

TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE

CHAPTER 200: POLICE DEPARTMENT

ARTICLE I. IN GENERAL

SECTION 200.010: CHIEF OF POLICE -- APPOINTMENT AND DUTIES

- A. *Appointment.* The Mayor, with the consent and approval of the majority of the Board of Aldermen, shall appoint one (1) person to the position of Chief of Police of Velda City.
- B. *Duties.* The Chief of Police shall perform all duties required by law of the Marshal of a Fourth Class City in the State of Missouri, and shall have all the powers of a Marshal of a Fourth Class City in the State of Missouri and all other powers of a Police Officer authorized under the laws of the State, and shall be charged with the keeping of the peace and enforcing the ordinances of Velda City and the Statutes of the State of Missouri within Velda City. The Chief of Police shall be a riding Chief serving on patrol duty a minimum of thirty (30) hours per week and shall also exercise general administrative supervision over the Police Department as needed and as hereinafter described.
- C. *Additional Responsibilities.* In addition to the aforementioned, the Chief of Police shall have the following responsibilities:
1. To conduct the initial interviewing, screening and testing of applicants for hire and/or promotion, to prepare dossiers on such applicants, and to submit recommendations to the Mayor and Board of Aldermen of specific applicants to fill the specific positions for which the applications have been made; provided that no person shall be hired or promoted to a position in the Police Department without first having obtained the approval of the Mayor and Board of Aldermen.
 2. To prepare and recommend personnel policies for submission to the Mayor and Board of Aldermen; provided that no such personnel policy shall become effective until it is first approved by the Mayor and Board of Aldermen.
 3. To make analyses and evaluations for the purpose of recommending to the Mayor and

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Board of Aldermen the number of full-time and part-time officers necessary for the good government of the City and the keeping of the peace and enforcing of the ordinances of the City and the Statutes of the State of Missouri; provided that the number of full-time and part-time officers to be employed in the Police Department shall be finally determined by the Mayor and Board of Aldermen.

4. The responsibilities given in this Subsection (C) to the Chief of Police shall not be delegatable by the Chief of Police to any other officer of the Police Department. Further, the Board shall not be bound on any matter on which the Chief of Police has made a recommendation under this Subsection (C).
 5. The Chief of Police shall have the duty and responsibility to suspend, fine or otherwise discipline Police Officers of the Police Department of Velda City in accordance with the personnel manual, said suspension, probation and/or discipline not to exceed the period of ten (10) days.
- D. *Complaints.* All citizen complaints, and all complaints by officers in the Police Department relating to the personnel of the Police Department and/or the procedures and operations in the Police Department shall in the first instance be submitted to the Chief of Police for resolution. If the grievance raised by any such complaint cannot be resolved by the Chief of Police with the complaining citizens or the complaining Police Officer, it shall then be submitted for decision by a majority of the members of the Board of Aldermen present at the next meeting of the Board of Aldermen at which there is a quorum. (CC 1974 §200.010; Ord. No. 404 §1, 7-8-87)

SECTION 200.020: OTHER APPOINTIVE OFFICERS IN THE POLICE DEPARTMENT

- A. *Appointment.* The Mayor, with the consent and approval of the majority of the members of the Board of Aldermen, shall have the power to appoint one (1) Lieutenant, two (2) Sergeants, one (1) Corporal and six (6) Patrolmen as appointive officers in the City Police Department. The Board of Aldermen may pass a resolution to increase the number of officers in the Police Department to the numerical limits set in this Article. However, should the Board of Aldermen deem it necessary for the good government of the City to have number of officers in the Police Department that exceed the number stated in this Section, then it shall authorize such greater numbers only by the passage of an ordinance.
- B. *Duties And Powers.* The appointive officers of the Police Department shall be conservators of the peace and shall be active and vigilant in the preservation of good order within the City, they shall enforce all ordinances of the City and Statutes of the State, and they shall abide at all times by all City ordinances and Police Department regulations relating to the conduct of officers in the Police Department. They shall have all the powers of a Marshal of a Fourth

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Class City in the State of Missouri and all other powers of Police Officers authorized under the laws of the State.

- C. *Duties--Lieutenant, Sergeant And Corporal.* In addition to the powers and duties stated in Subsection (B) of this Section, the Lieutenant, Sergeant and Corporal shall have additional duties relating to the general daily operation of the Police Department and the scheduling of Police Officers for duty as is delegated to them from time to time by the Chief of Police. The Lieutenant shall report directly to the Chief of Police. The Sergeant shall report directly to the Lieutenant and the Chief of Police. The Corporal shall report directly to the Lieutenant and the Sergeant.
- D. *Acting Chief Of Police.* In the event that disability, sickness or any other absence occurs to the Chief of Police, or in the event a vacancy occurs in the position of Chief of Police, the Lieutenant shall serve as Acting Chief of Police during such period of time, or until the Board of Aldermen appoints another person as Acting Chief of Police. Further, if any of the aforescribed events occur, the Sergeant shall become the Acting Lieutenant during such period of time or until the Board of Aldermen appoint another person as Acting Lieutenant. (CC 1974 §200.020; Ord. No. 404 §2, 7-8-87; Ord. No. 509A §§1--2, 7-8-98; Ord. No. 601 §1, 6-13-07)

SECTION 200.030: GENERAL REQUIREMENTS AND PROCEDURES FOR THE POLICE DEPARTMENT APPLICABLE TO THE CHIEF OF POLICE AND ALL APPOINTIVE OFFICERS IN THE CITY POLICE DEPARTMENT

- A. *Qualifications.* All officers must be qualified voters, but need not be registered voters of the City and no officer shall be appointed who is in arrears for any unpaid City taxes.
- B. *Probation--Training Requirement.* Any person appointed as an officer in the Police Department who has not met the requirements of Chapter 590, RSMo., as amended, shall be on probationary status in the Police Department until he/she has satisfied the standards in that Statute and while on probationary status shall also be subject to the restrictions on his/her employment and pay that are contained in that Statute; provided that any person appointed to the position of Chief of Police, Lieutenant or Sergeant shall have completely satisfied the requirements of Chapter 590, RSMo., as amended, and the experience and/or training requirements therein, prior to their appointment to such position.
- C. *Oath And Bond.* Every officer appointed to the Police Department shall, after his/her appointment and prior to entering his/her duties, take the oath with the City Clerk prescribed by Section 79.260, RSMo., and shall satisfy any requirements for bond that are in effect at the time of his/her appointment.
- D. *Regular Work Week.* The regular work week of all officers of the Velda City Police

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Department, except the Chief of Police, shall be on the basis of forty (40) hours per week.

- E. *Compensation.* The Board of Aldermen shall have the power to fix the compensation of all officers appointed to the Police Department by ordinance.
- F. *Removal.* All officers appointed to the Police Department as Chief of Police, Lieutenant, Sergeant or Patrolman, shall be subject to removal as provided by Section 79.240, RSMo., pertaining to appointive officers of a Fourth Class City.
- G. *Police Clerk--Daily Log.* The Police Department shall have a Clerk who shall be charged with the keeping and orderly filing of the accounts, books and records of the Police Department and who shall be directly responsible to the Mayor and Chief of Police and ultimately responsible to the Board of Aldermen. Among these records the Police Department shall keep a daily log in which each officer shall keep a record of his/her tour of duty. Failure of any officers to make all appropriate entries in the daily log shall result in his/her loss of pay for such period of time as the failure occurs.
- H. *Records Property Of City.* All accounts, books and records, and entries in same made by any Police Officers, relating to the work of the Police Department or any individual Police Officer, shall be the property of the City, not the property of the individual Police Officer.
- I. *Power to Inspect.* The Mayor, the Chief of Police and/or any member of the Board of Aldermen shall have the power, as often as they deem necessary:
 - 1. To review the operating procedures of the Police Department.
 - 2. To inspect or audit the accounts, books and records of the Police Department, as allowed by the Missouri Open Meetings and Record Act.
 - 3. To require any Police Officer to answer questions concerning such procedures or such accounts, books and records under his/her control, or entries made in such accounts, books and records by such Police Officer.
- J. *Petty Cash Fund.* The Police Department shall have a Petty Cash Fund. All expenditures from these funds must be itemized and submitted to the Treasurer of the City before issuance of any additional funds. The Treasurer shall record all such expenditures into the records of the City.
- K. *Reserved.* (CC 1974 §200.030; Ord. No. 404 §3, 7-8-87; Ord. No. 509A §§3--4, 7, 7-8-98)

SECTION 200.040: HOSPITALIZATION, ACCIDENT AND ILLNESS DISABILITY BENEFITS

- A. The Mayor is hereby authorized to enter into a contract with a qualified licensed insurer for payment of disability benefits to members of the City Police Department, the premiums

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therefor to be assumed and paid for by the City for such hospitalization, disabilities arising from accidental injury or illness, such not arising out of nor in the course of his/her employment as a Police Officer of and for Velda City.

- B. Should any Police Officer insured pursuant to the provisions of this Section desire individual life insurance in connection with the policies above provided, may by arrangement between the officer and the insurer, provide therefor, such at the sole expense of said applicant not to be assumed nor paid for by the City. (Ord. No. 248 §§1--2, 4-15-76)

ARTICLE II. BUREAU OF RESERVE POLICE

SECTION 200.050: CREATION AND PURPOSE

A Bureau of Reserve Police for Velda City is hereby created for the purpose of providing backup support to the City Police Department during periods of emergency and training with and assisting the Police Department during non-emergency periods. The Reserve Police shall be a Bureau within the City Police Department. (Ord. No. 295 §1(230.010), 1-12-78)

SECTION 200.060: DIRECTOR OF BUREAU OF RESERVE POLICE

The Lieutenant of the Police Department shall be the Director of the Bureau of the Reserve Police and shall supervise the scheduling, deportment, performance and effectiveness of Bureau personnel and shall keep orderly records on the Bureau's activities and personnel. (Ord. No. 295 §1(230.020), 1-12-78)

SECTION 200.070: APPOINTMENT AND REMOVAL

Members of the Bureau of the Reserve Police shall be appointed by a majority of the Board of Aldermen present at any City meeting with a quorum, to serve at will in such numbers as the Mayor and Board of Aldermen deem necessary and may be removed in the same manner as appointed. Upon appointment each Reserve Officer shall take an oath from the City Clerk. (Ord. No. 295 §1(230.030), 1-12-78)

SECTION 200.080: QUALIFICATIONS

Each member of the Bureau of the Reserve Police shall be a United States citizen, twenty-one (21) years of age, a high school graduate, in good physical and mental health and of good moral character, have not been convicted of any felony or of any crime involving moral turpitude, possess a valid Missouri operator's/chauffeur's license, and be presently enrolled in

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or a graduate of the St. Louis County Reserve Police Academy. In addition, he/she shall also meet such other standards and pass such other background investigations and examinations as required of all applicants by the Chief and Director of the Bureau. (Ord. No. 295 §1(230.040), 1-12-78)

SECTION 200.090: COMPENSATION AND UNIFORMS

Members of the Bureau of Reserve Police shall be volunteers and shall not be entitled to a wage or compensation from the City for their efforts. They shall wear uniforms and insignia and be issued equipment as approved by the Chief of Police. The Board of Aldermen may authorize payment from City funds for the Reserve members uniform expenses. Upon resignation or removal, each Reserve Officer shall return to the Director all uniforms, accessories and equipment issued to him/her during his/her tenure with the Bureau. (Ord. No. 295 §1(230.050), 1-12-78)

SECTION 200.100: CHAIN OF COMMAND

There shall be no ranking within the Bureau of Police Reserve, other than the rank of Director as herein designated. Each Reserve member shall be in the first instance responsible and under the authority of the Police Officer who is acting as his/her immediate supervisor, then to the Director of the Bureau, then to the Chief of Police, and ultimately to the Mayor and/or Board of Aldermen. (Ord. No. 295 §1(230.060), 1-12-78)

SECTION 200.110: DUTIES, POWERS AND LIMITATIONS

Members of the Bureau of Reserve Police:

1. Shall maintain a thorough understanding and familiarity with all Department and Bureau rules, regulations, orders and procedures.
2. Shall comply at all times with applicable Department and Bureau rules, regulations, orders and procedures, the ordinances of Velda City, and State and Federal law.
3. Shall devote a minimum of two hundred forty (240) hours per calendar year to activities of the Bureau.
4. May carry an exposed regulation revolver while on duty and in uniform and after completing a fire arms qualification program, but not in any instance in violation of existing State and Federal Statutes or City ordinances. The carrying of a concealed weapon at any time is prohibited.
5. Shall not be vested with any power of arrest other than the power of arrest vested in all

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citizens under State law.

6. Shall at all times maintain the confidentiality of Police Department and Municipal Court information, records and documents.
7. Shall respect the individual citizen's right to privacy and shall not use his/her position in the Bureau to abuse or infringe upon same in an unauthorized manner. No self-initiated record checks may be made.
8. Shall perform those duties and responsibilities as directed and assigned to Reserve Police Officers by the Director or the Chief which shall include but not be limited to the following:
 - a. Assistance and support to the City Police Department during emergencies.
 - b. Riding motor patrol as second (2nd) officer in Department vehicles.
 - c. Walking neighborhood foot patrol as partner to a Police Officer.
 - d. Assisting in various activities and functions at the Police Department including completing forms, taking statements and complaints, handling Police equipment as authorized, etc.
 - e. Directing traffic during congested periods and assisting in crowd control at civic events and public affairs.
 - f. Assist the Municipal Court in maintaining proper order in the Courtroom and in processing defendants.
 - g. Perform such technical/specialized duties for which the individual Reserve Officer is personally qualified.
 - h. Serve summonses on Municipal Court defendants as directed provided it can be performed in a peaceable manner. (Ord. No. 295 §1(230.070), 1-12-78; Ord. No. 509A §5, 7-8-98)

SECTION 200.120: DISCIPLINE

Either the Director of the Bureau or the Chief of Police is authorized to discipline a Reserve Officer in a summary manner upon giving a verbal explanation to him/her of the conduct or action on the Reserve Officer's part necessitating disciplinary action. The Director shall report to the Mayor in writing of the disciplinary action taken and the cause for same. (Ord. No. 295 §1(230.080), 1-12-78)

ARTICLE III. MUTUAL-AID AGREEMENT

SECTION 200.130: MUTUAL-AID AGREEMENT

- A. The Board of Aldermen of the City of Velda City, after due investigation of the qualifications of the Police Officers of the Village of Hillsdale, the City of Pagedale, the City of Pine Lawn, the City of Northwoods, the Village of Uplands Park, the City of Wellston and the City of Beverly Hills, are hereby authorized to deputize such Police Officers for Police duties within and for Velda City.
- B. The Director of Police of the City of Velda City is hereby authorized to issue identification cards to such Police Officers of the Village of Hillsdale, the City of Pagedale, the City of Pine Lawn, the City of Northwoods, the Village of Uplands Park, the City of Wellston and the City of Beverly Hills, which the Board and the Director of Police of Velda City shall deem qualified to serve as Police Officers of Velda City and which identification cards shall bear the signature of the Director of Police, and shall be counter-signed by the Mayor, and shall have affixed thereto the Seal of Velda City.
- C. The remuneration of such Police Officers of the Village of Hillsdale, the City of Pagedale, the City of Pine Lawn, the City of Northwoods, the Village of Uplands Park, the City of Wellston and the City of Beverly Hills, as shall be appointed Police Officers of Velda City, pursuant to this Article shall be paid only by their respective municipalities and not by Velda City.
- D. All regular Police Officers of Velda City are hereby authorized to accept deputization by the Village of Hillsdale, the City of Pagedale, the City of Pine Lawn, the City of Northwoods, the Village of Uplands Park, the City of Wellston, and the City of Beverly Hills for Police service and duty in each of said municipalities, in addition to their regular Police duties and services as Police Officers in Velda City.
- E. The Police Officers of Velda City, upon being duly deputized to act in each of the named municipalities, herein, are hereby authorized under a mutual and reciprocal aid agreement to perform Police services upon request by each of said municipalities in emergencies and to perform such other services as may be authorized and directed from time to time by the Board of Aldermen of Velda City.
- F. This mutual-aid agreement may be rescinded by Velda City or any of the other municipalities named herein by giving written notification to such other jurisdiction that this said agreement has been repealed by the applicable jurisdiction's Board of Trustee or Board of Aldermen or City Council. (Ord. No. 263 §§1--6, 7-8-76; Ord. No. 509A §6, 7-8-98)

CHAPTER 205: ANIMAL REGULATIONS

ARTICLE I. DOGS

SECTION 205.010: DOGS RUNNING OFF OWNER'S PREMISES

It shall be unlawful for any person owning, controlling, possessing or having the management or care, in whole or in part, of any dog, whether licensed or not, to fail to keep the dog on the premises of the owner or keeper thereof unless being off the premises it is securely tied or led by a line or leash of a length of no more than six (6) feet. (Ord. No. 256 §1(210.020), 5-17-76)

SECTION 205.020: INOCULATION REQUIRED

Every person who owns, controls, manages, possesses or has part interest in any dog kept any time during the year shall have such dog inoculated against rabies, but such inoculation requirements shall not apply to dogs less than four (4) months of age. Such dogs must be inoculated at least once each year unless a three (3) year type vaccine, approved by the Director of Health, is administered in which case the dog shall be inoculated at least once every three (3) years. (Ord. No. 256 §1(210.021), 5-17-76)

