

ORDINANCE COVER SHEET

Bill No. 2026-52

Ordinance No. 4159

**“AN ORDINANCE AMENDING THE BOLIVAR MUNICIPAL CODE BY
ADDING A NEW SECTION 230.080, ESTABLISHING A PROCEDURE FOR
THE TEMPORARY EXCLUSION OF INDIVIDUALS FROM CITY PARKS FOR
SPECIFIED MISCONDUCT, PROVIDING FOR WRITTEN NOTICE AND
OPPORTUNITY TO APPEAL, AND PRESCRIBING PENALTIES FOR ENTRY
IN VIOLATION OF AN EXCLUSION NOTICE.”**

Filed for public inspection on June 18th, 2026

First reading _____ In Full; X By Title on June 23rd, 2026.

Second reading _____ In Full; X By Title on June 23rd, 2026.

Vote by the Board of Aldermen on June 23rd, 2026:

6 Aye; _____ Nay; 2 Absent; _____ Abstain

X Approved by the Mayor on June 23rd, 2026.

_____ Vetoed by the Mayor on _____.

Board of Aldermen Vote to Override Veto on _____.

_____ Aye; _____ Nay; _____ Abstain

Bill Effective Date: June 23rd, 2026.

“AN ORDINANCE AMENDING THE BOLIVAR MUNICIPAL CODE BY ADDING A NEW SECTION 230.080, ESTABLISHING A PROCEDURE FOR THE TEMPORARY EXCLUSION OF INDIVIDUALS FROM CITY PARKS FOR SPECIFIED MISCONDUCT, PROVIDING FOR WRITTEN NOTICE AND OPPORTUNITY TO APPEAL, AND PRESCRIBING PENALTIES FOR ENTRY IN VIOLATION OF AN EXCLUSION NOTICE.”

WHEREAS, the City of Bolivar, Missouri, owns, maintains, and controls public parks and has a substantial governmental interest in protecting City property, preserving park facilities, promoting public safety, and ensuring that City parks remain available for lawful use by the public; and

WHEREAS, the Board of Aldermen finds that certain misconduct occurring in City parks, including vandalism, damage to City property, threats or acts of violence, repeated unlawful entry, and conduct that endangers persons or substantially interferes with park operations, may warrant a temporary and narrowly tailored exclusion from one or more City parks; and

WHEREAS, the Board of Aldermen further finds that any such exclusion should be based on specific conduct, should be limited in scope and duration, should provide written notice and a prompt opportunity to appeal, and should not be used to restrict lawful speech, expressive activity, status, group membership, housing status, disability, or any other protected status; and

WHEREAS, the Board of Aldermen intends that this ordinance be administered consistently with the United States Constitution, the Missouri Constitution, applicable Missouri statutes, the Americans with Disabilities Act, and all other applicable law;

NOW, THEREFORE, Be it Ordained by the Board of Aldermen of the City of Bolivar, Missouri, as follows:

Section I: The City Code for the City of Bolivar, Missouri is hereby amended by adding a new Code section, 230.080, with such new Code section to be read as follows:

“Section 230.080 – Temporary Park Exclusion Procedure.

A. Definitions. As used in this Section:

- a. **"Actual notice"** means notice sufficient to establish that the person knew of the existence, scope, and effective dates of an Exclusion. Actual notice may be established by personal service of a written Exclusion, the person's written or recorded acknowledgment, oral communication by a law enforcement officer of the existence and material terms of an Exclusion

followed by written notice as soon as practicable, or other competent evidence showing actual knowledge.

