

BILL NO. 1281

ORDINANCE NO. 1236

AN ORDINANCE AMENDING CHAPTER 210 OF THE CODE OF ORDINANCES BY THE REVISION OF SEVERAL EXISTING SECTIONS AND BY THE ADDITION OF SEVERAL NEW SECTIONS, ALL REGARDING OFFENSES.

WHEREAS, Chapter 210 of the Municipal Code address various offenses; and

WHEREAS, changes in state law (2014 SB 491, HB 1371) require parallel revisions to the City's ordinances, for consistency;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF COOL VALLEY, MISSOURI, AS FOLLOWS:

Section 1. Several Sections of Chapter 210 of the Municipal Code are hereby added or amended to read as follows:

TITLE II PUBLIC HEALTH SAFETY AND WELFARE

CHAPTER 210 OFFENSES

Article I. General Provisions

Section 210.005. Definitions.

The following definitions are added or amended; all other existing definitions are not amended in any way:

CONDUCT

Any act or omission.

CONTROLLED SUBSTANCE

A drug, substance, or immediate precursor in schedule I through V as defined in chapter 195 RSMo.

COURSE OF CONDUCT

A pattern of conduct composed of two (2) or more acts, which may include communication by any means, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of course of conduct. Such constitutionally protected activity includes picketing or other organized protests.

CRIMINAL NEGLIGENCE

Failure to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, and such failure constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

CUSTODY (in relation to law enforcement)

A person is in custody when he/she has been arrested but has not been delivered to a place of confinement.

DISABILITY

A mental, physical, or developmental impairment that substantially limits one or more major life activities or the ability to provide adequately for one's care or protection, whether the impairment is congenital or acquired by accident, injury or disease, where such impairment is verified by medical findings.

ELDERLY PERSON

A person sixty (60) years of age or older.

EMOTIONAL DISTRESS

Something markedly greater than the level of uneasiness, nervousness, unhappiness, or the like which are commonly experienced in day-to-day living.

INHABITABLE STRUCTURE

A vehicle, vessel or structure: (a) where any person lives or carries on business or other calling; or (b) where people assemble for purposes of business, government, education, religion, entertainment, or public transportation; or (c) which is used for overnight accommodation of persons. Any such vehicle, vessel or structure is "inhabitable" regardless of whether a person is actually present. If a building or structure is divided into separately occupied units, any unit not occupied by the actor is an "inhabitable structure of another."

INTOXICATED

Under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

KNOWINGLY

When used with respect to: (a) conduct or attendant circumstances, means a person is aware of the nature of his or her conduct or that those circumstances exist; or (b) a result of conduct, means a person

is aware that his or her conduct is practically certain to cause that result.

OF ANOTHER

As to property, property that any person or entity other than the actor, has a possessory or proprietary interest therein, other than only a security interest even if legal title is in the creditor by contract or arrangement.

PROPERTY

Anything of value, whether real or personal, tangible or intangible, in possession or in action.

PURPOSELY

When used with respect to a person's conduct or to a result thereof, means it is his or her conscious object to engage in that conduct or cause that result.

RECKLESSLY

Consciously disregarding a substantial and unjustifiable risk that circumstances exist or that a result will follow, and such disregard constitutes a gross deviation from the standard of care which a reasonable person would exercise in the situation.

TAMPER

To interfere with improperly, meddle with, displace, make unwanted alterations, or deprive owner or possessor of something temporarily

VEHICLE

A self-propelled mechanical device designed to carry a person or persons, excluding vessels or aircraft.

VESSEL

Any boat or craft propelled by a motor or by machinery, whether or not such motor or machinery is a principal source of propulsion used or capable of being used as a means of transportation on water, or any boat or craft more than twelve feet in length which is powered by sail alone or by a combination of sail and machinery, and used or capable of being used as a means of transportation on water, but not any boat or craft having, as the only means of propulsion, a paddle or oars or pedaling.

Section 210.007. Conspiracy.

(Not amended in any way.)

Article II. Offenses Against the Person

Section 210.010. Assault.

A. A person commits the offense of assault if:

1. (Not amended in any way)
2. (Not amended in any way);
3. (Not amended in any way);
4. (Not amended in any way);
5. (Not amended in any way);
6. The person knowingly causes or attempts to cause physical contact with a person with a disability, which a reasonable person, who does not have a disability, would consider offensive or provocative; or
7. The person knowingly attempts to cause or causes the isolation of a person with a disability by unreasonably and substantially restricting or limiting his or her access to other persons, telecommunication devices or transportation for the purpose of isolation.

Section 210.015. Domestic Assault.

(Not amended in any way.)

Section 210.020. Assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, Highway Worker, Utility Worker, Cable Worker or Probation and Parole Officer, Police Animal.

- A. (Not amended in any way)
- B. (Not amended in any way)
- C. (Not amended in any way)
- D. (Not amended in any way)

E. As used in this Section, the term "*utility worker*" means any employee while in the performance of their job duties, including any person employed under contract, of a utility that provides gas, heat, electricity, water, steam, telecommunications services, or sewer services, whether privately, municipally, or cooperatively owned.

F. As used in this Section, the term "*cable worker*" means any employee including any person employed under contract, of a cable operator, as such term is defined in Section 67.2677, RSMo.

G. A person commits the offense of assault on a police animal if he or she knowingly kills or disables, knowingly attempts to kill or disable, or knowingly causes or attempts to cause serious physical injury, to a police animal when that animal is involved in law enforcement investigation, apprehension, tracking, or search, or the animal is in the custody or under the control of a law enforcement officer or fire or rescue personnel.

H. Assault of a Law Enforcement Officer, Corrections Officer, Emergency Personnel, highway worker in a construction zone or work zone, utility worker, cable worker, Probation and Parole Officer, or police animal is an ordinance violation.

Section 210.030. Harassment.

(Not amended in any way.)

Section 210.033. Threatening Communications.

A. It shall be unlawful for any person to knowingly send or deliver or cause or intentionally allow to be sent or delivered any letter, e-mail, text message or other Internet or electronic communication or other writing, printing, circular or card or device, with or without a name subscribed thereto or signed with a fictitious name or any mark, threatening to accuse any other person of a crime or offense for any purpose other than to cause the other person to cease ongoing illegal activity or threatening to kill, maim or wound any other person or threatening to commit a crime or offense or do any injury to the person, property, credit or reputation of another, whether or not any money or property is demanded or extorted thereby.

B. A person commits the offense of unlawful posting of certain information over the internet if he or she knowingly posts the name, home address, Social Security number, or telephone number of any person on the internet

intending to cause substantial bodily harm or death, or threatening to cause substantial bodily harm or death to such person.

C. For purposes of this Section, an offense committed by means of writing, telephonic communication or electronic communication shall be deemed to have occurred at the place from which the communication was made or sent and at the place where the communication was first heard or read by the recipient.

Section 210.035. Stalking – Definitions.

(Not amended in any way.)

Section 210.040. False Imprisonment.

(Not amended in any way.)

Section 210.050. Endangering the Welfare of a Child.

(Not amended in any way.)

Section 210.053. Unlawful Transactions With A Child.

A. A person commits the offense of unlawful transactions with a child if he or she:

1. Being a pawnbroker, junk dealer, dealer in secondhand goods, or any employee of such person, 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. Knowingly permits a minor child to enter or remain in a place where illegal activity in controlled substances, as defined in chapter 579 RSMo, is maintained or conducted; or
3. With criminal negligence sells blasting caps, bulk gunpowder, or explosive to a child under the age of seventeen years, or fireworks as defined in Section 320.110 RSMo. to a child under the age of fourteen years, unless the child's custodial parent or guardian has consented in writing to the transaction.

B. Criminal negligence as to the age of the child is not an element of this offense.

Section 210.055. Leaving a Child Unattended in a Motor Vehicle.

(Not amended in any way.)

Article III. Offenses Concerning Administration of Justice

Section 210.060. Concealing an Offense.

(Not amended in any way.)

Section 210.070. Hindering Prosecution.

(Not amended in any way.)

Section 210.080. Refusal to Identify as a Witness.

(Not amended in any way.)

Section 210.090. Disturbing a Judicial Proceeding.

A. 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:

1. 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; or
2. He/she threatens harm to or harasses such person or members of such person's family, including their spouse and the ancestors and descendants of such person or their spouse by blood or adoption, or any other person or property.

Section 210.095. Interference With Fire Department.

(Not amended in any way.)

Section 210.100. Tampering With a Witness — Tampering With a Victim.

(Not amended in any way.)

Section 210.105. Tampering With Physical Evidence.

(Not amended in any way.)

Section 210.107. Tampering With Public Record.

A person commits the offense of tampering with a public record if, with the purpose to impair the verity, legibility or availability of a public record, he or she knowingly makes a false entry or alteration thereto or if he or she knowingly without authority destroys or conceals any public record.

Section 210.110. Improper Communication.

(Not amended in any way.)

Section 210.115. Misuse of the 9-1-1 Emergency Telephone System.

(Not amended in any way.)

Section 210.120. False Impersonation.

(Not amended in any way.)