SECTION 205.025: INSURANCE REQUIRED

Every person who owns, controls, manages, possesses or has part interest in any dog kept at any time during the year shall maintain financial responsibility as required in this Section. For purposes of this Section, the term "*financial responsibility*" shall mean the ability to respond in damages for liability on account of an accident or injuries occurring after the effective date of proof of said financial responsibility, resulting from the actions of any dog maintained, owned, controlled, managed or possessed by any homeowner or home renter in the City. Proof of such financial responsibility may be shown by an insurance identification card, an insurance policy, insurance binder or declaration of insurance page issued by the homeowners or rental insurance insurer. (Ord. No. 570 §1, 5-12-04)

SECTION 205.030: ANNUAL DOG LICENSES

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An annual license fee of five dollars (\$5.00) is hereby imposed for each dog upon which a person of this City owns, controls, manages, possesses or has part interest in any dog four (4) months of age or older, kept any time during the year, or upon any person who permits a dog four (4) months or older, to come upon, or in, and to remain in or about his/her home, place of business or other premises in the City. An application for a dog license for any dog shall be presented to the City Clerk, accompanied by a certificate of inoculation against rabies signed by a licensed veterinarian, which certificate shall have been executed sometime during the previous thirty-six (36) month period if a three (3) year type vaccine approved by the Director of Health was administered, or during the previous twelve (12) month period for all other vaccines, and which certificate shall bear thereon information as to the type vaccine used, sex of the dog, and, if a female, whether or not it has been spayed. An application for a dog license presented to the City Clerk shall also be accompanied by proof of financial responsibility by the license applicant as described in the preceding Section of this Code. The City Clerk shall not issue a license unless the certificate of inoculation and proof of financial responsibility have been presented. Application for a dog license shall be made, and the license obtained on or before the first (1st) day of January of each year, for the calendar year period. The full license fee shall be paid and collected for the full year or any part thereof. The transfer of ownership or custody of any dog shall be reported to the City Clerk by the transferee within ten (10) days after such transfer, by written notice, at which time the transferee shall pay the Director of Finance a fee of twenty-five cents (\$0.25). There shall be no charge for any dog duly and properly trained to assist blind persons when any such dog is actually being used by a blind person for the purpose of aiding or assisting such blind person in going from place to place. Any owner of a dog who suffers a loss of his/her dog license tag shall report such loss promptly to the City Clerk, and exhibit the original license, at which time he/she shall be issued a new license tag at a cost of twenty-five cents (\$0.25). (Ord. No. 256 §1(210.022), 5-17-76; Ord. No. 513 §1, 8-12-98; Ord. No. 570 §2, 5-12-04)

SECTION 205.040: LICENSE TAGS -- DUTY OF CITY CLERK

The City Clerk shall have prepared dog license plates made of metal or other suitable material to be issued to applicants securing a license. Such license plates shall be numbered and the numbers thereof shall correspond to the number appearing on the license and on the application for such license. Such license plate shall be securely fastened on the collar or harness of the dog for which the license is issued, and shall be worn at all times. (Ord. No. 256 §1(210.023), 5-17-76)

SECTION 205.050: IDENTIFICATION TAG REQUIRED

Every owner who owns, controls, manages, or possesses in whole or in part, any dog, shall have securely fastened on the collar or harness of the dog a tag which shall be worn at all

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times, which shall state the name and address of the owner of the dog. (Ord. No. 256 §1(210.024), 5-17-76)

SECTION 205.060: FEMALE DOGS IN HEAT

All female dogs shall be kept securely confined in an enclosed place while in heat. (Ord. No. 256 §1(210.025), 5-17-76)

SECTION 205.070: IMPOUNDMENT -- WHEN

The Chief of Police, or any other person designated by him/her, shall have the power to catch, confine, and impound dogs as follows:

1. All dogs which are required to have licenses and which are without their license displayed in the manner provided by this Chapter.
2. All dogs wearing an expired or invalid license.
3. All dogs running off the owner's premises and not securely led by a leash.
4. All female dogs, licensed or unlicensed, not securely confined in an enclosed place while in heat.
5. All dogs or other animals affected with rabies and all dogs and other animals suspected of being exposed to or affected with rabies, including dogs or other animals known to have been bitten by a rabid animal, whether such dog or other animal is running at large or on a leash, or whether said dog is confined to its owner's premises, and whether it is licensed or unlicensed.
6. All dogs with vicious propensities.
7. Dogs or other animals which have bitten a person or animals, or which have been bitten by a dog or animal suspected of having rabies, or which are suspected of having rabies, or which have been exposed to rabies. (Ord. No. 256 §1(210.026), 5-17-76)

SECTION 205.080: IMPOUNDMENT PROCEDURES -- DUTY OF CHIEF OF POLICE

- A. The Chief of Police, or person designated by him/her, shall dispose of any dog or other animal affected with rabies, and he/she shall have the power to examine and impound any animal bitten by or exposed to any animal affected with rabies. He/she shall have the power to require the owners of such dogs to take necessary measures to prevent further spread of rabies, and to dispose of any exposed animal if such necessary measures are not taken by the

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owners.

- B. Each impounded dog shall be vaccinated and licensed before being released to the owner. A fee to cover the cost of vaccination, and for the shelter services shall be collected for each such dog so released. The Chief of Police, or a person designated by him/her, shall dispose of any dog found to be vicious under the terms of this Chapter, and he/she shall have the power to impound any such dog. He/she shall have the power to require the owner of said dog to take necessary measures to dispose of any such dog having been found to have vicious propensities, and he/she is properly authorized to dispose of such dog if necessary measures are not taken by the owner.
- C. Every animal impounded under the provisions of this Chapter, which is found upon arrival at the pound to be diseased or injured, and whose owner is unknown or whose owner relinquishes ownership in writing, shall be immediately euthanized. (Ord. No. 256 §1(210.027), 5-17-76)

SECTION 205.090: REDEMPTION

Any dog or other animal captured or impounded under the provisions of this Chapter and determined not to be effected with rabies by the Chief of Police, may be redeemed by the owner or other person having the right to possession of such animal, upon the presentation of a proper vaccination certificate and a proper license, and such owner or other person entitled to possession of said animal shall pay ten dollars (\$10.00) for the first (1st) time any such dog is impounded, twenty-five dollars (\$25.00) for the second (2nd) time such dog is impounded, and fifty dollars (\$50.00) for each time thereafter such dog is impounded. This schedule of fees is to apply to any one (1) calendar year. (Ord. No. 256 §1(210.028), 5-17-76)

SECTION 205.100: DISPOSITION OF IMPOUNDED DOGS NOT CLAIMED

If a dog or other animal is not claimed in the manner provided by this Chapter within five (5) days after its capture, such animal shall be disposed of by euthanasia or sale which shall be at the sole discretion of the Chief of Police. (Ord. No. 256 §1(210.029), 5-17-76)

SECTION 205.110: DOG SUSPECTED OF RABIES -- PROCEDURE

- A. Any dog or other animal which exhibits objective symptoms suggestive of rabies may, after written certification to the owner by the Chief of Police, or such other person designated for the enforcement of this Chapter, shall be impounded on or off the property of the owner. Such animal shall be held for ten (10) days at the impounding facilities designated by the Chief of Police, for clinical observation and, if alive at the termination of this period, shall be returned to the owner after payment of the shelter service fees.

- B. As an alternative procedure, the owner, at his/her own expense, may designate any veterinary hospital wherein such animal is to be impounded and observed for a similar ten (10) day period. (Ord. No. 256 §1(210.030), 5-17-76)

SECTION 205.120: EXPOSURE TO RABIES -- DESTRUCTION -- ALTERNATIVES

Any dog or other animal which has been exposed to rabies, shall be immediately destroyed unless the owner, at his/her expense, chooses one (1) of the following alternative methods:

1. Strict isolation in a kennel or animal hospital for six (6) months.
2. If no previous current vaccination has been given to the dog, then such dog or other animal shall be placed on a schedule of immunization approved by the Chief of Police.
3. Prior to the release of any animal under clinical observation for rabies, all conditions of this Article shall be fulfilled. (Ord. No. 256 §1(210.031), 5-17-76)

SECTION 205.130: REPORT OF ANIMAL BITE

- A. Any person bitten by any animal or the parents or guardian of any minor bitten by an animal shall report the occurrence to the City Clerk or to the Police Department immediately.
- B. The report shall contain the following:
 1. The name and address of the owner of the animal.
 2. The date and time bitten.
 3. The location where bitten.
 4. A general description of the animal. (Ord. No. 256 §1(210.032), 5-17-76)

SECTION 205.140: BAD DOG NOTICE

When any fierce, dangerous or vicious dog or other animal that has previously bitten any person is kept upon any premises, it shall be the duty of the owner of said premises and the owner or keeper of such dog to post a notice on the premises conspicuously visible to the public and reading in letters not less than two (2) inches high, "Beware of Bad Dog". In case a minor is the keeper or owner of such dog, the duty of posting this notice shall devolve upon the adult person in whose family the minor lives, or who is in charge of the premises where such dog is kept. The owner or keeper of such dog, and the owner of the premises where said dog is kept, shall be responsible for confining such dog to a yard completely enclosed by a

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fence of such height, strength and construction so as to prevent the dog confined therein from jumping over, or crawling through or under such fence, and secure such dog in a manner so as to prevent the inadvertent release or escape of such dog. (Ord. No. 256 §1(210.033), 5-17-76)

SECTION 205.150: INTERFERING WITH CHIEF OF POLICE -- RIGHT OF ENTRY OF CHIEF OF POLICE

It shall be unlawful for any person to conceal an animal or interfere with the Chief of Police or persons designated by him/her in the performance of their duties as provided in this Chapter. If in pursuit of a dog or other animal, the Chief of Police, or persons designated by him/her, shall have the right of entry to any unenclosed lots or lands for the purpose of collecting any such stray, unlicensed dog or other animal, rabid or exposed to rabies, or any dog or other animal running at large. The Chief of Police, or his/her duly appointed representative, shall have the right to require that a dog believed to be a stray, unlicensed or rabid animal or having been exposed to rabies be produced on any property or premises within any quarantine area during the period of quarantine for the purpose of examining such dog suspected of having rabies or having been exposed to rabies. If the person believed to be the owner, or having control, possession or management or care, in whole or in part, of any such dog or other animal shall refuse to produce such animal within any quarantine area, then the Chief of Police, or person designated by him/her, shall have the right of entry on such premises. (Ord. No. 256 §1(210.034), 5-17-76)

SECTION 205.160: PENALTY FOR VIOLATIONS OF SECTION 205.010 THROUGH SECTION 205.150

Any person, firm or corporation violating any of the provisions of Section 205.010 through Section 205.150, shall upon conviction thereof, be subject to a fine of no more than one hundred dollars (\$100.00). (Ord. No. 256 §3, 5-17-76)

SECTION 205.170: LIMITATION ON NUMBER OF DOGS

It shall be unlawful for any person owning, controlling or possessing or having management or care, in whole or in part of dogs, whether licensed or not, to keep more than three (3) dogs on the premises of the owner or keeper thereof at any one time; provided that this limitation and restriction shall not apply to dogs less than three (3) months of age, nor shall it apply to a commercial kennel properly licensed as a business within the City. (Ord. No. 337 §1(210.135), 2-14-80)

SECTION 205.180: BARKING DOGS

Any person or persons having in their care and in their possession on their property any dog or dogs and who fails to restrain this dog or dogs from incessant barking and becoming a public nuisance, disturbing the peace of others, shall after one (1) warning from the Police Department, be in violation of this Subsection. The fine for this shall not exceed one hundred dollars (\$100.00). (CC 1974 §210.020(B); Ord. No. 174 §1, 11-2-72; Ord. No. 175 §1, 11-2-72)

SECTION 205.185: DANGEROUS ANIMALS -- UNLAWFUL

- A. Pit Bull breeds of dogs and Rottweiler breeds of dogs are banned entirely and may not be owned, kept or otherwise present within the City of Velda City. This prohibition shall include the following breeds of Pit Bulls and Rottweilers:
1. The Bull Terrier breed of dog;
 2. The Staffordshire Bull Terrier breed of dog;
 3. The American Pit Bull Terrier breed of dog;
 4. Dogs of mixed breed or other breeds than above listed which breed or mixed breed is known as Pit Bulls, Pit Bull dogs or Pit Bull Terrier; or
 5. Any dog which has the appearance and characteristics of being predominantly of the breeds of Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, any other breed commonly known as Pit Bulls, Pit Bull dogs or Pit Bull Terriers or a combination of any of these breeds.
 6. Rottweiler breed, including dogs of mixed breed and any dog which has the appearance and characteristics of being predominantly of the Rottweiler breed.
- B. Any person found guilty of violation of any provision of this Section shall be punished as provided in Section 100.210 of this Code. Should the defendant refuse to remove the animal from the City, the Municipal Court Judge may find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this Section continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this Section shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this Section. (Ord. No. 613 §§1--2, 11-12-08)

ARTICLE II. LIVESTOCK AND FOWL

**SECTION 205.190: KEEPING CERTAIN ANIMALS AND FOWL PROHIBITED --
EXCEPTIONS -- PENALTY**

- A. Except as hereafter provided it shall be unlawful for any person to possess, keep or shelter any horse, mule, bull, cow, calf, sheep, hog, goat, rabbit, duck, goose, chicken, turkey, any other domesticated or wild animal, or any other domesticated or wild fowl within the corporate limits of the City. If a violation of this Section is charged in the Municipal Court, it shall not be a defense to contend or prove that said animal or said fowl was kept penned and/or kept confined.
- B. *Exceptions.* This Section shall not apply to any person possessing, keeping or sheltering:
1. A domestic dog.
 2. A domestic cat.
 3. Pet turtles kept within a residence.
 4. Small pet birds or small and sanitary pet rodents kept within a cage within a residence.
- C. *Penalty.* Any person violating this Section shall, upon conviction thereof, be fined in an amount not exceeding one hundred dollars (\$100.00) for each offense. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. No. 290 §1(210.050--210.070), 11-14-77)

CHAPTER 210: OFFENSES

ARTICLE I. OFFENSES AGAINST THE PERSON

SECTION 210.010: ASSAULT

A person commits the offense of assault if:

1. He/she attempts to cause or recklessly causes physical injury to another person;
2. With criminal negligence he/she causes physical injury to another person by means of a

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deadly weapon;

3. He/she purposely places another person in apprehension of immediate physical injury;
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.

SECTION 210.020: ASSAULT OF A LAW ENFORCEMENT OFFICER

A person commits the offense of assault of a Law Enforcement Officer if:

1. He/she attempts to cause or recklessly causes physical injury to a Law Enforcement Officer;
2. With criminal negligence he/she causes physical injury to a Law Enforcement Officer by means of a deadly weapon;
3. He/she purposely places a Law Enforcement Officer in apprehension of immediate physical injury;
4. He/she recklessly engages in conduct which creates a grave risk of death or serious physical injury to a Law Enforcement Officer; or
5. He/she knowingly causes or attempts to cause physical contact with a Law Enforcement Officer without the consent of the Law Enforcement Officer.

SECTION 210.030: HARASSMENT

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

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

SECTION 210.040: FALSE IMPRISONMENT

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A person commits the offense of false imprisonment if he/she knowingly restrains another unlawfully and without consent so as to interfere substantially with his/her liberty.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.050: ENDANGERING THE WELFARE OF A CHILD

A. A person commits the offense of endangering the welfare of a child if:

1. He/she with criminal negligence acts in a manner that creates a substantial risk to the life, body or health of a child less than seventeen (17) years old;
2. He/she knowingly encourages, aids or causes a child less than seventeen (17) years old to engage in any conduct which causes or tends to cause the child to come within the provisions of Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.;
3. Being a parent, guardian or other person legally charged with the care or custody of a child less than seventeen (17) years old, he/she recklessly fails or refuses to exercise reasonable diligence in the care or control of such child to prevent him/her from coming within the provisions of Paragraph (c) of Subdivision (1) of Subsection (1) or Paragraph (d) of Subdivision (2) of Subsection (1) or Subdivision (3) of Subsection (1) of Section 211.031, RSMo.; or
4. He/she knowingly encourages, aids or causes a child less than seventeen (17) years of age to enter into any room, building or other structure which is a public nuisance as defined in Section 195.130, RSMo.

B. Nothing in this Section shall be construed to mean the welfare of a child is endangered for the sole reason that he/she is being provided non-medical remedial treatment recognized and permitted under the laws of this State.

Note--Under certain circumstances this offense can be a felony under state law.

ARTICLE II. OFFENSES CONCERNING ADMINISTRATION OF JUSTICE

SECTION 210.060: CONCEALING AN OFFENSE

A person commits the offense of concealing an offense if:

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1. He/she confers or agrees to confer any pecuniary benefit or other consideration to any person in consideration of that person's concealing of any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof; or
2. He/she accepts or agrees to accept any pecuniary benefit or other consideration in consideration of his/her concealing any offense, refraining from initiating or aiding in the prosecution of an offense, or withholding any evidence thereof.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.070: 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 crime he:

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/her in avoiding discovery or apprehension; or
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.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.080: REFUSAL TO IDENTIFY AS A WITNESS

A person commits the offense of refusal to identify as a witness if, knowing he/she has witnessed any portion of a crime, or of any other incident resulting in physical injury or substantial property damage, upon demand by a Law Enforcement Officer engaged in the performance of his/her official duties, he/she refuses to report or gives a false report of his/her name and present address to such officer.

SECTION 210.090: DISTURBING A JUDICIAL PROCEEDING

- A. A person commits the offense of disturbing a judicial proceeding if, with purpose to

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intimidate a judge, attorney, juror, party or witness and thereby to influence a judicial proceeding, he/she disrupts or disturbs a judicial proceeding by participating in an assembly and calling aloud, shouting or holding or displaying a placard or sign containing written or printed matter concerning the conduct of the judicial proceeding or the character of a judge, attorney, juror, party or witness engaged in such proceeding or calling for or demanding any specified action or determination by such judge, attorney, juror, party or witness in connection with such proceeding.

