

**TITLE II. PUBLIC HEALTH, SAFETY
AND WELFARE**

CHAPTER 200: POLICE

SECTION 200.010: APPOINTMENT—CHIEF OF POLICE AND POLICE OFFICERS

The City Administrator shall appoint a Chief of Police who shall perform all of the duties required of the Marshal by law. The City Administrator shall further be authorized to appoint any and all Police Officers found to be necessary for the good government of this City. (Ord. No. 1.090, 10-3-77; Ord. No. 2007-05-22-01 §8, 5-22-07)

SECTION 200.015: CHIEF OF POLICE TO HAVE SUPERVISION OVER CITY PROPERTY

The Chief of Police shall have general supervision authority over all City property and he/she and his/her subordinates shall have authority to arrest any trespasser thereon and to remove or abate nuisances or encumbrances put thereon without the authority of the City. (Ord. No. 2008-09-08-05 §1, 9-8-08)

**SECTION 200.020: EMERGENCY OUTSIDE CITY LIMITS—POLICE OFFICERS
AUTHORITY TO RESPOND**

- A. Any Police Officer of the City of Greenwood, Missouri, who has completed the basic training program as established by Chapter 590 of the Revised Statutes of Missouri shall have the authority to respond to an emergency situation outside the boundaries of the City of Greenwood; provided however, that such authorization to respond shall exist only within the jurisdictions described in Subsection (C) below. As provided herein, "*emergency situation*" means any situation in which the peace officer has a reasonable belief that a crime is about to be committed, is being committed, or has been committed involving injury or threat of injury to any person, property, or governmental interest, and the Officer's response is reasonably necessary to prevent or end such emergency situation or mitigate the likelihood of injury involved in such emergency situation. The determination of the existence of any emergency situation shall be in the discretion of the Officer making the response or in the discretion of a Peace Officer or Governmental Officer of the political subdivision in which the emergency situation is alleged to be occurring.
- B. The term "*response*" as used in this Section shall mean to take any and all action which the Police Officer may lawfully take as if exercising normal powers within the City of Greenwood.
- C. The authority contained herein shall permit the response by one (1) or more City of Greenwood Police Officers in any of the following jurisdictions within the State of Missouri in which the response occurred that have formally authorized it, pursuant to Section 70.820, RSMo., until the emergency situation has been adequately taken into control, in the discretion of either the responding Officer, or another Officer of the jurisdiction in which the response occurred:

Blue Springs

Missouri Highway Patrol

Buckner	Lake Lotawana
Cass County	Lake Tapawingo
Grain Valley	Lake Winnebago
Grandview	Lee's Summit
Independence	Lone Jack
Jackson County	Raymore
Kansas City Board of Police Commissioners	Raytown
	Sugar Creek

(Ord. No. 1.093 §§1–3, 4-7-92)

SECTION 200.030: MUTUAL AID AGREEMENT

The Mayor of the City of Greenwood is hereby empowered and authorized to execute mutual aid agreements for the provision of police services and assistance with the political subdivisions as designated in Subsection (C) of Section 200.020. (Ord. No. 1.092 §1, 4-7-92)

CHAPTER 205: ANIMAL CONTROL

ARTICLE I. GENERAL PROVISIONS

SECTION 205.010: INTENT OF CHAPTER

The intent of this Chapter is to require animal owners, keepers, harborers or maintainers to comply with the ordinances of this City and not merely to operate an impoundment program. The enforcement of this Chapter shall therefore place primary emphasis upon apprehending and initiating prosecution of violators of this Chapter. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §1, 11-2-81; Ord. No. 2.500-A §1, 5-3-82)

SECTION 205.020: DEFINITIONS

Whenever the following terms are used, each shall have the meaning respectively ascribed in this Section:

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

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

ANIMAL: Any live, vertebrate creature, domestic or wild, other than humans.

ANIMAL CONTROL OFFICER: Any person employed by the City of Greenwood to enforce this Chapter.

ANIMAL SHELTER: The facility or facilities designated by Greenwood, Missouri, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this Chapter or State law.

COMMERCIAL ANIMAL ESTABLISHMENT: Any pet shop, grooming shop, auction, riding school, stable, kennel, guard dog service, dog trainer or business keeping animals in stock for retail or wholesale trade or any establishment performing one (1) or more of the principal activities of the aforementioned establishments.

DOMESTIC ANIMAL: Any animal which is domesticated as opposed to wild or free roaming.

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

KENNEL: Any person, group of persons or corporation engaged in the commercial business of breeding, buying, selling or boarding dogs or cats and/or owns, harbors or keeps five (5) or more dogs or cats.

LARGE ANIMAL: Any swine, bovine, goat, sheep, beast of burden or any other domestic or wild animal of similar or larger size.

LICENSE TAG: Any system or systems of animal identification approved by the City Clerk which do not involve alteration or permanent marking of an animal.

OWNER: Any person, group of persons or corporation owning, keeping, harboring or maintaining any animal.

PERSON: Any individual, group, partnership, corporation or other identifiable entity.

PUBLIC NUISANCE: Any animal (or group of animals which contains any animal) which:

1. Molests any passerby or chases passing vehicles, including bicycles.
2. Attacks any other animal.
3. Is in heat and not properly restrained or confined as provided in this Chapter.
4. Is running at large.
5. Damages public or private property.
6. *"Barks, whines or howls in an excessive fashion"* which is hereby defined as continuous or untimely so as to disturb the sleep of any individual who is a neighbor (a *"neighbor"* for this purpose is hereby defined as an individual residing in a residence structure which is within one hundred (100) yards of the property on which the animal is kept or harbored) and who does in writing state that he/she will so testify if called upon to testify about such matter under oath.
7. Is ridden on public property which obstructs or interferes with vehicular or pedestrian traffic.
8. Causes injury to people.
9. Threatens or causes a condition which endangers public health.
10. Impedes refuse collection by ripping any bag or tipping any container of such.

RESTRAINT: An animal is under restraint if it is within a fully enclosed or fenced area or under leash of the owner, keeper, harborer or maintainer.

SMALL ANIMAL: Any animal not within the definition of large animal, but including all dogs without reference to size.

VETERINARY MEDICAL CARE FACILITY: A facility which has the primary function of providing medical care for animals and is operated by a currently licensed veterinarian.

WILD ANIMAL: Any animal which is predominantly free roaming as opposed to domesticated. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §1, 11-2-81; Ord. No. 2.500-A §1, 5-3-82; Ord. No. 94-12-01, 12-5-94)

SECTION 205.030: ANIMAL CONTROL OFFICER—DUTIES—RECORDS TO BE KEPT

- A. *Administer and Enforce.* Except where otherwise provided, it shall be the duty of the Animal Control Officer to administer and enforce the provisions of this Chapter directly or through staff supervised by said Animal Control Officer.
- B. *Records.* The Animal Control Officer shall keep a record in which he/she shall enter all his/her official transactions. Such record shall be open to the inspection of any person as authorized or limited by the Revised Statutes of Missouri, particularly Chapter 610 and such other enactments as may be or become applicable. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §§2,4, 11-2-81; Ord. No. 2.500-A §§2,4, 5-3-82)

SECTION 205.040: DUTY OF POLICE DEPARTMENT

It shall be the duty of the Police Department to assist the Animal Control Officer in enforcing the provisions of this Chapter. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §3, 11-2-81; Ord. No. 2.500-A §3, 5-3-82)

SECTION 205.050: DANGEROUS AND PROHIBITED ANIMALS

- A. The keeping or harboring of dangerous animals other than dogs within the City is hereby prohibited. Other than as to dogs, which are regulated by Section 205.190, the Animal Control Officer shall have the authority to declare an animal dangerous because of past behavior, violations of this Chapter or the inherently dangerous nature of the animal as to persons. Such a declaration shall be grounds for the impoundment and destruction of the animal unless, without danger to the public, it can be and is removed from the City within forty-eight (48) hours.
- B. Within any "*residential area*" (for purposes of this Section here defined as any area not zoned for commercial, agricultural or industrial purposes), the keeping or harboring of any warm-blooded carnivorous or omnivorous animal (excluding fowl, dogs, house cats and small rodents of varieties used for laboratory purposes) and animals having poisonous bites is hereby prohibited, if not elsewhere prohibited in this Chapter.
- C. The members of the Police Department or any other persons designated by the City are authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §7, 11-2-81; Ord. No. 2.500-A §7, 5-3-82)

SECTION 205.060: WARRANT FOR ENTRY ON PRIVATE PROPERTY—IMPOUNDMENT OF ANIMALS, DISPOSITION—LIABILITY—RIGHTS OF OWNER

- A. Any duly authorized Public Health Official or Law Enforcement Official may seek a warrant from the appropriate court to enable him/her to enter private property in order to inspect, care for, or impound neglected or abused animals. All requests for such warrants shall be accompanied by an affidavit stating the probable cause to believe a violation of Sections 578.003 to 578.023, RSMo., has occurred. A person acting under the authority of a warrant shall not be liable for any necessary damage to property while acting under such warrant. All animals impounded pursuant to a warrant issued under this Section shall be:

1. Placed in the care or custody of a veterinarian, the appropriate animal control authority, or an animal shelter. If no appropriate veterinarian, animal control authority, or animal shelter is available, the animal shall not be impounded unless it is diseased or disabled beyond recovery for any useful purpose; or
 2. If it is determined by a veterinarian that an animal impounded under a warrant is diseased or disabled beyond recovery for any useful purpose, that animal may be humanely killed.
- B. The owner or custodian of any animal who has been convicted of animal neglect or animal abuse shall be liable for reasonable costs for the care and maintenance of the animal. Any person incurring reasonable costs for the care and maintenance of such animal shall have a lien against such animal until the reasonable costs have been paid, and may put up for adoption or humanely kill such animal if such costs are not paid within ten (10) days after demand. Any monies received for an animal adopted pursuant to this Subsection in excess of costs shall be paid to the owner of such animal.
- C. The owner or custodian of any animal killed pursuant to this Section shall be entitled to recover the actual value of the animal if the owner or custodian shows that such killing was unwarranted.
(RSMo. §578.018)

SECTION 205.070: ANIMAL NEGLECT

- A. A person is guilty of animal neglect when he/she has custody or ownership or both of an animal and fails to provide adequate care or adequate control.
- B. *Animal Neglect is a Misdemeanor.* All fines and penalties for a first (1st) conviction of animal neglect may be waived by the court provided that the person found guilty of animal neglect shows that adequate, permanent remedies for the neglect have been made. Reasonable costs incurred for the care and maintenance of neglected animals may not be waived. (RSMo. §578.009)

SECTION 205.080: ANIMAL ABUSE

- A. A person is guilty of animal abuse when a person:
1. Intentionally or purposely kills an animal in any manner not allowed by or expressly exempted from the provisions of Sections 578.005 to 578.023, RSMo.;
 2. Purposely, intentionally or recklessly causes injury, suffering, or pain to an animal;
 3. Abandons an animal in any place without making provisions for its adequate care;
 4. Overworks or overloads an animal, or drives or works an animal unfit to work; or
 5. Having ownership or custody of an animal willfully fails to provide adequate care or adequate control.
- B. Animal abuse is a misdemeanor. (RSMo. §578.012)

SECTION 205.090: PERMITTING ANIMAL TO BECOME NUISANCE

It shall be unlawful for the owner, keeper, harbinger or maintainer to allow or permit any species of animal to become a public nuisance. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §12, 11-2-81; Ord. No. 2.500-A §12, 5-3-82)

SECTION 205.100: DISEASED ANIMALS

- A. No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large or to be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the Chief of Police or the Animal Control Officer.
- B. It is hereby made the duty of the Animal Control Officer to secure such disposition of any diseased animal and such treatment of affected premises to prevent the communication and spread of the contagion or infection, except in cases where the State veterinarian is empowered to act. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §13, 11-2-81; Ord. No. 2.500-A §13, 5-3-82)

SECTION 205.110: EXCESSIVE ANIMAL NOISE

No person shall own or keep any animal which by making excessive noise disturbs a neighborhood. The following definitions and conditions shall be specially applicable to enforcement of the aforesaid prohibition of this Section:

- 1. The phrase "*excessive noise*" shall mean and include any noise produced by an animal which is so loud and continuous or untimely as to disturb the sleep of a neighbor.
- 2. The term "*neighbor*" shall mean an individual residing in a residence structure which is within one hundred (100) yards of the property on which the animal is kept or harbored and who does in writing state that he/she will testify under oath to said animal making excessive noise.
- 3. If a General Ordinance Summons is issued charging violation of this Section, a subpoena shall also be issued to the disturbed neighbor to testify in the matter. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §16, 11-2-81; Ord. No. 2.500-A §16, 5-3-82)

SECTION 205.120: RABIES CONTROL

- A. Every animal which bites or scratches a person shall be promptly reported to the Animal Control Officer and shall thereupon be securely quarantined at the direction of the Animal Control Officer for a period of ten (10) days and shall not be released from such quarantine except by written permission of the Animal Control Officer such quarantine may be on the premises of the owner, at the shelter designated as the City animal shelter or at the owner's option and expense, in a veterinary hospital of his/her choice. In the case of stray animals, or in the case of animals whose ownership is not known, such quarantine shall be at the shelter designated as the City animal shelter.
- B. The owner, upon demand by the Animal Control Officer shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for supervised quarantine, the expenses of which shall be borne by the owner. Said animal may be reclaimed by

the owner if it is adjudged free of rabies, upon payment of fees set forth in this Section and upon compliance of licensing provisions as so set forth.

- C. When rabies has been diagnosed in an animal under quarantine or rabies is suspected by a licensed veterinarian, and the animal dies while under such observation, the Animal Control Officer shall immediately send the head of such animal to the State Health Department for pathological examination and shall notify the City Health Officer of reports of human contacts and the diagnosis.
- D. When one (1) or both reports indicate a positive diagnosis of rabies, the Animal Control Officer shall recommend an area-wide quarantine for a period of sixty (60) days, and upon invoking of such emergency quarantine by the City Health Officer, no pet or animal shall be taken into the streets, or permitted to be in the streets during such period of quarantine. During such quarantine, no animal may be taken or shipped from the City without written permission of the Animal Control Officer.
- E. During this quarantine period and as long afterward as he/she decides it is necessary to prevent the spread of rabies, the City Health Officer shall require all dogs three (3) months of age and older be vaccinated against rabies with a canine rabies vaccine approved by the biologics control section of the U.S. Department of Agriculture. The types of approved canine anti-rabies vaccine to be used and the recognized duration of immunity for each shall be established by the City Health Officer. All vaccinated dogs shall be restricted (leashing or confinement on enclosed premises) for thirty (30) days observation. During the quarantine period, the City Health Officer shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency canine rabies vaccination clinics strategically located throughout the City.
- F. No dog which has been impounded by reason of its being a stray, unclaimed by its owner, is allowed to be adopted by the animal shelter during the period of rabies emergency quarantine, except by special permission of the City Health Officer and the Animal Control Officer.
- G. Dogs bitten by a known rabid animal shall be immediately destroyed or if the owner is unwilling to destroy the exposed animal, strict isolation of the animal in a kennel for six (6) months shall be enforced. If the dog has been previously vaccinated, within the time limits established by the public health service based on the kind of vaccine used, re-vaccination and restraint (leashing and confinement) for thirty (30) days shall be carried out.
- H. In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six (6) months.
- I. No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies or any animal biting a human, except as herein provided, nor remove such animal from the City limits without permission from the Animal Control Officer .
- J. The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the Animal Control Officer.
- K. The Animal Control Officer shall direct the disposition of any animal found to be infected with rabies.
- L. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by the Animal Control Officer. (Ord. No. 2.000, 11-1-81; Ord. No. 2.500 §32, 11-2-81; Ord. No. 2.500-A §32, 5-3-82)

ARTICLE II. IMPOUNDMENT

SECTION 205.130: IMPOUNDMENT AND VIOLATION NOTICE

- A. Any unrestrained dog or any animal defined as a public nuisance by this Chapter may be taken by the Police or Animal Control Officer and impounded in an animal shelter or at a designated holding place and be there confined in a humane manner pending further action pursuant to this Chapter or other law. If an owner or keeper is present or can be found, in lieu of impoundment or in addition thereto, a General Ordinance Summons may be issued to that person and said person may retain possession of the animal if it is the belief of the officer issuing such summons that such possession is not in conflict with any other Section of this Chapter.
- B. Whenever any animal is confined by authority of this Chapter, it shall be the duty of the Animal Control Officer to release the same upon satisfactory proof that the party claiming the animal is entitled to possession thereof and upon payment of impoundment fees. Within ten (10) days of the date of release, the owner must have the animal vaccinated and bring proof of vaccination to the City Clerk and pay the fee for any license required by this Chapter. Any person not obtaining the required vaccinations and license within the ten (10) day grace period will be subject to prosecution on charges of violation of this Chapter. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §5, 11-2-81; Ord. No. 2.500-A §5, 8-3-82)

SECTION 205.140: NOTIFICATION OF CAPTURE AND IMPOUNDMENT

After the impoundment of any animal where a General Ordinance Summons has not been issued to the owner or keeper, the Animal Control Officer shall promptly notify the owner of such animal of its impoundment if the owner can be determined and located by reasonable investigation; however, no liability shall attach to the City or to the Animal Control Officer or his/her staff for failure to give such notice. The owner of an impounded animal who does not redeem his/her animal may still be proceeded against for violation of any applicable Section or Sections of this or any other applicable ordinance. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §6, 11-2-81; Ord. No. 2.500-A §6, 5-3-82)

SECTION 205.150: DISPOSITION OF ANIMALS

- A. Impounded animals shall be kept for not less than seven (7) days except:
 - 1. When given to be disposed of by an owner, keeper or harbinger, in which case the animal shall be held until the next calendar day before making a disposition;
 - 2. When an animal arrives at the shelter in so sick or injured a condition that in the judgment of the Animal Control Officer or licensed veterinarian, human compassion requires that the suffering be promptly ended. In such instance said time period shall not apply and the animal will be humanely killed to prevent needless suffering.
- B. Whenever any animal shall remain in the animal shelter or at a place of impoundment of a designated representative for a longer period than seven (7) days from the impounding of such animal said animal shall be disposed of in a humane manner by the Animal Control Officer .