Section 210.125. False Testimony or Declaration.

A person commits the offense of providing false testimony or declaration if, with the purpose to deceive, he or she knowingly testifies falsely in person or by affidavit, upon oath or affirmation legally administered, or provides a false written declaration or unauthentic document to a public servant, as to any material fact, in any official matter or proceeding before any court, public body or department of the City. A fact is material, regardless of admissibility under rules of evidence, if it could substantially affect, or did substantially affect, the course or outcome of the proceedings or otherwise caused the City to take substantial action. Knowledge of materiality is not an element of an offense under this section. It is a defense to prosecution under this section if the person retracted the false statement in the course of the same proceedings in which it was made provided he or she did so before the falsity of the statement was otherwise exposed and before the City took substantial action in reliance thereon. The defendant has the burden of injecting the issue of retraction under this section.

Section 210.130. False Reports.

(Not amended in any way.)

Section 210.131. Offenses Involving Officers of the City.

A. No person shall:

1. Falsely represent himself/herself to be an officer of the City with purpose to induce another to submit to his/her pretended official authority;
2. Without being authorized by the City, exercise or attempt to exercise any of the duties, functions or powers of a City Officer;
or
3. Hinder, obstruct, resist or otherwise interfere with any City Officer in the discharge of his/her official duties.

Section 210.132. Willfully Failing or Refusing Law Enforcement.

A person commits an offense if they willfully fail or refuse to stop on signal of any law enforcement officer or to obey any other reasonable signal or direction of a law enforcement officer given in directing the movement of vehicular traffic or enforcing against any offense or infraction or otherwise properly discharging their duties.

Section 210.135. Failure to Comply with Order of a Police Officer.

A. It shall be unlawful for any person to:

1. Fail to comply with the lawful order or request of a police officer in the discharge of the officer's official duties where such failure interfered with, obstructed or hindered the officer in the performance of such duties; or
2. Fail to identify himself or herself by name upon request when lawfully detained by a police officer, provided, however, that the person may not be compelled to answer any other inquiry of the police officer; or

3. In any matter within the jurisdiction of any law enforcement officer of this city, knowingly: falsifies, conceals or covers up by any trick, scheme or device, a material fact; makes any materially false, fictitious or fraudulent statement or representation; or makes or uses any false writing or document knowing the same to contain any materially false, fictitious or fraudulent statement or entry.

Section 210.140. Resisting or Interfering With Arrest, Detention or Stop.

(Not amended in any way.)

Section 210.150. Escape or Attempted Escape From Custody or Confinement.

A person commits the offense of escape from custody or confinement or attempted escape from custody or confinement if, while being held in custody after arrest or confinement after sentencing for any offense, he or she escapes or attempts to escape from such custody or confinement, including but not limited to by means of intentionally removing, altering, tampering, or damaging electronic monitoring equipment which a court has required such person to wear.

Section 210.152. Failure to Return to Confinement.

A person commits the offense of failure to return to confinement if while serving a sentence for any offense wherein he or she is temporarily permitted to go at large without guard, he or she purposefully fails to return to such confinement when required to do so.

Section 210.153. Possession of Unlawful Items in Jail.

A person commits the offense of possession of unlawful items in jail if such person knowingly delivers, attempts to deliver, possesses, deposits, or conceals in or about the premises of the City jail any controlled substance except upon the written prescription of a licensed physician or dentist, any alkaloid, any intoxicating liquor as defined in Section 311.020 RSMo., any article or item of personal property otherwise prohibited by the City, or any gun, knife, or weapon.

Section 210.155. Interference With Legal Process.

A. A person commits the offense 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/she interferes with or obstructs such person.

B. An employer or agent who is in charge of a business establishment commits the offense of refusing to make an employee available for service of process if he or she 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.

C. "Process" includes any writ, summons, subpoena, warrant other than an arrest warrant, or other process or order of a court.

Article IV. Offenses Concerning Public Safety

Section 210.160. Abandonment of Airtight or Semi-Airtight Containers.

(Not amended in any way.)

Section 210.170. Littering Via Carcasses.

(Not amended in any way.)

Section 210.180. Tampering With Water Supply.

A. A person commits the offense of tampering with a water supply if he or she purposely:

1. Poisons, defiles or in any way corrupts the water of a well, spring, brook, stream, creek, pond, lake, or reservoir used for domestic or municipal purposes;
2. Diverts, dams up and holds back from its natural course and flow any spring, brook, stream, creek or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, town or city for their use; or
3. Places or causes to be placed the carcass or offal of any dead animal into any well, spring, brook, stream, creek, pond, or lake.

B. Tampering with water supply is an ordinance violation and punishable by a fine not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment, and shall be liable to the party injured for three (3) times the actual damage sustained, to be recovered by suit at law.

Section 210.190. Fireworks.

(Not amended in any way.)

Section 210.195. Aircraft – Restrictions On Use.

A. No person shall operate, or cause to be operated, over the City any aircraft 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 a hazard or dangerous to persons or property within the City.

B. No person shall broadcast by loud speakers or in any other manner, loud, disturbing or unnecessary noises from any aircraft or cause, aid or abet the operation of any aircraft over the City from which is emanated by means aforesaid any such noises.

C. No person shall operate, or cause or to be operated, any aircraft for commercial sound advertising purposes in or over the City.

Article V. Offenses Concerning Public Peace

Section 210.200. Peace Disturbance.

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

1. (Not amended in any way)
2. (Not amended in any way)
3. Willfully interrupts, disrupts or disturbs any lawful meeting or assembly.
4. While on private property, unreasonably and purposely causes alarm to another person or persons on the same premises by threatening to commit an offense against any person or by fighting. For purposes of this subsection, if a building or

structure is divided into separately occupied units, such units are separate premises.

B. For purposes of this Section, an offense committed by means of writing, telephonic communication or electronic communication shall be deemed to have occurred at the place from which the communication was made or sent and at the place where the communication was first heard or read by the recipient.

Section 210.210. Private Peace Disturbance. (Repealed) (Provisions incorporated into above section).

Section 210.220. Peace Disturbance Definitions.

(Not amended in any way.)

Section 210.222. Public Disturbance Noises.

A. No person shall cause, nor shall any person in possession of property allow to originate from the property, sound that is a public disturbance noise. The following sounds are hereby determined to be public disturbance noises:

1. Frequent, repetitive or continuous sounds made by any animal which unreasonably disturbs or interferes with the peace, comfort and repose of property owners or possessors except that such sounds made in animal shelters or commercial kennels, veterinary hospitals, pet shops or pet kennels licensed under and in compliance with the provisions of the Code of Ordinances shall be exempt from this Subsection; provided, that notwithstanding any other provision of this Section, if the owner or other person having custody of the animal cannot, with reasonable inquiry, be located by the investigating officer or if the animal is a repeated violator of this Subsection, the animal may be impounded;
2. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;
3. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine, within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

4. The use of a sound amplifier or other device capable of producing or reproducing amplified sound upon public streets for the purpose of commercial advertising or sales or for attracting the attention of the public to any vehicle, structure or property or the contents therein, except as permitted by law;
5. The making of any loud or raucous sound within one thousand (1,000) feet of any school, hospital, sanitarium, nursing or convalescent facility;
6. The creation by use of a musical instrument, whistle, sound amplifier or other device capable of producing or reproducing sound, of loud or raucous sounds which emanate frequently, repetitively or continuously from any building, structure or property located within the City, such as sounds originating from a band session or social gathering and without limiting the foregoing, any loud or raucous sounds from social gatherings between the hours of 11:00 p.m. and 9:00 a.m.;
7. The erection (including excavating), demolition, alteration or repair of any building or structure other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and 9:00 a.m. and 6:00 p.m. on weekends, except in case of urgent necessity in the interest of public safety and then only with a permit from the Director of Community Development and Public Works for a period not to exceed three (3) days which, however, may be renewed for like or less periods while the emergency continues; or
8. The operation of any lawn mower, lawn care equipment, chain saw, wood chipper, stump grinder, leaf blower, or similar type of powered device before 7:00 a.m. or after 9:00 p.m. on weekdays and before 8:00 a.m. or after 9:00 p.m. on weekends, except that the use of electricity generators during extended power outages and equipment used in the care and maintenance of the City Golf Course shall not be subject to such restrictions.

B. No sound source specifically exempted from a maximum permissible sound level by this Section shall be a public disturbance noise, insofar as the particular source is exempted.

C. The following sounds are exempt from the provisions of this Section at all times:

1. Sounds originating from aircraft in flight;
2. Sounds created by safety and protective devices, such as relief valves, where noise suppression would defeat the safety release intent of the device;
3. Sounds created by fire alarms; and
4. Sounds created by emergency equipment and emergency work necessary in the interest of law enforcement or of the health, safety or welfare of the community, including but not limited to snow removal and other equipment involved in clearing streets, parking lots and driveways.

Section 210.223. Disturbance of Funeral and Burial Services.

A. No person shall knowingly picket or engage in other protest activities, nor shall any association or corporation knowingly cause picketing or other protest activities to occur, within three hundred (300) feet of any residence, cemetery, funeral home, church, synagogue, or other establishment or location during or within one (1) hour before or one (1) hour after any actual funeral or burial service at that place.