- b. **"Appeal Officer"** means the City Administrator, provided that the City Administrator shall not serve as Appeal Officer if he or she issued the Exclusion or was directly involved in the underlying incident. In the event of disqualification or unavailability of the City Administrator, the Mayor shall serve as Appeal Officer. If the Mayor is also disqualified or unavailable, the Board of Aldermen may designate another impartial officer, employee, attorney, or hearing officer who was not directly involved in the underlying incident.
- c. **"City property"** means real or personal property owned, leased, maintained, or controlled by the City.
- d. **"Days"** means calendar days unless business days are expressly stated. If a deadline falls on a Saturday, Sunday, or City holiday, the deadline shall extend to the next business day.
- e. **"Emergency Temporary Exclusion"** means a short-term Exclusion issued under Subsection D of this Section when immediate exclusion is reasonably necessary to protect persons, City property, Park property, or Park operations.
- f. **"Exclusion"** means a written notice issued under this Section that temporarily prohibits a person from entering or remaining in one or more designated Parks for a stated period of time, subject to any exceptions, limitations, or conditions stated in the notice or in this Section.
- g. **"Issuing Officer"** means the Chief of Police or his or her designee.
- h. **"Minor"** means a person under eighteen (18) years of age.
- i. **"Park"** means any park, playground, athletic field, trail, recreational facility, greenway, public ground, or similar outdoor recreational area owned, leased, maintained, or controlled by the City, including parking lots, restrooms, shelters, structures, and other appurtenances thereto.
- j. **"Qualifying Misconduct"** means conduct occurring within a Park that satisfies the requirements of Subsection B of this Section.
- k. **"Serious physical injury"** shall have the same meaning as set forth in Section 556.061, RSMo., as amended.
- l. **"Substantial property damage"** means damage to City property or Park property that:

- i. exceeds seven hundred fifty dollars (\$750.00) in estimated repair, restoration, cleanup, or replacement cost;
 - ii. renders a Park facility, restroom, shelter, structure, amenity, vehicle, equipment, or utility unusable until repaired or cleaned; or
 - iii. creates a safety hazard or materially impairs the public's use of a Park facility, restroom, shelter, structure, amenity, vehicle, equipment, or utility.
- m. **"True threat of unlawful violence"** means a statement or act which, in context, communicates a serious expression of an intent to commit unlawful violence against a particular person or group of persons, and which is made intentionally, knowingly, or recklessly with respect to its threatening character. The term does not include constitutionally protected speech, mere political hyperbole, jest, or expression of opinion.

B. Grounds for Exclusion.

1. Standard for Issuance. The Issuing Officer may issue an Exclusion only when, based on specific articulable facts, the Issuing Officer has probable cause to believe that the person engaged in Qualifying Misconduct while within a Park and that a temporary Exclusion is reasonably necessary to protect persons, City property, Park property, or Park operations.
2. Qualifying Misconduct. Qualifying Misconduct means one or more of the following acts occurring within a Park:
 - i. damaging, destroying, defacing, tampering with, or vandalizing City property or Park property, including graffiti, arson, fire-setting, hazardous burning, unlawful fireworks, or damage to restrooms, shelters, playground equipment, athletic facilities, utilities, landscaping, signs, vehicles, or equipment;
 - ii. theft, attempted theft, unauthorized removal, or unauthorized possession of City property or Park property;
 - iii. assault, fighting, physical injury to another person, or conduct that creates a substantial risk of physical injury to another person;
 - iv. a true threat of unlawful violence, credible threat of imminent physical harm, stalking, harassment as defined by applicable law, or conduct directed toward a specific person that would cause a reasonable person to fear imminent physical harm;

- v. unlawful weapons conduct, indecent exposure, sexual misconduct prohibited by law, or conduct involving alcohol or controlled substances where such conduct is prohibited by state law or City ordinance;
 - vi. repeated entry into or remaining in a Park after lawful closing hours, after posting or warning, or in violation of an otherwise valid Park-hours ordinance or rule;
 - vii. conduct that substantially obstructs, disrupts, or interferes with a City employee, contractor, emergency responder, permitted activity, scheduled City program, athletic event, maintenance activity, or another person's lawful use of a Park, after a lawful warning to stop the obstructive, disruptive, or interfering conduct when such warning is practicable under the circumstances; or
 - viii. any violation of state law or City ordinance occurring within a Park that involves damage or threatened damage to property, physical injury or threatened physical injury, a substantial risk to public safety, or substantial interference with Park operations.
3. Conduct Only; No Protected-Status or Viewpoint-Based Enforcement. An Exclusion shall be based only on the person's conduct and the facts relating to that conduct. No Exclusion shall be issued because of a person's race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, housing status, economic status, group membership, political affiliation, viewpoint, or the content of any speech or expressive activity.
4. First Amendment Protection. This Section shall not be enforced to prohibit, punish, or chill lawful speech, assembly, petitioning, leafleting, filming, protest, religious exercise, or other activity protected by the First Amendment to the United States Constitution or by the Missouri Constitution. Speech or expressive activity shall not constitute Qualifying Misconduct merely because it is unpopular, critical of the City or its officers or employees, annoying, offensive, or controversial. Nothing in this Subsection prevents the City from enforcing content-neutral and narrowly tailored rules or from acting in response to unprotected conduct, including assault, fighting, vandalism, true threats of unlawful violence, obstruction, or conduct that creates a substantial risk to persons or property.