- C. The Animal Control Officer may, in lieu of having an unclaimed animal killed as provided herein, give such animal into the custody of any adult requesting custody (animal adoption) of such specific animal as a pet after viewing it, providing that in the judgment of the Supervisor said person will humanely care for such animal and will not permit its use for laboratory or experimental purposes. If more than one (1) qualified person requests an animal, the Animal Control Officer may award it to the custody of the person making the highest and best bid.
- D. No animal will be given to the custody of a person who, in the judgment of the Supervisor, is requesting the animal with the intent to sell it. Not more than two (2) animals may be given into the custody of any individual or family per year. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §21, 11-2-81; Ord. No. 2.500-A §21, 5-3-82)

SECTION 205.160: IMPOUNDED ANIMALS—FEES

A forty-nine dollar fifty cent (\$49.50) fee shall be charged when any animal is picked up by the Animal Control Officer and transported to the animal shelter or other City designated place of impoundment. In addition to said pick up fee a fee of eleven dollars (\$11.00) shall be charged for each day or portion of a day that said animal is impounded; provided however, that such fee shall be increased by the actual amount of any unusual expenses incurred either in the impoundment or the care of said animal. An owner or keeper must pay these fees in full to obtain custody of his/her animal, but this payment is not required for animal adoption. (Ord. No. 2006-03-13-03 §1, 3-13-06)

ARTICLE III. DOGS AND CATS

SECTION 205.170: LIMITATION ON NUMBER OF DOGS AND CATS

- A. It shall be unlawful and a public nuisance for any person in charge of a residence to keep or allow to be kept more than four (4) dogs or four (4) cats or any combination of such animals exceeding four (4) in number, over the age of one hundred eighty (180) days at such residence unless the residence of all of the dogs and cats kept there are within one (1) or more of the following exceptions:
 - 1. The residence is licensed as a commercial animal establishment.
 - 2. The residence is zoned agricultural "A" or first dwelling rural residential "R-1R" pursuant to the zoning ordinance.
- B. When animals in excess of the limit established in Subsection (A) are found at a residence, all of the animals found at the residence may be removed to an animal shelter to be handled as if stray animals, except that the person in charge of the residence, if present, may designate and retain up to four (4) licensed animals. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §14, 11-2-81; Ord. No. 2.500-A §14, 5-3-82; Ord. No. 2005-10-24-03 §2, 10-24-05)

SECTION 205.180: DOG PENS, RUNS, CAGES—ODORS

Every pen, run, cage or other yard establishment wherein any dog is kept shall be maintained so that no offensive, disagreeable or noxious smell or odor shall arise therefrom to the injury, annoyance or inconvenience of any neighbor. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §11, 11-2-81; Ord. No. 2.500-A §11, 5-3-82)

SECTION 205.190: DANGEROUS DOGS

- A. It is unlawful for a person to own, possess or harbor a dangerous dog, except as may be allowed as provided herein. The following is a non-exclusive list of factors indicating that a dog is dangerous:
1. Has killed or seriously injured a domestic animal, livestock or poultry without provocation.
 2. Is owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
 3. Has bitten a human being, without provocation, on public or private property other than the property of the owner.
 4. While on the owner's property has bitten, without provocation, a human being other than the owner or a member of the owner's family who normally resides at the place where the dog is kept.
 5. When unprovoked, chases or approaches a person upon the public property or private property other than the property of the owner in a menacing fashion or apparent attitudes of attack, regardless of whether or not a person is injured by said dog.
 6. Has a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.
 7. Has, in the absence of a bite, displayed characteristics such as habitually snapping, charging, growling or otherwise manifests a disposition to bite, attack or injure any person or domestic animal or pet, if afforded the opportunity, or if it causes any person to have a reasonable fear of immediate serious physical injury.

In making a determination as to whether an animal is dangerous, elements that may be considered, but are not required to be, are provocation, location of the event, reason for the attack, whether the animal is acting protectively, whether the animal was tormented or abused, the seriousness of an attack and previous attacks.

- B. A summons for violation of Subsection (A) may be issued. During the pendency of the charge the dog shall be confined in such a manner as determined by the Chief of Police. The Chief of Police shall be authorized to require confinement of the animal (1) by permitting the owner to have the animal confined at a veterinary facility or kennel, or (2) by permitting the animal to be confined on the owner's premises in such secure facilities as are approved by the Chief of Police. The notice of confinement may be issued at the time of issuance of the summons or any time prior to trial.
- C. Without regard to whether or not a summons for a violation of this Section has been issued, the Chief of Police may institute an administrative hearing procedure by issuing written notice to the owner or possessor of the dog that a hearing will be held to determine if the dog is a dangerous dog.
- D. The notice and order are to be delivered in person or may be delivered by first class mail. If these methods fail, the notice and order may be posted on the property of the owner or possessor of the dog in a conspicuous location.
- E. The notice shall state that a hearing will be held to determine if the dog should be declared a dangerous dog.

- F. The notice shall state a date and time for hearing.
- G. The notice shall set a hearing date not earlier than five (5) business days from the date of delivery of the notice nor more than fifteen (15) business days from the date of delivery of the notice. If the delivery is by first class mail or posting, the delivery shall be presumed to have occurred on the third (3rd) day after mailing or posting.
- H. The hearing officer may continue the hearing for good cause shown.
- I. The Municipal Court judge may be appointed as the hearing officer.
- J. The notice shall state that pending the outcome of such a hearing, the dog must be confined in such a manner so as not to be a threat to any person. The confinement may be on the owner's premises as approved by the Chief of Police or with a licensed veterinarian. Failure to confine the dog as required is a violation. Upon failure to confine the dog as required, an emergency order of confinement may be sought from the hearing officer and upon a determination that the dog is not being confined and that the dog presents a threat to any person or animal, an order may be issued authorizing the dog to be taken into custody by the City.
- K. The hearing officer shall determine whether to declare the dog a dangerous dog based upon the evidence and testimony presented. In determining whether to declare the dog a dangerous dog, the hearing officer shall consider all relevant evidence presented by the animal's owner, witnesses to any relevant evidence, City personnel or any other person possessing information pertinent to such determination. If a dog is declared dangerous, the hearing officer shall enter an appropriate order that may include, but is not limited to, compliance with the conditions and requirements contained in Subsection (N) of this Section or, if necessary for the public health, safety and welfare, removal from the City or euthanization. Any party aggrieved by the decision of the administrative hearing officer may appeal to a court of competent jurisdiction as is set forth in Chapter 536, RSMo.
- L. The hearing officer shall issue written findings within ten (10) days after the hearing.
- M. *Exemptions To Dangerous Dog Classification.*
 - 1. No dog may be declared dangerous if the threat, injury or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog or was teasing, tormenting, abusing or assaulting the dog.
 - 2. Dogs owned by governmental or law enforcement agencies when being used in the services of those agencies.
- N. The following actions shall be required of owners or keepers of dogs that have been declared dangerous dogs:
 - 1. Any dangerous dog which bites or scratches a human, domestic animal, livestock or poultry or any dog whose behavior immediately prior to or during an incident resulting in a human, domestic animal, livestock or poultry being bitten or scratched, which is determined to be dangerous, shall be impounded for a ten (10) day rabies quarantine at a location to be determined by the Chief of Police.
 - 2. The owner or keeper shall notify Chief of Police immediately if a dangerous dog is loose, unconfined or missing, has attacked another animal or has attacked a human being.

3. The owner or keeper shall notify the Chief of Police within twenty four (24) hours if a dangerous dog has died or has been sold or given away. If the dog has been sold or given away, the owner or keeper shall provide the Chief of Police with the name, address and telephone number of the new owner, and the new owner, if the dog is kept within the City limits of Greenwood, must comply with the hearing officer's order.
 4. While on the owner's or keeper's property, a dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have secure sides and must be approved by the Chief of Police.
 5. No dangerous dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.
 6. The owner or keeper shall display a sign on his/her premises that there is a dangerous dog on the property. This sign shall be visible and capable of being read from the public street from which the property is entered. In addition, a similar sign is required to be posted on the kennel or pen or fenced yard of such animal.
 7. A dangerous dog may be off the owner's or keeper's premises if it is muzzled and restrained by a substantial chain or leash not exceeding six (6) feet in length and under the control of an adult. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal.
 8. All owners or keepers of dangerous dogs must, within ten (10) days of such declaration that a dog is dangerous, provide the Chief of Police two (2) color photographs, one (1) showing the left profile, the other showing the right profile of the animal clearly showing the color and approximate size of the animal.
 9. Any dangerous dog shall wear at all times a bright fluorescent yellow collar with required tags attached so the dog can be identified as a dangerous dog.
- O. It shall be unlawful for the owner or keeper of a dangerous dog within the City of Greenwood to fail to comply with requirements and conditions set forth in this Section or any order issued by the hearing officer. Anyone found to be in violation may be, in addition to other penalties provided by ordinance, subject to immediate seizure and impoundment of the person's dog for a minimum of ten (10) days or the time necessary for the owner or keeper to show compliance with this Section or any order issued by the hearing officer, whichever is shorter. In addition to those penalties that may be imposed upon a conviction in Municipal Court or in addition to the order that may be entered by the hearing officer, an order may be entered as a part of the Municipal Court judgment and sentence or administrative order requiring the payment of any and all costs incurred by the City as a result of the dangerous dog proceedings. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §15, 11-2-81; Ord. No. 2.500-A §15, 5-3-82; Ord. No. 2009-03-09-02 §1, 3-9-09)

SECTION 205.200: DOGS, OTHER ANIMALS PUTTING PERSONS IN FEAR

No person shall own, keep or harbor any dog or other animal which by jumping upon or threatening persons upon public streets shall cause persons to be put in fear of injury. This Section shall apply to animals while being walked on leashes and the unprovoked attack by an animal on a leash upon any person shall constitute an assault or battery by the person holding the leash and failing to prevent

the unprovoked attack by such animal. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §17, 11-2-81; Ord. No. 2.500-A §17, 5-3-82)

SECTION 205.210: DOGS IN HEAT

The owner, keeper or person harboring any female dog shall, during the period that such animal is "in heat," keep it securely confined and enclosed within a building except when out upon such person's premises briefly for toilet purposes while on leash or otherwise effectively physically restrained. For the purposes of this Section, "briefly for toilet purposes", shall consist of a maximum time of fifteen (15) minutes on each separate occasion. (Ord. No. 2.000 11-2-81; Ord. No. 2.500 §18, 11-2-81; Ord. No. 2.500-A §18, 5-3-82)

SECTION 205.220: DOGS RUNNING AT LARGE—PROHIBITED

- A. It shall be unlawful for any person owning, keeping or harboring any dog to permit, suffer or allow said dog to run at large within the City. For the purpose of this Section, any dog shall be deemed to have been permitted, suffered or allowed by its owner, keeper or harborer to "*run at large*" when found outside of the residence structure of the owner, keeper or harborer and not effectively physically restrained on a chain or leash, or behind a suitable fence or other proper method of physical restraint from which it cannot escape.
- B. A legally blind person using a "seeing eye dog" in the customary manner shall be deemed to be in compliance with this Section.
- C. Official use of dogs by any governmental unit shall be deemed in compliance with this Section. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §19, 11-2-81; Ord. No. 2.500-A §19, 5-3-82)

SECTION 205.230: RESTRAINT REQUIRED—VIOLATION

- A. If a dog or cat is found within the City limits of Greenwood, Missouri, not under restraint and is impounded, a notice of violation of the Code of Ordinances of this City shall be delivered in person or sent by first class mail to the owner, keeper, harbinger or maintainer, if known.
- B. If such violation is a first (1st) violation with respect to said dog, cat or animal, the owner may appear within seventy-two (72) hours after receipt of such notice and the owner shall, after payment of any license fee, impoundment fee and board fee then due and owing, have a right to sign a waiver of prosecution which shall amount to a plea of guilty and pay a fine as determined from time to time by the Board of Aldermen. In second (2nd) and subsequent violations of this Chapter requiring restraint, the owner may reclaim said animal after payment of any license fee, impoundment fee and board fee but a complaint shall be issued, and the owner, harbinger, keeper or maintainer shall appear in Municipal Court in response to said complaint. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §20, 11-2-81; Ord. No. 2.500-A §20, 5-3-82)

SECTION 205.240: LICENSE REQUIRED FOR DOGS AND CATS

It shall be the duty of every person owning, keeping or harboring in the City any dog or cat over one hundred eighty (180) days old to procure a license therefor from the City Clerk or his/her designee.

The receipt issued for the license shall constitute a Certificate of Registry and evidence of licensure for the keeping of such dog or cat within the City. The City Clerk may delegate authority to the Animal Control Officer to enforce any Section of this Chapter requiring licensure. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §23, 11-2-81; Ord. No. 2.500-A §23, 5-3-82)

SECTION 205.250: LICENSE EXEMPTIONS

Hospitals, clinics and other facilities operated by licensed veterinarians for the care and treatment of animals are exempt from all provisions of Section 205.240. The licensing provisions of this Section shall not apply to non-residents of the City unless they keep a dog or cat within the City for more than thirty (30) days. If a dog is fully trained as a "seeing eye dog" and is regularly used in the service of a blind person or is owned by a governmental unit, then such license shall be issued without the payment of a fee. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §24, 11-2-81; Ord. No. 2.500-A §24, 5-3-82)

SECTION 205.260: LICENSE APPLICATION—DOGS OR CATS

Written application for a dog or cat license shall be made to the City Clerk and shall state the name, address and telephone number, if any, of the owner and the name, breed, color, sex and distinguishing marks of the dog or cat. (Ord. No. 2.000 §11-2-81; Ord. No. 2.500 §25, 11-2-81; Ord. No. 2.500-A §25, 5-3-82)

SECTION 205.270: LICENSE FEE—DOG OR CAT

The yearly license fee shall be eight dollars (\$8.00) for each dog or cat over the age of six (6) months. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §26, 11-2-81; Ord. No. 2.500-A §26, 5-3-82; Ord. No. 2006-03-13-02 §1, 3-13-06; Ord. No. 2009-07-27-07 §1, 7-27-09; Ord. No. 2014-2881, 12-22-14)

SECTION 205.280: TERM OF LICENSE

The licensure evidenced by the Certificate of Registry shall entitle an owner or keeper to keep the licensed dog or cat in the City until the thirty first (31st) day of December next following the date of issuance of the dog and cat license and certificate. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §27, 11-2-81; Ord. No. 2.500-A §27, 5-3-82; Ord. No. 2014-2881, 12-22-14)

SECTION 205.290 CERTIFICATE OF IMMUNIZATION PREREQUISITE FOR LICENSE.

Repealed.

(Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §28, 11-2-81; Ord. No. 2.500 §28, 5-3-82; Repealed by Ord. No. 2015-2889 6-9-2015)

SECTION 205.300: RECORDS—DOG AND CAT REGISTRATION

The City Clerk or his/her designee shall keep for a period of three (3) years a record giving the name and address of the owner or keeper of each licensed dog or cat and the number of the Certificate of Registry, together with a general description of the dog or cat. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §29, 11-2-81; Ord. No. 2.500-A §29, 5-3-82)

SECTION 205.310: LICENSE TAGS—REPLACEMENT TAGS

At the time of the issuance of license required by this Chapter, the City Clerk or his/her designee shall deliver therewith a license tag showing the registration number and expiration date of the license. A replacement license tag shall be furnished by the City Clerk to any such owner or keeper upon application satisfactory to the Commissioner of Revenue and payment of one dollar (\$1.00). Any change in the form of license tag or tags used shall first be approved by the City Clerk or his/her designee as suitable for dogs or cats, or both. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §30, 11-2-81; Ord. No. 2.500-A §30, 5-3-82)

SECTION 205.320: LICENSE OR IDENTIFICATION TAGS—REQUIRED

- A. No owner or keeper of any licensed dog shall allow or permit such dog to be outside the residence of said owner or keeper at any time other than when enclosed on all sides in a cage or covered dog run without having attached to a collar about the neck of such animal or to a secure body harness the license tag provided for in Section 205.310, except when such dog is being handled in the course of any organized dog training or exhibition program.
- B. The owner or keeper of any licensed cat shall either attach the license tag provided for in Section 205.310 to the animal with a neck collar or secure body harness or the owner or keeper shall retain such tag in possession at his/her residence and shall display the tag upon request of any Police Officer or Animal Control Officer.
- C. No person shall remove, or cause to be removed, the collar, harness or the license tag from any registered dog or cat without the consent of the owner or keeper thereof. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §31, 11-2-81; Ord. No. 2.500-A §31, 5-3-82)

SECTION 205.330: KENNELS

- A. Any person, except those living in an agricultural "A" district or first dwelling rural residential "R-1R" district, who shall own and keep, harbor or maintain upon his/her premises five (5) or more dogs or cats shall be deemed an operator of a kennel. It shall be unlawful to operate a kennel within the corporate limits of the City of Greenwood, Missouri, which violates the standards of operation established in this Section or which violates any zoning regulations or other regulations of the City.
- B. Kennel premises where permitted shall be maintained in a clean and sanitary condition at all times and sanitary methods shall be used to obliterate or prevent any offensive odors.
- C. The Animal Control Officer shall have the right to inspect such kennels at all reasonable hours. Said Supervisor shall inspect each registered kennel operating within the corporate limits at least once each calendar year to insure compliance with the standards of operation.
- D. Any person who is deemed to be the operator of a kennel shall register said kennel on a form provided by the City Clerk and issued by the Animal Control Officer.
- E. At the time of initial registration of each kennel and annually thereafter the operator of the kennel shall pay an inspection fee of ten dollars (\$10.00) and shall have a valid business license issued by the City of Greenwood, Missouri. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §33, 11-2-81; Ord. No. 2.500-A §33, 5-3-82; Ord. No. 2005-10-24-03 §3, 10-24-05)

ARTICLE IV. RESERVED

SECTION 205.340: RESERVED

Editor's Note—Ord. no. 2009-03-09-02 §2, adopted March 9, 2009, repealed section 205.340 "designated animals—keeping prohibited—exception" in its entirety. Former section 205.340 derived from ord. no. 2.000, 11-2-81; ord. no. 2.501 §1, 4-2-90.