B. As used in this Section, "*other protest activities*" means any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service.

C. As used in this Section, "*funeral*" and "*burial*" services mean the ceremonies and memorial services held in conjunction with the burial or cremation of the dead, but this Section does not apply to processions while they are in transit beyond any three hundred (300) foot zone that is established under Subsection (A) above.

Section 210.225. Unlawful Assembly.

(Not amended in any way.)

Section 210.227. Allowing Unruly Conduct.

It shall be unlawful for any person who owns, maintains, leases or is otherwise in possession or control of any real property to permit or allow persons thereon to conduct themselves in a loud or unruly manner so as to

cause hurt, injury, annoyance, inconvenience or danger to the public or any member thereof, and it shall be the duty of any such person in possession or control to take such steps as are available to disperse such loud or unruly persons.

Section 210.230. Rioting.

(Not amended in any way.)

Section 210.235. Refusal to Disperse.

(Not amended in any way.)

Section 210.237. Disturbances in Schools or on School Grounds.

(Not amended in any way.)

Section 210.238. Public Drunkenness.

A person commits the offense of drunkenness or drinking in a prohibited place if he or she enters any schoolhouse, government building or church house in which there is an assemblage of people, met for a lawful purpose, in an intoxicated and disorderly condition, and disrupts such assembly.

Section 210.239. Obstruction of Government Operations.

A person commits the offense of obstructing government operations if he or she 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.

Article VI. Offenses Concerning Weapons and Firearms

Section 210.240. Definitions.

(Not amended in anyway.)

Section 210.250. Weapons — Carrying Concealed — Other Unlawful Use.

A. (Not amended in any way)

B. Subparagraphs (1), (3), (4), (6) and (7) of Subsection (A) of this Section shall not apply to or affect any of the following when such uses are

reasonably associated with or are necessary to the fulfillment of such person's official duties:

(Subsections 1 – 9 are not amended in any way)

10. Any municipal or county prosecuting attorney or assistant prosecuting attorney; circuit attorney or assistant circuit attorney; municipal, associate, or circuit judge; or any person appointed by a court to be a special prosecutor who has completed the firearms safety training course required under Subsection (2) of Section 571.111, RSMo.;

11. Any member of a Fire Department or fire protection district, who is employed on a full-time basis as a fire investigator and who has a valid concealed carry endorsement issued prior to August 28, 2013, or a valid concealed carry permit under Section 571.111, RSMo., when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties; and

12. Upon the written approval of the governing body of a fire department or fire protection district, any paid fire department or fire protection district member who is employed on a full-time basis and who has a valid concealed carry endorsement, when such uses are reasonably associated with or are necessary to the fulfillment of such person's official duties.

C. (Not amended in any way)

D. (Not amended in any way)

E. (Not amended in any way)

F. (Not amended in any way)

G. Any person who has a valid concealed carry permit issued pursuant to Sections 571.101 to 571.121, RSMo., or a concealed carry endorsement issued prior to August 28, 2013, or a valid permit or endorsement to carry concealed firearms issued by another State or political subdivision of another State, may openly carry a firearm, subject to the restrictions set forth in Subsection (a)(4), (5), and (9) of this Section. However, nothing in this Section shall be construed to permit a person to carry a concealed firearm or openly carry a firearm in the locations listed in Subdivisions (1) through (17) of Subsection (a) of Section 210.280 of this Code. Any person openly carrying a firearm within the City limits shall display his or her concealed

carry endorsement or permit upon demand of a law enforcement officer. Any person openly carrying a firearm who fails to display his or her concealed carry endorsement or permit upon demand of a law enforcement officer may be issued a citation for an amount not to exceed thirty-five dollars (\$35.00).

Section 210.255. Possession, Manufacture, Transport, Repair, Sale of Certain Weapons.

(Not amended in any way.)

Section 210.260. Defacing Firearm.

(Not amended in any way.)

Section 210.265. Fraudulent Purchase of Firearm.

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

AMMUNITION

Any cartridge, shell, or projectile designed for use in a firearm.

LICENSED DEALER

A person who is licensed under 18 U.S.C. Section 923 to engage in the business of dealing in firearms.

MATERIALLY FALSE INFORMATION

Any information that portrays an illegal transaction as legal or a legal transaction as illegal.

PRIVATE SELLER

A person who sells or offers for sale any firearm, as defined in Section 571.010, RSMo., or ammunition.

B. A person commits the offense of fraudulent purchase of a firearm if such person:

1. Knowingly solicits, persuades, encourages or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the laws of this State or the United States; or
2. Provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false

information with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition; or

3. Willfully procures another to violate the provisions of Subdivisions (1) or (2) of this Subsection.

C. This Section shall not apply to criminal investigations conducted by the United States Bureau of Alcohol, Tobacco, Firearms and Explosives, authorized agents of such investigations, or to a Peace Officer, as defined in Section 542.261, RSMo., acting at the explicit direction of the United States Bureau of Alcohol, Tobacco, Firearms and Explosives.

Section 210.270. Unlawful Transfer of Weapons.

(Not amended in any way.)

Section 210.275. Possession of Firearm Unlawful for Certain Persons.

(Not amended in any way.)

Section 210.280. Carrying Concealed Firearms Prohibited – Penalty for Violation.

A. (Not amended in any way)

B. Any person violating any of the provisions of Subsection (A) of this Section shall be punished as follows:

1. Carrying of a concealed firearm in a location specified in subdivisions 1 to 17 of Subsection (A) of this section by any individual who holds a Missouri lifetime or extended concealed carry permit shall not be a criminal act but may be subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a Peace Officer is summoned, such person may be issued a citation for an amount not to exceed one hundred dollars (\$100.00) for the first offense. If a second citation for a similar violation occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00). If a third citation for a similar violation is issued within one (1) year of the first citation, such person shall be fined an amount not to exceed five hundred dollars (\$500.00) and shall have his or her Missouri lifetime or extended concealed carry permit revoked and such person shall not be eligible for a Missouri lifetime or extended concealed carry

permit or a concealed carry permit issued under sections 571.101 to 571.121 for a period of three (3) years. Upon conviction of charges arising from a citation issued under this subsection, the court shall notify the sheriff of the county which issued the Missouri lifetime or extended concealed carry permit. The sheriff shall suspend or revoke the Missouri lifetime or extended concealed carry permit.

2. If the violator does not hold a current valid concealed carry endorsement issued pursuant to State law, upon conviction of a charge of violating this Section the defendant shall be punished as provided in Section 100.220 of this Code of Ordinances.
3. Employees of the City of Cool Valley may, in addition to any other punishment hereby, be subject to disciplinary action.

C. (Not amended in any way)

Section 210.285. Dangerous Projectiles.

A. Because such conduct is dangerous to the inhabitants of the City due to the population of the City, no person shall throw, release, discharge or in any way propel any dangerous projectiles as defined herein upon or at any property, at any person or group of persons or at any type of animal(s).

B. For the purpose of this Section, dangerous projectiles are identified, but not limited to projectiles shot out of:

1. Pellet rifles.
2. BB guns.
3. Slingshot or wrist rockets.
4. Bow and arrows or crossbows.
5. Blow guns.
6. Any manufactured or homemade gas or vapor ignited gun (i.e., paint gun, tube gun, potato gun, foil gun, etc.) or other pneumatic gun.

Provided however, the foregoing provisions do not prohibit the use of pneumatic guns at approved shooting ranges.

Section 210.286. "Turkey Shoots" and Other Charitable Events.

(Not amended in any way.)

Article VII. Offenses Concerning Property

Section 210.290. Tampering.

(Not amended in any way.)

Section 210.295. Computer Tampering.

A. *Definitions.* For purposes of this section, the following terms shall mean:

ACCESS (relative to computers)

To instruct, communicate with, store data in, retrieve or extract data from, or otherwise make any use of any resources of, a computer, computer system, or computer network.

COMPUTER

The box that houses the central processing unit (cpu), along with any internal storage devices, such as internal hard drives, and internal communication devices, such as internal modems capable of sending or receiving electronic mail or fax cards, along with any other hardware stored or housed internally. Thus, computer refers to hardware, software and data contained in the main unit. Printers, external modems attached by cable to the main unit, monitors, and other external attachments will be referred to collectively as peripherals and discussed individually when appropriate. When the computer and all peripherals are referred to as a package, the term "computer system" is used. Information refers to all the information on a computer system including both software applications and data.

COMPUTER EQUIPMENT

Computers, terminals, data storage devices, and all other computer hardware associated with a computer system or network.