C. Scope and Duration; Least Restrictive Exclusion.

1. General Rule. The geographic scope and duration of an Exclusion shall be no broader than reasonably necessary to protect persons, City property, Park property, or Park operations, based on the nature and seriousness of the conduct,

the person's prior Exclusions within the preceding twelve (12) months, the likelihood of recurrence, the availability of less restrictive alternatives, and any need for limited access under Subsection H of this Section.

2. First Exclusion Within Twelve Months. For a first Exclusion within a twelve (12) month period, the Exclusion shall be limited to the single Park where the conduct occurred and shall not exceed thirty (30) days, unless the conduct involved serious physical injury, substantial property damage, a true threat of unlawful violence, use or threatened use of a weapon, arson or attempted arson, or another circumstance supporting a broader or longer Exclusion under Subsection C(4).
3. Second Exclusion Within Twelve Months. For a second Exclusion within a twelve (12) month period, the Exclusion may apply to one or more Parks specified in the written notice and shall not exceed ninety (90) days.
4. Third or Subsequent Exclusion; Serious Conduct. For a third or subsequent Exclusion within a twelve (12) month period, or for conduct involving serious physical injury, substantial property damage, a true threat of unlawful violence, use or threatened use of a weapon, arson or attempted arson, or conduct creating a substantial risk of serious physical injury, the Exclusion may apply to one or more Parks specified in the written notice and shall not exceed one (1) year.
5. Written Findings for Broader or Longer Exclusion. Any Exclusion applying to more than the Park where the conduct occurred, or any Exclusion exceeding thirty (30) days, shall include written findings explaining why the broader geographic scope or longer duration is reasonably necessary.
6. No Permanent Exclusion. No Exclusion under this Section shall be permanent. Conduct that may warrant a restriction broader or longer than permitted by this Section shall be addressed through criminal process, civil action, injunctive relief, or other lawful court order rather than through an administrative Exclusion under this Section.

D. Emergency Temporary Exclusion.

1. Authority. A law enforcement officer may issue an Emergency Temporary Exclusion when, based on specific articulable facts, the officer reasonably believes that immediate exclusion is necessary to prevent imminent physical injury, substantial property damage, continued vandalism, continued disruption of Park operations, or continued unlawful conduct in the Park.
2. Duration. An Emergency Temporary Exclusion shall be limited to the Park where the conduct occurred and shall remain effective only until the earlier of:
 - i. the end of the calendar day on which it is issued;

- ii. seventy-two (72) hours after issuance; or
 - iii. issuance of a written Exclusion under Subsection E of this Section.
3. Written Notice. The officer shall provide written notice of the Emergency Temporary Exclusion as soon as practicable. The notice shall identify the Park, state the reason for the Emergency Temporary Exclusion, state its expiration date and time, and inform the person that a longer Exclusion may be issued only in accordance with this Section.
 4. Relationship to Longer Exclusion. An Emergency Temporary Exclusion shall not by itself extend the maximum duration of any later Exclusion issued under this Section. If a longer Exclusion is issued, the time during which the Emergency Temporary Exclusion was effective shall be credited against the duration of the longer Exclusion.