SECTION 205.350: RESERVED

Editor's Note—Ord. no. 2009-03-09-02 §3, adopted March 9, 2009, repealed section 205.350 "keeping of registered pit bulls" in its entirety. Former section 205.350 derived from ord. no. 2.000, 11-2-81; ord. no. 2.501 §2, 4-2-90.

SECTION 205.360: RESERVED

Editor's Note—Ord. no. 2009-03-09-02 §4, adopted March 9, 2009, repealed section 205.360 "violation and penalty of article provisions" in its entirety. Former section 205.360 derived from ord. no. 2.000, 11-2-81; ord. no. 2.501 §3, 4-2-90.

SECTION 205.365: RESERVED

Editor's Note—Ord. no. 2009-03-09-02 §5, adopted March 9, 2009, repealed section 205.365 "large animal and wild animal prohibited within city limits" in its entirety. Former section 205.365 derived from ord. no. 94-12-01, 12-5-94.

ARTICLE V. VIOLATION AND PENALTY

SECTION 205.370: PENALTIES

- A. Except as otherwise provided herein, any person violating any provision of Sections 205.010 through 205.030 of this Chapter shall be deemed guilty of a misdemeanor and upon conviction of any such violation shall, unless another specific penalty or specific penalty range be provided by another Subsection of this Section, be punished by a fine of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) or by imprisonment for a term not to exceed ninety (90) days or by both such fine and imprisonment.
- B. Any person violating any of the following Sections of this Chapter:

Section 205.240	License required for dogs and cats,
Section 205.320	License or identification tags required
Sections 205.220 and 205.230	Dogs running at large prohibited

shall upon conviction or guilty plea, and after examination of any prior conviction record to

determine if the person has previously been convicted of the same offense, be punished according to the following schedule of fines with reference to initial or subsequent violation of the particular Section:

First offense	\$ 50.00
Second offense	75.00
Third offense	100.00

- C. Each day's violation of, or failure, refusal or neglect to comply with any provision of this Section, shall constitute a separate and distinct offense. (Ord. No. 2.000, 11-2-81; Ord. No. 2.500 §34, 11-2-81; Ord. No. 2.500-A §34, 5-3-82; Ord. No. 2.500-B §34, 6-1-87; Ord. No. 2004-08-09-02 §2, 8-9-04; Ord. No. 2005-03-14-08 §2, 3-14-05; Ord. No. 2005-07-25-05 §2, 7-25-05)

CHAPTER 210: OFFENSES

ARTICLE I. OFFENSES CONCERNING OFFICIAL AUTHORITY

SECTION 210.010: FALSE REPORTS

- A. A person commits the offense of making a false report if he/she knowingly:
1. Gives false information to a Law Enforcement Officer for the purpose of implicating another person in a crime; or
 2. Makes a false report to a Law Enforcement Officer that a crime has occurred or is about to occur; or
 3. Makes a false report or causes a false report to be made to a Law Enforcement Officer, security officer, fire department or other organization, official or volunteer, which deals with emergencies involving danger to life or property that a fire or other incident calling for an emergency response has occurred.
- B. It is a defense to a prosecution under Subsection (A) of this Section that the actor retracted the false statement or report before the Law Enforcement Officer or any other person took substantial action in reliance thereon.
- C. The defendant shall have the burden of injecting the issue of retraction under Subsection (B) of this Section.
- D. Making a false report is misdemeanor. (RSMo. §575.080)

SECTION 210.020: FALSE IMPERSONATION

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

B. False impersonation is a misdemeanor. (RSMo. §575.120)

SECTION 210.030: RESISTING OR INTERFERING WITH ARREST

- A. A person commits the offense of resisting or interfering with arrest if, knowing that a Law Enforcement Officer is making an arrest, for the purpose of preventing the officer from effecting the arrest, he:
1. Resists the arrest of himself/herself by using or threatening the use of violence or physical force or by fleeing from such officer; or
 2. Interferes with the arrest of another person by using or threatening the use of violence, physical force or physical interference.
- B. This Section applies to arrests with or without warrants and to arrests for any crime or ordinance violation.
- C. It is no defense to a prosecution under Subsection (A) of this Section that the Law Enforcement Officer was acting unlawfully in making the arrest. However, nothing in this Section shall be construed to bar civil suits for unlawful arrest.
- D. Resisting or interfering with arrest is a misdemeanor. (RSMo. §575.150)

State Law Reference—As to circumstances which make this offense a felony, see RSMo. §575.150.4.

SECTION 210.035: OBSTRUCTING GOVERNMENT OPERATIONS—PROHIBITED

- A. Any person commits the offense of obstructing governmental operations if he/she purposely obstructs, impairs, hinders or prevents the performance of a governmental function by an agent or Police Officer of the City of Greenwood by using or threatening violence, force or other physical interference or obstruction.
- B. Further, it shall be unlawful and shall constitute an offense should any person within City limits of Greenwood carelessly or willfully disobey the lawful order of or hinder or obstruct any authorized agent or Police Officer of the City of Greenwood from performing their governmental functions by verbal threat, assault or otherwise prohibiting the performance of the official's duties.
- C. Any violation of this Section is a misdemeanor and may be punished according to Section 100.050 of this Code. (Ord. No. 2000-10-10-03 §1, 11-7-00)

SECTION 210.036: HINDERING PROSECUTION

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

1. Harbors or conceals such person;
2. Warns such person of impending discovery or apprehension, except this does not apply to a warning given in connection with an effort to bring another into compliance with the law;

3. Provides such person with money, transportation, weapon, disguise or other means to aid him or her in avoiding discovery or apprehension;
4. Prevents or obstructs, by means of force, deception or intimidation, anyone from performing an act that might aid in the discovery or apprehension of such person; or
5. Gives false information to a Law Enforcement Officer. (Ord. No. 2008-01-28-04 §1, 1-28-08)

ARTICLE II. OFFENSES AGAINST PUBLIC PEACE AND SAFETY

SECTION 210.040: PEACE DISTURBANCE—PRIVATE PEACE DISTURBANCE— DEFINITIONS

- A. *Peace Disturbance.* A person commits the offense of peace disturbance if:
1. He unreasonably and knowingly disturbs or alarms another person or persons by:
 - a. Loud noise; or
 - b. Offensive and indecent language which is likely to produce an immediate violent response from a reasonable recipient; or
 - c. Threatening to commit a crime against any person; or
 - d. Fighting; or
 - e. Creating a noxious and offensive odor;
 2. He/she is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:
 - a. Vehicular or pedestrian traffic; or
 - b. The free ingress or egress to or from a public or private place.
- B. *Private Peace Disturbance.* A person commits the offense of private peace disturbance if he/she is on private property and unreasonably and purposely causes alarm to another person or persons on the same premises by:
1. Threatening to commit a crime against any person; or
 2. Fighting.
- C. *Peace Disturbance Definitions.* For the purposes of Subsections (A) and (B) of this Section the following words shall have the following meanings:
1. **PRIVATE PROPERTY:** Any place which at the time is not open to the public. It includes property which is owned publicly or privately.

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

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

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

D. Any violation of this Section is a misdemeanor. (RSMo. §§574.010–574.030)

SECTION 210.045: DISORDERLY CONDUCT

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

1. Uses offensive, disorderly, threatening, abusive or insulting language, conduct or behavior.
2. Acts in such a manner as to annoy, disturb, interfere with, obstruct, or be offensive to others or to any lawful assemblage.
3. Congregates with others on a public street and refuses to move on when ordered by the Police.
4. By his/her actions causes a crowd to collect, except when lawfully addressing such crowd.
5. Shouts or makes a noise either outside or inside a building to the annoyance or disturbance of others.
6. Interferes with any person in any place by jostling against such person or unnecessarily crowding him/her or by placing a hand in the proximity of such person's pocket, pocketbook or handbag.
7. Stands on sidewalks or street corners and makes insulting remarks to or about passer byes or annoys such individuals.
8. Wanders, prowls or loiters upon the private property of another, in the nighttime, and peeks or peers in the door or window of any building or structure located thereon which is inhabited by human beings, without any visible or lawful business with the owners or occupants thereof.
9. Knowing the same to be false, circulates or transmits to another or others, with intent that it be acted upon, any statement or rumor, written, printed or by word of mouth, concerning the location of a bomb or other explosive. This paragraph shall not apply to authorized statements made in connection with any authorized civil defense test or drill.

B. Any person convicted of disorderly conduct under any of the provisions of this Section shall be guilty of a misdemeanor and be punished according to Section 100.050 of this Code. (Ord. No. 2002-12-09-01 §1, 1-16-03)

SECTION 210.050: RESERVED

Editor's Note—Ord. no. 2007-12-10-06 §4, adopted December 10, 2007, repealed section 210.050 "fireworks prohibited" in its entirety. Former section 210.050 derived from ord. no. 2.000, 11-2-81; ord. no. 2.200 §§1–3, 11-2-81; ord. no. 2001-05-01-01, 6-18-01.

SECTION 210.060: VAGRANCY AND LOITERING

- A. It shall be unlawful for any person within the City of Greenwood to be found to occupy, lodge or sleep in any vacant or unoccupied barn, garage, shed, shop or other building or structure, or in any automobile, truck, railroad car or other vehicle, without owning the same or without permission of the owner or person entitled to the possession of the same, or sleeping in any vacant lot during the hours of darkness, and without possessing at that time an amount of money sufficient to secure lodging and not giving a reasonable explanation for such conduct.
- B. It shall be unlawful for any person within the City of Greenwood to be found loitering or strolling in, about, or upon any street, alley or other public way or public place, or at any public gathering or assembly, or in or around any store, shop or business or commercial establishment, or on any private property or place, without lawful business, and who, upon being ordered to move on about his/her business, fails to do so.
- C. It shall be unlawful for any person to be found to be begging, panhandling or going from door to door of private residences or commercial and business establishments, or places himself/herself in or upon any public way or public place to beg or receive alms for his/her own use or on his/her own behalf.
- D. Any person violating the provisions of this Section shall, upon conviction, be adjudged guilty of a misdemeanor and be punished according to Section 100.050 of this Code.
(Ord. No. 2.000, 11-2-81; Ord. No. 2.311 §§1–4, 11-2-81)

ARTICLE III. OFFENSES AGAINST A PERSON

SECTION 210.070: ASSAULT

- A. A person commits the offense of assault if:
 - 1. He/she attempts to cause or recklessly causes physical injury to another person; or
 - 2. With criminal negligence he/she causes physical injury to another person by means of a deadly weapon; or
 - 3. He/she purposely places another person in apprehension of immediate physical injury; or
 - 4. He/she recklessly engages in conduct which creates a grave risk of death or serious physical injury to another person; or

5. He/she knowingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative.

B. Assault is a misdemeanor. (RSMo. §565.070)

SECTION 210.080: HARASSMENT

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

1. Communicates in writing or by telephone a threat to commit any felony; or
2. Makes a telephone call or communicates in writing and uses coarse language offensive to one of average sensibility; or
3. Makes a telephone call anonymously; or
4. Makes repeated telephone calls.

B. Harassment is a misdemeanor. (RSMo. §565.090)

SECTION 210.085: POINTING OF LASER BEAM DEVICES—REGULATED

A. It shall be unlawful for any person to purposefully focus, point or shine a laser beam directly or indirectly at or on another person in such a manner as to harass, annoy, distress or injure said other person.

B. Any violation of this Section shall subject the violator to summons to Municipal Court and upon conviction shall be punishable by a fine of up to five hundred dollars (\$500.00) and costs, or ninety (90) days imprisonment, or both a fine and imprisonment. (Ord. No. 99-03-01-01 §§1–2, 3-15-99)

SECTION 210.086: HARASSMENT OF A BICYCLIST

A. A person commits the offense of harassment of a bicyclist if the person:

1. Knowingly throws an object at or in the direction of any person riding a bicycle; or
2. Threatens any person riding a bicycle for the purpose of frightening or disturbing the person riding the bicycle; or
3. Sounds a horn, shouts or otherwise directs sound toward any person riding a bicycle for the purpose of frightening or disturbing the person riding the bicycle; or
4. Knowingly engages in conduct that creates a risk of death or serious physical injury to the person riding a bicycle.

B. Any person violating any of the provisions of this Section shall be subject to the General Penalty provisions contained in Section 100.050. (Ord. No. 2010-05-24-06 §1, 5-24-10)

ARTICLE IV. OFFENSES AGAINST PROPERTY

SECTION 210.090: PROPERTY DAMAGE IN THE SECOND DEGREE

- A. A person commits the offense of property damage in the second degree if:
1. He/she knowingly damages property of another;
 2. He/she damages property for the purpose of defrauding an insurer; or
 3. He/she knowingly damages or removes City street, stop, speed and weight restriction signs.
- B. *Violation—Penalties.*
1. Property damage in the second degree is a misdemeanor.
 2. Destruction, removal or vandalism of City-owned street, speed, stop and/or weight regulation signs will be fined ten (10) times the cost of materials, labor and transportation or a maximum of five hundred dollars (\$500.00). (RSMo. §569.120; Ord. No. 2006-08-14-04, 8-14-06)

SECTION 210.100: TRESPASS

- A. *Trespass in the First Degree.*
1. A person commits the offense of trespass in the first degree if he/she knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.
 2. A person does not commit the crime of trespass in the first degree by entering or remaining upon real property unless the real property is fenced or otherwise enclosed in a manner designed to exclude intruders or as to which notice against trespass is given by:
 - a. Actual communication to the actor; or
 - b. Posting in a manner reasonably likely to come to the attention of intruders.
 3. Trespass in the first degree is a misdemeanor.
- B. *Trespass in the Second Degree.*
1. A person commits the offense of trespass in the second degree if he/she enters unlawfully upon real property of another. This is an offense of absolute liability.
 2. Trespass in the second degree is an infraction. (RSMo. §§569.140–569.150)

SECTION 210.105: TRESPASS ON CITY PROPERTY—PENALTY

- A. A person not employed by the City of Greenwood commits the offense of trespass in the first degree if he/she enters City Hall after normal business hours (8:00 A.M.—5:00 P.M.) except during a stated board, committee or workshop meeting unless accompanied by a uniformed Greenwood Police Officer and shall be required to sign in, state purpose of gaining entry into City Hall and sign out.
- B. Any person not employed by the City of Greenwood who violates this Section, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100.00) or by imprisonment in the County Jail for a term not to exceed ninety (90) days, or by both such fine and imprisonment. (Ord. No. 2006-08-14-01, 8-14-06)

SECTION 210.110: TAMPERING IN THE FIRST DEGREE

- A. A person commits the offense of tampering in the second degree if he:
 - 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 another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle; or
 - 3. Tampers or makes connection with property of a utility; or
 - 4. Tampers with, or causes to be tampered with, any meter or other property of an electric, gas, steam or water utility, the effect of which tampering is either:
 - a. To prevent the proper measuring of electric, gas, steam or water service; or
 - b. To permit the diversion of any electric, gas, steam or water service.
- B. In any prosecution under Subdivision (4) of Subsection (A), proof that a meter or any other property of a utility has been tampered with, and the person or persons accused received the use or direct benefit of the electric, gas, steam or water service, with one or more of the effects described in Subdivision (4) of Subsection (A), shall be sufficient to support an inference which the trial court may submit to the trier of fact, from which the trier of fact may conclude that there has been a violation of such subdivision by the person or persons who use or receive the direct benefit of the electric, gas, steam or water service.
- C. Tampering in the second degree is a misdemeanor. (RSMo. §569.090)

State Law Reference—As to circumstances which make this offense a felony, see RSMo. §569.090.3.

SECTION 210.120: LITTERING ON PUBLIC RIGHTS-OF-WAY AND PRIVATE REAL PROPERTY

- A. It shall be unlawful for any person to throw or place, or cause to be thrown or placed, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, lawn or yard refuse, or any refuse or rubbish of

any kind, nature or description on the right-of-way of any public street, or in any of the waters in this City, or on the banks of any stream, or on any land or water owned, operated or leased by the City of Greenwood, any board, department, agency or commission thereof, or on any land or water owned, operated or leased by the State of Missouri, the Federal Government, or on any private real property owned by another without his/her consent.

- B. Any person(s) who violates this Section, upon conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or by imprisonment in the County Jail for a term not to exceed ninety (90) days, or by both such fine and imprisonment. (Ord. No. 2.000, 11-2-81; Ord. No. 2.602 §1, 11-4-85; Ord. No. 2.602-A §2, 9-7-88; Ord. No. 2008-03-24-01 §1, 3-24-08)

ARTICLE V. OFFENSES CONCERNING WEAPONS

SECTION 210.130: WEAPONS—DEFINITIONS

As used in this Article the following words shall have the meanings set out below:

BLACKJACK: Any instrument that is designed or adapted for the purpose of stunning or inflicting physical injury by striking a person, and which is readily capable of lethal use.

CONCEALABLE FIREARM: Any firearm with a barrel less than sixteen (16) inches in length, measured from the face of the bolt or standing breech.

DEFACE: To alter or destroy the manufacturer's or importer's serial number or any other distinguishing number or identification mark.

EXPLOSIVE WEAPON: Any explosive, incendiary, or poison gas bomb or similar device designed or adapted for the purpose of inflicting death, serious physical injury, or substantial property damage; or any device designed or adapted for delivering or shooting such a weapon.

FIREARM: Any weapon that is designed or adapted to expel a projectile by the action of an explosive.

FIREARM SILENCER: Any instrument, attachment, or appliance that is designed or adapted to muffle the noise made by the firing of any firearm.

GAS GUN: Any gas ejection device, weapon, cartridge, container or contrivance other than a gas bomb, that is designed or adapted for the purpose of ejecting any poison gas that will cause death or serious physical injury, but not any device that ejects a repellant or temporary incapacitating substance.