COMPUTER HARDWARE

All equipment which can collect, analyze, create, display, convert, store, conceal or transmit electronic, magnetic, optical or similar computer impulses or data. Hardware includes, but is not limited to, any data processing devices, such as central processing units, memory typewriters and self-contained laptop or notebook computers;

internal and peripheral storage devices, transistor-like binary devices and other memory storage devices, such as floppy disks, removable disks, compact disks, digital video disks, magnetic tape, hard drive, optical disks and digital memory; local area networks, such as two or more computers connected together to a central computer server via cable or modem; peripheral input or output devices, such as keyboards, printers, scanners, plotters, video display monitors and optical readers; and related communication devices, such as modems, cables and connections, recording equipment, RAM or ROM units, acoustic couplers, automatic dialers, speed dialers, programmable telephone dialing or signaling devices and electronic tone-generating devices; as well as any devices, mechanisms or parts that can be used to restrict access to computer hardware, such as physical keys and locks.

COMPUTER NETWORK

Two or more interconnected computers or computer systems.

COMPUTER PROGRAM

A set of instructions, statements, or related data that directs or is intended to direct a computer to perform certain functions.

COMPUTER SOFTWARE

Digital information which can be interpreted by a computer and any of its related components to direct the way they work. Software is stored in electronic, magnetic, optical or other digital form. The term commonly includes programs to run operating systems and applications, such as word processing, graphic, or spreadsheet programs, utilities, compilers, interpreters and communications programs.

COMPUTER-RELATED DOCUMENTATION

Written, recorded, printed or electronically stored material which explains or illustrates how to configure or use computer hardware, software or other related items.

COMPUTER SYSTEM

A set of related, connected or unconnected, computer equipment, data, or software.

DAMAGE

When used in relation to a computer system or network, means any alteration, deletion, or destruction of any part of the computer system or network.

DATA

A representation of information, facts, knowledge, concepts, or instructions prepared in a formalized or other manner and intended for use in a computer or computer network. Data may be in any form including, but not limited to, printouts, microfiche, magnetic storage media, punched cards and as may be stored in the memory of a computer.

SERVICES

When used in relation to a computer system or network, means use of a computer, computer system, or computer network and includes, but is not limited to, computer time, data processing, and storage or retrieval functions.

TAMPER

To interfere with improperly, meddle with, displace, make unwanted alterations, or deprive owner or possessor of something temporarily

B. *Tampering with Computer Data.* A person commits the offense of tampering with computer data if he or she knowingly and without authorization or without reasonable grounds to believe that he or she has such authorization:

1. Modifies or destroys data or programs residing or existing internal to a computer, computer system, or computer network;
2. Modifies or destroys data or programs or supporting documentation residing or existing external to a computer, computer system, or computer network;
3. Discloses or takes data, programs or supporting documentation, residing or existing internal or external to a computer, computer system, or computer network;
4. Discloses or takes a password, identifying code, personal identification number, or other confidential information about a computer system or network that is intended to or does control access to the computer system or network;
5. Accesses a computer, a computer system, or a computer network, and intentionally examines information about another person; or

6. Receives, retains, uses, or discloses any data he or she knows or believes was obtained in violation of this section.

C. *Tampering with Computer Equipment.* A person commits the offense of tampering with computer equipment if he or she knowingly and without authorization or without reasonable grounds to believe that he or she has such authorization:

1. Modifies, destroys, damages, or takes equipment or data storage devices used or intended to be used in a computer, computer system, or computer network; or
2. Modifies, destroys, damages, or takes any computer, computer system, or computer network.

D. *Tampering with Computer Users.* A person commits the offense of tampering with computer users if he or she knowingly and with authorization or without reasonable grounds to believe that he or she has such authorization:

1. Accesses or causes to be accessed any computer, computer system, or computer network; or
2. Denies or causes the denial of computer system services to an authorized user of such computer system services.

Section 210.300. Property Damage.

(Not amended in any way.)

Section 210.305. Graffiti.

(Not amended in any way.)

Section 210.310. Claim of Right.

(Not amended in any way.)

Section 210.320. Trespass.

A. A person commits the offense of trespass if he or she enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property, or climbs or skateboards upon a City structure that has been posted with notice prohibiting such climbing or skateboarding at the direction of the City Administrator.

B. As used in this Section, a person "enters unlawfully or remains unlawfully" in or upon premises when he or she is not licensed or privileged to do so. A person who, regardless of his or her purpose, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he or she defies a lawful order not to enter or remain, personally communicated to him or her by the owner of such premises or by other authorized person. A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public.

Section 210.330. Trespass in the Second Degree (Repealed)
(Provisions included above.)

Section 210.335. Trespass of a School Bus.

A. A person commits the offense of trespass of a school bus if he or she knowingly and unlawfully enters any part of or unlawfully operates any school bus. For the purposes of this Subsection, the terms "unlawfully enters" and "unlawfully operates" refer to any entry or operation of a school bus which is not:

1. Approved of and established in a school district's written policy on access to school buses; or
2. Authorized by specific written approval of the school board.

Section 210.340. Reckless Burning or Exploding.

(Not amended in any way.)

Section 210.350. Negligent Burning or Exploding.

(Not amended in any way.)

Section 210.351. Excessive Illumination.

A. The lighting of any private property that illuminates or casts glare onto any other property and unreasonably and substantially interferes with the use or enjoyment of such other property is prohibited. In furtherance of this requirement, lighting of private property shall be so arranged or designed to direct light away from adjoining properties as much as possible. Lights shall be arranged, installed or shaded so that no part of the lighting filament is visible and casts glare to any point beyond the property line of the premises so illuminated. Floodlights and spotlights shall be shielded if necessary to

prevent illumination or glare onto adjoining properties and streets. Provided however, that lighting on existing athletic fields and other recreational facilities need not comply with this Section until such time as such existing lighting systems are replaced.

B. Anyone who fails or refuses to correct excessive illumination within ten (10) days after written notice from the City Manager or his/her designee shall, upon conviction, be guilty of an offense.

C. The property owner and occupant shall be responsible for preventing illumination of adjoining property and streets.

Section 210.352. Market Carts – Removal Prohibited.

A. No person shall remove carts, baskets or other similar devices, furnished by merchants for the convenience of customers for use on the mercantile premises, from the premises without the express consent of the merchant.

B. Copies of this Section shall be posted in conspicuous places in and on the mercantile premises where market carts, baskets or other devices are furnished for use by customers and on said carts, baskets or other devices.

Section 210.353. Waste Can Regulation.

No person shall unlawfully remove any street waste paper cabinet, can or other containers or any part thereof from the location in which the proper authorities of the City have placed it.

Section 210.354. Trash and Debris – Prohibitions.

A. *Definitions.* In this Section, the word "*trash*" means and includes garbage, recyclables, compostables, cigarette butts, ashtray refuse, refuse, junk, brush, ashes, debris, tin cans, leaves, grass, waste matter, paper and cardboard, stone, wood, glass, rubble, rock, plaster, broken concrete, building materials, inoperative machinery or vehicles.

B. *Littering.* No person shall place, throw, deposit, or cause to be placed, thrown or deposited trash on any vacant or occupied property, whether owned by such person or not, or upon any street, alley, sidewalk, public property, or into any stormwater drainage channel or upon the public easement adjoining said channel in the City.

C. The owner or person in control of any private property shall, at all times, maintain the premises free of trash.

D. This Section shall not prohibit the accumulation or storage of trash in accordance produced as an incident to the lawful use of the same premises where accumulated or stored where such accumulation or storage:

1. Is pending removal or disposal;
2. Does not exceed seven (7) consecutive days;
3. Is within containers, or is done in such other manner as not to constitute a threat to public health or safety; and
4. Is screened from the view of persons upon adjacent property or rights-of way, except on a day scheduled for collection when it may be placed adjacent to the public right-of-way adjoining the premises.

E. No person shall throw, drop or permit to blow or allow to be thrown, dropped or blown, any litter from any motor vehicle.

Section 210.355. Littering.

(Not amended in any way.)

Section 210.360. Stealing.

A. (Not amended in any way)

B. (Not amended in any way)

C. A person does not commit an offense under this section if, at the time of the appropriation, he or she:(1) acted in the honest belief that he or 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.

Section 210.365. Theft of Motor Fuel.

(Not amended in any way.)

Section 210.370. Receiving Stolen Property.

(Not amended in any way.)

Section 210.373. Lost Property.

(Not amended in any way.)

Section 210.375. Financial Exploitation of the Elderly and Disabled.

A. A person commits the offense of financial exploitation of an elderly person or a person with a disability if such person knowingly obtains control over the property of the elderly person or person with a disability with the intent to permanently deprive the person of the use, benefit or possession of his/her property thereby benefiting the offender or detrimentally affecting the elderly person or person with a disability by:

1. Deceit;
2. Coercion;
3. Creating or confirming another person's impression which is false and which the offender does not believe to be true;
4. Failing to correct a false impression which the offender previously has created or confirmed;
5. Preventing another person from acquiring information pertinent to the disposition of the property involved;
6. Selling or otherwise transferring or encumbering property, failing to disclose a lien, adverse claim or other legal impediment to the enjoyment of the property, whether such impediment is or is not valid, or is or is not a matter of official record;
7. Promising performance which the offender does not intend to perform or knows will not be performed; or
8. Undue influence, which means the use of influence by someone who exercise authority over an elderly person or person with a disability in order to take unfair advantage of that person's vulnerable state of mind, neediness, pain, or agony, and which includes but is not limited to the improper or fraudulent use of a power of attorney, guardianship, conservatorship, or other fiduciary authority.

