

ORDINANCE NO. 2169

AN ORDINANCE AMENDING ARTICLE VII OF CHAPTER 210 OF THE MUNICIPAL CODE OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, BY DELETING SECTION 210.310 IN ITS ENTIRETY, AND ENACTING, IN LIEU THEROF, A NEW SECTION 210.310; AND PROVIDING FOR THE OFFENSE OF TAMPERING.

WHEREAS, pursuant to § 79.110, RSMo., the Mayor and Board of Aldermen of the City of Dardenne Prairie, Missouri (the “City”), have the “power to enact and ordain any and all ordinances not repugnant to the constitution and laws of this state, and such as they shall deem expedient for the good government of the city, the preservation of peace and good order, the benefit of trade and commerce and the health of the inhabitants thereof, and such other ordinances, rules and regulations as may be deemed necessary to carry such powers into effect, and to alter, modify or repeal the same[;]” and

WHEREAS, thefts from vehicles and tampering with vehicles have reached epidemic proportions in St. Charles County and has to the potential to affect the residents and businesses within the City; and

WHEREAS, the Mayor and Board of Aldermen of the City desire to prohibit tampering within the City; and

WHEREAS, the Mayor and Board of Aldermen of the City find and determine that amending Article VII of Chapter 210 of the Municipal Code of the City of Dardenne Prairie, Missouri, to prohibit tampering within the City promotes the general welfare and preserves the peace and good order of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF DARDENNE PRAIRIE, MISSOURI, AS FOLLOWS:

SECTION 1. That Article VII of Chapter 210 of the Municipal Code of the City of Dardenne Prairie, Missouri, shall be and it is hereby amended by deleting Section 210.310 in its entirety, and enacted, in lieu thereof, is a new Section 210.310, to read as follows:

Section 210.310 Tampering.

- A.** *Definitions.* As used in this Section, the following terms shall have the meanings set out herein:

AIRCRAFT

Any balloon, airplane, or hydroplane, or any other contrivance used or designed for navigation of, or flight in, the air.

MOTOR VEHICLE

Any self-propelled mechanical device on wheels, designed primarily for use, or used, on highways, and not used exclusively on fixed rails or tracks.

OFF-ROAD VEHICLE

Any self-propelled mechanical device on wheels, manufactured and used exclusively for off-highway use, and not used exclusively on fixed rails or tracks.

TO TAMPER, TAMPERS, or TAMPERING

To interfere with something improperly, to meddle with it, displace it, make unwarranted alterations in its existing condition, or to deprive, temporarily, the owner or possessor of that thing.

TRAILER

Any mechanical device on wheels without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on railroad tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle.

UTILITY

Any enterprise which provides gas, electric, steam, or water, sewage disposal, or communication, video, internet, and any common carrier. It may be either publicly or privately owned or operated.

VEHICLE

Any aircraft, motor vehicle, off-road vehicle, trailer, or vessel, and any combination or combinations thereof.

VESSEL

Any boat or craft used or capable of being used as a means of transportation on water.

- B.** A person commits the offense of tampering if he or she:
 - 1.** Tampers with property of another for the purpose of causing substantial inconvenience to that person or to another; or

2. Unlawfully rides in or upon the vehicle of another; or
 3. Tamperers or makes connection with property of a utility; or
 4. Tamperers with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:
 - a. To prevent the proper measuring of electric, gas, steam or water service; or
 - b. To permit the diversion of any electric, gas, steam or water service.
- C. In any prosecution under Subdivision (4) of Subsection (B) of this Section, proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service, with one (1) or more of the effects described in Subdivision (4) of Subsection (B) of this Section, shall be sufficient to support an inference which the trial court may submit to the trier of fact, from which the trier of fact may conclude that there has been a violation of such Subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.

SECTION 2. Effective Date: This Ordinance shall be in full force and take effect from and after the date of its final passage and approval.

SECTION 3. Savings Clause: Except as expressly set forth herein, nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in any manner connected with the subject matter hereof.

SECTION 4. Severability Clause: If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the Board of Aldermen that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

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Read the first (1st) time this 2nd day of March, 2022.

John W. Gotway
As Presiding Officer and as Mayor
John Gotway

Attest: Kim Clark
Kimberlie Clark, City Clerk

Read the second (2nd) time and passed this 2nd day of March, 2022.

John W. Gotway
As Presiding Officer and as Mayor
John Gotway

Attest: Kim Clark
Kimberlie Clark, City Clerk

Approved this 2nd day of March, 2022.

John W. Gotway
John Gotway, Mayor

Attest: Kim Clark
Kimberlie Clark, City Clerk