E. Written Notice of Exclusion.

1. Written Notice Required. Except for an Emergency Temporary Exclusion issued under Subsection D, an Exclusion shall be in writing and shall be personally served on the person whenever practicable. If personal service is not practicable, the City may mail the Exclusion to the person's last known address or provide notice by any other lawful means reasonably calculated to provide actual notice.
2. Contents of Notice. The written notice shall state, at a minimum:
 - a. the conduct giving rise to the Exclusion, including the date, approximate time, and Park where the conduct occurred;
 - b. the specific Park or Parks from which the person is excluded;
 - c. the beginning and ending dates and times of the Exclusion;
 - d. the factual basis for the scope and duration of the Exclusion;
 - e. any exceptions, limited permissions, or conditions applicable to the Exclusion;
 - f. that the person has the right to appeal the Exclusion;
 - g. the deadline for requesting an appeal and the method for submitting the appeal request;
 - h. that a timely appeal stays enforcement of a non-emergency Exclusion pending the Appeal Officer's written decision, except as otherwise provided for an Emergency Temporary Exclusion;

- i. that, after actual notice of a valid Exclusion, knowingly entering or remaining in a Park from which the person is excluded may constitute an ordinance violation; and
 - j. that state-law trespass or other state-law offenses may also apply if all elements of such offenses are independently satisfied.
3. Actual Notice Required for Prosecution. No person shall be cited, arrested, prosecuted, or convicted for violating an Exclusion under this Section unless the City proves that the person had actual notice of the Exclusion and knowingly entered or remained in a Park from which the person was excluded during the effective period of the Exclusion.
4. Mailing. Mailing may be used for administrative notice and record purposes. Mailing alone shall not be sufficient to establish a violation of Subsection K unless the City can prove actual receipt or other actual knowledge of the Exclusion.

F. Right to Appeal.

1. Appeal Request. A person issued an Exclusion may appeal by delivering a written request for appeal to the City Clerk's office within ten (10) days after personal service or actual receipt of the Exclusion. The request need not be in any particular form, but must reasonably identify the person appealing and the Exclusion being appealed.
2. Late Appeal for Good Cause. The Appeal Officer may accept a late appeal upon a showing of good cause, including lack of actual receipt, illness, disability, minority, inability to obtain assistance, or other circumstances showing that strict enforcement of the deadline would be unreasonable.
3. Hearing Deadline. The Appeal Officer shall hold a hearing within ten (10) days after the appeal request is received, unless the appellant requests or agrees to a later date, or unless good cause exists for a reasonable extension.
4. Informal Hearing. The hearing shall be informal. The appellant may appear in person or remotely if allowed by the Appeal Officer, may be represented by counsel or another representative at the appellant's expense, may present information, evidence, witnesses, photographs, video, documents, or testimony, and may respond to the evidence supporting the Exclusion.
5. Access to Evidence. Upon request, the City shall make available to the appellant before or at the hearing the non-privileged evidence on which the City intends to rely, including incident reports, photographs, video, witness statements, or other documents, except that the City may redact information as required or permitted

by law, including juvenile information, victim information, confidential law-enforcement information, or information protected by court order.

6. Burden and Standard of Proof. The City shall bear the burden of proving by a preponderance of the evidence that the appellant engaged in Qualifying Misconduct and that the scope and duration of the Exclusion are reasonably necessary under this Section.
7. Decision. Within five (5) days after the hearing, the Appeal Officer shall issue a written decision affirming, modifying, or rescinding the Exclusion. The decision shall include written findings stating:
 - a. whether Qualifying Misconduct occurred;
 - b. the evidence relied upon;
 - c. whether the geographic scope and duration are reasonably necessary; and
 - d. any modification, limitation, condition, or limited permission imposed.
8. Stay Pending Appeal. The filing of a timely appeal shall stay enforcement of a non-emergency Exclusion pending the Appeal Officer's written decision. An Emergency Temporary Exclusion issued under Subsection D shall remain effective during its short-term duration unless modified or rescinded by the Issuing Officer or Appeal Officer.
9. Final Administrative Decision; Judicial Review. The Appeal Officer's written decision shall constitute the City's final administrative decision, subject to judicial review as provided by law, including Section 536.150, RSMo.
10. Failure to Appeal. Failure to timely appeal an Exclusion constitutes waiver of the administrative appeal process, unless a late appeal is accepted for good cause. Failure to appeal shall not relieve the City of its burden to prove actual notice, knowledge, and all other elements of any alleged violation of this Section.