It shall be unlawful in violation of this Section for any person receiving or in the possession of funds of a Medicaid eligible elderly person or person with a disability residing in a facility licensed under Chapter 198 to fail to remit to the facility in which the Medicaid eligible person resides all money owing the facility resident from any source, including, but not limited to, social security, railroad retirement, or payments from any other source disclosed as resident income contained in the records of the Department of Social Services, Family Support Division or its successor.

C. Nothing in this Section shall be construed to limit the remedies available to the victim pursuant to any State law relating to domestic violence.

D. Nothing in this Section shall be construed to impose criminal liability on a person who has made a good faith effort to assist the elderly or disabled person in the management of his/her property, but through no fault of his/her own has been unable to provide such assistance.

E. Nothing in this Section shall limit the ability to engage in bona fide estate planning, to transfer property, and to otherwise seek to reduce estate and inheritance taxes; provided that such actions do not adversely impact the standard of living to which the elderly or disabled person has become accustomed at the time of such actions.

F. It shall not be a defense to financial exploitation of an elderly or disabled person that the accused reasonably believed that the victim was not an elderly or disabled person.

Section 210.380. Fraudulent Use of a Credit or Debit Device.

(Not amended in any way.)

Section 210.383. Fraudulently Stopping Payment of an Instrument.

A person commits the offense of fraudulently stopping payment of an instrument if her or she, with the purpose to defraud, stops payment on a check, draft, or debit device used in payment for the receipt of good or services. It shall be prima facie evidence of a violation of this section if a person stops payment on a check, draft or debit device and fails to make good the check, draft or debit device transaction, or fails to return or make and comply with reasonable arrangements to return the property for which the check, draft or debit device was used in the same or substantially the same condition as when received within ten days after notice in writing from the payee that the check, draft or debit device has not been paid because of a stop payment order by the issuer to the drawee. "Notice in writing" under this section means notice deposited as certified or registered mail in the

United State mail and addressed to the issuer as it appears on the dishonored check, draft or debit device transaction or to his or her last known address, containing a statement that failure to make good the check, draft or debit device transaction within ten days of receipt of the notice may subject the issuer to prosecution hereunder.

Section 210.385. Fraudulent Procurement of A Credit or Debit Device.

A person commits the offense of fraudulent procurement of a credit or debit device if he or she: (1) knowingly makes or causes to be made, directly or indirectly, a false statement regarding another person for the purpose of procuring the issuance of a credit or debit device, or (2) knowingly obtains a means of identification of another person without the authorization of that person and uses that means of identification to obtain, or attempt to obtain, credit, goods or services in the name of the other person without the consent of that person.

Section 210.390. Deceptive Business Practice.

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

Subsections 1 – 5 are not amended in any way

6. Promotes the sale of property or services by false or misleading statement in any advertisement; or
7. Advertises in any manner the sale of property or services with the purpose not to sell such property or service: at the price which he or she offered them, in a quantity sufficient to meet the reasonably expected public demand unless the quantity is specifically stated in the advertisement, or at all.

Section 210.400. Alteration or Removal of Item Numbers With Intent to Deprive Lawful Owner.

(Not amended in any way.)

Section 210.410. Failure to Return Rented Personal Property – Enforcement Procedure – Penalty – Venue.

(Not amended in any way.)

Section 210.415. Theft of Cable Television Service – Penalty.

(Not amended in any way.)

Section 210.416. Identity Theft.

(Not amended in any way.)

Section 210.417. Trafficking in Stolen Identities.

(Not amended in any way.)

Section 210.420. Passing Bad Checks.

(Not amended in any way.)

Section 210.422. Possession of Prohibited Theft Devices.

It shall be unlawful for any person to possess any theft detection shielding device, theft detection device remover or tool, instrument, article, box or box adapted, modified, constructed, designed or used for committing or facilitating offenses involving theft or stealing in a public place with intent to use such item for theft or stealing or with knowledge that some person intends to use the same in committing a theft or stealing.

Section 210.425. Shoplifting – Detention of Suspect by Merchant – Liability Presumption.

(Not amended in any way.)

Section 210.426. Copper Wire or Cable, Collectors and Dealers to Keep Register, Information Required – Penalty – Exempt Transactions.

(Not amended in any way.)

Section 210.427. Sale of Stolen Metals.

A. No person shall knowingly present for sale any stolen ferrous or non-ferrous metal, including, but not limited to, copper property or HVAC components.

B. No person shall mutilate, deface or otherwise damage any personal or real property owned by another person for the purpose of obtaining ferrous or non-ferrous metals, without written permission from the owner.

Section 210.428. Metal Belonging to Cemeteries, Political Subdivisions, Electric Cooperatives and Utilities – Scrap Yard Not to Purchase – Violation, Penalty.

(Not amended in any way.)

Section 210.429. Scrap Metal Dealers – Payments in Excess of \$500.00 to Be Made by Check – Exceptions.

(Not amended in any way.)

Article VIII. Offenses Concerning Prostitution and Morals

Section 210.430. Article Definitions.

(Not amended in any way.)

Section 210.440. Prostitution.

(Not amended in any way.)

Section 210.450. Patronizing Prostitution.

(Not amended in any way.)

Section 210.455. Promoting Prostitution.

A person commits the offense of promoting prostitution if he or she knowingly:

1. Causes or aids a person to commit or engage in a violation of Section 210.440;
2. Procures or solicits patrons for a violator of Section 210.440;
3. Provides persons or premises for use by a violator of Section 210.440;
4. Operates or assists in the operation of a house or business or enterprise used by or involving violations of Section 210.440;

5. Accepts or receives or agrees to accept or receive something of value pursuant to an agreement or understanding with any person whereby he or she participates or is to participate in proceeds of violation of Section 210.440; or
6. Engages in any conduct designed to institute, aid or facilitate an act or enterprise involving violation of Section 210.440.

Section 210.460. Prostitution and Patronizing Prostitution – Sex of Parties No Defense, When.

(Not amended in any way.)

Section 210.465. Prostitution Houses Deemed Public Nuisances.

A. (Not amended in any way)

B. The City Prosecuting Attorney may, in addition to all other sanctions, prosecute a suit in equity to enjoin the nuisance as provided in Section 567.080 RSMo. 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. (Not amended in any way)

D. (Not amended in any way)

Article IX. Sexual Offenses

Section 210.470. Article Definitions.

(Not amended in any way.)

Section 210.475. Indecent Exposure (Sexual Misconduct).

A. A person commits the offense of indecent exposure (sexual misconduct) if such person:

(Subsections 1 – 3 are not amended in any way)

4. Coerces or induces a child less than fifteen (15) years of age to expose the child's genitals for the purpose of arousing or gratifying the

sexual desire of any person including the child, or coerces or induces a female child less than fifteen (15) years of age to expose her breasts in person or through the Internet or other visual transmission for the purpose of arousing or gratifying the sexual desire of any person including the child.

Section 210.480. Sexual Misconduct.

(Not amended in any way.)

Section 210.481. Invasion of Privacy.

A. No person shall look, peer or peep into or be found loitering around or within view of any window of a private dwelling house not on his or her own property.

B. No person shall knowingly view, photograph, film, videotape, or produce or otherwise create an image of another person, without that person's consent, while such other person is in a state of nudity and is in a place where one would have a reasonable expectation that they could disrobe in privacy without being concerned that their undressing was being viewed, photographed or filmed by another.

C. No person shall knowingly photograph, film, videotape, or produce or otherwise create an image of another person under or through the clothing worn by that other person for the purpose of viewing the body of or the undergarments worn by that other person without that person's consent.

Section 210.483. Certain Offenders Not to Physically Be Present or Loiter Within Five Hundred Feet of a Child Care Facility – Violation – Penalty.

A. (Not amended in any way)

B. For purposes of this Section, "*child care facility*" shall include any child care facility licensed under chapter 215 RSMo, or any child care facility that is exempt from state licensure but subject to state regulation under section 215.252 RSMo. and holds itself out to be a child care facility.

C. (Not amended in any way)

Section 210.484. Certain Offenders Not To Reside Within One Thousand Feet of A School or Child-Care Facility.

A. Any person who has been found guilty of:

1. Since 2004 violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of Section 568.080 RSMo as it existed prior to January 1, 2017 or Section 573.200, RSMo., Use Of A Child In A Sexual Performance; Section 568.090 RSMo as it existed prior to January 1, 2017 or section 573.205, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography In The First Degree; Section 573.035, RSMo., Promoting Child Pornography In The Second Degree; Section 573.037, RSMo., Possession Of Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or
2. Since 2008 any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not reside within one thousand (1,000) feet of any public school as defined in Section 160.011, RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth (12th) grade, or any child-care facility that is licensed under Chapter 215, RSMo., or any child-care facility as defined in Section 215.201, RSMo., that is exempt from State licensure but subject to State regulation under Section 215.252, RSMo., and holds itself out to be a child-care facility, where the school or facility is in existence at the time the individual begins to reside at the location.