- B. A person commits the offense of disturbing a judicial proceeding if in the presence of the court, such person engages in one (1) or more of the following:
 - 1. Disorderly, contemptuous or insolent behavior during a court session;
 - 2. Interrupts or impairs the court proceeding;
 - 3. Breaches of the peace, causes noise or otherwise disturbs court proceedings;
 - 4. Utilizes an electronic device, including, but not limited to, cellular telephones, pagers or personal music devices, during court proceedings;
 - 5. Consumes food or beverage during court proceedings; or
 - 6. Disobeys any process or order lawfully issued or made by the court.
- C. The party charged shall be notified of the accusation and have a reasonable time to make his/her defense. (Ord. No. 626 §1, 5-12-10)

SECTION 210.100: TAMPERING WITH A WITNESS -- TAMPERING WITH A VICTIM

- A. A person commits the offense of tampering with a witness if, with purpose to induce a witness or a prospective witness in an official proceeding to disobey a subpoena or other legal process, or to absent himself/herself or avoid subpoena or other legal process, or to withhold evidence, information or documents, or to testify falsely, he/she:
 - 1. Threatens or causes harm to any person or property;
 - 2. Uses force, threats or deception;
 - 3. Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or
 - 4. Conveys any of the foregoing to another in furtherance of a conspiracy.
- B. A person commits the offense of "victim tampering" if, with purpose to do so, he/she prevents or dissuades or attempts to prevent or dissuade any person who has been a victim of any crime or a person who is acting on behalf of any such victim from:

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1. Making any report of such victimization to any Peace Officer, or State, local or Federal Law Enforcement Officer or prosecuting agency or to any judge;
2. Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof; or
3. Arresting or causing or seeking the arrest of any person in connection with such victimization.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.110: IMPROPER COMMUNICATION

A person commits the offense of improper communication if he/she communicates, directly or indirectly, with any juror, special master, referee, or arbitrator in a judicial proceeding, other than as part of the proceedings in a case, for the purpose of influencing the official action of such person.

SECTION 210.120: FALSE IMPERSONATION

A person commits the offense of false impersonation if he/she:

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.
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.

SECTION 210.130: 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

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another person in a crime or offense;

2. Makes a false report to a Law Enforcement Officer that a crime or offense 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.

SECTION 210.140: RESISTING OR INTERFERING WITH ARREST

- A. A person commits the offense of resisting or interfering with arrest, detention or stop if, knowing that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or stop an individual or vehicle, or the person reasonably should know that a Law Enforcement Officer is making an arrest or attempting to lawfully detain or lawfully stop an individual or vehicle for the purpose of preventing the officer from effecting the arrest, stop or detention, the person:
1. Resists the arrest, stop or detention of such person by using or threatening the use of violence or physical force or by fleeing from such officer; or
 2. Interferes with the arrest, stop or detention of another person by using or threatening the use of violence, physical force or physical interference.
- B. This Section applies to arrests, stops or detentions with or without warrants and to arrests, stops or detentions for any crime, infraction or ordinance violation.
- C. A person is presumed to be fleeing a vehicle stop if that person continues to operate a motor vehicle after that person has seen or should have seen clearly visible emergency lights or has heard or should have heard an audible signal emanating from the law enforcement vehicle pursuing that person.
- D. 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. (Ord. No. 564 §1, 2-12-03)

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.150: ESCAPE OR ATTEMPTED ESCAPE FROM CUSTODY

A person commits the offense of escape from custody or attempted escape from custody if, while being held in custody after arrest for any crime or offense, he/she escapes or attempts to escape from custody.

Note--Under certain circumstances this offense can be a felony under state law.

ARTICLE III. OFFENSES CONCERNING PUBLIC SAFETY

SECTION 210.160: DUMPING OF INFLAMMABLE LIQUID IN SEWERS

- A. It shall be unlawful for any person to dump or pour gasoline, kerosene, oil, or any inflammable liquid in the sewers of Velda City, at any time.
- B. Any person violating the provisions of this Section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) for each offense. (CC 1974 §205.020; Ord. No. 48 §§1--2, 11-4-47)

SECTION 210.170: EXPLOSION, DISCHARGE AND SALE OF FIREWORKS

- A. No person shall willfully or promiscuously fire, discharge, or explode and shoot off any gun or pistol or set off, use, burn, explode or fire off any firecrackers, fireworks, torpedoes, bombs, rockets, pin wheels, fire balloons, Roman candles, toy cannons, toy pistols, except paper cap pistols, or other fireworks of a like kind, within this City. Provided however, that this Section shall not apply to parks or other public places when in charge of competent persons and under a permit issued by the Board of Aldermen.
- B. No person, firm, or corporation shall sell, or expose for sale any fireworks, firecrackers, torpedoes, bombs, rockets, pin wheels, fire balloons, Roman candles, toy cannons, toy pistols, except paper cap pistols, or any other fireworks of like kind, within the City. (CC 1974 §205.040; Ord. No. 46 §§1--2, 10-14-47)

SECTION 210.180: STORAGE OF GASOLINE AND VOLATILE LIQUID

- A. The term "*volatile inflammable liquid*" as mentioned and referred to in this Section shall mean any liquid which will emit inflammable vapor or gas at a temperature below one hundred degrees Fahrenheit (100°F) when tested in the open air.

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- B. No volatile inflammable fluid in any quantity shall be stored or kept for sale or use for private purposes in any quantity in open receptacles, but shall be kept and stored in storage tanks or containers constructed, located and maintained in accordance with the provisions of this Section.
- C. Any person desiring to install any tank or tanks for the keeping or storage for sale or private use of gasoline or other volatile inflammable liquid or liquids shall file with the Board of Aldermen an application for a permit so to do with a plat drawn to scale showing the location of the premises, the location, number and size of tanks proposed to be installed on said premises, and shall pay to the City Collector a permit fee of five dollars (\$5.00) and an inspection fee of five dollars (\$5.00) for each tank.
- D. The Board of Aldermen shall appoint some competent qualified person who shall inspect the premises where the storage tank or tanks are to be installed and shall examine the application for permit and plan therefor, and if said premises and plans show full compliance with all the provisions of this Section he/she shall submit his/her report in writing to the Board of Aldermen together with his/her recommendations whereupon the Board of Aldermen shall, providing it is satisfied and that all provisions of this Section have been complied with, issue the permit sought, otherwise it shall refuse to issue the same.
- E. *Location Of Tanks.*
 - 1. No storage tank herein provided for shall be located nearer than thirty (30) feet from the nearest edge of any curb line of a street, or any building lot line adjoining the lot on which such tank is to be installed.
 - 2. No automobile service or filling station or private storage tank for gasoline or other volatile inflammable liquid shall be located or maintained within three hundred (300) feet of any school, school yard, church, playground, hospital, theater, or public meeting hall.
 - 3. For the purpose of establishing the distance at which such storage tank or tanks shall be installed as is herein referred to, such measurement shall be from the nearest lot line of such school, school yard, church, playground, hospital, theater or public meeting hall, to the nearest lot line of the premises on which such tank or tanks are proposed to be installed and not to the point or location of such tank or tanks on said lot.
- F. All tanks permitted to be installed under the provisions of this Section and having a capacity not exceeding five hundred (500) gallons shall be made of at least twelve (12) gauge galvanized steel or black open hearth steel at least one-quarter ($\frac{1}{4}$) inch in thickness; such tanks exceeding such capacity, and not exceeding two thousand (2,000) gallons capacity shall be made of at least three-sixteenth ($\frac{3}{16}$) inch galvanized steel or one-quarter ($\frac{1}{4}$) inch black open hearth steel; all such tanks exceeding two thousand (2,000) gallons capacity shall be increased in thickness according to the recognized ratio for steel construction. All such tanks

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of galvanized steel shall be properly welded or riveted and soldered; all such tanks of black open hearth steel shall be properly welded or riveted or caulked. Such tanks shall be placed underground at least twenty (20) inches below the surface and entirely surrounded by at least six (6) inches of sand, the top to be below the level of the lowest pipe line upon the storage premises. Underground tanks in any building shall be not less than three (3) feet below the floor surface level of such building. No such underground tank shall be nearer than eighteen (18) inches to any other tank. All such underground tanks shall be coated on the outside with tar or other rust resisting material or approved substances.

G. No storage tank for the wholesale distribution or bulk storage of gasoline or other volatile inflammable liquid shall be permitted, installed or maintained within the City.

H. *Penalty.*

1. Any person, firm or corporation, or the agent, officer or servant or employee of any such person, firm or corporation who shall violate any of the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than one dollar (\$1.00) nor more than one hundred dollars (\$100.00) and each day or part of a day such violation shall continue shall constitute a separate offense.
2. In addition to the foregoing penalty the Board of Aldermen may at its election institute appropriate legal proceedings in a court of law or equity to enjoin or restrain any violation of the provisions of this Section. (CC 1974 §205.120; Ord. No. 77 §§1--8, 2-4-54)

SECTION 210.190: UNAUTHORIZED OR DISCARDED VEHICLES ON STREETS

A. *Definitions.* The following definitions shall apply to the interpretation and enforcement of this Section and governing terms wherever used:

ABANDONED VEHICLE: Any motor vehicle which has been left on open land or streets within Velda City.

1. For which no arrangements have been made for its storage with the owner or occupant of the premises on which it is located, or
2. Whose owner has indicated by his/her words or actions an intent to leave the same and no longer claim ownership thereof.

PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind.

PROPERTY: Any real property within the City which is not a street, highway or public thoroughfare.

STREET OR HIGHWAY: The entire width between the boundary lines of every publicly

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maintained street, thoroughfare or alley, when any part thereof is open to the use of public vehicular traffic.

VEHICLE: A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides and to transport persons or property or pull machinery and shall include without limitation automobiles, trucks, trailer, motorcycle, tractor, motorbike, buggy and wagon.

- B. No person in charge or control of any property within the City whether as an owner, tenant, occupant, lessee or otherwise, shall allow any abandoned vehicle, whether licensed or unlicensed, except as provided for herein, any vehicle in a state of substantial disrepair, partially dismantled, non-operative, wrecked or junked, to remain on such property for longer than ten (10) days.
- C. No person shall abandon or permit the abandonment on any public or private property within Velda City of any motor vehicle owned by him/her or under his/her control or in his/her possession at the time of abandonment of, or except as otherwise provided herein, cause any abandoned vehicle or vehicles in a state of substantial disrepair or any dismantled, non-operating or wrecked, junked or disabled vehicle to remain on such property to be stored in the open for a period of more than ten (10) days if on private property, or more than forty-eight (48) hours if on a public street or other public thoroughfare within Velda City. This Section shall not apply if such vehicle is kept in an enclosed garage or building.
- D. The City Marshal, his/her Deputies and Peace Officers are hereby empowered and authorized to enforce the provisions of this Section.
- E. Each day such violation is committed or permitted to continue, after notice of such violation be given, shall constitute a separate offense. (CC 1974 §205.150; Ord. No. 121 §§1--5, 11-3-66)

SECTION 210.200: PROHIBITION OF SMOKING IN PUBLIC MEETINGS

- A. It shall be unlawful for any person to smoke or carry any lighted cigarettes, cigars, pipes or other tobacco products inside any Velda City public meetings, including but not limited to, the City Hall and the Police Department.
- B. *Penalties.* Every person who shall be convicted of any violation of this bill shall be fined not more than one hundred fifty dollars (\$150.00) for the first (1st) such conviction; not more than two hundred fifty dollars (\$250.00) for the second (2nd) such conviction; and five hundred dollars (\$500.00) for any subsequent conviction. (Ord. No. 441 §§I--III, 5-8-91)

SECTION 210.210: ABANDONMENT OF AIRTIGHT OR SEMI-AIRTIGHT

CONTAINERS

- A. A person commits the offense of abandonment of airtight icebox if he/she abandons, discards, or knowingly permits to remain on premises under his/her control, in a place accessible to children, any abandoned or discarded icebox, refrigerator, or other airtight or semi-airtight container which has a capacity of one and one-half (1½) cubic feet or more and an opening of fifty (50) square inches or more and which has a door or lid equipped with hinge, latch or other fastening device capable of securing such door or lid, without rendering such equipment harmless to human life by removing such hinges, latches or other hardware which may cause a person to be confined therein.
- B. Subsection (A) of this Section does not apply to an icebox, refrigerator or other airtight or semi-airtight container located in that part of a building occupied by a dealer, warehouseman or repairman.
- C. The defendant shall have the burden of injecting the issue under Subsection (B) of this Section.

SECTION 210.220: LITTERING

A person commits the offense of littering if he/she throws or places, or causes to be thrown or placed, any glass, glass bottles, wire, nails, tacks, hedge, cans, garbage, trash, refuse, or rubbish of any kind, nature or description on the right-of-way of any public road or State highway or on 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 State, any board, department, agency or commission thereof or on any land or water owned, operated or leased by the Federal Government or on any private real property owned by another without his/her consent.

SECTION 210.230: LITTERING VIA CARCASSES

- A. If any person or persons shall put any dead animal, carcass or part thereof, the offal or any other filth into any well, spring, brook, branch, creek, pond, or lake, every person so offending shall, on conviction thereof, be fined not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00).
- B. If any person shall remove, or cause to be removed and placed in or near any public road or highway, or upon premises not his/her own, or in any river, stream or watercourse any dead animal, carcass or part thereof, or other nuisance, to the annoyance of the citizens of this City, or any of them, every person so offending shall, upon conviction thereof, be fined for every offense not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00), and if such nuisance be not removed within three (3) days thereafter, it shall be deemed a second (2nd) offense against the provisions of this Section. (Ord. No. 617 §1,

7-8-09)

SECTION 210.240: CORRUPTING OR DIVERTING WATER SUPPLY

Whoever willfully or maliciously poisons, defiles or in any way corrupts the water of a well, spring, brook or reservoir used for domestic or municipal purposes, or whoever willfully or maliciously diverts, dams up and holds back from its natural course and flow any spring, brook or other water supply for domestic or municipal purposes, after said water supply shall have once been taken for use by any person or persons, corporation, town or City for their use, shall be adjudged guilty of a misdemeanor, and punished by a fine not less than fifty dollars (\$50.00), nor more than one thousand dollars (\$1,000.00), or by imprisonment in the City or County Jail not exceeding ninety (90) days, or by both such fine and imprisonment, and shall be liable to the party injured for three (3) times the actual damage sustained, to be recovered by suit at law. (Ord. No. 617 §1, 7-8-09)

ARTICLE IV. OFFENSES CONCERNING PUBLIC PEACE

SECTION 210.250: UNNECESSARY NOISE

The creation of any unreasonably loud, disturbing and unnecessary noise in the City is prohibited. Noise of such character, intensity and duration as to be detrimental to the life or health of any individual or which unreasonably interferes with the comfort of any individual, is prohibited. The operation of any instrument, phonograph, machine or device between the hours of 11:00 P.M. and 7:00 A.M. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.

1. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this Section, but such enumeration shall not be deemed to be exclusive, namely:
 - a. The use of mechanical loud speakers or amplifiers in or on any store, building or other premises, the effect of which is to extend the sound and noises to the exterior of such premises, irrespective of whether the same be intended for advertising, entertainment, or for any other purpose, except where a specific license or permit is granted by the Board of Aldermen as provided in Subparagraph (2) of this Section.
 - b. The use of mechanical loud speakers or amplifiers on trucks or other vehicles or on stationary stands except where a specific license or permit is granted by the Board of Aldermen as provided in Subparagraph (2) of this Section.

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- c. The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort or repose of persons in any dwelling or other type of residence.
 - d. The sounding of any horn or signal device on any automobile, motorcycle, bus or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control or, at intersections not controlled by traffic lights, as a danger signal or warning to pedestrians and other traffic.
2. The Board of Aldermen may, upon proper application, grant a special license or permit for such limited times and on such conditions as it may see fit in the interests of public welfare for the temporary use of loud speakers or amplifiers. Any person acting contrary hereto without such permit shall be deemed in violation hereof. (Ord. No. 456 §3, 11-10-93)

SECTION 210.260: PEACE DISTURBANCE

A person commits the offense of peace disturbance if:

1. He/she unreasonably and knowingly disturbs or alarms another person or persons by:
 - a. Loud noise;
 - b. Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient;
 - c. Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out;
 - 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.

SECTION 210.270: 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 or offense against any person; or
2. Fighting.

SECTION 210.280: PEACE DISTURBANCE DEFINITIONS

For the purposes of Sections 210.260 and 210.270 the following words shall have the meanings set out herein:

PRIVATE PROPERTY: Any place which at the time is not open to the public. It includes property which is owned publicly or privately.

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

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.