INTOXICATED: Substantially impaired mental or physical capacity resulting from introduction of any substance into the body.

KNIFE: Any dagger, dirk, stiletto, or bladed hand instrument that is readily capable of inflicting serious physical injury or death by cutting or stabbing a person. For purposes of this Chapter, "knife" does not include any ordinary pocket knife with no blade more than four (4) inches in length.

KNUCKLES: Any instrument that consists of finger rings or guards made of a hard substance that is designed or adapted for the purpose of inflicting serious physical injury or death by striking a

person with a fist enclosed in the knuckles.

MACHINE GUN: Any firearm that is capable of firing more than one (1) shot automatically, without manual reloading, by a single function of the trigger.

PROJECTILE WEAPON: Any bow, crossbow, pellet gun, slingshot or other weapon that is not a firearm, which is capable of expelling a projectile that could inflict serious physical injury or death by striking or piercing a person.

RIFLE: Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile through a rifled bore by a single function of the trigger.

SHORT BARREL: A barrel length of less than sixteen (16) inches for a rifle and eighteen (18) inches for a shotgun, both measured from the face of the bolt or standing breech, or an overall rifle or shotgun length of less than twenty-six (26) inches.

SHOTGUN: Any firearm designed or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire a number of shot or a single projectile through a smooth bore barrel by a single function of the trigger.

SPRING GUN: Any fused, timed or non-manually controlled trap or device designed or adapted to set off an explosion for the purpose of inflicting serious physical injury or death.

SWITCHBLADE KNIFE: Any knife which has a blade that folds or closes into the handle or sheath, and

1. That opens automatically by pressure applied to a button or other device located on the handle; or
2. That opens or releases from the handle or sheath by the force of gravity or by the application of centrifugal force. (RSMo. §571.010)

SECTION 210.140: POSSESSION–MANUFACTURE–TRANSPORT–REPAIR–SALE OF CERTAIN WEAPONS AN OFFENSE–EXCEPTIONS–PENALTIES

- A. A person commits an offense if he/she knowingly possesses, manufactures, transports, repairs, or sells:
 1. A switchblade knife;
 2. A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or
 3. Knuckles.
- B. A person does not commit an offense under this Section if his/her conduct:
 1. Was incident to the performance of official duty by the armed forces, national guard, a governmental law enforcement agency, or a penal institution; or

2. Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in Subparagraph (1) of this Subsection; or
3. Was incident to using an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or
4. Was incident to displaying the weapon in a public museum or exhibition; or
5. Was incident to dealing with the weapon solely as a curio, ornament, or keepsake, or to using it in a manner reasonably related to a lawful dramatic performance. No short barreled rifle, short barreled shotgun, or machine gun may be possessed, manufactured, transported, repaired or sold as a curio, ornament, or keepsake, unless such person is an importer, manufacturer, dealer, or collector licensed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968, U.S.C., Title 18, or unless such firearm is an "antique firearm" as defined in Subsection 3 of Section 571.080, RSMo., or unless such firearm has been designated a "*collectors item*" by the Secretary of the Treasury pursuant to the U.S.C., Title 26, Section 5845(a).

C. An offense under this Section is a misdemeanor. (RSMo. §571.020)

SECTION 210.150: UNLAWFUL USE OF WEAPONS—EXCEPTIONS

A. A person commits the offense of unlawful use of weapons if he/she knowingly:

1. Possesses or discharges a firearm or projectile weapon while intoxicated; or
2. Openly carries a firearm or any other weapon readily capable of lethal use.
3. Carries any weapon into any building serving as the Greenwood Municipal Court. Further, the notice set out in Section 210.155 and incorporated herein shall be placed in plain view at all points of entrance into any building serving as the Greenwood Municipal Court during the time the court is in session.

B. Subparagraph (2) of Subsection (A) of this Section shall not apply to or affect any of the following:

1. All State, County and Municipal Law Enforcement Officers possessing the duty and power of arrest for violation of the general criminal laws of the State or for violation of ordinances of Counties or municipalities of the State, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense;
3. Members of the Armed Forces or National Guard while performing their official duty;
4. Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the State;
5. Any person whose bona fide duty is to execute process, civil or criminal. (RSMo. §571.030; Ord. No. 2003-04-28-02 §1, 4-28-03)

SECTION 210.155: PLACEMENT OF SIGN REGARDING ENTERING SECURED AREA

The Board of Aldermen of the City of Greenwood, Missouri, hereby finds and declares that the following language as shown below shall be placed within plain view at all points of entrance to the City Hall:

**YOU ARE ENTERING A SECURED AREA
NO WEAPONS ALLOWED**

TO SEARCH

PERSONS ENTERING THIS BUILDING ARE SUBJECT

PEPPER

WEAPONS WILL BE CONFISCATED.

USED AS

IF YOU ARE CARRYING A CONTAINER OF MACE,

YOUR

SPRAY, POCKET KNIFE OR ANY ITEM THAT MAY BE

A WEAPON....PLEASE SECURE THESE ITEMS IN

VEHICLE BEFORE ENTERING.

WEAPON,

IF YOU ATTEMPT TO ENTER THIS BUILDING WITH A

CHARGED WITH

CONCEALED OR OTHERWISE, YOU WILL BE

CARRYING A CONCEALED WEAPON.

**YOU ARE SUBJECT TO SEARCH ALONG WITH
YOUR BRIEFCASE, PURSE OR PACKAGES.**

CLEARED BY THE CHIEF.

BY ORDER OF THE JUDGE AND CHIEF OF POLICE
ALL LAW ENFORCEMENT PERSONNEL MUST BE

(Ord. No. 2003-04-28-01 §1, 4-28-03)

SECTION 210.160: DEFACING FIREARM—PENALTY

- A. A person commits the offense of defacing a firearm if he/she knowingly defaces any firearm.
- B. Defacing a firearm is a misdemeanor. (RSMo. §571.045)

SECTION 210.170: POSSESSION OF DEFACED FIREARM—PENALTY

- A. A person commits the offense of possession of a defaced firearm if he/she knowingly possesses a firearm which is defaced.
- B. Possession of a defaced firearm is a misdemeanor. (RSMo. §571.050)

SECTION 210.180:**UNLAWFUL TRANSFER OF WEAPONS**

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

1. Knowingly sells, leases, loans, gives away or delivers a blackjack to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian, or recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers any firearm to a person less than eighteen (18) years old without the consent of the child's custodial parent or guardian; provided, that this does not prohibit the delivery of such weapons to any Peace Officer or member of the Armed Forces or National Guard while performing his/her official duty; or
2. Recklessly, as defined in Section 562.016, RSMo., sells, leases, loans, gives away or delivers a firearm or ammunition for a firearm to a person who is intoxicated.
(RSMo. §571.060)

SECTION 210.190:**DISCHARGE OF FIREARMS**

- A. No person within the City of Greenwood, shall fire or discharge any rifle, shotgun, pistol, revolver or other firearm.
- B. There shall be excepted from the provisions of this Section the discharge of such firearms under such conditions and circumstances as to be without danger of death or injury to any person then within the law for the following purposes:
 1. Firing of salutes by a military corp upon public occasions or at military services at funerals.
 2. Firing of the same by anyone regularly engaged in the business of gunsmithing or trying or testing of firearms, in regularly established facilities constructed and maintained for such purposes.
 3. Firing of the same by any duly organized non-profit rifle or pistol club organization in a regularly established range established and maintained for such purposes then under the jurisdiction of a designated range officer then personally present and empowered to enforce adequate safety practices and compliance with safety rules relative thereto, provided that such club or organization shall have previously acquired a permit by majority of the Board of Aldermen for its operation designating and establishing the range to be used thereunder, which permit may be refused or revoked at any time by said Board of Aldermen, if it shall determine it to be in the best interest of the public so to do.
 4. Discharge of the same by Peace Officers in the performance of official duty or any person in the lawful defense of person or property from unlawful attack, but in any case only under such circumstances as shall not endanger other persons.
- C. No parent, guardian, or adult having the temporary or permanent custody of any minor or the direction thereof shall provide any of the said firearms or ammunition or supplies thereto for any minor for use or discharge in violation hereof nor shall he/she permit such minor to retain any of the same in possession at any time except for transportation beyond the corporate limits of said City or in a homestead or place of business for lawful defense of person and property.

D. *Hunting, Etc., Exemptions.*

1. The provisions of this Section shall not apply to any person hunting wildlife in season within the confines of that property owned by the State of Missouri and held as part of the James A. Reed Memorial Wildlife Area; provided however, that such hunting shall not take place within a buffer zone consisting of a strip of land one hundred fifty (150) yards wide and running around the perimeter of the James A. Reed Memorial Wildlife Area.
 2. The provisions of this Section shall not apply to persons discharging blank ammunition and involved in organized dog trails conducted on the property owned by the State of Missouri as part of the James A. Reed Memorial Wildlife Area and within the protective buffer zone as set forth in Subparagraph (1) above.
 3. The provisions of this Section shall not apply to any person hunting in season wild game on lands zoned for agriculture provided however, that such person does not discharge his/her firearm within one hundred fifty (150) yards of any house, barn, or other building, or any highway, street or roadway or within one hundred fifty (150) yards from the borderline of any residential, commercial or industrial zone.
- E. Any person violating any of the provisions of Subsections (A-C) shall, upon conviction, be adjudged guilty of a misdemeanor and be punished according to Section 100.050 of this Code.
(Ord. No. 2.000, 11-2-81; Ord. No. 2.301 §§1-7, 11-2-81)

ARTICLE VI. OFFENSES CONCERNING THEFT

SECTION 210.200: ARTICLE DEFINITIONS

As used in this Article the following words shall have the meanings set out herein:

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

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

COERCION: A threat, however communicated:

1. To commit any crime; or
2. To inflict physical injury in the future on the person threatened or another; or
3. To accuse any person of any crime; or
4. To expose any person to hatred, contempt or ridicule; or
5. To harm the credit or business repute of any person; or
6. To take or withhold action as a public servant, or to cause a public servant to take or withhold action; or

7. To inflict any other harm which would not benefit the actor.

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

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

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

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

DEPRIVE:

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

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

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

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

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

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

WRITING: Includes printing, any other method of recording information, money, coins, negotiable

instruments, tokens, stamps, seals, credit cards, badges, trademarks and any other symbols of value, right, privilege or identification. (RSMo. §570.010)

SECTION 210.210: DETERMINATION OF VALUE

For the purposes of this Article, the value of property shall be ascertained as follows:

1. Except as otherwise specified in this Section, "*value*" means the market value of the property at the time and place of the crime, or if such cannot be satisfactorily ascertained, the cost of replacement of the property within a reasonable time after the crime.
2. Whether or not they have been issued or delivered, certain written instruments, not including those having a readily ascertainable market value such as some public and corporate bonds and securities, shall be evaluated as follows:
 - a. The value of an instrument constituting evidence of debt, such as a check, draft or promissory note, shall be deemed the amount due or collectible thereon or thereby, such figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied.
 - b. The value of any other instrument which creates, releases, discharges or otherwise affects any valuable legal right, privilege or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.
3. When the value of property cannot be satisfactorily ascertained pursuant to the standards set forth in subdivisions (1) and (2) of this Section, its value shall be deemed to be an amount less than one hundred fifty dollars (\$150.00). (RSMo. §570.020)

SECTION 210.220: STEALING—PENALTIES

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

C. Stealing is a misdemeanor. (RSMo. §570.030)

**SECTION 210.230: SHOPLIFTING—DETENTION OF SUSPECT BY MERCHANT—
LIABILITY PRESUMPTION**

A. As used in this section the following words shall have the meanings set out below:

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

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

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

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

B. Any merchant, his/her agent or employee, who has reasonable grounds or probable cause to believe that a person has committed or is committing a wrongful taking of merchandise or money from a mercantile establishment, may detain such person in a reasonable manner and for a reasonable length of time for the purpose of investigating whether there has been a wrongful taking of such merchandise or money. Any such reasonable detention shall not constitute an unlawful arrest or detention, nor shall it render the merchant, his/her agent or employee, criminally or civilly liable to the person so detained.

C. Any person willfully concealing unpurchased merchandise of any mercantile establishment, either on the premises or outside the premises of such establishment, shall be presumed to have so concealed such merchandise with the intention of committing a wrongful taking of such merchandise within the meaning of Subsection (A), and the finding of such unpurchased merchandise concealed upon the person or among the belongings of such person shall be evidence of reasonable grounds and probable cause for the detention in a reasonable manner and for a reasonable length of time, of such person by a merchant, his/her agent or employee, in order that recovery of such merchandise may be effected, and any such reasonable detention shall not be deemed to be unlawful, nor render such merchant, his/her agent or employee criminally or civilly liable.

D. Any merchant, his/her agent or employee, who has reasonable grounds or probable cause to believe that a person has committed a wrongful taking of property, as defined in this section, and who has detained such person and investigated such wrongful taking, may contact Law Enforcement Officers and instigate criminal proceedings against such person. Any such contact of law enforcement authorities or instigation of a judicial proceeding shall not constitute malicious prosecution, nor shall it render the merchant, his/her agent or employee criminally or civilly liable to the person so detained or against whom proceedings are instigated. (RSMo. §537.125)

SECTION 210.240: RECEIVING STOLEN PROPERTY

A. A person commits the offense of receiving stolen property if for the purpose of depriving the owner of a lawful interest therein, he/she receives, retains or disposes of property valued at under one hundred fifty dollars (\$150.00) of another knowing that it has been stolen, or believing that it has been stolen.

- B. Evidence of the following is admissible in any criminal prosecution under this Section to prove the requisite knowledge or belief of the alleged receiver:
1. That he/she was found in possession or control of other property stolen on separate occasions from two (2) or more persons;
 2. That he/she received other stolen property in another transaction within the year preceding the transaction charged;
 3. That he/she acquired the stolen property for a consideration which he/she knew was far below its reasonable value.
- C. Receiving stolen property is a misdemeanor. (RSMo. §570.080)

ARTICLE VII. OFFENSES CONCERNING PROSTITUTION

SECTION 210.250: DEFINITIONS

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

PATRONIZING PROSTITUTION: Shall occur if:

1. Pursuant to a prior understanding, a person gives something of value to another person as compensation for that person or third person having engaged in sexual conduct with him/her or with another;
2. A person gives or agrees to give something of value to another person on an understanding that in return therefor that person or a third person will engage in sexual conduct with him/her or with another;
3. A person solicits or requests another person to engage in sexual conduct with him/her or with another, or to secure a third person to engage in sexual conduct with him/her or with another, in return for something of value.

PROSTITUTION: Shall occur if a person engages or offers or agrees to engage in sexual conduct with another person in return for something of value to be received by the person or by a third person.

SEXUAL CONDUCT: Shall occur when there is:

1. Sexual intercourse, which means any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results;
2. Deviate sexual intercourse, which means any sexual act involving the genitals of one (1) person and the mouth, tongue or anus of another person;
3. Sexual contact, which means any touching, manual or otherwise, of the anus or genitals of

one (1) person by another, done for the purpose of arousing or gratifying sexual desire of either party.

SOMETHING OF VALUE: Any money or property, or any token, object or article exchangeable for money or property. (RSMo. §567.010 (2-5))

SECTION 210.260: PROSTITUTION

A person commits the offense of prostitution if he/she performs an act of prostitution.
(RSMo. §567.020 (1))

SECTION 210.270: PATRONIZING PROSTITUTION

A person commits the offense of patronizing prostitution if he/she patronizes prostitution.
(RSMo. §567.030 (1))

SECTION 210.280: SEX OF PARTIES NO DEFENSE

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

1. Both persons where of the same sex;
2. The person who received, agreed to receive or solicited something of value was a male and the person who gave or agreed or offered to give something of value was a female.
(RSMo. §567.040)

SECTION 210.290: PROSTITUTION ESTABLISHMENTS DECLARED PUBLIC NUISANCES

- A. Any room, building or other structure regularly used for sexual contact for pay or any unlawful prostitution activity prohibited by this Article is a public nuisance.
- B. The City Attorney may, in addition to all sanctions available under this Code, prosecute a suit in equity to enjoin the nuisance. If the Court having jurisdiction 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, it may order that the premises shall not be occupied or used for such period as the Court may determine, not to exceed one (1) year.
- C. All persons, including owners, lessees, officers, agents, inmates or employees, aiding or facilitating such a nuisance may be made defendants in any suit to enjoin the nuisance, and they may be enjoined from engaging in any sexual contact for pay or unlawful prostitution activity anywhere within the jurisdiction of the Court hearing the case.
- D. Appeals shall be allowed from the judgment of the Court having jurisdiction over the case as in other civil actions. (RSMo. §567.080)

ARTICLE VIII. MISCELLANEOUS OFFENSES

SECTION 210.300: CURFEW FOR MINORS UNDER SEVENTEEN

- A. It shall be unlawful for any minor child under the age of seventeen (17) years to loiter, idle, wander, stroll or to drive or ride in an automobile, or play in or upon the public streets, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 11:00 P.M. and 6:00 A.M.
- B. It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of seventeen (17) years to knowingly permit such minor to be found in violation of the provisions of Subsection (A) of this Section. The conviction of a minor under this Section may be used as evidence of a violation of this Section by said minor's parent, guardian or other adult person having the care and custody of such minor, and shall create a presumption that such adult person has permitted such minor to violate this Section.
- C. The provisions of this Section shall not apply to a minor accompanied by his/her parent, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his/her parent, guardian or other adult person having the care and custody of the minor, or where the minor is acting within the scope and course of legitimate employment nor shall provisions of Subsection (B) herein apply in any case subject to the foregoing exceptions.
- D. Any Police Officer of the City of Greenwood finding a minor in violation of the provisions of this Section, shall warn said minor to desist immediately from such violation, and take such minor home to his/her parent, guardian or custodian. If such parent, guardian or custodian cannot be located, he/she shall retain custody until the parent, guardian or custodian is located and the minor delivered to him/her. The Officer shall also report the violation to his/her superior officer who shall cause a written notice to be served on the parent, guardian or custodian, setting forth the manner in which this Section has been violated. Any minor, parent, guardian or custodian who shall thereafter knowingly violate Subsections (A) or (B) of this Section, after receiving notice of the first (1st) violation, shall be subject to prosecution as hereinbelow provided.
- E. Any person violating the provisions of this Section shall, upon conviction, be adjudged guilty of a misdemeanor and be punished according to Section 100.050 of this Code.
(Ord. No. 2.000, 11-2-81; Ord. No. 2.312 §§1-5, 11-2-81)

SECTION 210.310: INDECENT EXPOSURE

- A. A person commits the offense of indecent exposure if he/she knowingly exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm.
- B. Indecent exposure is a misdemeanor. (RSMo. §566.130)

ARTICLE IX. OFFENSES CONCERNING DRUGS

Editor's Note—Ord. no. 2008-01-14-05 §1, adopted January 14, 2008, repealed sections 210.320 "possession of marijuana" and 210.321 "delivery, possession, manufacture of

drug paraphernalia" and enacted new provisions set out in this article in sections 210.320–210.324. Former sections 210.320–210.321 derived from ord. no. 2.000, 11-2-81; ord. no. 2.314 §§1–2, 11-2-81; ord. no. 97-06-09-01 §1, 6-9-97; ord. no. 99-11-02-05 §1, 11-2-99.