B. If such person has already established a residence and a public school, a private school, or child-care facility is subsequently built or placed within one thousand (1,000) feet of such person's residence, then such person shall, within one (1) week of the opening of such public school, private school, or child-care facility, notify the County Sheriff where such public school, private school, or child-care facility is located that he or she is now residing within one thousand (1,000) feet of such public school, private school, or child-care facility and shall provide verifiable proof to the Sheriff that he or she resided there prior to the opening of such public school, private school, or child-care facility.

C. For purposes of this Section, "*resides*" means sleeps in a residence, which may include more than one (1) location and may be mobile or transitory.

Section 210.485. Certain Offenders Not to Be Present Within Five Hundred Feet of School Property, Exception – Permission Required for Parents or Guardians Who Are Offenders, Procedure.

A. Any person who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of:

1. Since 2006 violating any of the provisions of Chapter 566, RSMo., or the provisions of Subsection (2) of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering The Welfare Of A Child In The First Degree; Subsection (2) of Section 568.080, RSMo., Use Of A Child In A Sexual Performance; Section 568.090, RSMo., Promoting A Sexual Performance By A Child; Section 573.023, RSMo., Sexual Exploitation Of A Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material To Minors; or
2. Since 2008 any offense in any other State or Foreign Country, or under tribal, federal or military jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not be present in or loiter within five hundred (500) feet of any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds, or in the conveyance, unless the offender is a parent, legal guardian, or custodian of a student present in the building and has met the conditions set forth in Subsection (B) of this Section.

B. No parent, legal guardian or custodian who has pleaded guilty or nolo contendere to, or been convicted of, or been found guilty of violating any of the offenses listed in Subsection (A) of this Section shall be present in any school building, on real property comprising any school, or in any conveyance owned, leased or contracted by a school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) are present in the building, on the grounds, or in the conveyance unless the parent, legal guardian or custodian has permission to be present from the Superintendent or School Board or in the case of a private school from the Principal. In the case of a public school, if permission is granted, the Superintendent or School Board President must inform the Principal of the school where the sex offender will be present. Permission

may be granted by the Superintendent, School Board, or in the case of a private school from the Principal for more than one (1) event at a time, such as a series of events, however, the parent, legal guardian or custodian must obtain permission for any other event he/she wishes to attend for which he/she has not yet had permission granted.

C. Regardless of the person's knowledge of his or her proximity to school property or a school-related activity, violation of the provisions of this Section shall be an ordinance violation.

Section 210.486. Additional Restrictions On Certain Offenders.

A. Certain Offenders Not To Be Present Or Loiter Within Five Hundred Feet Of A Public Park Or Swimming Pool.

1. Any person who, since 2009, has been found guilty of:
 - a. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering the Welfare of a Child in the First Degree; Subsection (2) of Section 568.080, RSMo. as it existed prior to January 1, 2017 or Section 573.200 RSMo, Use of a Child in a Sexual Performance; Section 568.090, RSMo.as it existed prior to January 1, 2017 or Section 573.205 RSMo, Promoting a Sexual Performance by a Child; Section 573.023, RSMo., Sexual Exploitation of a Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material to Minors; or
 - b. Any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section;

shall not knowingly be present in or loiter within five hundred (500) feet of any real property comprising any public park with playground equipment or a public swimming pool.

B. Enticement Of A Child.

1. No person twenty-one (21) years of age or older shall persuade, solicit, coax, entice, or lure, whether by words, actions or through communication via the Internet or any electronic communication, any person who is less than fifteen (15) years of age for the purpose of engaging in sexual conduct.

2. It is not a defense to a prosecution for a violation of this Subsection that the other person was a Peace Officer masquerading as a minor.

C. Age Misrepresentation. No person shall knowingly misrepresent his or her age with the intent to use the Internet or any electronic communication to solicit engagement in sexual conduct involving a minor.

D. Certain Offenders Not To Serve As Athletic Coaches, Managers Or Trainers.

1. Any person who, since 2009, has been found guilty of:
 - a. Violating any of the provisions of Chapter 566, RSMo., or the provisions of Section 568.020, RSMo., Incest; Section 568.045, RSMo., Endangering the Welfare of a Child in the First Degree; Subsection (2) of Section 568.080, RSMo. as it existed prior to January 1, 2017 or Section 573.200 RSMo, Use of a Child in a Sexual Performance; Section 568.090, RSMo. as it existed prior to January 1, 2017 or Section 573.205 RSMo, Promoting a Sexual Performance by a Child; Section 573.023, RSMo., Sexual Exploitation of a Minor; Section 573.025, RSMo., Promoting Child Pornography; or Section 573.040, RSMo., Furnishing Pornographic Material to Minors; or
 - b. Any offense in any other jurisdiction which, if committed in this State, would be a violation listed in this Section; shall not serve as an athletic coach, manager or athletic trainer for any sports team in which a child less than seventeen (17) years of age is a member.

Section 210.487. Halloween, Restrictions on Conduct – Violations.

(Not amended in any way.)

Article X. Offenses Concerning Pornography

Section 210.490. Definitions.

One new definition is added to read as follows (all other existing definitions are not amended in any way:

EXPLICIT SEXUAL MATERIAL

Any pictorial or three-dimensional material depicting human masturbation, deviate sexual intercourse, sexual intercourse, direct physical stimulation or unclothed genitals, sadomasochistic abuse, or emphasizing the depiction of post pubertal human genitals, but excluding works of art or of anthropological significance.

Section 210.500. Promoting Pornography.

(Only the title is amended – all other provisions in this Section are not amended in any way.)

Section 210.505. Failure to Report Child Pornography.

A person commits the offense of failure to report child pornography if he or she, being a commercial film or photographic print processor, computer provider, installer or repair person, or any internet service provider who has knowledge of or observes, within the scope of the person's professional capacity or employment, any film, photograph, videotape, negative, slide, or computer-generated image or picture depicting a person under eighteen years of age engaged in an act of sexual conduct, fails to report such instance to the City Police Department as soon as practicably possible.

Section 210.510. Furnishing Pornographic Materials to Minors.

A. (Not amended in any way)

B. Video cassettes or other video reproduction devices, and the jackets, cases or coverings of such video reproduction devices, shall not be rented or sold to a person less than seventeen years of age and at any place of business in the city shall be displayed and maintained in a separate area not accessible to persons less than seventeen years of age, if they are pornographic for minors or if: (1) taken as a whole and applying contemporary community standards, the average person would find that it has a tendency to cater or appeal to morbid interest in violence for persons less than seventeen years of age; and (2) it depicts violence in a way which is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for persons less than seventeen years of age; and (3) taken as a whole, it lacks serious literary, artistic, political, or scientific value for persons less than seventeen years of age.

C. It is not an affirmative defense to a prosecution for a violation of this Section that the person being furnished the pornographic material is a Peace Officer masquerading as a minor.

D. Furnishing pornographic material to minors or attempting to furnish pornographic material to minors is an ordinance violation.

Section 210.511. Public Display of Explicit Sexual Material.

A. A person commits the offense of public display of explicit sexual material if he or she recklessly:

1. Exposes, places, exhibits, or in any fashion, displays explicit sexual material in any location, whether public or private, and in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision as viewed from a street, highway, public sidewalk, or the property of others, or from any portion of the person's store, the exhibitor's store or property when items and materials other than this material are offered for sale or rent to the public; or
2. Fails to take prompt action to remove such a display from property in his or her possession after learning of its existence.

Section 210.512. Evidence in Obscenity and Pornography Cases.

A. In any prosecution under this Article evidence shall be admissible to show:

1. What the predominant appeal of the material or performance would be for ordinary adults or minors;
2. The literary, artistic, political or scientific value of the material or performance;
3. The degree of public acceptance in this State and in the local community;
4. The appeal to prurient interest in advertising or other promotion of the material or performance; or
5. The purpose of the author, creator, promoter, furnisher or publisher of the material or performance.

B. Testimony of the author, creator, promoter, furnisher, publisher or expert testimony, relating to factors entering into the determination of the issues of obscenity or pornography, shall be admissible.

C. In any prosecution under this Article, when it becomes necessary to determine a person's age, the court may make such determination by any authorized method.

Section 210.513. Obscene or Indecent Commercial Messaging.

A person commits the offense of obscene or indecent commercial messaging if he or she, by means of a telephone communication for commercial purposes, makes directly or by means of an electronic recording device, any comment, request, suggestion, or proposal which is obscene or indecent, or knowingly permits any telephone or telephone facility connected to a local exchange telephone under such person's control to be used for obscene or indecent commercial messaging, in either case regardless of whether such person placed or initiated the telephone communication. This section is not applicable to a telecommunications company as defined in section 386.020 RSMo over whose facilities the prohibited communication is made by someone else.

Article XI. Offenses Concerning Drugs

Section 210.520. Possession of Marijuana.

(Not amended in any way.)

Section 210.525. Possession of An Imitation Controlled Substance.

A person commits the offense of possession of an imitation controlled substance if he or she knowingly possesses or delivers an imitation controlled substance as defined by Chapter 195 RSMo.