SECTION 210.290: DISORDERLY CONDUCT

- A. It shall be unlawful for any person to commit any of the following acts, or to permit the commission of such acts by others on premises or property under his/her control, if the conduct is done willfully with the purpose of causing public danger, alarm, disorder, or nuisance:
1. To act in a violent and tumultuous manner toward another whereby that other is placed in danger of his/her life, limb or health;
 2. To act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
 3. To cause, provoke or engage in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;

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4. To interfere with another's pursuit of a lawful occupation by acts of violence;
 5. To incite, attempt to incite or become involved in attempting to incite a riot;
 6. To damage, defoul, or disturb public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition;
 7. To create a loud and unreasonable noise by yelling or shouting, or by operating any radio, T.V., record player, tape recorder or other electronic equipment to annoyance of a neighbor, or any other persons nearby, or near to any public highway, road, streets, lane, alley, or park whereby the public peace is broken or disturbed or the traveling public annoyed;
 8. To fail to obey a lawful order to disperse by a City Official or Police Officer when known to be such an official and when:
 - a. The officer or official is in the lawful performance of his/her duties concerning a third (3rd) person,
 - b. Where in addition to the Police Officer and the third (3rd) person, two (2) or more persons are in the immediate vicinity,
 - c. Where words or conduct of any person interfere with the performance by the official or Police Officer of his/her duties; and
 - d. The public health and safety are imminently threatened.
 9. To continue to delay, disrupt, or interfere with orderly transaction of business at any meeting of City Officials after having been called to order by the Presiding Officer for the meeting.
- B. *Exemptions.* This Section shall not be construed to suppress the right to lawful assembly, picketing, public speaking or other lawful means of expressing public opinion not in contravention of other laws.
- C. *Penalty.* Any person who violates any of the provisions of this Section shall be subject to penalty by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment. (Ord. No. 311 §1(205.190), 9-14-78; Ord. No. 617 §1, 7-8-09)

SECTION 210.300: WEAPONS -- CARRYING CONCEALED -- OTHER UNLAWFUL USE

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

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1. Carries concealed upon or about his/her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use;
 2. Discharges or shoots a firearm within the City limits;
 3. Possesses a firearm or projectile weapon while intoxicated; or
 4. Carries a firearm or any other weapon readily capable of lethal use.
- B. Subparagraphs (1), (2) and (4) 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 crime;
 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 and those persons vested by Article III of the Constitution of the United States with the judicial power of the United States, the members of the Federal Judiciary;
 5. Any person whose bona fide duty is to execute process, civil or criminal;
 6. Any Federal Probation Officer;
 7. Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the Board of Police Commissioners under Section 84.340, RSMo.; and
 8. The discharge of firearms in connection with any turkey shoots or other charitable event authorized by the Board of Aldermen.
- C. Subparagraphs (1), (3) and (4) of Subsection (A) of this Section do not apply when the actor is transporting such weapons in a non-functioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subparagraph (1) of Subsection (A) of this Section does not apply when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his/her dwelling unit or upon business premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through the City.

SECTION 210.310: UNLAWFUL TRANSFER OF WEAPONS

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

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.

SECTION 210.320: DISCHARGING AIR GUN, ETC.

Any person within the limits of this City, who shall discharge any BB gun, spring gun or air gun, or shall shoot any pebble, bullet, slug or other hard substance by means of a sling, crossbow, rubber band or bow or any other means shall be deemed guilty of a misdemeanor.

SECTION 210.330: UNLAWFUL ASSEMBLY

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

SECTION 210.340: RIOTING

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

SECTION 210.350: REFUSAL TO DISPERSE

A person commits the offense of refusal to disperse if, being present at the scene of an unlawful assembly, or at the scene of a riot, he/she knowingly fails or refuses to obey the lawful command of a Law Enforcement Officer to depart from the scene of such unlawful

assembly or riot.

ARTICLE V. OFFENSES CONCERNING PROPERTY

SECTION 210.360: TAMPERING

A. A person commits the offense of tampering if he/she:

1. Tamper with property of another for the purpose of causing substantial inconvenience to that person or to another;
2. Unlawfully rides in or upon another's automobile, airplane, motorcycle, motorboat or other motor-propelled vehicle;
3. Tamper or makes connection with property of a utility; or
4. Tamper 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 paragraph (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 (1) or more of the effects described in paragraph (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.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.370: PROPERTY DAMAGE

A person commits the offense of property damage if:

1. He/she knowingly damages property of another; or
2. He/she damages property for the purpose of defrauding an insurer.

SECTION 210.380: CLAIM OF RIGHT

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- A. A person does not commit an offense by damaging, tampering with, operating, riding in or upon, or making connection with property of another if he/she does so under a claim of right and has reasonable grounds to believe he/she has such a right.
- B. The defendant shall have the burden of injecting the issue of claim of right.

SECTION 210.390: TRESPASS IN THE FIRST DEGREE

- A. 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.
- B. A person does not commit the offense of trespass 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:
 - 1. Actual communication to the actor; or
 - 2. Posting in a manner reasonably likely to come to the attention of intruders.

SECTION 210.400: TRESPASS IN THE SECOND DEGREE

- A. 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.
- B. Trespass in the second degree is an infraction.

SECTION 210.410: RECKLESS BURNING OR EXPLODING

A person commits the offense of reckless burning or exploding when he/she knowingly starts a fire or causes an explosion and thereby recklessly damages or destroys a building or an inhabitable structure of another.

SECTION 210.420: NEGLIGENT BURNING OR EXPLODING

A person commits the offense of negligent burning or exploding when he/she with criminal negligence causes damage to property of another by fire or explosion.

SECTION 210.430: STEALING

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- 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 prosecution under this Section on the issue of the requisite knowledge or belief of the alleged stealer that:
 - 1. He/she failed or refused to pay for property or services of a hotel, restaurant, inn or boarding house;
 - 2. He/she gave in payment for property or services of a hotel, restaurant, inn or boarding house a check or negotiable paper on which payment was refused;
 - 3. He/she left the hotel, restaurant, inn or boarding house with the intent to not pay for property or services; or
 - 4. He/she surreptitiously removed or attempted to remove his/her baggage from a hotel, inn or boarding house.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.440: 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 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 that:
 - 1. He/she was found in possession or control of other property stolen on separate occasions from two (2) or more persons;
 - 2. He/she received other stolen property in another transaction within the year preceding the transaction charged; or
 - 3. He/she acquired the stolen property for a consideration which he/she knew was far below its reasonable value.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.450: FRAUDULENT USE OF A CREDIT DEVICE

A person commits the offense of fraudulent use of a credit device if he/she uses a credit

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device for the purpose of obtaining services or property, knowing that:

1. The device is stolen, fictitious or forged;
2. The device has been revoked or canceled; or
3. For any other reason his/her use of the device is unauthorized.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.460: DECEPTIVE BUSINESS PRACTICE

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

1. Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity;
2. Sells, offers or exposes for sale, or delivers less than the represented quantity of any commodity or service;
3. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he/she furnishes the weight or measure;
4. Sells, offers or exposes for sale adulterated or mislabeled commodities; or
5. Makes a false or misleading written statement for the purpose of obtaining property or credit.

SECTION 210.470: ALTERATION OR REMOVAL OF ITEM NUMBERS WITH INTENT TO DEPRIVE LAWFUL OWNER

A person commits the offense of alteration or removal of item numbers if he/she, with the purpose of depriving the owner of a lawful interest therein:

1. Destroys, removes, covers, conceals, alters, defaces, or causes to be destroyed, removed, covered, concealed, altered, or defaced, the manufacturer's original serial number or other distinguishing owner-applied number or mark, on any item which bears a serial number attached by the manufacturer or distinguishing number or mark applied by the owner of the item, for any reason whatsoever;
2. Sells, offers for sale, pawns or uses as security for a loan, any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered, or defaced; or

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3. Buys, receives as security for a loan or in pawn, or in any manner receives or has in his/her possession any item on which the manufacturer's original serial number or other distinguishing owner-applied number or mark has been destroyed, removed, covered, concealed, altered, or defaced.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.480: FAILURE TO RETURN RENTED PERSONAL PROPERTY -- ENFORCEMENT PROCEDURE -- PENALTY -- VENUE

- A. A person commits the offense of failing to return leased or rented property if, with the intent to deprive the owner thereof, he/she purposefully fails to return leased or rented personal property to the place and within the time specified in an agreement in writing providing for the leasing or renting of such personal property. In addition, any person who has leased or rented personal property of another who conceals the property from the owner, or who otherwise sells, pawns, loans, abandons or gives away the leased or rented property is guilty of the offense of failing to return leased or rented property. The provisions of this Section shall apply to all forms of leasing and rental agreements, including, but not limited to, contracts which provide the consumer options to buy the leased or rented personal property, lease-purchase agreements and rent-to-own contracts. For the purpose of determining if a violation of this Section has occurred, leasing contracts which provide options to buy the merchandise are owned by the owner of the property until such time as the owner endorses the sale and transfer of ownership of the leased property to the lessee.
- B. It shall be prima facie evidence of the offense of failing to return leased or rented property when a person who has leased or rented personal property of another willfully fails to return or make arrangements acceptable with the lessor to return the personal property to its owner at the owner's place of business within ten (10) days after proper notice following the expiration of the lease or rental agreement, except that if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, such failure to return the motor vehicle shall be prima facie evidence of the intent of the offense of failing to return leased or rented property. Where the leased or rented property is a motor vehicle, if the motor vehicle has not been returned within seventy-two (72) hours after the expiration of the lease or rental agreement, the lessor may notify the local law enforcement agency of the failure of the lessee to return such motor vehicle, and the local law enforcement agency shall cause such motor vehicle to be put into any appropriate State and local computer system listing stolen motor vehicles. Any Law Enforcement Officer which stops such a motor vehicle may seize the motor vehicle and notify the lessor that he/she may recover such motor vehicle after it is photographed and its vehicle identification number is recorded for evidentiary purposes. Where the leased or rented property is not a motor vehicle, if such property has not been returned within the ten (10) day period prescribed in

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this Subsection, the owner of the property shall report the failure to return the property to the local law enforcement agency, and such law enforcement agency may within five (5) days notify the person who leased or rented the property that such person is in violation of this Section, and that failure to immediately return the property may subject such person to arrest for the violation.

- C. This Section shall not apply if such personal property is a vehicle and such return is made more difficult or expensive by a defect in such vehicle which renders such vehicle inoperable, if the lessee shall notify the lessor of the location of such vehicle and such defect before the expiration of the lease or rental agreement, or within ten (10) days after proper notice.
- D. Proper notice by the lessor shall consist of a written demand addressed and mailed by certified or registered mail to the lessee at the address given at the time of making the lease or rental agreement. The notice shall contain a statement that the failure to return the property may subject the lessee to criminal prosecution.
- E. Any person who has leased or rented personal property of another who destroys such property so as to avoid returning it to the owner shall be guilty of property damage pursuant to Section 210.370 in addition to being in violation of this Section.
- F. Venue shall lie in the County where the personal property was originally rented or leased.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.490: PASSING BAD CHECKS

- A. A person commits the offense of passing a bad check when:
 - 1. With purpose to defraud, he/she makes, issues or passes a check or other similar sight order for the payment of money, knowing that it will not be paid by the drawee; or
 - 2. He/she makes, issues, or passes a check or other similar sight order for the payment of money, knowing that there are insufficient funds in his/her account and fails to pay the check or sight order within ten (10) days after receiving actual notice in writing that it has not been paid because of insufficient funds or credit with the drawee.
- B. As used in Subparagraph (2) of Subsection (A) of this Section, "*actual notice in writing*" means notice of the non-payment which is actually received by the defendant. Such notice may include the service of summons or warrant upon the defendant for the initiation of the prosecution of the check or checks which are the subject matter of the prosecution if the summons or warrant contains information of the ten (10) day period during which the instrument may be paid and that payment of the instrument within such ten (10) day period will result in dismissal of the charges. The requirement of notice shall also be satisfied for written communications which are tendered to the defendant and which the defendant refuses

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to accept.

- C. The face amounts of any bad checks passed pursuant to one (1) course of conduct within any ten (10) day period may be aggregated in determining the grade of the offense.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.500: SHOPLIFTING -- DETENTION OF SUSPECT BY MERCHANT -- LIABILITY PRESUMPTION

- A. Definitions. As used in this Section, the following definitions shall apply:

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.

SECTION 210.510: CUTTING OF WEEDS, TRIMMING OF TREES, REMOVAL OF LEAVES, GARBAGE, REFUSE AND RUBBISH ON PROPERTY -- NUISANCE -- WHEN -- ABATEMENT

- A. It shall be unlawful for any owner or lawful occupant of any lot or parcel of realty in Velda City, Missouri, to permit grass or weeds in excess of six (6) inches in height, rank vegetable growths, leaves, garbage, refuse or rubbish to remain on such realty for a period longer than five (5) days, or to permit trees upon said realty that abuts a sidewalk or street, to become a nuisance. Any owner or lawful occupant convicted of a violation of this Section shall be fined not less than fifteen dollars (\$15.00) nor more than three hundred dollars (\$300.00) for each offense.
- B. Any officer or employee of Velda City, Missouri, engaged in the cutting, destruction, removal or abatement permitted under the terms of this Chapter, shall have the right of entry upon realty within Velda City, Missouri, upon which conditions exist that require same. Any person who shall refuse, hinder, delay or interfere with the entry of any such officer or employee, or the officer, agent or employee of any contractor, in the performance of any of the undertakings set forth herein, shall be deemed guilty of a separate offense hereunder, and shall, upon conviction, be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00), or to imprisonment not exceeding a period of ninety (90) days, or to both such fine and imprisonment. (Ord. No. 458 §§1--7, 11-10-93; Ord. No. 617 §1, 7-8-09)

ARTICLE VI. OFFENSES CONCERNING PROSTITUTION AND MORALS

SECTION 210.520: ARTICLE DEFINITIONS

As used in this Article, the following terms mean:

PATRONIZING PROSTITUTION: A person patronizes prostitution if:

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

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3. He/she solicits or requests another person to engage in sexual conduct with him/her or with another, or to secure a third (3rd) person to engage in sexual conduct with him/her or with another, in return for something of value.

PROSTITUTION: A person commits prostitution if he/she 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 (3rd) person.

SEXUAL CONDUCT: Occurs when there is:

1. *Sexual intercourse.* Any penetration, however slight, of the female sex organ by the male sex organ, whether or not an emission results.
2. *Deviate sexual intercourse.* Any sexual act involving the genitals of one (1) person and the mouth, hand, tongue or anus of another person.
3. *Sexual contact.* 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. Money or property, or any token, object or article exchangeable for money or property.

SECTION 210.530: PROSTITUTION

A person commits the offense of prostitution if the person performs an act of prostitution.

SECTION 210.540: PATRONIZING PROSTITUTION

A person commits the offense of patronizing prostitution if he/she patronizes prostitution.

SECTION 210.550: PROSTITUTION AND PATRONIZING PROSTITUTION -- SEX OF PARTIES NO DEFENSE, WHEN

In any prosecution for prostitution or patronizing a prostitute, the sex of the two (2) parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

1. Both persons were of the same sex; or
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.

SECTION 210.560: PROSTITUTION HOUSES DEEMED PUBLIC NUISANCES

- A. Any room, building or other structure regularly used for sexual contact for pay as defined in Section 210.520 or any unlawful prostitution activity prohibited by this Article is a public nuisance.
- B. The City Prosecuting Attorney may, in addition to all other sanctions, prosecute a suit in equity to enjoin the nuisance. If the court finds that the owner of the room, building or structure knew or had reason to believe that the premises were being used regularly for sexual contact for pay or unlawful prostitution activity, the court may order that the premises shall not be occupied or used for such period as the court may determine, not to exceed one (1) year.
- C. 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.
- D. Appeals shall be allowed from the judgment of the court as in other civil actions.

SECTION 210.570: INDECENT EXPOSURE (SEXUAL MISCONDUCT)

A person commits the offense of indecent exposure (sexual misconduct) if he/she exposes his/her genitals under circumstances in which he/she knows that his/her conduct is likely to cause affront or alarm.

ARTICLE VII. OFFENSES CONCERNING ALCOHOL AND DRUGS

SECTION 210.580: POSSESSION OF MARIJUANA

- A. *Definition.* The following word shall have the meaning set out herein when used in this Section:

MARIJUANA: All parts 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

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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.

- B. Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control marijuana as defined in Subsection (A) hereof.

SECTION 210.590: POSSESSION OR CONTROL OF A CONTROLLED SUBSTANCE

Except as authorized by Sections 195.005 to 195.425, RSMo., it is unlawful for any person to possess or have under his/her control a controlled substance as defined by Section 195.010, RSMo.

Note--Under certain circumstances this offense can be a felony under state law.

SECTION 210.600: UNLAWFUL USE OF DRUG PARAPHERNALIA

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia as defined by Section 195.010, RSMo., to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance as defined by Section 195.010, RSMo., or an imitation controlled substance as defined by Section 195.010, RSMo., in violation of Sections 195.005 to 195.425, RSMo.

SECTION 210.610: INHALATION OR INDUCING OTHERS TO INHALE SOLVENT FUMES TO CAUSE CERTAIN REACTIONS, PROHIBITED -- EXCEPTIONS

No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, or induce any other person to do so, for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes; except that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

SECTION 210.620: INDUCING, OR POSSESSION WITH INTENT TO INDUCE, SYMPTOMS BY USE OF SOLVENTS, PROHIBITED

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- A. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use of any solvent, particularly toluol.
- B. No person shall intentionally possess any solvent, particularly toluol, for the purpose of using it in the manner prohibited by Section 210.610 and this Section.

SECTION 210.630: POSSESSION OR PURCHASE OF SOLVENTS TO AID OTHERS IN VIOLATIONS, PROHIBITED -- VIOLATIONS OF SECTIONS 210.610 TO 210.620 -- PENALTY

- A. No person shall intentionally possess or buy any solvent, particularly toluol, for the purpose of inducing or aiding any other person to violate the provisions of Sections 210.610 and 210.620 hereof.
- B. Any person who violates any provision of Sections 210.610--210.630 is guilty of a misdemeanor.

SECTION 210.635: POSSESSION OR SALE OF SYNTHETIC CANNABINOIDS AND MDPV -- PROHIBITED

- A. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

MDPV: Any substance containing:

1. 3,4-Methylenedioxyprovalerone;
2. Methylone;
3. Mephedrone;
4. 4-methoxymethcathinone;
5. 4-Fluoromethcathinone; or
6. 3-Fluoromethcathinone;

regardless of whether the substance is marketed as bath salts or otherwise.