G. Minors.

1. Notice to Parent or Guardian. If the person to be excluded is a Minor, the City shall serve the Exclusion on the Minor when practicable and shall also promptly deliver, mail, or otherwise provide a copy to the Minor's parent, legal guardian, or legal custodian if known or reasonably ascertainable.
2. Right to Appeal. A Minor, or the Minor's parent, legal guardian, legal custodian, attorney, or other appropriate adult acting on the Minor's behalf, may request an appeal under Subsection F.

3. Hearing Participation. A Minor may appear at the hearing with a parent, legal guardian, legal custodian, attorney, or other appropriate adult. The Appeal Officer may conduct the hearing in a manner appropriate to the Minor's age and circumstances while preserving the City's ability to present evidence and protect persons, property, and Park operations.
4. Individualized Consideration for Minors. In determining whether to issue, affirm, modify, or rescind an Exclusion involving a Minor, the Issuing Officer and Appeal Officer shall consider the Minor's age, maturity, seriousness of the conduct, prior conduct, parental or guardian supervision, school-related or youth-program needs, restitution, repair or cleanup, restorative measures, and whether supervised access or limited access would adequately protect persons, property, and Park operations.
5. Limited or Supervised Access. Where appropriate, an Exclusion involving a Minor may include conditions allowing supervised access for school activities, youth sports, City programs, family activities, counseling, restitution, community service, or other specified purposes, provided such access can be allowed without unreasonable risk to persons, property, or Park operations.
6. Juvenile Referral. Any alleged violation of an Exclusion by a Minor shall be handled in accordance with Chapter 211, RSMo., and other applicable law, including referral to the juvenile officer where required. Nothing in this Section authorizes municipal-court prosecution of a Minor where juvenile-court jurisdiction applies.
7. Juvenile Records. Records concerning a Minor shall be maintained and disclosed in accordance with applicable juvenile-record confidentiality requirements, including Section 211.321, RSMo., and any other applicable law.

H. Limited Access; Essential Access; Permission to Enter.

1. Limited Permission. The City Administrator, Chief of Police, or their designee may grant written limited permission for an excluded person to enter a Park for specified dates, times, locations, routes, and purposes. Such permission may include reasonable conditions necessary to protect persons, City property, Park property, and Park operations.
2. Essential or Protected Access. Unless the Exclusion contains specific written findings that such access would create a substantial and articulable risk to persons, property, or Park operations that cannot be reasonably mitigated, an Exclusion shall not prohibit a person from entering a Park for the limited purpose of:
 - a. attending a public meeting held in a Park facility;

- b. voting or engaging in election-related activity at a polling place or election site located in a Park facility;
 - c. complying with a subpoena, court order, probation condition, juvenile-court requirement, or other legal obligation;
 - d. obtaining essential City services for which no reasonable alternative location or method is available;
 - e. participating in a City program or City-authorized program for which no reasonable alternative location or method is available;
 - f. accompanying a Minor child or dependent person where necessary for that person's health, safety, custody exchange, or participation in a City-authorized activity, if the City determines that conditions can reasonably mitigate risk; or
 - g. engaging in lawful expressive activity in an area otherwise open to the public, subject to reasonable, content-neutral, and narrowly tailored conditions where necessary to protect persons, property, or Park operations.
3. Request for Limited Permission. A request for limited permission may be made to the City Administrator, Chief of Police, City Clerk, or any person designated by the City Administrator. The City shall act on such request within a reasonable time under the circumstances.
 4. No Waiver. Granting limited permission does not rescind the Exclusion and does not authorize entry beyond the permission granted.