Section 210.530. Possession or Control of a Controlled Substance.

A person commits the offense of possession of a controlled substance if he or she knowingly possesses or delivers a controlled substance, except as authorized by Chapter 195 or Chapter 579 RSMo. In any complaint, information, action or proceeding brought for the enforcement of this section, it shall not be necessary to include any exception, excuse, proviso or exemption contained in this Code or Chapter 195 or Chapter 579 RSMo,

and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.

Section 210.535. Limitations on the Retail Sale of Methamphetamine Precursor Drugs.

A. A person commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly:

1. Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts, optical isomers, or salts of optical isomers, in a total amount greater than nine grams to the same individual within a thirty-day period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or
2. Purchases, receives, or otherwise acquires within a thirty-day period, other than pursuant to a lawful transaction by a pharmacy with its suppliers, any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than nine grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or
3. Purchases, receives, or otherwise acquires within a twenty-four-hour period, other than pursuant to a lawful transaction by a pharmacy with its suppliers, any number of packages of any drug product containing any detectable amount of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers in a total amount greater than three and six-tenths grams, without regard to the number of transactions, unless the amount is purchased, received, or acquired pursuant to a valid prescription; or
4. Dispenses or offers drug products that are not excluded from Schedule V in subsection 17 or 18 of section 195.017 RSMo and that contain detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts,

optical isomers, or salts of optical isomers, without ensuring that such products are located behind a pharmacy counter where the public is not permitted and that such products are dispensed by a registered pharmacist or pharmacy technician under subsection 11 of section 195.017 RSMo; or

5. Holds a retail sales license issued under chapter 144 RSMo and knowingly sells or dispenses packages that do not conform to the packaging requirements of section 195.418 RSMo., except that any person who violates the packaging requirements of section 195.418 RSMo and is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale shall not be penalized if he or she documents that an employee training program was in place to provide the employee who made the unlawful retail sale with information on the state and federal regulations regarding ephedrine, pseudoephedrine, or phenylpropanolamine.

B. A pharmacist, intern pharmacist, or registered pharmacy technician commits the offense of unlawful sale, distribution, or purchase of over-the-counter methamphetamine precursor drugs if he or she knowingly:

1. Sells, distributes, dispenses, or otherwise provides any number of packages of any drug product containing detectable amounts of ephedrine, phenylpropanolamine, or pseudoephedrine, or any of their salts or optical isomers, or salts of optical isomers, in a total amount greater than three and six-tenth grams to the same individual within a twenty-four hour period, unless the amount is dispensed, sold, or distributed pursuant to a valid prescription; or
2. Sells, distributes, dispenses or otherwise provides to an individual under eighteen years of age without a valid prescription any number of packages of any drug product containing any detectable quantity of pseudoephedrine, its salts, isomers, or salts of optical isomers, or ephedrine, its salts or optical isomers, or salts of optical isomers.

C. A person commits the offense of unlawful marketing of ephedrine or pseudoephedrine if he or she knowingly markets, sells, distributes, advertises, or labels any drug product containing ephedrine, its salts, optical

isomers and salts of optical isomers, or pseudoephedrine, its salts, optical isomers and salts of optical isomers, for indication of stimulation, mental alertness, weight loss, appetite control, energy or other indications not approved under the pertinent federal over-the-counter drug Final Monograph or Tentative Final Monograph or approved new drug application.

D. A person commits the offense of possession of methamphetamine precursors if he or she knowingly possesses one or more chemicals listed in subsection 2 of section 195.400 RSMo, reagents, solvents, or any other chemicals proven to be precursor ingredients of methamphetamine or amphetamine, as established by expert testimony, with the intent to manufacture, compound, convert, produce, process, prepare, test, or otherwise alter that chemical to create a controlled substance or a controlled substance analogue in violation of chapter 579 RSMo or chapter 195 RSMo. Possession of more than twenty-four grams of ephedrine or pseudoephedrine shall be prima facie evidence of intent to violate this subsection. This subsection shall not apply to any practitioner or to any product possessed in the course of a legitimate business.

Section 210.540. Unlawful Possession of Drug Paraphernalia.

A person commits the offense of unlawful possession of drug paraphernalia if he or she knowingly uses or possesses with intent to use drug paraphernalia as defined by Chapter 195 RSMo., 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 as defined by or an imitation controlled substance as defined by Chapter 195 RSMo., in violation of Chapter 195 or Chapter 579 RSMo.

Section 210.545. Prohibited Acts; Controlled or Imitation Controlled Substances.

It is an offense for any person to distribute, deliver, or sell, or possess or manufacture with intent to distribute, deliver or sell, drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or imitation controlled substance in violation of Chapter 195 or Chapter 579 RSMo.

Section 210.550. Inhalation or Inducing Others to Inhale Solvent Fumes to Cause Certain Reactions, Prohibited – Exceptions.

(Not amended in any way.)

Section 210.560. Inducing, or Possession With Intent to Induce, Symptoms by Use of Solvents and Other Substances, Prohibited.

(Not amended in any way.)

Section 210.570. Possession or Purchase of Solvents to Aid Others in Violations, Prohibited – Violations of Section 210.550 to 210.560 – Penalty.

(Not amended in any way.)

Section 210.575. Alcoholic Beverages in Public Parks, Commercial Parking Lots, Public Recreation Fields, Consumption Prohibited.

A. *Definition.* As used in this Section, the following term shall have the following meaning:

ALCOHOLIC BEVERAGE

Any spirits, wine, beer, ale or other liquid containing more than one-half of one percent (.5%) of alcohol by volume, which is fit for beverage purposes or intended for beverage purposes.

B. No person shall consume any alcoholic beverage while in or upon any public park or public recreation field or on the commercial parking lots of any shopping center open to the public within the City.

Section 210.576. Pedestrian Drinking.

No pedestrian may drink any beer, wine or spirituous or malt liquors in or on any public street, sidewalk, alley, highway or thoroughfare, or on any parking lot open to the public except in conjunction with a street fair or similar gathering authorized by the City with specific permission for consumption of alcoholic beverages in such locations.

Article XII. Offenses Concerning Minors

Section 210.580. Curfew for Minors.

A. *Hours Of Curfew.* (Not amended in any way)

B. *Responsibility Of Parent.* The parent, guardian or other adult person having the care and custody of a person under the age of seventeen (17) years shall not knowingly, or with reason to know, permit such person to violate this Section.

C. *Notice To Parent.* Any Police Officer finding any person under the age of seventeen (17) years violating the provisions of this Section shall warn such person to desist immediately from such violation and shall promptly report the violation to his/her superior officer who shall cause a written notice to be served upon the parent, guardian or person in charge of such person setting forth the manner in which this Section has been violated. The Police Officer may take the minor into custody and release him/her to his/her parents or guardian or release the minor at the scene with a written notice of referral to the Juvenile Court. Any parent, guardian or person in charge of such person, who shall knowingly permit such person to violate the provisions of this Section, after receiving notice of the first (1st) violation, shall be guilty of an offense.

D. *Service Of Notice.* (Not amended in any way)

E. *Defense.* (Not amended in any way)

Section 210.590. Parental Neglect Prohibited.

(Not amended in any way.)

Section 215.595 Failure To Supervise Minor.

A. *Definitions.* For the purpose of this Section, the following definitions shall apply:

ALCOHOLIC BEVERAGES

Any beverage constituting intoxicating liquor, light wines, malt liquor or non-intoxicating beer, as those terms are defined in this Code.

CONTROLLED SUBSTANCE

Any drug, substance or immediate precursor defined or described as such in Section 195.010, RSMo. (2000) as may be amended or revised from time to time.

DELIVERY OF ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES

The gift or exchange of an alcoholic beverage or controlled substance from one person to another.

MINOR

Any person under the age of twenty-one (21) years.

PARENT

A natural or adoptive parent, or a guardian, or the adult designee of either of them.

PARTY, GATHERING OR EVENT

An assemblage or a group of persons for a social occasion or for a social activity.

PERSON IN CONTROL OF THE PREMISES

An adult who owns, leases, rents or is otherwise the lawful occupant of any premises or the adult designee thereof.

PRACTITIONER

Any medical professional or other person as defined or described in Section 195.010, RSMo. (2000) as may be amended or revised from time to time.

B. Use Of Premises For Consumption Of Alcoholic Beverages Or Controlled Substances. It shall be unlawful for any person to knowingly or negligently permit, allow or host, on or in a premises under his or her control, the consumption of alcoholic beverages or controlled substances by a minor; except that this Section shall not apply to the following:

1. The delivery of alcoholic beverages to a minor or the consumption of alcoholic beverages by a minor in connection with the performance of any bona fide religious service under the supervision of an adult, with the consent of the person in control of the premises.
2. The delivery of an alcoholic beverage to a minor by that minor's parent and under the direct supervision of the parent.
3. The possession or consumption of or the delivery to a minor of a controlled substance prescribed for that minor by a practitioner when such delivery by that minor's parent or by the person in

control of the premises, provided that he or she has obtained the prior consent of that minor's parent.