MDPV is commonly known by a number of names including, but not limited to, White Rush, Cloud 9, Ivory Wave, Ocean, Charge, Plus, White Lightening, Scarface, Hurricane Charlie, Red Dove or White Dove.

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PERSON: An individual, corporation, partnership, wholesaler, retailer or any licensed or unlicensed business.

POSSESSED OR POSSESSING: Is defined as a person, with the knowledge of the presence and nature of the synthetic cannabinoid or MDPV, as same terms are defined herein, has actual constructive possession of a synthetic cannabinoid or MDPV or similar 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 a synthetic cannabinoid or MDPV, 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 synthetic cannabinoid or MDPV, possession is sole. If two (2) or more persons have possession of the synthetic cannabinoid or MDPV, possession is joint.

SYNTHETIC CANNABINOID: Any substance whether described as tobacco, herbs, incense, "Spice", "K2" or any blend thereof which includes any one (1) or more of the following chemicals:

1. 2-[(1R,3 S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol (also known as CP47,497) and homologues;
2. (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydro-benzo [c]chromen-1-ol(also known as HY-211 or Dexanabinol);
3. 1-Pentyl-3-(1-naphthoyl)indole (also known as Jwh-018); or
4. Butyl-3-(1-naphthoyl)indole (also known as JWH-073);

regardless of whether the substance is marketed for the purpose of being smoked.

- B. *Unlawful To Sell, Offer, Gift Or Display.* It shall be unlawful for any person to sell, lend, rent, lease, give, exchange, or otherwise distribute to any person any product containing MDPV or a synthetic cannabinoid or to display for sale or possess with an intent to distribute said products containing MDPV or synthetic cannabinoid.
- C. *Possession Unlawful.* It is unlawful for any person to knowingly possess any product containing MDPV or a synthetic cannabinoid. (Ord. No. 633 §1, 2-9-11)

SECTION 210.638: DRINKING OR POSSESSION OF ALCOHOLIC BEVERAGES IN PUBLIC

- A. It shall be unlawful for any person to drink or possess any alcoholic beverages in or upon any public property within the City limits of Velda City, Missouri, except as otherwise provided in this Section.

- B. Drinking or possession of any alcoholic beverage in or upon public property is permitted only by permit from the Board of Aldermen.
- C. Every person violating the provisions of this Section shall be guilty of a misdemeanor and shall be fined not less than five dollars (\$5.00) nor more than one thousand dollars (\$1,000.00). (Ord. No. 635 §1, 6-8-11)

ARTICLE VIII. OFFENSES CONCERNING MINORS

SECTION 210.640: DEFINITIONS

For the purposes of this Article, the following words and phrases are defined as follows:

CRIMINAL ACT: An act which violates the Statutes of the United States, the Statutes of the State of Missouri, or the ordinances of the City of Velda City, including curfew and moving traffic violations.

MINOR: Any person under the age of seventeen (17).

GUARDIAN: Guardian appointed by court of competent jurisdiction.

PARENT: The natural father or mother, or the adoptive father or mother.

PARENTAL NEGLECT: Any act or omission by which a parent fails to exercise customary and effective control over a minor so as to contribute to, cause or tend to cause a minor to commit any criminal act.

SECTION 210.650: CURFEW OF MINORS

- A. It shall be unlawful for any minor under the age of seventeen (17) years to loiter, idle, wander, stroll or to operate or ride in an automobile or other motor-propelled vehicle or to play on or upon the public streets, highways, roads, alleys, playgrounds or other public grounds, public places or public buildings between the hours of 9:00 P.M. and 6:00 A.M. of the following morning, official time then and there in effect Monday through Thursday, except Friday, Saturday and Sunday when the hours shall be 10:00 P.M. and 6:00 A.M. of the following morning; provided however, that the provisions of this Section do not apply to a minor accompanied by his/her parent, guardian or other adult person then and there having the care and custody or in charge of such minor or where the minor is upon an emergency errand or legitimate business as was directed of him/her by the parent, guardian or other adult person having charge of, care or custody of such minor.

- B. It shall be unlawful for the parent, guardian or other person having the care, charge of or custody of any minor child under the age of seventeen (17) years to knowingly permit such minor child to loiter, idle, wander, stroll or play upon a public street or other public place or property between the hours of 9:00 P.M. and 6:00 A.M. of the following morning, official time then and there in effect, Monday through Thursday, except Friday, Saturday and Sunday when the hours shall be 10:00 P.M. and 6:00 A.M. of the following morning; provided however, that the provisions of this Section do not apply when such minor is accompanied by his/her parent, guardian or other adult person having the care, custody or control of said minor or where the minor is upon an errand or other legitimate business as was directed by the parent, guardian or other adult person having the charge of, care and custody of such minor. (CC 1974 §205.130; Ord. No. 147 §§1--2, 1-8-70; Ord. No. 622 §1, 10-14-09)

SECTION 210.660: PARENTS RESPONSIBILITY FOR PARENTAL NEGLECT

- A. For the purpose of this Section the following terms are defined as follows:

MINOR: Any person under the age of seventeen (17) years.

PARENT: The mother, father, legal guardian or any other person having the care or custody of a minor child.

- B. It shall be unlawful for the parent of any minor child to fail to exercise parental control over such minor, or omit to perform any duty which contributes to, causes or tends to cause a minor to commit any criminal act.
- C. It shall be unlawful for any parent to permit, encourage, aid, abet or cause a minor to commit a criminal act or engage in any misconduct which tends to be injurious to the minor's health, safety, morals or welfare.
- D. Whenever any minor is apprehended or detained for committing any criminal offense within the City, the City Police Department shall immediately notify the minor's parent accordingly, giving the reason or cause therefor, and the parent's responsibility under this Section. The Officer notifying such parent shall prepare a written report of the same which shall be filed in the Police Department's records. (CC 1974 §205.140; Ord. No. 154 §§1--5, 4-13-72)

SECTION 210.670: PROHIBITED SALE OF TOBACCO PRODUCTS TO MINORS

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

DISTRIBUTE: A conveyance to the public by sale, barter, gift or sample.

MINOR: A person under the age of eighteen (18).

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PROOF OF AGE: A driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

ROLLING PAPERS: Paper designed, manufactured, marketed and sold for use primarily as a wrapping or enclosure for tobacco, which enables a person to roll loose tobacco into a smokeable cigarette.

SAMPLE: A tobacco product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

SAMPLING: The distribution to members of the general public of tobacco product samples.

TOBACCO PRODUCTS: Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco.

VENDING MACHINE: Any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

B. *Prohibition Of The Sale Of Tobacco Products To A Minor.*

1. No person shall sell any tobacco product or distribute any tobacco product or rolling papers to any minor. This paragraph shall not apply to the distribution by family members on property that is not open to the public.
2. Any person who violates this Section shall be fined:
 - a. For the first (1st) offense, one hundred dollars (\$100.00).
 - b. For the second (2nd) offense, two hundred dollars (\$200.00).
 - c. For the third (3rd) offense and subsequent offenses, five hundred dollars (\$500.00).
3. The owner of an establishment at which tobacco products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products are sold and on every vending machine where tobacco products are purchased a sign that shall:
 - a. Contain in red lettering at least one-half (½) inch high on a white background, the following:

"IT IS A VIOLATION OF STATE LAW FOR CIGARETTES OR OTHER
TOBACCO PRODUCTS TO BE SOLD TO ANY PERSON UNDER THE AGE OF
EIGHTEEN."
 - b. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle, and the words "Under 18".

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4. It shall be unlawful for any person to engage in tobacco product distribution to persons under eighteen (18) years of age.
5. A person selling tobacco products or rolling papers or distributing tobacco product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).
6. If a sale is made by an employee of the owner of an establishment in violation of this Section, the employee shall be guilty of an offense established in Subparagraph (1). If a vending machine is in violation of this Section, the owner of the establishment shall be guilty of an offense established in Subparagraph (1). If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subparagraph (1).
7. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of this Section. No person shall be liable for more than one (1) violation of this Section on any single day.

SECTION 210.675: TRUANCY ENFORCED

- A. No parent, guardian, or other person in this City having charge, control or custody of a child between the ages of seven (7) and sixteen (16) years of age shall, without excuse or exemption, knowingly permit said child to absent himself from attendance at a public, private, parochial, parish or home school on such dates, and during such hours, as the school may be regularly in session.
- B. Such parent, guardian, or other person shall be deemed to have knowledge of a child's un-exempted, unexcused absence from school after having received notification of same from a Police Officer or school representative.
- C. Any person convicted of a violation of this Section shall be fined in an amount of not less than twenty-five dollars (\$25.00) each day that any violation hereunder continues shall constitute a separate offense subject to the penalty provided in this Section. (Ord. No. 520 §§1--2, 12-9-98)

ARTICLE IX. MISCELLANEOUS OFFENSES

SECTION 210.680: MOVING OF HOUSEHOLD GOODS -- RESTRICTED

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No household goods of any description may be moved in or out of Velda City by trucks or trailers of any kind between the hours of 9:00 P.M. to 7:00 A.M. The fine for this offense shall not exceed one hundred dollars (\$100.00). (CC 1974 §205.110; Ord. No. 169 §1, 9-7-72)

SECTION 210.690: POLITICAL SIGNS

- A. *Registration.* All signs for or against a candidate or an issue on the ballot shall be registered with the Velda City Clerk. The registration shall include the street address of each sign location and who granted approval for its placement. A bond of ten dollars (\$10.00) shall be deposited with the Velda City Clerk for each sign location. The bond shall be returned after the election if each sign is removed within forty-eight (48) hours of the election. If not, the bond shall be forfeited and shall go to Velda City to be used by the City to cover the costs of picking up all remaining signs and disposing of them.
- B. *Requirements.* The signs shall be no larger than two (2) feet by three (3) feet. No more than one (1) sign shall be put up on each lot. No sign shall be placed on any public property and no sign shall be placed on any lot without permission of the owner. No sign shall go up earlier than two (2) weeks prior to the election and all signs must be taken down and removed within forty-eight (48) hours after the election.
- C. *Penalties.* Any person who shall violate any provisions of this Article shall be fined not more than one hundred fifty dollars (\$150.00) for the first (1st) such conviction; not more than two hundred fifty dollars (\$250.00) for the second (2nd) such conviction; and five hundred dollars (\$500.00) for any subsequent conviction. (Ord. No. 440 §§I--III, 4-17-91)

SECTION 210.700: LOITERING

- A. *Unlawful.* It shall be unlawful for any person to loiter, alone and/or in consort with others, in such manner so as to:
 - 1. Obstruct any street, highway, sidewalk, parking lot, public place or other place or building, public or private, by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians, or
 - 2. Commit in or upon any street, highway, sidewalk, parking lot, public place or other place or building, public or private, any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such street, highway, sidewalk, parking lot, public place, or other place or building, public or private, all of which prevents the free and uninterrupted ingress, egress and regress therein, thereon and thereto.

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- B. *Warning Required.* When any person, causes or commits any of the conditions enumerated in Subsection (A) herein, a Police Officer or any Law Enforcement Officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this Section, and shall upon conviction in Court be punished by a fine not to exceed one hundred dollars (\$100.00).
- C. *Definitions.* For the purposes of this Section the following terms shall be deemed to have the meaning indicated below:

LOITER: Remaining idle in essentially one (1) location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; and to stand around.

PUBLIC PLACE: Any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern, apartment building or other place of business, and also public grounds, areas or parks. (Ord. No. 310 §2, 9-14-78; Ord. No. 512 §1, 7-8-98)

SECTION 210.710: ERECTION OR MAINTENANCE OF BARBED WIRE OR ELECTRICALLY CHARGED FENCES

- A. It shall be unlawful for any person to erect or maintain or for any property owner or occupant to allow to be erected or maintained on any property within the City, any fence equipped with or having barbed wire, spikes, or any similar device or any electrical charge sufficient to cause an electric shock.
- B. It shall, however, not be unlawful, under this Section to maintain a barbed wire fence so long as said barbed wire is at least six (6) feet above the ground and at least one (1) foot within the property line of the owner's or occupant's property and so long as said property is located within an industrial or business zoning classification.

SECTION 210.720: OUTSIDE COOKING IN FRONT OF BUILDING LINE RESTRICTED

- A. Subject to certain exceptions mentioned hereinbelow, no person shall be permitted to barbecue or conduct outdoor cooking in front of the building line of any single-family dwelling, multi-family dwelling or commercial structure.
- B. In the event that a residential dwelling does not have a rear yard, then outdoor cooking or barbecuing shall be permitted on certain designated holidays only, as defined in Subsection (C), subject to the following conditions:

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1. No more than two (2) persons will be permitted to attend the barbecue unit or cooking apparatus per dwelling unit.
2. The time during which outdoor cooking or barbecuing is permitted shall be between the hours of 12:00 P.M. and 7:00 P.M.
3. No alcoholic beverage may be visible within one hundred fifty (150) feet of the barbecue unit or outdoor cooking apparatus.
4. No loud music or other loud noises of any sort will be permitted.
5. Any food which is prepared under the guidelines of this Section shall not be consumed in front of the building line on the premises.
6. Barbecue units or cooking apparatus shall be of a moderate size for use intended to serve a nuclear family unit with a few guests.
7. Any exceptions granted herein notwithstanding, no barbecuing or outdoor cooking shall be allowed in front of the building line of any residential or commercial property along Lucas and Hunt Boulevard.

C. *Holidays.* The following are the designated holidays as they pertain to this Section.

New Years Day
Super Bowl Sunday
Martin Luther King Day
Easter
Memorial Day
July 4th
Labor Day
Veterans Day
Thanksgiving
Christmas
December 31st

(Ord. No. 435 §1, 10-10-90)

SECTION 210.730: OPEN BURNING PROHIBITED

- A. Except as listed in Section 210.730(B), open burning, or fires of any kind, shall not be permitted and may be declared a nuisance by the Chief of Police under Section 215.010. No fire permitted pursuant to Section 210.730(B) shall be left unattended and a constant source of water shall be kept nearby.

- B. The following open burning fires are permitted:
1. Barbeques for the purpose of non-commercial outdoor food preparation; and
 2. Fire pits or other manufactured containers constructed for the purpose of containing small recreational fire. (Ord. No. 636 §1, 6-8-11)

CHAPTER 215: NUISANCES

Cross References--As to dangerous buildings as a nuisance, see ch. 525; as to prostitution houses deemed a nuisance, see §210.560.

ARTICLE I. GENERALLY

SECTION 215.010: NUISANCES AFFECTING HEALTH

- A. The following are declared to be nuisances affecting health:
1. All decayed or unwholesome food offered for sale to the public, or offered to the public at no charge.
 2. All diseased animals running at large.
 3. All ponds or pools of stagnant water.
 4. Carcasses of dead animals not buried or destroyed within twenty-four (24) hours after death.
 5. Accumulations, wheresoever they may occur, of manure, rubbish, garbage, refuse and human and industrial, noxious or offensive waste, except the normal storage on a farm of manure for agricultural purposes.
 6. Privy vaults or garbage cans which are not fly-tight, that is, privy vaults or garbage cans which do not prevent the entry of flies, insects and rodents.
 7. The pollution of any well, cistern, spring, underground water stream, lake, canal, or body of water by sewage or industrial wastes, or other substances harmful to human beings.
 8. Dense smoke, noxious fumes, gas and soot, or cinders in unreasonable quantities, or the presence of any gas, vapor, fume, smoke, dust or any other toxic substance on, in or emitted from the equipment of any premises in quantities sufficient to be toxic, harmful

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or injurious to the health of any employee or to any premises, occupant, or to any other person.

9. Common drinking cups, roller towels, combs, brushes or eating utensils in public or semi-public places where not properly sanitized after use.
 10. Any vehicle used for septic tank cleaning which does not meet the requirements of this Chapter of the Code of Ordinances of the City of Velda City.
 11. Any vehicle used for garbage or rubbish disposal which is not equipped with a watertight metal body and provided with a tight metal cover or covers and so constructed as to prevent any of the contents from leaking, spilling, falling or blowing out of such vehicle at any time, except while being loaded or not completely secured and covered so as to prevent offensive odors from escaping therefrom or exposing any part of the contents at any time.
 12. Any and all infestations of flies, fleas, roaches, lice, ticks, rats, mice, fly maggots, mosquito larvae and hookworm larvae.
 13. The keeping of animals and fowls in any area within the City not zoned for agricultural uses except pet cats and dogs, animals in public or licensed zoos, and farm animals in laboratories.
 14. Unlicensed dumps, and licensed dumps not operated or maintained in compliance with the ordinances of the City of Velda City and the Statutes of the State of Missouri.
 15. No person shall discharge or cause to be discharged into a storm water system any waste materials, liquids, vapor, fat, gasoline, benzene, naphtha, oil or petroleum product, mud, straw, lawn clippings, tree limbs or branches, metal or plastic objects, rags, garbage or any other substance which is capable of causing an obstruction to the flow of the storm system or interfere with the proper operation of the system, or which will pollute the natural creeks or waterways.
 16. All other acts, practices, conduct, business, occupation callings, trades, uses of property and all other things detrimental or certain to be detrimental to the health of the inhabitants of the City of Velda City.
- B. *Unlawful To Cause, Maintain Within City Or One-Half Mile Thereof.* It is unlawful for any owner, lessee or occupant, or any agent, servant, representative or employee of any such owner, lessee or occupant, having control of any occupied lot or land or any part thereof in the City of Velda City, or within one-half (½) mile of the corporate limits of the City of Velda City, Missouri, to cause, permit or maintain a nuisance on any such lot or land. Additionally, it is unlawful for any person or his/her agent, servant, representative or employee to cause, or maintain a nuisance on the land or property of another, with or without permission.