I. Disability; Reasonable Modification.

1. General Rule. This Section shall be administered in a manner consistent with the Americans with Disabilities Act, Section 504 of the Rehabilitation Act where applicable, and all other applicable disability-rights laws.
2. Reasonable Modification. When the City knows or has reason to know that conduct may be related to a disability, the City shall consider reasonable modifications to policies, practices, or procedures where required by law, unless the modification would fundamentally alter the nature of the City service, program, or activity or would create a direct threat that cannot be mitigated by reasonable modification.
3. Direct Threat. A determination that a person poses a direct threat shall be based on an individualized assessment using reasonable judgment and the best available objective evidence, including the nature, duration, and severity of the risk, the

probability that injury will actually occur, and whether reasonable modifications, auxiliary aids or services, or other conditions would mitigate the risk.

4. No Limitation on Safety Enforcement. Nothing in this Subsection prevents the City from excluding or removing a person whose conduct satisfies the requirements of this Section, including vandalism, assault, true threats of unlawful violence, conduct causing or threatening property damage, or conduct creating a substantial risk of physical injury, provided the City complies with applicable law.

J. Administrative Records; Notice to City Personnel.

1. Record of Exclusions. The Police Department shall maintain a record of Exclusions issued under this Section, including the notice, evidence supporting issuance, proof of service or actual notice, appeal request if any, hearing materials, written decision, expiration date, and any limited permission granted.
2. Compliance with Applicable Records Laws. Records shall be maintained and disclosed in accordance with applicable law, including juvenile confidentiality laws, court orders, law-enforcement record laws, and the Missouri Sunshine Law.
3. Expiration. Upon expiration, rescission, or reversal of an Exclusion, the Police Department shall update its records to reflect that the Exclusion is no longer active.

K. Violation of Exclusion.

1. Ordinance Violation. A person commits an ordinance violation if, after actual notice of a valid Exclusion issued under this Section, the person knowingly enters or remains in a Park from which the person is excluded during the effective period of the Exclusion, unless the person is acting within written limited permission granted by the City or within an exception stated in this Section or in the Exclusion.
2. Each Entry Separate. Each knowing entry into or knowing remaining in a Park in violation of a valid Exclusion may constitute a separate violation.
3. State-law Trespass. Conduct violating this Section may also constitute trespass or another offense under state law where all elements of such state-law offense are independently satisfied. Nothing in this Section modifies the elements of any state-law offense.
4. Removal. A law enforcement officer may direct a person who is present in violation of a valid Exclusion to leave the Park. Failure to leave after actual notice and lawful direction may be considered in determining whether an ordinance violation or other offense has occurred.

L. Penalty. A violation of this Section is an ordinance violation punishable as provided by Section 100.220 of this Code. No penalty shall be imposed on a Minor except in accordance with Chapter 211, RSMo., and other applicable law.

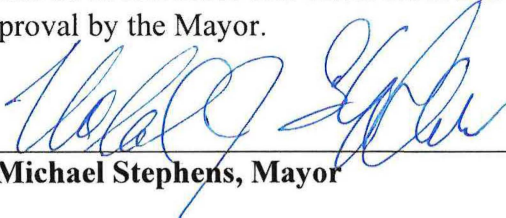
M. Construction.

1. No Limitation on Other Lawful Remedies. Nothing in this Section limits the City's authority to enforce generally applicable criminal laws, traffic laws, Park rules, nuisance ordinances, property-damage ordinances, public-safety ordinances, or other lawful remedies, including seeking injunctive relief or other court orders where appropriate.
2. No Private Right of Enforcement. This Section is intended to establish municipal procedures and does not create a private cause of action against the City, its officers, employees, or agents.

Section II: In the event that any section, sentence, clause, phrase or portion of this Ordinance is held to be invalid by a court of competent jurisdiction, the remainder of the Ordinance shall continue in full force and effect, to the extent the remainder can be given effect without the invalid portion.

Section III: This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.





Michael Stephens, Mayor



Paula Henderson, City Clerk

CERTIFICATION

I, Paula Henderson, do hereby certify that I am the duly appointed and acting City Clerk for the City of Bolivar, Missouri; that the foregoing Ordinance No. _____ was adopted by the Board or Aldermen and thereafter approved by the Mayor and became effective on 6-23, 2026; and that said Ordinance remains in full force and effect, having never been altered, amended nor repealed.



Paula Henderson, City Clerk