SECTION 210.320: DEFINITIONS

The following words, terms and phrases, when used in Sections 210.320 through 210.324, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

ADMINISTER: The direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

1. A practitioner or, in his/her presence, his/her authorized agent; or
2. The patient or research subject at the direction and in the presence of the practitioner.

CLOSE PROXIMITY: Within five hundred (500) feet on a straight line commencing at the property lines nearest to each other.

CONTROLLED SUBSTANCE: Any drug, substance or immediate precursor in Schedules I through V listed in Sections 195.005 to 195.425, RSMo.

DELIVER OR DELIVERY: The actual, constructive or attempted transfer from one person to another of drug paraphernalia or of a controlled substance or an imitation controlled substance, whether or not there is an agency relationship, and includes a sale.

DISPENSE: To deliver a narcotic or controlled dangerous drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for such delivery.

DISTRIBUTE: To deliver other than by administering or dispensing a drug or controlled substance.

DRUG:

1. Substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States or Official National Formulary or any supplement of any of them;
2. Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;
3. Substances, other than food, intended to affect the structure or any function of the body of humans or animals; and
4. Substances intended for use as a component of any article specified in this definition. It does not include devices or their components, parts or accessories.

DRUG PARAPHERNALIA: All equipment, products and materials of any kind which are used,

intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance or an imitation controlled substance in violation of Sections 210.320 through 210.324. It includes, but is not limited to:

1. Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
2. Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances or imitation controlled substances;
3. Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled substance or imitation controlled substance;
4. Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances;
5. Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances or imitation controlled substances;
6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use or designed for use in cutting controlled substances or imitation controlled substances;
7. Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from or in otherwise cleaning or refining, marijuana;
8. Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances or imitation controlled substances;
9. Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances or imitation controlled substances;
10. Containers and other objects used, intended for use or designed for use in storing or concealing controlled substances or imitation controlled substances;
11. Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances or imitation controlled substances into the human body;
12. Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
 - b. Water pipes;
 - c. Carburetion tubes and devices;

- d. Smoking and carburetion masks;
- e. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
- f. Miniature spoons or cocaine vials;
- g. Chamber pipes;
- h. Carburetor pipes;
- i. Electric pipes;
- j. Air-driven pipes;
- k. Chillums;
- l. Bonges;
- m. Ice pipes or chillers.

In determining whether an object is drug paraphernalia a court or other authority should consider, in addition to all other logically relevant factors, the following:

1. Statements by an owner or by anyone in control of the object concerning its use;
2. Prior convictions, if any, of an owner or of anyone in control of the object under any State or Federal law relating to any controlled substance or imitation controlled substance;
3. The proximity of the object, in time and space, to a direct violation of this Article;
4. The proximity of the object to controlled substances or imitation controlled substances;
5. The existence of any residue of controlled substances or imitation controlled substances on the object;
6. Direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to persons who he/she knows or reasonably should know, intend to use the object to facilitate a violation of this Article; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this Article shall not prevent a finding that the object is intended for use as drug paraphernalia;
7. Instructions, oral or written, provided with the object concerning its use;
8. Descriptive materials accompanying the object which explain or depict its use;
9. National and local advertising concerning its use;
10. The manner in which the object is displayed for sale;

11. Whether the owner or anyone in control of the object is a legitimate supplier of like or released items to the community, such as a licensed distributor or dealer of tobacco products;
12. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
13. The existence and scope of legitimate uses for the object in the community;
14. Expert testimony concerning its use.

IMITATION CONTROLLED SUBSTANCE: A substance that is not a controlled substance, which by dosage, unit appearance (including color, shape, size and markings) or by representations made, would lead a reasonable person to believe that it is a controlled substance. In determining whether a substance is an imitation controlled substance, the court or other authority concerned should consider, in addition to all other logically relevant factors, the following:

1. Whether the substance was approved by the Federal Food and Drug Administration for over-the-counter (non-prescription or non-legend) sales and was sold in the Federal Food and Drug Administration package with the Federal Food and Drug Administration approval labeling information;
2. Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance or its use or effect;
3. Whether the substance is packaged in a manner normally used for illicit controlled substances;
4. Prior convictions, if any, of an owner or anyone in control of the object under State or Federal law related to controlled substances or fraud;
5. The proximity of the substances to controlled substances;
6. Whether the consideration tendered in exchange for the non-controlled substance substantially exceeds the reasonable value of the substance considering the actual chemical composition of the substance and, where applicable, the price at which over-the-counter substances of like chemical composition sell.

An imitation controlled substance does not include a placebo or registered investigational drug either of which was manufactured, distributed, possessed or delivered in the ordinary course of professional practice and research.

LICENSE OR LICENSED: Refers to persons required to obtain annual registration as issued by the State Division of Health as provided by Section 195.030, RSMo.

MANUFACTURE: The production, preparation, propagation, compounding or processing of drug paraphernalia or a controlled substance or an imitation controlled substance either directly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance or an imitation controlled substance or the preparation, compounding, packaging or labeling of a narcotic or dangerous drug:

1. By a practitioner as an incident to his/her administering or dispensing of a controlled substance or an imitation controlled substance in the course of his/her professional practice; or
2. By a practitioner or by his/her authorized agent under his/her supervision for the purpose of or as an incident to research, teaching or chemical analysis and not for sale.

MARIJUANA: All parts of all varieties of the plant genus Cannabis, in any species or form thereof, including, but not limited to, Cannabis Sativa L., Cannabis Indica, Cannabis Americana, Cannabis Ruderalis and Cannabis Gigantea, whether growing or not, the seeds thereof, the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which is incapable of germination.

MINOR: Any person who has not attained eighteen (18) years of age.

PHARMACIST: An individual currently licensed by the State Board to practice the profession of pharmacy in this State.

PLACE OF DISPLAY: Any museum, library, school or other similar public place upon which business is not transacted for a profit.

POSSESSED OR POSSESSING A CONTROLLED SUBSTANCE: A person, with the knowledge of the presence and nature of a substance, has actual or constructive possession of the substance. A person has actual possession if he has the substance on his person or within easy reach and convenient control. A person who, although not in actual possession, has the power and the intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it. Possession may also be sole or joint. If one (1) person alone has possession of a substance, possession is sole. If two (2) or more persons share possession of a substance, possession is joint.

PRACTITIONER: A physician, dentist, podiatrist, as defined in Chapter 330, RSMo., veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer or to use in teaching or chemical analysis a controlled substance in the course of professional practice or research in this State or a pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this State.

PREMISES: A business establishment and the structure of which it is a part, facilities and appurtenances therein and grounds, areas and facilities held out for the use of patrons.

PREMISES OPEN TO MINORS: Any business establishment which sells its wares or merchandise to minors or which permits minors to enter into its place of business.

PRESCRIPTION: A written order and, in cases of emergency, a telephone order issued by a practitioner in good faith in the course of his/her professional practice to a pharmacist for a drug for a particular patient which specifies the date of its issue, the name and address of the patient (and, if such drug is prescribed for an animal, the species of such animal), the name and quantity of the drug prescribed, the directions for use of such drug and the signature of such practitioner.

PRODUCTION: Includes the manufacture, planting, cultivation, growing or harvesting of drug paraphernalia, of a controlled substance or an imitation controlled substance.

SCHOOL: Any public or private elementary, junior high or high school or any college, junior college or university.

WAREHOUSEMAN: A person who, in the usual course of business, stores drugs for others, is lawfully entitled to possess them and who has no control over the disposition of such drugs except for the purpose of such storage.

WHOLESALE: A person who supplies drug paraphernalia or controlled substances or imitation controlled substances that he/she himself has not produced or prepared, on official written orders, but not a prescription. (Ord. No. 2008-01-14-05 §1, 1-14-08)

SECTION 210.321: USE OR POSSESSION FOR USE OF DRUG PARAPHERNALIA

It shall be unlawful for any person to use or to possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or imitation controlled substance in violation of this Article. (Ord. No. 2008-01-14-05 §1, 1-14-08)

SECTION 210.322: DELIVERY, POSSESSION, MANUFACTURE OF DRUG PARAPHERNALIA

It shall be unlawful for any person to deliver, possess with intent to deliver or manufacture with intent to deliver drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or imitation controlled substance in violation of this Article. (Ord. No. 2008-01-14-05 §1, 1-14-08)

SECTION 210.323: DELIVERY, POSSESSION, MANUFACTURE OF IMITATION CONTROLLED SUBSTANCES

It shall be unlawful for any person to deliver, possess, possess with intent to deliver or manufacture with intent to deliver or cause to be delivered any imitation controlled substance to another person. (Ord. No. 2008-01-14-05 §1, 1-14-08)

SECTION 210.324: REGULATION OF CONTROLLED SUBSTANCES

- A. It shall be unlawful for any person to sell, give away, manufacture, use or possess for any purpose whatever any controlled substance except as provided in this Section.
- B. Distribution of controlled substances by licensed practitioners is permitted under the following conditions:

1. *Practitioners.* A licensed practitioner shall be permitted to dispense or distribute controlled substances and drugs to a person in the course of his/her professional practice only. Such licensed practitioner shall not be permitted to possess controlled substances for any other purpose.
 2. *Pharmacists.* A licensed pharmacist shall be permitted to dispense or distribute controlled substances and drugs to persons under and in pursuance of written prescriptions issued by any licensed practitioner. Such licensed pharmacist shall not be permitted to possess controlled substances for any other purpose.
 3. *Record of distribution.* All instances of professional distribution of controlled substances and drugs as provided for in this Section shall be recorded in suitable form and filed and preserved in a manner so as to be readily accessible for inspection by any Law Enforcement Officer of the City.
 4. *Renewal prohibited.* No prescription for controlled substances shall be renewed or refilled.
- C. Any person shall be permitted to possess controlled substances distributed or dispensed to him/her under the provisions of this Section, but such possession and use must be in accordance with the prescription and prescribed treatment.
- D. A person who is a licensed manufacturer, warehouseman or wholesaler of controlled substances shall be permitted to possess controlled substances for the purposes of wholesale delivery, compounding, preparation and manufacture only. Such controlled substances shall only be resold to other persons permitted by this Section to resell or dispense or distribute controlled substances in the course of a licensed manufacturing or wholesale business, a licensed professional practice or a licensed pharmaceutical business. A licensed manufacturer or wholesaler permitted to possess controlled substances in this Subsection may also be a licensed pharmacist and may dispense or distribute narcotic drugs upon written prescription as provided in this Section, but shall not consume or permit to be consumed any controlled substances except upon written prescription as provided in this Section.
- E. All controlled substances in the possession of any person convicted of a violation of this Section shall be seized by, confiscated by, forfeited to the Chief of Police who shall make proper disposition thereof.
- F. This Section shall not apply to the administering or distributing or dispensing of any medical preparation that contains in one (1) fluid ounce, or if a solid or semi-solid preparation in one (1) avoirdupois ounce, not more than one (1) grain of codeine or any of its salts. Provided that the preparation administered or distributed or dispensed shall contain some drug of medicinal qualities in addition to those possessed by the controlled substances alone. Such preparation shall be administered, distributed or dispensed in good faith and not for the purpose of evading this Subsection. However, no person shall administer, dispense or sell, under the exemption of this Section, any preparation included in this Subsection, when he/she knows, or can by reasonable diligence ascertain, that such administering, dispensing or selling will provide the person to whom or for whose use such preparation is administered, dispensed or sold, within any forty-eight (48) consecutive hours, with more than four (4) grains of codeine or any of its salts.
- G. The provisions of this Section restricting the possession and control of controlled substances shall not apply to common carriers or warehousemen engaged in lawfully transporting or storing such controlled substances, nor to any employee of such common carriers or warehousemen within the

scope of his/her employment, nor to public officers or employees in the performance of official duties requiring possession or control of controlled substances, nor to persons aiding such officers or employees in performance of such duties. (Ord. No. 2008-01-14-05 §1, 1-14-08)

ARTICLE X. ADDITIONAL OFFENSES

SECTION 210.330: POLLUTION

- A. It shall be unlawful for any person to construct, maintain or use any existing gutter, drain pipe, sewer, effluent or other conveyance from which there shall escape or be discharged into the environment of any public or private property any filth, slop, waste, water, refuse matter or excrement of any kind, from any shop, residence, kitchen, business establishment, bathroom, cellar, water closet, privy vault, outhouse or any other facility or structure.
- B. It shall be unlawful for any person, agent or employee of a person within this City, to cause or permit any of the polluting substances named in Subsection (A) above or any other noxious, hazardous or offensive material to escape onto any private or public property, or to allow or cause discharge of such matter onto any public right of way, street, alley or place without first providing proper care and treatment of such matter so as to render it safe and inoffensive.
- C. Any person violating the provisions of this Section shall, upon conviction, be adjudged guilty of a misdemeanor and be punished according to Section 100.050 of this Code.
(Ord. No. 2.000, 11-2-81; Ord. No. 2.300 §§1–3, 11-2-81)

SECTION 210.340: BURNING WASTE

It shall be unlawful to burn waste in any residential area in the City of Greenwood, however, permission can be obtained from the Greenwood City Hall to burn in the course of clean up in a residential area. Permission must be obtained to burn tree stumps, tree limbs and other natural debris. The City Clerk will assist an applicant in obtaining permission. (Ord. No. 2.000, 11-2-81; Ord. No. 2.601 §§1, 3, 8-5-91; Ord. No. 94-10-01, 10-3-94)

SECTION 210.350: OPEN HOUSE PARTIES WHEN ALCOHOL OR ILLEGAL DRUGS ARE POSSESSED OR USED BY MINORS

- A. *Definitions.* Unless the provisions explicitly state otherwise, as used in this Section, the following terms and phrases shall have the meanings hereinafter designated:

ALCOHOLIC BEVERAGE: Any alcoholic liquor as defined now and hereafter by the Revised Statutes of Missouri. Currently, "alcoholic liquor" is defined by Section 311.020, RSMo.

CONTROL: Any form of authority, regulation, responsibility or dominion, including a possessory right.

DRUG: A controlled substance as defined and described now or hereafter by the Revised Statutes of Missouri. Currently, controlled substances are defined and described by Sections 195.005–195.425, RSMo. (Chapter 195).

MINOR: A person not legally permitted by reason of age to possess, consume or purchase alcoholic liquor as described now or hereafter by the Revised Statutes of Missouri.

OPEN HOUSE PARTY: A social gathering at a residence or premises of persons in addition to the owner or those with rights of possession or their immediate family members.

RESIDENCE OR PREMISES: A motel room, hotel room, home, apartment, condominium or other dwelling unit, including the curtilage of a dwelling unit, or a hall, meeting room or other place of assembly, whether occupied as a dwelling or specifically for social functions and whether owned, leased, rented or used with or without compensation.

- B. *Prohibited Activities.* No person who is the owner in possession, a tenant or subtenant or has temporary charge of any residence or premises shall allow an open house party to take place at the residence or premises if any alcoholic beverage or drug is possessed or consumed at the residence or premises by any minor where the person knew or reasonably should have known that any alcoholic beverage or drug was in the possession or being consumed by a minor at the residence or premises.
- C. *Exceptions.* The provisions of this Section shall not apply to:
1. The consumption, use or possession of a drug by a minor pursuant to a lawful prescription for each drug.
 2. Religious observance or prescribed medical treatments.
 3. The possession by a minor of alcoholic beverages or lawfully prescribed drugs incidental to the lawful employment of such minor. (Ord. No. 2006-06-26-03 §1, 6-26-06)

CHAPTER 214: VECTOR CONTROL

SECTION 214.010: TITLE

The title of this Chapter shall be known as the "Uniform Vector Control Ordinance". (Ord. No. 2003-06-09-03 §1, 6-9-03)

SECTION 214.020: PURPOSE

The purpose of this Chapter is to protect the public health, safety and general welfare by:

1. Preventing or controlling the spread of vector-borne disease.
2. Averting the blighting affects that the presence of vector infestation places on an affected neighborhood, including undermining the desirability of housing, causing decline in property value and contributing to the image of an environmentally unfit area.
3. Facilitating the services of the Public Works Department staff by making more uniform municipal regulations concerning vector control. (Ord. No. 2003-06-09-03 §1, 6-9-03)

SECTION 214.030: DEFINITIONS

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

EXTERMINATION: The control and elimination of vectors by eliminating harborage areas, by removing food sources or making them inaccessible, by poisoning, spraying, fumigating, trapping or any other legal vector elimination method which is not injurious to human health or the safety of domestic animals.

GARBAGE: The animal and/or vegetable waste resulting from the handling, preparation, cooking, serving or non-consumption of food.

INFESTATION: The presence of vectors within or contiguous to a structure or premises.

INSPECTION OFFICER: A staff member of the Public Works Department and/or any other persons authorized, in writing, by the Board of Aldermen to conduct inspection and administrative procedures to enforce the provisions of this Chapter.

