fireworks of a like kind, within the City shall be deemed guilty of an offense. This section shall be construed as to prohibit the sales of fireworks in wholesale lots by any person, firm, or corporation for use within the City limits.

**19.861. Fireworks and Use of.**

- (a) Discharging. Every person who shall fire, discharge, burn, explode or set off any firecracker, torpedo, bomb, rocket, pinwheel, fire balloon, roman candles or any other firecrackers or fireworks within the city shall be deemed guilty of a misdemeanor, except as provided in paragraph (b) of this section.

Exceptions to provisions of paragraph (a):

- (1) Permits for special fireworks displays. The Mayor is hereby authorized to issue permits for special one day fireworks displays to be held at such places as, in the opinion of the Mayor, shall provide maximum safety for all persons concerned, and under direct supervision and control of such persons as the provisions of paragraph (a) of this section shall not apply to such authorized events for which such permits have been issued.

(amended 6-25-02 2002-028 adding Section 19.861)

**19.870. Placement or operation of mechanical amusement devices on city property**

No person shall place or operate any mechanical amusement device on any city property, except that property controlled and operated by the park board. The term “mechanical amusement device” shall mean any machine, which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score; it shall include such devices as marble machines, video games, and all games, operations, or transactions similar thereto under whatever name that may be indicated.

**19.875. Sale of tobacco to minors**

- 1. It shall be unlawful for any person to sell tobacco products or tobacco product paraphernalia to a minor.
- 2. Warning signs concerning sales of tobacco products to minors shall be plainly visible at every display from which tobacco products are sold. Such signs shall contain in red lettering at least one-half inch high on a white background the following:

“IT IS A VIOLATION OF THE LAW FOR TOBACCO PRODUCTS OR TOBACCO PRODUCTS OR TOBACCO PRODUCT PARAPHERNALIA TO BE SOLD TO, OR POSSESSED BY, ANY PERSON UNDER THE AGE OF 18”, and

Include a depiction of a pack of cigarettes at least two inches high defaced by a red diagonal diameter of a surrounding red circle.

- 3. The signs referred to in subparagraphs 2.A and 2.B shall be provided without cost by the City of Ashland.

4. For the purposes of this section, the following terms shall have the meanings designated:
  - A. Tobacco products shall mean any substance containing tobacco leaf, including, but not limited to, cigars, cigarettes, pipe tobacco and smokeless tobacco. "Smokeless tobacco" means any tobacco products that are suitable for dipping or chewing, such as snuff, chewing tobacco or dipping tobacco.
  - B. Tobacco product paraphernalia shall include, but not be limited to, cigarette wrapping papers and pipes made for smoking tobacco products.
  - C. Minor shall mean any person under the age of 18 years.
  - D. Vending machine shall mean any mechanical, electric, or electronic, self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco products.
5. The provisions of this section shall not apply to the sale of tobacco products through a vending machine until January 1, 1993, if the vending machine contains thereon the warning signs referred to in paragraph (B) and the owner of the vending machine or person leasing the machine does not knowingly permit the sale of tobacco products to minors.

After January 1, 1993, all vending machines that are in areas open to minors must be supervised or controlled by the owner or lessor of the machine. The method of control may be visual, use of tokens, or a lockout.

6. Any person found guilty of violating the provisions of this section shall be subject to a penalty for each violation as follows:
  - A. A fine of \$100 for the first violation within a two-year period.
  - B. A fine of \$250 for the second violation within a two-year period.
  - C. A fine of \$500 for the third and any subsequent violation within a two-year period.

**19.880. Purchase or possession of tobacco by minors**

1. It shall be unlawful for a minor to purchase or attempt to purchase cigarettes, or to have cigarettes in his or her possession.
2. Any person found guilty of violating the provisions of this section shall be subject to a penalty for each violation as follows:

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

**19.885. Curfew-Minors under sixteen; penalty for violating.**

(a) It shall be unlawful for any person under the age of sixteen years to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, public buildings, or other public grounds and public places, or to attend or frequent places of amusement, places where refreshments are served, drinking emporiums, taverns, vacant lots or any place unsupervised by an adult having the lawful authority to be at such place, between the hours of 12:00 midnight and 5:00 a.m. of the following day, provided that the provisions of this section shall not apply in the following instances:

- (1) When such person is accompanied by his or her parent, guardian, or other adult person having the lawful care and custody of such person;
- (2) When such person is upon an emergency errand directed by his or her parent, guardian, or other adult person having the lawful care and custody of such person;
- (3) When such person is returning directly home from a school or religious activity, entertainment, recreational activity or dance;
- (4) When such person is returning directly home from lawful employment that makes it necessary to be in the above-referenced places during the prescribed period of time; or
- (5) When such person is attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly, or free exercise of religion; (from the above referenced places)
- (6) When such person is in the course of interstate travel;
- (7) When such person is married or otherwise emancipated.