C. Rental Of A Premises. It shall be unlawful for any owner, agent, employee or contractor thereof to rent any room, rooms, apartment or any building or portion of a building to a minor or to any adult when it is reasonably foreseeable that said adult, or his or her adult designee, will leave the said premises or reasonably foreseeable that said premises may be used for a gathering at which alcoholic beverages or controlled substances may be in possession of or consumed by minors except as otherwise provided in this Chapter.

D. Duty To Disperse — Police Services, Fees for Police Services.

1. Any person in control of a premises at which alcoholic beverages or controlled substances are in the possession of or are being consumed by minors, or his or her adult designee, shall cause all persons in or on said premises who are not lawful residents thereof to disperse not more than fifteen (15) minutes after personally receiving an order to do so issued by a Peace Officer.
2. When a party, gathering or event occurs on private property and a Police Officer at the scene determines that there is a threat to the public peace, health, safety or general welfare, the person or persons responsible for the party, gathering or event will be held liable for the cost of providing Police services during a second (2nd) or follow-up response by the Police after a first (1st) warning to the person or persons responsible for the party, gathering or event. The second (2nd) or follow-up response may also result in the arrest and/or citation of violators pursuant to State law or other provisions of this Code.
3. The Police services fee shall include the cost of personnel and equipment but shall not exceed five hundred dollars (\$500.00) for a single incident provided, however, that the City does not waive its right to seek reimbursement for actual costs exceeding five hundred dollars (\$500.00) through other legal remedies. The amount of such fees shall be deemed a debt owed to the City by the person responsible for the party, gathering or event. If such persons are minors, their parents or guardians shall be responsible for such debt. Any person owing such fees to the City shall be liable in an action brought in the name of the City for recovery of such fees, including reasonable attorney's fees.

E. *Penalty.* Any person or persons convicted of violating the provisions of this Section shall be fined an amount not to exceed five hundred dollars (\$500.00) for each offense; except that for third (3rd) and subsequent violations by the same person or persons, the fine shall not be less than one thousand dollars (\$1,000.00) for each offense.

Article XIII. Offenses Concerning Tobacco

Section 210.600. Definitions.

Two new definitions are added to read as follows; all other existing definitions are not amended in any way:

ALTERNATIVE NICOTINE PRODUCT

Any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. Alternative nicotine product does not include any vapor product, tobacco product or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

VAPOR PRODUCT

Any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include any alternative nicotine product or tobacco product.

Section 210.610. Unlawful to Sell or Distribute Tobacco Products, Alternative Nicotine Products, Vapor Products or Rolling Papers to Minors – Vending Machine Requirements.

A. It shall be unlawful for any person to sell, provide or distribute tobacco products, alternative nicotine products, vapor products, or rolling papers to persons under eighteen (18) years of age.

B. All vending machines that dispense tobacco products, alternative nicotine products, vapor products, or rolling papers shall be located within the

unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than eighteen (18) years of age from purchasing any tobacco product, alternative nicotine products, vapor products, or rolling papers from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than eighteen (18) years of age are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this Subsection shall be subject to the penalties contained in Subsection (D) of this Section. A determination of non-compliance may be made by a local law enforcement agency or the Division of Alcohol and Tobacco Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.

C. No person or entity shall sell, provide or distribute any tobacco product, alternative nicotine products, vapor products, or rolling papers to any minor or sell any individual cigarettes to any person in this State. This Subsection shall not apply to the distribution by family members on property that is not open to the public.

D. Any person, including, but not limited to, a sales clerk, owner or operator, who violates Subsections (A), (B) or (C) of this Section or Section 210.640 of this Article shall be penalized as follows:

1. For the first (1st) offense, twenty-five dollars (\$25.00);
2. For the second (2nd) offense, one hundred dollars (\$100.00);
and
3. For a third (3rd) and subsequent offense, two hundred fifty dollars (\$250.00).

E. Any owner of the establishment where tobacco products, alternative nicotine products, vapor products, or rolling papers are available for sale who violates Subsection (C) of this Section shall not be penalized pursuant to this Section if such person documents the following:

1. An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the State and Federal regulations regarding sales of tobacco

products, alternative nicotine products, vapor products, or rolling papers to minors. Such training program must be attended by all employees who sell tobacco products to the general public;

2. A signed statement by the employee stating that the employee has been trained and understands the State laws and Federal regulations regarding the sale of tobacco products, alternative nicotine products, vapor products, or rolling papers to minors; and
3. Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety (90) minutes in length, established by the Division of Alcohol and Tobacco Control.

F. The exemption in Subsection (E) of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products, alternative nicotine products, vapor products, or rolling papers are available for sale if:

1. Four (4) or more violations per location of Subsection (C) of this Section occur within a one (1) year period; or
2. Such person knowingly violates or knowingly allows his/her employees to violate Subsection (C) of this Section.

G. If a sale is made by an employee of the owner of an establishment in violation of this Article, the employee shall be guilty of an offense established in Subsections (A), (B) and (C) of this Section. If a vending machine is in violation of Section 210.640, the owner of the establishment shall be guilty of an offense established in Subsections (C) and (D) of this Section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subsections (C) and (D) of this Section.

H. A person cited for selling, providing or distributing any tobacco product, alternative nicotine product or vapor product to any individual less than eighteen (18) years of age in violation of Subsections (A), (B) or (C) of this Section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that:

1. Such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was eighteen (18) years of age or older.

I. Any person adversely affected by this Section may file an appeal with the Administrative Hearing Commission which shall be adjudicated pursuant to the procedures established in Chapter 621, RSMo.

Section 210.620. Minors Prohibited From Purchase or Possession of Tobacco – Misrepresentation of Age.

A. No person less than eighteen (18) years of age shall purchase, attempt to purchase or possess cigarettes, other tobacco products, alternative nicotine products, vapor products, or rolling papers unless such person is an employee of a seller of cigarettes or tobacco products and is in such possession to effect a sale in the course of employment or an employee of the Division of Alcohol and Tobacco Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.

B. Any person less than eighteen (18) years of age shall not misrepresent his/her age to purchase cigarettes or tobacco products.

C. Any person who violates the provisions of this Section shall be penalized as follows:

1. For the first (1st) violation, the person is guilty of an infraction and shall have any cigarettes or tobacco products confiscated;
2. For a second (2nd) violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes or tobacco products confiscated and shall complete a tobacco education or smoking cessation program, if available.

Section 210.630. Retail Sales Tax License Required for Sale of Tobacco Products.

No person shall sell cigarettes, tobacco products, alternative nicotine products, vapor products, or rolling papers unless the person has a retail sales tax license.

Section 210.640. Required Sign Stating Violation of State Law to Sell Tobacco to Minors Under Age Eighteen – Display of Sign Required Where.

A. The owner of an establishment at which tobacco products, alternative nicotine products, vapor products, or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products are sold and on every vending machine where tobacco products are purchased a sign that shall:

1. Contain in red lettering at least one-half (½) inch high on a white background the following:

"IT IS A VIOLATION OF STATE LAW FOR CIGARETTES OR OTHER TOBACCO PRODUCTS TO BE SOLD OR OTHERWISE PROVIDED TO ANY PERSON UNDER THE AGE OF EIGHTEEN OR FOR SUCH PERSON TO PURCHASE, ATTEMPT TO PURCHASE OR POSSESS CIGARETTES OR OTHER TOBACCO PRODUCTS"; and

2. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle and the words "Under 18".

Section 210.650. Restrictions on Sales of Individual Packs of Cigarettes.

A. No person or entity shall sell individual packs of cigarettes, alternative nicotine products, vapor products, rolling papers or smokeless tobacco products unless such packs satisfy one (1) of the following conditions prior to the time of sale:

1. It is sold through a vending machine; or
2. It is displayed behind the checkout counter or it is within the unobstructed line of sight of the sales clerk or store attendant from the checkout counter.

Section 210.660. Proof of Age Required, When Defense to Action for Violation Is Reasonable Reliance on Proof – Liability.

A. A person or entity selling tobacco products, alternative nicotine products, vapor 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).

B. The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the Division of Liquor Control or any owner or employee of an establishment that sells tobacco, alternative nicotine products, vapor products, or rolling papers for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least eighteen (18) years of age when such person desires to purchase or possess tobacco products, alternative nicotine products, vapor products, or rolling papers procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.

C. Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of an ordinance violation.

D. 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 Subsections (A), (B) and (C) of Section 210.610 of this Article. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section 210.610 on any single day.

Section 2. This Ordinance shall be in full force and effect January 1, 2017.

PASSED BY THE BOARD OF ALDERMEN FOR THE CITY OF COOL VALLEY THIS 28th DAY OF December, 2016.

AYES: A. Robinson, M. Johnson, F. Blackwell, D. Johnson

NAYS: 0

ABSENT: 0

Viola J. Murphy
Presiding Officer

Attest:

Deborah Jones Daniels
Deborah Jones-Daniels, City Clerk

APPROVED THIS 28th DAY OF December, 2016.

Viola J. Murphy Mayor
Viola J. Murphy, Mayor

Attest:

Deborah Jones Daniels
Deborah Jones-Daniels, City Clerk