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Each day that a nuisance shall be maintained is a separate offense.

- C. *Authority To Abate Emergency Cases.* In cases where it reasonably appears that there is an immediate danger to the health, safety or welfare of the public, due to the existence of a nuisance the Mayor or his/her designate shall have the authority to order the Chief of Police or Health Officer or other City Official to immediately abate the nuisance in an appropriate manner.
- D. *Abatement; Procedure Generally.* Whenever the Board of Aldermen receives notification that a nuisance may exist, it shall proceed as follows, except as may be otherwise provided herein:
1. *It shall investigate the same.* The Board may order any person who has caused or is maintaining the nuisance to appear before the Board at such time and place as the Board may direct to show cause, if any, why that person should not abate the nuisance. Every person required to appear before the Board shall have at least ten (10) days' notice thereof.
 2. Such notice shall be signed by the Health Officer or Chief of Police and shall be served upon that person by delivering a copy thereof to the person, or by leaving a copy at his/her residence with some member of the family or household over fifteen (15) years of age, or upon any corporation by delivering the copy thereof to the President or to any other officer at any business office of the corporation within the City. If the notice cannot be given for the reason that the person named in the notice or his/her agent cannot be found in the City, of which fact the return upon such notice of the officer serving the same shall be conclusive evidence, such notice shall be published in a daily newspaper for three (3) consecutive days, if a daily, or once if a weekly paper, giving at least ten (10) days' notice from the final publication date of the time fixed for the parties to appear before the Board.
 3. If after hearing all the evidence the Board of Aldermen may determine that a nuisance exists, it may direct the Health Officer or Chief of Police, or other City Official to order the person to abate the nuisance within twenty (20) days or within such other time as the Board may deem reasonable. Such order shall be served in the manner provided in this Section for service of the order to show cause. The order may further provide that the appropriate City Official be directed to abate the nuisance if the order is not obeyed within the time period set by the Board, and that a special tax bill be issued for the costs of abating the nuisance.
 4. If the order has not been obeyed within the time period set by the Board, the appropriate City Official shall proceed to abate the nuisance in the manner provided by the order of the Board, and the cost of same, if ordered by the Board, may be assessed as a special tax against the property so improved or upon which such work was done; and, if so ordered,

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the City Clerk shall cause a special tax bill therefor against the owner thereof when known, and if not known then against the unknown persons, and the certified bills of such assessment shall describe therein the property upon which the work was done.

5. The bills for the above work shall be recorded and shall be collected and paid as provided for the collection of other special tax bills for the repairing of sidewalks or grading or paving of streets and shall be a lien on the property.
6. The cost of abating nuisances on private property shall be levied and assessed on each lot in proportion to the amount of work done and material used in abating the nuisance located on each such lot.

SECTION 215.015: ADDITIONAL NUISANCES -- PROCEDURE -- ABATEMENT, ETC.

A. *Definition.* For the purpose of this Section, a "nuisance" shall consist of any activity which is of an ongoing and continuous nature and constitutes a substantial interference to the health, safety, welfare, or convenience of the inhabitants of the City of Velda City, or any part thereof.

B. *Notification.*

1. The Police Department shall notify the Mayor that there has been an arrest or a summons issued for violations of City ordinance or State Statute relating to the following activities:
 - a. Peace disturbance as prohibited in Section 210.260 of this Code.
 - b. Lewd and lascivious behavior as prohibited by Section 210.570 of this Code.
 - c. Maintaining a house, commercial establishment, apartment, garage, building or vehicle used to manufacture, distribute or possess controlled substances as prohibited in Section 210.590 of this Code.
 - d. Noise as prohibited in Section 210.250 of this Code.
 - e. The use of firearms as prohibited in Section 210.300 of this Code.
 - f. Gang activity or juvenile problems resulting from lack of parental supervision.
2. The Mayor shall notify the owner of the property through the issuance of a WARNING NOTICE of the violations. Said notice shall advise the owner that if an additional violation as enumerated in this Section, occurs within sixty (60) days from date of said WARNING NOTICE, the Mayor shall issue the owner a FINAL NOTICE TO ABATE. If a third (3rd) violation occurs subsequent to the FINAL NOTICE TO ABATE and within sixty (60) days of the original WARNING NOTICE, the Mayor shall give notice

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of a hearing for the purpose of determining whether a nuisance exists, and if so, then to determine appropriate remedies for abatement and enforcement.

C. Alternate Procedure.

1. As a complete alternative to the procedure set forth in Subsection (B) of this Section and notwithstanding any and all other methods provided by law, the procedure set forth in Subsections (C)(2--4) herein may be employed.
2. The Mayor, upon receipt of a petition signed by a majority of the persons owning real property, or a majority of the registered voters occupying property, within a prescribed petition circle drawn with a radius of three hundred (300) feet plus one-half ($\frac{1}{2}$) of the width of the property alleged to be a public nuisance from the center of the front of said property projected to the street, alleging that the activity permitted by the occupants and/or owners of said property, as factually set out in said petition, is of an ongoing and continuous nature and constitutes a substantial interference to the health, welfare, safety, and convenience of the subscribers to the petition, shall hold a public hearing based on said petition.
3. The format for the petition shall be approved by the Mayor and shall specifically state the type and nature of the activity which is alleged to be of an ongoing and continuous nature and constituting a substantial interference to the health, safety, and convenience to the petition's subscribers.
4. The City Clerk or his/her designee is hereby designated to review the petition filed in each proceeding and to verify the signatures appearing thereon with the property owners whose names appear on the Assessor's records of St. Louis County, or the registered voters whose names appear on St. Louis County Board of Election Commissioner's records, as the case may be, and whether such person constitute a majority of property owners or registered voters in said petition circle. A report thereof shall be made to the Mayor prior to the setting of a hearing date on said petition. A hearing date shall not be set unless the signatures of a majority of the property owners or a majority of the registered voters in the petition circle are verified. Failure of a petition to contain sufficient signatures under the requirements of Subparagraph (2) of this Subsection shall not prohibit the re-filing of a new petition regarding the same premise.

D. Hearing.

1. The Mayor shall set a reasonable time for the hearing to determine whether a nuisance exists and, if so determined, then to recommend appropriate remedies for abatement and enforcement. Not later than ten (10) working days prior to said hearing, the Mayor shall cause to be served a notice of said hearing and a copy of the petition, when applicable, on the legal owner or owners of said property, as determined by the records of ownership maintained by the Office of the Assessor of St. Louis County, the occupants of said

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premise, if they are different from the legal owner; and the person or persons designated to receive said notice on behalf of the petitioners. Service of said notice by certified mail shall be deemed sufficient for the purposes of this Subsection.

2. The hearing shall be conducted at the time and place set forth in the notice. The hearing officer shall be appointed by the Mayor and shall be a resident of St. Louis County and shall have been licensed to practice law in the State of Missouri for a period of at least two (2) years. The hearing officer shall commence a hearing for the purpose of determining whether a public nuisance exists under the provisions of this Section. All interested parties, including owners, lessees, mortgagors, tenants and neighbors, and Police Officer may attend the hearing and the present testimony. The notice of the hearing shall include the purpose of the hearing, the date and time of the hearing, and the location of the hearing. The hearing officer shall take testimony under oath pertaining to all relevant matters. The hearing may be continued, if necessary, for not more than thirty (30) days, to conclude the investigation or for good cause shown.
3. At the conclusion of the hearing, the hearing officer shall make a finding and a recommendation in writing that the activity occurring at the subject property is not a public nuisance, and no further action is required; or that the activity occurring at the subject property does constitute a public nuisance, in which case the hearing officer shall recommend an appropriate means to abate the activity. If deemed appropriate and necessary to abate the nuisance activity, the hearing officer may recommend that the occupancy of the property be prohibited to the extent necessary to abate the nuisance but for a time period of not less than thirty (30) days nor more than one (1) year. The recommendation of the hearing officer shall be immediately presented to the Mayor who shall issue an appropriate order. A copy of said order shall be published in a newspaper of general circulation and sent by certified mail to the owner of the involved property; the occupant(s) of the involved property, if different from the owner, and the designated representatives of the petitioners. Any person adversely affected by said order shall have a right of judicial review as provided by Section 536.100, RSMo., 1998 as supplemented.

E. *Determination.* In determining whether the operation of a property is detrimental to the neighborhood in which the property is located, and therefore constitutes a public nuisance, the hearing officer shall consider the following factors, giving such weight thereto as he deems appropriate.

1. The physical characteristics of the neighborhood in which the alleged nuisance property is located, with particular consideration being given to the proximity of the property to residential property, parks, churches, schools, and playgrounds.
2. Littering, as provided in Section 210.220 of this Code committed by owner, occupant, or persons frequenting the alleged nuisance property;

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3. Drinking of alcoholic beverages in public by the owner, occupant, or persons frequenting the alleged nuisance property;
 4. Lewd and indecent conduct as prohibited by Section 210.570 of this Code, including but not limited to public urination, exhibited by the owner, occupant, or persons frequenting the alleged nuisance property, whether such behavior occurs on the property or in the immediate vicinity thereof;
 5. Commission of crimes as prohibited by Federal or State Statute, upon or in the immediate vicinity of a premise by the owner, occupant, or persons frequenting the alleged nuisance property;
 6. Sale or use of illegal drugs, as prohibited by Federal or State Statute or City ordinance, upon or in the immediate vicinity of the alleged nuisance property by the owner, occupant, or person frequenting the property;
 7. Harassing or intimidating behavior, as prohibited by Section 210.030 of this Code, exhibited by the owner, occupant, or persons frequenting or congregating about the alleged nuisance property toward persons living in the neighborhood in which the property is located or toward persons passing by the property.
 8. Noise, as prohibited in Section 210.250 of this Code, associated with or caused by the owner, occupant, or persons frequenting the alleged nuisance property;
 9. Street or sidewalk congestion associated with or caused by the owner, occupant, or person frequenting the alleged nuisance property;
 10. Any violation of the occupancy ordinances of the City of Velda City associated with or caused by the owner, occupant, or person frequenting the alleged nuisance property;
 11. Any other activity deemed relevant by the hearing officer, to the determination of whether said activity is detrimental to the neighborhood in which the alleged nuisance property is located.
- F. At any hearing convened under Subsection (D) of this Section, proof that the required notices were properly sent to the owner or occupant of the property, under the provisions of Subsection (K) herein, shall be prima facie evidence of knowledge on the part of the owner or occupant of the property of the alleged nuisance activity. For purposes of this Section, a person shall be considered to frequent a property if he/she lives or works at or visits the property or if he/she loiters about the immediate vicinity of the property but would not do so except for the existence of the property.
- G. Any person employed, or contracted with, for the abatement of a nuisance as ordered under the provisions of this Section, and any agent or employee of such person, shall have the right

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of entry for that purpose into and upon any property.

- H. It shall be the duty of the Police Department to assist the Mayor and administrative staff, in the discharge of their duties, as may be required under this Section whenever called upon to do so.
- I. *Violations.*
 - 1. It shall be a violation of this Section for the owner, his agent, or the occupant of any residential or commercial property to fail to obey an order to abate a nuisance under the provisions of this Section.
 - 2. It shall be a violation of this Section to interfere with any entry permitted under Subsection (G) herein or any nuisance, as ordered under the provisions of this Section.
 - 3. It shall be a violation of this Section for any person to use or occupy or to permit any other person to use or occupy any property ordered vacated or closed pursuant to this Section.
 - 4. It shall be a violation of this Section for any person to mutilate or remove any order posted under the provisions of this Section.
- J. Nothing in this Section shall be interpreted to supersede or limit in any manner the authority of Mayor or the Building Commissioner to condemn property under the authority of any provision of this Code.
- K. All notices required under this Section shall be sent, by certified mail, to the owner of the property, the occupants of the property, the mortgagor, if shown on the recorder of deeds records, and posted on the subject property in a conspicuous place. The Building Commissioner shall do the posting of the property.
- L. Closure of any property pursuant to this Section shall not constitute an act of possession, ownership or control by the City of Velda City of the closed property.
- M. Nothing contained in this Section shall relieve the owner of any property from complying with all other ordinances that relate to property, fire or health codes or any other ordinance that regulates the condition or use of property.
- N. *Penalties.*
 - 1. Every violation of this Section shall be punishable by a fine of not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000.00) and/or ninety (90) days in jail.
 - 2. In lieu of a fine, the judge may require the defendant to perform not less than fifty (50) hours of community service. (Ord. No. 526 §§1--10, 5-12-99; Ord. No. 617 §1, 7-8-09)

SECTION 215.020: ANIMAL WASTE PROHIBITED ON PUBLIC AND PRIVATE PROPERTY -- EXCEPTION

Any person in physical possession and control of any animal shall remove excreta or other solid waste deposited by the animal in any public or private area not designated to receive such wastes, including but not limited to streets, sidewalks, parking lots, public parks or recreation areas and private property. The provisions of this Section shall not apply to a guide dog accompanying any blind person.

SECTION 215.025: ACCUMULATION OF DEBRIS ON PROPERTY

- A. Any lot or land shall be a public nuisance if it has the presence of debris of any kind including, but not limited to, weed cuttings, cut and fallen trees and shrubs, overgrown vegetation and noxious weeds which are seven (7) 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 any material which is unhealthy or unsafe and declared to be a public nuisance.
- B. When a public nuisance as described above exists, the Building Commissioner shall so declare and give written notice to the owner of the property by personal service, certified mail, if otherwise unsuccessful, by publication. Such notice shall, at a minimum:
1. Declare that a public nuisance exists;
 2. Describe the condition which constitutes such nuisance;
 3. Order the removal or abatement of such condition within seven (7) days from the date of service of such notice;
 4. Inform the owner that he or she may file a written request for a hearing before the Building Commissioner on the question of whether a nuisance exists upon such property; and
 5. State that if the owner fails to begin removing the nuisance within time allowed or upon failure to pursue the removal of such nuisance without unnecessary delay, the Building Commissioner shall cause the condition which constitutes the nuisance to be removed or abated and that the cost of such removal or abatement may be included in a special tax bill or added to the annual real estate tax bill for the property and collected in the same manner and procedure for collecting real estate taxes.
- C. If the owner of such property fails to begin removing the nuisance within the time allowed or

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upon failure to pursue the removal of such nuisance without unnecessary delay, the Building Commissioner shall cause the condition which constitutes the nuisance to be removed. If the Building Commissioner causes such condition to be removed or abated, the cost of such removal shall be certified to the City Clerk and/or Treasurer who 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 City Collector or other 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 until paid. (Ord. No. 543 §§1--3, 11-8-00)

ARTICLE II. DAMAGED OR DISABLED VEHICLES

SECTION 215.030: DAMAGED AND DISABLED VEHICLES

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

DAMAGED OR DISABLED VEHICLE: Any vehicle which is not registered or is improperly registered with the State of Missouri; has been inoperable on public property for more than forty-eight (48) hours or is in such a state of repair as to be inoperable, except those on the premises of a duly licensed automobile repair or sales business; or in a duly licensed automobile junking yard.

JUNK: Any metal, glass, paper, rags, wood, machinery, parts, cloth, or other waste or discarded material of any nature or substance whatsoever, or scrap or salvage materials.

PERSON: Any person, firm, partnership, co-partnership, corporation, or other organization of any kind.

PROPERTY: Any land owned by the City or located within the City limits, not including streets and highways.

STREET OR HIGHWAY: The entire area between the boundary lines of every publicly maintained way when any part thereof is open to the use of the public for purposes of vehicular travel.

VEHICLES: Any machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides including, but not limited to, automobiles, trucks, trailers, motorcycles, tractors, buggies and wagons or any part thereof.

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- B. *Damaged Or Disabled Vehicle.* Any person who allows any damaged or disabled vehicle, part thereof, or junk, to be located on any property, street, or highway which presents a hazard to children, or harbors tall grass, weeds, or other vegetation, or creates a fire hazard or affords a breeding place or nesting place for mosquitoes, flies, rodents, rats, or other vermin; or any vehicle, part thereof, or junk, allowed to remain unmoved on any street or highway for forty-eight (48) hours shall be deemed guilty of a misdemeanor. Each day of violation shall be deemed a separate offense.
- C. *Complaints, How Made.* Any complaint by any person, including Police Officers, shall be made to the Board of Aldermen or their appointed representative. The Board of Aldermen or their appointed representative shall then review the complaint and any evidence produced in support thereof. If the Board of Aldermen or their appointed representative determines that there is a nuisance within the meaning of this Section, they or their appointed representative shall begin proceedings against the person or persons creating or maintaining such nuisance as provided in this Section.
- D. *Notice.* Whenever the Board of Aldermen determines that any vehicle or junk is a nuisance as defined herein, the Chief of Police shall cause written notice to be served upon the owner of the vehicle or junk, by registered mail or by personal service. The notice shall state that the vehicle or junk is deemed to be a nuisance within the provisions of Subsection (B) hereof, and shall briefly state facts deemed to constitute such vehicle or junk a nuisance within the terms of this Section, and state that the nuisance shall be abated within seven (7) days from receipt of such notice.
- E. *Hearing.* Whenever the owner or custodian of any nuisance as defined in Subsection (B) has been served with written notice as provided in Subsection (D) of this Section, the owner or custodian of said nuisance shall be given an opportunity to appear before the Board of Aldermen to be allowed a hearing on the existence of said nuisance. The right to a hearing shall be contained in the notice as provided in Subsection (D) of this Section. As stated in Subsection (D) the violator shall have seven (7) days to abate the nuisance or to appear before the Chief of Police or other designated official. Should the violator fail to comply, the Chief of Police or designated official shall service the case to the Municipal Judge for prosecution at which time a summons will be served to the violator.
- F. *Proceedings When Owner Or Custodian Cannot Be Located.* When the owner or custodian of any nuisance as defined in Subsection (B) cannot be located by a reasonable search, the notice shall be attached to the property, briefly stating facts deemed to constitute the property a nuisance and stating that the nuisance shall be abated within seven (7) days of the date notice was posted, or if the vehicle is on public property, within two (2) days of the date notice was posted.
- G. *Duty Of The Owner Or Custodian.* Any person receiving the notice provided for above shall

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comply with the provisions of the notice requiring abatement. Failure to comply with this provision is unlawful.