JUNK: All large items of rubbish including, but not limited to:

1. Non-operable automobiles or associated parts or equipment.
2. Non-operable appliances, such as refrigerators or stoves.
3. Scrap metal.

OCCUPANT: Any person living, sleeping, cooking or eating in or actually having possession of a dwelling unit or a rooming unit, except that in dwelling units a temporary guest will not be considered an occupant.

OWNER: Any person who, alone or joint-severally with others:

1. Shall have legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof; or
2. Shall have charge, care or control of any premises, dwelling or dwelling unit as owner or agent of the owner or an executor, administrator, trustee, assignee of rents or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Chapter to the same extent as if he were the owner.

PERSON: Any individual, business, firm, corporation, association or partnership.

PREMISES: All areas of a property, including all interior, exterior, grounds and yard spaces.

RUBBISH: Solid wastes, other than garbage, consisting of either:

1. Combustible wastes, such as paper, cardboard, plastic, yard clippings and wood; or
2. Non-combustible wastes, such as metal, glass and crockery.

STRUCTURE: Any manmade construction or building that is located on any part of the premises.

URBANIZED AREA: Any area that is located within one thousand (1,000) feet of either:

1. Any structure which is designed for human occupancy for any purpose, be it residential, business or leisure time, at any time of the day or night; or
2. A public or privately owned outdoor recreation site.

VECTOR: An organism which, either directly or indirectly, via microorganisms which it carries, can transmit disease to man. For the purposes of this Chapter, the term "*vector*" shall ordinarily, but not exclusively, refer to rodent, insect or vermin species.

VECTOR HARBORAGE or VECTOR SOURCE: Any area, interior or exterior, where vectors can live, nest, breed or seek any form of shelter.

VECTOR-PROOF: Describing a form of construction that prevents the ingress or egress of vectors to and from a given space or structure or which prevents vectors from gaining access to food, water or harborage. (Ord. No. 2003-06-09-03 §1, 6-9-03)

SECTION 214.040: INSPECTION PROCEDURES

- A. Inspection procedures shall be conducted by the Inspection Officer.
- B. The Inspection Officer shall be empowered to inspect any structure or premises in the City at any reasonable time. The Inspection Officer is authorized to conduct the inspection on any part of the premises, including any interior spaces.
- C. In the event that the owner or occupant refuses to permit the Inspection Officer to inspect the premises, the Inspection Officer shall obtain an administrative search warrant from the competent jurisdiction authorizing entry to the premises in question.
- D. The Inspection Officer shall continue to inspect the premises periodically, as he or she deems necessary, until he or she has certified that the violation has been corrected.
- E. The Inspection Officer shall reinspect any premises that have been previously cited for violating the terms of this Chapter within one hundred eighty (180) days of the date on which the violation has been certified as having been corrected.
- F. Inspection of specific types of land uses which are prone to vector harborage shall occur regularly, as indicated below:
 1. Commercial, industrial or institutional establishments in which foodstuffs are sold, handled, processed or stored: semiannual inspection.
 2. Commercial, industrial or institutional establishments in which large quantities of materials must be regularly located in outside storage areas: semiannual inspection.
- G. Any owner or occupant within the City may issue a complaint requesting action by the Inspection Officer. The complaint must be signed and in writing. The identity of the complainant shall be kept confidential unless otherwise requested by the complainant or a court of competent jurisdiction.

Within fifteen (15) days of the receipt of the complaint, the Inspection Officer shall indicate, in writing, the action taken on the complaint. (Ord. No. 2003-06-09-03 §1, 6-9-03)

SECTION 214.050: NOTICE OF VIOLATION

- A. When the Inspection Officer has deemed any premises in violation of this Chapter, he or she shall issue a written notice of violation to the owner and/or occupant, depending on the nature of the violation, and shall require the owner and/or occupant to correct the cited violation.
- B. The written notice of violation shall contain, at a minimum, the following information:
 - 1. Indicate the address and/or the location of the premises.
 - 2. Describe all violations, including the date(s) on which they were observed, and indicating where on the premises the violations exist or were practiced.
 - 3. At the discretion of the Inspection Officer, indicate alternative techniques or practices that are satisfactory to correct the cited violation.
 - 4. Issue an order to correct and indicate the penalties for non-compliance.
 - 5. Specify a period of time by which the violation must be corrected.
 - 6. Carry the signature or a facsimile of the signature of the Inspection Officer.
 - 7. Indicate the name, office mailing address and office telephone number of the Inspection Officer.
- C. The notice of violation shall be served upon the owner of record or the occupant of the structure by any one (1) of the following methods:
 - 1. Delivering the notice directly to the hands of the owner or occupant or responsible person in his or her household who will sign for him or her; or
 - 2. Mailing the notice, or a copy thereof, by return-receipt mail to the last known address of the owner or occupant; or
 - 3. If the letter is returned showing that it cannot be delivered, posting a copy of the notice in a conspicuous place in or about the cited premises.
- D. The Inspection Officer shall certify to the correction of the violation cited in the notice. Such certification, at a minimum, shall consist of the Inspection Officer's signature and the date on which the certification is made. (Ord. No. 2003-06-09-03 §1, 6-9-03)

SECTION 214.060: VIOLATIONS AND PENALTIES

- A. Each day that a violation remains uncorrected after the period stated for correction in the notice of violation shall constitute a separate offense.
- B. This Chapter shall be enforced by action brought before a judge in the same manner provided for the

enforcement of summary offenses under the Missouri Statutes. Any person who violates or permits the violation of this Chapter shall, upon conviction in a summary proceeding, be punishable by a fine of not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or by imprisonment for a term not exceeding ninety (90) days. Each day or portion thereof that such violation continues, or is permitted to continue, shall constitute a separate offense. Each Section of this Chapter that is violated shall also constitute a separate offense.

- C. In cases of extended non-compliance or in cases of a clear and present danger to the health, safety or general welfare of the citizenry, the Governing Body of the Township of Forks shall be empowered to exercise any of the following actions, subject to adequate notice to the owner of the property:
1. Order the Inspection Officer to cause the immediate vacancy of the cited premises by any and all individuals. The Inspection Officer shall post in plain view a notice stating "unfit for human occupancy" and requiring the vacancy of said premises until the violation is corrected.
 2. Order the correction of the violation by municipal staff.
 3. Engage a qualified contractor to correct the violation.
 4. Authorize the condemnation and demolition of the cited premises.
- D. Reimbursement for municipal costs incurred in the correction of violations or in demolition shall be recouped from the owner and/or occupant in any of the following ways:
1. Attaching a municipal lien on the cited property;
 2. Civil action against the owner and/or occupant; or
 3. Sale of personalty found on the premises. (Ord. No. 2003-06-09-03 §1, 6-9-03)

SECTION 214.070: REGULATIONS AND REQUIREMENTS

A. General Requirements For All Property Owners.

1. The interior and exterior of all premises shall be maintained in a clean and sanitary condition that shall prevent vector harborage.
2. During construction activities, preventive measures shall be taken which shall preclude vector harborage.
3. If vector-proofing materials are removed from a structure during structural renovations, these materials shall be comparably replaced.
4. Upon receipt of a notice of violation, proper techniques of vector-proofing and/or extermination must be taken by the owner to correct the identified violation. If continued reapplication is necessary to correct the problem, the owner shall continue the extermination techniques as determined by the Inspection Officer.

B. General Requirements Of Occupants And Lessees.

1. Every occupant of a dwelling unit or a rooming unit and every lessee of space of a commercial, office or industrial premises shall be responsible to maintain said unit or space in a clean and sanitary condition which shall prevent vector harborage.
2. Every occupant and lessee shall dispose of all garbage and rubbish in a safe, clean and sanitary manner. Garbage must be temporarily stored prior to its collection for ultimate disposal in a tightly sealed, metal or heavy plastic container designed specifically for this purpose. Garbage may not be stored in plastic garbage bags unless they are placed in an acceptable container as described above. Rubbish must be temporarily stored in a closed container.
3. An occupant or lessee shall be held responsible for the extermination of vectors rather than the property owner when the unit or space occupied by the occupant or lessee is the only one in which infestation is detected on multiple-occupancy premises. However, where infestation is found to be a direct result of owner neglect, the owner shall be held responsible for extermination.
4. Upon receipt of a notice of violation, proper steps must be taken by the occupant or lessee to correct the identified violation. If continued reapplication is necessary to correct the problem, the occupant or lessee shall continue the extermination techniques as determined by the Inspection Officer.

C. *Building Requirements.*

1. All openings, including any openings for utility lines, must be protected by vector-proof material, such as screening.
2. The walls, flooring, porches and basements of any structure must be vector-proofed.
3. Every plumbing and waste pipe shall be properly maintained in good sanitary condition in order to prevent a point of vector harborage on the premises.

D. *Yard And Grounds Requirements.*

1. The exterior spaces of all premises shall be kept free of all accumulated garbage, rubbish and junk.
2. Firewood stacks shall be raised at least twelve (12) inches above ground level.
3. Any exterior spaces located in an urbanized area shall be kept free of high grass or weed growth that may serve as a vector harborage.
4. Any exterior space located in an urbanized area shall be kept free of standing pools of stagnated water that may serve as a vector harborage. This includes, but is not limited to, tires, playground equipment, swimming pools, buckets, barrels or other areas where water can accumulate and stagnate.
5. No material, including firewood or building lumber, which may serve as a vector harborage shall be stored or stacked directly against the exterior wall of any structure.

E. *Requirements For Animal Shelters.* An animal shelter for more than two (2) animals must be properly and regularly sanitized and fumigated as necessary in order to prevent vector harborage

Feed materials must be stored within vector-proofed, sealed containers or structures inaccessible to vectors.

F. *Extermination.*

1. At the time infestation is identified, acceptable techniques of extermination shall be initiated by the person cited in the notice of violation to remove the infestation.
2. After the extermination is complete, proper precautions shall be taken to prevent reinfestation. (Ord. No. 2003-06-09-03 §1, 6-9-03)

CHAPTER 215: NUISANCES

SECTION 215.010: PROHIBITIONS

- A. No person shall permit, cause, keep, maintain, or do any nuisance, as defined by the laws of the State, or ordinances of the City within the City limits of the City of Greenwood, Missouri.
- B. No owner, occupant or person in charge of any house, building, lot or premises shall cause or allow any nuisance to be or remain in or upon any such house, building, lot or premises. (Ord. No. 2.000, 11-2-81; Ord. No. 2.600 §1, 1-14-91)

SECTION 215.015: NOISE DISTURBANCE

- A. It shall be unlawful for any individual to play any radio, television or any device made to play cassettes, records, compact disc, audio and/or video tapes, loud speaker or any similar device so that it emits a sound that can be heard one hundred (100) feet or more from the device. This includes any of the aforementioned devices that are mounted in motor vehicles, boats, trucks, bicycles, carried on one's person or placed in a building, to include private residences, apartments, places of business and similar structures.
- B. A public safety officer may issue a uniform traffic ticket (UTT) to the individual responsible for any such device emitting sound in violation of Subsection (A) above including the driver of a motor vehicle or the first (1st) registered owner of the vehicle, the owner of the record or a resident of a residence or apartment, the proprietor of a business or the person who is in physical control of any such device.
- C. In the event that any such device is located in a motor vehicle, boat, bicycle, ATV or other means of conveyance and the owner or operator cannot be located or denies ownership, a public safety officer may tow the motor vehicle, boat, bicycle, ATV or other means of conveyance at the owner's expense.
- D. A public safety officer may seize any motor vehicle, boat, truck, bicycle or any other device and have same towed and stored, at the owner's expense, for a period not to exceed seventy-two (72) hours, and which was used in violation of the noise disturbance ordinance by any individual who previously has been convicted, pled guilty or who has a noise disturbance charge pending.
- E. This Section shall not apply to licensed carnivals, religious services, rodeos, noise emitted by

machinery during its normal operation, emergency vehicles or noise emitted under similar circumstances, school district activities, activities associated with business or commercial locations in an appropriately zoned district where the activities are inside the structure.

- F. *Permits Authorized.* Any individual, business and organization may apply for a permit that will allow for an outside event where noise generated may otherwise be in violation of this Section. The office of the City Clerk or his designee in his or her discretion may issue such permit. Such permit shall identify the applicant and duration of the event. No fee shall be charged for any such permit. (Ord. No. 2006-06-26-01 §1, 6-26-06)

SECTION 215.020: ENUMERATION

The following are declared to be nuisances:

1. All substances which emit or cause any foul, noxious, unhealthy or disagreeable odor in the neighborhood where they exist.
2. All carcasses of animals remaining exposed one (1) hour after death.
3. All slaughterhouses, pens, processing plants, packing houses, stables or barns which emit or cause an offensive, disagreeable or noxious smell or odor or which are kept in such a condition as to be offensive, annoying or disagreeable to anyone.
4. All slop, foul or dirty water, liquor or beer washings, all filth or refuse discharged through drains or spouts or otherwise thrown or deposited in or upon any street, sidewalk, alley, lot, park, public square, public enclosure or any pond or pool of water.
5. All signs projecting from any house, building or other structure over or upon any street, sidewalk or alley, and any hanging signs, ropes, network or other advertising device stretched over or across any street or sidewalk, contrary to the ordinances of the City.
6. All ashes, cinders, slops, filth, excrement, sawdust, stones, rocks, dirt, straw, soot, sticks, shavings, cans, dust, paper, trash, rubbish, manure, refuse, wastewater, chamber lye, fish, putrid meat, entrails, decayed fruit or vegetables, broken ware, rags, iron or other metal, old wearing apparel, all animal or vegetable matter, all dead animals, or any other offensive or disagreeable substance or thing thrown, left or deposited or caused to be thrown, left or deposited by anyone in or upon any street, avenue, alley sidewalk, park, public square, public enclosure, lot, whether vacant or occupied, stream, pond or pool of water.
7. Any wrecked, damaged, demolished or disabled vehicle or portion thereof left or permitted to remain upon any property for a period in excess of thirty (30) days, and which may be an attractive nuisance to children and constitute a danger; or, where weeds, grass and other vegetation is allowed to grow in and around such vehicle; or, where such vehicle, or portion or part thereof, may create or is a fire hazard; or, where such vehicle, or such portion or part thereof, may afford a harborage place or breeding place for mosquitoes, flies, rodents, rats and other vermin.
8. The parking of any motor vehicles on sidewalks and the service or repair of motor vehicles, other than those belonging to the owner, lessee or tenant, upon residential premises or upon adjacent public right of way.

9. All boxes, barrels, kegs, crates, boards, or wood, wagons, buggies, engines, machinery, automobiles or parts thereof, tombstones, marble or granite stones or piles of dirt, stone or brick left or deposited by anyone in or upon any sidewalk, curbstone, gutter, or on any street, alley, or avenue, or in front or along the side of any building, except as permitted by the ordinances of the City or except while the owner or occupant of the adjacent premises is engaged in the loading or unloading or unpacking of any such goods, wares or merchandise, as may be permitted by the ordinances of the City.
10. The maintenance or use of any public or private premises where fowls or any animals are kept, trained, or used to fight upon exhibition, or for sport, or upon any wager.
11. The maintenance or presence of any tree or shrub infected with any contagious tree or plant disease which may constitute a hazard to or result in damage or destruction of other trees or shrubs in the City.
12. The maintenance by an owner or occupier of any lot, place or area within the City, or the agent of such owner or occupier, of any premises or upon any sidewalk abutting such premises, of weeds, grass or deleterious, unhealthful growth, or other noxious matter, that may be growing, lying or located thereon.
13. The production or maintenance of unnecessary or unusual noise within the City which either annoys, injures or endangers the comfort, repose, health or safety of others.
14. All vegetation, accessory structures, vehicles (of whatever type), trailers, boats, or other object which are allowed to exist (except momentarily) in such a way as to obstruct the reasonable and safe view by motor vehicle drivers upon the streets, alleys, or public drive of the City, of oncoming and intersecting traffic and pedestrians.
15. All articles or things whatsoever caused, kept, maintained, or permitted by any person to the injury, inconvenience or annoyance to the public.
16. All pursuits followed or engaged in or acts done by any person to the injury, annoyance or inconvenience of the public.
17. All establishments emitting or causing an offensive, disagreeable, noxious or toxic dust, vapor, fume, mist or odor.
18. All rank and noxious weeds, plants and all vegetation which exhales unpleasant or noxious odors, or transmits pollen into the air at any state of maturity, and which exceeds twelve (12) inches in height; also all vegetation, regardless of height, including thickets, which conceals or invites filthy deposits, or which harbors rodents, refuse or vermin, and all poison ivy, poison oak and poison sumac at any height or stage of maturity.
19. The practice of going in and upon private residences, business establishments or offices in the City of Greenwood, Missouri, by solicitors, peddlers, hawkers, itinerant merchants, and transient vendors of merchandise, not having been requested or invited so to do by the owner or owners, occupant or occupants, of said private residences, business establishments, or offices for the purposes of soliciting orders for the sale of goods, wares and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same; provided that the provisions of this Subsection shall not apply to persons employed by or representing any established merchant business, firm or corporation located and regularly doing business in the City of

Greenwood, Missouri, and who has purchased a merchant's license from the City of Greenwood, Jackson County, Missouri, or to permanently established residents who are voters in the City of Greenwood, Missouri, and are duly licensed as merchants. (Ord. No. 2.000, 11-2-81; Ord. No. 2.600 §2, 1-14-91; Ord. No. 2.600-A §1(F), 2-4-91; Ord. No. 2011-10-25-07 §1, 10-25-11)