(b) Certain parks and other public places may have more restrictive hours posted that supersede the hours listed in this ordinance.

(c) Any such person not subject to the jurisdiction of the juvenile court, and any parent, guardian or other adult having the care and custody of such person shall be guilty of a misdemeanor. For the first offense, the court shall fine the defendant fifty dollars (\$50.00) and costs. Upon further convictions, defendant shall be subject to a fine not to exceed five hundred dollars (\$500.00) and costs.

**19.886. Responsibility of parent, guardian, etc.**

It shall be unlawful for the parent, guardian, or other adult person having the care and custody of a minor under the age of sixteen years knowingly to permit such minor to violate any provision of Section 19.885.

**19.887. Responsibility of owner or proprietor of public places of entertainment, etc.**

It shall be unlawful for the operator of any establishment to permit any minor under the age of sixteen years to enter his place of business between the hours of 12:00 midnight and 5:00 a.m., unless the minor is accompanied by his parent, guardian, or other adult person having the care and custody of such minor. The presence of a minor unaccompanied as aforesaid in any such public place hereinbefore mentioned shall constitute prima facie evidence that the operator thereof permitted such minor to enter such public place with his/her knowledge and consent.

**19.889. Definitions:**

As used herein, the following words and phrases have the meanings indicated therefore:

- (A.) The words “**curfew hours**” mean:
  - 1. The hours between 12:00 a.m., prevailing time, and 5:00 a.m., prevailing time;
- (B.) The word “**emergency**” means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, without limitation, fires, floods, natural disasters, automobile accidents and any situation requiring immediate action to prevent serious bodily injury or loss of life.
- (C.) The word “**establishment**” means any privately owned place of business, which is operated for a profit, and to which the public is invited, including, without limitation, any place of amusement or entertainment.
- (D.) The word “**guardian**” means:
  - 1. Any person who is the guardian of the person of a minor pursuant to a court order or judgment ; or
  - 2. Any public or private agency with whom a minor has been placed by a court order.
- (E.) The word “**minor**” means any person under sixteen years of age.
- (F.) The word “**operator**” means any individual, firm, association, partnership, corporation, or other entity, operating, managing, or conducting any establishment, including without limitation, the members or partners of an association, partnership, or limited liability company, and the officers of a corporation.
- (G.) The word “**parent**” means and includes the natural parent, adoptive parent and step parent of a person under sixteen years of age; and also any person at least eighteen years of age who has been authorized and appointed by a parent or guardian to have the care, custody, and control of a child or ward thereof under sixteen years of age.
- (H.) The words “**public place**” mean any place to which the public or a substantial group of the public has access, including, without limitation, streets, highway, parks, playgrounds, and the common areas of schools, hospitals, apartment houses, office buildings, and transportation facilities.
- (I.) The word “**remain**” means:
  - 1. To linger or stay; or

2. To fail to leave the premises when requested to do so by any peace officer, or the owner, tenant, operator or any other person in control of the premises.  
(amended 8-07-07 Council Bill No. 2007-036-adding curfew)

## **ARTICLE XI. Burglar and Fire Alarm Systems**

### **19.900. Definitions**

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

Alarm Business. Any individual, partnership, corporation, or other entity in which the owners or employees engage in the activity of altering, selling, installing, leasing, maintaining, repairing, replacing, servicing, or responding in any manner to alarm systems.

Alarm System. Any assembly of equipment and devices or a single device such as a solid state unit which uses electrical energy to signal the presence of a hazard requiring urgent attention and to which police or firemen are expected to respond. In this ordinance, the term "Alarm System" shall include but not be limited to the terms "Automatic Holdup Alarm Systems," "Burglar Alarm Systems," "Holdup Alarm Systems" and "Manual Holdup Alarm Systems" as those terms are hereinafter defined. This definition shall also include non-manually operated fire alarm systems.