- H. *Disposition.* If not removed within the times specified in the notice, the vehicle or junk shall be transported to a storage area by or at the direction of the Chief of Police or his/her duly authorized representative at the expense of the owner or person in custody thereof. It shall then be stored for a period of at least ninety (90) days, and the person entitled to possession thereof may redeem the property by payment to the City of the actual cost of its removal and a reasonable storage fee. If the vehicle or junk is unredeemed after the expiration of the ninety (90) day period, the Chief of Police may sell it to the highest bidder or, if it has no sale value, may otherwise dispose of it. Any money received from disposal of any vehicle or junk shall be applied to the expenses charged to the owner or person in charge thereof.

- I. *Notice Of Sale.* Prior to the sale of any such property, Chief of Police shall cause to be posted in City Hall, place of storage and at least one (1) other public place in the City, a notice of sale stating
 1. That the City is selling abandoned property;
 2. The color, make, year, motor number and serial number, if available, and any other information necessary for an accurate identification of the property;
 3. The terms of the sale; and
 4. The date, time and place of the sale. This notice shall be published not less than ten (10) or more than thirty (30) days prior to the date of the sale.

- J. *Entry Onto Private Property.* The Chief of Police or his/her duly authorized representative may enter upon private property for inspection or for the purpose of removing any vehicle or junk in accordance with this Section. If any person refuses to allow entry onto his/her private property, the Chief of Police may obtain a warrant from the proper official and proceed in accordance therewith.

ARTICLE III. WEEDS, HIGH GRASS OR OTHER VEGETATION

SECTION 215.040: WEEDS, HIGH GRASS OR OTHER VEGETATION

- A. *Failure To Keep Weeds, High Grass, And Other Vegetation Cut And Removed, A Nuisance.* All persons owning or occupying any lot or tract of land in the City shall keep the weeds, high grass, and other vegetation growing on such property cut and removed. Whenever such weeds, high grass or other vegetation shall attain the height of six (6) inches, it shall be deemed a public nuisance.

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- B. *Unlawful To Maintain Such Nuisance.* It shall be unlawful for any person to create or maintain a nuisance as defined in Subsection (A).
- C. *Liability.* Whenever weeds, high grass or other vegetation in violation of Subsection (A) of this Section, are allowed to grow on any part of any lot or ground within the City, the owner of the ground, or in case of joint tenancy, tenancy by entireties or tenancy in common, each owner thereof, shall be liable.
- D. *Notice.* The Chief of Police shall give a hearing after four (4) 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 Chief of Police may declare the weeds, high grass or other vegetation to be a nuisance and order the same to be abated within five (5) days.
- E. *Disposition.* In case the weeds, high grass or other vegetation are not cut down and removed within the five (5) days, the Chief of Police shall have the weeds, high grass or other vegetation cut down and removed, and shall certify the costs of same to the City Clerk.
- F. *Tax Bill.* The City Clerk 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 (1st) 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.

CHAPTER 220: HUMAN RIGHTS

ARTICLE I. IN GENERAL

SECTION 220.010: PURPOSES OF CHAPTER

The purposes of this Chapter are:

1. To secure for all individuals within the City freedom from any discriminatory practice made unlawful by Article III of this Chapter.
2. To implement within the City the policies embodied in Missouri and Federal Human

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Rights legislation, and to promote cooperation between the City and the State and Federal agencies enforcing that legislation.

3. To provide a City Commission on Human Rights which is dedicated to the elimination of discriminatory practices made unlawful by Article III of this Chapter.

SECTION 220.020: DEFINITIONS

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

COMMISSION: The Velda City Commission on Human Rights.

COMPLAINANT: A person who has filed a complaint with the Commission alleging that another person has engaged in a prohibited discriminatory practice.

DISCRIMINATION: Any unfair treatment based on race, color, religion, national origin, ancestry, sex, handicap, or familial status as it relates to housing.

DWELLING: Any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

FAMILIAL STATUS: One (1) or more individuals who have not attained the age of eighteen (18) years being domiciled with:

1. A parent or another person having legal custody of such individual; or
2. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

HANDICAP: A physical or mental impairment which substantially limits one (1) or more of a person's major life activities, a condition perceived as such, or a record of having such an impairment, which with or without reasonable accommodation does not interfere with utilizing the place of public accommodation, or occupying the dwelling in question. For purposes of this Chapter, the term "*handicap*" does not include current, illegal use of or addiction to a controlled substance as such term is defined by Section 195.010, RSMo., however, a person may be considered handicapped if that person:

1. Has successfully completed a supervised drug rehabilitation program and is no longer

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engaging in the illegal use of, and is not currently addicted to, a controlled substance or has otherwise been rehabilitated successfully and is no longer engaging in such use and is not currently addicted;

2. Is participating in a supervised rehabilitation program and is no longer engaging in illegal use of controlled substances; or
3. Is erroneously regarded as currently illegally using, or being addicted to, a controlled substance.

HOUSING FOR OLDER PERSONS: Housing:

1. Provided under any State or Federal program that the Commission determines is specifically designed and operated to assist elderly persons, as defined in the State or Federal program;
2. Intended for, and solely occupied by, persons sixty-two (62) years of age or older; or
3. Intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit.

Housing qualifies as housing for older persons under this Chapter if:

1. The housing has significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons;
2. At least eighty percent (80%) of the units are occupied by at least one (1) person fifty-five (55) years of age or older per unit; and
3. The owner or manager of the housing has published and adhered to policies and procedures which demonstrate an intent by said owner or manager to provide housing for persons fifty-five (55) years of age or older.

PERSON: Includes one (1) or more individuals, corporations, partnerships, associations, organizations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, trustees, trustees in bankruptcy, receivers, fiduciaries, or other organized groups of persons.

PLACES OF PUBLIC ACCOMMODATION: All places or businesses offering or holding out to the general public, goods, services, privileges, facilities, advantages or accommodations for the peace, comfort, health, welfare and safety of the general public or such public places providing food, shelter, recreation and amusement, including, but not limited to:

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1. Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five (5) rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his/her residence;
2. Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment;
3. Any gasoline station, including all facilities located on the premises of such gasoline station and made available to the patrons thereof;
4. Any motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;
5. Any public facility owned, operated, or managed by or on behalf of this State or any agency or subdivision thereof, or any public corporation; and any such facility supported in whole or in part by public funds; or
6. Any establishment which is physically located within the premises of any establishment otherwise covered by this Section or within the premises of which is physically located any such covered establishment, and which holds itself out as serving patrons of such covered establishment.

RENT: Includes to lease, to sublease, to let and otherwise to grant for consideration the right to occupy premises not owned by the occupant.

RESPONDENT: A person who is alleged to have engaged in a prohibited discriminatory practice in a complaint filed with the Commission.

UNLAWFUL DISCRIMINATORY PRACTICE: Any act that is unlawful under this Chapter.

ARTICLE II. COMMISSION ON HUMAN RIGHTS

SECTION 220.030: COMMISSION CREATED -- MEMBERSHIP -- QUALIFICATIONS -- TERMS -- VACANCIES

There is hereby established a Commission on Human Rights. The Commission shall consist of three (3) members, who shall be appointed by a majority of the members of the Board of Aldermen from among the residents of the City and who shall serve as such without compensation. The Board of Aldermen shall endeavor to include individuals on the Commission from various protected categories that have historically been discriminated

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against. Of the three (3) members first (1st) appointed, one (1) shall be appointed for one (1) year, one (1) shall be appointed for two (2) years and one (1) shall be appointed for three (3) years. Thereafter, appointment shall be for terms of three (3) years. In the event of the death, resignation or removal of any member, his/her successor shall be appointed to serve for the unexpired period of the term for which such member had been appointed.

SECTION 220.040: OFFICERS -- MEETING AND QUORUM -- RULES AND PROCEDURES -- COMPENSATION -- ATTENDANCE -- TRAINING

- A. The Commission shall elect a Chairperson, Vice-Chairperson, and Secretary from among its members and create and fill such other offices as it may determine. The term of such elective officers shall be for one (1) year.
- B. The Commission shall meet periodically as necessary. The Chairperson shall preside at all meetings. Two (2) members shall constitute a quorum at any meeting.
- C. The Commission shall adopt rules and procedures for the conduct and transaction of its business and shall keep a record of its proceedings.
- D. Any Commission member having three (3) unscheduled absences without good cause within a period of one (1) year, or who shall be absent from three (3) consecutive regular meetings without consent of the Chairperson or person acting in such Chairperson's stead, shall automatically forfeit such office, and the Chairperson shall promptly notify the Board of Aldermen through the City Clerk of such vacancy.

SECTION 220.050: FUNCTIONS, POWERS AND DUTIES

The Commission shall have the following functions, powers and duties:

- 1. To encourage fair treatment for and to foster mutual understanding and respect among, and to discourage discrimination against, any racial, ethnic, religious or other group protected by this Chapter, members of these groups or handicapped persons.
- 2. To formulate and carry out educational programs designed to minimize or eliminate those discriminatory practices made unlawful by Article III of this Chapter.
- 3. To receive and investigate complaints alleging any discriminatory practices made unlawful by Article III of this Chapter.
- 4. To implement the purposes of this Chapter by conference, conciliation and persuasion so that persons may be guaranteed their civil rights and good will be fostered.

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5. To provide mediation services to resolve incidences of alleged discriminatory practices made unlawful by Article III of this Chapter.
6. To cooperate with other organizations, private and public, to discourage discrimination.
7. To advise the Board of Aldermen on human rights issues.
8. To hold public hearings on the state of human rights and relations in the City and on specific human rights issues.
9. To sponsor or initiate specifically targeted workshops and on-going programs to improve human relations and to decrease tensions in the City.
10. To present informational programs on human rights to school, business, service and other organizations.
11. To formulate policies and to adopt, promulgate, amend and rescind suitable rules and regulations to carry out the provisions of this Chapter and said policies of the Commission in connection therewith.
12. To provide each year to the Board of Aldermen a full written report of all its activities and of its recommendations.

ARTICLE III. DISCRIMINATORY PRACTICES

SECTION 220.060: UNLAWFUL HOUSING PRACTICES

A. It shall be an unlawful housing practice:

1. To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, to deny or otherwise make unavailable, a dwelling to any person because of race, color, religion, national origin, ancestry, sex, handicap, or familial status.
2. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, ancestry, sex, handicap, or familial status.
3. To make, print, or publish, or cause to be made, printed, or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, ancestry, sex, handicap, or familial status, or an intention to make any such preference, limitation, or discrimination.

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4. To represent to any person because of race, color, religion, national origin, ancestry, sex, handicap, or familial status that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
 5. To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, ancestry, sex, handicap, or familial status.
 6. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:
 - a. That buyer or renter;
 - b. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - c. Any person associated with that buyer or renter.
 7. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
 - a. That person;
 - b. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 - c. Any person associated with that person.
- B. For purposes of Sections 220.060, 220.070, and 220.080 discrimination includes:
1. A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter's agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.
 2. A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling.
 3. In connection with the design and construction of covered multi-family dwellings for first (1st) occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

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- a. The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons.
 - b. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs.
 - c. All premises within such dwellings contain the following features of adaptive design:
 - (1) An accessible route into and through the dwelling;
 - (2) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (3) Reinforcements in bathroom walls to allow later installation of grab bars; and
 - (4) Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.
- C. As used in Subdivision (3) of Subsection (B) of this Section, the term "*covered multi-family dwelling*" means:
1. Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and
 2. Ground floor units in other buildings consisting of four (4) or more units.
- D. Compliance with the appropriate requirements of the American National Standard for Buildings and Facilities providing accessibility and usability for physically handicapped people, commonly cited as "ANSI A117.1", suffices to satisfy the requirements of Subsection (B)(3)(a) of this Section.

SECTION 220.070: DISCRIMINATION IN COMMERCIAL REAL ESTATE LOANS

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance because of race, color, religion, national origin, ancestry, sex, handicap or familial status to a person applying therefor for the purpose of purchasing, construction, improving, repairing, or maintaining a dwelling, or to discriminate against him/her in fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, national origin, ancestry, sex, handicap, or familial status of such person or of any person associated with him/her in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants, of

the dwellings in relation to which such loan or other financial assistance is to be made or given.

SECTION 220.080: DISCRIMINATION IN SELLING OR RENTING BY REAL ESTATE AGENCIES PROHIBITED

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization, or facility relating to the business of selling or renting dwellings, on account of race, color, religion, national origin, ancestry, sex, handicap, or familial status.

SECTION 220.090: DISCRIMINATION IN PUBLIC ACCOMMODATIONS PROHIBITED, EXCEPTIONS

- A. All persons within the City of Velda City are free and equal and shall be entitled to the full and equal use and enjoyment within this State of any place of public accommodation, as hereinafter defined, without discrimination or segregation on the grounds of race, color, religion, national origin, sex, ancestry, or handicap.
- B. It is an unlawful discriminatory practice for any person, directly or indirectly, to refuse, withhold from or deny any other person, or to attempt to refuse, withhold from or deny any other person, any of the accommodations, advantages, facilities, services, or privileges made available in any place of public accommodation, as defined in Section 220.020 and this Section, or to segregate or discriminate against any such person in the use thereof on the grounds of race, color, religion, national origin, sex, ancestry, or handicap.
- C. The provisions of this Section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association or society, or other establishment which is not in fact open to the public, unless the facilities of such establishments are made available to the customers or patrons of a place of public accommodation as defined in Section 220.020 and this Section.

SECTION 220.100: PRACTICES TO INDUCE OWNERS TO SELL, RENT, ETC.

- A. It shall be unlawful for any person, firm, partnership, association or corporation who owns, rents, leases or has an agreement to sell or sells, to commit any one (1) or more of the following acts:
 - 1. To induce directly or indirectly or attempt to induce directly or indirectly the sale, rental or leasing or listing for sale, rental or leasing of real property by representing that a change has occurred or will or may occur with respect to the racial, religious, or ethnic

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composition of the block neighborhood, or area in which the property is located.

2. To induce directly or indirectly or attempt to induce directly or indirectly the sale, rental or leasing or listing for sale, rental or leasing of real property by representing that the presence or anticipated presence of persons of any particular race, religion, or national origin in the area will or result in:
 - a. The lowering of property values;
 - b. A change in the racial, religious, or ethnic composition of the block, neighborhood, or area in which the property is located;
 - c. An increase in criminal or anti-social behavior in the area; or
 - d. A decline in the quality of the schools serving the area.
3. To make any misrepresentation concerning the listing for sale, rental or leasing or the anticipated listing for sale or the sale, rental, or leasing of any real property in the area for the purpose of inducing or attempting to induce the sale or listing for sale, rental or leasing of real property.
4. To make any representation to any prospective purchaser that any block, neighborhood, or area has undergone, will or might in future undergo a change with respect to the religious, racial, or nationality composition of the block, neighborhood, or area for the purpose of discouraging the purchase of property in a particular area.
5. To refer to race, nationality, or creed in offering property for sale, rent or lease.
6. To advertise for sale, rental or leasing property which is non-existent or which is not actually for sale, rental or lease.
7. To solicit for sale, rental or leasing, or listing for sale, rental or lease property, either by phone, through the mails or in person after the owner of such property has requested the solicitor or the company he/she represents to cease soliciting him/her.

B. *Balanced Integration--Method Of Reporting.*

1. It shall be unlawful for any person who lists any property for sale or rent in the City to discriminate because of race in the showing, displaying and selling or renting of any property. Any person who lists any property for sale or rent within the City must show that property or premises to people of both the Caucasian and non-Caucasian races; and all property in the City listed for sale or rent must be filed with the Board of Aldermen.
2. Any person who shall list for sale or rental any property within the City shall submit to the Board of Aldermen of the City a sworn affidavit setting out the names and addresses, and designation of race of all individuals to whom the property has been shown in fact

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prior to any sale or renting.

3. To assist in the enforcement of this Section there shall be established a Housing Committee which shall be responsible and subject to the Board of Aldermen.

C. *Penalties.* Any person violating any of the provisions of this Section, or who gives a false affidavit shall, upon conviction thereof, be subject to a fine of not more than one thousand dollars (\$1,000.00) or imprisonment of not more than ninety (90) days or both such fine and imprisonment. (CC 1974 §205.160; Ord. No. 617 §1, 7-8-09)

SECTION 220.110: ADDITIONAL UNLAWFUL DISCRIMINATORY PRACTICES

It shall be an unlawful discriminatory practice:

1. To aid, abet, incite, compel, or coerce the Commission of acts prohibited under this Chapter or to attempt to do so;
2. To retaliate or discriminate in any manner against any other person because such person has opposed any practice prohibited by this Chapter or because such person has filed a complaint, testified, assisted, or participated in any manner in any investigation, proceeding or hearing conducted pursuant to this Chapter;
3. For the City to discriminate on the basis of race, color, religion, national origin, sex, ancestry, age, as it relates to employment, handicap, or familial status as it relates to housing; or
4. To discriminate in any manner against any other person because of such person's association with any person protected by this Chapter.