SECTION 215.030: CITY MAY CAUSE REMOVAL AND ISSUE TAX BILL, WHEN

Whenever any nuisance exists in violation of this Chapter, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable. The Board of Aldermen or other City Official as designated by the Board of Aldermen shall give a hearing after ten (10) days' notice thereof, either personally or by United States mail to the owner or owners, or his/her or their agents, or by posting such notice on the premises; thereupon, the Board of Aldermen or other designated City Official may declare the existence of a nuisance and order the same to be abated within five (5) days; and in case the nuisance is not abated within the five (5) days, the Chief of Police or other designated City Official shall abate said nuisance and shall certify the costs of same to the City Clerk, who shall cause a special tax bill therefor against the property to be prepared and to be collected by the Collector, with other taxes assessed against the property; and the tax bill from the date of its issuance shall be a first lien on the property until paid and shall be prima facie evidence of the recitals therein and of its validity, and no mere clerical error or informality in the same, or in the proceedings leading up to the issuance, shall be a defense thereto. Each special tax bill shall be issued by the City Clerk and delivered to the Collector on or before the first (1st) day of June of each year. Such tax bills if not paid when due shall bear interest at the rate of eight percent (8%) per annum. (RSMo. §71.285)

SECTION 215.040: EMERGENCIES

In cases where it reasonably appears that the nuisance identified by the authorized City Official presents an immediate danger to the health, life or safety of any person unless it is abated, the City Official shall report such condition and facts to the Board of Aldermen who may cause the immediate abatement of such nuisance, after notification to the owner of said property. The costs of such abatement shall be assessed against such property and constitute a lien as described in Section 215.030 above. (Ord. No. 2.000, 11-2-81; Ord. No. 2.600 §4, 1-14-91)

SECTION 215.050: ADMINISTRATIVE LIABILITY

No City Officer or Official shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this Chapter. (Ord. No. 2.000, 11-2-81; Ord. No. 2.600 §5, 1-14-91)

SECTION 215.060: PURPOSE OF REMEDY

It is the intention of this Chapter to provide a prompt method for abatement of nuisances by non-judicial means, without penalty, as well as to punish violators for contumacious refusals to abate such nuisances as may be determined by the City to exist. Any person violating the provisions of this Chapter by refusal to obey a directive of the authorized City Official to abate a nuisance, necessitating abatement by the City itself, shall be, in addition to having the costs of such abatement

assessed against his/her property as a lien, upon conviction in Municipal Court, adjudged guilty of a misdemeanor and punished according to Section 100.050 of this Code. (Ord. No. 2.000, 11-2-81; Ord. No. 2.600 §8, 1-14-91)

SECTION 215.070: ABATEMENT OF PUBLIC NUISANCE, WHEN

- A. *Authority.* This Section is enacted pursuant to Section 67.398, RSMo.
- B. *Conditions Causing Nuisances.* Any condition on any lot or land that has the presence of a nuisance including, but not limited to, debris of any kind, weed cuttings, cut, fallen or hazardous trees and shrubs, overgrown vegetation and noxious weeds which are twelve (12) inches or more in height, rubbish and trash, lumber not piled or stacked twelve (12) inches off the ground, rocks or bricks, tin, steel, parts of derelict cars or trucks, broken furniture, any flammable material which may endanger public safety or material or condition which is unhealthy or unsafe and declared to be a public nuisance.
- C. *Notice Required.* The Code Enforcement Official shall give written notice to the owner of the property, and if the property is not owner-occupied, also to any occupant of the property by personal service or by first class mail to both the occupant of the property at the property address and the owner at the last known address of the owner, if not the same. If notice cannot be given as described in the preceding sentence, then the building official may post such notice on or about the premise described in the notice.
- D. *Notice Contents.* Such notice shall, at a minimum:
1. Declare that a public nuisance exists;
 2. Specifically describe each condition of the lot or land declared to be a public nuisance.
 3. Identify what action will remedy the public nuisance;
 4. Order the removal or abatement of such condition not less than ten (10) days from the date of receipt of such notice or the date of posting, as the case may be;
 5. Describe the location of the property (using the street address rather than a metes and bounds legal description when reasonably possible to do so); and
 6. State that if the owner or occupant, as the case may be, fails to begin removing the nuisance within the time allowed, the Code Enforcement Official may cause the condition which constitutes the nuisance to be removed or abated and that the cost of such abatement may be included in a special tax bill or added to the annual real estate tax bill for the property.
 7. State that if the owner or occupant of the property fails to begin removing the nuisance within the time allowed, or upon failure to pursue the removal of such nuisance without unneeded delay, such owner or occupant may be cited in municipal court for violating this ordinance and shall, upon conviction in municipal court, be subject to punishment pursuant to Section 100.220.E of the City Code of the City of Greenwood, Missouri.
- E. *Abatement Authorized.* If the owner or occupant, as the case may be, of such property fails to begin removing or abating the nuisance within the time allowed, the Code Enforcement Official may cause

the condition which constitutes the nuisance to be removed or abated.

- F. *Costs To Be Recouped.* If the Code Enforcement Official causes such condition to be removed or abated, the cost of such removal or abatement (which may include fees for the City's costs in administering this Section) shall be certified to the City Clerk along with the proof of notice to the owner of the property. The City Clerk shall cause the certified cost to be included in a special tax bill or added to the annual real estate tax bill, at the collecting official's option, for the property and the certified cost shall be collected by the official collecting taxes in the same manner and procedure for collecting real estate taxes. If the certified cost is not paid, the tax bill shall be considered delinquent and the collection of the delinquent bill shall be governed by the laws governing delinquent and back taxes. The tax bill from the date of its issuance shall be deemed a personal debt against the owner and shall also be a lien on the property from the date the tax bill is delinquent until paid.
- G. *Penalty.* If the owner and/or occupant fails to begin removing or abating the nuisance within the time allowed, such person may be cited in Municipal Court for violating this Section and shall, upon conviction in Municipal Court, be subject to punishment pursuant to Section 100.220.E of the City Code of the City of Greenwood, Missouri. Each day that a violation continues shall constitute a separate and distinct offense. All penalties are in addition to assessed costs of removal/abatement. (Ord. No. 2007-07-30-08 §1, 7-30-07; Ord. No. 2016-2915, 9/30/2016)

CHAPTER 220: FIRE PROTECTION

SECTION 220.010: FIRE EXTINGUISHERS REQUIRED IN PUBLIC BUILDINGS, BUSINESS ESTABLISHMENTS, ETC.

- A. It shall be the responsibility of the business and/or property owner of public buildings, business establishments, and other buildings where groups of people congregate, to install adequate fire extinguishers.
- B. Such fire extinguishers shall be in good working order at all times.
- C. The City Building Inspector shall make periodic inspections of such fire extinguishers. (Ord. No. 2.000, 11-2-81; Ord. No. 3.001 §§1–3, 4-6-87)

SECTION 220.020: ADOPTION OF UNIFORM FIRE CODE

- H. For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosions, that certain Code known as the Uniform Fire Code, including all Appendix Chapters and Appendix standards, published by the International Fire Code Institute, particularly the 1997 Edition thereof, and the whole thereof is hereby adopted by the Board of Aldermen for the City of Greenwood, Missouri. Copies of the Code have been and are now filed in the office of City Clerk and the same hereby adopted and incorporated as if fully set out at length herein.
- I. The word "*jurisdiction*", as used in the Uniform Fire Code, is the City limits of the City of Greenwood, Missouri.
- J. Any person who is convicted of violation of any provision of this Section or fails to comply with any

provisions of this Section or with an order from the appropriate City Official issued thereto and from which no appeal has been taken shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00), and in any case shall include court costs, or by imprisonment up to ninety (90) days for each and every day the violation shall continue, or by such fine and imprisonment at the discretion of the court. The imposition of one (1) penalty for a violation shall not excuse the violation nor permit it to continue. (Ord. No. 2001-10-09-03 §1, 10-9-01)

SECTION 220.030: ADOPTION OF NFPA 101 LIFE SAFETY CODE

- A. For the purpose of prescribing regulations governing conditions hazardous to life and property, that certain Code known as the 101 Life Safety Code, including all Appendix Chapters and Appendix standards, published by the International Fire Code Institute, is hereby adopted by the Board of Aldermen for the City of Greenwood, Missouri. Copies of the Code have been and are now filed in the office of City Clerk and the same hereby adopted and incorporated as if fully set out at length herein.
- B. The word "*jurisdiction*", as used in the Uniform Fire Code, is the City limits of the City of Greenwood, Missouri.
- C. Any person who is convicted of violation of any provision of this Section or fails to comply with any provisions of this Section or with an order from the appropriate City Official issued thereto and from which no appeal has been taken shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00), and in any case shall include court costs, or by imprisonment up to ninety (90) days for each and every day the violation shall continue, or by such fine and imprisonment at the discretion of the court. The imposition of one (1) penalty for a violation shall not excuse the violation nor permit it to continue. (Ord. No. 2001-10-09-02 §1, 10-9-01)

CHAPTER 225: SOLID WASTE MANAGEMENT PLAN

SECTION 225.005: WASTE DEPARTMENT

- A. There shall be hereby established within the City of Greenwood, Missouri a Waste Department.
- B. The Waste Department shall be responsible for billing and collecting for fees and services, establishing and maintaining accounts and responding to inquiries and complaints related to the trash and sewer collection within the City of Greenwood, Missouri. (Ord. No. 2005-09-12-03 §§2–3, 9-12-05)

SECTION 225.010: DEFINITIONS

For the purposes of this Chapter the following terms shall be deemed to have the meaning indicated below:

APPROVED INCINERATOR: An incinerator which complies with all current regulations of the Missouri Air Conservation Commission.

BULKY RUBBISH: Non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste collection vehicles by solid waste collectors with the equipment available therefore.

CITY: The City of Greenwood, Missouri.

COLLECTION: Removal and transportation of solid waste from its place of storage to its place of processing or disposal.

DEMOLITION AND CONSTRUCTION WASTE: Waste materials from the construction or destruction of residential, industrial or commercial structures.

DIRECTOR: The Director of the Solid Waste Management Program of the City, or the individual delegated by Board of Aldermen to administer the program.

DISPOSABLE SOLID WASTE CONTAINER: Disposable plastic or paper sacks with a capacity of twenty (20) to thirty (30) gallons primarily designated for disposal of grass clippings and yard waste.

DWELLING UNIT: Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

COMMERCIAL UNIT: A place where a business is conducted by a person, persons, firm, or corporation in the normal pursuit of gainful profit.

GARBAGE: Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

HAZARDOUS WASTES: Including but not limited to: pathological wastes, explosive wastes, pesticides, pesticide containers, toxic or radioactive materials.

MULTIPLE HOUSING FACILITY: A housing facility containing more than one (1) dwelling unit under one (1) roof.

OCCUPANT: Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

PERSON: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

PROCESSING: Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

REFUSE: Solid waste.

SOLID WASTE: Unwanted or discarded waste materials in a solid or semi-solid state, including but not limited to garbage, ashes, street refuse, rubbish, animal and agricultural wastes, yard wastes, special wastes, industrial wastes and demolition and construction wastes.

1. *Commercial Solid Waste:* Solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment, and multiple-housing facilities with more than two (2) dwelling units.
2. *Residential Solid Waste:* Solid waste resulting from the maintenance and operation of dwelling units, excluding multiple housing facilities with more than two (2) dwelling units.

SOLID WASTE CONTAINER: Receptacle used by any person to store solid waste during the interval between solid waste collections.

SOLID WASTE MANAGEMENT: The entire solid waste system of storage, collection, transportation, processing and disposal.

STORAGE: Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

YARD WASTES: Grass clippings, leaves, tree trimmings.

SECTION 225.020: SOLID WASTE STORAGE

- A. The occupant of every dwelling unit and of every institution commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the City, shall provide sufficient and adequate containers for the storage of all solid waste except bulky rubbish and demolition and construction waste to serve each such dwelling unit and/or establishment; and to maintain such solid waste containers at all times in good repair.
- B. The occupant of every dwelling unit and of every institution commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste container except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.
- C. Residential solid waste shall be stored in containers of not more than thirty (30) gallons nor less than twenty (20) gallons in nominal capacity. Containers shall be leakproof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have bundles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual container and contents shall not exceed seventy-five (75) pounds. Galvanized metal containers, rubber or fiberglass containers, and plastic containers which do not become brittle in cold weather, may be used. Disposable solid waste containers with suitable frames or containers as approved by the Director may also be used for storage of residential solid waste.
- D. Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by Section 225.060.
- E. Tree limbs less than four (4) inches in diameter and brush shall be securely tied in bundles not larger

than thirty-six (36) inches long and eighteen (18) inches in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed fifty (50) pounds.

- F. Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises or upon adjacent public rights of way. The weight of any individual container and contents shall not exceed fifty (50) pounds.
- G. Solid waste containers which are not approved will be collected together with their contents and disposed of.

SECTION 225.030: COLLECTION OF SOLID WASTES

The City shall provide for the collection of solid waste as follows:

1. The City shall provide for the collection of all residential solid waste in the City, provided however, that the City may provide the collection service by contracting with a person, County, or other City or a combination thereof, for the entire City or portions thereof as deemed to be in the best interests of the City.
2. All solid waste from premises to which collection services are provided by the City shall be collected, except bulky rubbish as defined herein, provided however, that bulky rubbish will be collected if tied securely in bundles not exceeding reasonable limitations of weight and bulk to be fixed by regulations to be made and promulgated by the Director as hereinafter provided. All solid waste collected shall, upon being loaded into collection equipment, become the property of the collection agency.
3. Tree limbs and yard wastes, as described in Subsections (E) and (F) of Section 225.020 respectively, shall be placed at the curb for collection. Solid waste containers as required by this Chapter for the storage of other residential solid waste shall be placed at the curb for collection. No solid waste containers, tree limbs, yard wastes, or other solid wastes shall be placed at the curb for collection. No solid waste containers, tree limbs, yard wastes, or other solid wastes shall be placed on the street or in the gutter or drainage ditch. Any solid waste containers, tree limbs, yard wastes or other solid waste permitted by this Chapter to be placed at the curb for collection shall not be so placed until the regularly scheduled collection day.
4. Bulky rubbish shall be picked up by the contractor upon request by the owner. Charges for same to be as mutually agreed to by the owner and the collector. The City shall provide pickup of bulky rubbish twice yearly. ~~the first week of May and the first week of October.~~
5. Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.
6. The following collection frequencies shall apply to collections of solid waste within the City.

All residential solid waste, other than bulky rubbish, shall be collected at least once a week. All commercial solid waste shall be collected once weekly and shall be collected at such lesser intervals as may be fixed by the Director upon a determination that such lesser

intervals are necessary for the preservation of the health and/or safety of the public.

7. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel.
8. All collection vehicles shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for collection of solid waste shall be constructed with water-tight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.
9. Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities, however, all such material shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights of way.
10. Transportation and disposal of demolition and construction wastes shall be in accordance with Sections 225.040 and 225.050.
11. The monthly service charge for collection of residential solid waste shall be ~~twelve~~ sixteen dollars ~~twenty cents~~ (\$~~12.20~~ 16.00) per household for weekly collection. This fee shall include one (1) bulk item collection per household once a month. This fee shall also include weekly yard waste collection ~~which shall occur on the first (1st) Thursday in April through November,~~ provided that collection shall be limited to no more than ten (10) bags per household for each collection. Household accounts which are thirty (30) days past due will be assessed a late charge of one and one-half percents (1.5%) per month. Accounts which are sixty (60) days past due may be subject to service termination and the Mayor, or his designee, is hereby authorized to institute and carry out necessary actions to collect the past due amounts and protect the public's health and safety resulting from any effect from the lack of residential solid waste collection. Any household may request a monthly bill waiver due to an extended absence from the household. ~~if the request is made to the City's Utility Clerk by the fifth (5th) day of the month (or the next business day if the fifth (5th) day of the month is a Saturday, Sunday or legal holiday).— Bill waiver requests shall be made on forms provided by the City's Utility Clerk, and the City Utility Clerk is authorized to require reasonable information supporting the request, such as documentation of other utility or service shutoffs.~~ (Ord. No. 2007-02-26-05 §§1, 3, 2-29-07; Ord. No. 2008-06-30-03 §1, 6-30-08; Ord. No. 2010-08-09-04 §1, 8-9-10; Ord. No. 2016-2912, 7/26/2016)

SECTION 225.040: DISPOSAL OF SOLID WASTE

- A. Solid wastes shall be disposed of at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Division of Health.
- B. The Director may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Director and which will meet all local,

State and Federal regulations.

SECTION 225.050: PERMITS

- A. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City, without first obtaining an annual permit therefor from the City.
- B. No such permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the Director evidence of a satisfactory public liability insurance policy, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in amounts equal to the sovereign immunity limits for public entities as calculated by Missouri Department of Insurance and published annually in the Missouri Register as required by Section 537.610, RSMo. Should any such policy be canceled, the Director shall be notified of such cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice.
- C. If the application shows that the applicant will collect, transport, process or dispose of solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the State of Missouri and this Chapter, the Director shall issue the permit authorized by this Chapter. The permit shall be issued for a period of one (1) year, and each applicant shall pay therefore a fee of ten dollars (\$10.00) for each solid waste processing or disposal facility to be operated and a fee of ten dollars (\$10.00) for each collection vehicle to be used. If, in the opinion of the Director, modifications can be made to the application regarding service, equipment, or mode of operation, so as to bring the application within the intent of this Chapter, the Director shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.
- D. If the applicant does not make the modifications pursuant to the notice in Subsection (C) within the time limit specified therein or if the application does not clearly show that the collection, transportation, processing or disposal of solid wastes will create no public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the Director, in writing, stating the reason for such denial. Nothing in this Section shall prejudice the right of the applicant to reapply after the rejection of his/her application provided that all aspects of the reapplication comply with the provisions of this Chapter.
- E. The annual permit may be renewed simply upon payment of the fee or fees as designated herein if the business has not been modified. If modifications have been made, the applicant shall reapply for a permit as set forth in Subsections (B) and (C) hereof. No permit authorized by this Chapter shall be transferable from person to person.
- F. In order to insure compliance with the laws of this State, this Chapter and the rules and regulations authorized herein the Director is authorized to inspect all phases of solid waste management within the City of Greenwood. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this Chapter, the rules and regulations authorized herein for the storage, collection, transportation, processing or disposal of solid waste or the laws of the State of Missouri, the Director shall issue notice for each such violation stating therein the violation or violations found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.