Answering Service. Any telephone answering service providing among its services the service of receiving on a continuous basis through trained employee's emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the communication center of the police department.

Automatic Answering Device. Any alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

Automatic Holdup Alarm System. Any alarm system in which the signal transmission is initiated by the action of the robber.

Burglar Alarm System. Any alarm system signaling an entry or attempted entry into the area protected by the system.

False Alarm. Any activation of an alarm system through mechanical failure, malfunction, improper installation, without an unlawful entry or other condition which the alarm is designed to detect, or through the negligent or intentional acts of the owner or lessee of an alarm system or of his employees or agents or other causes.

Holdup Alarm System. Any alarm system signaling a robbery or attempted robbery.

Manual Holdup Alarm System. Any alarm system in which the signal transmission is initiated by the direct action of the person attacked or by an observer of the attack.

Subscriber. Any person who buys or leases, or otherwise obtains an alarm signaling system or contracts with or hires an alarm business to monitor or service the alarm device.

#### **19.905. Automatic Dialing Devices**

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

#### **19.910. Personnel to Respond to Alarm**

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

#### **19.915. Direct Connections**

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

### **19.920. Notification**

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

### **19.925. False Alarms**

1. In determining whether an alarm is a false alarm, all circumstances shall be considered. Police officers or fire officials investigating false alarms shall make a careful check for signs of an occurrence that had abated before the officer or official's arrival which would have justified the use of the alarm.
2. Any false alarm initiated by an alarm system and responded to by the police or fire department shall constitute a violation of this article and shall be punishable by the warning and fine schedule set forth in this section. However, a false alarm caused by a person or persons other than the subscriber or owner or lessee of the alarm system shall not be charged to the subscriber.
3. The following fine schedule is established for police or fire response to false alarms:
  - A. After the first three responses within a ninety (90) day period: a written warning shall be issued by the chief of police or fire. Such warnings shall include a copy of this section.
  - B. The fourth response within a ninety day period: a minimum fine of ten dollars (\$10.00).
  - C. The fifth response within a ninety (90) day period: a minimum fine of thirty dollars (\$30.00).
  - D. All further responses within a ninety (90) day period: a minimum fine of seventy-five dollars (\$75.00).
4. When the choice is made to notify the police or fire department directly by person of any situation, any determination of a false alarm or fines, warnings, and proceedings regarding false alarms shall be governed by Section 18.165 of this Code. This subsection shall apply to the use of a manually operated fire alarm.
5. The warnings and fines imposed by this section shall be waived for sixty (60) days if the police chief or fire chief is notified, within five (5) working days of the installation, of a new alarm system. Any false alarms initiated by an alarm system within the sixty (60) day period shall not be counted in determining any warnings or fines accruing after the sixty (60) day period.

### **19.930. Termination of Direct Connection**

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

### **19.940. Obligation to Instruct**

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

### **19.945. Maintenance and Inspection**

1. A subscriber shall maintain any alarm system in good working order, providing the necessary service to prevent false alarms, to prevent malfunctions endangering persons or property and to prevent other malfunctions.
2. A subscriber shall cause any alarm system to be inspected regularly, by a representative of the alarm business with a service contract or other person qualified to inspect and service such equipment, at least once every twelve (12) months. Inspections shall be complete enough to detect any likely malfunctions and may include testing of the equipment. Particular attention shall be paid to the

conditions that have the potential of causing false alarms. The person making the inspection shall make available a written report to the subscriber, and the report shall be kept for twelve (12) months, and shall be made available on request during regular business hours to the police department or the fire department.

3. The subscriber shall be responsible for maintaining the alarm system, and he shall look to the report of the inspector for guidance, but shall not limit his maintenance effort to matters on the report of the inspector.

### **19.950. Penalties**

Any individual, partnership, corporation or other entity violating any provision of this Article shall be fined not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

## **Article XII. Offenses Against Public Health and Safety**

### **19.1000. Definitions**

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

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

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

### **19.1005. Possession of marijuana; penalty**

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

(State Law Reference-Possession or control of a controlled substance, penalty, RSMo. 195.202.)

**19.1010. Unlawful use of drug paraphernalia; penalty**

1. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of sections 195.005. to 195.425, RSMo.
2. Any person violating any provision of this section, upon conviction shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or shall be imprisoned for not more than three (3) months, or shall be both fined and sentenced.  
(State Law Reference-Unlawful use of drug paraphernalia, penalty, 195.233. RSMo.)