SECTION 220.120: EXEMPTIONS

A. Nothing in this Chapter shall be construed to:

1. Require the Commission to review or approve the plans, designs or construction of all covered dwellings, to determine whether the design and construction of such dwellings are consistent with the requirements of Subsection (B)(3) of Section 220.060.
2. To invalidate or limit any law of the State or of the City, that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this Chapter.

B. Nothing in Sections 220.060, 220.070 and 220.080:

1. Requires that a dwelling be made available to an individual whose tenancy would

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constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

2. Limits the applicability of any reasonable local restriction regarding the maximum number of occupants permitted to occupy a dwelling, nor does any provision of said Sections regarding familial status apply with respect to housing for older persons.
 3. Shall prohibit conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance, as defined by Section 195.010, RSMo.
- C. Nothing in this Chapter shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this Chapter prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.
- D. Nothing in this Chapter, other than the prohibitions against discriminatory advertising in Subsection (A)(3) of Section 220.060, shall apply to:
1. The sale or rental of any single-family house by a private individual owner, provided the following conditions are met:
 - a. The private individual owner does not own or have any interest in more than three (3) single family houses at any one time; and
 - b. The house is sold or rented without the use of a real estate broker, agent or salesperson or the facilities of any person in the business of selling or renting dwellings and without publication, posting or mailing of any advertisement. If the owner selling the house does not reside in it at the time of the sale or was not the most recent resident of the house prior to such sale, the exemption in this Section applies to only one such sale in any twenty-four (24) month period.
 2. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his/her residence.

ARTICLE IV. ENFORCEMENT PROCEDURES

SECTION 220.130: COMPLAINTS

- A. Any individual who claims to be aggrieved by a discriminatory practice may file with the Commission a verified complaint in writing stating the name and address of the person alleged to have committed such practice, the particulars thereof, and such other information as may be required by the Commission.
- B. Any complaint filed under this Section in which affirmative relief is sought shall state what relief is sought or proposed.
- C. All such complaints shall be filed within one hundred eighty (180) days of the date of the alleged discriminatory practice.
- D. An individual who files a complaint with the Commission shall be advised of the possibility of filing a complaint with the Missouri Commission on Human Rights.

SECTION 220.140: COMPLAINTS -- INVESTIGATION, CONCILIATION AND MEDIATION

- A. Complaints shall be investigated and conciliated or mediated by individuals who have been approved by the Commission and trained in investigation, conciliation and mediation.
- B. Upon filing of a complaint, the Chairperson of the Commission shall designate an individual to investigate the allegations. The individual shall promptly investigate such allegations, and if he/she determines that probable cause exists for crediting the allegations of the complaint, he/she shall thereupon undertake to eliminate the alleged discriminatory practice or practices by conference, conciliation and persuasion or mediation, and shall inform the Commission of the results of such efforts. If the individual determines that no such probable cause exists, he/she shall so report to the Commission, which shall thereupon dismiss the complaint without further proceedings, or direct further investigation or, if it determines that probable cause exists for crediting the allegations of the complaint, direct that the alleged discriminatory practice or practices be the subject of conference, conciliation and persuasion or mediation. Neither the members of the Commission nor any person participating in the investigation shall disclose what has occurred in the course of such efforts to conciliate. The determination of probable cause shall be made, and the investigation and conciliation or mediation shall be conducted, in accordance with such rules, regulations and guidelines as the Commission shall prescribe.
- C. If such efforts fail to eliminate the alleged discriminatory practice or practices, the complainant shall be referred to the Missouri Commission on Human Rights.

SECTION 220.150: PROSECUTIONS -- TIME LIMITATIONS

- A. No prosecution for a violation of any provision of this Chapter, shall be commenced unless a complaint shall have first been filed with the Commission and efforts of the Commission to eliminate the alleged violation have failed.
- B. The period of limitation for any violation of this Chapter shall not run during any time while a complaint involving the alleged violation is pending before the Commission.

CHAPTER 225: EMERGENCY MANAGEMENT

SECTION 225.010: ESTABLISHMENT

There is hereby created within and for the City of Velda City an emergency management organization to be known as the Velda City Emergency Management Organization, which is responsible for the preparation and implementation of emergency functions required to prevent injury and minimize and repair damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, and emergency activities (excluding functions for which military forces are primarily responsible) in accordance with Chapter 44, RSMo., and supplements thereto, and the Missouri Emergency Operations Plan adopted thereunder.

SECTION 225.020: ORGANIZATION

This agency shall consist of a Director and other members appointed by the Velda City Emergency Management Organization to conform to the State organization and procedures for the conduct of emergency operations as outlined in the Missouri Emergency Operations Plan.

SECTION 225.030: FUNCTIONS

The organization shall perform emergency management functions within the City of Velda City, and may conduct these functions outside the territorial limits as directed by the Governor during the time of emergency pursuant to the provisions of Chapter 44, RSMo., and supplements thereto.

SECTION 225.040: DIRECTOR

- A. The Director will be appointed by the Mayor and shall serve at the pleasure of the Mayor.
- B. The Director shall have direct responsibility for the organization, administration and operations of local emergency management activities, subject to the direction and control of the Mayor or Board of Aldermen.
- C. The Director shall be responsible for maintaining records and accounting for the use and disposal of all items of equipment placed under the jurisdiction of the Velda City Emergency Management Organization.

SECTION 225.050: SCOPE OF OPERATION

The City of Velda City in accordance with Chapter 44, RSMo., may:

- 1. Appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for civil defense purposes; provide for the health and safety of persons, including emergency assistance to victims of any enemy attack; the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the Federal and State Disaster and Emergency Planning.
- 2. Appoint, provide, or remove rescue teams, Auxiliary Fire and Police personnel and other emergency operation teams, units, or personnel who may serve without compensation;
- 3. In the event of enemy attack, waive the provisions of Statutes requiring advertisements for bids for the performance of public work or entering into contracts.

SECTION 225.060: MUTUAL-AID AGREEMENTS

The Mayor of the City, with the approval of the Governor and consistent with the Missouri Emergency Operations Plan, may enter into mutual-aid agreements with other public and private agencies within and without the State for reciprocal emergency aid. The Director may assist in the negotiation of such reciprocal mutual-aid agreements.

SECTION 225.070: CITY MAY ACCEPT SERVICES, ETC.

The Mayor of the City may, with the consent of the Governor, accept services, materials, equipment, supplies or funds gifted, granted or loaned by the Federal Government or an

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officer or agency thereof for disaster planning and operations purposes, subject to the terms of the offer.

SECTION 225.080: OATH

No person shall be employed or associated in any capacity in the Velda City Emergency Management Organization who advocates or has advocated a change by force or violence in the constitutional form of the Government of the United States or in this State or the overthrow of any Government in the United States by force or violence, or has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in the Velda City Emergency Management Organization shall, before entering upon his/her duties, take an oath, in writing, before a person authorized to administer oaths in this State, which oath shall be substantially as follows:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of Missouri, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter. And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence; and that during such a time as I am a member of the Velda City Emergency Management Organization, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the Government of the United States or of this State by force or violence."

SECTION 225.090: OFFICE SPACE

The Mayor is authorized to designate space in any City-owned or leased building for the Velda City Emergency Management Organization.

CHAPTER 230: SOLID WASTE MANAGEMENT

SECTION 230.010: DEFINITIONS

For the purpose of this Chapter the following terms shall be deemed to have the meanings indicated below:

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APPROVED INCINERATOR: An incinerator which complies with all current regulations of the responsible local, State and Federal air pollution control agencies.

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 to too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefor.

CITY: Velda City, Missouri.

COLLECTION: Removal of solid waste from the designated pickup location to the transportation vehicle.

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 shall be the City Clerk.

DISPOSABLE SOLID WASTE CONTAINER: Disposable plastic or paper sacks with a capacity of twenty (20) to thirty-five (35) gallons specifically designed for storage of solid 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.

HAZARDOUS WASTE: Any waste or combination of wastes, as determined by the commission by rules and regulations, which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a present or potential threat to the health of humans or the environment.

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.

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

SOLID WASTE: Unwanted or discarded waste materials in a solid or semi-solid state, including but not limited to garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, discarded appliances, 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.
2. *Residential Solid Waste:* Solid waste resulting from the maintenance and operation of dwelling units.

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

SOLID WASTE DISPOSAL: The process of discarding or getting rid of unwanted material. In particular the final deposition of solid wastes by man.

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.

TRANSPORTATION: The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

YARD WASTES: Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls. (Ord. No. 410 §1, 10-14-87)

SECTION 230.020: SOLID WASTE STORAGE

- A. The occupant or owner of every dwelling unit and of every institutional, 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 or owner of every dwelling unit and of every institutional, commercial,

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industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, 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-five (35) 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 handles, 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, or rubber, fiberglass, or 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 230.070.
- E. Tree limbs less than four (4) inches in diameter and brush shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed seventy-five (75) 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 seventy-five (75) pounds.
- G. Solid waste containers which do not meet the specifications as outlined in this Section will be collected together with their contents and disposed of. (Ord. No. 410 §2, 10-14-87)

SECTION 230.030: COLLECTION OF SOLID WASTE

- A. 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 interest of the City.

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2. The City may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. However, in the event that such application is not made or approved it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises.
 3. If the City provides for the collection of solid waste by contract, each owner or occupant benefitting by the provision of solid waste collection services pursuant to said contract shall be required to pay for such solid waste collection services as provided in said contract. The solid waste contractor is solely responsible for the administration, billing and collection of payment for all services rendered under such contract. The City does not and will not assume any responsibility or liability for the collection of any payments in arrears.
- B. All solid waste from premises to which collection services are provided by the City shall be collected, except bulky rubbish as defined herein. Bulky rubbish will be collected in accordance with the rules and regulations as promulgated by the Director.
- C. Tree limbs and yard wastes, as described in Section 230.020 (E) and (F) respectively, shall be placed at the curb, alley, or the rear of the building for collection. Solid waste containers as required by this Chapter for the storage of other residential solid waste shall be placed at the curb, alley, or the rear of the building for collection. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by this Chapter to be placed at the curb or alley for collection shall not be so placed until the regularly scheduled collection day.
- D. Bulky rubbish shall be collected at least once annually. The Director shall establish the procedure for collecting bulky rubbish.

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- E. 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. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval of the Director.
- F. 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 weekly. At least forty-eight (48) hours shall intervene between collections. All commercial solid waste shall be collected at least once weekly, and shall be collected at such lesser intervals as may be fixed by the Director or requested by the commercial establishment upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.
- G. Residential solid waste containers shall be stored upon the residential premises. Except as provided in Subsection (C) hereof, all solid waste containers stored out of doors shall be stored behind any building located on the tract of land. Commercial solid waste containers shall remain in the location from which they are to be serviced except while being serviced.
- H. All solid waste collectors operating under contract with the City or otherwise collecting solid waste within the City limits shall be responsible for the collected solid waste from the point of collection to the point of disposal provided the solid waste was stored in compliance with the applicable Sections of this Chapter. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.
- I. It shall be unlawful for any person, firm or corporation collecting and disposing of rubbish, garbage or waste material from premises in the residential districts or premises in any commercial district which abuts or adjoins a residential district in the City, to make such collection or dispose of rubbish, garbage or waste materials between the hours of 9:00 P.M. and 7:00 A.M. (Ord. No. 410 §3, 10-14-87; Ord. No. 582 §1, 6-8-05)

SECTION 230.040: TRANSPORTATION OF SOLID WASTE

- A. All transportation 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 transportation of solid waste shall be constructed with watertight 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

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alternative, the entire bodies thereof shall be enclosed, with only loading hoppers. Provided however, other vehicles may be used to transport bulky rubbish which because of its size or weight, is not susceptible to being loaded or unloaded in vehicles described above, but in no event shall such vehicles be operated without adequate cover or binding to prevent spillage or waste therefrom and in accordance with the rules and regulations made by the Board.

- B. 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.
- C. Transportation and disposal of demolition and construction wastes shall be in accordance with Sections 230.040 and 230.050.

SECTION 230.050: DISPOSAL OF SOLID WASTE

- A. Solid wastes shall be deposited at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.245, RSMo., and the rules and regulations adopted thereunder. The City may designate the processing or disposal facility to be utilized by persons holding permits under this Chapter.
- B. The Board may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Board which will meet all local, State and Federal regulations.

SECTION 230.060: PERMITS

- A. No person, including any person contracting with the City for the collection of solid waste, 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; provided however, that this provision shall not be deemed to apply to employees of the holder of any such permit. Permits shall be approved by the Board of Aldermen.
- 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 City 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 the amount of not less than one hundred thousand dollars (\$100,000.00) for each person injured or killed, and in the amount of not less than three hundred thousand dollars (\$300,000.00) in the event of injury or death of two (2) or more persons in any single accident, and in an amount of not less than fifty thousand dollars (\$50,000.00) for damage to property. Such policy may be written to

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allow the first (1st) one thousand dollars (\$1,000.00) of liability for damage to property to be deductible. Should any such policy be canceled, the City 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. Any subcontractor shall provide insurance coverage in like amount as is required of the contractor.

- C. Each applicant for any such permit shall state in his/her application therefor:
1. The nature of the permit desired, as to collect, transport, process or dispose of solid waste or any combination thereof;
 2. The characteristics of solid waste to be collected, transported, processed, or disposed;
 3. The number of solid waste transportation vehicles to be operated thereunder;
 4. The precise location or locations of solid waste processing or disposal facilities to be used;
 5. Boundaries of the collection area;
 6. If for processing or disposal, a copy of a permit issued by the State of Missouri; and
 7. Such other information as required by the City.
- D. 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 is in conformity with the laws of the State of Missouri, and this Chapter and is approved by the City, the City Clerk shall issue the permit authorized by the ordinance. The permit shall be issued for a period of one (1) year, and each applicant shall pay therefor a fee of twenty dollars (\$20.00) for each transportation vehicle to be used. If in the opinion of the Mayor, 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 Mayor shall notify the applicant in writing setting forth the modification to be made and time in which it shall be done.
- E. If the applicant does not make the modifications pursuant to the notice in Subsection (D) hereof, 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 not create a public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the City Clerk, in writing, stating the reason for such denial. Nothing in this Section shall prejudice the right of the applicant to re-apply after the rejection of his/her application, provided that all aspects of the re-application comply with the provisions of this Chapter.
- F. The annual permit may be renewed simply upon payment of the fee or fees as designated

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herein if the business has not been modified. If modifications have been made, the applicant shall re-apply for a permit as set forth in Subsections (B) and (C). No permits authorized by the ordinance shall be transferable from person to person.

- G. In order to ensure compliance with the laws of this State, this Chapter and the rules and regulations authorized herein, City personnel are authorized to inspect all phases of solid waste management within the City of Velda City. No inspection shall be made of any residential waste unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this Chapter concerning processing or disposal of solid waste or the laws of the State of Missouri, the City shall issue notice for 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.
- H. In all cases, when the corrective measures have not been taken within the time specified, the City 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 not a public health hazard created by the delay, one (1) extension of time not to exceed the original time period may be given.
- I. Any person who feels aggrieved by any notice of violation or order issued pursuant thereto by the City may within thirty (30) days of the act for which redress is sought appeal directly to the Circuit Court of St. Louis County, in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

SECTION 230.070: RULES AND REGULATIONS

- A. The Director shall make, amend, revoke, and enforce reasonable 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.

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6. Sanitation, maintenance and replacement of solid waste containers.
 7. Schedules of and routes for collection and transportation of solid waste.
 8. Collection points of solid waste containers.
 9. Collection, transportation, processing 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 sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.
- B. The City Clerk is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste and/or disposal service charges.
- C. A copy of any 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. (Ord. No. 410 §7, 10-14-87)

SECTION 230.080: 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. Fail to have solid waste collected as provided in this Chapter;
3. Interfere in any manner with solid waste collection and transportation 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;
4. Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;
5. Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Department of Natural Resources;
6. Engage in the business of collecting, transporting, processing or disposing of solid waste

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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; or

7. Violate any Section of this Chapter or any other rule or regulation promulgated under the authority of Section 230.070. (Ord. No. 410 §8, 10-14-87)

SECTION 230.090: HAZARDOUS WASTES

Hazardous wastes under provisions will require special handling and shall be disposed of only in a manner authorized by State regulations. (Ord. No. 410 §5.2, 10-14-87)

SECTION 230.100: 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 one thousand dollars (\$1,000.00); provided, that each day's violation thereof shall be a separate offense for the purpose hereof. (Ord. No. 410 §10, 10-14-87; Ord. No. 617 §1, 7-8-09)

CHAPTER 235: ALARM SYSTEMS

SECTION 235.010: FALSE ALARMS -- SERVICE CHARGES IMPOSED

- A. There shall be a service charge imposed by Velda City and paid by the person or business who owns or operates or maintains a private alarm system on premises within Velda City if said system shall sound more than the permitted false alarms, as particularly described in Subsection (B) of this Section, to which the Fire or Police Department respond.
- B. During each calendar year, three (3) false alarms shall be allowed per installation without penalty. Any additional false alarms encountered for an installation during each calendar year shall result in the imposition of a service charge. The service charge shall be as follows:

Number of False Alarms	Charge
4	\$15.00
5	25.00
6	50.00
Over 6, per false alarm	50.00

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The service charge amount shall be imposed against the alarm user. Refusal to pay any service charge shall result in the issuance of a summons.

- C. As used in this Section, the term "*false alarm*" means an alarm sounding which was not produced by physical intrusion of an unauthorized person or animal into the premises secured by the sounding alarm system or by the breaking or opening of a door or window or other enclosure which is secured by the sounding alarm system. If there is no evidence of the physical cause which produced an alarm sounding, such sounding shall be presumed to be a false alarm. (Ord. No. 464 §§1--3, 12-12-94)