- G. In all cases, when the corrective measures have not been taken within the time specified, the Director shall suspend or revoke the permit or permits involved in the violation, however, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one (1) extension of time not to exceed the original time period may be given.
- H. Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the Director may, within ten (10) days of the act for which redress is sought appeal directly to the Court of Greenwood in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal. (Ord. No. 2007-02-26-05 §2, 2-29-07)

SECTION 225.060: RULES AND REGULATIONS

- A. The Director shall make, amend, revoke, and enforce reasonable and necessary rules and regulations, governing, but not limited to:
 - 1. Preparation, drainage and wrapping of garbage deposited in solid waste containers.
 - 2. Specifications for solid waste containers, including the type composition, equipment, size and shape thereof.
 - 3. Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any.
 - 4. Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
 - 5. Storage of solid waste in solid waste containers.
 - 6. Sanitation, maintenance and replacement of solid waste containers.
 - 7. Schedules of and routes for collection of solid waste.
 - 8. Collection points of solid waste containers.
 - 9. Collection and disposal of solid waste.
 - 10. Processing facilities and fees for the use thereof.
 - 11. Disposal facilities and fees for the use thereof.
 - 12. Records of quantity and type of wastes received at processing and/or disposal facilities.
 - 13. Handling of special wastes such as toxic wastes, sludge, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.
 - 14. Haulers vehicle weights; utilizing private driveways to turn around; keeping vehicles on pavement or road surfaces.
- B. The Director or such other City Official who is responsible for preparing utility and other service

charge billings for the City, is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for.

- C. A copy of and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk of the City of Greenwood.

SECTION 225.070: PROHIBITED PRACTICES

It shall be unlawful for any person to:

1. Deposit solid waste in any solid waste container other than his/her own, without the written consent of the owner of such container and/or, with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal.
2. Interfere in any manner with solid waste collection equipment, or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City, or those of a solid waste collection agency operating under contract with the City.
3. Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency.
4. Dispose of solid waste at any facility or location which is not approved by the City and Missouri Division of Health.
5. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a permit from the City or operate under an expired permit, or operate after a permit has been suspended or revoked.
6. Place a dead animal in a waste container for the purpose of disposal.
7. Take any materials, to include but not be limited to newsprint, cardboard, aluminum cans, glass bottles, and plastic milk and soda bottles set out for curbside recycling collection other than the collector authorized by the City.
8. Contaminate any materials, to include but not be limited to newsprint, cardboard, aluminum cans, glass bottles, and plastic milk and soda bottles set out for curbside recycling collection or to set out contaminated materials for curbside recycling collection.

SECTION 225.080: PENALTIES

Any person violating any of the provisions of this Chapter or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00); provided that each day's violation thereof shall be a separate offense for the purpose hereof. (Ord. No. 2004-08-09-02 §4, 8-9-04;

Ord. No. 2005-03-14-08 §4, 3-14-05; Ord. No. 2005-07-25-05 §4, 7-25-05)

CHAPTER 230: PARK REGULATIONS

SECTION 230.001: DEFINITIONS

As used in this Chapter, unless the context requires otherwise:

BOAT: Any raft, canoe or other water vessel used for travel on the surface of a body of water.

CONCESSION STAND: Any portion of a park designed or used for the purpose of dispensing foods, confections and soft drinks.

LITTER: Any wastepaper, rubbish, bottles, cans, wrappers and other trash.

PARK: Any property, reservation, playground or other recreational facility owned or used by the City for recreational activities and designated for such purposes by the Board of Aldermen.

PERSON: Any individual, firm, association, corporation or partnership.

PROPERTY: Any building, structure, bridge, table, bench, fireplace, railing, paving, tree, shrubs, fountains, playground equipment and all other public property and appurtenances in a park.

TRASH: Refuse, rubble, ashes, inorganic waste, tree limbs and other debris.

VEHICLE: Any wheeled conveyance, whether self-propelled, drawn or towed. (Ord. No. 2012-05-16-03 §3, 5-16-12)

SECTION 230.005: PARKS—MISCELLANEOUS REGULATIONS

It shall be unlawful for any person in a park to:

1. Willfully and maliciously mark on, deface, disfigure, tamper with or remove any park property.
2. Enter any building or structure designated for the opposite sex if such person is older than eight (8) years of age.
3. Construct or erect any building, structure, or fence.
4. Plant, cut, remove or pick any tree or other plant.
5. Climb upon, stand upon or sit upon any park property not designated or customarily used for such purposes, such as concession stands and restroom facilities.
6. Build or attempt to build a fire in any area not designated for such purpose by the Park Board President or his designee.
7. Enter any area posted as "closed to the public".

8. Go onto any ice on park waters unless a sign is posted indicating the ice as being safe.
9. Fail to exhibit any permit issued to the person when requested to do so by any authorized person for the purpose of enforcing compliance with the permit.
10. Smoke tobacco products, except in designated areas. (Ord. No. 2012-05-16-03 §3, 5-16-12)

SECTION 230.007: ADDITIONAL REGULATIONS

The following regulations apply in a park:

1. *Swimming.* It shall be unlawful for any person to:
 - a. Swim, bathe or wade in any park waters not designated for such use.
 - b. Dress or undress in any area not specifically designated for such use.
2. *Boating.* It shall be unlawful for any person to bring into or operate any boat upon any park waters without a permit.
3. *Fishing.* It shall be unlawful for a person to:
 - a. Engage in commercial fishing.
 - b. Fish in any park waters not designated for fishing.
4. *Animals.* It shall be unlawful for any person to:
 - a. Hunt, shoot, trap, harm, kill or otherwise disturb any animal, reptile or bird.
 - b. Possess the nest, eggs or young of any animal, reptile or bird.
 - c. Give or attempt to give any tobacco, alcohol or other noxious substance to any animal, bird or reptile.

Notwithstanding any other provisions, deadly poisonous reptiles such as rattlesnakes and copperheads may be killed on sight.
5. *Camping.* It shall be unlawful for any person to camp without a permit.
6. *Horseback riding.* Horses shall be ridden on designated bridal trails only. All horses ridden in parks must be properly broken and ridden with due care. Horses shall not be left unattended and shall be hitched to designated hitching posts only.
7. *Fireworks.* The use of fireworks is prohibited, excepted as provided in Title VI, Chapter 605, Article V. (Ord. No. 2012-05-16-03 §3, 5-16-12)

SECTION 230.010: PARK CURFEW

- A. It shall be unlawful for any person to enter upon or loiter, idle, wander, stroll, play or remain in any City park between the hours of 11:00 P.M. and sunrise, unless participating in or attending a City sponsored or approved event or activity.
- B. *Exception.* Requests for permission to extend beyond the 11:00 P.M. curfew must be made in writing and submitted to the office of the City Clerk no later than forty-eight (48) hours prior to such time as an extension of the curfew is requested. (Ord. No. 1.211 §I, 6-7-93; Ord. No. 2002-06-03-05 §1, 6-3-02; Ord. No. 2011-06-14-03 §1, 6-14-11; Ord. No. 2012-05-16-03 §3, 5-16-12)

SECTION 230.020: CITY NOT LIABLE

- A. The City and its employees shall not be liable for or assume any responsibility for valuables brought into any park nor for the receipt and disbursement of any funds other than City funds.
- B. The City, its agents, servants and employees acting in the scope of their employment, is not responsible for lost or stolen property. (Ord. No. 1.211 §II, 6-7-93; Ord. No. 2002-06-03-05 §2, 6-3-02; Ord. No. 2012-05-16-03 §3, 5-16-12)

SECTION 230.030: VEHICLE PARKING

Vehicles may be parked in designated areas only, and at times as provided in Title III. (Ord. No. 1.211 §III, 6-7-93; Ord. No. 2012-05-16-03 §3, 5-16-12)

SECTION 230.040: GARBAGE, REFUSE, ETC.

It shall be unlawful for any person in a park to:

- 1. Throw, discharge or deposit any liquid substance or solid substance into any lake, stream, fountain or other such body of water that will result in the pollution of such body of water.
- 2. Dump or deposit any trash or litter upon the park property. (Ord. No. 1.211 §IV, 6-7-93; Ord. No. 2012-05-16-03 §3, 5-16-12)

SECTION 230.050: DAMAGE OF PROPERTY

Any person willfully, maliciously or negligently damaging, destroying or defacing any equipment or property of any park will be liable for the payment of the cost of repair or replacement. (Ord. No. 1.211 §V, 6-7-93; Ord. No. 2002-06-03-05 §3, 6-3-02)

SECTION 230.060:

USE OF SHELTERS—FEES—DEPOSITS

A. *Reservations.* Reservations must be made with the City Collector for use of any park shelter.

B. *Fees.*

The following fees are hereby established for use of park shelters:

Shelter #1, Hitt Park-Large Shelter (by playground)-Electric/Water, forty dollars (\$40.00) Resident, seventy dollars (\$70.00) non-resident.

Shelter #2, Hitt Park-Large Shelter (in back of park)-Electric/Water forty dollars (\$40.00) Resident, seventy dollars (\$70.00) non-resident.

Shelter #3, Hitt Park- Small Shelter (by #3 ball diamond)-water, thirty dollars (\$30.00) Resident, fifty dollars (\$50.00) non resident.

Shelter #4, Freedom Park-Small Shelter-Water, thirty dollars (\$30.00) Resident fifty dollars (\$50.00) Non-resident

Shelter #5, Allendale Lake Meadows Park-Small Shelter-Electric, thirty dollars (\$30.00) Resident, fifty dollars (\$50.00) Non-resident.

C. *Deposit.* A deposit of twenty-five dollars (\$25.00) is required for residents and non-residents. The shelter must be cleaned by the user and inspected and approved by the Park Board President or his designee before a deposit will be refunded. The clean-up deposit will be returned within five (5) business days after inspection and approval by Park and Recreation. (Ord. No. 1.211 §VI–VIII, 6-7-93; Ord. No. 2006-04-10-03 §1, 4-10-06; Ord. No. 2012-05-16-03 §3, 5-16-12; Ord. No. 2015-2882 3/10/2015.)

SECTION 230.070: CONSUMPTION OF ALCOHOL

The consumption and possession of alcohol in the City park is prohibited. Provided that notwithstanding the foregoing, the Board of Aldermen may upon its own motion, allow for the selling, consumption, and/or possession of alcohol in a City park upon terms and conditions as it may specify. (Ord. No. 2001-09-17-02 §1, 9-17-01; Ord. No. 2009-10-19-01 §1, 10-19-09; Ord. No. 2012-05-16-03 §3, 5-16-12; Ord. No. 2014-2871, 7/22/14.)

SECTION 230.080: VEHICLES PROHIBITED, WHEN

A. It shall be unlawful to operate motor vehicles or trucks, motor scooters, motorbikes, mini-bikes, motorcycles, go-carts, all-terrain vehicles or powered scooters within any public park of the City or within or upon property owned by the City, except:

1. Upon regular driveways, streets or parking lots set aside for vehicular traffic; and
2. Only then in accordance with all other applicable City ordinances.

B. The provisions of this Section shall not be applicable to any:

1. Properly designated emergency vehicle operated in response to any emergency; or
2. Vehicles or maintenance equipment operated by:

- a. City employees or officials;
- b. Authorized agents of the City;
- c. Authorized City or Park Board volunteers;
- d. Park Board members or authorized agents of the Park Board

while the above are acting pursuant to their employment duties, volunteer functions or other official status, as the case may be. (Ord. No. 2007-05-22-03 §1, 5-22-07; Ord. No. 2012-05-16-03 §3, 5-16-12)

CHAPTER 235: SMOKING IN CERTAIN PUBLIC PLACES

SECTION 235.010: TITLE

This Chapter shall be known as the City of Greenwood Smoke-Free Public Buildings Act. (Ord. No. 2005-05-23-01 §1, 5-23-05)

SECTION 235.020: RESTRICTIONS

Except as provided in this Chapter, the possession of lighted smoking materials in any form, including, but not limited to, the possession of lighted cigarettes, cigars, pipes or other tobacco products, is unlawful in any of the following places used by or open to the public or serving as a place of work:

1. Any commercial establishment including, but not limited to, retail stores, banks, office buildings and offices.
2. Any publicly owned enclosed property including, but not limited to, office buildings, garage areas, storage areas, facility areas or any building with environmental air ventilation systems.
3. Any public transportation vehicle including, but not limited to, buses, limousines-for-hire and taxicabs.
4. Any publicly owned, leased or operated vehicles including, but not limited to, Police vehicles, pickup trucks, personnel autos, line trucks, trash trucks, tractors, cranes, riding lawn mowers, earth moving vehicles, any type of publicly owned or leased vehicle with an enclosed passenger/operator compartment, any type of vehicle operated by a publicly owned entity.
5. Elevators.
6. Restrooms.
7. Libraries, educational facilities, day care facilities, museums, auditoriums and art galleries.
8. Any indoor public area of a health care facility, health clinic or ambulatory care facility including, but not limited to, laboratories associated with the rendition of health care treatment,

hospitals, rest homes and offices of health professionals.

9. Any indoor place of entertainment or recreation including, but not limited to, gymnasiums, theaters, concert halls, bingo halls, arenas and swimming pools.
10. All public areas and waiting rooms of public transportation facilities including, but not limited to, bus, airport and rail facilities.
11. Any other enclosed areas serving as a place of work or used by the public including open office landscaping and shopping malls.
12. Rooms in which meetings and/or hearings open to the public are held, except where such rooms are in a private residence.
13. Smoking shall be prohibited within restaurants, bars, cocktail lounges or restaurant with an attached bar. (Ord. No. 2005-05-23-01 §2, 5-23-05)

SECTION 235.030: EXEMPTIONS

The restrictions of this Chapter shall not apply to:

1. Private residences, except when used as a child care or health care facility.
2. Retail tobacco stores.
3. An enclosed place of employment that employs only the owner and no other employee provided that:
 - a. It is not open to the public.
 - b. The place of employment does not share a ventilation system with any other enclosed place of employment or public place.
4. Restaurants, bars, cocktail lounges or restaurants with an attached bar with designated smoking areas separated by a solid approved barrier.
5. Separate heating, ventilating or air conditioning system shall be required for operations of any new or existing food or liquor serving establishments. (Ord. No. 2005-05-23-01 §3, 5-23-05)

SECTION 235.040: DESIGNATION OF SMOKING AREAS FOR RESTAURANTS, BARS, COCKTAIL LOUNGES OR RESTAURANTS WITH AN ATTACHED BAR

Designated smoking areas shall have the following:

1. "Smoking allowed" sign designating such area as a smoking allowed area.
2. Separate smoking areas are designated by the proprietor or persons in charge.

3. New or existing physical barriers and functioning ventilation systems that shall be used to minimize the irritating and toxic effects of smoke in adjacent non-smoking areas.
4. Barriers shall be built separating the designated smoking area. (Ord. No. 2005-05-23-01 §4, 5-23-05)

SECTION 235.050: LEGISLATIVE FINDINGS AND INTENT

A. The City Council of Greenwood, Missouri, does hereby find that:

1. Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy non-smokers, including heart disease, stroke, respiratory disease and lung cancer.
2. The Public Health Service's National Toxicology Program has listed secondhand smoke as a known carcinogen.
3. Secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease.
4. Children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities and cancer.
5. The Americans with Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability.
6. The U.S. Surgeon General has determined that the simple separation of smokers and non-smokers within the same air space may reduce, but does not eliminate, the exposure of non-smokers to secondhand smoke.
7. The Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are only capable of filtering the particular matter and odors in smoke, do not eliminate the known toxins in secondhand smoke.

B. Accordingly, the City of Greenwood, Missouri, Board of Aldermen finds and declares that the purposes of this Chapter are:

1. To protect the public health and welfare by prohibiting smoking in public buildings, and
2. To guarantee the right of non-smokers to breathe smoke-free air and to recognize that the need to breathe smoke-free air shall have priority over the desire to smoke. (Ord. No. 2005-05-23-01 §5, 5-23-05)

SECTION 235.060: DEFINITIONS

The following terms used in this Chapter have the following meanings unless the context clearly indicates otherwise:

BAR OR COCKTAIL LOUNGE: An establishment licensed under the liquor laws of the State of Missouri that draws seventy percent (70%) of its total revenue from the sale of liquor.

ENCLOSED: Any structures with a combination of three (3) or more walls and ceiling.

RESTAURANT: An establishment licensed as a restaurant within the City of Greenwood or an establishment whose primary business activity is the retail sale of prepared food and beverages and has seating for on-premises consumption of food.

SMOKE OR SMOKING: The lighting of any cigarette, cigar or pipe or the possession of any lighted cigarette, cigar or pipe regardless of its composition. (Ord. No. 2005-05-23-01 §6, 5-23-05)

SECTION 235.070: SIGNS REQUIRED TO BE POSTED

- A. To advise persons of the existence of a no smoking area, an owner, proprietor, lessee, principal manager or person in control of an establishment within a building shall post signs at the entry of the establishment displaying the words "No Smoking" with letters of not less than one (1) inch in height or the international no-smoking symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a bar across it. Failure to post such signage will be considered a violation of this Section and will be subject to the penalty provisions of Section 235.080(2).
- B. The owner, proprietor, lessee, principal manager or person in control of a place set out in this Chapter, upon observation of a person smoking in violation of this Chapter, shall request that such person stop smoking. (Ord. No. 2005-05-23-01 §7, 5-23-05)

SECTION 235.080: VIOLATIONS AND PENALTIES

The Enforcement Officer of this Chapter shall be the City Administrator and/or the City Manager for the City of Greenwood, all law enforcement agents and all agents designated by the City Administrator and/or City Manager.

1. A person who smokes in an area where smoking is prohibited by the provision of this Chapter shall be guilty of an infraction, punishable by a monetary penalty of one hundred dollars (\$100.00) for the first (1st) offense and two hundred fifty dollars (\$250.00) for each subsequent offense.
2. A person who owns, manages, operates or otherwise controls a public building who fails to comply with the provisions of this Chapter shall be guilty of an infraction, punishable by a monetary penalty not exceeding two hundred fifty dollars (\$250.00) for each offense. (Ord. No. 2005-05-23-01 §7, 5-23-05)